




MASTER ENFORCEMENT TRAINING PROGRAM

Enforcing Labor and Criminal Law to Address Child Labor, Forced Labor, and Human Trafficking

INVESTIGATION



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Introduction to Module 2

Investigations play a crucial role in child labor, forced labor, and human trafficking cases. A good investigation can identify violations of the law, and the evidence collected can lead to a successful prosecution. Investigations can be conducted by a range of individuals depending on the rules of the jurisdiction and the offense being investigated, but the most common investigators are police, labor inspectors, and prosecutors. This module addresses conducting investigations, conducting rescue operations, documenting a crime scene, evidence collection and special types of evidence, conducting interviews of victims, survivors, and suspects, charging child labor, forced labor, and human trafficking offenses, and writing investigation reports. This module includes discussions to encourage participants to begin thinking about topics and interactive exercises that will allow participants to use the skills they have learned.



Photo Credit: Arcadius, 2011, Paraguay

Lesson 2.1: Types of Investigations

Objectives:

- Learn about reactive, proactive, and disruptive investigations
- Learn how to map risk, identifying areas with a high likelihood of child labor, forced labor, or human trafficking occurring; and practice using this skill during an activity.

Time:

 2 hours and 30 minutes

Steps:

- Exercise 2.1.1: Investigations Discussion
 - 10 minutes
- Present PowerPoint Presentation 2.1: Types of Investigations
 - 30 minutes
- Exercise 2.1.2: Risk Mapping
 - 1 hour and 50 minutes

Supplies:

- Flip chart
- Markers (black, red, green, and blue)
- PowerPoint Presentation 2.1: *Types of Investigations*
- Projector
- 10 note cards or sticky notes
- Tape
- Map of the Country
- Handout 2.2.1A: *Article 3 of International Labour Organization (ILO) Convention 182 on the Worst Forms of Child Labor (WFCL)*
- Handout 2.2.1B: *Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol)*

Child labor, forced labor, and human trafficking investigations are a key step of the case process. There are three types of investigations that labor inspectors, police officers, immigration officers, and prosecutors can conduct:

1. Reactive
2. Proactive
3. Disruptive

1. Reactive Investigations

Reactive investigations occur when a child labor, forced labor, or human trafficking victim or survivor makes a report or seeks assistance; or when a police officer, labor inspector, or immigration officer receives a tip about child labor, forced labor, or human trafficking. Reactive investigations can also begin if an inspector or officer sees something he or she thinks may be child labor, forced labor, or human trafficking. In conducting these types of investigations, officers and investigators are reacting to information they receive, and the cases are dependent on survivor testimony.¹ The need for survivor testimony for reactive investigations is due to a lack of other evidence tying the suspect to the alleged crime.

2. Proactive Investigations

Proactive investigations are intelligence-driven and are also known as being police-led or investigator-led. Proactive investigations are important for child labor, forced labor, and human trafficking cases because it is rare for victims/survivors to self-report cases, and the crimes may be hidden, with officers and inspectors receiving tips for only a small number of the cases. Instead of waiting for tips, officers and investigators conduct investigations to uncover evidence and identify instances of child labor, forced labor, and human trafficking. This can be done by identifying areas and sectors likely to engage child labor, forced labor, and human trafficking and beginning investigations and conducting inspections at those locations. Because proactive investigations uncover a variety of types of evidence, they are not solely reliant on survivor testimony. For example, if during an investigation, evidence of an original offer for employment or contract for employment is discovered that is different from the work being performed at the job site, or if there is evidence that pay was withheld by examining financial records, the need for survivor testimony would be reduced. For this reason, proactive investigations are particularly helpful in instances when survivors are not willing or able to testify. Proactive investigations can use a variety of investigative techniques, including surveillance and undercover operations.² Ideally, proactive investigations are able to use a variety of types of evidence, including survivor testimony.

Proactive investigations require labor inspectors, police officers, and immigration officers to be familiar with child labor, forced labor, and human trafficking patterns in their areas. **This would include learning about:**

- Industries and sectors that use child labor, forced labor, and human trafficking;
- Areas within the country or a specific province or city/town with a high prevalence of child labor, forced labor, and human trafficking;
- The profile of child labor, forced labor, and human trafficking victims in their area (such as ages, sex, nationality);
- Transportation routes that traffickers use, including specific ports of entry; and
- Patterns in child labor, forced labor, and human trafficking that affect men, women, boys, and girls differently.

Information about child labor, forced labor, and human trafficking patterns may be available through national agencies and task forces. Local civil society organizations (CSOs) and non-governmental organizations (NGOs) can also be valuable sources of information about child labor, forced labor, and human trafficking. **Global resources for this information**

include:

- The United Nations Office of Drugs and Crime (UNODC) Global Report on Trafficking in Persons has regional and country-specific information <https://www.unodc.org/unodc/data-and-analysis/glotip.html>
- U.S. Department of Labor List of Goods Produced by Child Labor or Forced Labor, which provides information for specific countries as well as for specific types of products or industries <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>
- U.S. Department of Labor Findings on the Worst Forms of Child Labor has country specific reports <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>

1 *Trafficking in Persons Victim Identification and Assistance*, International Organization for Migration (IOM), 2020, p. 15. <https://publications.iom.int/books/trafficking-persons-victim-identification-and-assistance-training-guide>

2 *Anti-Trafficking Training Material for Judges and Prosecutors Handbook*, International Centre for Migration Policy Development, 2006, p. 54. http://lastradainternational.org/Isidocs/540%20AGIS_JUD_Handbook.pdf

- U.S. Department of State Trafficking in Persons Report <https://www.state.gov/bureaus-offices/under-secretary-for-civilian-security-democracy-and-human-rights/office-to-monitor-and-combat-trafficking-in-persons/>

Risk mapping: Risk mapping is an important tool to conduct proactive investigations. A labor inspector or police officer can do risk mapping to target limited resources to areas and sectors that are most likely to have child labor, forced labor, and human trafficking.³

Child labor: Mapping risk for child labor can include looking at the probability and scope of potential hazards for children. Targeted inspections can be more efficient than randomized ones because the odds of finding child labor are increased. By reviewing information about sectors and regions and comparing that to information about child labor and hazardous work, sectors and areas that are more likely to have child labor can be targeted during inspections. Thus, for example, labor inspectors can focus on areas and sectors with high prevalence of child labor that also have a high risk of hazardous work.

Figure 1: Risk-Based Targeting⁴



When mapping risk, labor inspectors should consider the following:

- What is the worst outcome?
- How often does the worst outcome occur?
- What is the most dangerous task?
- How often is that task performed?
- Are children near the task, or do they perform the task?

3 *Nepal Labor Inspection Training on Child Labor Facilitator's Guide*, Verité and Winrock International, 2018, p. M3 at 12. <https://www.verite.org/wp-content/uploads/2019/06/Nepal-LI-Curriculum-2nd-edition-ENGLISH.pdf>

4 *Nepal Labor Inspection Training on Child Labor Facilitator's Guide*, Verité and Winrock International, 2018, p. M3 at 13. <https://www.verite.org/wp-content/uploads/2019/06/Nepal-LI-Curriculum-2nd-edition-ENGLISH.pdf>

- How likely is it that something goes wrong when a child performs the task or is near the task being performed?
- Are there safety measures in place?
- Are there different tasks being carried out by boys versus girls, and are the risks or hazards impacting them differently?

Labor inspectors and police officers can also consider sectors and geographies that are particularly prone to child labor, forced labor, and human trafficking. **These may include sectors such as:**

- **Sectors that rely on recruitment:** This often includes work in other countries that rely on recruiters to help identify and place workers. Labor recruiters can help people obtain valuable employment opportunities, but in some instances, these recruiters can take advantage of potential workers by requiring high recruitment fees that can leave these potential workers in situations of debt bondage. Workers may also find themselves working in a job that is different from the work that was promised by the recruiter, such as by receiving different pay, working longer hours, or performing different tasks.
- **Informal sector:** The majority of child labor occurs in the informal sector in large part because it is less heavily monitored and regulated. Forced labor and human trafficking can be found in the informal sector as well because the lack of regulation, social protections, and decent working conditions leave workers more vulnerable to exploitation.⁵ Informal worksites are often isolated, making it difficult for workers to contact family and friends or receive assistance. Additionally, isolation can make workers less able to leave and more dependent on their employers. The informal sector is challenging for authorities to monitor, particularly in domestic work, which occurs in private homes where labor inspectors are often not authorized by law to conduct inspections. Workers in the informal sector are often from vulnerable groups, including migrants and children. Women and girls in particular are at risk for child labor, forced labor, and human trafficking while working in the informal sector.
- **Seasonal and/or migrant work:** These sectors are vulnerable to child labor, forced labor, and human trafficking because of the temporary surges in low-skilled workforces (for example, agriculture for planting or harvesting). Because of the seasonal nature of this type of work, workers are often not considered to be full-time employees and cannot access worker protections or benefits, making them more vulnerable to abuse. Seasonal workers often have to move frequently, making it difficult to keep their children in school if their families are moving with them. Migrants may not speak the local language and are not able to access assistance that could encourage employers to not exploit workers. Migrants often do not have access to the protections and services that citizens can enjoy, making it difficult, if not impossible, to enroll their children in school, which leads to more children working. By having children leave school early to begin working, generational poverty is perpetuated.
- **Low-skilled work:** These are often low-valued jobs that involve repetitive motions or other manual labor. Low-skilled jobs are often done by vulnerable people, including children and people subjected to forced labor and trafficking. Examples of this type of work include mining, agriculture, construction, brick making, portering, carpet making, garment making, and domestic work. Low-skilled work may be gendered, with construction, mining, and brick making often done by men and boys and carpet making, garment making, and domestic work often being done by women and girls. Low-skilled work may be performed by people from the geographic area, but often people in situations of forced labor and/or trafficking come from another country or region, such as workers from South East Asia and East Africa being recruited to work in the Gulf States.
- **Piece work or quota work:**⁶ Because workers in these sectors are paid by volume, not by time, and often must meet certain targets, workers may need to have their children work to help them meet their targets. In many instances, targets are too high for one individual to meet or the pay is too low to have only one person work and provide for the family's needs. Because of this, families may find it necessary to have their children assist in work.

5 *More Than 60 Per Cent of the World's Employed Population Are in the Informal Economy*, International Labour Organization (ILO), April 30, 2018. https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_627189/lang--en/index.htm

6 *Nepal Labor Inspection Training on Child Labor Facilitator's Guide*, Verité and Winrock International, 2018, pp. M3 at 14-15. <https://www.verite.org/wp-content/uploads/2019/06/Nepal-LI-Curriculum-2nd-edition-ENGLISH.pdf>

- **Illegal or immoral activities:** These activities are difficult to monitor. Because traffickers and labor exploiters are already engaged in criminal activities, they are often more willing to engage in other illegal activities such as child labor, forced labor, and human trafficking. Illegal activities include things such as prostitution, pornography, drug trafficking, arms trafficking, and armed combatants.

Geographic areas of focus could include:

- Areas that lack access to schools and/or childcare are more likely to engage children in child labor
- Rural, remote areas that are more difficult to monitor because labor inspectors often have to cover broad geographic areas with limited resources
- Areas with high levels of poverty and/or income inequality
- Areas with displaced populations
- Areas with a high migrant population

Despite the benefits associated with risk mapping, proactive inspections can be inadequate due to a lack of attention or ability to access the informal sector, low number of labor inspectors, insufficient number of routine and unannounced labor inspections and a lack of complaint mechanisms.

3. Disruptive Investigations

Disruptive investigations are intended to disturb, interfere with, or disrupt child labor, forced labor and trafficking operations. Disruptive investigations work to make it difficult for perpetrators of child labor, forced labor, and human trafficking to conduct business, but these types of investigations can make it harder to investigate and prosecute offenders if they stop or shift their businesses. These types of investigations are often conducted with the cooperation of multiple agencies.⁷

Each type of investigation (reactive, proactive, and disruptive) has benefits and challenges. Reactive investigations can be easier to conduct than proactive ones as they respond to already identified cases of child labor, forced labor, and human trafficking. Reactive investigations can evolve into proactive investigations if additional work is done to identify evidence. If a reactive investigation does not evolve into a proactive investigation, it will be less time consuming for investigators; it will also be a weaker case and rely more heavily on survivor testimony, which could result in more pressure on the victim/survivor. Proactive investigations require more effort but ultimately can build stronger cases. Disruptive investigations can have an immediate tangible impact if they are able to shut down a trafficking operation. However, disruptive investigations can have unintended consequences if traffickers simply relocate and move victims or if sex workers are misidentified as trafficking victims.

Interagency coordination and collaboration are critical to all types of investigations. Once investigations are started by first responders (police, labor inspectors, and immigration officers, etc.), guidance may be sought from prosecutors so that a strong case can be built.

As investigations are ongoing, it is also recommended to involve survivor service providers, such as safe houses/shelters, local NGOs, psycho-social counselors, or medical personnel, to ensure the safety of potential survivor informants. See Module 3 Referral for more detail.

⁷ *Trafficking in Persons Victim Identification and Assistance*, International Organization for Migration (IOM), 2020, p. 16. <https://publications.iom.int/books/trafficking-persons-victim-identification-and-assistance-training-guide>

Overview of Gender Issues in Investigations

When conducting investigations or doing risk mapping, it is important to be mindful of gender considerations. This means taking into account risks that may be gender-related, such as:

- Girls may be more likely to drop out of school to begin working or marry for cultural reasons
- Men often migrate for work and may be subjected to forced labor or human trafficking. In some instances, men will migrate with their families. While the men may have legal work, their spouses and children may not, which can leave women and children vulnerable if they cannot access education and are only able to work in the informal sector.
- Women and girls are more likely than men and boys to be engaged in domestic work, which is difficult to monitor and investigate due to its informal nature and location in private homes.
- Women are more likely than men to be engaged in piece work, such as in the garment sector, which is often done in small informal worksites, making it difficult to monitor.
- Men and boys may work on fishing boats, which can be hard to monitor due to their movement and communication challenges, while women and girls are more likely to be employed in fish processing.
- Men are more likely to be engaged in forced labor that is visible, such as in agriculture, which at first glance may appear to be legitimate.
- Men and boys are more likely to be employed in shaft mining, while women and girls are more likely to engage in mining through activities like panning, cleaning, and performing domestic tasks in mining camps.



Photo Credit: UN Photo Staton, 2012, Monrovia, Liberia

Exercise 2.1.1: Investigations Discussion

Objective:

To have participants start thinking about different types of investigations to begin training on investigations.

Time:

 10 minutes

Materials and Preparation:

- Flip chart
- Markers

Steps:

- Explain to the participants the objectives of the exercise.
 - 1 minute
- Ask participants the following questions and write down answers on the flip chart:
- What role do investigations play in child labor, forced labor, and human trafficking prosecutions?
- What is a proactive investigation?
 - 7 minutes
- Key messages
 - 2 minutes

Key Messages:

- Investigations build a case of prosecutions. They identify the evidence needed to prove a case.
- Proactive investigations are investigations that seek out different types of evidence. They will be discussed in this lesson.

Exercise 2.1.2: Risk Mapping⁸

Objective:

To identify what economic activities and industries are at risk for child labor, forced labor, and human trafficking in different parts of the country.

Time:



1 hour and 50 minutes

Materials and Preparation:

- If possible, the facilitator should locate a large map of the country and hang it at the front of the room. If a large map cannot be located, the facilitator should draw a large map of the country. The map should note international borders, internal provincial/regional/county/state borders, as well as major cities and towns.
- Locate and make copies of the following for each group: map of the country, the country's hazardous work list (if there is one)
- Make copies of the following handouts for each group: Handout 2.1.2A: *Article 3 of ILO Convention 182 on the Worst Forms of Child Labor*, Handout 2.1.2B: *Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol)*
- 10 sticky notes or 10 small note cards and black markers for each group
- Tape
- Red, green, black, and blue markers for the facilitator

Steps:

- Explain to the participants the objectives of the exercise.
 - 5 minutes
- Ask participants why it is important to map where the risks of child labor, forced labor, and human trafficking are the greatest. Guide the discussion to reflect that:
 - Labor inspectors and law enforcement officers can feel overwhelmed by the size and scope of child labor, forced labor, and human trafficking in the country and be unsure where to start. Risk mapping can help target work by identifying areas and sectors of focus, making the work seem more manageable.
 - Mapping can help identify sectors and areas that are a high priority because of their links to the WFCL, forced labor, and human trafficking. These would also be areas that workers would need to be removed from.
 - Targeting a sector or geographic area can show that labor inspectors and law enforcement are working to reduce child labor, forced labor, and human trafficking; targeting can also show employers that competitors are being treated the same way, making employers more likely to comply as no one will have an unfair advantage.
 - Targeting on a sector or geographic area can help maximize limited resources by focusing on a more data-driven approach.
 - 15 minutes

⁸ Adapted from *Nepal Labor Inspection Training on Child Labor Facilitator's Guide*, Verité and Winrock International, 2018, p. M3 at 26. <https://www.verite.org/wp-content/uploads/2019/06/Nepal-LI-Curriculum-2nd-edition-ENGLISH.pdf>

- Ask the participants to divide into several small groups based on the geographic areas in which they are based and the substantive focus of their work (child labor or forced labor/human trafficking). Distribute copies of the map to each group; provide child labor-focused groups with copies of the hazardous work list and ILO WFCL handout and the forced labor/human trafficking groups with a copy of the Palermo Protocol handout.
- Have each group refer to the map and discuss which towns, cities, and rural areas in their geographic area have the most child labor or forced labor/human trafficking, which groups are the most vulnerable to exploitation, and which economic sectors employ the most children or use the most forced labor/human trafficking. Write the names of towns identified on the note cards (one town per card) and the types of child labor or forced labor/human trafficking found in that town. Each group must identify on their card whether they are a child labor group or a forced labor/human trafficking group. Encourage the groups to be as specific as possible, such as by identifying specific crops (such as sugar cane, tea, or cotton), services (such as portering), and industries (such as gold mining or brick making). Each group should consider the specific types of work identified and if they are performed by workers of a specific gender, sexual identity or orientation, or age. The child labor-focused groups should consult the hazardous work list during this time.
 - 30 minutes
- Reconvene and have each group report their findings. As groups report back, ask them to attach their note cards to the corresponding location on the map at the front of the room.
 - 20 minutes
- Once everyone has attached their cards to the map, review the types of child labor listed on each of the child labor cards and ask participants whether it is a worst form of child labor or involves hazardous work. If so, circle it using a red marker. Then ask if any of the types of child labor listed involve migration for work. If so, use a green marker to draw an arrow to show where the children are migrating from. Next, review the forced labor/human trafficking cards. If participants agree that they are examples of forced labor/human trafficking, circle them in black. Then ask if any of the types of forced labor/human trafficking listed involve migration for work. If so, use a blue marker to draw an arrow to show where the victims are migrating from. Finally, ask participants if there is overlap between sectors and geographic areas for child labor and forced labor/human trafficking, and if so, what the reasons for that overlap may be. Participants should be specific about the source, transit, and destination within the geographic areas they are discussing. Also identify if child labor and forced labor/human trafficking use the same migration patterns. Encourage questions and comments.
 - 30 minutes
- Wrap up with Q&A and key messages below.
 - 10 minutes

Key Messages:

- Mapping is a way of identifying target groups of at-risk children and other vulnerable groups and the sectors they work in. Geographical localities that include the largest numbers of children exposed to the worst forms of child labor should be prioritized for child labor-related inspections, while geographic localities with the largest number of forced labor and human trafficking should be prioritized for law enforcement investigations. Geographic areas with a high prevalence of forced labor can also be prioritized by labor inspectors.
- It is important to understand migration patterns of child laborers and forced labor/human trafficking victims/survivors whose homes and workplaces are far apart. It is also important to notice similarities in migration patterns between different groups of people.
- It is important to recognize the differences in the types of work performed by men, women, boys, and girls.
- Mapping exercises can focus on larger areas such as a province or district or a smaller area, such as a town or even a neighborhood.

- Mapping helps inspectors and law enforcement strategize their work on child labor and forced labor/human trafficking, prioritize interventions, identify good collaborating partners, and make efficient use of scarce resources. It also helps inspectors and police develop a holistic view of the problem and think more broadly about solutions.
- Child labor and forced labor/human trafficking are often hidden; therefore, good mapping requires speaking with community stakeholders such as school officials, village leaders, child development officers, non-governmental organizations, and civil society organizations. Through collaboration, inspectors become familiar with areas and sectors that they may not have been previously exposed to, and they gain experience in interviewing children, workers, and employers.
- Decisions to expose children to WFCL are often made within the family. Parents have an important role in preventing their children from becoming child laborers and removing them from hazardous work. Whenever possible, inspectors should speak with the families of child laborers about the benefits of educating their children and inform them of assistance that they can access.




Photo Credit: Simonas Rupšys, 2016, Thailand

HANDOUT 2.1.2A: ARTICLE 3 OF ILO CONVENTION 182 ON THE WORST FORMS OF CHILD LABOR

ILO Convention No. 182 defines the worst forms of child labor as:

- All **types of slavery**, including the sale and **trafficking** of children; **forced labor** to pay off a debt; any other type of forced labor, including using children in **war and armed conflict**
- All **activities which sexually exploit children**, such as **prostitution, pornography**, or pornographic performances
- Any **involvement in illegal activities**, especially the production or trafficking of drugs
- Any work which could damage the health, safety, or wellbeing of children ("**hazardous work**")



HANDOUT 2.1.2B: ARTICLE 3 OF THE PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME (PALERMO PROTOCOL)

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

Lesson 2.2: Rescue Operations

Objective:

- Learn how to plan and conduct a child labor, forced labor, or human trafficking raid or rescue operation.
- During an activity, plan a rescue operation using case studies.

Time:

 2 hours

Steps:

- Exercise 2.2.1: Rescue Operations Discussion
 - 15 minutes
- PowerPoint Presentation 2.2: Rescue Operations
 - 30 minutes
- Exercise 2.2.2: Planning a Rescue
 - 1 hour and 15 minutes

Supplies:

- Flip chart
- Markers
- PowerPoint Presentation 2.2: *Rescue Operations*
- Projector
- Copies of Handout 2.2.2: *Planning a Rescue Scenarios*

Labor inspectors and police officers sometimes conduct raids or rescue operations. Rescues should be conducted if child laborers, forced laborers, or human trafficking victims are in immediate danger. If danger is identified during an investigation, a rescue operation may need to be conducted. All rescue operations should be conducted with the best interest of the victims in mind, anticipating their immediate needs and keeping the rescue plan confidential. All rescues must be conducted by inspectors or officers authorized to conduct rescues, and a warrant must be obtained in advance if required in the jurisdiction.

Identifying the Need for a Rescue Operation

If the health, safety, or wellbeing of child laborers, forced laborers, or trafficking victims is at risk, they must be removed as quickly as possible. **Examples of instances in which an immediate rescue is needed include:⁹**

- Workers subjected to rape or other sexual abuse
- Workers who are beaten or subjected to physical or mental abuse
- Workers with serious illnesses who have been unable to access treatment
- Workers engaged in bonded labor
- Children engaging in sexual acts or other sex work
- Workers who have been trafficked or are at risk of being trafficked
- People engaged in work that could have a serious impact on their health

Rescues should be divided into three stages: pre-rescue, rescue, and post-rescue.

Pre-Rescue

Labor inspectors and police officers should begin by collecting and verifying information. This may involve speaking to the people who have reported a suspected case of child labor, forced labor, or human trafficking and learning about areas with a high prevalence of child labor, forced labor, and/or human trafficking from local NGOs and other resources. Reports should be verified within 72 hours so that a timely rescue can be conducted if needed. Once a situation is verified and a rescue is deemed necessary, planning should begin.

Labor inspectors and police officers that identify the need for a rescue operation should begin coordinating with other groups necessary to conduct the rescue. Coordination should be done in a way that keeps the information confidential, so that employers and traffickers do not become aware of the operation being planned. In many jurisdictions, labor inspectors need to coordinate with the police for a raid to be conducted. Additionally, service providers (government, NGOs, or CSOs) such as shelters, social services, medical providers, and legal service providers will need to be contacted to attend to the immediate needs of victim. Service providers who have staff who can address psychosocial needs, such as counseling for victims of sexual assault, should be included to ensure that these services can be provided immediately if needed. The actual number of members of the rescue team will depend on the size of the location and the number of victims thought to be at the location.

Before conducting the raid, a plan of action will be needed.

- This plan should seek to avoid inflicting additional trauma on victims. For more information about trauma-informed care, refer to Lesson 3.2.
- The plan should divide work and assign tasks to individuals so that everyone knows their roles and responsibilities.
- A map of the worksite/rescue site should be drawn, and areas likely to have victims should be identified.
- Additionally, dangerous areas should be marked as well.

Once a plan has been created, members of the rescue team should receive an orientation that includes the following:¹⁰

- A briefing on laws relevant to child labor, forced labor, and/or human trafficking
- Clear designation of roles and responsibilities during the rescue operation

9 *Nepal Labor Inspection Training on Child Labor Facilitator's Guide*, Verité and Winrock International, 2018, p. M4 at 16. <https://www.verite.org/wp-content/uploads/2019/06/Nepal-LI-Curriculum-2nd-edition-ENGLISH.pdf>

10 *Nepal Labor Inspection Training on Child Labor Facilitator's Guide*, Verité and Winrock International, 2018, p. M4 at 18. <https://www.verite.org/wp-content/uploads/2019/06/Nepal-LI-Curriculum-2nd-edition-ENGLISH.pdf>

- A briefing on the strategies the employer is likely to use to avoid detection or to resist authorities
- Information about how to employ child- and victim-sensitive approaches. This will be important due to the trauma many of the victims will have undergone. The use of appropriate language and behavior and non-criminalization of victims should be addressed. For more information, see Lesson 3.2.

Rescue

Rescue operations should always be conducted in the best interest of children and victims of forced labor and human trafficking. Rescue plans should remain confidential until the victims have reached a safe location. The location of the victims should not be shared.

At the start of the raid, the rescue team should place members in locations designated during the planning phase, making sure exits are being observed and an employer or trafficker cannot move victims to avoid detection. If possible, in cases involving victims who are women or children, having female officers present is a best practice.

During the rescue, victims should be separated from employers or traffickers. This may be easiest to do in instances of child labor, where children may be easily identifiable. It is important to separate victims from their employers or traffickers because it will help prevent victims from being threatened or persuaded to lie.

During the rescue, police officers and labor inspectors should collect evidence and document the crime scene. This will be explained in Lesson 2.3.

Victims should be cared for during and after the rescue. Their personal belongings should be identified, collected, listed, and kept safe. The names of the rescued victims should not be released to the public. Food, shelter, transportation, and medical care should be arranged for in advance. Emergency care for victims should be provided with the assistance of NGOs and CSOs with staff specializing in human trafficking, forced labor, and child labor. A full, individualized treatment plan should be developed in the post-rescue phase.

Post Rescue

After a rescue operation, a follow-up report will need to be prepared that includes information about the victims and what was found during the rescue operation. The immediate needs of victims must be addressed and plans for the intermediate needs of victims will need to be developed, with roles and responsibilities of government agencies and other service providers identified. More information about addressing victim needs can be found in Module 3: Referral. Steps will need to be taken to continue an investigation and prosecute offenders.



Photo Credit: Kalle Kortelainen, Nepal

Exercise 2.2.1: Rescue Operations Discussion

Objective:

- To have participants begin considering when rescue operations may be needed.

Time:

 15 minutes

Materials and Preparation:

- Flip chart
- Markers

Steps:

- Explain to the participants the objectives of the exercise.
 - 2 minutes
- Ask participants the following questions and write down answers on the flip chart
- When are rescue operations needed?
- Who is needed to conduct a rescue operation?
 - 10 minutes
- Key messages
 - 3 minutes

Key Messages:

- Rescue operations are needed when the health and safety of workers are at risk
- Law enforcement or labor officers authorized to conduct a rescue are needed as well as other key service providers
- During the lesson both questions will be answered in depth

Exercise 2.2.2: Planning a Rescue Operation

Objectives:

- Practice preparing for a rescue operation and identifying the steps that need to be taken.
- Determine the groups needed to carry out a rescue operation.
- Ensure that victim/survivor needs are anticipated and planned for.

Time:



1 hour and 15 minutes

Materials and Preparation:

- Flip chart paper and markers for each group
- Copies of Handout: 2.2.2: *Planning a Rescue Operation* (give one scenario to each group)

Steps:

- Explain to the participants the objectives of the exercise.
 - 5 minutes
- Divide the participants into small groups of 4–8 people. Give each group a copy of a scenario, repeating scenarios if necessary. Have each group create a rescue plan that addresses the issues in their scenario.
 - 30 minutes
- Bring all of the groups back together and have each group present their scenario and rescue plan. Allow for comments and discussion.
 - 30 minutes
- Wrap up with Q&A and key messages below.
 - 10 minutes

Key Messages:

- Preparing for a rescue operation can help ensure that things go smoothly and that victim and survivor needs are met.
- Maintaining confidentiality throughout the planning process and rescue operation is essential to success. Information should be shared only on a need-to-know basis.
- Arranging in advance for the immediate needs of victims/survivors helps meet those needs.

HANDOUT: 2.2.2: PLANNING A RESCUE OPERATION

Scenario 1: A labor inspector receives a tip that children are working at a mine. The children appeared to be boys ranging in age from 12 to 17 years. The children have been seen at the mine during the school day and were seen carrying materials out of the mine.

Scenario 2: A police officer receives a tip that men are working on a farm in hazardous conditions and do not appear to ever leave the premises. The men are working with pesticides without any protective equipment for very long hours. The person making the tip said she believes the men live on site and speak to each other in a language she does not understand.

Scenario 3: A labor inspector notices several children working on a small fishing boat. The children appear to work for much of the day, hauling nets, and cleaning fish with sharp knives.

Scenario 4: A police officer receives a tip that women and girls are being forced to work in a brothel. The women and girls do not appear to leave the brothel and at least one girl appeared to be injured.

Lesson 2.3: Crime Scene Investigation

Objectives:

- Learn how crime scenes are processed and about common investigative issues.
- Practice documenting a crime scene and collecting evidence.

Time:

 1 hour and 40 minutes

Steps:

- Exercise 2.3.1: Crime Scene Discussion
 - 10 minutes
- PowerPoint Presentation 2.3: Crime Scene Investigation
 - 30 minutes
- Exercise 2.3.2: Processing a Crime Scene
 - 1 hour

Supplies:

- Flip chart
- Markers
- PowerPoint Presentation 2.3: *Crime Scene Investigation*
- Projector
- If possible, the facilitator should set up a mock crime scene (or scenes) that includes the following:
 - Timecards
 - Tools (or pictures of tools) that would be used at the worksite being portrayed
 - Clothes
 - Financial records
 - Identification card of a child
 - Picture of an injury (to represent an injured person at the worksite)
- Gloves
- Evidence bags/paper bags and labels
- Cameras or phones
- Crime scene tape or rope
- Sign-in sheet
- Evidence log
- Paper

Bringing a successful child labor, forced labor, or human trafficking case requires evidence. Much of this evidence will be collected from crime scenes connected to the case. There are several types of locations that can be crime scenes in child labor, forced labor, and human trafficking cases. **These include worksites and other locations that may be linked to the offenses such as:**

- Border crossings
- Airports or seaports
- Taxis, boats, vessels, trucks, buses, or other vehicles used to transport or conceal victims
- Immigration-control premises
- Brothels
- Restaurants, bars, and night clubs
- Factories, farms, plantations, mines, fishing boats, or other locations where legal and illegal work is taking place
- Hotels or motels where a victim has stayed or is being harbored
- Homes where women or girls are forced to perform domestic work

In child labor, forced labor, and human trafficking cases, workplaces and other locations can be inspected or searched with proper authorization. This may include routine labor inspections as well as raids and rescues conducted during an investigation. Before entering a worksite, make sure the entrance is authorized, either by being part of an investigation conducted as part of a labor officer's duties or by obtaining a warrant. If there is evidence of a crime, investigating the crime scene will help build a case against suspected offenders.

Crime scenes can provide valuable information and evidence to the labor inspectors and law enforcement officers who are investigating child labor, forced labor, and human trafficking cases. These crime scenes may have evidence of dangerous working conditions, underage workers, employment records, personal documents being held, abuse, and other indicators of child labor, forced labor, and human trafficking. Additionally, witnesses, victims, and/or suspects may be found on the premises, and their statements and testimony can prove to be an invaluable resource during a trial or administrative proceeding.

Some countries have specific rules or guidelines for processing a crime scene or collecting evidence, and it is important to follow such rules or guidelines. The information contained in this lesson addresses recognized international best practices.

The following materials may be useful in properly processing a crime scene:

- Tape or rope to use as a barrier to entry
- Communication equipment
- Tweezers/forceps
- Warrants/consent to search forms
- Logs for chain of custody, recording evidence, and photos
- Measuring equipment
- Photographic equipment
- Evidence bags
- Boxes
- Evidence flags, markers, placards
- Gloves
- Swabbing kits
- Chemical tests

Having these materials available will allow labor inspectors and officers to secure a crime scene, document the crime scene, and collect evidence.

Securing the Crime Scene

The first step to be taken at a crime scene is to secure it. Labor inspectors and law enforcement officers should first determine whether anyone may try to harm the sites or if there is anything dangerous at the scene, such as weapons, chemicals, or explosives (such as those used in mining). If additional support is needed due to hazards at the work site, it should be requested.

Transient evidence, which is evidence that may leave or disappear, should be noted and recorded. Any persons present at the worksite qualify as transient evidence, including witnesses, presumed victims, and presumed offenders.

To secure the crime scene, officers will need to establish a perimeter, which can be done using materials such as crime scene tape or rope. Areas where people could enter, such as doors or gates, should be secured and officers or inspectors should monitor entrances. While processing the crime scene, officers or inspectors should only use one entrance to the crime scene to limit disturbances and aid rescue efforts. Access to the crime scene should be restricted to those working on the case, and the entry and exit of anyone entering or leaving the crime scene should be recorded in a log. The officer recording entries and exits should also record information about anything removed from the crime scene and any changes to the crime scene. An area for emergency vehicles should be set up outside of the crime scene.

Documenting the Crime Scene

While documenting the crime scene, officers and inspectors must work to preserve the scene, disturbing it as little as possible while conducting their investigation. No one should eat, drink, or smoke at a crime scene because doing so could produce material that may be mistaken for evidence. Officers and inspectors should wear protective clothing and gloves to avoid contaminating the crime scene.

Officers or inspectors should begin by sketching the crime scene, including large stationary objects and/or landmarks as reference points. This can be a bird's eye view that shows the full crime scene in a way that a photograph cannot. The officer who draws the sketch should sign and date it.

Before entering the crime scene, take photographs from the outside and of the surrounding area. The entire crime scene should then be photographed. This includes photographing each piece of evidence before it is collected to show where it was found in the crime scene. Properly documenting the crime scene helps establish the chain of custody for evidence.

Documenting the crime scene is a critical part of building a case. Photographs and other documentation will help others visualize the scene. Properly documenting the scene provides a record of everything that occurred at the scene after the arrival of labor inspectors or police officers. Documentation will form the basis of the report about the investigation, and notes and visual documentation will prepare inspectors and officers to testify if necessary.

Collecting Evidence

Evidence found at a crime scene can help secure a conviction at trial. Evidence is important for two reasons: for what it proves and for where it leads you. It is important to remember that one piece of evidence can lead to another. It is crucial that evidence not be lost or contaminated because that can lead to it being excluded at trial, and the entire case may be undermined.

A variety of evidence can be found at a crime scene. This evidence can vary depending on the type of job site (whether it is agricultural, a factory, construction site, a mine, or other type of workplace), type of work being performed, and if children are working on the premises. There are three primary types of evidence that may be found at a crime scene: physical evidence, documentary evidence, and electronic evidence.

Physical Evidence is also known as material evidence and includes tangible objects (such as clothing, tools, machinery, chemicals, and computers), biological materials (such as blood, hair, fingerprints, saliva, urine, semen, and vomit), and injuries (such as cuts, bruises, scars, and broken bones).

Documentary Evidence includes things such as contracts, letters, photographs, tickets, birth certificates, employment records, receipts, and other documents. Documentary evidence can help show many things, including that someone was at a location, someone is under the minimum age for employment, or that someone was employed by a company.

Digital Evidence includes things such as computers, cell phones, and electronic banking records. This will be discussed in Lesson 2.4.

Officers should begin by collecting the evidence that can be easily removed. The largest, most difficult to move evidence should be collected last. All evidence should be recorded in the evidence log. Evidence must be collected carefully, and contamination of evidence must be avoided. Gloves should be worn while handling evidence so that an officer's fingerprints do not contaminate it.

Evidence should be stored in clean, new, unused, and undamaged containers such as jars or bags. When evidence is placed inside, the containers must be able to seal completely without any material inside able to leak or fall out. Each container should be labeled and signed at the crime scene.

The label should include the following information:

- Time of collection
- Date
- Location
- Officer's name, ID number, and signature

When collecting evidence, investigators and officers are beginning the chain of custody. The chain of custody is an accurate record of everyone who has handled the evidence from the time it is collected until the time it is presented in court during a trial. It includes dates and signatures of the people who have handled the evidence since it was first collected, and there must be no gaps.

Special Challenges in Collecting Evidence from Humans

Unlike many crime scenes, it is common to find people at child labor, forced labor, and human trafficking crime scenes. It may be difficult to distinguish victims, suspects, and "innocent bystanders." There may be biological evidence at the crime scene that can be used to prove a child labor, forced labor, or human trafficking case. Examples include:

Child labor:

- Linking a child to a hazardous tool or piece of machinery through fingerprints, hair, etc.
- Linking a child's injuries to a particular tool or piece of equipment
- Establishing the age of a victim/survivor

Forced labor:

- Showing that an individual slept at the worksite
- Linking a person to a hazardous tool or piece of machinery through fingerprints, hair, etc.
- Linking a victim/survivor's injuries to a particular tool or piece of equipment

Impact of Victim Blaming and Bias

When working with victims, it is crucial to avoid blaming them for things they were subjected to such as child labor, forced labor, human trafficking, sexual assault, and other offenses. Blaming victims implies the victims are responsible for the crimes others have committed against them and that the crimes are somehow their fault.

Blaming the victims also makes it harder for them to recover from trauma, can increase their anxiety, and make it less likely that they will seek assistance or come forward in the future.

Sex Trafficking:

- Showing that a particular individual sexually assaulted a victim/survivor (rape kit)
- Corroborating a victim/survivor's account
- Identifying injuries, illness, or disease related to exploitation

Caution should be used when attempting to collect evidence from a person. It may not be clear who is a suspect or a victim. Because biological evidence degrades quickly, it may not be possible to collect evidence that was previously present. If a suspect was sexually assaulted by multiple people recently, there could be samples from multiple people present, which can make the identification of perpetrators more challenging.

Before beginning to collect human evidence, try to establish the victim/survivor's account of what happened. Having the victim/survivor's account will help identify corroborating evidence. However, be mindful that evidence could be rapidly deteriorating. For example, if a victim/survivor talks about specific injuries, acts of violence, or doing specific tasks with a particular tool or machine, this can help guide you in identifying and obtaining human evidence.

Tips for Collecting Evidence from People:

- If possible, record the general scene (noting where an individual was found and what he or she was doing using cameras and videos, drawings, plans, and written descriptions) before taking biological evidence.
- Always maintain the individual's privacy and dignity. Treat them as people in need of assistance, not merely as evidence.
- Make a note, draw, or photograph the victim/survivor showing visible injuries, clothing, where they were initially located, and noting, if possible, what equipment, computers, phones, etc., they had access to at the crime scene. Be aware that showing a victim/survivor's face may cause security problems for the victim or survivor and reduce the chances of cooperation.
- Take precautions to avoid cross-contamination of evidence items, and make sure to collect and store evidence properly.
- Obtain control samples from the victim/survivor, ideally including fingerprints, hair, and DNA samples. These will be needed to link victims/survivors to locations, tools, and other objects.
- Similar techniques should be employed when examining potential suspects, keeping in mind legal requirements about searches and seizures of evidence from potential defendants.
- Cross-contamination may be inevitable when suspects and possible victims are found together. Try to ensure that searches are conducted by separate people.
- Try to keep suspects and possible victims/survivors separate as far as possible not only to avoid cross-contamination of evidence but also to prevent intimidation.
- Always consult experts about whether or not a physical specimen examination should take place (with victim/survivor consent), and if so, what type of exam is most appropriate and least intrusive. Always have an expert conduct any intimate exam. Make sure that the expert is familiar with the needs of the victims/survivors.

Witnesses, Victims/Survivors, Suspects

It is likely that other people will be present when officers and investigators arrive at a child labor, forced labor, or human trafficking crime scene. Make sure to record the names and contact information of those present, as well as a description of what they were doing when you arrived on the scene. Make a note of visible injuries. Ideally, these should be photographed, but be mindful of the need to be sensitive and to protect the privacy of individuals.

Identifying Witnesses, Victims/Survivors, and Suspects: When first arriving at a crime scene, it may be difficult to distinguish between witnesses, victims/survivors, and suspects. Be mindful of where people are found, what they are doing, and who appears to be in control. People may not self-identify as victims or survivors, and suspects may attempt to blend in with workers. By looking for indicators of child labor, forced labor, and human trafficking, you can begin to separate people, asking them questions to determine if they are witnesses, victims/survivors, or suspects. **Things that should be considered (in addition to indicators discussed in Lesson 1.3) include:**

- Signs someone may be a victim/survivor of child labor, forced labor, or human trafficking:
 - The person is a child
 - Visible injuries
 - Performing dangerous work
 - Does not speak the local language
 - Performing tasks with other employees
- Signs that someone may be a suspect
 - Appears to be in charge
 - Threatens investigators or others at the site
 - Is the named owner of the business

Remember, it is important to separate victims/survivors and suspects immediately so that the control employers and traffickers have over their victims is reduced, and victims/survivors will feel more comfortable. Victims/survivors are still unlikely to feel truly safe immediately after being rescued due to the trauma they have endured. Initial interviews may be conducted onsite if deemed appropriate, but it is best if they are conducted away from the job site to reduce stress for victims/survivors.

Immediate Needs: The rescue or raid plan should incorporate plans to address immediate needs of victims/survivors. Immediate needs include assistance and services that need to be provided right away, including things like food, water, medical care, psychosocial support services, and shelter. A police officer or labor inspector should assess immediate needs and coordinate with service providers.

Note Taking

Inspectors and officers should take notes at the crime scene. These notes are important because if an officer or inspector is called to testify about the crime scene, he or she can review the notes before testifying instead of relying on memory alone. Notes taken at the crime scene should include the following:

- Time and date
- Persons present, and persons entering and leaving the crime scene
- Signs of activity
- A description of the scene that includes locations of physical evidence
- Descriptions of physical evidence, including who discovered it and who collected it
- The names of the photographers and others involved in documenting the crime scene

Exercise 2.3.1: Crime Scene Discussion

Objective:

- To have participants start thinking about crime scene investigation and processing a crime scene.

Time:

 10 minutes

Materials and Preparation:

- Flip chart
- Markers

Steps:

- Explain to the participants the objectives of the exercise.
 - 1 minute
- Ask participants the following questions and write down answers on the flip chart
- What is the most important thing to remember when processing a crime scene?
- What are the benefits of crime scene investigation?
 - 7 minutes
- Key messages
 - 2 minutes

Key Messages:

- There are many things to remember when processing a crime scene, including the importance of identifying and assisting victims/survivors, properly collecting evidence, and establishing the chain of custody.
- Crime scene investigation can identify evidence, suspects, and victims/survivors, helping to build a case.

Exercise 2.3.2: Processing a Crime Scene

Objective:

- To practice the skills needed to process a crime scene properly.

Time:



Materials and Preparation:

- If possible, the facilitator should set up a mock crime scene (or scenes) that includes the following:
 - Timecards
 - Tools (or pictures of tools) that would be used at the worksite being portrayed
 - Clothes
 - Financial records
 - Child's Identification card
 - Picture of an injury (to represent an injured person at the worksite)
- Gloves
- Evidence bags/paper bags and labels
- Cameras or phones
- Crime scene tape or rope
- Sign-in sheet
- Evidence log
- Paper

Steps:

- Explain the objectives of the exercise to the participants.
 - 5 minutes
- Divide participants into groups (the number of groups should be the number of crime scenes set up).
 - 5 minutes
- Ask the participants to begin documenting the crime scene. The first step will be to rope off the scene and station an officer at the entrance of the scene. This officer will be responsible for signing people in and out of the crime scene.
 - 10 minutes
- Next, have one participant sketch the scene and have another participant photograph the scene. The person sketching the scene should make sure to include large objects/landmarks and sign and date the sketch. The person sketching the scene should photograph the scene from the outside and inside.
 - 10 minutes
- The remaining participants should each collect a piece of evidence. Participants should wear gloves and photograph the evidence where it is located in the crime scene with an evidence marker, including a close up photograph with a ruler for scale. Participants should bag their evidence, seal the bag, and label the evidence as follows:
 - Time of collection
 - Date

- Location
- Officer's name, ID number, and signature
- Evidence should then be included in the evidence log.
 - 20 minutes
- Wrap up with Q&A and key messages below.
 - 10 minutes

Key Messages:

- Proper crime scene procedure helps strengthen a child labor, forced labor, or human trafficking case.
- Proper evidence collection is essential; this includes photographing, collecting, and documenting evidence.

Lesson 2.4: Forensic and Digital Evidence

Objective:

Learn about the different types of digital and forensic evidence and how to use them effectively in child labor, forced labor, and human trafficking cases.

Evidence plays a crucial role in proving cases of child labor, forced labor, and human trafficking by demonstrating that the crimes' elements have been met. Forensic and digital evidence can help build a child labor, forced labor or human trafficking case, but the evidence presents special challenges. It is essential to learn how to collect, preserve, and use these types of evidence.

Time:

 2 hours

Steps:

- Exercise 2.4.1: Evidence Alphabet Energizer
 - 10 minutes
- PowerPoint Presentation 2.4: Digital and Forensic Evidence
 - 30 minutes
- Exercise 2.4.2: Digital and Forensic Evidence
 - 1 hour and 20 minutes

Supplies:

- Flip chart
- Markers
- PowerPoint Presentation 2.4: *Forensic and Digital Evidence*
- Projector

Forensic Evidence

Forensics refers to the scientific tests or techniques used to help detect crime. There are three types of forensic evidence: biological, impression, and manufactured. Examples of each are provided below.

Figure 2: Examples of the Three Types of Forensic Evidence

Biological Evidence	Impression	Manufactured	
<ul style="list-style-type: none">• Blood• Saliva• Semen• DNA• Hair• Fingerprints	<ul style="list-style-type: none">• Footprints/shoe prints• Tire markings• Tool marks• Bite marks or scratches	<ul style="list-style-type: none">• Tools• Firearms• Fibers• Powder residues• Glass• Serial numbers	<ul style="list-style-type: none">• Machines• Ammunition• Paint• Polymers (such as plastic)• Documents• Chemicals

Forensic evidence can strengthen a child labor, forced labor, or human trafficking case. For example, forensic evidence might help prove that the accused was at a mine that employed children in hazardous child labor, that a trafficker caused injuries to a victim/survivor, or that an employer was not paying an employee their full salary. The use of forensic evidence could also help connect a suspect to other crimes. Analyzing the messages on a trafficker’s cell phone could find discussions about other crimes. A forensic analysis of a recruiter’s bank records could provide evidence of related crimes such as money laundering.

Forensic evidence must be properly collected and stored, with the chain of custody maintained at all times. To collect forensic evidence, proper crime scene procedure should be followed by assessing the scene, photographing the evidence, collecting it properly (which may include casting, dusting, etc.), and bagging and labeling the evidence. If the chain of custody is broken, it could be a sign the evidence was tampered with and lead to an acquittal. Everyone handling the evidence should be careful to log it properly.

Forensic evidence can be analyzed in different ways, depending on the type of evidence. **These types of analysis include things such as:**

- DNA analysis
- Ballistics
- Blood splatter
- Fingerprinting
- Financial analysis

All laboratories analyzing forensic evidence must have records about the systems, protocols, and control processes they use for each type of analysis they conduct. The labs should also have records about the calibration and maintenance of their equipment and the credentials and training of their staff. Contamination must be avoided. Expert testimony about the forensic conducted can be provided by either the person who conducted the analysis or an expert with similar qualifications. If the expert is not sufficiently qualified, the evidence may be challenged in court. For more information about using forensic evidence during a trial, refer to Lesson 4.5: Evidence.

Digital Evidence

Digital evidence, also known as electronic evidence, plays an increasing role in child labor, forced labor, and human trafficking cases. These types of evidence can help show that a victim or survivor was deceived, that pay was withheld, or the nature of specific workplace conditions.

Digital evidence has a variety of forms including:

- Emails
- Cell phones
- Text messages
- WhatsApp messages
- Social media posts
- Photos, videos, and audio recordings
- Electronic payments
- Cryptocurrencies
- App data
- Cloud storage
- GPS
- Fitness trackers
- Medical devices
- Cars (with computer systems)
- Websites and dark web
- Computer files

Figure 3: Facebook Post Advertising for Workers



Human trafficking and forced labor are often aided by the use of the internet. The internet and social media are used for recruitment, control and monitoring of victims, conducting trafficking operations, and may be used by victims/survivors when seeking help. Recruiters often use the internet to lure victims by using websites, social media, and apps such as WhatsApp to offer employment.¹¹ Digital evidence can show that the job offered was different from the job as performed, helping to prove deception.

Traffickers use the internet and social media to conduct their trafficking operations, such as by advertising the services of women and girls trafficked for prostitution.¹² Traffickers often use social media and apps to plan and communicate.¹³ Electronic payment records can help show the amount of money workers were paid, the payment of illegal recruitment fees, and receipt of payments from customers of persons trafficked for sexual exploitation.

While digital evidence can provide benefits to proving a case, it can also be more difficult to use than some other types of evidence. **Using digital evidence poses the following challenges:**

- Technology is always advancing
- Data may be encrypted or password protected
- Large amounts of data may need to be analyzed
- Data are sensitive and can easily be altered or erased

11 *On-Ramps, Intersections, and Exit Routes: A Roadmap for Systems and Industries to Prevent and Disrupt Human Trafficking*, Polaris, 2018, pp. 19, 21. <https://polarisproject.org/wp-content/uploads/2018/08/A-Roadmap-for-Systems-and-Industries-to-Prevent-and-Disrupt-Human-Trafficking-Social-Media.pdf> (image from p. 21).

12 *Ibid.* at p. 22.

13 *Recruited by Facebook, Rescued by Family*, Trafficking Matters. <https://www.traffickingmatters.com/recruited-by-facebook-rescued-by-family/>

- Digital evidence must be authenticated and linked to a person, not just a username. The prosecutor will have to prove that the evidence is what it claims to be
- Jurisdiction: digital evidence may be stored in another country
- Chain of custody must be maintained during the seizure, storage, management, and analysis of the data
- Privacy concerns

When these challenges are addressed, digital evidence can be used to help strengthen a case. While technology can allow people to hide their identities, traffickers and those involved in forced labor will leave a digital footprint that can be used as evidence. There are five principles that should be used when gathering digital evidence: data integrity, audit trail, specialist support, appropriate training, and legality.¹⁴

Data integrity: The integrity of data must be maintained at all times. Maintaining the integrity of data should guide all decisions made about digital evidence. No action taken should materially change any data, electronic device, or media which could later be used as evidence in a trial.

Audit trail: This is also referred to as chain of custody and includes a record of all of the processes that the evidence has undergone.¹⁵ A third party should be able to perform the actions as described in the audit trail and obtain the same results. The chain of custody must also include information about who handled the evidence and when they handled the evidence, beginning at the time of its collection.

Specialist support: If first responders are unfamiliar with gathering digital evidence and its implications they should request specialist assistance immediately. Because of the many types of digital evidence, including a wide range of systems that can be used, it is crucial to make sure that the expert working at the crime scene is an expert in collecting the type of evidence present and has the needed tools.

Appropriate training: If no specialist is available to collect the evidence at the site, the inspector or officer searching, seizing and/or accessing original data held on an electronic device or digital storage media must be trained to do so legally and must be able to explain and justify the relevance and implications of his or her actions.

Legality: The person and agency in charge of the investigation are responsible for ensuring that the law, evidence rules, and principles of digital evidence are followed. Legal guidance is established by each jurisdiction. It is crucial to follow local rules.

For more information about using digital evidence during a trial, refer to Lesson 4.5 (Evidence) and read the sections on admission of electronic evidence.

14 *Electronic Evidence – A Basic Guide for First Responders*, European Union Agency for Network and Information Security (ENISA), 2015, p. 5. <https://www.enisa.europa.eu/publications/electronic-evidence-a-basic-guide-for-first-responders>

15 *Ibid.* at p. 6.

Exercise 2.4.1: Evidence Alphabet Energizer

Objective:

- To have participants start thinking about the different types of digital and forensic evidence.

Time:

 10 minutes

Steps:

- Explain to the participants the objectives of the exercise.
 - 1 minute
- Have the participants stand in a circle. Have the first participant name a piece of evidence (digital or forensic/physical) that begins with the letter "A." The other participants should shout whether they think the evidence is digital or forensic. Continue with the next person in the circle, having them name a piece of evidence that begins with the letter "B." Continue the exercise until the group has gone through the alphabet.
 - 7 minutes
- Key messages
 - 2 minutes

Key Messages:

- Evidence is all around us and can come in different forms, such as a bank statement that can be digital or forensic.
- Digital and forensic evidence will be explained in more detail in Lesson 2.4.

Exercise 2.4.2: Digital and Forensic Evidence

Objective:

- To identify types of digital and forensic evidence that might be used in child labor, forced labor, and human trafficking cases.

Time:



1 hour and 20 minutes

Materials and Preparation:

- Flip chart paper
- Markers for facilitator

Steps:

- Explain the objectives of the exercise to the participants.
 - 5 minutes
- Ask participants to think about types of digital and forensic evidence that could be used in a child labor case and have them brainstorm ideas as a large group; the facilitator will write ideas on the flip chart. If needed, use the following to generate discussion:
 - Evidence that can show a child's age
 - Evidence that can show a child has not been attending school regularly
 - Evidence that a child was performing a WFCL
- 15 minutes
- Ask the participants to think about types of digital and forensic evidence that could be used in a forced labor or human trafficking case and have them brainstorm ideas as a large group; the facilitator will write ideas on the flip chart. If needed, use the following to generate discussion:
 - Evidence that illegal recruitment practices were used
 - Evidence that workers did not receive the job that was offered
 - Evidence of abuse or threats of abuse
 - Evidence of a lack of pay
 - Evidence of isolation
 - Evidence of other illegal activities
- 20 minutes
- Review the evidence suggested by participants, choose a few of the ideas, and have participants discuss how they could locate and obtain the evidence.
 - 30 minutes
- Wrap up with Q&A and key messages below.
 - 10 minutes

Key Messages:

- Evidence can help prove a case; knowing what type of evidence to look for plays an important role in building a strong case.
- Thinking about different ways to prove elements of a crime can increase the chances of successfully identifying and using evidence in a case.

Lesson 2.5: Interviewing Survivors

Objectives:

- Understand the interview methods, roles, and perspectives that will encourage best practices for assessing, interacting with, identifying victims/survivors of child labor, forced labor, and human trafficking.
- Practice using interviewing skills and increase skills and confidence to conduct interviews that respect the rights and dignity of survivors.

Time:




4 hours and 15 minutes

Steps:

- Exercise 2.5.1: Interviewing Survivors Discussion
 - 15 minutes
- Begin presenting PowerPoint Presentation 2.5: Interviewing Survivors (stop at slide that says “Survivor Interview Demo”)
 - 30 minutes
- Exercise 2.5.2: Interviewing a Survivor
 - 1 hour
- Finish presenting PowerPoint Presentation 2.5: Interviewing Survivors
 - 10 minutes
- Exercise 2.5.3 Setting Up a Survivor Interview
 - 1 hour and 10 minutes
- Exercise 2.5.4: Interviewing Children
 - 1 hour and 10 minutes

Supplies:

- Flip chart
- Markers
- PowerPoint Presentation 2.5: *Interviewing Survivors*
- Projector
- 2 copies of *Resource 2.5.1a Survivor interview Script*
- Copies of *Resource 2.5.1b Survivor Interview Scenarios*
- Copies of Tool 2.5.1a: Guide for Interviewing Survivors—Identifying Forced Labor or Human Trafficking
- Copies of Tool 2.5.1a: Assessing Whether it is a Case of Forced Labor or Human Trafficking
- Copies of Enforcement Training Protocol Case Studies 1–4
- Copies of Tool 2.5.4a: Guide for Interviewing Children—Identifying Child Labor
- Copies of Tool 2.5.4b: Assessing Whether it is a Case of Child Labor
- 2 copies of *Resource 2.5.4a Child Interview Script*
- Copies of *Resource 2.5.4b Child Interview Scenarios*



Interviews, particularly interviews involving child labor, forced labor, and human trafficking survivors, can provide key information to help build a case. While information provided by survivors can help bring a case, to increase its strength and likelihood of success, survivor testimony should be corroborated where possible. Understanding the needs of survivors (including gender-specific needs, and particularly the needs of children) can help put survivors at ease during the process and increase the interviewer's effectiveness. Survivors should always be treated with respect and should give informed consent before being interviewed. Trained interpreters should be available and used if needed to ensure that a survivor understands the questions being asked. The confidentiality of the interview is an important part of maintaining survivor safety and building trust.

Part of the purpose of an initial screening interview is to assess whether someone is a victim or survivor of child labor, forced labor, or human trafficking, so it is important to be familiar with indicators, understand the trauma victims and survivors may have undergone, and patient. Planning and preparing for interviews plays an important role, as does knowing the types of information that is needed and the purpose the information will serve. Be mindful of ways victim re-traumatization can be avoided, such as by videotaping interviews (where this is legal, and consent is obtained) as this can help eliminate the need for multiple interviews about the same topics. Interviewers working on child labor, forced labor, and human trafficking cases should receive comprehensive training on these topics as well as on survivor needs and trauma-informed care.

Survivor Screening

Often the first interview with a potential victim/survivor of child labor, forced labor, or human trafficking is a screening interview to determine whether the subject is a victim/survivor. In some jurisdictions, a person cannot be identified as a survivor unless they participate in the prosecution process, meaning that they will be unable to access survivor services without participating in a case. A screening interview may be done by first responders, NGOs, law enforcement, labor officers, or others who can then refer the case to the responsible authorities. It is important for these individuals to remember that child labor, forced labor, and human trafficking victims/survivors may not identify themselves as victims/survivors, and that the person conducting a screening interview needs to look for and ask questions to identify indicators.

Victims/survivors who experience several forms of discrimination, as is often the case with victims and survivors of trafficking for sexual exploitation, face even stronger negative stereotypes. For example, migrant women at risk of deportation might face the preconception that they are pretending to be victims of trafficking to avoid sanctions or deportation. Victims and survivors may also be reluctant to participate if family members were involved in their child labor, forced labor, or human trafficking, such as parents who arranged a job for a child. Victims/survivors can also have economic motivations that discourage them from identifying as victims, such as the need to pay a debt that was incurred to pay a recruitment fee. Additional information about indicators can be found in Lesson 1.3. Additional information about referrals can be found in Module 3.

The PEACE Model

An interview should be conducted to help determine whether a child labor, forced labor, or human trafficking victim/survivor has been properly identified. Interviews can provide law enforcement and labor inspectors with evidence that is helpful for prosecution.

The PEACE Model¹⁶ (for investigative purposes) was developed as a collaborative effort between law enforcement and psychologists in England and Wales. It presents a helpful outline that can be used for teams to build their own guidelines for the interview process. It is used to establish the facts of a case, obtain relevant information, and collect evidence to allow a decision to be made on whether to prosecute. No single answer will determine whether a child labor, forced labor, or human trafficking offense has taken place. Because of this, the interview must consist of sets of questions focusing on establishing the elements of the perceived violation (for human trafficking, this would include act, means, and purpose). For more on the establishing elements, see Lesson 1.2.

PEACE Stands for:

- Planning and Preparation
- Engage and Explain
- Account
- Closure
- Evaluation

Interviewing Survivors

When interviewing survivors, the PEACE model should be used, as described below.

P: PLANNING AND PREPARATION

Before conducting an interview, planning and preparation should be done. This includes conducting a pre-interview assessment, identifying the interview team, and choosing the interview venue.

Pre-Interview Assessment: This step should be conducted prior to the interview of a potential child labor, forced labor, or human trafficking survivor to identify the most effective interview strategy. Such an assessment would ideally include information based on all the available data regarding:

1. Current physical condition of the survivor;
2. Psycho-emotional¹⁷ state of the survivor;
3. Case background;
4. Survivor's nationality, age, and gender;
5. Interview environment and equipment;
6. Likely direction of the investigation (for law enforcement); and
7. Timeframe and schedule of interview.

Identifying the Interview Team: An ideal team approach consists of two law enforcement/investigator interviewers and, where possible, the participation of a range of other professionals who should act in partnership with the interview officials.¹⁸ It can be beneficial to have law enforcement and prosecutors meet before the interview occurs to create an interview plan, keeping in mind the need to balance the need for the best evidence with the best interests of the survivor. The entire interview team should be aware of all that is known about the possible child labor, forced labor, or

¹⁶ *Investigating Human Trafficking Cases Using a Victim-centered Approach: A Trainer's Manual on Combating Trafficking in Persons for Capacity-building of Law Enforcement Officers in Antigua and Barbuda, Belize, Jamaica, and Trinidad and Tobago*, International Organization for Migration (IOM), 2018. <https://publications.iom.int/books/investigating-human-trafficking-cases-using-victim-centred-approach-trainers-manual-combating>

¹⁷ This includes the physical characteristics and socio-demographics of the victim.

¹⁸ *Investigating Human Trafficking Cases Using a Victim-centered Approach: A Trainer's Manual on Combating Trafficking in Persons for Capacity-building of Law Enforcement Officers in Antigua and Barbuda, Belize, Jamaica, and Trinidad and Tobago*, International Organization for Migration (IOM), 2018, p. 39. <https://publications.iom.int/books/investigating-human-trafficking-cases-using-victim-centred-approach-trainers-manual-combating>

human trafficking survivors and their background; special cultural practices also need to be taken into account. Because trust and safety are often lacking for these survivors, it is crucial the interview team make every effort to address the most basic needs of the potential survivor. When possible, have a social worker or survivor services provider participate as a member of the interview team. This will help ensure that the interview is conducted in a victim/survivor-sensitive manner.

In setting up the interview team, the needs of child survivors (including gender-based considerations) should be taken into account. Ideally, assigned personnel should have received child labor, forced labor, and human trafficking training, which includes a gender-sensitive approach.¹⁹ If an interpreter is needed, identify a trained interpreter who can be present. Ensure that the interpreter used for the survivor interview is not used to interview the survivor's suspected trafficker or exploiter.

Gender Sensitivity: Female survivors of violence, including trafficking for sexual exploitation, end up experiencing structural secondary forms of violence. As a consequence, mistrust in the judicial system increases, leading victims and survivors to refuse assistance even when offered to them. The refusal to accept the provided assistance can impact the number of victims/survivors identified and result in low numbers of investigations, prosecutions, and convictions. A gender-sensitive approach should be taken while handling all child labor, forced labor, and human trafficking cases with all survivors, regardless of gender, so all survivors are treated equitably. It is a best practice to ask survivors whether they have a preference regarding the gender of the investigating officers responsible for interviewing them or the service providers assisting them. Do not assume that survivors prefer persons of the same gender. The survivor's preference should always be considered whenever possible; the survivor should be kept informed at all times of what's going to happen in a way they can fully understand (i.e., in a language she can communicate in and in a style that is intelligible for her according to her education and cultural background, for example). It is also key to involve the survivor in all decisions about further steps, proceeding only with her full consent. Survivors of sexual exploitation may fear their families and communities finding out about what happened to them due to potential stigma and ostracism. To address the survivor's privacy concerns, explain to the survivor that the interviews are confidential, maintain the confidentiality of the interview, and protect the survivor's privacy.

Choosing the Interview Venue: The interview should never take place at the location where the potential victim/survivor was exploited, such as a job site. The interview should be conducted in an environment that is safe, private, free from foreseeable distractions, secure, and comfortable. If at all possible, the interview should take place in a neutral venue, such as a designated child- or survivor-friendly space at a police station or labor office, or at a location outside of these offices if no such space exists. Where possible, a survivor-friendly space should include things such as soft lighting, couches, throw pillows, toys for children, and other touches that contribute to a welcoming, neutral environment. Interviewing survivors requires patience and understanding. Because survivors are being asked to recall a traumatic experience, it will likely take time for them to be willing to give their account of events. It is recommended that interviews allow regular breaks, especially when dealing with child survivors. Having a successful interview also depends on the survivors' needs being met, such as food, medical, psychosocial, accommodation, and addressing risks to the survivor.²⁰ For more information about survivor needs, refer to Lesson 3.1.

Recording Interviews: While preparing the interview, a way to record the interview should be identified; recordings can be done by video, audio, or written means. Interview records play an important role in building a case. These interviews often help investigators learn details of a child labor, forced labor, or human trafficking case. Interview records contain key information that can be used to corroborate evidence and may be able to be introduced at trial.

19 "The Gender Dimensions of Human Trafficking" in *Issue Brief*, 4:1–3, Inter-Agency Coordination Group Against Trafficking in Persons. <http://icat.network/sites/default/files/publications/documents/ICAT-IB-04-V.1.pdf>

20 "Module 8: Interviewing Victims of Trafficking in Persons Who Are Potential Witnesses" in *Anti Human Trafficking Manual for Criminal Justice Practitioners*, United Nations Office on Drugs and Crime (UNODC), 2009, p. 13. https://www.unodc.org/documents/human-trafficking/TIP_module8_Ebook.pdf

Video recording is generally preferred because it can preserve non-verbal cues and help prevent the need for additional follow-up interviews, reducing additional trauma to the survivor.²¹ In some jurisdictions, a video recorded interview can be used as testimony during trial. If the recording is to be used during trial, the prosecutor must give notice to the court that there is a recording that he or she would like to produce as evidence. Some survivors may be reluctant to have the interview recorded using video because of a fear that their trafficker or exploiter will be able to identify them. Some victims/survivors also may present as hostile or not taking the interview seriously, which could be used to discredit them at trial, even if their demeanor was the result of Post-Traumatic Stress Disorder (PTSD) or fear of law enforcement. Audio recording is less expensive and more widely available than a video recording of testimony. While it does not document body language, it can help preserve the identity of victims/survivors. Written records of interviews are accessible, but they can be time consuming, and it may be difficult to ensure that the record is accurate.

E: ENGAGE AND EXPLAIN

At the beginning of the session, the interview team should introduce themselves, explain the interview process, and inform the interviewee about what to expect. The potential victim/survivor should be asked how he/she would prefer to be addressed. It is important to obtain the informed consent of a survivor before beginning the interview. Survivors might not be used to being asked for their consent, which may lead to a sense of confusion or even anxiety. Similarly, survivors may feel uncomfortable speaking openly about very intimate and painful matters they have been instructed or learned to keep to themselves. It is crucial that the interviewer is trained to understand these reactions and act adequately, for example, establishing a good rapport with the survivor, respecting her pace, being sensitive and respectful. The interviewer shall also never ask unnecessary questions out of curiosity about the survivor's past experience or for any other reason. Strategies to put survivors at ease should be put in place, for example, giving them the possibility to write some words or sentences that they may not feel comfortable speaking about.

Explain:²² The interview team should explain the following:

- Who the team members are
- The positions they hold
- Their experience in this kind of work
- That they have met people in a similar situation several times before
- Check on the potential victim/survivor's basic needs (pain, thirst, hunger, if feeling cold)
- Explain what is happening; the purpose and objectives of the interview(s)

Inform:²³ Interviewers should explain what they will be doing and what the person being interviewed can expect. This can be achieved by doing the following:

- **Clarify the purpose of the interview:** Explain the purpose of the interview and what the interview team is trying to achieve.
 - Introduce the purpose: During this interview I will talk with you about work at the coffee farm.
 - Explain how the interviewer may also ask any questions which may become relevant during the interview to properly establish facts and issues.²⁴
- **Explain the transfer to the police station if the interview will occur there:** Explain the reasons and procedure promptly after arrival at the police station. Explore any steps that can be taken to maintain privacy.

21 Ibid. at p. 18.

22 *Toolkit to Combat Trafficking in Persons*, United Nations Office on Drugs and Crime (UNODC), 2008, p. 266. <https://www.unodc.org/unodc/en/human-trafficking/2008/electronic-toolkit/electronic-toolkit-to-combat-trafficking-in-persons---index.html>

23 Ibid. at pp. 266-67.

24 *Investigative Interviewing: A Practical Guide for Using the PEACE Model*, Pica. <https://www.pica.edu.au/wp-content/uploads/2020/12/PEACE-guide.pdf>

- **Explain the structure and the process of the interview:** Explain step-by-step how the interview will proceed.
 - Mention to the interviewee:
 - They can request breaks any time during the interview
 - Number of breaks, duration of breaks
 - The length/duration of the interview
 - Notetaking or recording will occur and the role this serves
 - They can ask questions that may arise during the interview
 - Confidentiality of the interview; explain who will have access to the information (investigators, prosecutors, social workers) and who will not (employers, coworkers, family, friends)²⁵
 - **Explain the role of an interpreter/cultural mediator/other persons involved:** Clarify what can/cannot be expected from the interview team.
 - **Check in with interviewee to ensure they understand how the interview will occur:** Use this time to answer questions before starting the interview and address any concerns the interviewee may have.²⁶

During the interview, make sure to be culturally sensitive. In this regard, it may be helpful to be briefed on any national, religious, cultural, racial or ethnic issues, or specific terms or words that the survivor would consider inappropriate. A positive, open, and non-threatening body language should be maintained. Before explaining the interview process and case-related issues, build a rapport with the potential survivor. Use background questions on current welfare, interests, accommodation, and so forth to spark conversation, as well as unrelated questions to make the survivor more accustomed to the environment and the persons in the interview room.²⁷



Photo Credit: Ioastal, 2018, Thailand

25 *Interviewing Applicants for Refugee Status*, United Nations High Commissioner for Refugees (UNHCR), 1995. <https://www.unhcr.org/4d9485a69.pdf>

26 Risan, Patrick, et al., *Trauma Narratives: Recommendations for Investigative Interviewing*, National Library of Medicine, April 7, 2020. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7901695/>

27 *Investigating Human Trafficking Cases Using a Victim-centered Approach: A Trainer's Manual on Combating Trafficking in Persons for Capacity-building of Law Enforcement Officers in Antigua and Barbuda, Belize, Jamaica, and Trinidad and Tobago*, International Organization for Migration (IOM), 2018. <https://publications.iom.int/books/investigating-human-trafficking-cases-using-victim-centred-approach-trainers-manual-combating>

A: ACCOUNT

This is the majority of the interview process. During the account phase, survivors recount their stories in their own words in an uninterrupted manner. The interview team should selectively use very short prompts or words of encouragement, such as “go on” and “you are doing well,” to avoid the pauses/silence of the survivors from becoming oppressive.

Objectives of the Interview: Each question that is asked should be linked to an objective of the interview. It is important to remember to be respectful of survivors at all times when asking questions and listening to their responses. Objectives of survivor interviews include:²⁸

- Establishing facts of the case and the order of events
- Using facts and evidence to corroborate the survivor’s account and increase his or her credibility
- Identifying, arresting, and prosecuting perpetrators of child labor, forced labor, and human trafficking
- Evaluating the risk to the survivor, the survivor’s family, and other survivors. If the risk is too great for the survivor to participate, consider alternatives
- Identifying if a proactive or disruptive investigation is needed.

To encourage free recall by a potential survivor, the following questioning types should be used:

Open-ended questions: These questions allow for the narrative of the survivor, not just a simple yes or no answer. Examples of open-ended questions are provided below:

- Can you tell me more about...?
- Can you explain that to me some more?
- Can you recall anything else about the (situation)?

Specific questions: These questions focus on specific events to secure additional information or clarify any ambiguities. Specific questions start with the words “where,” “when,” “what,” and “who.”

Other kinds of questions should be avoided or used sparingly.

“Why” questions. Interviewers (officers especially) should avoid using “why,” as it can imply some degree of blame or accusation to the survivor. Instead, questions should be reframed in a way that allows survivors to explain what happened without feeling attacked. An example of a “why” question that implies blame is included below:

- “Why didn’t you escape when you had the opportunity?”
- Positive alternatives: “What prevented you from escaping?” or “Was there anything that prevented you from leaving?”²⁹

Closed questions: When open-ended or specific questions are unsuccessful at obtaining information, these questions call for yes or no answers. Interviewers must be careful, as closed questions may risk the survivor trying to guess the answer or situation, and officers can be accused of coaching the survivor.

Leading questions: These questions suggest an implied or assumed answer. Interviewers should avoid using this type. An example of a leading question is: “He took all your money, didn’t he?”

28 “Module 8: Interviewing Victims of Trafficking in Persons Who Are Potential Witnesses” in *Anti Human Trafficking Manual for Criminal Justice Practitioner*, United Nations Office on Drugs and Crime (UNODC), 2009, p.13-14. https://www.unodc.org/documents/human-trafficking/TIP_module8_Ebook.pdf

29 *Trafficking in Persons Victim Identification and Assistance*, International Organization for Migration (IOM), 2020. <https://publications.iom.int/books/trafficking-persons-victim-identification-and-assistance-training-guide>

Tips for asking questions in an interview:

- Ask questions one at a time. Do not use compound questions.
- Keep questions short and simple
- Do not use jargon or terms that a survivor may not understand.
- Ask questions in a supportive tone, do not use a stern voice.
- Ask the survivor to put events into chronological order.
- In some instances when a survivor does not feel comfortable saying an answer out loud or is having trouble explaining something, it may be possible to ask them to write an answer or draw a picture.

C: CLOSURE

The interview process should end in a structured and timely manner, not abruptly. Summarize the survivor's key points, using the survivor's words and inviting the survivor to correct any mistakes that may have been made. It is also good practice to allot time during closure for the survivor to ask questions he/she may have of the interview team and for the interview team to explain in detail the plans for the next steps. It is recommended that law enforcement officers tasked with carrying out interviews have a good knowledge of their government's national and sub-national referral mechanisms.³⁰

E: EVALUATION

In addition to evaluating the evidence and information gathered, it is important to evaluate the performance of the interviewers and interview. Interview evaluations should be done after each interview. The evaluation should cover the materials gathered and the performance.

Changing accounts: Interviews of survivors, particularly those who have been subjected to trafficking and forced labor, often change their accounts over time.³¹ Changing accounts for trafficking survivors is a common occurrence globally. Due to trauma, the information provided by survivors may not be sequential, and they may remember different things at different times. It can be difficult for survivors to convey information, particularly when the trauma is fresh. More information about trauma-informed care can be found in Lesson 3.2. In addition to PTSD, survivors may have received threats or otherwise feel intimidated or afraid to participate in a trial. Discrepancies in a survivor's story should not be assumed to be lies. Changing accounts are something that defense attorneys are likely to focus on at trial, as the defense may try to portray the survivor as a liar or otherwise unreliable. To help prevent counter-attacks on a survivor's credibility, the prosecution should work to corroborate the survivor's account with other evidence.

30 *Investigating Human Trafficking Cases Using a Victim-centered Approach: A Trainer's Manual on Combating Trafficking in Persons for Capacity-building of Law Enforcement Officers in Antigua and Barbuda, Belize, Jamaica, and Trinidad and Tobago*, International Organization for Migration (IOM), 2018. <https://publications.iom.int/books/investigating-human-trafficking-cases-using-victim-centred-approach-trainers-manual-combating>

31 "Module 8: Interviewing Victims of Trafficking in Persons Who Are Potential Witnesses" in *Anti Human Trafficking Manual for Criminal Justice Practitioners*, United Nations Office on Drugs and Crime (UNODC), 2009, p. 4. https://www.unodc.org/documents/human-trafficking/TIP_module8_Ebook.pdf

Interviewing Children^{32, 33}

The effectiveness of interviewing any survivors of child labor, forced labor, and human trafficking greatly depends on the interviewer's ability to allay fear, build rapport, and carefully ask relevant questions. This is especially important if the interviewer is a law enforcement official. When interviewing a child, additional considerations should be taken into account. Children who have experienced trauma may be embarrassed and not want to share their experiences with the interviewers. Children may also have blocked the experience out and not remember it or may not remember it sequentially. Children may also overextend (such as by referring to all vehicles as cars); it is also important to reduce confusion and misunderstanding by being specific about who you are referring to in questions and avoiding pronouns. By being respectful of the child and building a rapport, a child's comfort can be increased.

Before beginning the interview, the interview team should provide for the child's comfort and basic needs. The interview team should provide a safe location for the interview. The child should be given the right to participate and asked if he/she has a gender preference for interviewers. The interview team should provide specially trained professionals to conduct the interview. When setting up the interview space, set up chairs so that the interviewer and the child will not be directly across from each other, as this may intimidate children. Instead, set up chairs so that the interviewers will be at an angle to each other. Try not to put a desk between the interview team and the child. When interviewing survivors, especially child survivors, it is important for officers to wear plain clothes, as a uniform may be seen as intimidating. Wearing a suit may also intimidate children, so removing a suit jacket before interviewing a child will help the child feel more comfortable. Allow only trained personnel to engage in the interview. The team should also plan for an interview of limited length and scope.

Tips for Interviewing Children:³⁴

- Questions should be adapted in consideration of the age and mental capacity of the child.
- Begin with open-ended questions, allowing the child to give her/his own account. Avoid leading questions, such as "Did the person abuse you?" and use more open-ended questions, such as "What did the person do?"
- For very young children who may not be fully verbal (or know the right words to use), trained interviewers can use dolls, coloring supplies, or other props for this purpose.
- The child should be given an opportunity to tell the story in his or her own way before being asked explicit questions.
- Do not pursue and press for details when there are signs that the child has told all he or she knows. However, also bear in mind that children may leave information out if the right question is not asked and may give the answer they believe the interviewer wants to hear.
- Interviews of minors should take place in the presence of a parent; in cases where this is not possible due to a parent not being present or where there is suspected or known family involvement in the trafficking or child labor, the interview should be done in the presence of a trained guardian, psychologist, or social worker.
- Interviews should not occur in the presence of a child laborer's supervisor, manager, or a child's trafficker.
- It is also helpful if snacks, toys, or other inviting items are available to create a child-friendly environment.
- It may be helpful for children to use dolls to explain what happened or to draw pictures.
- Only staff trained in the special needs and rights of children should question child survivors.
- Close the interview in a way that reassures the child that he or she has done well and that the interview team will be available whenever he or she needs to talk again.

32 *AGIRE Training Manual*, Save the Children, 2010. https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/agire_training_manual_en_1.pdf

33 *Toolkit to Combat Trafficking in Persons*, United Nations Office on Drugs and Crime (UNODC), 2008. <https://www.unodc.org/unodc/en/human-trafficking/2008/electronic-toolkit/electronic-toolkit-to-combat-trafficking-in-persons---index.html>

34 *IOM Handbook on Direct Assistance for Victims of Trafficking*, International Organization for Migration (IOM), 2007. <https://publications.iom.int/books/iom-handbook-direct-assistance-victims-trafficking-0>

- The security of the child being interviewed must always be a priority. If there are any doubts that an interview may bring harm to the child, it must be avoided.
- Tell the child being interviewed why the interview is happening and how the information being gathered will be used.
- Be sensitive to where the child is emotionally at any given time before, during, and after the interview; do not ask questions in a way that could retraumatize the child.
- No child survivor should be left alone while in the care and protection of law enforcement officers.

Gender Considerations³⁵

Gender issues can significantly affect interviewers' capacity to obtain information. Social and cultural issues should be taken into account as well as a survivor's trauma. For example, often as a result of a previous experience in their home countries, many victims and survivors do not trust the police. It is essential that interviewers pay attention to gender-related needs and empower survivors to regain control over their situation as much as possible.

Stereotyping, especially by law enforcement, hampers victims' and survivors' credibility, hindering their access to identification, protection, support, and justice. For example, research shows that in the case of sexual assault, despite being more aware of the dynamics of victimization, criminal justice professionals expect survivors to act according to gender and survivor stereotypes.

Given that perpetrators are often closely connected to the victim/survivors, there is a possibility that during recruitment, the victim/survivor may have initially agreed to take the job, although the victim/survivor might not have been aware of the reality he or she was going into or the conditions that he or she would face. Evidence of an initial agreement between the trafficker and victim/survivor can lead to survivor-blaming attitudes and discourse and might even affect the survivor's credibility, especially if he or she does not fit an ideal victim stereotype.

Many survivors of child labor, forced labor, and human trafficking have suffered from sexual abuse and violence. They may be reluctant to seek assistance due to shame and stigma from this abuse. All survivors, particularly women and children, may be overwhelmed by fear and shame. Men may not want to disclose their experiences, particularly if they come from a culture that values masculine traits highly because they fear losing control of their lives and having their image reduced. Because of these concerns, men and women may prefer to speak with a service provider of the same gender.³⁶

It is a best practice to ask survivors whether they have a preference regarding the gender of the investigating officers responsible for interviewing them and the service providers who will be assisting them. Do not assume that survivors prefer persons of the same gender. The survivor's preference should always be considered whenever possible. Assigned personnel should have received training on child labor, forced labor, and human trafficking issues, including a gender-sensitive approach.³⁷

Do not begin an interview by asking about abuse or trauma, but rather try to put the survivor at ease by getting to know each other and having him or her discuss "neutral" topics such as hobbies and interests. During this part of the interview, do not ask about the survivor's family or community as the survivor may be concerned about being separated from family or worried about being stigmatized.³⁸ In some cases, the families of survivors may have been involved in their child labor, forced labor, or human trafficking. In the next phase of the interview, have the survivor describe the work they performed before asking about potential abuse. Try to avoid asking about details of abuse and trauma more than once.

35 *Toolkit to Combat Trafficking in Persons*, United Nations Office on Drugs and Crime (UNODC), 2008. <https://www.unodc.org/unodc/en/human-trafficking/2008/electronic-toolkit/electronic-toolkit-to-combat-trafficking-in-persons---index.html>

36 *Toolkit to Combat Trafficking in Persons*, United Nations Office on Drugs and Crime (UNODC), 2008, p. 177. <https://www.unodc.org/unodc/en/human-trafficking/2008/electronic-toolkit/electronic-toolkit-to-combat-trafficking-in-persons---index.html>

37 "The Gender Dimensions of Human Trafficking" in *Issue Brief*, 4:1–3, Inter-Agency Coordination Group Against Trafficking in Persons. <http://icat.network/sites/default/files/publications/documents/ICAT-IB-04-V.1.pdf>

38 "Module 8: Interviewing Victims of Trafficking in Persons Who Are Potential Witnesses" in *Anti Human Trafficking Manual for Criminal Justice Practitioners*, United Nations Office on Drugs and Crime (UNODC), 2009, p. 28. https://www.unodc.org/documents/human-trafficking/TIP_module8_Ebook.pdf

Tool 2.5.2a: Guide for Interviewing Survivors— Identifying Forced Labor or Human Trafficking

Work
Tell me about how you started working here
How long have you been working here?
Describe a typical workday
Recruitment
Did someone help you get this job? Did you or your family have to pay them for the job? What did he or she tell you about the job? Is the work you do here the same as what you were told? How is it different?
Did you have to take out a loan to get this job?
Do you have an employment contract? Do you have more than one? Do you have a copy of it? Can you tell me about what the contract says? Is it in a language that you understand?
Travel
Did you have to move for this job? Where did you move from? What route did you take?
Who did you travel with? How long did it take? Who purchased your tickets?
Were you responsible for any additional travel-related costs as part of your migration journey?
Health and Safety
What types of tasks do you do at work? What kinds of tools do you use?
What types of training did you receive at work?
What kinds of safety equipment do you use? Is the equipment provided by your employer? Did you have to purchase or rent the equipment? Do you feel safe doing your job when you use the equipment?
Have you or another employee gotten injured or sick at work? What happened? Were you (or they) able to get treatment?
Have you or others been punished at work? What were you punished for? What was the punishment? Is punishment common?
Have you been threatened? Can you describe the threat?
Wages and Hours
How often are you paid? How much are you paid? How are you paid? Are you paid the salary you were promised? Do you think your pay is fair?
Do you have to pay your employer for accommodation or expenses? How much do you have to pay?
Does your pay cover your expenses? What types of expenses do you have?
How many hours do you work in a day? How many days do you work a week? What time of day or night do you work? Do you have any time off? When do you have time off?
Conditions
Are you able to contact your family or friends? How often?
Are you able to socialize with your coworkers? With people outside of work?
Are you able to come and go freely? Do you have any time to yourself? What do you do for fun?
Do you have access to your identification documents and passport?
Describe your living conditions. Is your living environment safe? Clean? Well-ventilated?

Tool 2.5.2b: Assessing Whether it is a Case of Forced Labor or Human Trafficking

The following is a list of questions to determine whether the interviewee is a victim/survivor of forced labor or human trafficking and in need of assistance.

1. Is the person performing the job that they were promised?
2. Is the person receiving the wage they were promised?
3. Is the person working the hours they were promised?
4. Is the person working overtime? Are they being compensated for overtime?
5. Is the person free to come and go from the premises?
6. Is the person paid at least minimum wage?
7. Is the person able to contact his or her family and/or people outside of the work site?
8. Does the person have access to his or her personal documents?
9. Is the person in debt to his or her employer?
10. Is the person in debt to someone else because of recruitment fees?
11. Does the person have access to medical care?
12. Does the person have access to protective equipment (if needed for the job)?



Photo Credit: Fairphone, 2011, Democratic Republic of the Congo

Tool 2.5.4a: Guide for Interviewing Children— Identifying Child Labor

Starting Employment

Tell me about how you started working here.

How long have you been working here?

Did someone help you get this job? Did you or your family have to pay them for the job? What did he or she tell you about the job? Is the work you do here the same as what you were told? How is it different?

How did you decide to take this job? Who did you discuss the decision with? Did anyone pressure you to take the job?

How did your family feel about your starting this job?

Did you have to move to take this job? Where did you move from? What route did you take?

Who did you travel with? How long did it take? Who purchased your tickets?

Education

Are you still attending school? How often do you attend school?

When did you stop attending school? Why did you stop attending school? What did you enjoy about school?

Health and Safety

What types of tasks do you do at work? What kinds of tools do you use? Are any of the tasks you do scary? Why are they scary? Are there any tasks that you are not allowed to do because you are not an adult? What tasks are those?

What types of training did you receive at work? Does someone supervise you?

What kinds of safety equipment do you use?

Have you or another child gotten injured or sick at work? What happened? Were you/they able to get treatment?

Have you or other children been punished at work? What were you/they punished for? What was the punishment? Is punishment common?

Wages and Hours

How often are you paid? How much are you paid? Do you think your pay is fair?

How many hours do you work in a day? How many days do you work a week? What time of day or night do you work?

Tool 2.5.4b: Assessing Whether it is a Case of Child Labor³⁹

The following is a list of questions to determine whether a child is engaged in child labor and in need of assistance.

1. Is the child engaged in a worst form of child labor?

- Slavery, trafficking, debt bondage, forced or compulsory labor, or armed conflict
- Prostitution, production of pornography, or pornographic performances
- Illicit activities such as the production of drugs
- Work that is likely to harm the health, safety, or morals of the child

2. Is the child below the minimum age of employment?

3. Is the child below the age of 18 and performing hazardous work?

- Consult the country's hazardous work list, if applicable

4. If the child is above the minimum age of employment, but under the age of 18, are the following standards being met (note that these may vary slightly by jurisdiction):

- No work at night
- No work in excess of hours permitted for children under law
- No work in hazardous conditions
- Must be paid at least minimum wage
- Work cannot interfere with the child's education
- Health and safety measures are in place
- Child's employment has been registered with authorities if required

5. Is the child performing light work and below the minimum age for light work?

39 Adapted from *Nepal Labor Inspection Training on Child Labor Facilitator's Guide*, Verité and Winrock International, 2018, p. M3 at 57. <https://www.verite.org/wp-content/uploads/2019/06/Nepal-LI-Curriculum-2nd-edition-ENGLISH.pdf>

Exercise 2.5.1: Survivor Interview Discussion

Objective:

- To have participants begin thinking about special considerations for interviewing survivors, including child survivors.

Time:

 15 minutes

Materials and Preparation:

- Flip chart
- Markers

Steps:

- Explain the objectives of the exercise to the participants.
 - 2 minutes
- Ask participants the following questions and write down answers on the flip chart
 - What advice would you give someone who is going to interview a survivor?
 - What special steps should be taken if a child is being interviewed?
 - 10 minutes
- Key messages
 - 3 minutes

Key Messages:

- There are many considerations when interviewing survivors, but it is key to always treat the survivors with respect and to let the survivors tell their stories.
- When interviewing children, keep in mind that children may remember things differently than adults.
- More tips and advice will be addressed in the Lesson.

Exercise 2.5.2: Interviewing a Survivor

Objective:

- To observe best practices for interviewing survivors and then practice using those skills by conducting mock interviews based on scenarios.

Time:

 1 hour

Materials and Preparation:

- Make 2 copies of *Resource 2.5.1a Survivor interview Script*
- Make copies of *Resource 2.5.1b Survivor Interview Scenarios*
- Make copies of *Tool 2.5.2a: Guide for Interviewing Survivors—Identifying Forced Labor or Human Trafficking* and *Tool 2.5.2b: Assessing Whether it is a Case of Forced Labor or Human Trafficking*
- Identify a co-facilitator or participant who can play the role of the survivor in the survivor interview demonstration. Provide him or her with a copy of the script and try to practice once with that person if time permits.

Steps:

- Explain the objectives of the exercise to the participants.
 - 5 minutes
- Divide participants into groups. Each group should have four to eight participants. Within each group, participants should be divided into pairs. In each pair, have one person designated as the interviewer and the other as interviewee. Give copies of the interview scenarios to each interviewee, making sure that within each group, only one copy of each scenario is distributed.
 - 5 minutes
- Ask the participants to conduct mock interviews of each other using the scenarios described in *2.5.1b Survivor Interview Scenarios*. Each pair should have 5–10 minutes to do the interview, with the rest of the group observing. The interviewer should not read the scenario beforehand. After each mock interview, the interviewer should tell their group whether they think the survivor's situation qualifies as forced labor or human trafficking and why. Then, the group should discuss whether it agrees or disagrees with this conclusion. The group should also discuss which interview questions were effective or ineffective and which questions, if any, the interviewer forgot to ask.
 - 45 minutes
- Wrap up with Q&A and key messages below.
 - 5 minutes

Key Messages:

- When interviewing survivors, try to make them feel comfortable by introducing yourself and explaining the purpose of the interview. Ask how they are feeling and if they would like a glass of water.
- Allow survivors to tell their story by asking open-ended questions, asking follow-up questions if clarification is needed.
- Do not pressure survivors or imply that they are somehow at fault for being a survivor.

RESOURCE 2.5.2A: SURVIVOR INTERVIEW SCRIPT

Interviewer: Hi [female survivor's name], how are you?

Survivor: Fine, a little nervous.

Interviewer: I completely understand that you feel that way and I want to let you know that we are here to help you and not judge you. Is there anything we can do to make you feel more comfortable? Do you want anything to drink or eat?

Survivor: No, thank you.

Interviewer: Alright, then I will start by introducing myself and telling you a bit about what you can expect from this interview. My name is [female name] and I am investigating the working conditions at the mine you work at. I'm joined by Mary, who is a social worker, and I will be taking down a few notes during this interview so I can remember the things we talk about. I'm going to be asking you a bit about how you ended up working at the mine, the health and safety there, the wages and hours, and the conditions. Does that sound okay?

Survivor: Yes

Interviewer: Okay, let's start with a few questions about you. Where are you from originally?

Survivor: This country. About 200 kilometers from the mine I work at now.

Interviewer: Tell me about how you started working at the mine.

Survivor: About two years ago I saw an advertisement. They needed cooks and domestic workers to provide food for the workers at the mine and keep the facilities in order.

Interviewer: Did you have to take out a loan or sign a contract to get the job?

Survivor: No, there was no contract. It is a small mine, and the agreement was fairly informal. I did need to pay for my travel, but the mine gave me a loan. They said I needed to work 1 month to pay the loan back.

Interviewer: And when you arrived at the mine was the work what you expected.

Survivor: At first yes, I did a lot of panning, mineral cleaning, and domestic work. But then, no it wasn't.

Interviewer: What changed?

Survivor: A few days before I was to finish the first month of work and pay off my loan, my bosses—who were men—started making me do sexual favors for them. I did not want to, but I felt like I had to.

Interviewer: Can you tell me more about what they did to make you feel that way?

Survivor: Well, I still had to pay back my loan and I felt like if I said no, they wouldn't forgive my debt. They would claim I stopped working and then I would owe them the whole loan and interest and I would have no way to pay it. The mine is also so far away from any towns, that I don't know how I would have gotten back if I had left, especially since I had no money.

Interviewer: I understand. In addition to all this, were you ever threatened by your bosses?

Survivor: Yes, we were all threatened all the time. They said they would kill us if we did not cooperate. I never knew of anyone getting killed, but many of us were beaten. Many women walked around with bruises all the time.

Interviewer: Did this ever happen to you?

Survivor: Yes, I was sick once from the fumes in the mine and I had to come out halfway through the day. My boss wanted me to do “special work” for him, but I was so lightheaded that I fainted. I woke up to him beating me and sexually abusing me.

Interviewer: Was there any medical treatment available for the fumes or abuse?

Survivor: Not really, but one of the other mine workers had trained as a nurse when she was younger and was able to help. I’m really glad that she was there. I was able to recover from the fumes.

Interviewer: I am glad you were able to get some care and recover [survivor’s name]. Let us take a five-minute break so that we can go to the bathroom and get some food and water. Then, I’d like to talk to you a little bit more about what it is like working at the mine, is that alright?

Survivor: Yes

[End demonstration]

Explain to the group: Typically, the interviewer would continue to ask a few more questions about the conditions of the abuse the survivor suffered and the environment of the workplace. The interview would have finished with the interviewer (1) summarizing the key points the survivor made; (2) asking the survivor to correct any mistakes in the summary; (3) asking the survivor if she had any questions; and (4) explaining in detail the next steps:

RESOURCE 2.5.2B: SURVIVOR INTERVIEW SCENARIOS

If the interviewer asks a question and the information they seek is not provided in your biography, be creative, and invent some new facts.

Biography 1:

Your name is Fatimah. You are 24 years old and live in Dhaka, Bangladesh. You work at a large factory with 1000 other employees producing ready-made garments. You have been working at the factory since you were 15. You did not have to move for this job; you live in the city with your parents and siblings. You work 10 hours per day, 6 days a week. You are paid 5,300 taka per month, despite that in 2018, the minimum wage was increased from 5,300 to 8,000. If you get sick or injured, you do not get paid time off. You get a 30-minute break every day and can take bathroom breaks, but if you take more than two a day, you get scolded. You are worried because you just became pregnant, and the pregnant women who work with you do not get any additional breaks. If they take more breaks than allowed, they are usually fired, and it is so competitive to get a job at the factory that they are never rehired.

Biography 2:

Your name is Daw, and you work on a seasonal fishing boat in the Gulf of Thailand. You are originally from a small town in Burma but could not find work there, so you paid a broker to find you a job in construction in Thailand. You arrived at the broker's office after several days of travel, and the broker took your identification documents for safekeeping. He then told you the only job he could find was as a fisherman. You were hesitant but felt you could not go back home after coming all this way. You reluctantly agreed and have now been working on the boat for 6 months. You work 18 hours per day, 7 days a week. You should have gotten paid every 2 months but have not yet been paid. You owe the broker, and interest has been building up. Unless you get paid soon, you do not know how you will be able to pay him back. In addition to catching fish, you are also often asked to repair nets stuck in the water. This can be dangerous without proper equipment. You once got caught in the net while underwater, resulting in a huge cut on your leg. It was quickly wrapped with gauze, and you were put back to work, but without a doctor on the boat to provide proper cleaning and stitches, the wound soon became infected. You were not allowed to stop working and have been in pain for several weeks. You want to leave the boat to see a doctor but are worried that if you leave, you will not get paid for the work you have already done and will be trapped in even greater debt.

Biography 3:

Your name is Aman, and you have recently migrated from your home in Ethiopia to Saudi Arabia. You were promised by a broker that you would be given a well-paying construction job. You have a wife and two children back at home and had planned to send money back to them to pay for their living expenses and the children's education. You arrive at the construction site and are given no job training. You mostly work breaking up large boulders, which are then used in the building process. You work 12 hours per day, 5 days a week, and often suffer from heat sickness because of the lack of access to potable water. You sleep on-site on a mat on the floor along with fifty other workers. Conditions are uncomfortable and often unsanitary. You have been getting paid, but the construction company subtracts money to pay your recruiter and to pay for your food, accommodations, and the tools that you use. These incidental costs were not mentioned in your employment contract. You send back all the money you can to your wife and children, but it is barely enough to cover their living expenses and not enough to send your children to school. You still have your travel documents and theoretically could leave, but your contract says that you must stay for 4 more months. If you leave now, you will still owe the recruiter fees for the next 4 months, and you will have no money to get back home. You feel intimidated by your boss, who yells at employees for taking breaks and sometimes physically abuses them for speaking out. You do not know if you should leave or if you even can.

Biography 4:

Your name is Marcela. You are 14 years old. You used to attend school and received good marks on your exams, but now it seems like you never go to school because you have to help your parents with farm work. You started doing farm work a few years ago; you are not sure exactly when, but it started out during school breaks and a few mornings before school. Now you work almost every day to help your parents meet their quota. If they fail to meet the quota, they will not get paid. The work is hard, it can get very hot out, and you have to work for a long time. Sometimes you have to use tools; you got cut a few times, but at least you do not have to spray any of the chemicals. It seems like the boss knows that you are working at the farm because there are other kids working too, but not little kids. You would prefer to be in school, but now that your older brother moved away with his wife, you need to help out.



Photo Credit: MM, 2008, Herding Sheep in Bolivia

Exercise 2.5.3: Setting Up an Interview

Objective:

- Practice considering the needs of different survivors during interviews.
- Think about the survivor's needs before an interview to make the interviews productive and prevent re-traumatization.
- Revisit the Enforcement Training Program (ETP) case studies as the survivors move through the case process.

Time:



1 hour and 10 minutes

Materials and Preparation:

- Flip charts
- Markers
- Make copies of ETP case studies 1–4

Steps:

- Explain the objectives of the exercise to the participants.
 - 5 minutes
- Split participants into four groups. Give each group copies of a different ETP case study. Instruct each group to review their case study and identify facts that could impact the best way to set up a survivor-sensitive interview. Groups should consider different types of vulnerability such as gender and age, and each survivor's child labor, forced labor, and/or human trafficking experience. Next, each group should identify how to address each of the identified facts or survivor needs during the interview. Each group should then write a plan for setting up an interview with the survivor in their case file, writing the key points on their flip chart.
 - 30 minutes
- Instruct the groups to reconvene and have each group present their interview plans, explaining why each key point was included. Allow time for questions and comments.
 - 30 minutes
- Key messages and Q&A.
 - 5 minutes

Key Messages:

- Thinking about survivor needs before an interview and creating an interview plan can help prevent re-traumatization and ensure that the interview achieves its objectives, reducing the likelihood that another interview must take place.
- Planning can help ensure that a survivor feels more comfortable and respected.
- By planning, issues can be addressed that would be hard to address once an interview is underway, such as ensuring that an interpreter is available or that a woman can help conduct the interview.

Exercise 2.5.4: Interviewing Children

Objective:

- To observe best practices for interviewing children and then practice using those skills by conducting mock interviews based on scenarios.

Time:

 1 hour and 10 minutes

Materials and Preparation:

- Make copies of *Tool 2.5.4a: Guide for Interviewing Children—Identifying Child Labor* and *Tool 2.5.4b: Assessing Whether it is a Case of Child Labor*
- Make 2 copies of *Resource 2.5.4a Child Interview Script*
- Make copies of *Resource 2.5.4b Child Interview Scenarios*
- Identify a co-facilitator or participant who can play the role of the child in the child interview demonstration. Provide him or her with a copy of the script and try to practice once with that person if time permits.

Steps:

- Explain the objectives of the exercise to the participants.
 - 5 minutes
- Perform survivor interview demonstration using *Resource 2.5.4a Child Interview Script*
 - 10 minutes
- Divide participants into groups. Each group should have four to six participants. Within each group, participants should be divided into pairs. In each pair, have one person designated as the interviewer and the other as interviewee. Give copies of the interview scenarios to each interviewee, making sure that within each group, only one copy of each scenario is distributed.
 - 5 minutes
- Ask the participants to conduct mock interviews of each other using the scenarios described in *2.5.4b Child Interview Scenarios*. Each pair should have 5–10 minutes to do the interview, with the rest of the group observing. The interviewer should not read the scenario beforehand. After each mock interview, the interviewer should tell their group whether or not they think the child's situation qualifies as forced labor or human trafficking and why. Then, the group should discuss whether it agrees or disagrees with this conclusion. The group should also discuss which interview questions were effective or ineffective and which questions, if any, the interviewer forgot to ask.
 - 45 minutes
- Wrap up with Q&A and key messages below.
 - 5 minutes

Key Messages:

- Help children feel comfortable by introducing yourself and making sure the children have water or snacks if needed. Engaging in small talk can help as well.
- Remember to take breaks when interviewing children.

RESOURCE 2.5.4A: CHILD INTERVIEW SCRIPT

Interviewer: Hi [child's name]— is it okay if I call you [child's name]?

Child: Yes.

Interviewer: Great. [Child's name], my name is [interviewer's name] and I work as an interviewer for the International Rights Organization. I am going to be asking you a few questions today. With me I have [common female name] from the Department of Special Investigations. She will just be listening and taking some notes while we talk. Before we get started, would you like anything to drink or eat? We have water and juice and some snacks right over here.

Child: Can I have a water please?

Interviewer: Of course, let me get that for you. And how is the temperature in here? Are you comfortable? [hands child water]

Child: [takes water] Thank you. Yes, the temperature is fine.

Interviewer: Okay, good. So, I will get started by telling you a little bit more about what I do and why we're here today. My job is to talk to children like you about their lives—about work, school, family, friends. My goal here is to learn from you and ultimately, to keep you safe. I've been doing this type of work for about three years now and have already talked to a lot of other children in the city of [current location] who are in a similar situation. Do you have any questions for me?

Child: Yes, why did you choose me? Am I in trouble?

Interviewer: You are certainly not in trouble and you won't get in trouble for anything you tell me today. I am here to help you and you do not have to worry. We asked to speak with you and a few other children from the factory because we want to know what it is like to work there.

Child: Okay.

Interviewer: Okay, let's start with a few questions about you. Where are you from originally?

Child: I am from a village nearby. It is about half of a day of travel away.

Interviewer: Do you have any family still living there?

Child: Yes, my mother and two sisters.

Interviewer: When did you come to the city?

Child: I came here about four years ago.

Interviewer: How old were you then?

Child: Eleven.

Interviewer: So, are you fifteen now?

Child: Yes.

Interviewer: And did your family know you were coming to the city? Did they help you arrange your travel?

Child: Yes, my uncle knows the factory's recruiter and when my father died, he helped me get a job here in the city. My mother helped arrange my travel.

Interviewer: Do you still see your mother or your sisters?

Child: No. But I send them money.

Interviewer: How much money do you make every week and how much money do you send them?

Child: I make about [1/4 of minimum wage] per hour and I send them half of what I make.

Interviewer: Did you know you would be making that much when you signed up?

Child: No, I thought I would be making [minimum wage], but I have to pay the recruiter and I have to pay for the building where I live.

Interviewer: Where do you live? What is it like there?

Child: I live in the building right next to the factory. The factory owner also owns the building. That is where a lot of the kids stay.

Interviewer: Can you tell me a little bit more about what it is like there?

Child: There are about a hundred of us who live there, and there are nine people in my room. I am the oldest in my room. Most of the children there are twelve or thirteen, but some are younger. We sleep on the floor on mats. It is not very nice and gets cold in the winter.

Interviewer: And can you tell me a bit more about its like working at the factory? What do you do and what do some of the other kids do?

Child: I sew clothes and most of the others do too. Some of them mostly sew buttons or zippers, some of them help dye the clothes, and some of them do transport, so they bring in the new materials and deliver the finished clothes when we are done. I mostly make pants.

Interviewer: How many hours a day do you work there?

Child: Usually ten or eleven.

Interviewer: Tell me a little bit about what you do in your free time. Do you go to school? Play with friends?

Child: I work doing chores for the recruiter to help pay back the recruiting fee. I don't go to school and I haven't gone since I moved here. I am usually too tired to spend time with friends.

Interviewer: Alright, thank you [child's name]. Let us take a five-minute break so that we can go to the bathroom and get some food and water. Then, I'd like to talk to you a little bit more about what it is like working at the factory, is that alright?

Child: Yes

[End demonstration]

Explain to the group: Typically, the interviewer would continue to ask a few more questions about the conditions of the workplace to find out whether it was hazardous. The interviewer would also ask questions related to the child's freedom of movement to find out whether there was some level of forced labor. The interview would have finished with the interviewer (1) summarizing the key points the child made; (2) asking the child to correct any mistakes in the summary; (3) asking the child if he had any questions; and (4) explaining in detail the next steps.

RESOURCE 2.5.4B: CHILD INTERVIEW SCENARIOS

Biography 1:

Your name is Abishek, and you are 9 years old. You have worked at a brick kiln with your parents for the last 6 months. Your parents are working to repay a loan and need your help, so you work 10 hours per day alongside them. You work 5 days per week. On the weekends, you play soccer and cards with friends. You also go to a weekend school for 5 hours on the weekends with other children who work during the week. However, your parents say you will need to stop school when you turn 10 because the interest on the loan is getting higher, and they will need you to start working more. At work, you cannot take breaks other than to go to the bathroom once a day. You have not been physically abused, but you have seen older children beaten. Since starting work at the brick kiln, you have often felt dizzy and light-headed. You are often very tired. One time, when you were not paying attention, a brick fell on your hand and crushed your finger. It has healed, but it was painful for about 3 months.

Biography 2:

Your name is Juana, and you work in the home of a family friend. You are a migrant and moved to this city without a work visa or other documentation. You are 14 years old and work 8 hours per day, 6 days per week. You take care of the family's three children, the oldest of whom is ten. You don't have time to go to school, but you do get to sit in on the ten-year-old's classes for a few hours each day. Your duties mostly include cleaning and cooking. Your employer sometimes threatens you with physical and sexual violence and has sexually abused you on more than one occasion. You do not want to discuss the details. You want to leave but feel very isolated and are scared. You make slightly less than minimum wage, but you know you can't get a legitimate job anywhere else in the city because you do not have documentation.

Biography 3:

Your name is Jiyoan, and you work at your family's small farm growing beans. You are 13 years old and work about 7 hours per week, an average of 1 hour per day. You go to school during the day and help out in the field in the morning before you leave for school. You enjoy working with your family and do not feel it distracts from your schoolwork. On the weekends, you have plenty of time to play with friends, and you like to go to the market to help your family sell the food you have grown. You sometimes feel a bit tired from getting up early before school, but you think it is important to learn how to farm because it is a family tradition, and you want to help provide for your family.

Lesson 2.6: Interviewing Suspects

Objective:

Understand how to interview suspects in a way that respects and protects their rights and helps gain information that can help build a child labor, forced labor, or human trafficking case.

When interviewing a suspect, the police must inform the suspect of his or her rights, including the right to remain silent. Officers may be required to have a suspect sign a form indicating that he or she has been advised of his or her rights. In most jurisdictions, a suspect should be allowed to speak with his or her attorney if requested.

Interviews with suspects should be recorded in some fashion. Video or audio recording provides the clearest record but may discourage the interviewee from being candid. Written notes are less obtrusive. The date, time, location, and persons present must be recorded.

If a suspect confesses during an interview, the following information should be recorded precisely and in writing:

- What questions investigators asked and the responses of the accused
- Details of any oral statement made by the suspect
- A written statement (if made/required) and the time it was made
- Whether the suspect had been cautioned/informed of his/her rights and if so, the time of the cautioning and what his or her response was
- The start and end time of the interview and the time of any breaks during the interview

Time:



1 hour and 50 minutes

Steps:

- Exercise 2.6.1: Interviewing Suspects Discussion
 - 15 minutes
- PowerPoint Presentation 2.6: Interviewing Suspects
 - 20 minutes
- Exercise 2.6.2: Interviewing Suspects
 - 1 hour and 15 minutes

Supplies:

- Flip chart
- Markers
- PowerPoint Presentation 2.6: *Interviewing Suspects*
- Projector
- 2 copies of *Resource 2.6.2a Suspect Interview Script*
- Copies of *Resource 2.6.2b: Suspect Interview Scenarios*

Written statements: If a suspect wishes to write a written statement, he or she should be provided with writing materials and asked to write at the beginning of the statement information that he or she was advised about his or her rights. After completing the statement, the suspect should be asked to review the written statement and make any corrections or additions that are needed. The suspect should sign the statement and initial each page. If a suspect cannot read or refuses to read, the interviewing officer should read the statement aloud to the suspect and ask if he or she has any corrections. Once any corrections have been made, the suspect should sign the statement. If the suspect will not sign the statement, others present can sign, indicating that the statement is accurate.

When interviewing suspects, it is a best practice to use the PEACE method, which includes the following steps: **P**lanning and preparation, **E**ngage and explain, **A**ccount, **C**losure, and **E**valuation. The PEACE method is explained further in Lesson 2.5.

When interviewing suspects, it is important to take breaks. There are several things to keep in mind when taking breaks during a suspect interview:

- Do not leave the suspect alone in the interview room
- During short breaks, it is not necessary to turn off any recording device, and everyone participating in the interview should remain in the room.
- For longer breaks, the suspect may be permitted to leave the interview room
- During longer breaks, the recording may be stopped if the interviewer announces that a break will be taken, along with the reason for the break and the time.
- After the break ends, the interviewer should begin by stating that the interview is continuing, the reason why the break was taken, and the time.
- It must be made clear that the suspect is still under caution and has been advised of his or her rights.

Interrogating a suspect: A law enforcement officer may need to interrogate a suspect, which is the next step in the process after an initial interview, during which a screening occurs. An interrogation should only occur after a suspect has been interviewed. During an interrogation, visual aids can be helpful, such as in detailing what occurred at different parts of a job site, the movement of victims, and any financial transactions. If other crimes are involved, make sure that other agencies are present such as labor, tax, and immigration. The suspect's contact and location information should be obtained.

Once the interrogation has been concluded, draft a brief interrogation report. If the suspect revealed additional crimes during the interrogation, they should be added to the charge sheet. Relevant information should be included in an interrogation report. **There may be local rules dictating what to include, but several things to consider including in the report are listed below:**

- Details about the child labor, forced labor, or human trafficking offense
- Relevant provisions of the law
- For human trafficking offenses, place of origin, transit, and destination
- Details about the child labor, forced labor, and human trafficking process
- Description of the crime scene and physical evidence
- Authority of the officer or investigator who conducted the investigation or rescue
- The full names of the social workers, CSO or NGO officers, and witnesses present at the rescue
- Observations of the physical injury or trauma of victims/survivors

Exercise 2.6.1: Interviewing Suspects Discussion

Objective:

- To have participants start thinking about interviewing suspects and how those interviews might be similar and different from interviewing a survivor.

Time:

 15 minutes

Materials and Preparation:

- Flip chart
- Markers

Steps:

- Explain to the participants the objectives of the exercise.
 - 2 minutes
- Ask participants the following questions, writing down the answers on the flip chart
 - What special considerations are there when interviewing suspects?
 - How are suspect interviews different from survivor interviews?
 - 10 minutes
- Key messages
 - 3 minutes

Key Messages:

- Jurisdictions have different rules, but generally suspects have to be advised of their rights, sometimes referred to as being “cautioned.”
- The rights of suspects must always be respected.
- Information is sought during both suspect and witness interviews, but accusatory questions should only be asked of suspects, not survivors. Suspects should not be asked solely accusatory questions.

Exercise 2.6.2: Interviewing Suspects

Objective:

- To observe best practices for interviewing suspects. To practice interviewing suspects in a way that respects their rights and can help gain information useful to a child labor, forced labor, or human trafficking case.

Time:

 1 hour and 15 minutes

Materials and Preparation:

- Make 2 copies of *Resource 2.6.2a Suspect Interview Script*
- Identify a co-facilitator or participant who can play the role of the suspect in the suspect interview demonstration. Provide him or her with a copy of the script and try to practice once with that person if time permits.
- Make copies of *Resource 2.6.2b: Suspect Interview Scenarios*

Steps:

- Explain to the participants the objectives of the exercise.
 - 5 minutes
- Perform a suspect interview demonstration using *Resource 2.6.2a Suspect Interview Script*
 - 10 minutes
- Divide participants into groups. Each group should have four to six participants. Within each group, participants should be divided into pairs. In each pair, have one person designated as the interviewer and the other as the interviewee. Give copies of the interview scenarios to each interviewee, making sure that within each group, only one copy of each scenario is distributed.
 - 5 minutes
- Ask the participants to conduct mock interviews of each other using the scenarios described in *2.6.2b Suspect Interview Scenarios*. Each pair should have 5–10 minutes to do the interview, with the rest of the group observing. The interviewer should not read the scenario beforehand. After each mock interview, the interviewer should tell their group whether they think the suspect appears to have committed a child labor, forced labor, or human trafficking offense and why. Then, the group should discuss whether it agrees or disagrees with this conclusion. The group should also discuss which interview questions were effective or ineffective and which questions, if any, the interviewer forgot to ask.
 - 45 minutes
- Wrap up with Q&A and key messages below.
 - 10 minutes

Key Messages:

- When interviewing a suspect, make sure to caution/inform him or her of his or her rights.
- Always respect the rights of a suspect.
- Making a record of the interview will strengthen a case.

RESOURCE 2.6.2A: SUSPECT INTERVIEW SCRIPT

Interviewer: Hi [suspect's name], how are you?

Suspect: Fine, thanks.

Interviewer: Before we get started, I would like to advise you that this session is being recorded on [device, e.g., tape recorder] to ensure we have an accurate record of our conversation. I also need to advise you that you have the right to remain silent and [list other rights]. If you like, you have the right to speak with your attorney. Please sign this form to indicate you have been advised of your rights.

Suspect: [Signs form]

Interviewer: Thank you. My name is [interviewer's name] and I work as an interviewer for the International Rights Organization. With me I have [common female name] from the Department of Special Investigations, who will be listening to our conversation today. Today is [date of the interview] and we are at [location of the interview]. We are here today to ask you some questions about you, your work at the garment factory you manage in Quilmes, and about your employees and the working conditions at the factory.

Suspect: Alright.

Interviewer: Let's start with a few questions about you. Where are you from originally?

Suspect: I was born here in this city and still live here.

Interviewer: And how long have you been the manager of the Quilmes garment factory?

Suspect: Three years. Before that I managed a different factory in the city.

Interviewer: Can you describe for me specifically what you do in your role as manager there?

Suspect: I oversee the workers who piece together the finished products for clothing items that are exported to be sold in a neighboring country. I work on the factory floor 5 days a week from 8 am to 6 pm ensuring that the workers are doing their jobs and achieving their targets.

Interviewer: How many of them do you manage?

Suspect: There are thirty-eight women who work on the factory floor and I manage all of them. The women work on the weekends sometimes too, but a different manager oversees them then. I don't know anything about him.

Interviewer: Okay, let's talk a bit about the workers. Where are they from? Are they mostly women, or mostly men, or a mix of both?

Suspect: They are all women. Some of them are local, some of them are from Paraguay and Bolivia. I'm not really sure.

Interviewer: Ok, and how do you find and recruit workers? Do you post ads online and in the papers?

Suspect: No, I have a friend [friend's name] who I trust to find good workers who does the recruitment for me. He finds people who want jobs and sends them to me.

Interviewer: And who do the workers sign a contract with, you or [friend's name]?

Suspect: With me.

Interviewer: So do you pay [friend's name] a fee for all the employees he refers to you?

Suspect: No, the workers pay him directly. There is a line in their contracts that they must give their salary over to him until they have repaid what they owe.

Interviewer: And how do you calculate what they owe him?

Suspect: I don't get involved with that; it's between the workers and [friend's name].

Interviewer: Can you tell me about the workers' identity documents, and passports for the workers who are from Paraguay and Bolivia? Do the workers keep those themselves?

Suspect: No, I hold them for them until they repay their debts. It's for their own protection; if something happened to their papers, they wouldn't be able to work anymore.

Interviewer: Ok, and where do the workers live?

Suspect: [Friend's name] owns a few places where they stay. I don't know the details; he arranges that with them directly. The houses they live in are near the factory though.

Interviewer: Can you tell me about your relationship with the workers? Do you know them well? Do you get along well with them?

Suspect: I don't know them well. Most of them have worked here for a few years by now, we have very low turnover. I don't speak with them outside of work though. Our relationship is only professional. [Friend's name] knows them better because he recruits them and provides them a place to stay and takes care of them while they are working here.

Interviewer: Ok, thank you for all this information. Let's take a five-minute break. You can use the bathroom if you need to. When we come back, I'd like to talk more about [friend's name].

[End demonstration]

RESOURCE 2.6.2B: SUSPECT INTERVIEW SCENARIOS

Scenario 1: You were running a construction site that employs men and boys. During a labor inspection, the inspector noticed that there were boys working during school hours. Some of the boys were using welding equipment; others were on scaffolding. You make sure that everyone is trained for their work. Occasionally people get injured at the job site, but not too seriously. You think the boys are 16 years old but are not sure. Everyone who works at the construction site lives nearby. You are happy to be giving jobs to people in the community.

Scenario 2: You were found at a carpet weaving factory and appeared to be in charge. There were around 20 women and girls at the site. Conditions were cramped, and workers were hunched over at their workstations. The women and girls worked long hours, 10–12 hours per day, with a short break for lunch. The workers' food (three meals per day) and accommodation are deducted from their wages. You are not sure how old the girls are, but they were already out of school.

Scenario 3: You run a recruiting agency that places women in jobs in other countries. The women are promised jobs as maids in fancy hotels in a few countries in Asia. You charge the women a fee of two months' salary to secure the position. You do not follow up with the women after they arrive at their destinations. Once the women arrive at their destinations, they have to sign a new contract with their employers, so that the employers have a copy. You think they should be doing the same work and getting the same pay as in the contract you prepared, but you are not sure. The employers ensure you have a lot of business, so you do not ask too many questions. You heard once that a woman was unhappy. She said she was forced to work as a prostitute.

Lesson 2.7: Charging

Objectives:

- Understand the elements that make up child labor, forced labor and human trafficking offenses.
- Learn about charging child labor, forced labor, and human trafficking offenses and other related crimes.
- Learn about who may be exempt from prosecution.
- Using case studies, practice determining charges for offenders.

Time:

 3 hours and 30 minutes

Steps:

- Exercise 2.7.1: Charging Discussion
 - 15 minutes
- PowerPoint Presentation 2.7: Charging
 - 1 hour and 5 minutes
- Exercise 2.7.2: Charging in the Best Interests of Children
 - 1 hour
- Exercise 2.7.3: Charging Offenses in the Enforcement Training Program (ETP) Case Studies
 - 1 hour and 10 minutes

Supplies:

- Flip chart
- Markers
- PowerPoint Presentation 2.7: *Charging*
- Projector
- Copies of ETP Case Studies 1–4

Charging child labor, forced labor, and human trafficking offenses is an important part of bringing a case. To bring a successful case, the elements of the crime being charged must be proved. Understanding the elements of child labor, forced labor, and human trafficking offenses plays an important role in conducting a comprehensive investigation, which can help bring a successful prosecution. When labor inspectors and law enforcement officers understand what must be proven to bring a case, it can help inform how an investigation is conducted and the type of evidence that is identified and collected. Prosecutors can make sure that appropriate charges are filed based on the facts and evidence. The information detailed below covers international standards; local legislation should determine the elements of child labor, forced labor, and human offenses.

Charge sheets must be properly completed and filed; failure to do so may lead to a case being dismissed in many jurisdictions. Understanding local rules for charging and for specific offenses is necessary, so always make sure to consult local legislation. The responsibility for charging offenses can differ depending on the type of proceeding and on local rules, which may designate law enforcement officers or prosecutors as the responsible party. If the case is administrative, such as a child labor case, it could be charged by a labor inspector and heard in an administrative procedure in a labor office. If a case is to be heard in a criminal court, local legislation will dictate whether charges should be filed by a police officer or prosecutor.

Elements of Child Labor Offenses

The ILO has identified several child labor offenses in its Convention on Minimum Age, which are described below.

Minimum age for employment: ILO Convention 138 on Minimum Age requires that countries set a minimum age that “shall not be less than the age of completion of compulsory schooling and, in any case shall not be less than 15 years.”⁴⁰ Countries with developing economies may “initially specify an age of 14 years.”⁴¹ A violation would occur if:

- a child who is under the minimum age for employment in a specific country
- is employed full time.

The child’s birth certificate, government issued ID, testimonies of his/her parents, family members, school teachers, friends, neighbors, or other community members, and/or medical exam could help establish the child’s age. Documents at the workplace, such as pay stubs, worksheets, rosters of employees, financial records, testimonies from coworkers or parents, etc. can help establish that the employment is full time.

Hazardous work: ILO Convention 138 on Minimum Age requires that the minimum age for engaging in “any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons shall not be less than 18 years.”⁴² This work is commonly known as “hazardous work.” The ILO requires countries to create hazardous work lists, which identify tasks that are likely to jeopardize the health, safety, or morals of children. To prove that hazardous work occurred, it would need to be shown that:

- a child under the age of 18
- performed a task on the hazardous work list or was otherwise engaged in task that jeopardized the child’s health, safety, or morals.

It should be noted that that the ILO permits exceptions to allow 16 and 17 year olds to perform work included on the hazardous work list if hazards of tasks are identified as being able to be mitigated in legislation or by a competent authority and:

- the health, safety, and morals of the 16 and 17 year olds are fully protected and
- they have received sufficient instructions and/or vocational training.⁴³

40 *Convention Concerning Minimum Age for Admission to Employment, 1973 (No.138)*. (Entered into force June 19, 1976) International Labour Organization (ILO) Article 2(3). [hereinafter Minimum Age Convention] http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138

41 Minimum Age Convention, Article 2(4).

42 Minimum Age Convention, Article 3(1).

43 Minimum Age Convention, Article 3(3).



Light work: ILO Convention 138 on Minimum Age allows countries to “permit the employment or work of persons 13 to 15 years of age on light work.”⁴⁴ Countries with developing economies may “initially specify an age of 12 years.”⁴⁵ Light work is defined as work that is not likely to harm a child’s health, development, or school attendance.⁴⁶ The ILO recommends countries create light work lists to identify light work tasks that children can perform. A violation would occur if:

- a child who is under the minimum age for light work in a specific country
- is employed in work that harms a child’s health, development, or school attendance.

There are many types of evidence that can be used to show a light work violation has occurred, such as the child’s birth certificate, government issued ID, testimonies of his/her parents, family members, school teachers, friends, neighbors, or other community members, and/or medical exam to establish the child’s age. Evidence such as the child’s school attendance sheets, payments or employment records at the workplace, testimonies of the child, parents, friends, teachers, neighbors, coworkers, employers, and social workers could all help establish that the work has harmed the child’s health, development, or school attendance in violation of the labor law.

Elements of Forced Labor

ILO Convention 029 on Forced Labor identifies the following elements to be met for a forced labor violation:

- Work or service exacted from any person under the **menace of any penalty**
- The said person has **not offered himself voluntarily**⁴⁷

To bring a forced labor case, it is necessary to show that a person was forced to work under the threat of a penalty, either to themselves or their family, and that the person did not choose the work voluntarily. If a worker initially agreed to perform a job, but the job as performed is not the job that was agreed to, then the person has not offered him or herself voluntarily for the job.

44 Minimum Age Convention, Article 7(1).

45 Minimum Age Convention, Article 7(4).

46 Minimum Age Convention, Article 7(1)(a)-(b). http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138

47 *Convention Concerning Forced or Compulsory Labour, 1930 (No.29)*. (Entered into force 1 May 1932), Article 2(1). International Labour Organization (ILO). [hereinafter *Forced Labor Convention*] https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312174:NO

Elements of Human Trafficking

Under the Palermo Protocol, human trafficking has three elements: (1) Act, (2) Means, and (3) Purpose. The Act addresses “what” the trafficker did, the Means addresses “how” they were able to do it, and the Purpose is “why” the trafficker did it. The Palermo Protocol requires that the purpose be for exploitation. The Palermo Protocol defines Act, Means, and Purpose as follows:

Figure 4: Three Elements Required to Prove a Human Trafficking Case

Act	Means	Purpose
<ul style="list-style-type: none">• Recruitment,• Transportation,• Transfer,• Harboring or• Receipt of persons	<ul style="list-style-type: none">• Threat or use of force or other forms of coercion,• Abduction,• Fraud,• Deception,• Abuse of power or of a position of vulnerability; or giving or receiving of payments or benefits to achieve the consent of a person having control over another person	<ul style="list-style-type: none">• Exploitation of the prostitution of others or other forms of sexual exploitation,• Forced labor or services,• Slavery or practices similar to slavery,• Servitude, or• Removal of organs

All three elements must be proved to bring a successful human trafficking case. However, it should be noted that consent is not a defense to a trafficking charge if any of the “means” included in Article 3 (a) of the Palermo Protocol have been used.⁴⁸ This is because the person is not working voluntarily. Additionally, the “means” element does not have to be proved if the victim is a child, as children cannot consent to trafficking.⁴⁹

Charging Child Labor, Forced Labor, and Human Trafficking Offenses

When determining which charges to file, a law enforcement officer or prosecutor will need to examine the evidence and decide if the case is an instance of child labor, forced labor, or human trafficking. In some instances, the case may meet the standards for more than one offense; for example, a case could be charged as child labor and human trafficking. The police officer or prosecutor will need to consider the likelihood of success at trial when determining which charges to bring.

CHARGING EXEMPTIONS

In many jurisdictions, certain people may be exempt from charges in child labor, forced labor, and human trafficking cases. Often, human trafficking victims and survivors are immune from prosecution for crimes related to their being trafficked. This means that a trafficking victim/survivor cannot be charged for crimes a trafficker forced him or her to commit, such as smuggling drugs.

48 *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, 2000.* (Entered into force 25 December 2003), Article 3(b). [hereinafter *Palermo Protocol on Trafficking in Persons*] <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

49 *Palermo Protocol on Trafficking in Persons, Article 3(c).*

Other Related Crimes and Multiple Charges

Although the differences between child labor, forced labor, human trafficking, and other related crimes have been discussed in Module 1 (Identification), it is helpful to know that these crimes are not mutually exclusive. They all can be charged together. Understanding the differences between these crimes can help you understand the elements of each crime and thus develop a more effective investigation, charge, or trial strategy to hold the offenders accountable. However, this should not prevent you from bringing multiple charges or developing alternative arguments before the court if the facts of a case are not clear-cut or the egregiousness of the offenses calls for a better likelihood of conviction. Bringing multiple charges for child labor, forced labor, human trafficking, and related crimes can be beneficial because there is an increased likelihood of conviction and greater flexibility for penalties. Bringing multiple charges can be helpful, particularly if it will be difficult to prove a case of human trafficking or forced labor, but there is evidence that can prove the elements of other crimes, such as money laundering and wage and hour violations. There are many crimes that are related to child labor, forced labor, and human trafficking, as shown below:⁵⁰

CHILD LABOR

- Child abuse: This could include offenses that involve injuring children or causing other types of harm, as identified by local legislation
- Child trafficking: In some jurisdictions, charging both child labor and child trafficking offenses may be possible; in others, this may require using two different types of courts.
- Child pornography: This may be a separate offense or included as an aggravating factor for child trafficking.
- Commercial sexual exploitation of children: This may be a separate offense or included as an aggravating factor for child trafficking.
- Wage and hour violations: This could include things such as pay being withheld, paying children less than minimum wage, working more hours than allowed by law, or not paying overtime.

FORCED LABOR AND HUMAN TRAFFICKING

- Document forgery: Documents could include identity cards, passports, visas, etc.
- Money laundering
- Kidnapping
- Immigration violations: This may include things such as a trafficker smuggling victims into the country, using false travel documents, and forcing victims to work without proper work documents
- Sexual assault
- Rape
- Aggravated Assault
- Theft
- Wage and hour violations
- Organized crime
- Tax evasion
- Commercial sexual exploitation of children: This may be a separate offense or included as an aggravating factor for child trafficking

50 *Toolkit to Combat Trafficking in Persons*, United Nations Office on Drugs and Crime (UNODC), 2008, pp. 178, 181. <https://www.unodc.org/unodc/en/human-trafficking/2008/electronic-toolkit/electronic-toolkit-to-combat-trafficking-in-persons---index.html>

Exercise 2.7.1: Charging Discussion

Objective:

- To have participants start thinking about different offenses that can be charged in child labor, forced labor, and human trafficking.

Time:

 15 minutes

Materials and Preparation:

- Flip chart
- Markers

Steps:

- Explain the objectives of the exercise to the participants.
 - 2 minutes
- Ask participants the following questions, and write down answers on the flip chart
- How do child labor, forced labor, and human trafficking cases tend to be charged?
- Which offices/departments are responsible for charging?
- Are other offenses charged with child labor, forced labor, and human trafficking? If yes, what types of offenses?
 - 10 minutes
- Key messages
 - 3 minutes

Key Messages:

- Child labor, forced labor, and/or human trafficking can often be charged for the same offense, the facts of the case can help determine charging decisions
- Charging multiple offenses can be beneficial, particularly if proving a trafficking offense is challenging, and can result in different penalties

Exercise 2.7.2: Charging in the Best Interests of Children

Objective:

- To have participants think about different offenses that can be charged and whether to charge them in light of the children's specific situations.

Time:

 1 hour

Materials and Preparation:

- Flip chart
- Markers
- Handout 2.7.2A: *Case Study – Child Selling Vegetables*
- Handout 2.7.2B: *Key: Case Study – Child Selling Vegetables*

Steps:

- Explain the objectives of the exercise to the participants.
 - 5 minutes
- Divide participants into suitable groups and give them Handout 2.7.2A to read the case study and discuss answers to the questions there.
 - 15 minutes
- Reconvene the groups and write down each group's answers on the flip chart.
 - Is this a case of child labor, forced labor, or human trafficking?
 - What action is likely to get the best result for Winnie?
 - Would your answer change if Winnie worked for a neighbor instead of her mother?
 - Would it be a case of child labor, forced labor, or human trafficking if Winnie was one of five children who worked for her neighbor?
 - What action is likely to get the best result for Winnie and the other children in this situation?
 - Would it be a case of child labor, forced labor, or human trafficking if two of the other children came from a neighboring country and worked all day instead of attending school?
 - What action is likely to get the best result for Winnie and the other children in this situation?
 - 30 minutes
- Give Handout 2.7.2B answer keys for the participants' reference.
 - 5 minutes
- Key messages
 - 5 minutes

Key Messages:

- Child labor, forced labor, and human trafficking are related crimes that can overlap. It is important to be able to recognize indicators and identify which of these crimes are occurring in a specific case.
- It is also important to always consider the impact of charging, particularly in cases involving child victims because decisions should be made in the best interests of the child. When conducting investigations and prosecutions the needs of all victims should be taken into account, along with the needs of society. This balancing can be challenging, and one good way to practice this skill can be by using case studies to identify the impacts that these decisions will have on all groups involved.



Photo Credit: Arcadiuś, 2011, Paraguay

Exercise 2.7.3: Charging Offenses in the ETP

Case Studies

Objective:

- To have participants practice identifying charges that can be brought in different scenarios
- Continue engaging with the Enforcement Training Program (ETP) case studies to see how the case process is continuing for the survivors

Time:

 1 hour and 10 minutes

Materials and Preparation:

- Flip chart
- Markers
- Make copies of ETP case studies 1–4
- Identify relevant local legislation and make copies of relevant provisions for child labor, forced labor, human trafficking and related crimes

Steps:

- Explain the objectives of the exercise to the participants.
 - 5 minutes
- Have participants split into four groups. Provide each group copies of a different case study. Have each group review their case study and answer the following questions:
- Can the case be charged as child labor, forced labor, and/or human trafficking? What charge does the group think should be brought? What facts in the case study support the charge?
- What additional charges can be brought?
- Are there other charges that may be relevant but lack sufficient evidence at this time? What evidence might help prove these additional offenses?
 - 30 minutes
- Have the group reconvene as a plenary and have each group present their answers. Allow time for comments and discussion.
 - 30 minutes
- Key messages and Q&A
 - 5 minutes

Key Messages:

- Child labor, forced labor, and/or human trafficking can often be charged for the same offense; the facts of the case can help determine charging decisions
- Identifying potential additional offenses can help direct an investigation and build a stronger case

Handout 2.7.2A: Case Study — Child Selling Vegetables

Winnie a 12-year-old girl helps her mother sell vegetables that the family grows on their small plot of land. Winnie's mother needs help selling because it is too difficult for her to manage the cart by herself and having two people selling makes things move faster. Winnie typically would help her mother for a few hours on the weekend, because the vegetable stand is busiest on the market day. Winnie's mother became ill several months ago and has had trouble running the vegetable stand on weekdays. Winnie starts helping out three mornings a week, which means she has to miss school. Winnie misses her teacher and friends but knows that she needs to help her mother if she can. Otherwise, they will not be able to earn enough money to survive.

Question 1: Is this a case of child labor, forced labor, or human trafficking?

- a. Child labor
- b. Forced labor
- c. Human trafficking

Question 2: What action is likely to get the best result for Winnie?

- a. Issue her mother a fine
- b. Send her mother to jail
- c. Have her mother attend a child labor outreach session and meet with a social worker

Question 3: If Winnie worked for a neighbor instead of her mother would your answer about whether it was a case of child labor, forced labor, or human trafficking change?

- a. Child labor
- b. Forced labor
- c. Human trafficking

Question 4: If Winnie worked for a neighbor instead of her mother would your answer about what action is likely to get the best result for Winnie change?

- a. Issue her neighbor a fine
- b. Send her neighbor to jail
- c. Have her neighbor attend a child labor outreach session and meet with a social worker

Question 5: Would it be a case of child labor, forced labor, or human trafficking if Winnie was one of five children who worked for her neighbor?

- a. Child labor
- b. Forced labor
- c. Human trafficking

Question 6: What action is likely to get the best result for Winnie and the other children in this situation?

- a. Issue her neighbor/employer a fine
- b. Send her neighbor/employer to jail
- c. Have her neighbor/employer attend a child labor outreach session and meet with a social worker

Question 7: Would it be a case of child labor, forced labor, or human trafficking if two of the other children came from a neighboring country and worked all day instead of attending school?

- a. Child labor
- b. Forced labor
- c. Human trafficking

Question 8: What action is likely to get the best result for Winnie and the other children in this situation?

- a. Issue her neighbor/employer a fine
- b. Send her neighbor/employer to jail
- c. Have her neighbor/employer attend a child labor outreach session and meet with a social worker

HANDOUT 2.7.2A ANSWER KEY: CASE STUDY — CHILD SELLING VEGETABLES

Question 1: Is this a case of child labor, forced labor, or human trafficking?

- Correct. This is a case of child labor because Winnie is 12 years old, below the minimum age of employment, and is working in a way that is negatively impacting her education. Winnie is also below the minimum age for light work (in some countries the minimum age for light work is 12, so refer to local legislation).
- Incorrect. This does not appear to be a case of forced labor because it does not appear that Winnie is doing work against her will.
- Incorrect. This does not appear to be a case of human trafficking because Winnie's mother is not trying to exploit Winnie's work.

Question 2: What action is likely to get the best result for Winnie?

- Incorrect. Issuing Winnie's mother a fine would worsen the family's financial situation, making it more likely that there will be pressure for Winnie to work. While a financial penalty might illustrate to Winnie's family and neighbors that child labor is a crime and should be prevented, issuing a fine would not be in the best interest of Winnie.
- Incorrect. If Winnie's mother went to jail the mother would be unable to care for and help support her children. Winnie would be in a more vulnerable position as a result and would be more likely to drop out of school and work. It would not be in the best interest of Winnie to send her mother to jail.
- Correct. Working with families and communities to reduce child labor is the result that is most likely to help Winnie. By teaching Winnie's mother about the importance of keeping Winnie in school due to the long-term benefits of education, and in working to identify services that might be available to the family, Winnie will be more likely to attend school and not work during the school day. This is the approach that is in Winnie's best interest.

Question 3: If Winnie worked for a neighbor instead of her mother would your answer about whether it was a case of child labor, forced labor, or human trafficking change?

Answer to Question 1 may be changed. This is still a child labor case. Depending on the circumstances, this can be a forced labor case because Winnie has less incentive to work for her neighbor voluntarily at the cost of missing school. Further investigation is needed to discover why Winnie works for her neighbor. For example, what is the relationship between Winnie's family and her neighbor? Does Winnie's family owe money to the neighbor? Does the neighbor trick Winnie into working for her?

Question 4: If Winnie worked for a neighbor instead of her mother would your answer about what action is likely to get the best result for Winnie change?

Issuing a fine to Winnie's neighbor would not have the same negative impact on Winnie as if the fine were issued to her mother. The officer working on the case would need to determine whether the best outcome for children, and to result in the neighbor changing her behavior by not employing young children, could be achieved by a fine, jail time, and/or education and outreach. Jail time would likely not be required if the neighbor thought she was helping Winnie by giving her work for a few days per week.

Question 5: Would it be a case of child labor, forced labor, or human trafficking if Winnie was one of five children who worked for her neighbor?

It would definitely be a case of child labor. Further investigation would be needed to determine if any of the children were forced to work, or exploited in any other way.

Question 6: What action is likely to get the best result for Winnie and the other children in this situation?

This would need to be determined on a case-by-case basis. The neighbor's intentions would be a factor, if the neighbor knew child labor was illegal it would make educational interventions less likely to be effective. If it turned out to be a case of trafficking, a fine and jail time would be required.

Question 7: Would it be a case of child labor, forced labor, or human trafficking if two of the other children came from a neighboring country and worked all day instead of attending school?

In this case, in addition to child labor, it is likely that there is human trafficking and forced labor. Further investigation would be needed.

Question 8: What action is likely to get the best result for Winnie and the other children in this situation?

The children, particularly those from the neighboring country would need to be removed from the situation. The neighbor's intentions would be a factor, if the neighbor knew child labor was illegal it would make educational interventions less likely to be effective. If it turned out to be a case of trafficking, a fine and jail time would be required.

Lesson 2.8: Investigation Reports

Objective:

- Learn about the types of information that should be included in a child labor, forced labor, or human trafficking investigation report made by a labor inspector or police officer.

Time:

 25 minutes

Steps:

- Exercise 2.8.1: Investigation Reports Discussion
 - 10 minutes
- PowerPoint Presentation 2.8: Investigation Reports
 - 15 minutes

Supplies:

- Flip chart
- Markers
- PowerPoint Presentation 2.8: *Investigation Reports*
- Projector



Photo Credit: Alice Green, 2013, Thailand

The Role of Investigation Reports

Labor inspector reports and police reports play an important role in prosecuting child labor, forced labor, and human trafficking offenses. In most jurisdictions, these reports provide the grounds for charging suspects with child labor, forced labor, and human trafficking offenses. These reports present the findings of police and labor investigations, including evidence, statements, and information about the crime scene. Investigation reports are often what the prosecutor must rely on when trying a case, and because of this, it is crucial that information be presented in a clear and complete way. Additionally, should the police officer who compiled the report be asked to testify about his or her investigation, he or she can use the police report to refresh his or her memory prior to testifying.

A case file/investigation report should be started when an officer or investigator is first assigned a case. It should be kept up to date. A table of contents or index should be created and updated as material is added to the report.

Information to Include in Investigation Reports

Labor inspectors and police officers should note if specific forms are used for the reports in their areas or if there are guidelines on what must be included. In most jurisdictions, the following information is recommended for inclusion:

- Description of the evidence and list of logged evidence
- Description of the crime scene
- Witness statements
- Victim/survivor statements
- Suspect statement (more information about suspect statements can be found in Lesson 2.6)
- Information about the suspect
- Information about the alleged crime (date, location, etc.)
- Copies of photos, sketches, and notes

Labor inspectors and police officers should not include their own opinions or speculation.

Exercise 2.8.1: Investigation Report Discussion

Objective:

- To have participants start thinking about investigation reports and what should be included in them as well as their role in preparing the reports

Time:

 10 minutes

Materials and Preparation:

- Flip chart
- Markers

Steps:

- Explain the objectives of the exercise to the participants.
 - 1 minute
- Ask participants the following questions, and write down answers on the flip chart
- What is the role of investigation reports?
- What should be included in investigation reports?
 - 7 minutes
- Key messages
 - 2 minutes

Key Messages:

- Investigation reports play an important role in cases, providing a base of evidence and facts
- Investigation reports should include information that may be needed to prove the charges at trial; the types of information will be described in more detail during the lesson

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