

Identification of victims of human trafficking

Human trafficking – Challenges for the Prosecutors

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Challenges for the Prosecutors

- Essential elements of human trafficking
- How to prove the case
- Victims
- Different cultures
- International features of the cases
- Foreign languages

Essential elements

Trafficking in human beings

(1) A person who

(1) by abusing the dependent status or vulnerable state of another person or by pressing another person,

(2) by deceiving another person or by abusing a mistake made by that person,

(3) by paying remuneration to a person who has orderingcontrol over another person,
or

(4) by accepting such remuneration

takes orderingcontrol over another person, recruits, transfers, transports, receives or harbours another person for purposes of sexual abuse referred to in chapter 20, section 9, subsection 1(1) or comparable sexual abuse, forced labour or other demeaning circumstances or removal of bodily organs or tissues shall be sentenced for *trafficking in human beings* to imprisonment for at least four months and at most six years.

(2) Also a person who takes orderingcontrol over another person under 18 years of age or recruits, transfers, transports, receives or harbours that person for the purposes mentioned in subsection 1 shall be sentenced for trafficking in human beings even if none of the means referred to in subsection 1(1) –(4) have been used.

(3) An attempt is punishable.

Essential elements

- Trafficking in human beings has three elements:
 - the means
 - the act
 - the purpose
- There has to be connection between these elements

The dependant status

- Close relationship (family,relative, friend, trust, work, rental or debt)
- Gratitude
- Inability to take care of oneself and the matters
- Drugabuser/drugdealer
- The threat to inform f. ex. crimes
- Illegal entry
- To take passports or other documents away

Vulnerable state

- Poor economic situation
- No apartment
- Serious illness
- Use of drugs or alcohol etc
- Youth
- Lack of language skills
- Ignorance of society, own rights and the obligation of others
- Lack of social network

Forced labour

- ILO definition: "All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily"

-the penalty does not have to be a "real penalty"

Agreement

- The agreement of the victim has no significance if it has got by using the means that are mentioned in the section of trafficking in human beings

Victims

- The main evidence are the statements of the victims
- Wounded and vulnerable state
- Foreign victims (how to get them to pre-trial investigation and to the court)
- Language and cultural problems

Different cultures

- Culture might have a meaning when we consider the alternatives of the victims to behave or f. ex leave from the abusive situation

Do we need a culture interpreter?