

The WARNATH GROUP

**USING THE VICTIM-CENTERED
APPROACH IN CASES OF TRAFFICKING
IN PERSONS**

MYANMAR

MARCH, 2015

This training was funded by a grant from the United States Department of State. The opinions, findings, and conclusions stated herein are those of the authors and do not necessarily reflect those of the United States Department of State.

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DRAFT AGENDA – SUBJECT TO CHANGE

DAY ONE

PARTICIPANT REGISTRATION	9:00 – 9:15
WELCOME & INTRODUCTIONS	9:15 - 10:00
Welcoming Remarks by Dignitaries	
Warnath Group Expert Introductions	
Participants Introduce Themselves	
Overview of Workshop	
MODULE 1	
WHAT IS HUMAN TRAFFICKING	10:00 – 10:30
Brief Review of the TIP Law	
Discussion – Who Are Trafficking Victims	
Exercise – Case Scenarios (time permitting)	
<i>Break</i>	10:30 – 11:00
WHAT IS HUMAN TRAFFICKING (continued)	11:00 – 12:30
<i>Lunch</i>	12:30 – 1:30
MODULE 2	
WHY USE A VICTIM-CENTERED APPROACH	1:30 – 3:00
Discussion - Defining the “Victim-Centered” Approach	
Discussion - Benefits of the Victim-Centered Approach	
<i>Break</i>	3:00 – 3:30
MODULE 3	
WORKING WITH VICTIMS	3:30 – 4:30
Understanding the Impact of Trauma	
Identifying Victim Needs	
How to Talk to Victims	
Exercise – How To Talk to Victims (time permitting)	
WRAP-UP and CLOSE	4:30 – 5:00

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DAY TWO

WORKING WITH VICTIMS (CONTINUED)	9:00 – 10:30
<i>Break</i>	10:30 – 11:00
MODULE 4 INCORPORATING VICTIM-CENTERED CHOICES THROUGHOUT EVERY CASE	
Exercise – Application of the Victim Centered Approach in Practice	11:00 – 12:30
<i>Lunch</i>	12:30 – 1:30
Exercise – Application of the Victim Centered Approach in Practice (Continued)	1:30 – 3:00
<i>Break</i>	3:00 – 3:30
Exercise – Application of the Victim Centered Approach in Practice (Continued)	3:30 – 4:30
WRAP UP QUESTIONS & PRESENTATION OF CERTIFICATES	4:30 – 5:00

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What is Human Trafficking?

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INTERNATIONAL LAW

Trafficking in human beings is:

. . . the recruitment, transportation, transfer, harboring or receipt of persons, by the threat or use of force, deception or other means, for the purpose of exploitation.

Exploitation shall include...the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery...or the removal of organs.

(Art. 3, UN Trafficking Protocol)

Elements of Trafficking – Palermo Protocol

Act	Means	Purpose / Exploitation
<ul style="list-style-type: none">• Recruitment• Transportation• Transfer• Harboursing• Receipt of Persons	<ul style="list-style-type: none">• Threat of Force• Use of Force• Deception• Coercion• Abuse of Power	<ul style="list-style-type: none">• Sexual Exploitation• Forced Labor or Services• Slavery• Practices Similar to Slavery• Removal of Organs• Etc.

The special situation of children:

Act + exploitation = trafficking

UN Trafficking Protocol

Council of Europe Convention on Action against Trafficking in Human Beings

- Preamble

Considering that trafficking in human beings constitutes a violation of human rights and an offence to the dignity and the integrity of the human being

- Purpose, Section 1(b)

to protect the human rights of the victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution

Chapter III – Measure to Protect and Promote Right of Victims...

- Article 10 – Identification of the victims
- Article 11 – Protection of private life
- Article 12 – Assistance to victims
- Article 13 – Recovery and reflection period
- Article 14 – Residence permit
- Article 15 – Compensation and legal redress
- Article 16 – Repatriation and return of victims
- Article 17 – Gender equality

Myanmar Law

The Anti Trafficking in Persons Law, Section 3(a)

“Trafficking in Persons” means recruitment, transportation, transfer, sale, purchase, lending, history, harbouring or receipt of persons after committing any of the following acts for the purpose of exploitation of a person with or without his consent:

- (1) threat, use of force or other form of coercion
- (2) abduction
- (3) fraud
- (4) deception
- (5) abuse of power or of position taking advantage of the vulnerability of a person;
- (6) giving or receiving of money or benefit to obtain the consent of the person having control over another person

Myanmar Law

Definition “Exploitation”, Section 3(a)(6)(1) Anti-Trafficking in Persons Act 2007

Exploitation includes receipt or agreement for receipt of money or benefit for the prostitution of one person by another, other forms of sexual exploitation, forced labor, forced service, slavery, servitude, debt-bondage or removal and sale of organs from the body.

Elements of Trafficking – Myanmar Anti-Trafficking In Persons Law

Act	Means	Purpose / Exploitation
<ul style="list-style-type: none">• Recruitment• Transportation• Transfer• Sale• Purchase• Lending• Hiring• Harboursing• Receipt of Persons	<ul style="list-style-type: none">• Threat of Force• Use of Force• Coercion• Abduction• Fraud• Deception• Abuse of Power• Taking Advantage of Position of Vulnerability	<ul style="list-style-type: none">• Benefit (including money) for the Prostitution of Another Person• Sexual Exploitation• Forced Labour• Forced Service• Slavery• Servitude• Debt-Bondage• Removal and Sale of Organs

Myanmar Law

“Aims of Law”, Section 4(e)

The aims of this law are as follows:

- (e) To perform effectively the functions of rescuing, receiving, safeguarding, rehabilitation and reintegration into society of trafficked persons.

Myanmar Anti Trafficking in Persons Law

Chapter 5

Safeguarding the Rights of the Trafficked Victims

Chapter 6

Special Protection of Trafficked Victims, Women, Children and Youth

Chapter 7

Repatriation, Reintegration and Rehabilitation

Chapter 5 – Safeguarding Rights of Trafficked Victims

Section 11(b) – . . . “the publication of news at any stage of investigation, prosecution, adjudication shall be made only after obtaining the permission of the relevant Body for the Suppression of Trafficking in Persons

Section 12 – The Central Body shall, if the trafficked victims are women, children and youth, make necessary arrangements for the preservation of dignity, physical and mental security.

Section 13 (b) – The Central Body shall determine whether or not it is appropriate to take action against the trafficked victims for any other offence arising as a direct consequence of trafficking in persons.

Section 14 – The Central Body shall arrange and carry out for the security of life of trafficked victims and to arrange according to their wishes for repatriation and resettlement as much as possible.

Chapter 6 – Special Protection of Trafficked, Victims, Women, Children and Youth

Section 16(a) – give special protection of their dignity and identification and necessary security and assistance

Section 16(b) – carry out to send them back to their parents or guardian if after scrutiny it is found that it is the best condition for them.

Section 16(c) – arrange other suitable and secure protection when there is no condition for repatriation to the parents and guardian or inappropriate condition for repatriation

Section 17 – The Central Body shall lay down and carry out programs of security and other protection . . . during the period of prosecution of persons guilty of any offence of trafficking in persons under this Law or during the period of instituting a suit for compensation by tort

Chapter 7 – Repatriation, Reintegration and Rehabilitation

The Central Body shall...carry out as follows:

Section 19(b) – arranging the temporary shelter at a safe place or appropriate house for the trafficked victims

19(d) – hiring a lawyer if necessary in a suit instituted by the trafficked victim for his/her grievance, requesting the Office of the Attorney General for a Law Officer to conduct in the case or assisting in hearing with interpreter

19(e) – laying down the security programs . . . while trafficked victims are giving testimony or contesting a case

19(f) – arranging medical examination and giving medical treatment with the consent of the trafficked victims

19(g) – arranging for teaching of vocational education based upon education and technical opportunities for the survival of the life of the trafficked victim

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Who are Trafficking Victims?

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Who are victims of human trafficking?

Victims of Trafficking

- Men, women, boys, girls
- All ages
- All ethnicities
- Citizens and foreign-born
- Different life experiences prior to trafficking
- Different social standing and financial positions



What types of exploitation are you aware of?

Types of Trafficking

(a very small sampling)

- Sex Trafficking
- Trafficking at Sea
- Forced Labor in Mines
- Forced Agricultural Work
- Forced Marriage
- Forced Begging
- Child Soldiers
- Debt Bondage
- Domestic Servitude
- Removal of Organs (or Tissue)

How did the traffickers get the
victims?

Vulnerability Risk Factors

- Less Power
- Fewer Choices
- Less Education / Information
- Discrimination (gender, race, age, sexual orientation, national origin)
- Inequality
- Disenfranchisement
- Poverty



Photo by Peter Biro

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Why Use the “Victim-Centered” Approach?

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What is “Victim-Centered”?

Protect from harm and
do no further harm

What is “protect from harm”?

- What can you do for victim to prevent harm?
- What can you do to help victim?
- What can you ask others to do for victim?

What is “Victim-Centered”?

- Identification of Victims
- No Prosecution or Detention of Victims
- Information for Victims
- Protection and Support for Victims

Protection and Support

- Immediate Needs
- Long-Term Needs
- Fears
- Preferences

What are Potential Immediate Needs?

What have victims asked for?

What needs have you seen met?

What would you want?

What are Potential Immediate Needs?

- Protection
- Medical Treatment
 - Food
 - Clothing
 - Place to Sleep
- Time to Recover/Prepare
- Contact with Family

What are Potential Long Term Needs?

- Protection
- Medical Treatment
- Food & Shelter
- Work / Source of Income
- Transportation / Reintegration
- Education / Vocational Training

What are Potential Fears?

- Physical Harm (self, family, friends)
 - Financial Harm
 - Emotional Harm
- Prosecution for Criminal Behavior
 - Outcast from Community
 - Lack of Privacy

What are Potential Preference Points?

- Anonymity or (Warning) Example for Others
 - Reunification or New Opportunity
 - Justice or Clean Break with Past
- Restitution/Compensation or Clean Break with Past

Myanmar Specifics

- What are some of the needs of victims you typically encounter?
- What issues can you help address directly?
- Who can provide other services?
- How can you help get those services in place?
- How can you balance your duty to investigate and the victim's needs?

What is Benefit of the “Victim Centered” Approach?

International Best Practices

Right Thing To Do

Build a Better Case

- Create a better relationship with the victim
- Get better information from the victim (for corroboration)
- Know victim's whereabouts at time of trial

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Talking with Victims of Trafficking in Persons

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DO NO HARM

- Determine if it is safe to conduct the interview
 - For the victim
 - For family, friends, co-workers, or person assisting the victim
 - Yourself and your colleagues
- Prepare in advance as much as possible
- Find the most appropriate place
- Think about how victim might react to signs of authority (guns, uniforms, police stations)

WORKING WITH INTERPRETERS

- Screen for safety and confidentiality
- Assess for ability and willingness to interpret on the subject
- Do not accept unknown volunteers
- Debrief after the interview

Can you protect the anonymity
and confidentiality of the victim
and witnesses?

HOW TO PREVENT OR MINIMIZE RE-TRAUMATISING

- LISTEN
- Follow the victim's lead in the narrative
- Do not judge nor appear overly upset
- Show firm belief in the story
- Assess if the victim is ready for follow up questions
- Be prepared to respond in case of crisis
- Respond to requests for help

BE READY WITH REFERRAL
INFORMATION AND DO NOT
MAKE PROMISES

RECOMMENDATIONS

- Explain process to the victim
- Provide information about rights and duties under the law
- Let the victim know it is OK to ask any questions he or she has
- Value the victim's input
- Do not discuss the case in public or with others not bound by confidentiality

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Working with Victims

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Working with Victims

Understanding the Impact of Trauma – Why it Matters

What is Trauma?

Traumatic experiences shake the foundation of our belief about safety and shatter our assumptions of trust.

What is PTSD?

Post-Traumatic Stress Disorder (PTSD) is a mental health condition that may develop after a person has experienced or witnessed a traumatic event.

A normal response to trauma can develop into PTSD.

Causes of Psychological Trauma

- Natural disasters – earthquakes, fire, flood
- Physical assault-rape, incest, molestation, domestic abuse
- Serious accidents
- Experiencing or witnessing horrific injuries or death
- Surgery, serious illness
- Terrorism, war



Traumatic Events

- Outside our expectations
- Provoke reactions that feel strange and unsettling

These are normal reactions to abnormal events.



Traffickers Use Multiple Means to Control Their Victims

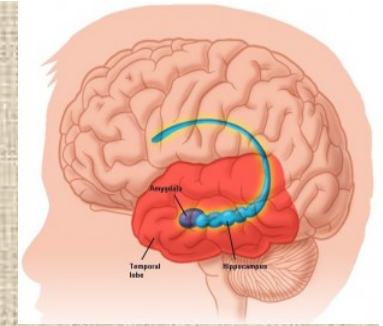
- Beatings, burnings, rapes, and starvation
- Isolation
- Psychological abuse
- Drug or alcohol dependency
- Document withholding
- Debt bondage
- Threats of deportation
- Threats against the victim's family or friends

Trauma and Trafficking

Many victims of trafficking are likely to experience symptoms of trauma:

- Anger, fear or lack of emotion
- Self-protective reactions
- Loyalty, gratitude, dependence on the trafficker
- Shame, fear of rejection and punishment
- Sadness or depression
- Behavior changes

Scientific Reasons for Behaviors-Trauma Impacts the Brain



- Prefrontal Lobe (responsible for language)
Cannot find words to express thoughts
- Amygdala (responsible for emotional regulation) in overdrive
Cannot regulate or control emotions
- Hippocampus (responsible for memory and experience assimilation actually shrinks in volume)
Problems with short-term memory loss
- Prefrontal cortex (responsible for regulation of emotion and fear responses) doesn't function properly
Feels frightened no matter what is happening

What do Victims of Trafficking Experience?

- Betrayal
- Violence
- Loss of identity, choice, independence
- Reputational harm
- Uncertainty
- Fear
- Emotional abuse
- Helplessness



Physical Symptoms

- Crying
- Nausea
- Headaches
- Loss of appetite
- Panic attacks
- Shaking or muscle aches
- Fatigue
- Nightmares

Behaviors

- Inability to recall different aspects of an experience
- Inability to recall dates or times
- Inability to concentrate
- Irritability/angry outbursts
- Anxious and fearful
- Sleep disorders
- Shame and humiliation (withdrawal and isolation)
- Difficulty trusting others

Trust

- Victims of trafficking have difficulty trusting
- Victims have experienced betrayal and broken promises
- Victims may give a false story
- Victims attitudes and behaviors are often confusing and don't reflect the situation, but are a result of trauma/and or trafficking experience

Avoid Re-Traumatization

Avoid any activity or interaction that results in the victim feeling:

- Coerced
- Abused
- Helpless
- Trapped or Cornered



Triggers

- Recognizing someone from the case
- Anniversaries
- Physical reminders
- News stories, media
- Lifecycle events
- Hearings, trials



Understanding the Victim

You can understand the effects of trauma and recognize how it may be impacting the victim

OR

You can label the victim as

- Difficult
- Uncooperative
- Dishonest
- Resistant
- Selfish

Best Practice Points

- Responses to trauma are normal reactions to abnormal events.
- Trauma impacts everyone differently.
- Understand the impact of trauma on a victim's ability to trust and disclose the truth.
- Victims need to be stable and safe in order to be effective witnesses.

Working with Victims

Identifying Needs, Concerns and Interests of Victims

The Basic Rights of Trafficked Persons

Victims of trafficking in persons are to be treated with:

- Dignity
- Fairness
- Compassion
- Respect for their human rights

Victim-Centered Approach

- Minimize re-traumatization
- Engage victims in the process
- Empower victims
- Make choices with victim's well-being in mind

Victim Needs

- Basic Needs (Food, Shelter, Clothes)
- Psychological
- Medical
- Legal
- Housing
- Interpretation
- Education
- Job Training/Employment
- Life Skills
- Family Reunification

Available Resources for Victims

- Government resources
- NGO resources

Challenges

- Resources are scarce
- Victim needs are complex
- Impact of trauma
- Delays in case
- Cultural issues
- Communication

Best Practice Points

- Educate yourself about available resources
- Understand how you can help
- Victims need to heal, rebuild and be empowered
- Meeting victims' needs develops trust and increases cooperation

Victim Concerns

- Personal safety
- Family / friends safety
- Financial risks
- Repercussion in home country or community
- Reputation

Decisions for Victims to Make

- Report trafficking crime or not
- Pursue criminal case
- Pursue civil litigation

Victim Interests- Why Come Forward?

- What happened was wrong
- Seeking justice
- Seeking restitution or compensation
- Empowerment
- Helping others by example

Best Practice Points

- Recognize and meet victim needs whenever possible
- Understand and respond to victim fears
- Empower victim to make decisions about their future and the case
- Figure out what motivates victim