

# The WARNATH GROUP

## **A VICTIM-CENTERED APPROACH: HOW TO IMPROVE IDENTIFICATION OF TRAFFICKING VICTIMS AND STRENGTHEN INVESTIGATIONS AND PROSECUTIONS OF TRAFFICKING CASES**

The victim-centered approach is known in the international community as a “best practice” for investigating or prosecuting a trafficking in persons case. Victim-centered issues and considerations present themselves to police and investigators at every stage of anti-trafficking work from the earliest engagement with a potential case, through the investigation, to the trial and beyond. So, having a better understanding of what is meant by applying a “victim-centered” approach will help police and investigators improve their day-to-day work. Using the victim-centered approach for trafficking in persons cases will increase victim identification, strengthen case investigations against traffickers and result in more successful trial outcomes.

It is important to remember that people who are trafficked often lose the ability to make decisions for themselves and act freely on them. Therefore, it is critical that law enforcement and service providers respect victims’ ability to make decisions about their own lives even if their choices are not the best. Cases of human trafficking cannot be resolved and survivors cannot access justice if stakeholders do not coordinate and collaborate and consider the wishes of the trafficked person as the most important thing.

Many victims of trafficking experience intense fear – of their traffickers and of being arrested. Therefore, when interacting with potential trafficking victims, it is important to reassure them that they are safe (and take steps to provide them with a safe environment) so you can begin the process of helping them get the protection and assistance they need to rebuild their lives. Gaining the trust of trafficking victims is an important first step in the investigation process.

When you are trying to develop a trusting relationship with a victim you should also recognize that the victim often has a different level of power and privilege than the people trying to help the victim. Recognizing that the difference in power and privilege will affect how the victim sees the role of the professionals involved in their case will help make it easier for you to understand the victim. Traffickers target and recruit vulnerable individuals who are many times marginalized because of gender, race, religion, ethnicity, lack of education, financial vulnerability, disability, statelessness, etc. Victims are often easy targets because they are invisible to society. Seeking assistance does not come naturally. So it is not surprising that when police and investigators try to obtain information, victims do not respond immediately.

**Below are case scenarios and some suggestions on a victim-centered responses to the scenarios:**

### **Mya**

Mya is 18 years old and the oldest of three sisters living on a farm with their parents. It is time for Mya to get married and her parents could not find a husband in any of the nearby townships. A local woman, told the parents she knew of a village in China where men are looking for wives and suggested that Mya could look for a husband there. The woman made arrangements for Mya to travel to meet a man in China. The man sent money to the woman, in part to pay for her services, in part to Mya's parents as token of respect and the rest for Mya's journey to China. Mya left and for weeks her parents did not hear from her. They asked the local woman to contact the man in China. The woman said he was no longer living in the village. The parents have heard that other women from town have gone to marry Chinese men but what they found was physical and emotional mistreatment. In some cases, they heard the women have been forced to sell their bodies. Months later Mya returns home alone, pregnant, and physically hurt. She doesn't want to tell anyone what happened. She hardly eats and cries constantly. Mya's husband contacts the local woman asking for the money he paid for Mya. Mya's parents get scared and decide to contact the police. What should be the response from the police? Who should talk to Mya? What services are available for her? If Mya is still afraid to talk to the police, what can they do to protect her and her parents?

### **Police, investigators, prosecutors and service providers who utilize a victim-centered approach:**

- Show patience, empathy and compassion
- Do no harm by lessening re-traumatizing
- Understand that certain survivor behaviors are a response to trauma.
- Be knowledgeable regarding the mental health effects of violence
- Be responsive to emergency mental health issues of clients
- Make the necessary referrals for trauma treatment
- Be aware that changes in memory may be evidence of trauma response
- Be able to provide culturally- appropriate services
- Seek advice regarding cultural issues
- Recognize and seek to meet victim needs whenever possible
- Understand and respond to victim fears
- Empower victims to make decisions about their future and the case

- Figure out what motivates the victim
- Create a better relationship with the victim
- Stay in contact with the victim throughout the investigation and prosecution
- Ensure anonymity and confidentiality

## **Nan Mo**

Nan Mo is a young Shan woman who wants to become a teacher, but she does not have enough money to go to the university. She begins to look for ways to earn more money. Someone she knows tells her he can put her in contact with a man who could get her a job in Malaysia, tutoring Burmese children in math. Nan Mo borrows money from her family and pays the acquaintance 75,000 kyats for making the connection to the man in Malaysia. This person sent Nan Mo a contract indicating she would have to teach 8 to 10 hours a day 5 days a week for a year for a salary of 125,000 kyats per month. Also, a portion of her travel expenses would be deducted from her monthly salary. However, when Nan Mo got to Malaysia the man told her that there was no tutoring work available and said that her only choice was to work as a prostitute or pay him the cost of the travel immediately. The man threatened to have her arrested if she did not pay what she owed. Nan Mo is desperate. She does not want her family to know so she begins to work as a prostitute. Nan Mo wants to pay the debt and go back to Myanmar and forget this ever happened. The man takes all her money and refuses to let her leave. Nan Mo escapes with the help of a customer and makes her way back home. There, she is threatened by the local man who got her the job. Nan Mo is afraid for her parents' safety. A friend tells her to go to the police. Will the police be able to protect her parents? Will they be able to protect her? Could they help her without revealing her identity? Other women were recruited in the same manner and remained in Malaysia working as prostitutes. Nan Mo is worried about their fate. She is afraid that if she tells the police what happened they will be in danger. Can the police from Myanmar protect them?

### **During interviews police, investigators, prosecutors, and service providers should:**

- **LISTEN**
- **Follow the victim's lead in the narrative**
- **Do not judge nor appear overly upset**
- **Do not make assumptions**
- **Show firm belief in the story**
- **Determine if the person is ready for follow up questions**
- **Be prepared to respond in case of crisis**

- **Check to determine whether the victim is understanding statements made or information provided**
- **Respond to any request for help locating, linking, and following up with needed services and support**

### **Soe Soe Nwe**

Soe Soe New, made his way to a Jade mine in the hopes of getting a job. There he was hired by a Chinese company to provide manual labor. The company gave him a place to sleep and food, and told him he could be paid after three months of work. One of the workers asked the manager for his salary after two months. The manager and two other men beat up the worker in front of everyone else. They broke his arm, a couple of ribs and left him with a ring in his ears. The manager told all the workers that they had to do as they were told or they too would be beaten. He also told them that if they left before their three months were over they would not get any money. Soe Soe Nwe was very scared and did not believe the manager would pay him so he escaped. Soe Soe Nwe would like to help the other workers and get paid so he considers contacting the police. Will the police be able to rescue the workers? Could they assist him with his past wages? What could happen if Soe Soe Nwe is so afraid he does not want to talk to the prosecutor?

### **Sample messages to convey to victims of human trafficking to help gain their trust:**

- **Our first priority is your safety**
- **We are here to assist you**
- **Under Myanmar laws, victims of trafficking can receive the following assistance ...  
(you will need to learn what is available in your area, consult the local ATIPD office if you are uncertain)**
- **We will give you access to the medical care that you need**
- **We can find you a safe place to stay**
- **You have a right to live without being abused**
- **You deserve the chance to become self-sufficient and independent**
- **We can help get you what you need**
- **We can help to protect your family**
- **We can help you contact your family**
- **We do not have to contact your family immediately**
- **You can trust me**
- **We want to make sure what happened to you does not happen to anyone else**
- **You have rights**

- **You have a right to get paid**
- **You are entitled to assistance**
- **We can help you get assistance**
- **You are not responsible for the acts of the trafficker**
- **Feeling guilt is normal**
- **You have a choice now**
- **We can continue this meeting at another time**

There are many benefits of using a victim-centered approach when investigating and prosecuting human trafficking cases. Practicing a victim-centered approach will increase the possibilities of having a stable and secure survivor who helps with the investigation and prosecution of the case. A stable survivor will be a stronger witness. It will also ensure that the interviews with victim/witnesses will be more effective increasing the chances of cooperation with law enforcement. When the needs of the victims are met, investigators can get more information from the victim and use that information to do a more structured search for evidence. If there is a clear account and more evidence it will be easier for the prosecutor to prove their cases in court. Most importantly, a positive legal outcome could be the most empowering and rewarding experience for a victim. It will also contribute to ensure that traffickers receive a clear message that the legal system as a whole is committed to protecting all members of the community, especially the most vulnerable and disadvantaged and that human trafficking will not be tolerated.