

State Labor Inspectorate Employees for Victims of Trafficking and Potential Victims of Trafficking

Manual on the Implementation of
Standard Operating Procedures for the
Identification and Referral of Victims of
Trafficking and Potential Victims of
Trafficking

FOREWORD

In July 2011, the Government of Albania approved an important document in the fight against trafficking in human beings, “Standard Operation Procedures for the identification and referral of victims and potential victims of trafficking (SOP).”

Pursuant to the implementation of obligations deriving from this important instrument for the identification and protection of victims of trafficking, the Office of the National Anti-Trafficking Coordinator (ONATC), and the International Organization for Migration (IOM), through consultant Ms. Valbona Lenja, in the context of the project funded by USAID “Strengthening Albanian Anti-Trafficking Capacities,” have undertaken the publication of a series of eight brochures, with this one being one of them.

Each of the brochures seeks to help a certain group of professionals to take advantage of the possibilities offered by the SOPs and use their skills and experience to create, together, an environment where the law is implemented and the rights of victims of trafficking are respected.

Contribution to the preparation of the brochures included that by specialists from different and indispensable areas for the system of the identification and protection of victims of trafficking.

Mr. Shkëlqim Tarelli, specialist at the State Labor Inspectorate, helped with the preparation of this brochure.

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NOTE

The views of the author expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the U.S. Government and/or the International Organization for Migration (IOM)

What is Trafficking in Persons?

Trafficking in persons means, “*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 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*¹”

Considering the above definition, the trafficking of persons has the following key elements:

1. **Activity** – recruitment, transportation, transfer, harboring and receipt of persons;
2. **Methods** – threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person;
3. **Purpose** – exploitation of a person according to the ways listed in article 110/a of the Penal Code or Article 3 of the Palermo Protocol.²

What is a Victim of Trafficking?

According to letter “e” of article 4 of law no. 9642, dated 20.11.2006 “On the ratification of the Council of Europe Convention “On measures against trafficking in human beings,” a Victim of Trafficking in human beings is the person who is the target of trafficking in human beings.

1 Law no. 9188, dated 12.2.2004, “On some additions and amendments to Law no. 7895, dated 27.1.1995 ‘Penal Code of Albania,’ amended, article 110/a.

2 IOM Manual on direct assistance for victims of trafficking. IOM, 2007

Note!

The determination that a person is “a potential victim of trafficking (PVT)” does not in any way mean that the person was not trafficked; the determination shall only mean that the person has not been identified as a “victim of trafficking (VT)” by the group/structure responsible for formal identification at the border and in the territory (G/SRFI).

In spite of these categorizations, all persons whether they have been identified as potential victims by the institutions that conduct initial identification or identified as victims of trafficking by the responsible structure for formal identification, shall be ensured immediate access to necessary assistance.

The trafficking in persons is an extreme violation of human rights. As such, any failure to discover the committed crime and to identify the victims of trafficking creates the environment necessary for the continuation of the crime and other crimes and the denial of victims’ access to justice. All anti-trafficking actors in Albania and in the world attach special significance to the correct and speedy identification of victims of trafficking because victims of trafficking:

- need specialized assistance and protection;
- most probably have acute physical and mental problems that illegal emigrants or smuggled persons do not have;
- have suffered severe and serious crimes and most are likely to be currently in danger;
- need special measures necessary to manage risk both to them and to assistance personnel of organizations helping them.

Note!**Only correct identification gives victims of trafficking the opportunity to benefit from the following services in accordance with Albanian legislation**

- Victims of trafficking in an assistance program may receive free legal aid³.
- Victims of trafficking may be included in the witness and collaborator of justice protection program⁴.
- Foreign victims of trafficking may be given “C” type special case work permits for business purposes, employment, self-employment, or vocational training⁵.
- Victims of trafficking are included among beneficiaries of economic assistance upon their exit from social care institutions until the time of their employment⁶.
- Potential victims/ victims of trafficking may be accommodated in special residential centers.

Difference between Trafficking and related crimes

Problems most encountered in the identification of victims of

- 3 Law No. 10039, dated 22.12. 2008 “On legal aid,” Article 13: “Persons entitled to legal aid” ,
 4 Law No. 10173, dated 22.10.2009, “On the protection of witnesses and collaborators of justice”
 5 Law No. 9959, dated 17.7.2008 “On foreigners,” Article 60.
 6 Law No. 10252, dated 11.03.2010, “On some additions to Law No. 9355, dated 10.03.2005 “On social aid and services,” Article 1

trafficking that should be avoided is the failure to differentiate between trafficking and the exercise and/or exploitation of prostitution, or assistance to illegal border crossing (smuggling)⁷.

*Trafficking is enslavement. Trafficking refers to all actions that consist in harboring and using an individual for forced services. The essence of trafficking is the forms of enslavement and not the elements of recruitment, movement, hiding, transfer (i.e. elements of movement). All persons involved in the recruitment, transportation, harboring, receipt, or keeping of the person in an enslaving situation are involved in trafficking. If a person is kept in prostitution through psychological manipulation, physical force, deceit...; **he/she is a victim of trafficking. When a person is forced, violated, deceived, or kept forcefully in prostitution, he/she is a victim of trafficking, even if the person initially entered into prostitution upon his/her free will.***

The following table outlines a summary of elements that make the difference between these criminal offences.⁸

Trafficking in persons Articles 110/114 b/128 b of	Assistance for illegal border crossing Article 298 of the PC
Crime against the person.	Crime against the state.
Conducted, among others, also through crossborder transportation.	Conducted only through crossborder transportation.
Continued exploitation of the victim.	Ensuring profits in exchange for ensuring illegal entry into another country.

7 Precisely difference between articles 110a and 114a, 298 of the Penal Code of the Republic of Albania..

8 ICMPD. Guidelines for the Development and Implementation of a Comprehensive National Antitrafficking Response. ICMPD, 2006.

Exploitation relationship continues to maximize profits.	Upon entrance of the illegal emigrant into the desired country, the relationship smuggler – smuggled person ends.
Conducted without the consent/approval of the	Conducted with the free will of the smuggled person.
Conducted to protect human rights.	Conducted to protect the integrity of state borders.

Victim of Trafficking	Person Exercising Prostitution
The person (female, male, minor or adult) conducts, among others, sexual relations for payment, obliged by force, held by force, coerced or deceived, not upon free will or choice. Pushing the person may include physical or psychological elements.	The person (adult female and male) conducts sexual relations for payment not obliged by force, not kept by force, coerced or deceived, but with his/her full free will and choice. ⁹

GENERAL ETHICAL AND SAFETY PRINCIPLES IN RELATIONS WITH VICTIMS OF TRAFFICKING

According to Guidelines of the United Nations High Commissioner for Human Rights and Trafficking in Human Beings “The rights of trafficked persons should be at the center of all efforts to prevent and combat trafficking, to protect, assist and compensate victims.”

The following ethical and safety principles in relation to victims of trafficking, integrated into the SOPs, are:

⁹ In the case of minors, this definition is not applicable. A minor engaging in paid sexual relations is a victim of trafficking.

For trafficked girls and women¹⁰:

Do no harm: treat each woman and the situation as if the potential for harm is extreme until there is evidence to the contrary. Do not undertake any interview that will make a woman’s situation worse in the short term or longer term.

Know your subject and assess the risks: learn the risks associated with trafficking and each woman’s case before undertaking an interview.

Prepare referral information – do not make promises that you cannot fulfill: be prepared to provide information in a woman’s native language and the local language about appropriate legal, health, shelter, social support and security services, and to help with referral if requested.

Adequately select and prepare interpreters and co-workers: weigh the risks and benefits associated with employing interpreters, co-workers, or others, and develop adequate methods for screening and training.

Ensure anonymity and confidentiality: protect a respondent’s identity and confidentiality throughout the entire interview process – from the moment she is contacted through the time the details of her case are made public.

Get informed consent: make certain that each respondent clearly understands the content and purpose of the interview, the intended use of the information and her right not to answer questions, her right to terminate the interview at any time, and her right to put restrictions on how the information is used

¹⁰ Source: World Health Organization

Listen to and respect each woman’s assessment of her situation and risks to her safety: recognize that each woman will have different concerns, and that the way she views her concerns may be different from how others might assess them.

Do not re-traumatize a woman: do not ask questions intended to provoke an emotionally charged response. Be prepared to respond to a woman’s distress and highlight her strengths.

Be prepared for emergency intervention: be prepared to respond if a woman says she is in imminent danger.

For trafficked children

The rights of children envisioned in Convention on the Rights of the Child represent the principles for all actions with trafficked children. Below are some of them considered key:

Recognize and protect the best interests of the child: in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, or legislative bodies, the best interests of the child shall be a primary consideration¹¹.

Do not discriminate children: respect and ensure the rights set forth in the present Convention to each child without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, color, sex, language, religion, political or other opinion, national, ethnic, or social origin, property, disability, birth or other status.¹²

¹¹ Article 3.1 Convention on Rights of the Child.

Recognize and respect the right of the child to be heard and considered in all matters related to the child: assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.¹³

Respect the right of the child to privacy: no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honor and reputation.¹⁴

DESIGN OF THE IDENTIFICATION SYSTEM FOR VICTIMS OF TRAFFICKING IN ALBANIA

Standard operating procedures divide the identification at the border and in the territory of the RoA into two main moments: into initial identification and the formal identification. The structures that conduct the initial identification vary. The purpose and structures are outlined in the following table:

¹² Article 2 Convention on Rights of the Child.

¹³ Article 12 Convention on Rights of the Child.

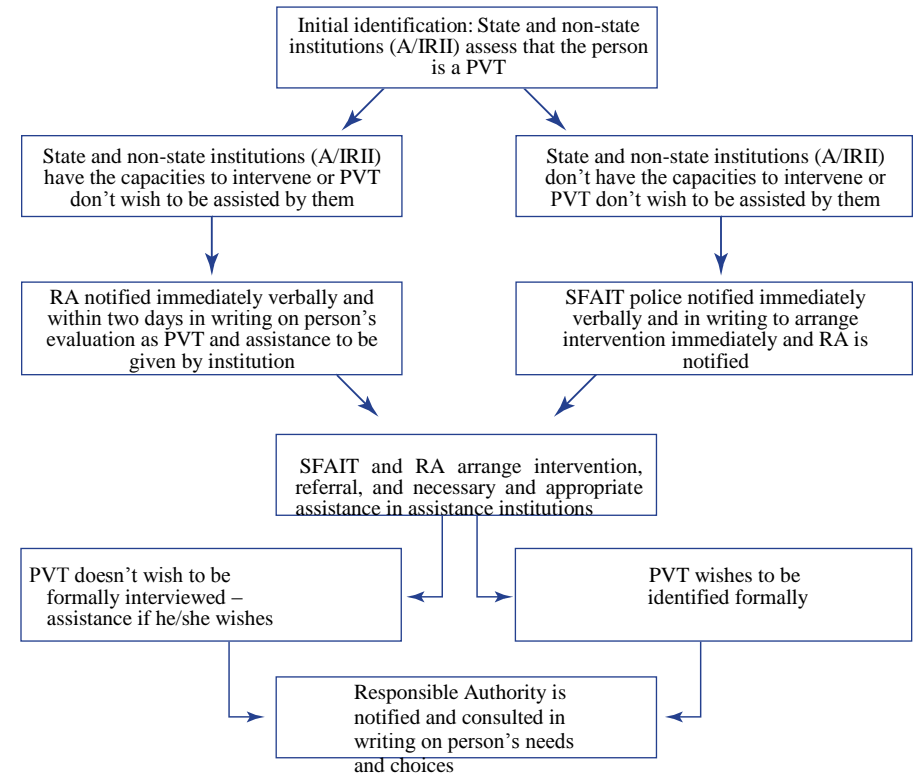
¹⁴ Article 16 Convention on Rights of the Child.

Initial Identification

Definition of initial identification at the border and in the territory	Structures Responsible for Initial Identification	
	In the territory	At
<p>The initial identification of victims of trafficking is the entirety of actions undertaken by state and non-state institutions at the border and in the territory of the RoA that makes it possible to determine that a person, minor or adult, is a potential victim of trafficking in human beings. These actions shall include at least:</p> <ol style="list-style-type: none"> 1. Assessment of the situation of persons against trafficking indicators 2. Collection and analysis of initial information about the person’s trafficking process 3. Informing the person about his/her rights and assistance available to victims of trafficking and potential victims of trafficking and ways to access assistance 4. Providing first aid to bring the person out of the exploitation network and his/her speedy rehabilitation in a safe environment 5. Notifying the Group/Structure Responsible for Formal Identification (G/SRFI) and 6. Cooperation and coordination to ensure the rehabilitation and reintegration of trafficked persons. 	<p>State police structures;</p> <p>Social care centers for persons in need;</p> <p>Shelters for victims of trafficking;</p> <p>Organizations with assistance programs for persons in need;</p> <p>Regional social services offices;</p> <p>State Labor Inspectorate;</p> <p>Regional education directories, regional education offices;</p> <p>Regional Health Directories;</p> <p>Municipal/Communal Child Protection Units.</p>	<p>Border and Migration Police</p>

15 In SOPs, agencies or institutions responsible for initial identification are referred to as A/IRII

Initial Identification of victims of trafficking – Scheme in territory



Formal Identification¹⁶

Formal identification of victims of trafficking at the border and in the territory of the RoA is the identification of a person as a victim of trafficking conducted only by the Group/Structure Responsible for Formal Identification (G/SRFI) according to the formal interview format included in the SOP documents.

16 Formal interview is not conducted by the State Labor Inspectorate but is supported by it; see steps below

Formal identification should achieve at least:

1. The determination whether the person is a victim of trafficking, through the collection and analysis of information provided by the person himself/herself,
2. Enhanced assessment of the victim of trafficking person’s need for assistance and protection;
3. Provision of instructions and ensuring the trafficked person’s access to appropriate and safe assistance,
4. Collection of information and initiation of investigations for the penalization of traffickers.

The formal interview and all actions to determine the status of the person vis-à-vis trafficking shall be conducted at the earliest opportunity upon identification of the person as a potential victim of trafficking in human beings.

The formal interview shall be conducted separately from the report of the offence. Even if the person wishes to report the offence, the formal interview shall in no case be interrupted in order to obtain a report of the offence; another time shall be scheduled for that purpose. The formal interview shall be conducted in every case in the premises of the SFAIT, and all necessary arrangements for the formal interview, including the notification of the state social worker, shall be the responsibility of the SFAIT police officer.

Specific Duties of State Labor Inspectorate Employees According to SOPs

SOPs include specific duties for employees of the State Labor Inspectorate in every step of the identification, referral, rehabilitation and reintegration assistance process for victims/potential victims of trafficking, whether minor or adult, Albanian or foreign citizens.

Below is a table on these duties:



Structures where labor inspectors operate		Duties of State Labor Inspectorate Employees			
		Identification		referral	Rehabilitation / reintegration assistance
		Initial	Formal		
General Directory of State Labor Inspectorate	Directory of inspections on labor relations				
	Directory of Health and Safety at Work				
Regional Directories of State Labor Inspectorate					

Employees of the General Directory of the State Labor Inspectorate

As may be seen from the table above, as employees of the Agencies/ Institutions Responsible for Initial Identification (A/IRII), employees of the General Directory off the State Labor Inspectorate have the duty to monitor and support the identification, referral, and assistance for potential victims of trafficking by the regional directories.

Employees of the Regional Directories of the State Labor Inspectorate

As may be seen from the table above, as employees of Agencies/ Institutions Responsible for Initial Identification (A/IRII), employees of the Regional Directories of the State Labor Inspectorate have the duty to identify potential victims of trafficking and refer them for assistance and help with their rehabilitation and reintegration.

In order to conduct correct initial identification, referral, and assistance:

- *Labor Inspectors should refer to the purposes and definitions of¹⁷ initial identification in the territory*

According to SOPs, the purpose of initial/ early identification for *minors* is: “To identify minor potential victims of trafficking (PVT), through the assessment of the situation/ elements of conduct and his/her physical, mental, social, and economic condition against the list of indicators, provide them information on the rights of and assistance available to victims of trafficking, and ways to access assistance, provide initial assistance to bring the minors out of the exploitation network, and his/her fast rehabilitation in a safe environment, notify the RA and the responsible structure for initial identification if the minor and his/her legal custodian wish to be identified formally.”

¹⁷ Definition of initial identification is found above

According to SOPs, the purpose of initial/ early identification for *adults in the territory* is, “To identify minor potential victims of trafficking (PVT), through the assessment of the situation/ elements of conduct and his/her physical, mental, social, and economic condition against the list of indicators, provide them information on the rights of and assistance available to victims of trafficking, and ways to access assistance, provide potential victims access and initial assistance to bring the person out of the exploitation network and assistance and his/her fast rehabilitation in a safe environment, notify the RA and the responsible structure for formal identification if the person wishes to be identified formally.”

- *Labor inspectors should use indicators provided in the SOPs for initial identification in the territory*

According to SOPs, *indicators of trafficking* are descriptive elements of the process of trafficking that reflect the appearance or effects that trafficking has had on individuals of Albanian or foreign citizenship until the drafting of the SOPs document. Indicators in the document are divided into two categories: primary indicators of trafficking and secondary indicators of trafficking. If the situation of a minor or adult person is seen to include one or more primary indicators as elements of trafficking and some secondary indicators that may be interpreted as secondary indicators of trafficking, the person shall be considered a potential victim of trafficking/ a person that may have been trafficked or is being trafficked.

SOP indicators for minors and adults are given below:

Primary indicators for minors	Primary indicators for adults
The minor declares he/she was misused, abused, threatened, exploited and is happy to come into contact with persons/authorities that provide assistance and gives indications of seeking help;	Person declares he/she has been exploited and seeks help;
The person has marks on the body (e.g., bruises) that indicate physical or sexual violence against him/her;	Person came to a situation of exploitation through abduction or fake promises;
Begging minor always has an adult nearby that watches over him/her;	Person is forced to remain in an exploitation situation due to threats and violence toward him/her or persons close to him/her;
Minor sells or works;	Person has no control over his/her life: movement, shelter, use of income are led and controlled by other persons;
The minor has no contact with the family and there is no blood-related person caring for him/her;	The person's transport, shelter, employment were arranged by persons known to or on whom there are indications they are traffickers or exploiters;
The minor was brought to the site / city or region by an adult or older person who is not family related to him/her;	
The unregistered minor stays with adult persons not related to him/her by family;	
The minor is in the company of persons who exploit or traffic minors;	
The minor has no stable place of residence;	
The minor sleeps on the street;	

Secondary Indicators for minors	Secondary indicators for adults
The minor goes to places known for illegal activities (distribution of drugs, prostitution, exchange of stolen goods, etc);	Conditions in which the person worked were harmful to his/her health and life;
The minor was caught stealing;	Someone in business relations with the employer the arranged for the person's job, school;
The begging minor appears neglected: malnourished; dressed inappropriately for his/her age or weather conditions;	The person was not allowed to choose his/her own shelter;
The minor has an undesired pregnancy;	The person pays a large and unjustifiable amount to the employer for his/her shelter;
The minor suffers from sexually transmitted diseases;	The person is hiding from authorities due to his/her irregular work status;
There is data or information that the minor was seen in locations known to be used for sexual exploitation of children, begging, forced work, and other inappropriate places for children;	The person has no access to health care;
The minor left his/her home in clothes unusual for him/her (inappropriate for his/her age, borrowed from older persons);	The person has had limited social contacts;
There is information that the minor receives calls or letters from adults outside the usual circle of social contacts;	The person had no control over his/her privacy and assets;
There is information that adults behaving and acting suspiciously around the place of minor's place of residence;	The person has not had access to health information or care;

Secondary Indicators for minors	Primary Indicators for adults
The minor stays out of the residence alone in late night hours;	The person's right to free time and paid holidays was not respected;
The minor has a much bigger/older boyfriend;	The person's living conditions did not meet his/her basic hygiene needs;
The minor has large unjustifiable amounts of cash;	The person does not know the language and his/her way around
The minor has been missing/absent for a long time but there is no information about it;	
The minor on the street shows visible signs of neglect and abandonment;	
The minor has returned after an absence with a changed look that was not because of the legal custodian or parents.	



SOPs draw attention to the fact that all state and non-state institutions responsible for the initial identification of victims of trafficking should not consider these indicators an exhaustive list of the appearance of trafficking and its consequences, but rather use their professional judgment and update continuously their knowledge about any trends in the appearance of trafficking and its effects on persons in the communities they live in.

In order to separate trafficking indicators in situations of employed persons, labor inspectors should know and appreciate at least the

implementation of the following legal instruments:

- Labor Code of the Republic of Albania
- Law on “Encouraging Employment”
- Law on foreigners
- Law “On social insurance contributions”
- Law No. 9634, dated 30.10.2006 “On inspecting labor and the State Labor Inspectorate”
- Law No. 10237, dated 18. 02. 2010 “On safety and health in the workplace”

ILO Conventions ratified by the Republic of Albania, some of which are:

- Convention 81 and its recommendations as well as conventions on safety in the workplace and protection of minors, etc.
- Convention No. 155 “Occupational Safety and Health” ratified by Law No. 9147, dated 30.10.2003.
- Convention No. 174, “Prevention of Major Industrial Accidents,” ratified by Law No. 8921, dated 11.7.2002.
- Convention No. 176 “Safety and health in mines,” ratified by Law No. 8938, dated 12.9.2002.
- Convention No. 81 “Labor Inspection Convention”
- Convention No. 129 “Agriculture Labor Inspection”

Decisions of the Council of Ministers such as:

- CMD No. 107, dated 9.2.2011, “On the makeup, regulations, makeup, and functioning of the Council

Occupational Safety and representatives of employees.”

- CMD No. 108, dated 9.2.2011, “On skills to be met by employees, persons, and specialized services dealing with issues of occupational safety and health”
 - CMD No. 632, dated 18.9.2003 on “Program of encouraging the employment of female jobseekers.”
 - CMD No. 751, dated 07.11.2007, “On the approval of the sector strategy for the employment and vocational training and the action plan for its implementation.”
- ***Labor inspectors should look carefully at cases of forced labor***

The key element for the identification of trafficking by SLI employees is the identification of forced labor. The majority of victims of trafficking are to be found among those doing forced work. An ILO report of 2005 indicated that forced labor in industrialized economies and those in transit is generally the result of trafficking in human beings for the purpose of sexual exploitation or forced labor. The same report provides statistics saying that in most of the cases, forced labor was the result of trafficking: of 360,000 cases of forced labor in industrialized economies, 270,000 were trafficking cases whereas of 210,000 cases in economies in transit, 200,000 were cases of trafficking.¹⁸ The same manual says economic sectors in which forced labor was identified as a very disturbing problem (highly probable) were:

- *Construction, including brick furnaces;*
- *Agriculture and gardening;*
- *Mining and lumber;*
- *Food processing and packaging industry;*
- *Family services and other care and cleaning jobs;*
- *Factories, mainly textile and attire;*
- *Restaurants and hotels;*
- *Sex and entertainment industry;*
- *Transport;*
- *Different forms of informal economic activities, such as organized begging.*¹⁹

The general assessment of forced work should focus around the question whether a worker/employee has given an informed permission and willingly accepted the job and is free to terminate the labor relationship at any moment



¹⁸ Source : ILO, Forced labor and trafficking, Handbook for Labor Inspectors

¹⁹ Source : ILO, Forced labor and trafficking, Handbook for Labor Inspectors

6 main indicators given by ILO for the identification of forced labor are²⁰:

1. Physical violence, including sexual violence

- Does the worker have any sign of maltreatment, such as bruises?
- Does the worker show signs of anxiety?
- Is there any other sign of mental confusion or traces of violence?
- Do supervisors/employers demonstrate violent behavior?

2. • Restriction of freedom of movement

- Is the worker locked up at the workplace?
- Is the worker forced to sleep at the workplace?
- Are there visible signs which indicate that the worker is not free to leave the workplace due for example to barbed wire or the presence of armed guards or other such constraints?
- Is the worker constrained to leave the workplace?

3. • Threats

- Does the worker make statements which are incoherent or show indoctrination by the employer?
- Do the workers report any threat against themselves, their co-workers or family members?
- Is there any sign that the worker is subject to racketeering or blackmailing (with or without the complicity of the employer)?
- Does the worker show anxious behavior?
 - Are workers forced to work excessive (unpaid) overtime or to carry out tasks that they prefer not to do, and are the workers threatened if they refuse?

- -Is the worker in an irregular situation (e.g. migrant workers) and threatened with denunciation to the authorities?

4. Debt and other forms of bondage

- Does the worker have to repay high recruitment or transportation fees?

If so, are these deducted from the salary?

- Is the worker forced to pay excessive fees for accommodation, food or working tools that are directly deducted from the salary?
- Has any loan or advance been paid that make it impossible to leave the employer?
- Are work permits bound to a specific employer? Has there been any complaint about the employer before?

5. Withholding of wages or no payment of wages

- Does the worker have a regular employment contract? If not, how are wages being paid?
- Is there any illegal wage deduction?
- Has the worker received any wage at all?
- What is the amount of the wage in relation to national statutory requirements?
- Do the workers have access to their earnings?
- Have the workers been deceived about the amount of their wages?
- Are wages paid on a regular basis?
- Is the worker paid in-kind?

6. Retention of identity documents

- Are the identity documents of workers in their own possession? If not, are they kept by the employer or supervisor? Why?
- Does the worker have access to the documents at all time?

- *For initial identification and referral, labor inspectors should undertake actions in accordance with the steps envisioned in the SOPs.*

SOPs envision responsible action by employees of the General Directory and Regional Directories of the State Labor Inspectorate in the following situations of initial identification:

The General Directory of the SLI (GDSLI) may find itself faced with these situations:

Situation 1: GDSLI receives a request from the Responsible Authority/ National Anti-Trafficking Coordinator, phone complaint, or the institution's website to verify the situation of one or more persons being in a situation of exploitation or forced labor.

GDSLI actions in situation 1: Sends an inspection order and requests a report or immediate measures, giving instructions on the focus and methods used (verification of labor contracts, safety and health conditions, living and shelter conditions, IDs, etc.)

Situation 2: GDSLI receives information from the regional SLI directories on encountered cases of forced labor and trafficking and the actions of directories/inspectors in these cases.

GDSLI actions in situation 2: Analyzes information from regional SLI directories on encountered cases of forced labor and trafficking, actions by directories/inspectors in these cases and sends information

to the Responsible Authority/ Anti-Trafficking Coordinator. **Regional SLI Directories may find themselves faced with the following situations:**

Situation 1: RDSLI receives a request from the GDSLI for inspection in x agency or business.

RDSLI actions in situation 1: Organizes unannounced inspection and verifies per GDSLI instructions. When encountering forced labor and/or trafficking, the inspector and the director request verbally^{21/} by phone from police officers of the Sector of the Fight Against Illegal Trafficking in the county (SFAIT) to intervene immediately to save the person from the exploitation situation, supports police officers in their intervention, and reports to the GDSLI. Within two days from the oral request to the SFAIT, the RDSLI sends to the SFAIT the request in writing, sending a copy of the request in writing to the Responsible Authority/ National AT Coordinators and a copy to GDSLI.

Situation 2: The inspector of the Regional Directory of the Inspectorate, during his/her inspection, finds that an adult or minor is a potential victim of trafficking or forced to work:

RDSLI actions in situation 2: If the inspector encounters forced labor and/or trafficking, he/she and the director ask verbally^{22/} by phone from police officers, Sector of the Fight Against Illegal Trafficking (SFAIT) in the county to intervene immediately to save the person from the situation

²¹ Information given orally should contain all the requirements of the format 9.13 of the request in writing, see attachments on format of request no. 9.13

²² Information given orally should contain all the requirements of the format 9.13 of the request in writing, see attachments on format of request no. 9.13

of exploitation and supports police officers in their intervention. Within two days from the verbal request, RDSLII sends SFAIT the request in writing, copying the Responsible Authority/ National AT Coordinator and a copy to GDSLII

- *Labor inspectors should document efforts made to identify and refer potential victims of trafficking*

Initial identification and referral conducted by labor inspectors according to SOPs, should be documented through annex 9.13 of SOPs “Request for immediate intervention by SFAIT” and a log²³ of actions taken for the cases. Labor inspectors should maintain and update contacts with SFAIT police officers.

ATTACHMENTS

- I. Annex 9.13 in SOPs
- II. Sample log of action per SOPs

Annex 9.13

REQUEST FOR IMMEDIATE INTERVENTION BY THE SFATP

Date:

Subject of request:

1. Name and job description of the agency/institution making the request:
2. Description of the circumstances in which the agency came into contact or established contact with the presumed victim of trafficking:
3. Data available to the agency on the person deemed a presumed victim:

Name, Family Name:

Age:

Residence:

Location:

If a child, names of parents:

If a child, name of the legal custodian if it is not the parent:

4. Description of the circumstances that led the agency to think the person is a presumed victim of trafficking:
5. Description of efforts made by the agency/institution to save or assist the presumed victim:
6. Recommendations issued by the agency/institution on the SFATP police intervention:
7. Name, family name, and contact information for the employee of the agency/institution, which may be contacted by SFATP police officers for further information:

²³ See attachments in the sample log

Sample log for duties per SOPs:

Date	Given case code	Taken action	Documentation	
			File created or added to file	
17. 11....	A.B.001	<p><i>*Received request from GDSLI for unannounced inspection</i></p> <p><i>*Conducted inspection and found AB is a potential victim of trafficking;</i></p> <p><i>*Notified SFAIT police verbally and in writing for immediate intervention</i></p> <ul style="list-style-type: none"> • <i>Sent report to GDSLI</i> • <i>Sent copy to RA</i> 		17. 11....
19.11....	A.L.002	<p><i>*Conducted inspection at... subject</i></p> <p><i>*Found foreigner AL to be in my judgment a potential victim of trafficking, had no temporary residence permit and the business didn't pay social insurance for ... months</i></p>	* RA request	19.11....

