Siena Principles on Human Trafficking and Public Health

March 15, 2013

Preamble

Participants of the Spring School on "Human Trafficking, Public Health and the Law", held in Siena, Italy, on March 4 - March 15, 2013, having engaged in a thorough problem- and policy-oriented discussion, and acknowledging that:

- Human trafficking is a violation of human dignity and of fundamental human rights of the person;
- The 2012 report of the International Labour Organization (ILO) estimates that 20.9 million people worldwide are exploited in forced labor, including commercial sexual exploitation (International Labour Organization 2012);
- Human trafficking gravely damages and adversely impacts individual and public health, human security and human development;
- The right to health is a fundamental human right;
- The response to human trafficking requires a multidimensional response among which a public health response should play a central role;
- A vast majority of victims of human trafficking suffer physical, psychological, mental and emotional assault and consequent death or serious health injury and harm during their recruitment, transport, transfer and exploitation;
- Given the magnitude of victims of human trafficking, the detrimental health effects rise to a level of a public health concern;
- The conditions under which human trafficking takes place, induction of poor health by denial of health care, substandard food, clothing and living conditions, induction of victims with drugs and alcohol, unsanitary working environment and exposure of sexually transmitted diseases, contributes to concerns over the health of the wider public, in the sense of population health as public health;
- In addition to the direct impact of human trafficking on the health of their victims, the victims' families and their communities, human trafficking creates health hazards that affect the general public;

- Victims of trafficking are transported and work in unsanitary conditions that are rife for infectious diseases that can spread to the general public;
- Victims of sex trafficking are often forced to engage in unsafe sexual practices that contribute to the transmission of sexually transmitted diseases including to individuals who come into relation with trafficking survivors and those who may be involved with these individuals, as well as individuals who may be exposed indirectly through those who have participated in the sexual exploitation of the victims;
- There is a globally accepted definition of human trafficking: "Trafficking in persons' shall mean [the action of] 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." (United Nations Palermo Protocol, 2000)
- A working definition of public health is: "Public health is a field of medicine and hygiene dealing with the prevention of disease and the promotion of health. It encompasses different fields primarily epidemiology, hygiene, biostatistics and social medicine. Public health is one of the efforts organized by society to protect, promote, and restore the people's health, the goals being to reduce the amount of disease, premature death, and disease-produced discomfort and disability in the population. It is the combination of sciences, skills, and beliefs that is directed to the maintenance and improvement of the health of all the people through collective or social actions. Public health is thus a social institution, a discipline, and a practice." (Encyclopedia of Public Health, 2008)
- States have pertinent international legal obligations under human rights law and under Article 6 (3) and (4) of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, as well as, in the European context, Article 12 (1) and (3) of the Council of Europe Convention on Action against Trafficking in Human Beings, that calls upon states to provide medical care to victims of human trafficking;
- The 2005 Miami Declaration of Principles on Human Trafficking set out general and specific policies on combatting human trafficking. It especially focused on human trafficking as violative of the victim's right to health and presented recommendations attending to the health needs of victims (Miami Declaration 2005);
- The three "P" paradigm of prevention of human trafficking, prosecution of traffickers, protection of survivors is setting a general guideline for combating human trafficking;

- Governments, public health policy organizations, and nongovernmental organizations (NGOs) should mainstream the prevention of human trafficking and the provision of short and long term health care provision to victims and survivors in their public health policy and practice;
- In the process of taking public health measures states need to avoid directly or indirectly re-victimizing, stigmatizing or in any other way violating the rights of victims by mandating public health measures such as forced testing, vaccination or quarantine on discriminatory basis or based solely on the fact or knowledge that victims have been trafficked;

Have formulated the following set of principles to recommend to decision-makers and practitioners in the field of human trafficking and public health:

I. Prevention of Human Trafficking

- 1. Public health, in the context of human trafficking, is properly defined as "the science and art of preventing disease, prolonging life and promoting, protecting and improving (restore) health through the organised efforts of society" (Acheson 1988).
- 2. Promoting Values within Global Society
- a) The international community, states and other relevant actors shall cooperate in order to improve the social, economic and cultural conditions of the countries of origin of human trafficking, so as to remove its root causes, especially poverty and gender discrimination.
- b) The international community, states and other relevant actors have the responsibility to foster ethical values and moral standards in society in order to establish a better environment to prevent and suppress human trafficking.
- 3. Measures shall be taken to curb the demand for the services usually provided by the victims of human trafficking.
- a) Social and cultural circumstances contributing to increased demand for the services usually provided by the victims of human trafficking shall be removed.
- b) Material circumstances encouraging and facilitating human trafficking shall be removed. This will include, but will not be limited to:
- measures aimed at avoiding the establishment of any form of control by the exploiter over the victims of human trafficking;

- measures aimed at regulating the activities usually performed by the victims of human trafficking to effectively discourage the exploitation of their labor, including:
- ensuring that women working in the field of entertainment have a residence different from the working place;
- ensuring a minimum salary, to be paid via wire transfer, in favor of persons performing jobs usually related to human trafficking;
 - providing an adequate and effective regulation of domestic work;
- measures aimed at regulating international adoption, including regular monitoring by social services for an adequate period of time after the adoption has taken place;
- improvement of controls on adults travelling with children, when the adult is not the parent or the legal custodian of the child.

International Cooperation

- 4. States should adopt and implement the laws and administrative structures needed to support international cooperation and assistance in preventing, investigating and prosecuting cases of human trafficking. (§ 7, Miami Declaration)
- 5. States should establish direct channels of communication between their border control agencies and law enforcement agencies. They should initiate or expand efforts to gather and analyze data on trafficking in persons, including on the means and methods used, on the situation, magnitude, nature, and economics of trafficking in persons, particularly of women and children. States should share such information, as appropriate, with law enforcement agencies and other agencies of countries of origin, transit and destination, as well as with international law enforcement agencies such as INTERPOL. (§ 8, Miami Declaration)
- 6. The international community and, in particular states of transit and destination of victims of human trafficking shall provide support for the countries of origin through all possible means, including:
- conclusion of bilateral and multilateral treaties ensuring support for the countries
 of origin adopting effective measures to fight human trafficking, including
 provisions on tax reduction or exemption for exports to countries of transit and
 destination (including an explicit clause establishing withdrawal of support when
 the action against human trafficking is no longer effective);
- access to international funding.
- 7. Financial and social support shall be provided in favor of all persons, groups or other entities contributing to the fight against human trafficking, including:
- persons, groups or other entities providing support for the victims of human trafficking;

- companies employing former victims of human trafficking, in terms of economic subsidies or tax exemption.

Awareness Raising and Education

- 8. All appropriate measures shall be taken in order to raise awareness on the root causes of human trafficking and its detrimental consequences for the victims and the society at large, including in terms of public health. Such measures will include but will not be limited to:
- development of educational campaigns;
- establishment or increment of appropriate advertising campaigns, including to prevent trafficking in organs, tissues and cells and to provide information for potential victims of human trafficking;
- publicity of final sentencing and punishing of perpetrators.
- 9. Appropriate educational measures shall be taken to make all the sectors of the society aware of the impact and consequences of the unacceptable nature of human trafficking. Such measures will include but will not be limited to:
- educational campaigns and curricular teaching at all school levels, including University;
- educational activities carried out in the context of all relevant institutions of the society, including religious institutions;
- educational campaigns via all appropriate means, including social networks, media, entertainment channels, videogame industry and advertisement;
- targeted educational campaigns to address potential customers of human trafficking.

Training

10. States should provide, strengthen, and cooperate internationally in training for law enforcement personnel, customs and immigration officials, prosecutors and judges, and other relevant officials, on the issue of trafficking in persons. The training should focus on the methods used in preventing such trafficking, prosecuting the traffickers, and protecting the rights of victims of trafficking, including protecting the victims from the traffickers. This training should also take into account the need to consider human rights, be sensitive to child and gender issues as well as linguistic, cultural, ethnic, and religious aspects of the problem, and it should encourage cooperation with non-governmental organizations and other elements of civil society. (§ 9, Miami Declaration)

- 11. As a part of their responsibility to prosecute cases of trafficking, States should provide special training to law enforcement officials, border officials and judges on methods of detecting, investigating and prosecuting cases of trafficking in persons and related crimes. Adequate training and funding for state and local law enforcement is imperative. (§ 17, Miami Declaration)
- 12. Health care professionals will be appropriately trained to recognize victims of human trafficking as well as to adopt the right approach towards them in order to increase their confidence. Doctors should have the freedom not to denounce the victims of human trafficking when they are exposed to criminal prosecution.

Prosecution as a Measure of Prevention

- 13. The severity of sanctions for perpetrators shall be appropriately increased and effectiveness of prosecution shall be improved.
- 14. States should recognize trafficking in persons as a specific and serious crime in their domestic laws. In particular, States have the responsibility to enact domestic anti-trafficking laws that can be applied extraterritorially. Penalties for trafficking must reflect the severity of the offense. (§ 11, Miami Declaration)
- 15. States should enact legislation to recognize as crimes all forms of sexual exploitation, including trafficking for the purpose of prostitution, trafficking for the purpose of providing mail-order brides and household help, as well as sex tourism. (§ 12, Miami Declaration)
- 16. States are urged to curtail demand for commercial sexual services, and punish all actors involved in the trafficking scheme, including the principals of the scheme, other members of the criminal association, as well as facilitators. (§ 13, Miami Declaration)

Other Preventive Measures

- 17. Appropriate partnerships between the public and the private sector will be established in order to prevent human trafficking.
- 18. Tourist agencies guaranteeing that they are not involved in sex tourism will have the opportunity to use "sex-tourism free" labels.
- 19. Products manufactured without any involvement of victims of human trafficking will have the opportunity to use the label "black labor free" and/or "labor exploitation free".
- 20. Children and other unregistered persons shall be registered in public registers.

- 21. Best practices and strategies to prevent and suppress human trafficking will be collected and shared internationally.
- 22. Databases will be established with all relevant information to prevent and suppress human trafficking, including when possible names of traffickers and victims.
- 23. States should fight corruption and punish public officials who facilitate or participate in the trafficking enterprise. (§ 15, Miami Declaration)
- 24. States should have immigration policies reasonably calculated to meet domestic labor needs. Immigrants are often vulnerable to trafficking because they do not have legal immigration status but have migrated in response to the destination country's unmet demand for labor. Moreover, such migration creates instability for the migrant's remaining family in the country of origin; thereby creating a secondary vulnerable population. (§ 20, Miami Declaration)

Cultural Approach

25. All measures of prevention must be culturally sensitive, taking into account the cultural characteristics and specificity of the territorial and social context as well as of the persons and communities addressed.

II.Prosecution of Traffickers

Recommendations regarding contribution of the public health professionals in the prosecution of the human trafficking crime include:

- 1. Prosecution of traffickers is a major dimension of the fight against human trafficking, as one of the most serious crimes of our time. In compliance with their obligations under international law, all states must criminalize all aspects and all forms of human trafficking, whether perpetrated by lone traffickers or organized crime.
- 2. States that already have criminalized human trafficking should amend their legislation to impose penalties that are commensurate with the severity of the crime, paying particular attention to health consequences with the victims of human trafficking as an aggravating circumstance for imposing more severe sanctions in the sentencing phase.
- 3. As experience has shown, effective prosecution is crucially dependent on the contribution of victims through cooperation with the law enforcement. In order to ensure effective prosecution of the crime of human trafficking, collection of evidence and testimony of the victim(s) are often critical to the success of the legal case. For this reason, health care professionals have a major role to play in helping victims become effective witnesses, should they so consent.

- 4. First and foremost, human trafficking victims should be treated with dignity, fairness, and respect, and health care professionals should refrain from being judgmental in any way.
- 5. Survivors of human trafficking should be provided with all necessary care to restore and strengthen their health and to build up their self-confidence, in order to make it possible that the trafficking survivors could be witnesses in the case against their traffickers. Towards that end, the following should be considered:
- a) In no case should the survivors of human trafficking be prosecuted, or blamed in any way, for crimes that were consequential or incidental to their being trafficked.
- b) Law enforcement professionals and any other officials partaking in the prosecution of human trafficking should be provided special training concerning all aspects of human trafficking cases, including information on understanding physical and psychological health issues of the victim, such as trauma, fear, anguish, gravity of injury, etc., in order to understand certain reactions displayed by human trafficking victims.
- c) Medical, psychological and social assistance and guidance should be provided to any and all proven or suspected human trafficking victims, regardless of their initial willingness or not to cooperate with law enforcement.
- d) Efforts should be made by legal professionals and social workers to involve trafficking survivors in the process of efforts to help a victim become a witness in the legal process against the trafficker.
- e) According to the country's legislation, cases of human trafficking should be reported by health care professionals only if privacy and safety of the victim are adequately and effectively considered and ensured.
- f) Initial assessment of the physical and mental health of the victim should include medical assessment as to the time length needed in each specific case for the victim to decide on potential cooperation with law enforcement.
- g) Many legal systems require victim cooperation as a mandatory element before they can get any assistance. Cooperation should not be a condition for obtaining health assistance or other immediate care and services. Psychological and physiological assessment by trained professionals should include a realistic prognosis of time needed to prepare the victim to consent to reasonable cooperation. Standard time-frames, such as the one-month reflection periods, might not be enough in certain cases.
- h) Health care should be provided, regardless of victims' cooperation, particularly in the early stages of victim identification.

- i) Health professionals have to document every sign of violence against and maltreatment of the victim. Health records have to be maintained accurately and over time to ensure no evidence is lost, in accordance with the law and regulations of the country.
- j) During the prosecution, health care professional should provide expert opinions as to the victims' capacity to stand through trial and provide expertise support on potential procedural exceptions and guidelines, such as refraining from cross examination, banning eye contact, etc., in order to avoid re-victimization and intimidation of the victim by the trafficker during the legal process.
- k) After a reasonable amount of time, reflective of each specific case, and upon providing adequate psychological, physical and social care, the victim has to decide, if he/she is willing to cooperate reasonably with the prosecution.
- 6. Identification of cases of human trafficking can only be achieved if necessary training is provided for health care professionals and health care administrators, in addition to the law enforcement, immigration officers, and other persons involved at any title.
- 7. Health care centers should have informational material available about access to resources to be offered to victims.
- 8. Posters bringing awareness on human trafficking and numbers of hotlines for those who suspect a trafficking case should be on display in every emergency and health care center. Such information might also help a victim to self-identify.
- 9. In order to avoid re-victimization of the victim, in the process of the prosecution of a trafficking case, legal professionals, health care professionals and social workers should work in partnerships throughout the trial process.
- 10. Law should provide special punishment for health care professionals who, in exchange for benefits, aid in covering up human trafficking cases.
- 11. Emergency rooms and health care facilities should keep a record of all suspected and proven human trafficking cases that come to their attention, within the confines of their professional responsibility and ethics.
- 12. Guided by a victim-centered approach, illegal immigrants who are detected by the police or other respective authorities, should be referred for a medical exam by trained personnel for signs of human trafficking, rather than considering them deportable on the spot.
- 13. Existing empirical research on the effects of human trafficking on public health by academia, nongovernmental organizations and state agencies is extremely inadequate compared to the risks both to victims and to the public. Consequently, all

concerned actors need to expand systematic research, analysis and review on the public health risks of human trafficking.

- 14. Special attention needs to be accorded to the comparatively least studied aspects of human trafficking, including health effects of labor trafficking, non-sexual health-related effects of trafficking and long term consequences of trafficking on survivors.
- 15. Research needs to be undertaken also regarding the role played by the health consequences of human trafficking in the reduction of human security and human development.

III. General Provisions

- 1. In order to address the aspect of demand for commercial sexual exploitation, states should consider criminalizing the clients/customers who use the services offered by victims of human trafficking. In countries where prostitution is legal, measures should be taken to bring awareness to the clients and customers in order to be able to identify potential victims of human trafficking.
- 2. Corruption, as a phenomenon increasing the impact and rate of human trafficking, should be seriously investigated, prosecuted, and severely sanctioned.
- 3. Immediately upon identification, human trafficking victims should be provided with legal aid.
- 4. With the aim of deterring the crime of human trafficking, media should be more involved in exposing the phenomenon, including the possibility of showing trafficking trials on TV, with all due respect to victims' privacy and the standards of fair trials.
- 5. Creation of a database of convicted traffickers, open to the public, and in accordance with the national law, should be considered as a way of protecting the victims of human trafficking and the public at large.
- 6. Convicted traffickers should be mandated to undergo psychological consultation and treatment therapy, for a number of years, upon having served the sentence.
- 7. Any assets and proceeds that result from human trafficking should be forfeited to the state in order to be used for mandatory reparation for the damages suffered by the victims and other victim protection programs.
- 8. States should expand their extraterritorial jurisdiction, as well as assume universal jurisdiction, to include the crime of human trafficking, particularly in the case of sex tourism.

- 9. States might consider extending mandatory regular health check-ups to include work places, in search for indicators of potential cases of human trafficking.
- 10. Professionals dealing with human trafficking victims should be provided with psychological care and with training on techniques of stress reduction, in order to avoid their burn-out.
- 11. States should increase international cooperation in criminal matters in order to facilitate exchange of intelligence and evidence, to ease the procuring of testimonies from witnesses and to expedite extradition of traffickers.

IV. Protection and Reintegration of Human Trafficking Survivors

From the stand point of public health, trafficking of human beings exhibits all attributes of a communicable disease.

With the delimitation to victims of trafficking applying efficient public health measures means:

- *Identification of victims*
- Isolation of victims
- Treatment of all acquired conditions (physical, mental and social)
- Reintroduction of the "cured" back into the healthy community.

Identification of Victims

- 1. States should sponsor training and support efforts to train medical and health care professionals, law enforcement officers, judicial and other administrative officials as well as members of governmental agencies who may have contact with trafficked persons in all the moments and phases of human trafficking. This includes training in the specific means of communication, attitude, and behavior, in providing guidance to the victims, and understanding their social, health and legal needs.
- 2. Governments have the responsibility to find and identify victims of trafficking and assist them to come forward without fear of prosecution or retaliation. To this end, states should develop identification measures which distinguish trafficking in human beings for various forms of exploitation from illegal migration and smuggling. Governments should use existing institutions (e.g., National Institution of Public Health) or create a National Center for Trafficking Control, managing transparent aggregated data set, by combining existing registries, in order to alert, or as a trigger of awareness of a possible trafficking phenomenon. Multiple means should be used to help victims of trafficking come forward, such as social networks, hotlines, drop-in centers and direct victim outreach.

- 3. Governments have the responsibility to cooperate, to facilitate the exchange of information on ongoing investigations on human trafficking, as well as assuring the collected data mentioned above.
- 4. In the case of suspicion of a child being a victim of human trafficking, it should be mandatory for the medical professional to report such cases to the designated authorities. Concerned medical professionals should consequently be protected against being criminalized for the breach of the professional confidentiality.
- 5. Awareness campaigns spreading information about trafficking issues should target the general public, the business community, and policy makers in order to create a "NO SHAME-NO BLAME" environment for all involved stakeholders (especially the victims of trafficking) that does not accept any form of trafficking, in order to help identification of victims and vulnerable individuals. They should also address specific groups, such as potential victims, customers, business owners, border officials, law enforcement personnel, and diplomatic authorities. Such campaigns should warn about the risks of trafficking as well as the harm of prostitution, in disseminating human trafficking related diseases and inform about the benefits available to victims of trafficking. The media can play a crucial role by acting as a multiplier and ensure the outreach of the campaign by launching a systematic effort in several countries at the same time, thereby creating synergies and effective peer pressure.

Isolation of Victims

6. Governments should assure the creation of new facilities (wards) offering immediate isolation and commencement of treatment of the identified victims to address spread of trafficking associated diseases and aggravation of the already incurred health related damages of the victims.

Treatment of all Acquired Conditions (Physical, Mental and Social)

- 7. Governments should assure the creation of a medical subspecialization, dealing with victims of human trafficking (like, e.g., already existing subspecialization "tropical medicine" as a build-up on infectology). This approach could also be applied to sub-specialized psychologists.
- 8. States should facilitate the repatriation of victims of trafficking, if they wish to return to their home country. Governments have also the responsibility to ensure the re-integration of victims of trafficking in their communities, by issuing identity documents and providing them with employment or education opportunities. The victim should be granted the right of free decision to choose the country of residency based on provided, relevant information from governments, NGOs.
- 9. States should grant temporary residency and, where appropriate, the permanent residence permits in favor of victims of human trafficking. Victims of human

trafficking should be considered as victim of persecution and, consequently, entitled to recognition of refugee status.

- 10. Victims should not be forced or coerced into cooperating with the prosecution of perpetrators, nor should they be penalized for failing to testify.
- 11. Safety and privacy of the victims should be of the highest priority. Governments have the responsibility to ensure that witness protection programs are available to victims of human trafficking and their family members before, during and after investigation and prosecution. Protection measures, especially police protection measures, should be available to all victims in need, not only to those acting as witnesses.

If the victim's and the trafficker's identities are known, or revealed, no verbal or visual interactions should be allowed.

In the case of the victim's identity not being known to the perpetrator, the Court should have the duty of not revealing the survivor's identity.

- 12. Benefits granted to a victim of trafficking should also be extended to members of the victim's family as needed.
- 13. During trial, victims of trafficking should not be held legally accountable for their otherwise criminal actions performed during their subjugation to trafficking-related exploitation.
- 14. The trafficked person must be recognized as the victim of the crime of trafficking. States must not criminalize the status of the trafficked person and should not penalize the victim for illegal acts, such as illegal immigration or prostitution, self-induced abortion or any sort of felony, incident or related to the trafficking act.
- 15. Preventive measures should include, as a minimum: 1) programs promoting the empowerment of women and their full participation to the economic and social life of their countries of origin or any other country where they reside; 2) policies promoting education, social protection, and economic development; 3) measures to survey migration patterns and ensure legal and safe labor migration. (Modified § 33, Miami Declaration)
- 16. Governments have the responsibility to create conditions for NGOs, including faith-based organizations, to allow them the freedom to work, and consult with them in taking the necessary measures to combat trafficking in persons and to assist the victims. They should ensure permanent information exchange with NGOs. Moreover, a system of identification, assistance, protection and social inclusion of trafficked persons should be based on regular cooperation between public institutions and social actors (especially law enforcement, prosecution, migration authorities, local

authorities, NGOs and other relevant actors and service providers) at the national and local level. (Modified § 34, Miami Declaration)

- 17. Countries of origin, transport and destination have the responsibility to cooperate, exchange information, and provide for mutual assistance in order to: 1) develop joint actions against trafficking and prevent overlaps; 2) promote law enforcement and judicial collaboration; 3) facilitate contacts between embassies and consular authorities, and associations; and 4) prevent spreading of all trafficking related health issues, diseases and states, and other medical conditions, affecting physical and mental integrity.
- 18. Ongoing research, information, networking, education, and mass media campaigns are crucial in finding new tools and processes in the fight against trafficking in persons and highlight the link between trafficking and all sexually transmitted diseases.

Reintroduction of the "Cured" back into the Healthy Community

19. Re-introduction, from the point of view of public health, means enabling the regaining of self-control of the victims lost in the process of trafficking, which represents a contemporary form of slavery. Literally, this means enabling the victims to have life in their own hands again.

The main instrument would be the provision of access to educational programs specifically designed to allow the victims to attain the highest possible level of literacy enabling them to integrate and function well in the population of their choice.

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