

Methodology for Identifying Victims of Trafficking Accompanied by the Presumed Perpetrator

INTRODUCTION

It is often the case that a potential victim of trafficking is accompanied by someone, for example the perpetrator, when appearing before an official body (government office, bank, consulate, immigration authority, etc.) or when seeking health care.

Such a situation can significantly impede the members of the signalling system in fulfilling their duties under [Government Decree No. 354/2012](#) (observing signs of victimisation, conducting an identification interview, referring the identified victim for assistance). If the client is indeed in a submissive position, he/she will not talk about the abuses that he/she suffered in the presence of the person who is controlling him/her. The potential victim may not even dare to answer your questions without the permission of the accompanying person. If asked, perhaps he/she even agrees to the presence of the accompanying person out of fear.

SEPARATING THE CLIENT AND THE PRESUMED PERPETRATOR

First of all, it must be clarified **in what capacity the accompanying person is present** (e.g. legal representative or holding authorization). If the accompanying person cannot prove his/her right to participate in the procedure, always try to separate him/her from the potential victim and conduct an identification interview, or at least attempt to gather more information on the situation which could dispel or confirm your initial suspicions.

This can be done in several ways, depending on the local circumstances (possible assistance from co-workers, type and layout of the client reception area) and the level of suspicion.

The first step is to ask the accompanying person with due firmness to wait in the corridor / hallway / other designated area. To do this, refer to the **internal rules** or the **privacy rights** set out in the law as follows (use whichever example seems to be the most reasonable in the given situation or type of case).

- » The accompanying person should be informed that, by law, a third party can only be present at the interview (or medical examination) of a client (or patient) of legal age if the client is under guardianship and the accompanying person can prove to be the guardian. Similarly, in the case of minors, only the parent or a child protection guardian is allowed to stay.
- » According to the rules of client interviews, documents are signed (or biometric data are recorded) in a separate room.

- » The internal protocol requires a male officer to interview male clients and a female officer to interview female clients, the interview will therefore take place in a different room.
- » If the client is a foreign national who does not speak Hungarian and the accompanying person seeks to justify his/her presence by the need for interpretation, you may indicate that the hearing can only be conducted with the assistance of an interpreter appointed by the authority (if a reliable interpreter is indeed available at short notice in the given language).
- » The office is equipped with a camera system and some colleagues have already been “disciplined by the boss” for not ensuring restricted data processing under the [Act on General Public Administration Procedures](#) / [General Data Protection Regulation of the EU](#).
- » Restrictions are still in place due to the COVID-19 public health emergency, which do not allow more than two persons to attend the hearing.

The above should be communicated bit by bit, not all at once. You may repeat some arguments, quoting the regulation or legal provisions verbatim, or showing the accompanying person the referenced rule in writing. Continue to communicate in a kind and understanding manner! To reassure the accompanying person, tell him/her that the private part of the hearing will not take long, and that you will definitely call him/her in, if necessary.

You can even go so far as to ask the accompanying person whether, in the reverse situation, he/she would accept the presence of a third person if his/her sensitive data were being discussed or if he/she had to undress for a medical examination.

If your first attempts to separate them failed, try to **involve a colleague** who can distract or escort to another room the unwanted accompanying person.

- » Now one of you can talk with the potential victim and the other with the accompanying person. One way of doing this could be to simultaneously interview the accompanying person as a witness and draw up his/her statement in a different room.
- » You can also reverse this approach: if the accompanying person seeks to justify his/her presence by claiming that the client is unable to manage his/her affairs independently, suggest talking privately about his/her condition to explore the possibility of placing him/her under guardianship (which could include managing his/her finances) → this way you can keep the accompanying person busy, while the client, who is waiting in another room, will be looked after by an experienced colleague or the office manager.

- » If you go with the client to a separate room yourself, ask a colleague to show the accompanying person the coffee machine, the cafeteria, or the designated smoking area (even better if your colleague can stay with the accompanying person the whole time).

It is important not to raise suspicion when trying to separate the accompanying person and the client.

The indicators of the identification data sheet set out in Annex 1 of the Government Decree should be applied to establish victimization. For detailed guidance on the one-on-one interview and victim identification, see pp. 15–20 of the handbook titled *SANSZ – Supporting Material for Professionals*. Another section of the handbook summarizes the support services and benefits available to victims, which can greatly increase their willingness to cooperate.

If the identification interview confirms your suspicions, notify the **police** immediately and pretend to continue administration until they arrive. If you are able to stay with the victim for a longer period of time, try to find out if he/she has a place to go or needs sheltered accommodation. If possible, fill in the identification data sheet on paper and then electronically in the EKAT System. By filling in the form in this web-based system, the victim support services and if needed, the [National Crisis Management and Information Telephone Service](#) (in Hungarian commonly abbreviated as “OKIT”) is automatically alerted.

A short conversation may not reveal the victim's situation. In this case, give him/her the contact details of the **OKIT Hotline**, where he/she can ask for help later. In case of other types or lower degree of vulnerability, contact the **family and child welfare service** of the client's place of residence. You will find the national database of the services on the following website: <https://szocialisportal.hu/szakmai-intezmenykereso>).

However, if there are signs of abuse or violence on the body of the client, you must call the police regardless of any other information you have gathered so far.

INSTRUCTIONS FOR CONDUCTING THE PROCEDURE IN THE PRESENCE OF THE PRESUMED PERPETRATOR

If the accompanying person still refuses to leave the room, consider the steps in points 1-3. Be sure to **record the personal data of the accompanying person** and, if you still consider it necessary at the end of the procedural act, proceed as described in point 3.

1 Let's suppose that asking questions about the exploitation is not possible since there are three of you in the room. However, you can ask the client to take a look at your monitor and nod to indicate if the records are correct (for example birth data). To do this, open a document beforehand that simply says "Do you feel safe?", "Did your companion hurt you?" or other easy-to-understand questions. If the client's reaction confirms your suspicion, notify the police immediately and pretend to continue administration until they arrive. Do the same if other information suggests an imminent threat to the client's life or physical integrity. If the situation does not allow you to make a phone call, just send a message (email, Viber, WhatsApp, etc.) to one of your available colleagues.

2 Try to draw the client's attention to the contact details of support organizations, for instance, by handing over the OKIT Hotline's phone number on a piece of paper. The best opportunity to do this is when you give back his/her documents (provided that you didn't notice at the beginning that the accompanying person held the client's documents). In such cases, the following leaflet in business card format may come in useful.



You can distract the accompanying person for a few moments by giving him/her some paperwork (a form or questionnaire to fill in). You can also write the OKIT Hotline's phone number on one of the documents you issued (client copy of the minutes, medical report, etc.) indicating that he/she can ask for more information later on the management of his/her case on this number. If you have your institution's leaflets near at hand, you can give them to both persons present, writing the OKIT Hotline's number on the copy of the presumed victim.

Whichever way you choose, you should add something to the phone number for clarity, e.g. "If you're in trouble – 0680205520".

It should also be taken into account that the presumed victim may not be in a mental state to use the note slipped into his/her hand. Therefore you should try to weave into the conversation that unfortunately you are seeing more and more cases of people being detained and exploited, which is a crime; and your office has been tasked to tell everyone that if they see this happening around them, the police can help, either by going up to them on the street or call 112, which is free and can be dialled without unlocking the cell phone.

It can also be helpful to place self-identification information materials in the restrooms used by clients. In addition to including a plain definition of human trafficking, these materials should convey the message that there is help available and someone to turn to, and should provide contact details for support organisations (beware, less in more here!). Several organizations (e.g. National Crime Prevention Council, National Directorate-General for Aliens Policing) have developed such information materials in recent years.

3 Carry out the paperwork "as if nothing had happened" but then send an alert by sharing the available client data. Notify the family and child welfare service of the client's place of residence in case of lower degree of vulnerability, or the police if a more serious risk is suspected.

Faking administration – notes

Let's suppose that you had alerted the police but you have to hold up the victim and the accompanying person somehow until they arrive. Below we put together some tips that will buy you time but will not lead to an open confrontation.

- » Make excuses for the slowness of the filing system / computer program or a printer / photocopier failure.
- » Explain that the documents are ready but they will have to wait a few minutes until the issuing administrator arrives / the manager signs the documents.
- » Offer extra help by saying they are in a visibly difficult financial situation so you can contact an aid organization for a donations (durable food, firewood, warm clothes, etc.). Introduce the possibility of a benefit or assistance that they could apply for through your office and only requires a handwritten request.
- » Indicate that, based on the client's specific situation, it was deemed necessary to involve another authority or another department of the outpatient clinic, from which you are still waiting for feedback.
- » Turn to the accompanying person and try to keep him/her talking: where they are going next, why they are in such a hurry to leave. At the same time, you can summarize what was discussed, ask for feedback or if everything is clear, ask if they have any further questions or they want to make a second appointment now, etc.
- » Warn them that if they interrupt the procedure by leaving early, they may be subject to a procedural fine under the Act on General Public Administration Procedures, and that you will be obliged to report them as a suspicious client.

