

29.11.2021

INTERCULTURAL MEDIATOR'S INTERVIEW, CHILD PROTECTION SERVICE, GOVERNMENT OF ANDALUSIA

One of the first questions we would like to ask you was whether you think that in your experience the pandemic has led to an increase in crimes such as trafficking via the Internet. What is your opinion on this matter?

Within this crisis there has been a confinement but not digital confinement, on the contrary, what the networks have done is to create another world within the digital world, they are people who use such sophisticated tools sometimes mixed with rudimentary tools that with the pandemic what they have done is change the model, I am talking about Granada where there have been nightclubs that have disappeared but it does not mean that there is no trafficking of human beings or prostitution, they are rather on the other side of the digital world.

For example, do you notice that in the people you are assisting this year, do they tell you if at any time they have been recruited through the internet?

Yes, for example, through social networks, especially through social networks such as Facebook, Twitter, but especially Facebook is what they comment the most.

And another question, as these crimes have moved to the Internet world, how difficult is it to investigate the evidence that cybercrime is presenting, how is it making it difficult to investigate human trafficking?

I wrote an article three years ago about religion and the digital world and I wanted to get into the Deep Web for that and before do it, I got in touch with a friend of mine who is a police inspector and he told me that you wouldn't even think of doing it, the difficulty is at the level of information, I don't have the information to access the digital world because as there is no established legal framework, we don't know who is on the other side and of course, it's as if it were the world of the web and there are all the biggest criminals out there and there is so much money moving around that, and in this process they can easily locate you with your IP and of course training is what is needed and also defining a legal conceptual framework is very important.

Yes, I was going to ask you now, whether you think that the current legal framework is capable of dealing with all this or not, and what reform you think would be necessary to protect victims, who are now moving in this whole digital world.

We are always far behind the networks, they are like chameleons, they have a facility to adapt to the environment that often leaves us a little unprotected to act with them, because there is a very slow bureaucracy of protection to act, because they know if we are at A, they are already at A1, A11, they have informed people who adapt easily and we are far behind.

I don't quite remember the question,

The question would be whether you think it is necessary to reform the rules, for example, to reform the Criminal Code.

The Criminal Code, yes or yes, because what is not normal is that even with the collaboration of a victim with whom we were at the hearing, it is not normal that a girl herself, that we work with

this girl, that she has the courage with name and surname to say that this person is my “pimp”, is the person who brought me, is the person who tortured me and then this person is sentenced to a maximum of five years or perhaps eight years, with all this the Criminal Code is not a guarantee.

And then, in addition, the digital world, when are we going to sit down to establish the limits, because they are not there, even the new law on children or the Andalusian and national law reflect the whole aspect of the digital world but as a crime it is not authorised either, what type of crime it is or if it is a tort but even digital platforms like Facebook have done much more than us, they track much more than us, so we have to do something, it is not delimited.

What can be the strengths, in this case of the administration, or weaknesses when it comes to investigating human trafficking crimes in the year in which we live?

Everything depends on establishing a legal framework, it is necessary but then we have to articulate it, we need trained and informed people and we have to train them to work in the same immediacy as the networks themselves, so we need informed people, sensitive people, people who know what we are talking about, but above all, training, This means that we have to work in coordination, because if we don't create a network, if we don't do teamwork, I can go so far but then the other person has to take over and then they have to have competencies in all areas and not seek the limelight, which is also one of the shortcomings that exist, because I know that within the Strategic Plan against human trafficking, a lot of projects are financed, and as there is no control over how these projects are being carried out to justify them, then they talk about human trafficking, a situation of human trafficking, when they are not, and we have to be very careful with how we use the concepts, and as long as it is the public administration that supervises everything, I am not against the NGOs, on the contrary, they are doing a fantastic job, but I also say that it is not possible, that everything can't relapse on the NGOs because the maximum responsibility lies on the State, which is the maximum authority and has the competence and responsibility.

Do you think it is necessary to improve coordination between the state and the organisations, for example?

Yes, it should be improved, but above all, the administration should be at the centre, not as an axis of control, but as an axis of supervision, and coordination should be the administration that articulates all the work.

And as an administration, can you think of which administrations should be coordinated on this issue?

There are many, Justice Administration, in the case of minors, Equality and Child Protection, but also for adults Equality through its delegations and even Innovation for the digital world, but above all justice, the Public Prosecutor's Office which is justice and Equality, Health because we know all too well that it leaves trauma, the intervention must be systemic and if it is systemic there must be many institutions there, Ministry of Interior too, Ministry of Foreign Affairs because they are transnational networks, it is a chain, almost all the Ministries, that is why it is the Public Administration that must be at the centre of all intervention, to supervise, control and see how everything is being carried out.

Do you think, now talking a bit more about Financial Investigation, do you think awareness is raising about the need to use financial investigations to crack down on human trafficking, in the administration for example, or is it still a topic that is not being paid attention to?

I have many friends who are police inspectors and all the training they have been doing in confinement was related to cryptocurrency, criminality, etc. The Ministry of Interior is raising awareness, in my Department we are not yet aware of it, but at least, I think as they have started with Interior and I think it is also logical, so let's see what happens.

And do you think it is important or could it be important to contribute to dismantling the trafficking chain that progress is made in the financial investigation of the crime?

Yes, I am totally convinced, I always say that Al Capone was not arrested for murder but for tax evasion, and now we are seeing it with all the corruption cases, I am not saying that they are murderers, but of course people have accounts in tax havens and then of course, we will have to multiply our efforts, we have to hit where it hurts the most, the money.

What would you say are the emerging payment channels that are being used for example to launder money or to launder the proceeds of this? You were talking about cryptocurrencies, I don't know if you are aware of others.

As I told you, three or four years ago I wrote an article on this subject and then I was doing a lot of research, that the mafia networks, especially those related to human trafficking and drug trafficking, because it is not only human trafficking, it is always said that in the ranking of criminality first is weapons trafficking, then drugs and then prostitution and human trafficking, but you can combine all three at once, so there are many human trafficking networks that combine all three at once and for example in Nigerian and African networks such as DAESH, ISIS; they are people who combine two methods, the rudimentary method which is the Hawala, do you know what it is? Yes, there is the Hawala and they have the sophisticated means which is the cryptocurrency, and then of course, they combine this traditional method with this other one, and they don't have to be Muslims, because Hawala is a Muslim contract but the Nigerian networks use it for their purposes and DAESH also does it.

We were wondering now, although we were also talking about it, how can our law enforcement agencies, the Public Prosecutor's Office and the judiciary respond better to this professionalisation of crime on the Internet, what do they need to be able to respond more effectively?

Firstly, they need more support, because I have been involved in many investigations and many times they have not had the judicial support that the victim deserves, so they need support. They need training, I know they are doing it right now, training, but it is urgent that they continue.

Do you think that in this training they would need training in Internet investigation techniques, that is, to go further, in cyber intelligence, electronic payment currencies, in all these issues as well?

Do you mean academic training? **Yes.**

Yes, of course, yes, yes, yes.

In general, do you think that in society, as we were talking about social awareness, there is a need for more awareness of cybercrime, for people to know that all this is being committed on the internet?

Yes, I think it is our responsibility to make people aware of what is happening here, that it must be made clear, I have given many talks in high schools and teenagers thought it was all fiction. There are people who even say that it can't be, that this is not happening here and of course it is, we need to raise awareness because they don't know, because even though for example they are talking on television about the arrival of vessels, this has become normalised and so people no longer see it, they don't see it with the indignation that we who are involved in this world can see it, so I have the feeling that sometimes, for example in Andalusia, it seems to me that we are living in two or three worlds, in parallel, those who live in their comfort zone and others who don't want to look at it, but those who are in their comfort zone, but don't know it, are aware of what is happening on TV but don't want to know more, and the others who are trying to make it happen, and that citizenship is still a pending subject, and I'm not just talking about cybercrime but about being aware of what is happening here.

Do you think there is complete legal protection for survivors of human trafficking, for example, where does the state need to improve its protection?

Protection needs to be more protective, and I am not talking in terms of benefits, but more protective at a therapeutic level to repair the fears that they may have had, it is not protective, but it speaks and, if you do not collaborate, I cannot identify you as a victim of human trafficking and then at a criminal level, it seems that the crime is minor, and I don't know if the crime is minor because the victim is usually a foreigner and so it seems that they have less identity or are less of a person than another person from "the first world", and so it's a bit like criminalising their own arrival, I don't know if we can talk about the guaranteeing approach because I think we still have a long way to go.

And then there is one thing that shocks me a lot, minors who are victims of human trafficking, being minors and under the guardianship of a public administration are not recognised as having the formal status of a person identified as a victim of trafficking until they are 18 years old because it is considered, this is an interpretation, it is considered that being a minor is already protected by the State, but they are protected because they do not have parents, So it is often contradictory, because if they are formally identified as a victim of human trafficking, then at least when they reach the age of majority, there is a greater guarantee of protection, judicial protection, etc., although we offer it, but I think that if a person has been detected when was a minor as a victim of human trafficking, their condition does not change, so why not do it from the beginning.

Is the state in general failing more in detection or in identification, in both or neither?

In both, in detection we are failing because the indicators are established, but we are failing because how many people have passed through our hands and we did not realise that they were victims of human trafficking, there are indicators, the recruitment, the form of arrival, the traumas, the scarifications, etc, but we are not aware, we are not trained and so there is a failure in detection, it sometimes seems to me that detection is done when there is not only awareness, but as part of partisan knowledge because we are involved in it and often, we do not want to complicate our lives.

And on the other hand, identification is also failing, with regard to minors, they are identified when they are 18 years old and maybe then if they are still under the control of the public administration, then I can follow up, because you have a partisan knowledge that says I will continue to do it the next day I will request the formalisation of the identification, but often people don't do it.

And I think it is time to have a well-established and urgent protocol and that we stick to what is written and that the deadlines are agile, it is obvious, the urgency.

Finally, and speaking of best practices, I think that on some occasion you have spoken about the Ave Fenix Protocol that you are carrying out here in Granada, if you can tell us how it works, what it has contributed to the process and to the guarantee of people.

I started working on the protocol, first in the observation phase, both academic and technical research, participant observation, many years ago and I started writing it after my thesis, in 2017, well, we call it Ave Fenix because they are survivors like the fenix, they are reborn from their ashes and then what I observed was that many times we were doing not one interview, but three or four interviews of the same story and so we are not protecting people.

In this project, what is intended, what was put in place, is that when there are indicators of human trafficking, I summon the girl to the Child Protection Service, because I separate three spaces, the residential space which is the Children's Centre that is her home, the house, and there they cannot enter into any conflict, it is the place where she is going to live in peace; the public administration, through the child protection service, which is the institution that will give her the strongest protection, and on the other hand, the police, so we have decided that the whole interview will take place in the home of the guardian body, which is the one that will protect the girl in all areas, not because the National Police does it badly, on the contrary, but in this case, as they have an experience and on the way they meet another type of police, they have another concept of them.

And so what I do when the centre tells me that there is a possible victim of human trafficking, I summon the person, the girl and I give her a 30 minute interview in the service, I welcome her, I try to talk to her, I try to get her attention, I am in observation mode all the time and if I check that there are some indicators, and if she is a victim of trafficking, I try to get her attention, and if she is Nigerian, well, she never tells you about Nigeria, she tells you about another country, then we visualise with the girl a short 8 minute film about the "yuyu" and then, I observe the non-verbal communication that the girl may have and I give her a period of reflection and I say to her: *"Look, I think you are a victim, not a victim, because I use her term and we, as a government, have more power than the spell itself that we can break it"* and I leave her for a week and before the week, I contact the specialised group of the police and we organise an interview, I usually conduct the interview and there is the policeman and the inspector and there is always the same official translator, always the same one, she is aware of what is there, because sometimes very strong things come out and so that she is also prepared and that she is a woman of course, that is also very important and the inspectors are usually women as well.

So, what is collected in this interview, which is usually long, is a biographical interview, and from a totally anthropological perspective, everything is collected in the blocks of the interview script that we created, in block one, the experience in origin, the journey in block 2 and then the social integration in block three to finish well and then this story is rewritten and then I send it as a life story to the National Police and they use this report that I make as evidence of police exploration and we send it to the Prosecutor's Office and then if the content allows a judicial investigation

to be opened or if there is a hearing, then it can be used as pre-constituted evidence, and it does not have to be cited twice and it is not re-victimised.

The other aspect of the Ave Fenix project is a therapeutic approach, in the centre we train the staff, we explain the experience of these girls, with the school we also try to look for professional insertion courses as soon as possible, to document this girl as soon as possible, if we tell her we get you out of prostitution we have to have an immediate result behind.

And since we set up this protocol, the result for me is excellent, considering that among the girls who have gone through this protocol, no girl has had the desire to run away, to flee to join her network and almost all the girls are in a flat for adults, they are working, many have left with a good remittance, and they are all there, one is working as a waitress, the other in another place and they are doing very well and almost all of them have been formally identified as victims of human trafficking.

And when did you start to implement it? We want to take it as a good practice that can be replicated elsewhere.

In 2017, I also participated in the Ministry's focus group through the Delegation for Gender Equality in Madrid and it is included in the report of the 2015-2018 Evaluation Plan.

That is the end and if there is anything that you think is important to add or that you think is missing, this is also the time.

I think it is very interesting that we have an interdisciplinary roundtable in a project like UNCHAINED, which is very interesting and valuable and which I hope will not remain just a project. Immediacy, cooperation and collaboration is the most important thing.