



Trafficking in Human Beings: Countering Impunity

Enhancing investigations and prosecutions

Vienna, 1-2 December 2022

**UP
GRADE**
YOUR LEGAL
EXPERTISE

Criminal Law

Speakers

Patrick Bourgeois, Head of THB and Smuggling of Persons Unit, Federal Judicial Police, Brussels

Radu Cucos, Associate Officer, Office of the Special Representative and Coordinator for Combating Trafficking in Human Beings (CTHB), Organization for Security and Co-operation in Europe (OSCE), Vienna (online)

Alexandru Dena, Specialist and Forensic Expert, Directorate for Investigating Organised Crime and Terrorism (DIICOT), Bucharest

Luuk Esser, Coordinating Policy Officer (Sexual Violence Crimes and Human Trafficking); Head of Unit, THB and Sexual Violence Crimes, Ministry of Justice and Security, The Hague

Ramin Farinpour, Senior Lawyer, European Criminal Law Section, ERA, Trier
Thi Hoang, Analyst and Journal of Illicit Economies and Development (JIED) Managing Editor, Global Initiative Against Transnational Organized Crime, Vienna

Tatiana Jancewicz, Head of JIAs Network Secretariat, Eurojust, The Hague

Kerstin Kreuzer, Detective Inspector, Department for Trafficking in Human Beings, Smuggling and Special Investigations, Joint Operational Office (JOO), Austrian Federal Criminal Intelligence Service, Vienna

Ioana van Nieuwkerk, Judicial Cooperation Advisor, Member of the Anti-Trafficking Team, Eurojust, The Hague

Maarten Noordzij, Senior Public Prosecutor for Trafficking in Human Beings and Migrant Smuggling, Public Prosecution Office East Netherlands, Arnhem

Evelyn Probst, Head of Intervention Centre for Trafficked Women and Girls, LEFÖ (Information, Education and Support for Migrant Women), Vienna

Tetiana Rudenko, Senior Co-ordination Advisor, Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (CTHB), Organization for Security and Co-operation in Europe (OSCE), Vienna

Ursula Schmudermayer, Senior Public Prosecutor, Central Prosecutor's Office for Combatting Economic Crime and Corruption, Vienna

Petra Schneebauer, Ambassador, National Coordinator for Combating Trafficking in Human Beings, Federal Ministry for European and International Affairs, Vienna

Szonja Szabó, Specialist, Analysis Project Phoenix, European Migrant Smuggling Centre (EMSC), Europol, The Hague (online)

Katharina Thon, Programme and Capacity Building Officer, Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (CTHB), Organization for Security and Co-operation in Europe (OSCE), Vienna

Alma Zadić, Federal Minister of Justice, Vienna

Key topics

- Countering impunity by enhancing national and cross-border judicial, law enforcement and NGO cooperation
- JIAs and methods to detect offenders, victims and perpetrators
- Non-punishment, victimless prosecution strategies and better protection of victims during the investigative and court stages
- Financial investigations and victims' compensation

Languages

English, German
(simultaneous interpretation)

Event number

322DT103

Organisers

ERA (Ramin Farinpour) in cooperation with the Austrian Federal Ministry of Justice, the Dutch Study and Training Centre for the Judiciary (SSR), La Strada International, LEFÖ, the Organization for Security and Cooperation in Europe (OSCE) and the Romanian Directorate for Investigating Organised Crime and Terrorism (DIICOT)



Trafficking in Human Beings: Countering Impunity

Thursday, 1 December 2022

08:30 Arrival and registration of participants

08:50 **Welcome and introduction**

Alma Zadić, Petra Schneebeauer, Ramin Farinpour

I. SETTING THE SCENE: UNDERSTANDING THE PROBLEM OF IMPUNITY, THE FACTORS THAT CONTRIBUTE TO IT AND GOOD AND PROMISING PRACTICES TO COUNTERACT IT

Chair: Ramin Farinpour

09:05 **Understanding the scope and nature of impunity: facts and figures**

- The impact of emerging challenges on THB, its perpetrators, victims and investigations
- Good and promising practices to counteract impunity

Katharina Thon, Tetiana Rudenko

09:45 Discussion

10:00 **Are national criminal codes fit for purpose to counteract impunity or does more have to be done? An evaluation of the penal provisions of the Dutch Criminal Code to combat THB**

Luuk Esser

10:30 Discussion

10:45 Coffee break

II. TOOLS AND METHODS TO ENHANCE INVESTIGATIONS AND PROSECUTIONS – PART I

Chair: Katharina Thon

11:15 **Leveraging innovation to fight trafficking in human beings: a comprehensive analysis of technology tools**

Radu Cucos, Thi Hoang

12:00 Discussion

12:15 **Utilising the European Investigation Order (EIO) to enhance THB investigations and prosecutions: technical limits of the investigatory measures**

Alexandru Dena

12:45 Discussion

13:00 Lunch

14:00 **Eupol's work and assistance in enhancing cross-border law enforcement cooperation to combat THB**

- Data analysis and understanding the modus operandi of traffickers
- Joint Investigation Teams (JITs)
- Financial investigations and asset recovery

Szonja Szabó

14:45 **The role and possibilities of Eurojust in countering THB through enhanced cross-border judicial cooperation**

- Eurojust THB report on best practice and issues in judicial cooperation
- Joint Investigation Teams (JITs)
- Freezing and confiscation of assets

Ioana van Nieuwkerk, Tatiana Jancewicz

15:30 Discussion

15:45 Coffee break

III. SIMULTANEOUS WORKSHOPS

16:15

- **Victim-centered investigations and prosecutions of THB**

Kerstin Kreuzer, Maarten Noordzij, Evelyn Probst

- **Setting up and managing a JIT**

Tatiana Jancewicz, Ioana van Nieuwkerk, Ursula Schmudermayer

- **Forensic tools in THB cases, case management**

Alexandru Dena

- **Leveraging innovation to fight THB: technology tools**

Thi Hoang

18:15 End of first day

Objective

This first seminar in a series of three co-funded by the European Commission will analyse the scope and nature of the problem of impunity when investigating and prosecuting trafficking in human beings (THB). Best practices will be shared in how to counteract impunity, including national and cross-border law enforcement and judicial cooperation, and also cooperation with NGOs and civil society in identifying perpetrators and victims of THB.

Who should attend?

Judges, prosecutors, law enforcement officers, civil society/NGOs from eligible EU Member States (Denmark does not participate in the Internal Security Fund - Police 2014-2020) and eligible Candidate Countries (Albania and Montenegro).

Venue

Federal Ministry of Justice
Museumstraße 7
Vienna
Austria

Participation fee and reimbursement of costs

Participation fee: €120, including documentation, lunch and a joint dinner

Travel costs up to €300 will be reimbursed by ERA upon presentation of the original receipts, tickets, boarding passes or invoices after the seminar.

Two nights' hotel accommodation up to €145/night will be reimbursed by ERA upon receipt of the original invoice.

Your contact person



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19:30 Joint dinner

Friday, 2 December 2022

IV. TOOLS AND METHODS TO ENHANCE INVESTIGATIONS AND PROSECUTIONS – PART II

Chair: Ramin Farinpour

09:00 Workshop reports

09:15 **Following the money: the importance of understanding illicit financial flows and effective financial investigations related to THB**

- Financial intelligence, tracing illicit funds and profits, asset-freezing and confiscation
- Related money-laundering and diversification into cryptoassets
- Victim compensation
- Inter-agency cooperation

Patrick Bourgeois

09:45 Discussion

V. VICTIM-CENTRED APPROACHES TO INVESTIGATIONS AND PROSECUTIONS

Chair: Ramin Farinpour

10:00 **Victim identification: important tools in victim-centred law enforcement investigations**

- National Referral Mechanism (NRM)
- Identifying victims and perpetrators
- Interviewing victims and giving them support
- Inter-agency cooperation

Kerstin Kreuzer

10:45 Discussion

11:00 Coffee break

11:30 **Protecting victims during judicial proceedings and ensuring maximum penalties for perpetrators**

- Non-punishment and non-prosecution of victims, the danger of secondary victimisation
- Victimless prosecution strategies within the context of evidence-gathering
- Victim protection and compensation
- Inter-agency cooperation

Maarten Noordzij

12:15 Discussion

12:30 **Access to justice and the work of civil society: ensuring victims' rights are protected**

- Victim identification and protection from perpetrators
- Provision of support during investigations and judicial proceedings
- Access to remedies and compensatory measures

Evelyn Probst

13:15 Discussion

13:30 End of the seminar

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Programme may be subject to amendment.

CPD

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Vienna, 1-2 December 2022 / Event number: 322DT103



Terms and conditions of participation

Selection

1. Participation is open to judges, prosecutors, law enforcement officers, civil society/NGOs from eligible EU Member States (Denmark does not participate in the Internal Security Fund - Police 2014-2020) and EU Candidate Countries (Albania and Montenegro).
2. The number of places available is limited (50 places). Participation will be subject to a selection procedure.
3. Applications should be submitted by **17 October 2022**.
4. A response will be sent to every applicant after the deadline. Participation is subject to a selection procedure.

We advise you not to book any travel or hotel before you receive our confirmation.

Registration fee

5. €120, including documentation, lunch and a joint dinner.

Travel expenses

6. Travel costs up to €300 can be reimbursed by ERA upon receipt of the original receipts, tickets, boarding passes, invoices after the seminar.

Participants are asked to book their own travel. Participants are advised of the obligation to use the most cost-efficient mode of transport available and to read the travel reimbursement information sheet carefully.

Accommodation

7. Two nights' single room accommodation up to €145 per night can be reimbursed by ERA upon receipt of the original receipts and invoices after the seminar if they have to travel more than 100km to Vienna.

Other services

8. One lunch, beverages consumed during the coffee breaks and the seminar documents are offered by ERA. One joint dinner is also included.

Participation

9. Participation at the whole seminar is required and your presence will be recorded.
10. A list of participants including each participant's address will be made available to all participants unless ERA receives written objection from the participant no later than one week prior to the beginning of the event.
11. The participant's address and other relevant information will be stored in ERA's database in order to provide information about future ERA events, publications and/or other developments in the participant's area of interest unless the participant indicates that he or she does not wish ERA to do so.
12. A certificate of attendance will be distributed at the end of the seminar.

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Contact Person

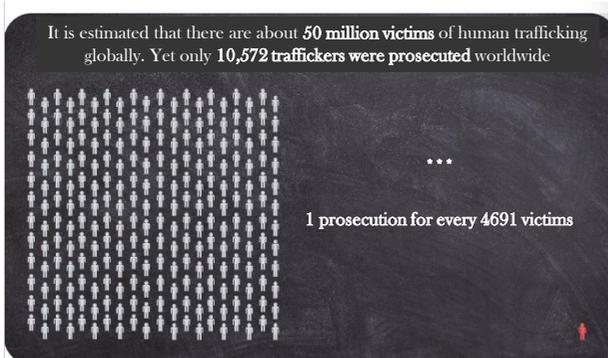
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Understanding the Scope and Nature of Impunity

1

Closing the Gap: The need for a comprehensive CTHB response

It is estimated that there are about **50 million victims** of human trafficking globally. Yet only **10,572 traffickers were prosecuted** worldwide



Why are we falling short?

2

The Conference of the Alliance against Trafficking in Persons



“Ending Impunity - Delivering Justice”
through Prosecuting Trafficking in Human Beings

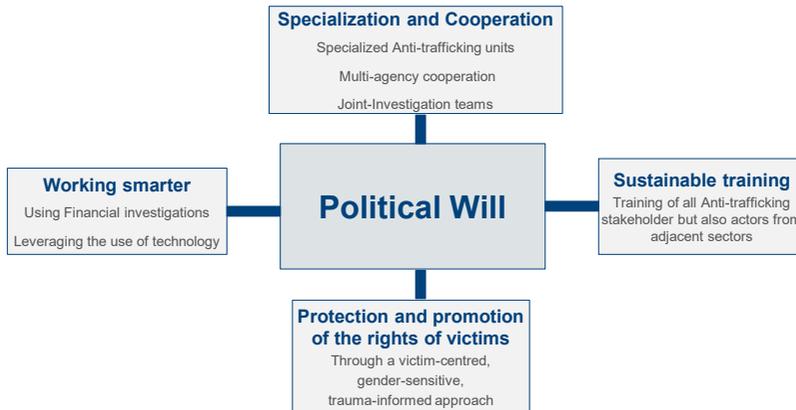


“Protection –
Upholding Victim's Rights and Strengthening Assistance”

3

The way forward in countering impunity

Recommendations



4

Covid-19 –

The negative impact of the pandemic on CTHB responses

In times of Covid-19

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graph TD; A[In times of Covid-19] --> B[Attention of States shifted toward dealing with a global health pandemic]; A --> C[Vulnerabilities of persons increased]; A --> D[Modus operandi of human traffickers changed];
```

Greater risk to become a victim of human trafficking

osce Organization for Security and Co-operation in Europe 5

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Hidden in Plain Sight

The rise of invisible crimes during Covid-19

“Human trafficking is always invisible. During a pandemic, it is easier to have cases going on that nobody reports.”

**Frontline Stakeholder from Portugal (ODIHR/UNWOMEN report)*

osce Organization for Security and Co-operation in Europe 6

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Hidden in Plain Sight Domestic Violence

Even before Covid-19... **243** million 

Globally, women and girls aged 15-49 have been subjected to *sexual and/or physical violence* perpetrated by an intimate partner in the previous 12 months.

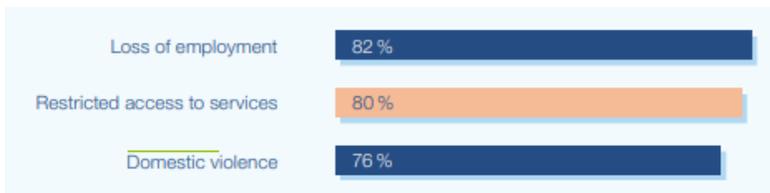


Domestic violence is among the recognized, well-documented push factors into trafficking for the purpose of sexual exploitation.

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Hidden in Plain Sight

Challenges faced by survivors of trafficking in human beings as a result of implementation of measures related to COVID-19 pandemic



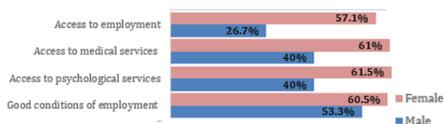
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A challenge to the 4P Framework

9

Protection Access to services

Services that survivors need



Decreased access to services and opportunities for the beneficiaries during COVID-19 pandemic



Access to services via different communication tools during COVID-19 pandemic

"Government employees are working from home and not always easily available. Online meetings cannot be arranged due to lack of technical capacities of government staff. Contact via telephone is also limited." * Frontline stakeholder from Austria (ODIHR/UNWOMEN report)

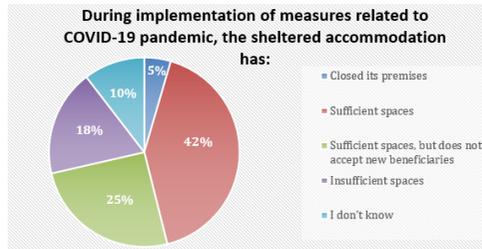
"Most of government online recourse takes Wi-Fi and I don't have money to buy it." * Woman survivor from South Africa (ODIHR/UNWOMEN report)

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Protection

Access shelter

Access to shelter during the COVID-19 pandemic



With no place to go and services not being accessible, victims of domestic violence and THB remained hidden in plain sight.

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Prosecution

Ensuring the continuity of the justice system

57% of the victims experienced changes due to implementation of Covid-19 related measures

*"My criminal injuries hearing has finished, but they won't mail out the results and compensation until after Covid is over." *Woman survivor from Canada (ODIHR/UNWOMEN report)*

90% reduction on court operations in early times of the Pandemic

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Prosecution Adapting modes of operation

*"... Law enforcement should have a more active presence online." *Man survivor from the United States (ODIHR/UNWOMEN report)*

Street prostitution decreased from **53%** (2016) to **9%** (in 2020) while
online prostitution increased from **34%** to **87%**

*"Many of those in prostitution, including victims of trafficking, have been moved online to offer remote 'services.' This represents serious risks now and in perpetuity as the online material can be shared without consent now and in the future. Pimps and traffickers are undoubtedly using online platforms to continue making profits from victims of sexual exploitation." *Frontline stakeholder from Ireland (ODIHR/UNWOMEN report)*

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Impunity in times of Covid-19 – Recommendations

Prevention

- Ensure universal and equal access to services
- Grant or extend temporary resident permits to migrants and asylum seekers

Protection

- Provide victims of trafficking with access to essential services
- Extend all protection and assistance measures for all victims of trafficking,
- Establish or strengthen hotlines for human trafficking

Prosecution

- Ensure the continuity of the justice system to investigate and prosecute traffickers
- To recognize and detect human trafficking, investigators will have to adapt to the changing environment, including once lockdown measures are lifted

Partnership

- Strengthen strategic partnerships at all levels

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Enhancing anti-trafficking prevention and response to the humanitarian crisis in Ukraine

Some numbers...

- **6.2 million** people estimated to be **internally displaced** in Ukraine
- **7.8 million refugees** present across Europe
- Overwhelming majority: **88% women and children**
- **4.5 million** have registered for temporary protection or similar national protection schemes

UNHCR, Nov 2022



Observations after visits

- Impressive job by States in registering people as well as providing information and immediate accommodation/shelter
- Strong presence of border guards, law enforcement, volunteers at early stages – **declining with time**
- As a result, risks begin at border (or before) but **extend much further into destination countries** (most reports coming from areas beyond border)
- Need simple but repeated awareness-raising and access to official information
- Be **systematic**, not hysterical

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THB risks

- Men meeting Ukrainian girls/women at the railway stations, inviting them for a night or offering money, forcing girls/young women into cars, raping, disappearances
- Offers of help with transportation and housing **for girls/young women only**
- **A lot of unofficial information, esp. in social media**, on procedures to obtain temporary protection and different types of assistance, terms, conditions, sanctions and “ways around”
- **“Too good to be true” job offers, unofficial labour** (risks of forced criminality, incl. SoM)

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Risks online

- Across Europe, a significant spike in online searches using terms related to **Ukrainian pornography**
- Since the start of the war, global search traffic for Ukrainian porn **increased 600%**
- Searches for “Ukrainian escorts” **increased 200%**
- As a result, **spiking demand for sexual access to Ukrainian women**



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Increasing vulnerabilities

- 78% have been **separated** from immediate family members
- **Unaccompanied children**
- 13% of all family members are **older** persons
- 24% of households include at least one **person at heightened risk** (specific needs)
- 75% of respondents had a **tertiary level of education**
- Resources are shrinking
- **Accommodation and employment** are refugees' top priority need

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Need to prevent the current humanitarian crisis from turning into a human trafficking crisis

Recommendations

On the need to enhance anti-trafficking **prevention** amid flows of persons from Ukraine (9 March 2022)

On enhancing efforts to identify and mitigate risks of trafficking in human beings **online** as a result of the humanitarian crisis in Ukraine (22 April 2022)

Prevention

- **Immediate prevention** measures and responses to **pressing needs** of persons seeking refuge
- **Legislative and policy measures** to prevent and mitigate vulnerabilities
- **Integration assistance and support** to lessen refugees' vulnerability to exploitation
- **Enhance preparedness of CTHB mechanisms**

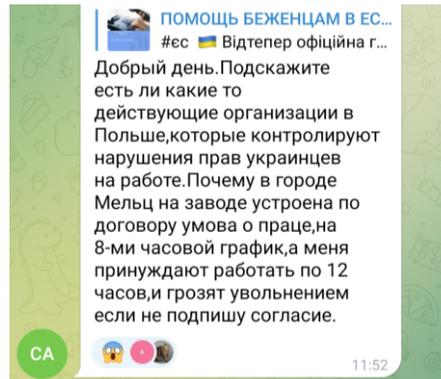


Enhance preparedness of CTHB mechanisms – need to intensify

- **Inform** people seeking refuge of the risks of human trafficking, including “too good to be true” offers
- Enhance operations of anti-trafficking **hotlines**, in languages understood by people seeking refuge, and broadly **publicize the hotline number, encouraging them to contact** hotline in case of possible questions or suspicions
- Establish clear procedures for **rapid exchange of information on people** seeking refuge registered in the transit and destination countries and their place of residence in order to prevent people, especially **children**, from **going missing** and reduce their vulnerability to trafficking in human beings

Enhance preparedness of CTHB mechanisms – need to intensify

- **Monitor locations known for high risks** of human trafficking, including those related to provision of sexual services—including online—street begging and informal sectors of economy
- **Labour inspections** to exercise state control over high-risk business sectors



Enhance preparedness of CTHB mechanisms – need to intensify

- Remain attentive to **dynamic patterns** of large flows of people and the constantly changing **tactics employed by traffickers**, and rapidly exchange information to adjust responses
- **Resources** to ensure a robust CTHB prevention and response to exploitation within large flows of people -> Ukrainians can be also a resource (cultural mediators, interpreters, psychologists, etc.)
- **Direct contacts between National Anti-Trafficking Co-ordinators, Rapporteurs** or equivalent mechanisms of the transit and destination countries to exchange data and information on trafficking patterns observed and to co-ordinate on responses, incl. prosecution

Thank you!



@osce_cthb



[osce.org/secretariat/trafficking](https://www.osce.org/secretariat/trafficking)



Ministerie van Justitie en Veiligheid

Modernising the penal provision on trafficking in human beings

The case of the Netherlands

Luuk Esser LL.M PhD

December 1st, 2022 | Vienna (ERA)



Co-funded by the European Union

1



This presentation

- > Trafficking in Human Beings (THB) in the Netherlands: a brief introduction
- > A look at the current legislation
- > New legislation
 - Background
 - Aims and objectives
 - Process
 - Relation to international standards/instruments

2



THB in the Netherlands: a closer look

- > Legislation influenced by international developments, i.e. multiple international standards and instrument, such as:
 - UN Palermo Protocol
 - Council of Europe Convention
 - EU Directive 2011/36/EU
 - ILO Forced Labour Convention (and its Protocol)
- > Last extensive adjustment in 2005 (implementation UN Palermo Protocol / EU-legislation)



Key figures

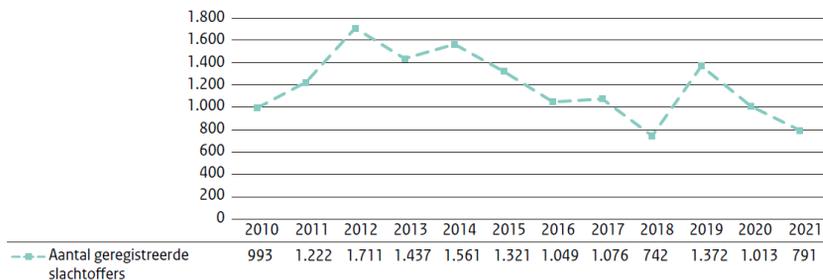


Figure 1. Number of registered potential victims



Key figures

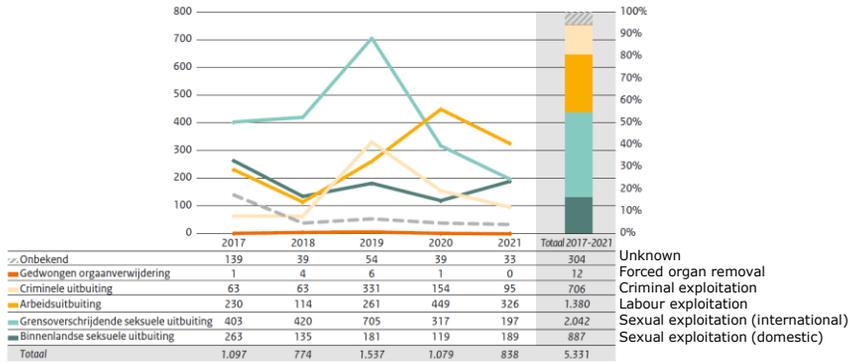


Figure 2. Form of exploitation

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Key figures

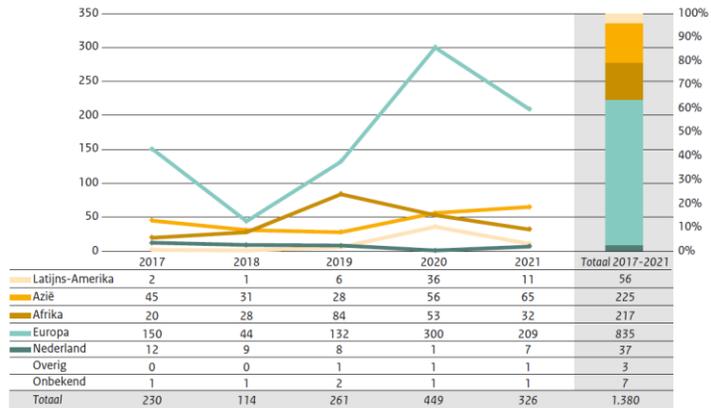


Figure 3. Country of origin

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Current legislation

- > THB is criminalized in Article 273f of the Dutch Penal Code (DCP)
- > Combination of national and international legislation
- > *Different acts, one qualification: trafficking in human beings*
- > 'Fair labelling'



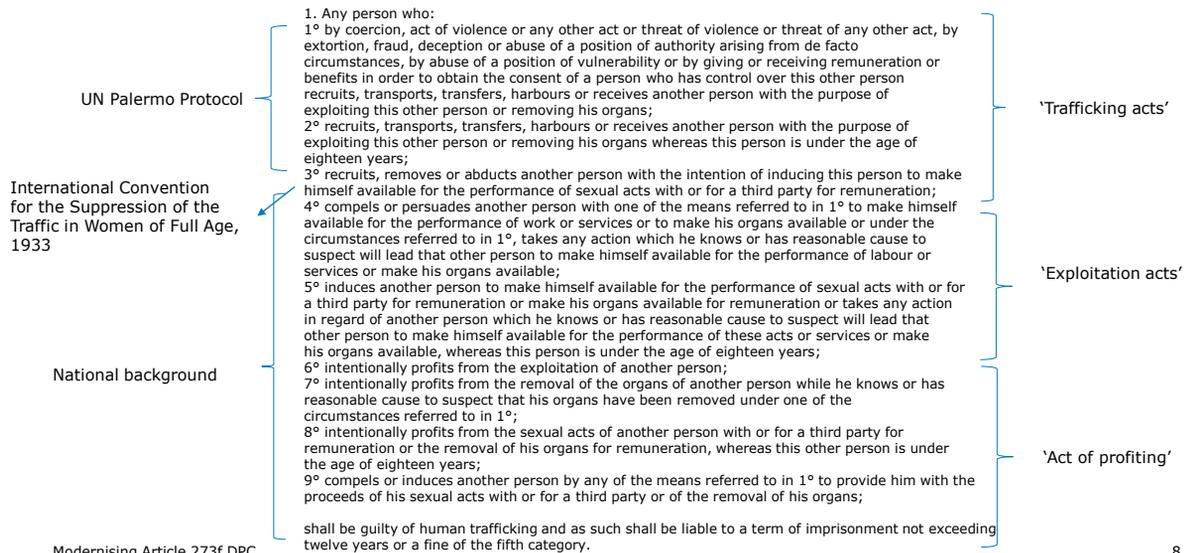
Modernising Article 273f DPC
1 december 2022

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Section 273f Dutch Penal Code



Modernising Article 273f DPC
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Application in practice

1° by coercion, act of violence or any other act or threat of violence or threat of any other act, by extortion, fraud, deception or abuse of a position of authority arising from de facto circumstances, by **abuse of a position of vulnerability** or by giving or receiving remuneration or benefits in order to obtain the consent of a person who has control over this other person **recruits, transports, transfers, harbours or receives** another person with the **purpose of exploiting** this other person or removing his organs;



Application in practice

- > Three recognizable elements: acts – means – purpose (of exploitation)
- > **Acts**: 'neutral' acts, no interpretative issues
- > **Means**: abuse of a position of vulnerability takes centre stage in case law
- > Broad interpretation by Supreme Court:
 - a) Position of vulnerability, inter alia: irregular status, drug addiction, withholding passports
 - b) Proof of knowledge about this situation at the side of the trafficker constitutes the abuse (use = abuse).



Application in practice

- > Purpose of exploitation
- > Supreme Court: when assessing whether a situation qualifies as exploitation, courts should take into account the following aspects:
 - **Nature and duration** of the work the victim was forced into;
 - The **limitations** posed by this situation on the victim;
 - The **financial benefits** gained by the perpetrator.
 - The **frame of reference** for weighing these and other relevant factors should be the prevailing social standards in the Netherlands (inter alia standards regarding minimum wage, rest periods, working conditions et cetera).



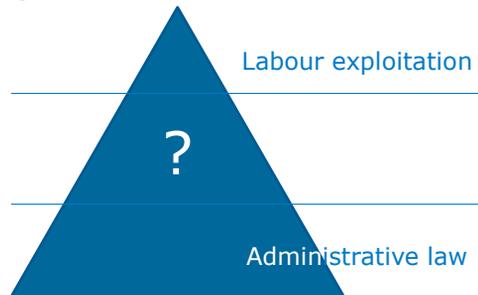
Challenges

- > Multiple acts – different in nature – criminalised under one qualification: trafficking in human beings
- > Longest provision in the Dutch Penal Code
- > Overlap between acts
- > Applicability is complex, according to legal doctrine and practitioners



Challenges

- > Difficulties in the application in labour exploitation cases: high threshold (burden of proof) and lots of space left open for interpretation by judges, leading to casuistic case law
- > 'Lack of criminalisation'



Modernisation of Article 273f DPC

- > Background
- > Aims and objectives
- > Process
- > International and European instruments



Background

- › Coalition agreement, December 2021
- › Complex nature of the penal provision
- › Lacuna in the legislation regarding labour exploitation



Objectives

- › Broadening the scope of the criminal provision, inter alia with regard to labour exploitation
- › Improving the accessibility of the provision as a whole



New penal provision

> **Accessibility**

- Proposal to make a clear distinction in the provision between different acts in the process of trafficking and exploitation
- Three specific penal provisions (in different articles) criminalising the act of:
 - > Trafficking in human beings (UN Palermo Protocol)
 - > Exploitation
 - > Profiting from trafficking or exploitation



New penal provision

Easier-to-use definition of THB

Guilty of human trafficking shall be:

Any person who through the use of any of the means, laid down in Paragraph 3, recruits, transports, transfers, harbours or receives another person for the purpose of exploitation of that person. (maximum 12 yrs imprisonment)

Specific criminal provision on exploitation

Guilty of exploitation shall be:

Any person who exploits another person. (maximum 12 yrs imprisonment)

Specific criminal provision on profiting

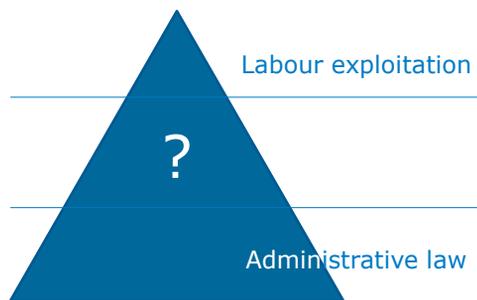
Guilty of profiting from the acts of human trafficking and exploitation shall be:

Any person intentionally profiting from the acts of trafficking in human beings and exploitation, while that person knows or should have serious reason to believe that the person involved is victim of the said acts. (maximum 6yrs imprisonment)



New penal provision

- > New penal provision on labour situations causing serious harm to workers
- > Positioned between acts justifying a 'human trafficking/exploitation approach' and an administrative sanction



Modernising Article 273f DPC
1 december 2022

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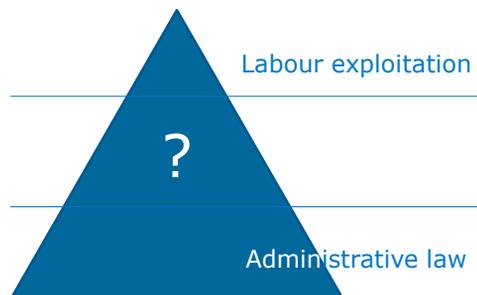
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New penal provision

Guilty of serious harm in labour situations shall be:

Any person who through abuse of a position of authority or abuse of a position of vulnerability causes another person to perform work under conditions or circumstances that induce serious harm to that person.



Modernising Article 273f DPC
1 december 2022

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Section 273f Dutch Penal Code

1. Any person who:
 1° by coercion, act of violence or any other act or threat of violence or threat of any other act, by extortion, fraud, deception or abuse of a position of authority arising from de facto circumstances, by abuse of a position of vulnerability or by giving or receiving remuneration or benefits in order to obtain the consent of a person who has control over this other person recruits, transports, transfers, harbours or receives another person with the purpose of exploiting this other person or removing his organs;
 2° recruits, transports, transfers, harbours or receives another person with the purpose of exploiting this other person or removing his organs whereas this person is under the age of eighteen years;
 3° recruits, removes or abducts another person with the intention of inducing this person to make himself available for the performance of sexual acts with or for a third party for remuneration;
 4° compels or persuades another person to make himself available for the performance of sexual acts with or for a third party for remuneration;
 5° induces another person to make himself available for the performance of sexual acts with or for a third party for remuneration or make his organs available for remuneration or takes any action in regard of another person which he knows or has reasonable cause to suspect will lead that other person to make himself available for the performance of these acts or services or make his organs available, whereas this person is under the age of eighteen years;
 6° intentionally profits from the exploitation of another person;
 7° intentionally profits from the removal of the organs of another person while he knows or has reasonable cause to suspect that his organs have been removed under one of the circumstances referred to in 1°;
 8° intentionally profits from the sexual acts of another person with or for a third party for remuneration or the removal of his organs for remuneration, whereas this other person is under the age of eighteen years;
 9° compels or induces another person by any of the means referred to in 1° to provide him with the proceeds of his sexual acts with or for a third party or of the removal of his organs;

shall be guilty of human trafficking and as such shall be liable to a term of imprisonment not exceeding twelve years or a fine of the fifth category.

UN Palermo Protocol

International Convention for the Suppression of the Traffic in Women of Full Age, 1933

National background

Modernising Article 273f DPC
1 december 2022

'Trafficking acts'

'Exploitation acts'

'Act of profiting'

21



Process

- > Preconsultation and consultation (December 2022-March 2023)
- > Council of State Advisory Opinion (June 2023)
- > Introduction to the House of Representatives (September 2023)

Modernising Article 273f DPC
1 december 2022

22



Thank you for your attention!



l.b.esser@minjenv.nl



Trafficking in Human Beings: Countering Impunity

Enhancing investigations and prosecutions

1

Technology facilitated human trafficking

- ✓ **250,000 new escort ads** are posted online every day in US. Somewhere in that pile of data are children who are bought and sold online for sex
- ✓ **75% of survivors in the US** were advertised online for sexual services and that online advertising is increasing while advertising on the street is decreasing
- ✓ **Four out of 10 people** hooked by trafficking networks throughout Mexico are captured through fake job offers, according to a report by the Citizen Council for Security and Justice of Mexico City
- ✓ In Austria in 2018, in **74% of THB cases the Internet was the most common infrastructure** used by perpetrators

2

Technology facilitated human trafficking

- ✓ Roughly **40% of online ads** offering escort and sex work services in British Columbia, CAN included language indicating child sex trafficking
- ✓ **750,000 individuals** estimated to be looking to connect with children across the globe for sexual purposes online at any one time
- ✓ OSCE identified over **thousands of websites** in 26 OSCE pS where the risks of THB is high

3

Technology facilitated human trafficking

- ✓ Last year, **German** police and customs conducted 510 investigations into human trafficking and exploitation
- ✓ This includes various offences, such as the compulsion to engage in prostitution, **child pornography** films or sexual acts on children and adolescents in exchange for rewards
- ✓ For more than one in three underage victims (36 percent), **the first contact was made via the Internet**, such as platforms, chats, online games and social media

4

What is the “positive” role of technology?

5

OSCE response - research

305 initiatives identified as a result of the mapping exercise



6

OSCE response - research

Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings • Combating human trafficking

Leveraging innovation to fight trafficking in human beings: a comprehensive analysis of technology tools

Publisher: Organization for Security and Co-operation in Europe Date: 22 June 2020



The publication takes stock of technology tools and initiatives developed to combat trafficking in human beings in its different forms in the OSCE area and beyond. It also examines the ways technology can be misused to facilitate trafficking in human beings. It is the first known publication to conduct a global analysis of how different stakeholders, including law enforcement, civil society, businesses and academia can take advantage of technology to advance the fight against the human trafficking crime. The publication also provides recommendations to governments and organizations funding technology projects on how to maximize the value of technology-based solutions.

English

The views, opinions, conclusions and other information expressed in this document are not given nor necessarily endorsed by the Organization for Security and Co-operation in Europe (OSCE) unless the OSCE is explicitly defined as the Author of this document.

<https://www.osce.org/cthb/455206>

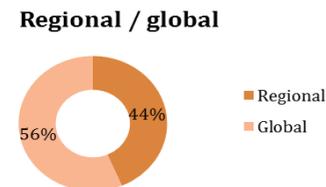
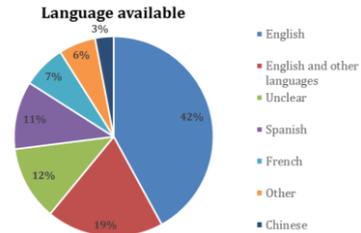
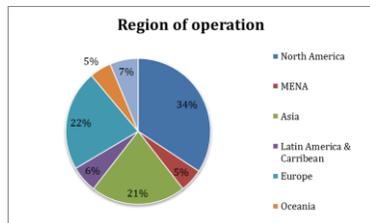
OSCE Organization for Security and Co-operation in Europe

7

7

OSCE response - research

| Trafficking type | Per cent of tech tools |
|--------------------|------------------------|
| Labour Trafficking | 46% |
| Sex Trafficking | 29% |
| Other | 21% |
| N/A | 4% |

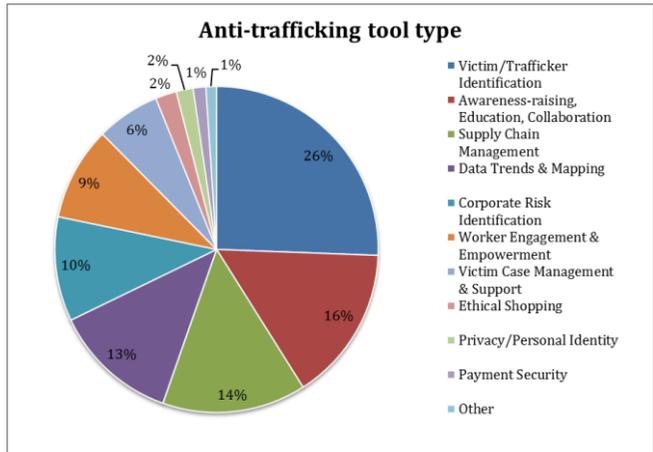


OSCE Organization for Security and Co-operation in Europe

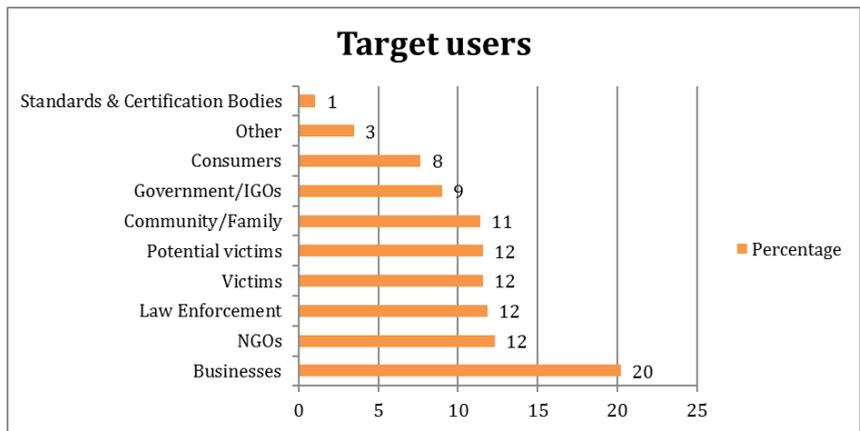
8

8

OSCE response - research



OSCE response - research



OSCE response - research

The screenshot shows the 'TECH AGAINST TRAFFICKING' website. The navigation bar includes 'OUR WORK', 'WHO'S INVOLVED', 'NEWS & EVENTS', 'INTERACTIVE MAP', and 'CONTACT US'. The main content area features an 'INTERACTIVE MAP OF ANTI-TRAFFICKING TECH TOOLS' with a 'Download the list of anti-trafficking tech tools' link. A central diagram, titled 'TOOL CATEGORY', is a complex network graph with nodes labeled 'TARGET USERS', 'TARGET SECTOR', 'TECHNOLOGY', and 'TRAFFICKING TYPE'. Each node contains a question mark. Below the diagram, it says 'Browse the tool list or select a ? to explore tool connections'.

11

Specific examples - data scraping software

The screenshot shows the 'SPOTLIGHT' dashboard. The top navigation bar includes 'DASHBOARD', 'SEARCH', 'ALERTS', and 'SAVED'. The main content area displays 'Ads with a Similar Image' with a list of results. Each result includes a thumbnail, a title, a 'COLLECTED' date, a 'POSTED' date, and a 'LOCATION'. A map of the United States is shown on the right, with red circles indicating the locations of the ads. The map shows circles in California (34), Washington D.C. (2), and Maryland (4).

12

Specific examples - data scraping software



13

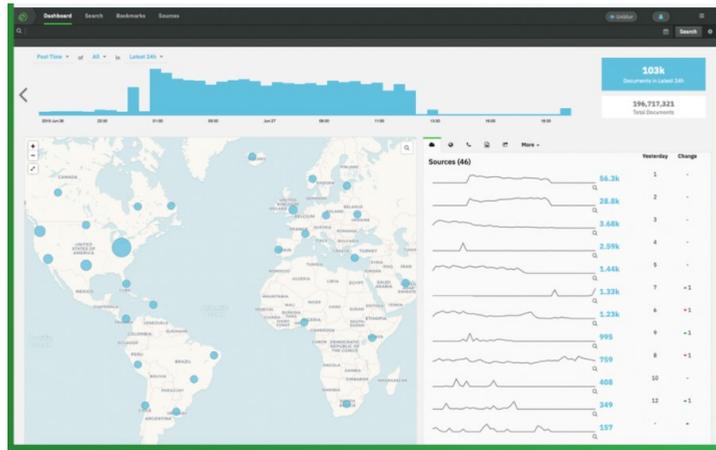
Specific examples - data scraping software



Since 2018, Traffic Jam was used to identify an estimated 6,800 victims of sex trafficking.

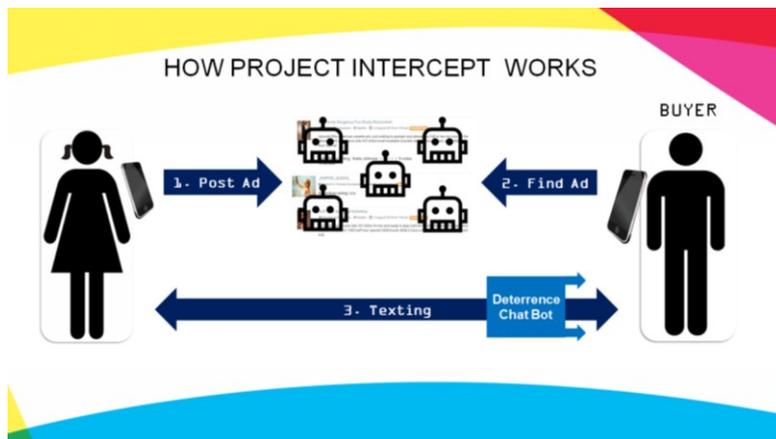
14

Specific examples - data scraping software



15

AI tools to fight THB - PROJECT INTERCEPT



16

AI tools to fight THB - PROJECT INTERCEPT

The screenshot displays the Project Intercept web interface. At the top, there is a navigation bar with "project intercept" and "demo mode" buttons. Below this, the page title is "conversations between bots and potential buyers". The main content area is divided into three sections: a search bar, a chat window, and a phone lookup tool. The search bar shows a list of phone numbers, with "12065526377" selected. The chat window shows a conversation between a bot and a potential buyer. The bot's messages are in blue boxes, and the buyer's messages are in white boxes. The phone lookup tool on the right provides details for the selected phone number, including age range, address, city, state, zip code, carrier, line type, and location usage.

Admin - Seattle Against Slavery © 2018 - Project Intercept by Seattle Against Slavery

17

AI tools to deter buyers – Street Grace Transaction Intercept

- ✓ Works to find the “buyers” of minor sex and erodes their notion of “anonymity”
- ✓ After identifying potential buyers, Street Grace communicates with these individuals using an artificial intelligence chatbot, Gracie.
- ✓ Once the intent to purchase a minor is confirmed Gracie communicates the risks and consequences of the potential buyer’s actions.
- ✓ Additionally, Transaction Intercept provides trauma and therapy resources to all individual “buyers”

18

AI tools to deter buyers – Childsafe.ai

- ✓ childsafe.ai is the world's first artificial intelligence platform for monitoring, graphing and modelling child exploitation risk on the Web.

In use by law enforcement agencies around the United States, childsafe.ai actively collects signal of exploitation threats from online ecosystems where they are known to occur, modelling that signal into probable risk.



Specific examples – HASING TECHNOLOGY

Help stop the spread of child exploitation

In 2009, Microsoft partnered with Dartmouth College to develop PhotoDNA, a technology that aids in finding and removing known images of child exploitation. Today, PhotoDNA is used by organizations around the world and has assisted in the detection, disruption, and reporting of millions of child exploitation images.



Specific examples – HASING TECHNOLOGY



Content Safety API Access Request

Request access to Google's Content Safety API for Child Safety NGOs.

* Required

Email address *

Your email

21

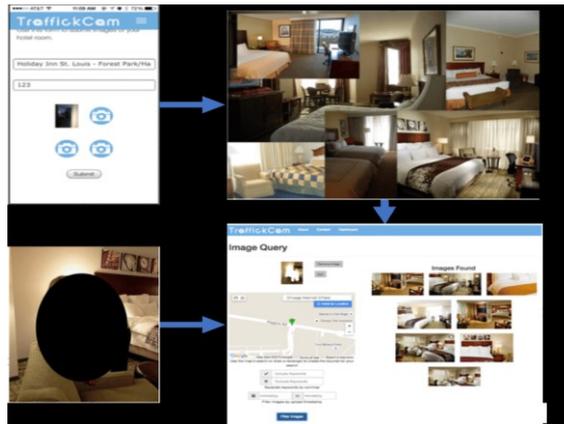
AI tools to fight THB - PROJECT ARACHNID



Project Arachnid is an innovative, victim-centric set of tools to combat the growing proliferation of child sexual abuse material (CSAM) on the internet. Launched in 2017, Project Arachnid unifies automated CSAM detection methods with a team of dedicated analysts around the world to quickly send removal notices to electronic service providers (ESPs).

22

Specific examples - TraffickCam



23

Specific examples – financial analysis

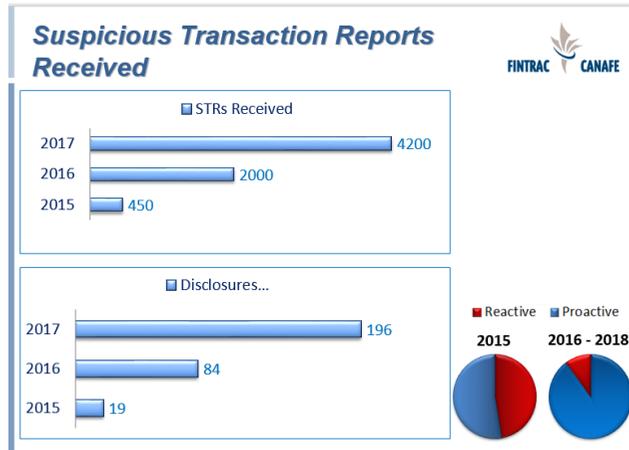
Common indicators of ML related to human trafficking

FINTRAC CANAFE

| Travel Related Purchases | Frequent and Excessive POS Purchases | Excessive Accommodation Transactions |
|--|---|---|
| <ul style="list-style-type: none"> Multiple point-of-sale transactions at <ul style="list-style-type: none"> car rental agencies local hotels / motels Distance transportation (e.g., airline, train, and/or bus ticket purchases) Local transportation (e.g., taxi, limousine, vehicle rental, ride sharing services) | <ul style="list-style-type: none"> Multiple point-of-sale transactions at <ul style="list-style-type: none"> Drug stores Clothing stores Beauty stores (e.g., stores that sell lingerie and/or make-up) Fast food restaurants | <ul style="list-style-type: none"> Hotel / Motel transactions often totalling thousands of dollars monthly across Canada Hotel / Motel charges in different cities in short time span |

24

Specific examples – financial analysis



25

Thank you!

radu.cucos@osce.org



[@osce_cthb](https://twitter.com/osce_cthb)



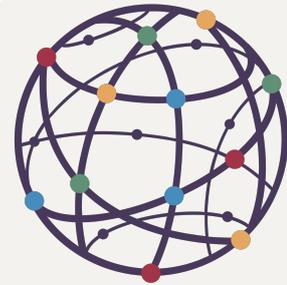
osce.org/secretariat/trafficking

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Technology and human trafficking

Trafficking in human beings: Countering impunity

Thi Hoang | thi.hoang@globalinitiative.net
ERA, Vienna, 1-2 December 2022



**GLOBAL
INITIATIVE**



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Technology and human trafficking 2

Outline

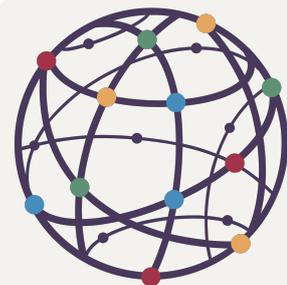
1. The role of technology in human trafficking

2. Responses – Tech sector as key actor

The need for a coordinated cross-border & multi-stakeholder approach

3. Tech Against Trafficking

Harnessing the power of tech & multi-stakeholder partnerships to combat human trafficking



**GLOBAL
INITIATIVE**



RESPECT initiative (Responsible and Ethical Private Sector Coalition against Trafficking)



Flagship projects include:

- RESPECT Resource Centre respect.international/resource-centre

The one-stop shop for businesses and relevant stakeholders on materials related to human trafficking, including webinars, reports, standards and code of ethics, legislations, and guidance

- Interactive Map for Business of Anti-Human Trafficking Organizations modernslaverymap.org

The interactive map provides a unified repository of initiatives and organizations engaging businesses in the fight against human trafficking



- Tech Against Trafficking techagainstrafficking.org

A coalition of technology companies collaborating with global experts to help eradicate human trafficking through technology



GI-TOC / RESPECT is the Research Lead. Business for Social Responsibility (BSR) is the Secretariat

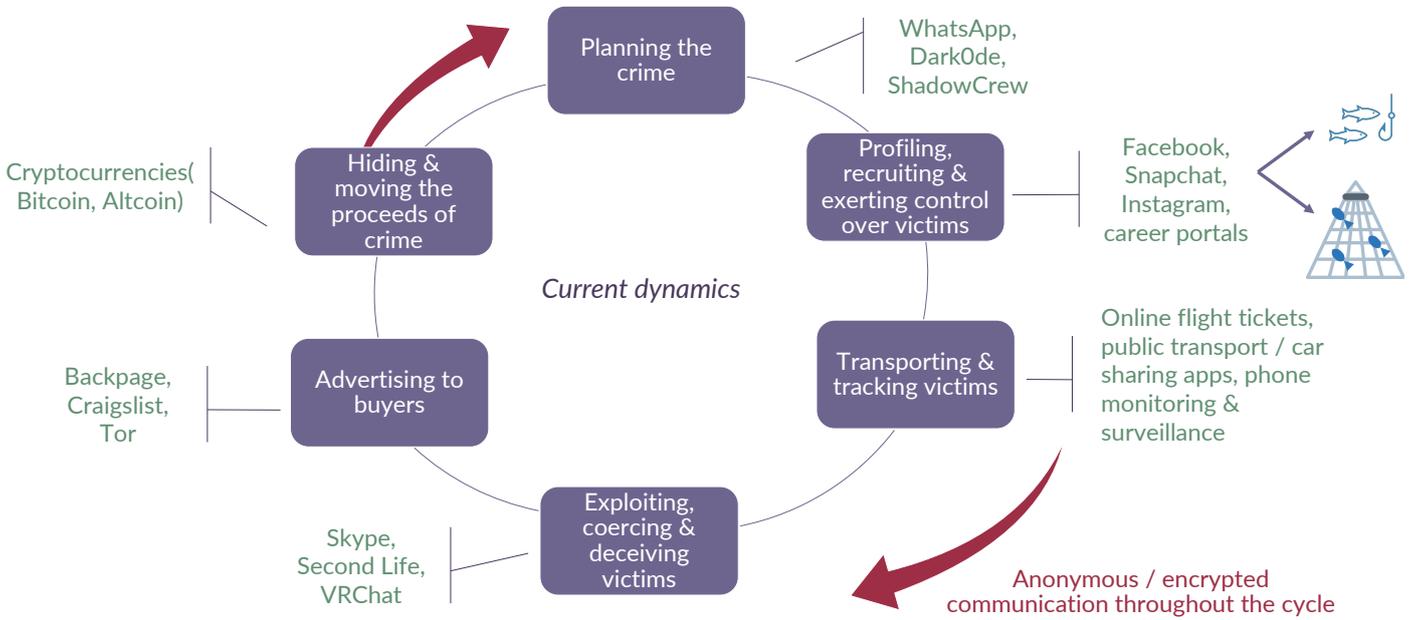
Interactive map of anti-trafficking tech tools: techagainstrafficking.org/interactive-map



1

The role of technology in human trafficking

How technologies changed the human trafficking landscape



The role & impact of technology in / on human trafficking



2

Responses: Tech sector as key actor

The need for a coordinated **cross-border** & **multi-stakeholder** approach

Responses: Tech sector as key actor

Leveraging tech to counter trafficking (& other crimes)

• E.g. web crawling, filter technology, keyword matching, robust / binary hashing, artificial intelligence / machine learning, satellite imaging systems etc.

- automated searches through escort ads
- ML algorithms to detect new abuse materials
- satellite-based vessel tracking

Who has these technologies? 



➔ Call to action: **collaborate with businesses**

Adding impunity to the picture

How tech can be used to address impunity in human trafficking

- Digital evidence (e.g. tamper-evident images, satellite GPS data, etc.)
- Digital forensics
- Digital traces of illicit financial flows (IFFs) (incl. corruption, proceeds from human trafficking activities, etc.)

→ **Worth noting:** These tools address the symptoms, capture the acts of exploitation, track illicit flows and transactions (money, people etc.), but do not address the root causes and systems which enable exploitation in the first place.

The problem:

Companies, including tech companies, online platforms, and service providers (e.g. ISPs), are **profit-driven** in today's political & economic structures & systems. 

- **monitoring, reporting, safeguarding, safety measures** in tech tools, communication apps and online platforms developed as an **afterthought** (onus is currently placed on users)
- criminals capitalise well on these tech loopholes & gaps

→ Call to action:

- (i) increase **accountability & liability** for digital platforms & applications from the tech sector;
- (ii) **mandate** businesses to put in place these elements, mechanisms & measures (esp. multinationals, who might not need to comply with local laws => multilateral collaboration)

 **Voluntary compliance does not work (we should not incentivize ignorance)**

3

Tech Against Trafficking

Harnessing the power of **tech & multi-stakeholder partnerships** to combat human trafficking

TECH AGAINST TRAFFICKING >

Tech Against Trafficking is a coalition of technology companies collaborating with global experts to help eradicate human trafficking using technology.

Our goal is to work with civil society, law enforcement, academia, technologists, and survivors to advance and scale the use of technology to prevent, disrupt, and reduce human trafficking and increase and expand survivors' access to resources.

TECH AGAINST TRAFFICKING

Member Companies

Lead governing body; determining strategic direction and will lead on implementation



Advisory Group

Provide strategic guidance to the group; unlock networks to experts and ideas



Research Partners

Lead on research outputs for the group; participate in Advisory Group



Secretariat



KEY ACTIVITIES



Map the Landscape

Review and map the landscape of technologies being used to combat human trafficking in different geographies, languages, and with varied target populations, including vulnerable groups, victims, survivors, law enforcement, civil society, and technology providers.



Identify and Select

Identify technology tools with the potential for scale or interest in exploring new and innovative partnerships geared towards greater impact through the use of technology.

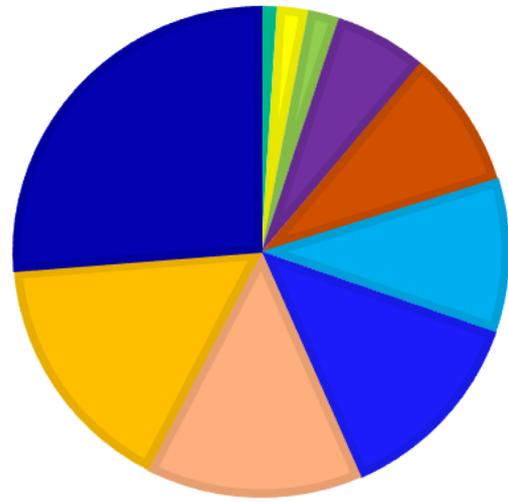


Accelerate Solutions

Accelerate the work of technology solutions through resources and support from TAT member companies, while building an ecosystem of actors that will provide ongoing support for scalable tech solutions. Share, pilot, and measure the success of participating technology solutions.

300+

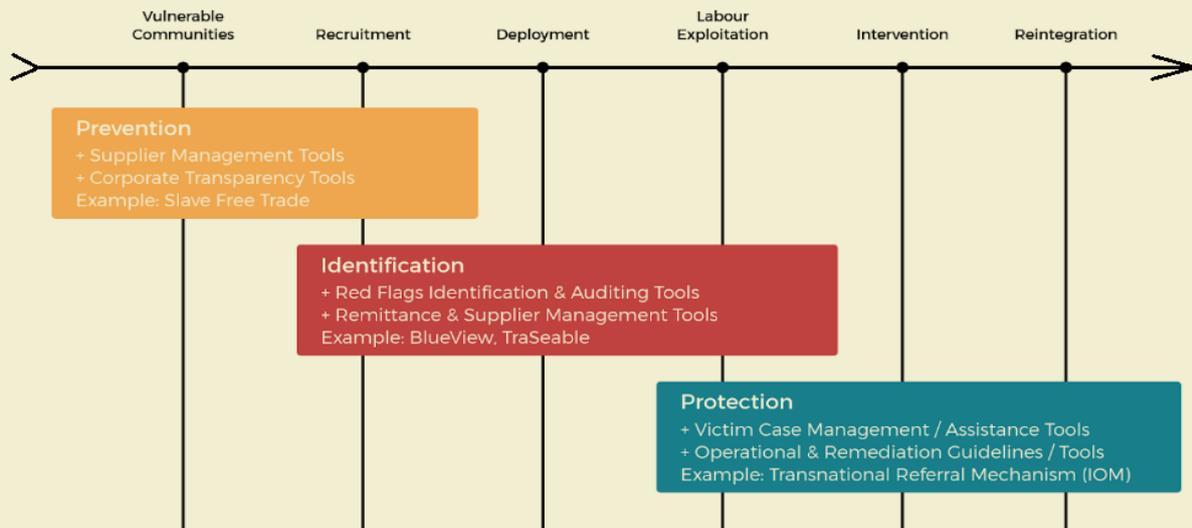
Tech Tools Addressing Human Trafficking



- Payment Security 1%
- Ethical Shopping 2%
- Privacy/Personal Identification 2%
- Victim Case Management & Support 6%
- Awareness-raising, Education & Collaboration 16%
- Victim/Trafficker Identification 26%
- Worker Engagement & Empowerment 9%
- Corporate Risk Identification 10%
- Data Trends & Mapping 13%
- Supply Chain Management 14%

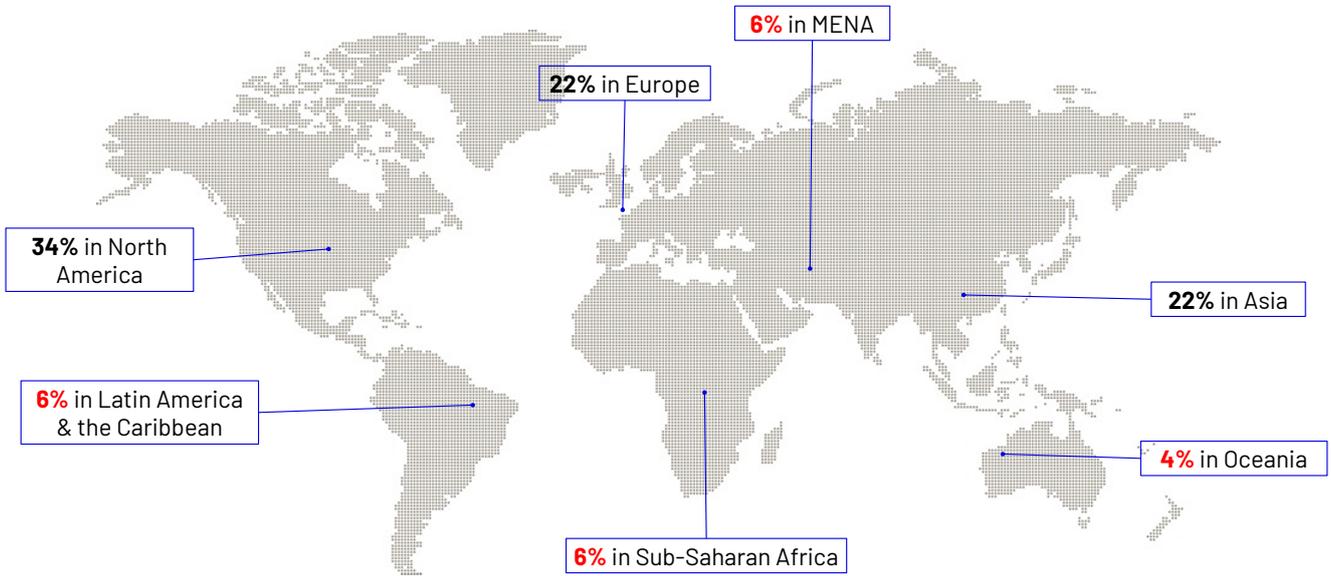
Phases of Labour Exploitation

User: Business

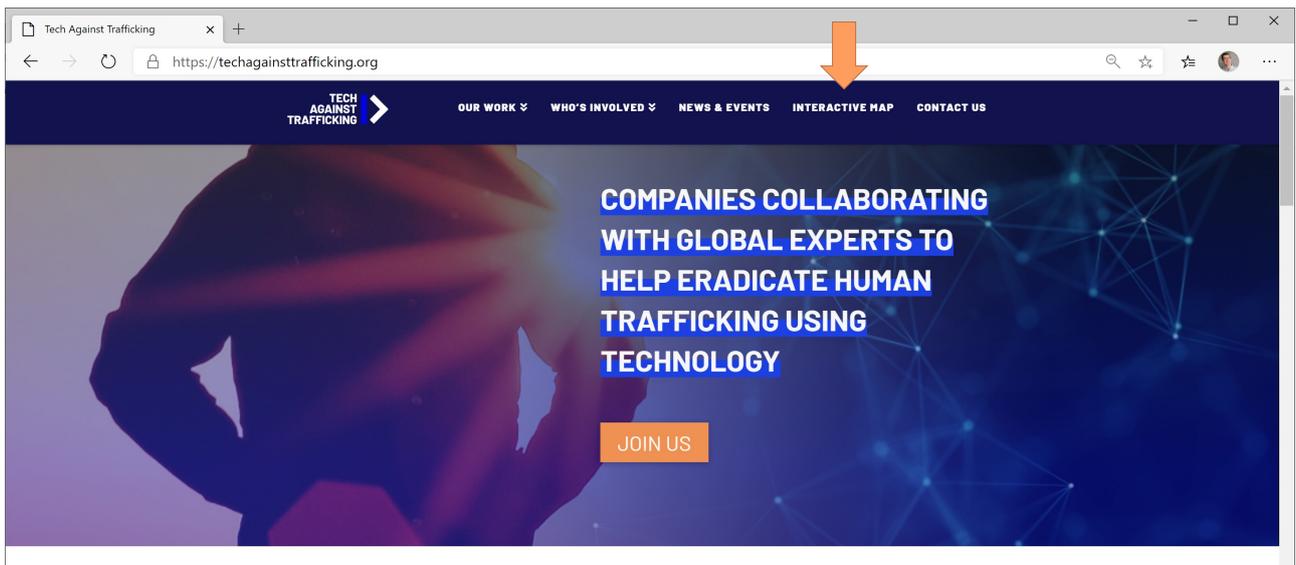


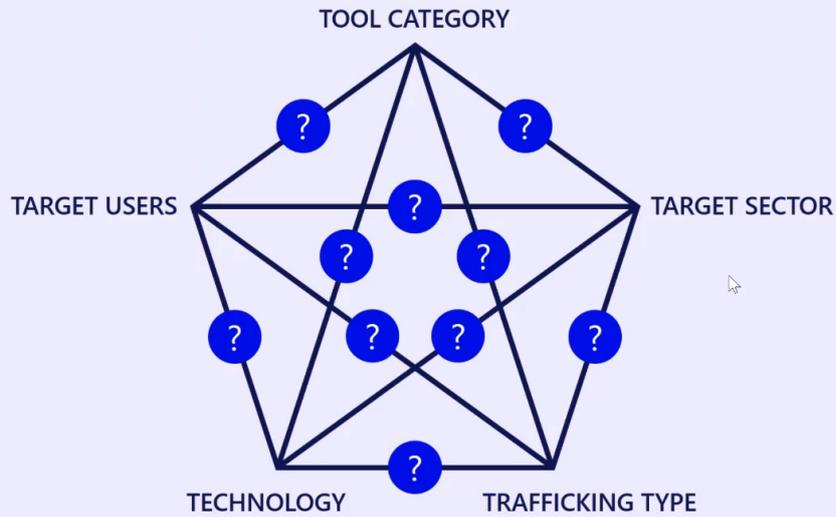
Tech Against Trafficking

GEOGRAPHIES: TOOLS BY REGION



THE INTERACTIVE MAP

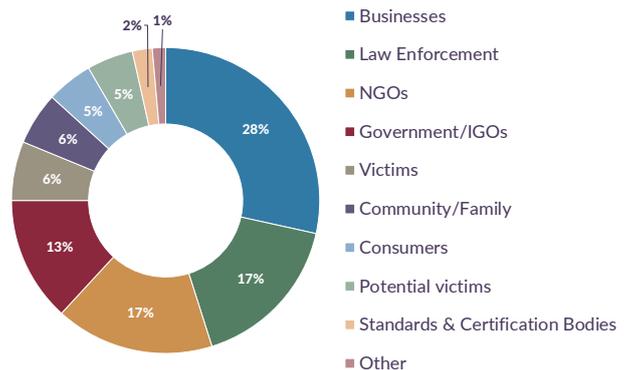




Browse the tool list or select a to explore tool connections

Highlights from TAT's landscape analysis

- Strong concentration of tech tools developed and operating *in the global North* despite higher prevalence rates of human trafficking in the global South
- **Businesses** are the top user group of customizable tools (more than a quarter)
- Few '**Victim Case Management and Support**' tools (six per cent) as compared to other tools

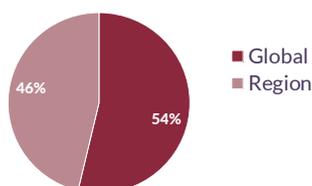


Who uses customizable tools?

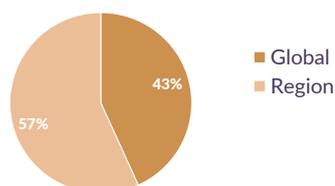
Highlights from TAT’s landscape analysis (cont.)

- Although half of the tools are free to use, more than three quarters are **proprietary technologies / innovations**
- Business, law enforcement, governments and NGOs are the target users of **more sophisticated** tech tools (using blockchain and big data technologies), whereas victims and community members are more targeted for low-tech tools (mobile apps)
- More than half of the identified tech tools developed to counter **labour trafficking** target **worldwide** users, whereas tools against **sex trafficking** focus more on the **regional** level

Geographical coverage of tools against labour trafficking



Geographical coverage of tools against sex trafficking



Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings

Tech Against Trafficking

Leveraging innovation to fight trafficking in human beings:

A comprehensive analysis of technology tools



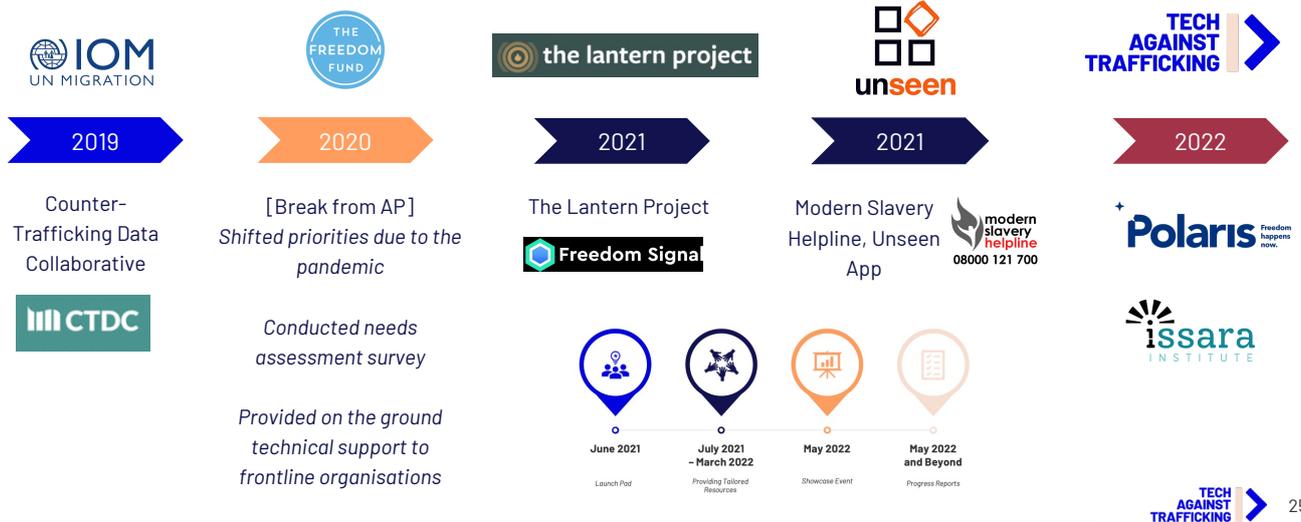
PUBLICATION

- Joint publication with the OSCE
- Takes stock of technology tools and initiatives developed to combat human trafficking
- Recommendations to governments & organizations funding technology projects on how to maximize the value of tech-based solutions

THE ACCELERATOR PROGRAM



to advance and scale the work of technology tools being used to combat human trafficking.



WHAT WORKS



- Business-led initiative
 - *Feeling of ownership*
- Truly multi-stakeholder
 - *Inclusion of trafficking survivors, multi-lateral / civil society actors*
- Solution-oriented
 - *Accelerator Programs*
 - *Direct grassroots support (FreedomFund grantees)*
- Flexibility
 - *Shift priorities based on actual needs (COVID-19)*
- Commitment through basic funding
 - *Financial contributions from members*

Key take-aways

- Technology & the tech sector play a **key role** in addressing vulnerabilities and demand for human trafficking.
- The complexity, cross-border & cross-cutting nature of the crime requires a **coordinated, transnational & multistakeholder** response.
- Governments & policymakers are urged to: 
 - Increase **collaboration** with the tech sector;
 - Revise & update **existing legal frameworks** & legislations to address & regulate illicit activities in the cyber space;
 - **Strengthen policies** oriented towards the private sector, esp. regarding monitoring, reporting, safeguarding, safety measures in tech tools, communication apps & online platforms (*preventive protections should be mandated to prevent negligence*).

THANK YOU

Contact

thi.hoang@globalinitiative.net

www.globalinitiative.net



**GLOBAL
INITIATIVE**
AGAINST TRANSNATIONAL
ORGANIZED CRIME



 Co-funded by the European Union


 DIRECTIA DE INVESTIGARE A INFRACTIUNILOR
 DE CRIMINALITATE ORGANIZATA SI TERRORISM
 ROMANIA

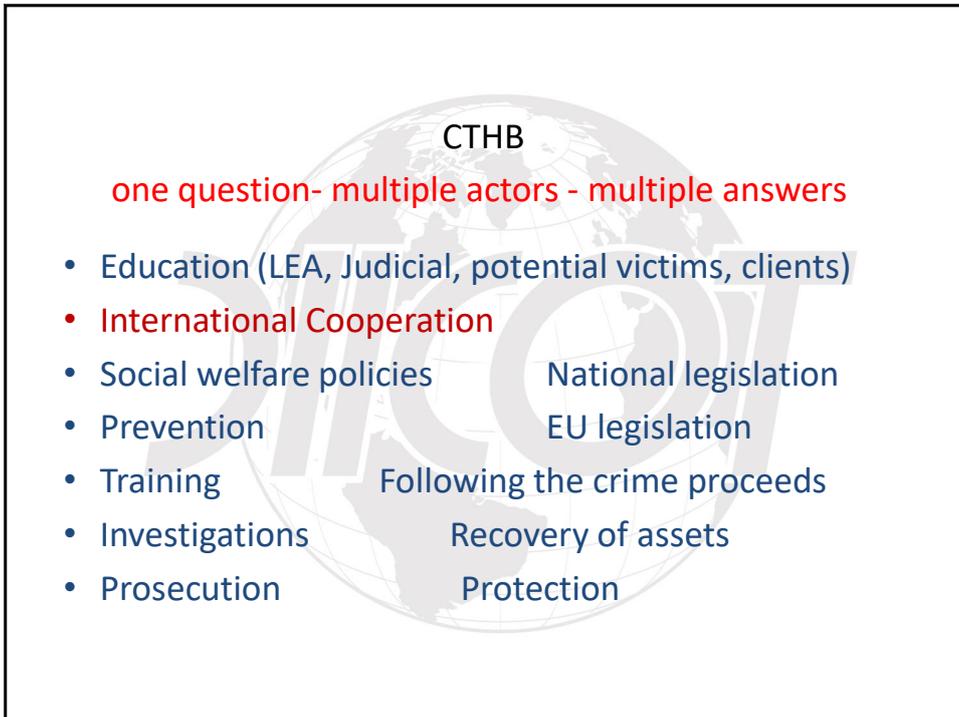
**Utilising the European Investigation Order (EIO) to
 enhance THB investigations and prosecutions.**

The technical limits of the investigative measures.

01st December 2022

Alexandru DENA
DIICOT
ROMANIA

1



CTHB

one question- multiple actors - multiple answers

- Education (LEA, Judicial, potential victims, clients)
- International Cooperation
- Social welfare policies
- Prevention
- Training
- Investigations
- Prosecution

National legislation

EU legislation

Following the crime proceeds

Recovery of assets

Protection

2

Discussions topics

- **Interception of communications vs. end-to-end encryption and online anonymity**
- **Costs of investigations vs. respect of privacy and individual rights**

3

The Directive 2014/41/EU regarding the European Investigation Order in criminal matters became applicable on 22 May 2017.

It updated the legal framework for the gathering and transfer of evidence between Member States. In particular, **it replaced the Convention on Mutual Assistance in Criminal Matters** between the Member States of the European Union.

The Directive is based on the principle of mutual recognition of judgements and judicial decisions and allows a judicial authority in one Member State (the **"issuing authority"**) to request that specific investigative measures are carried out by an authority in another Member State (the **"executing authority"**) to obtain evidence.

4

Investigative measures that **can be** requested through EIO:

- Hearing
- Hearing through video-conference
- Information on bank and other financial accounts
- Controlled delivery, monitoring of banking or other financial operations
- Covert investigations
- Interception of telecommunications with or without the technical assistance of another Member State
- **Transfer of evidence**

www.djicot.ro



5

Measures that **cannot be** requested through EIO:

- Establishment of Joint Investigation Teams and evidence gathering within them
- Seizing of assets
- Cross-border surveillance, as referred to in the Convention implementing the Schengen Agreement;
- The preservation of data;
- Transfer of a person to another Member State for the purposes of prosecution, including bringing that person before a court for standing trial for which a European Arrest Warrant (EAW) should be issued

www.djicot.ro



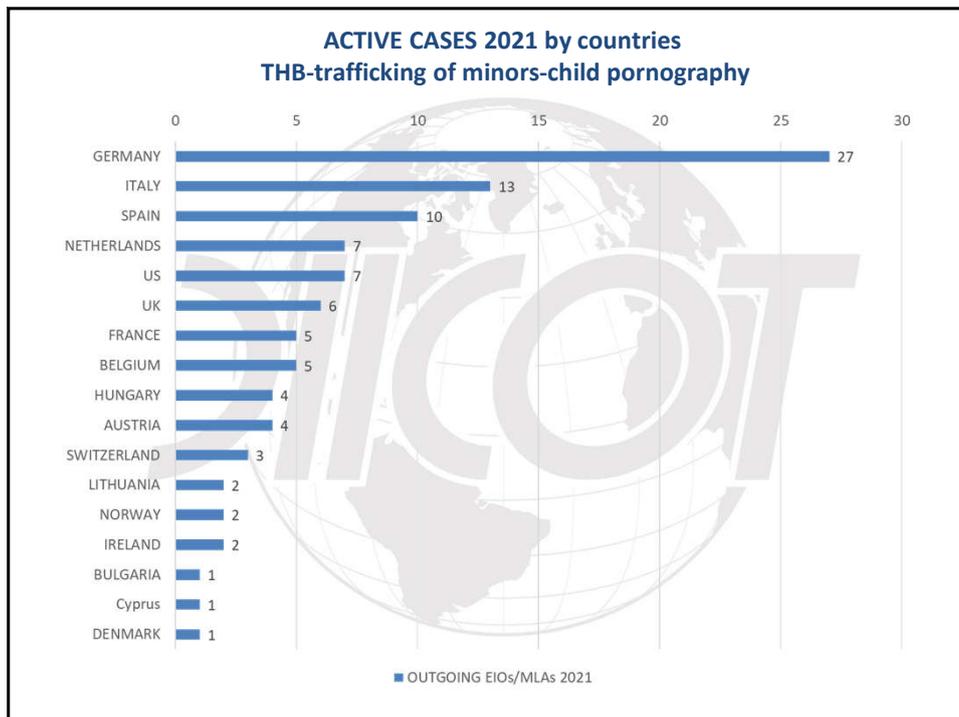
6

- EIO is about speeding the legal procedures
- EIO FORMS
 - European Investigation Order (EIO), in **Annex A**; (**LESS TRANSLATION COSTS**)
 - Confirmation of the Receipt of an EIO, in **Annex B**; and
 - Notification of the interception of telecommunications without technical assistance, in **Annex C**.

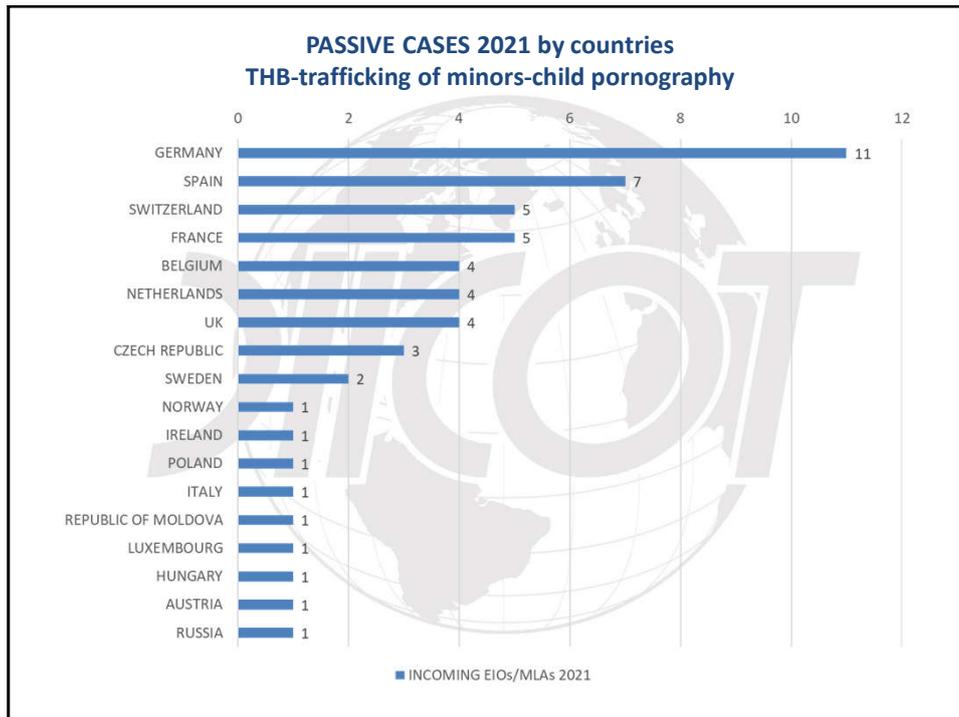
The executing authority, which receives the EIO must, **within a week** of the reception of an EIO, complete and send the confirmation of the receipt of an EIO, set out in Annex B (Art. 16(1) of the Directive).

<https://www.ejn-crimjust.europa.eu/ejn/libshowdocument/EN/3155/EN>

7



8



9

EIO is about the **interoperability** of systems

Interoperability regards:

- 1. Legal Framework
- 2. Semantics/definitions
- 3. Technical aspects
- 4. Institutional/organisational aspects

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10

1. Legal framework

- The Directive **2014/41/EU** regarding the European Investigation Order in criminal matters
- **COM(2020) 712 final** Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a **computerised system for communication in cross-border civil and criminal proceedings** (e-CODEX system), and amending Regulation (EU) 2018/1726.
- **The e-CODEX system is the digital backbone of EU judicial cooperation** in civil and criminal matters. e-CODEX comprises a package of software products which allow to set up a network of access points for secure inter-court digital communication.

<https://www.europarl.europa.eu/legislative-train/theme-a-new-push-for-european-democracy/file-proposal-for-the-e-codex-regulation>



11

1. Legal framework

- “[...]a clear and uniform legal basis for the whole EU”.
- The proposed regulation entrusts the eu-LISA Agency with the operational management of the e-CODEX system. The handover of e-CODEX to eu-LISA would take place no earlier than in July 2023.

<https://www.europarl.europa.eu/legislative-train/theme-a-new-push-for-european-democracy/file-proposal-for-the-e-codex-regulation>



12

1. Legal framework

- On 24 March 2022, the Parliament, at its plenary session in Brussels, adopted its legislative resolution on E-CODEX
- On 1 June 2022 the regulation on E-CODEX was published in the Official Journal

The final version can be found here: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=urisrv:OJ.L_2022.150.01.0001.01.ENG.



EIO is about the **interoperability** of systems

Interoperability regards:

- 1. Legal Framework
- **2. Semantics/definitions**
- 3. Technical aspects
- 4. Institutional/organisational aspects



2. Semantics/definitions

- Do EU MS have the same definitions of Investigative measures?
- Do EU MS have the same legal framework in authorizing investigative measures?



2. Semantics/definitions

Example> Special investigative measures - Art 22-31 of the EIO Directive

“-With regard to interception of other communications, e.g. via a device in a car that crosses the border, a covert listening device (‘bugging’), **one Member State** represented in the workshop reported that in its national legislation **bugging is indeed regarded as interception** of telecommunications/wiretapping. **In other Member States, bugging is not regarded as interception**, but is in fact considered an even more intrusive measure and cannot be authorised retroactively.

(52nd Plenary meeting of the European Judicial Network - EJN Conclusions on the European Investigation Order, 2019).

•



2. Semantics/definitions

Special investigative measures - Art 22-31 of the EIO Directive

- In some Member States the national legislation provides for that a notification to the other Member State is required only if the communication is listened to; on the other hand, in some Member States, the legislation states that any information that is obtained through a telecommunications system requires notification, e.g. positioning.``

(52nd Plenary meeting of the European Judicial Network - EJN Conclusions on the European Investigation Order, 2019)

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EIO is about the **interoperability** of systems

Interoperability regards:

- 1. Legal Framework
- 2. Semantics/definitions
- **3. Technical aspects**
- 4. Institutional/organisational aspects

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3. Technical aspects

- Infrastructure – development of e-Evidence Digital Exchange System (e-EDES) and the e-Justice Communication via Online Data Exchange (e-CODEX).
- Secure connections between MS
- Large amounts of data to be transferred
- Data retention

www.djicot.ro



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3. Technical aspects

- **Electronic evidence poses major challenges*:**
 - lack of suitable and systematic regulation
 - necessity for specific knowledge not only to understand the nature of the electronic evidence but also how to process the data and how to interpret specific processing laws (**computer search – computer search analysis**)
 - difficulty to present electronic evidence at court in an understandable manner
 - difficulty electronic evidence to be accepted at court where judges ask for more guarantees than with traditional evidence
 - lack of technical infrastructure in judicial departments

*<http://www.evidenceproject.eu/about-evidence/concept-and-objectives.html>

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3. Technical aspects

- **Electronic evidence poses major challenges*:**
-
- high cost of examining and interpreting the information
- difficulty in proving authenticity, reliability and origin of data
- volatility of data and ease of manipulation
- difficulty in identifying the perpetrator of the crime
- difficulty in conserving, preserving and storing electronic data
- difficulty in establishing the legal value of the electronic evidence
- lack of legal support and certification models

*<http://www.evidenceproject.eu/about-evidence/concept-and-objectives.html>

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EIO is about the **interoperability** of systems

Interoperability regards:

- 1. Legal Framework
- 2. Semantics/definitions
- 3. Technical aspects
- **4. Institutional/organisational aspects**

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3. Institutional aspects

- Which authorities should be involved
- Identifying the executing authority
- Notification of interception

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What do we need to prosecute a THB case and have useful EIOs?

- Multi-disciplinary trained prosecutors (legal, cyber aware, technical aware, etc)
- Strong law enforcement connected to the EU LEA instruments (EUROPOL, EMPACT, etc)
- Proper laws (including common definitions of victim, client, perpetrator, etc)
- Equipment for gathering evidence (special equipment, decryption, etc ⇔ costs?)
- Useful international cooperation tools - Improved judicial cooperation with EU and non-EU countries Prosecutor's Offices working together **but also forensically sound, reliable, undoubtful and admissible** technical evidence (digital evidence, tracking, wire tapping) within EU courts
- Increase the number of JITs and EIOs – **DIICOT has had 62 THB JITs from 2013-2020 and 34 all type JITs in 2021 only (14 new)**
- Development of guidelines Ex Joint Day operations guide
- Good cooperation with private sector (Online Service Providers)
- Social protection for the victims and **compensation**

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CHALLENGES

- THB cases are cross-border per se => EU judicial and police cooperation mandatory;
- the use and authorization of special investigative measures (wire tapping, gps tracking, undercover agents, etc), in cross border case is not uniform;
- Prosecutor not comfortable to start JITs
- Electronic evidence is not defined in all MS legislation
- Most states don't have procedure for seizing virtual currencies

25

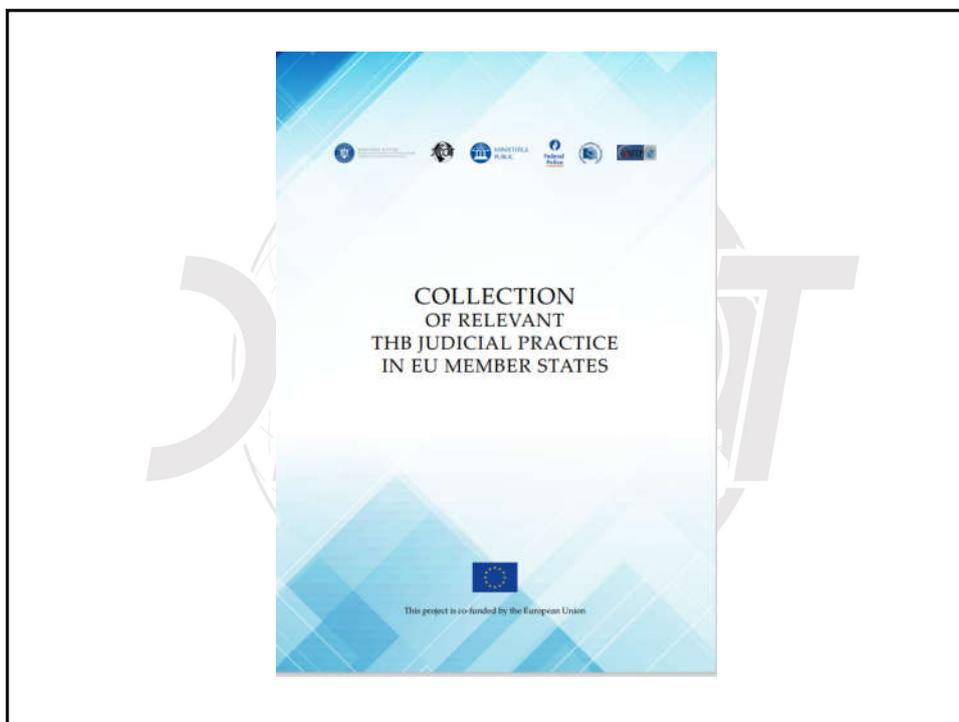
Discussions topics

- Interception of communications vs. end-to-end encryption and online anonymity
- **Costs of investigations** vs. respect of privacy and individual rights

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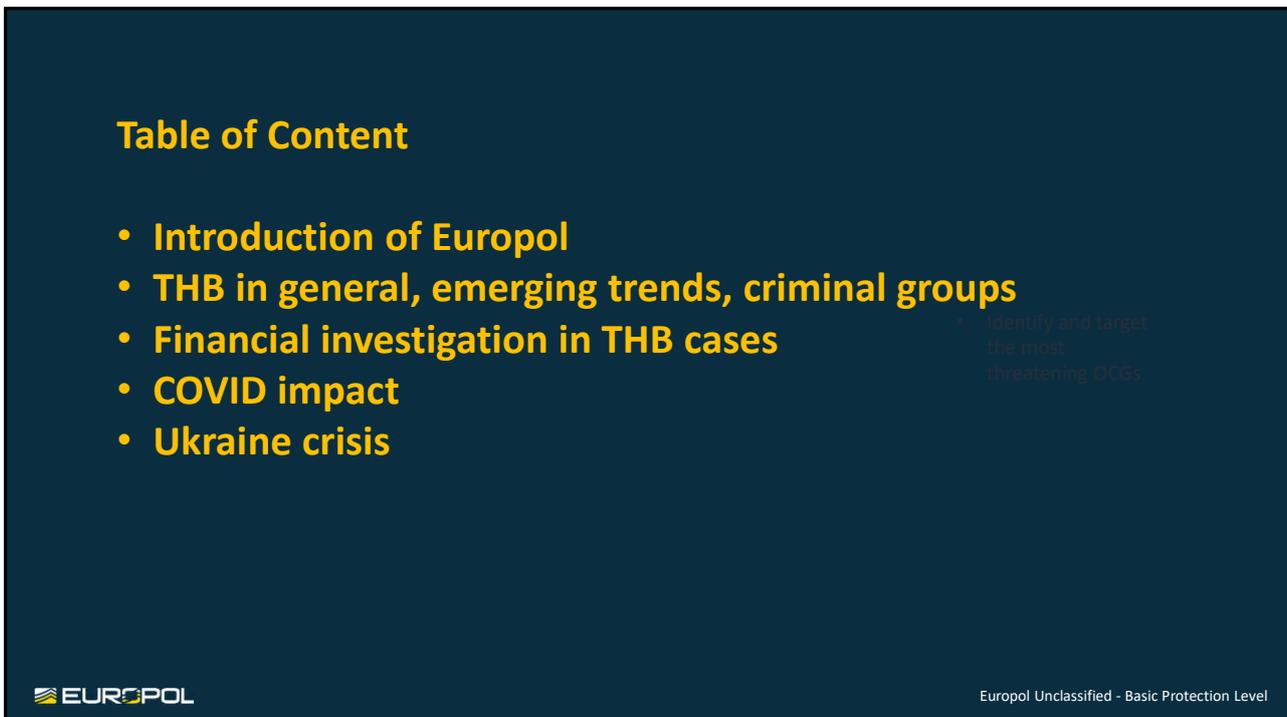
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I. Introduction of Europol – support and service



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The objective of Europol shall be to support and strengthen action by the competent authorities of the member states and their mutual cooperation in preventing and combating organised crime, terrorism and other forms of serious crime affecting two or more member states.
(Europol Regulation Art. 3.)



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Analysis Project Phoenix – Europol's project dedicated to THB

- The AP was established in **June 2007** and it is composed of a specialised team of specialists and analysts.
- It has a **dedicated database** (suspects, adult and underage victims, contacts, witnesses, associates, means of transportation, communication, financial data...)
- **Member States (MS) and 11 Non-EU MS are associated to the AP**
- Focus on all forms of exploitation and associated crimes:
 - **Sexual** exploitation
 - **Labour** exploitation
 - **Child** trafficking
 - Parallel **financial** investigations
 - **Internet** enabled THB

- **OPERATIONAL** → provides **analytical and operational support** to high-profile cases
- **STRATEGIC** → develops the **knowledge of the THB** situation in the EU




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II. THB in general, emerging trends, criminal groups

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Trafficking in Human Beings in the EU

The most reported form of **exploitation** remains for **sexual** purposes.

Child exploitation threat is increasing, especially in relation to **unaccompanied minors**.



While physical violence and coercion are decreasing, **deception and emotional abuse** are more commonly used to lure the victims and to force them into exploitation.

Internet is increasingly being used for the entire human trafficking chain; **Money laundering** as obvious part.

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Suspects and their organization

OCGs involved in THB



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CHALLENGES



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Structures and differences of OCGs

Chinese OCGs

- National based structure
- Hierarchical, military typed structure, debt bondage
- Strong role for the women (former prostitutes)
- Close community – CHN clients, sex and lab exploit

Nigerian OCGs

- Cell-based structure
- Religious based recruitment and threatening
- Polycrimanility (smuggling, THB, drug, corruption)
- Leading role for the women
- Sexual exploitation

Eastern-European OCGs

- Family based organization
- Block based structure – divided roles and responsibilities
- Male led organization
- Violent treatment
- Various form of exploitation

South-American

- National based structure
- Facilitating journey and work in one hand
- Sexual exploitation mainly – apartment
- Using free visa system or holding EU passport

The different structures may result different features that need different manner and view to response.

To understand the differences we need to see their criminal interest, their structure and their working method.

These differences come from national, cultural, geographical etc. roots.

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III. Financial Investigation in THB cases

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THB as one of the most profitable crimes

THB is the third largest source of income for the organised crime groups after drug and arms trafficking (UN GIFT).

Useful tool:
to identify the supporting financial structures of OCGs,
to disrupt THB networks and
to confiscate THB proceeds



Financial investigation – money laundering

- ✓ Challenging to estimate the overall profits derived from THB
- ✓ Laundering of criminal proceeds is a major activity for THB OCGs
- ✓ Challenging to follow the way of the money (smurfing, false documents, movement of cash, legal business structures, Informal Value Transfer Systems, new payment methods, high value goods and real estate)

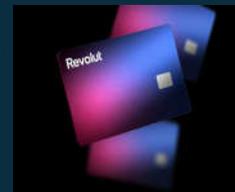


Money Service Businesses (MBS) – MoneyGram, WU, Hawala, Revolut

Most widely used modus operandi



- Efficient use of smurfing techniques
- Senders: Criminal associates, victims and contacts
- Recipients: family members or low-level criminals
- Transaction based vs account based (banking industry)
- Intelligence gap: Placement in the banking sector in the country of origin



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Cash couriers

- Illegal income generated in cash
- Absence of physical border controls in Schengen area
- Use of victims to transfer or move criminal proceeds electronically or physically
- Opportunity: Cash needs to be converted to local currency



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Abuse of legal business structures

- Traffickers operate across both licit and illicit economies
- Entertainment sector, but also in sectors like restaurant and catering, retail and small businesses, production and trade, construction, vehicle rent and retail and recruitment agencies
- Used as a legitimate source of income

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ML/AR in THB investigations

Overall understanding:



- ✓ Illegal proceeds laundered with little use of experts
- ✓ There are no THB specific money laundering techniques
Victims and extended family members are used in ML activities
- ✓ OCGs sent cash/invest illegal profits in the country of origin
Legal Business Structures (cash intensive business) and real estate are used for money laundering
- ✓ Unexplained wealth is clearly visible

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Europol support: Role of AP Sustrans

AP Sustrans is Europol's initiative regarding the fight against Money Laundering

- Sustrans offers horizontal support to other commodity based APs
- Sustrans collects:
 - Suspicious Transaction/ Activity Reports filled by FIUs,
 - reports on cash detections (usually from Customs) and
 - Supports on-going money laundering investigations

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The Digitalisation of THB: Financial Advantages

- Even though the methods of recruitment and exploitation have shifted online, the criminal profits are still predominantly made in **cash**, which is moved via money services business (**MSB**), such as MoneyGram or Western Union.
- Only a few, more technologically advanced traffickers, have been using new methods to gather and manage their incomes.
- **Digital wallets and Fintech**: provide virtual banking services and access to virtual currencies.
- Very few traffickers have been operating with **cryptocurrencies** to date. However, the emergence of members with a crypto-profile, including mixers, traders, exchangers are pointing at a crime-as-a-service business model.

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EMPACT THB Operational Action Plan 2022

Strategic Goal 4:

Criminal Finances, Money Laundering and Asset Recovery

Objective:

Combat the criminal use of financial structures including money laundering, facilitate asset recovery and confiscate proceeds of crime, disrupt criminal infiltration by involving specialised financial investigators, where relevant, as part of investigations in the EU crime priorities, and develop a culture of asset recovery through training and financial intelligence sharing.



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Harnessing Internet and Modern Technologies to Tackle THB

- If it is true that technology offers multiple benefits to criminal networks, it also provides law enforcement with tools to investigate and find leads.



- Investigators are dedicated to find ways to trace criminals' digital footprints with the purpose to use them in judicial proceedings.
- **Digital footprints:** law enforcement detect identities, structures of the organized crime groups, locations, roles and criminal assets.



- Investigators can extract **digital evidence** from:
- Financial transactions made by the criminals;
- Uploaded content;
- Online advertisements.

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Challenges/limitations

- Extensive use of cash/cash couriers/intra EU travel
- Lifestyle style money laundering
- ML investigations should be launched from the early steps of the investigation
- Coordinated efforts between involved countries (persons, timing, etc.)

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OPERATION WEBMASTER 2019



- In cooperation with 15 countries, Europol, Eurojust
- 6 arrests
- 16 websites shutdowns
- Multiple seizures of cash and luxury goods
- Bank accounts were frozen in 12 different countries

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Op. Balasz – forced begging, 4 countries cooperation

RO – DE – HU - AT

Results from the AD

- 7 locations searched (1 in Austria, 2 in Germany, 1 in Hungary and 3 in Romania)
- 4 arrests (1 in Germany, 1 in Hungary, 1 in Austria and 1 in Romania)
- Seizures included: phones and other electronic devices, more than EUR 90 000 and RON 9 400 in cash, 1 kg of gold



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CHALLENGES IN THB INVESTIGATIONS

- **Victim identification**
- **Recognition of human trafficking indicators**
- **Family tied business * – victim approach**
- **Lack of trust in authorities – reluctant to cooperate**
- **Use of internet – digital footprint**
- **Language barrier**
- **Money laundering techniques – less sophisticated**
- **Evidential and proving problems**
- **Challenging field for surveillance**
- **Human source infiltrate – less possibility**
- **Highly mobile OCN structure**



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SOLUTIONS

- Information sharing
- Operational analysis (OSINT, web monitoring, data extraction)
- Operational coordination
- Coordination
- Operational cooperation
- Judicial cooperation
-

INFORMATION EXCHANGE



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Joint Investigation Team (JIT)

- ▶ A joint investigation team is an international cooperation tool based on an agreement between competent authorities – both judicial (judges, prosecutors, investigative judges...) and law enforcement – of two or more States, established for a limited duration and for a specific purpose, to carry out criminal investigations in one or more of the involved States.



Compared with traditional forms of police and judicial cooperation, JITs have the following added value:

- They enable the direct gathering and exchange of information and evidence without the need to use traditional channels of mutual legal assistance (MLA) or European Investigation Orders (EIOs) (1). Information and evidence collected in accordance with the legislation of the state in which the team operates can be shared on the (sole) basis of the JIT agreement; and
- Seconded members of the team (i.e. those originating from a state other than the one in which the JIT operates) are entitled to be present and to take part – within the limits provided for by national legislation and/ or specified by the JIT leader – in investigative measures conducted outside their state of origin.

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Europol's response to high risk OC Operational Task Force (OTF)

- ▶ HVT/OTF concept designed to:
 - Promote investigations targeting individuals that constitute the highest serious and organized crime risk
 - Intensify asset tracing and increase the rate of confiscation of criminal proceeds

High Value Target (HVT)

A person, whose criminal activity fulfils concrete criterias and therefore constitutes a high risk of serious and organized crime to 2 or more EU MSs

Operational Task Force (OTF)

A temporary group of people consisting of representatives of the MSs and Europol.

Formed to carry out a specific project, coordinating intelligence, and investigative efforts focusing on the criminal activities of 2 or more selected HVTs and members of their criminal network.

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Evaluation of the level of risk

1. Capability and intent to damage private and/or public interest;
2. Capability and intent to gain proceeds of crime or other financial benefits;
3. Access to specialists' expertise ;
4. Access to financial resources;
5. Ability and intent to use violence;
6. Level of organizational and management structures in the criminal group/network to which the potential target belongs;
7. Capability and intent to use corruption;
8. Capability and intent to infiltrate legitimate businesses;
9. Capability and intent to cooperate with organised criminal groups and networks;
10. Capability and intent to poly-criminality;
11. Geographical scope of the criminal activity;
12. Case-specific aggravating factors:
 - Impact to society
 - extent of criminal activity
 - high political/reputational damage
 - a new type of modus operandi
 - high-impact criminal activity).



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EUROPOL Amended Regulation 2022/991

Cooperation with Private Parties

To support Member States in cooperating with private parties where those private parties hold information relevant for preventing and combating serious crime and terrorism, **Europol should be able to receive personal data from private parties** and, **in specific cases where necessary and proportionate, exchange personal data with private parties***. (Art. 32)

* In accordance with Regulation (EU) 2016/794, **in certain cases and subject to conditions, it can be necessary and proportionate for Europol to transfer personal data to private parties** which are not established within the Union or in a third country which is the subject of an adequacy decision or with which an international agreement or a cooperation agreement has been concluded, or where appropriate safeguards with regard to the protection of personal data are not provided for in a legally binding instrument or Europol has not concluded that appropriate safeguards exist. **In such cases, the transfer should be subject to prior authorisation by the Executive Director.**



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IV. COVID impact



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The impact of COVID-19 on serious and organised crime in the EU

Short-term outlook

Mid-term phase

Long-term perspective

Europol's monitoring efforts

The most notable impact: cybercrime, schemes and frauds linked to organised property crimes and counterfeit of (medical) goods.

Sharp increase in online child abuse material.

Future: keeping the previous and bringing new Modi Operandi

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The impact of COVID-19 on THB – Forced Criminality and Begging

Victims of trafficking are still most likely exploited for begging or forced criminality during the pandemic.

After the implementation of restricting measures, victims that were forced to beg in the streets, are likely to have changed the form of abuse, such as labour of sexual exploitation.

It is probable that victims have been forced to commit other criminal acts, such as trafficking and distribution of drugs or other illicit and counterfeit goods, and benefit fraud.

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Way Forwards and Challenges



CRIMINALS

- The COVID-19 pandemic has had a significant impact on the criminal activities of organised criminal groups involved in THB.



VICTIMS

- **lost income** for traffickers - **more victims** - **more intensive exploitation**,
- **Increasing the financial distress** - increasing the number of vulnerable persons.



LAW ENFORCEMENT

- New way in cooperation – online tools to be developed and accepted
- Facing new **new trends** in THB, emerged as a consequence of the COVID-19 outbreak.

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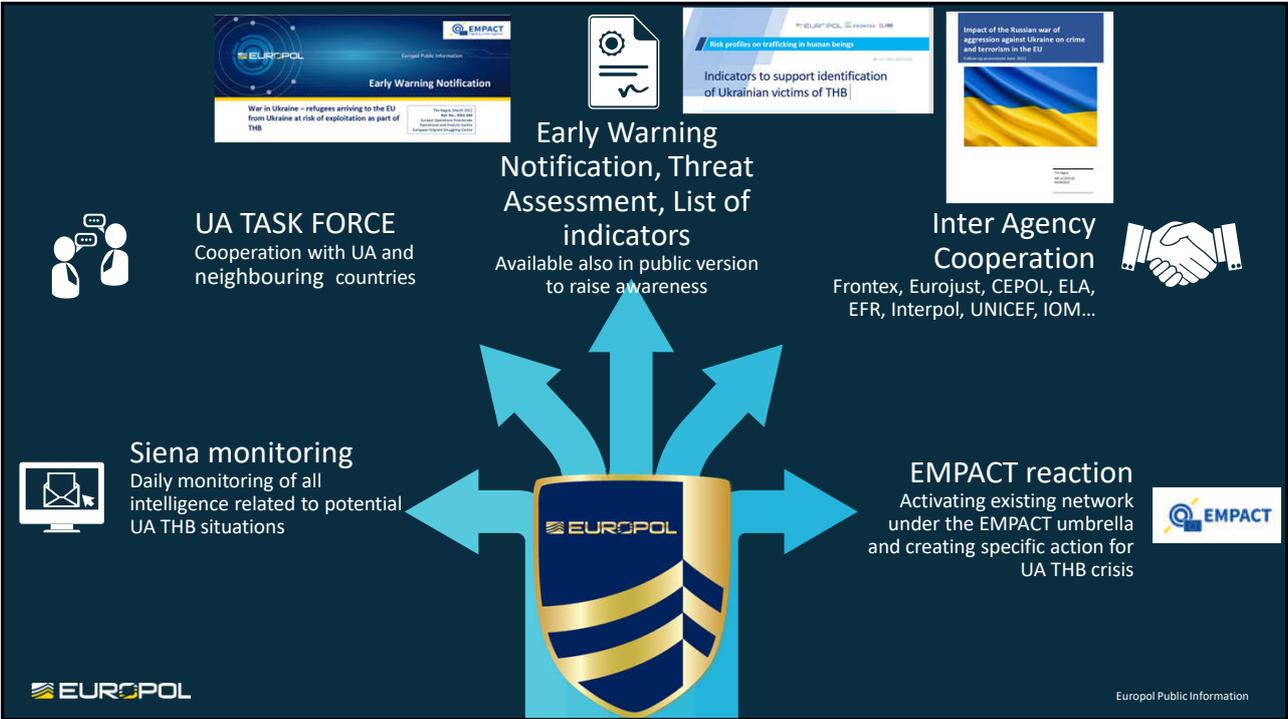


V. Ukrainian crisis



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Current and Future Situation and Way Forward

Arrested for trafficking a 41-year-old Ukrainian refugee for coming with his 16-year-old girlfriend and another girl stolen from her parents

- The person in charge of an NGO that brought people on a bus fleeing from the war notified the National Police of the strange behavior of the man with the minors during the trip. He has been arrested at the south station of Méndez Álvaro



Ukrainian refugee children in a soup kitchen, March 30, 2022, in Madrid - EP

MOST READ ON ABC

Madrid

ABC

1 Ayuso: 'I'm not going to tell young people to smoke two joints, that they're going to give them a payment and the pass'



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Europol Risk profile on THB – UA crisis

Itinerary/Facilitation process

- Arrives alone or with children and/or elder relatives
- Does not know what the final country or city of destination is
- Has no relatives, friends, associates in the country of entry, transit or destination
- Has no free choice for travel, but is charged (partially or fully) for the travel costs
- Quotes an offer for transport and/or accommodation to be paid back with earnings from future work in Europe
- Lacks identification documents or supporting documents
- The travel documents are held by another person

Background

- Is unfamiliar with any other languages apart from Ukrainian or Russian
- Has no or little education or professional experience



Personal belongings

- Carries little or no money
- Has no control of their income or money
- Has little or no savings or no access to financial assets at home
- (...)

Accommodation

- Does not know or is unaware of the country, district, city or address of accommodation
- Has no free choice for the accommodation, but is charged (partially or fully) for the accommodation costs
- Lives together with other exploited persons at the same address, not necessarily registered with public authorities
- Is accommodated in poor living conditions (sharing one space with others, insufficient beds, unsanitary situation)

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Thank you for your attention
Any questions?

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Europol, AP Phoenix

www.europol.europa.eu



EUROJUST

The role and possibilities of **Eurojust** in countering THB through enhanced cross-border **judicial cooperation**

Ioana van Nieuwkerk, Judicial Cooperation Advisor, Eurojust
ERA Seminar on Trafficking in Human Beings: Countering impunity
Vienna, 1-2 December 2022



Co-funded by the European Union

1



EUROJUST

Eurojust report on trafficking in human beings

Published on 23.02.2021

2

Main topics

Eurojust's role

- ▶ Coordination of Investigations and prosecutions
- ▶ Victims of THB



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Criminal justice across borders

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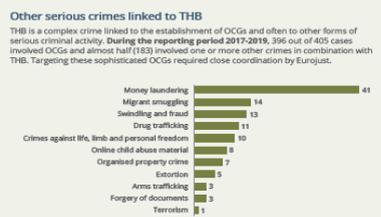


Victims of human trafficking

THB cases registered by Eurojust in the period 2017-2019 show that most victims were trafficked for sexual or labour exploitation. In the 91 cases analysed, the vast majority of victims were adult females. Most cases (84) involved EU citizens from Romania, Bulgaria, Slovakia, Hungary and Lithuania. 8 cases involved third country nationals from Nigeria, Ukraine, Belarus and Moldova. Eurojust assisted national authorities in locating, identifying, rescuing and protecting these victims, irrespective of where their recruitment, transit and exploitation took place in the EU.



Cross border THB cases involve difficult and demanding investigations and the need for close cooperation between countries of origin of victims, transit and exploitation. Investigations reveal the prominent role of organised crime groups (OCGs) and their movements within the EU. Through early and close coordination of national investigations and prosecutions, Eurojust contributes substantially to dismantling trafficking networks and protecting victims.



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Structure of each chapter

Challenge, best
practice

Case illustration

Recommendation

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Investigations and prosecutions

Main findings

- Information exchange – police level - Europol
- Trigger investigations in all countries
- Parallel judicial proceedings or EIOs?
- **Joint investigation teams – most effective tool in THB**
- JITs or EIOs?
- Best placed jurisdiction to prosecute
- Cooperation with non-EU countries
- The effect of COVID-19 on THB

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Main findings – victims

Identification

Location?

Rescue and protection

- Interest of victims – MS to prosecute
- Action days
- Fellow countrymen
- Witness protection
- Child victims



Evidence from victims

- Testimonies, admissibility of evidence, comparative analysis

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Recommendations to Member States

- ▶ **early cooperation and coordination** between all countries
- ▶ once an active OCG is discovered, all countries involved should react and commit to actively contributing to evidence gathering and dismantling the OCG,
preferably by **conducting investigations in each jurisdiction**

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Recommendations to Member States

- ▶ Use of JITs in THB cases
- ▶ Conflicts of jurisdiction - Eurojust case notes and joint recommendations for transfer proceedings
- ▶ Financial investigations
- ▶ Greater focus on victims
- ▶ Ask Eurojust to assist when non-EU countries involved

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JITs on THB supported by Eurojust

| Joint investigation teams | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 (by 31 Oct) |
|-----------------------------|-----------|-----------|-----------|-----------|-----------|------------------|
| New JITs signed | 27 | 21 | 25 | 13 | 14 | 8 |
| Ongoing from previous years | 24 | 35 | 36 | 37 | 32 | 33 |
| Grand Total | 51 | 56 | 61 | 50 | 46 | 41 |

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Eurojust support to Financial Investigations and Asset Recovery

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International cooperation is essential

**Asset
Tracing**

evidence
collection

Freezing

securing assets

Confiscation

conviction, or
non-conviction

**Return/compensation,
restitution
of
victims/sharing
of assets**

And re-use?

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Challenges to International Cooperation

- ▶ Coordination and collaboration with domestic agencies and ministries in multiple jurisdictions with different legal systems and procedures
- ▶ Complexity and variety of international instruments
- ▶ Different views of interpretation on terms and international instruments
- ▶ Civil - Common Law Jurisdictions
- ▶ Civil - Criminal Model
- ▶ Concern about exchange of information for civil enquiries
- ▶ Recognition and enforcement of civil confiscation orders
- ▶ Limitations on Disclosure
- ▶ Admissibility of Evidence
- ▶ Security and Data Protection
- ▶ Special invest. techniques + skills to “follow the money” beyond borders
- ▶ Ability to act quickly to avoid dissipation of the assets
- ▶ Questions regarding asset sharing ...



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Eurojust's added value

- the **coordination** of a joint investigative strategy and intelligence activities;
- the **exchange of relevant information** on the extent and limitations of relevant domestic, EU and international remedies;
- **clarification of domestic requirements** between issuing/requesting and executing/requested authorities;
- the **ability to harmonise and resolve** contrasting views of the effect and requirements of EU and international legal instruments;
- providing a **channel of communication** between the concerned Member States and third States through Liaison Prosecutors at Eurojust and Eurojust contact points;
- the **coordination of the transmission and execution** of EIOs and LoRs, freezing and confiscation certificates between competent authorities in complex cases and ongoing parallel investigations;
- the assistance in **drafting** EIOs and LoRs and freezing and confiscation certificates;
- **advice** on the requirements for official translations;
- the potential for an ongoing case review, including **links between parallel investigations**; and
- the **ability to augment mutual trust between investigators and prosecutors**.

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Criminal justice across borders

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Financial investigations and JITs in THB

- ▶ **Added value of including financial investigations and asset freezing as **purpose of a JIT****
 - Have a clear picture **how** the MS network operates and **where**
 - To find out **who is the main leader and victims**, the headquarter,..
 - Victims' testimonies may not bring the investigators to the leader(s) of the MS networks, but financial investigations do
 - Secure strong **evidence** in court
 - **Freeze** the proceeds from trafficking in view of confiscation
 - Secure compensation /restitution claims for **victims**
 - **Reduce** future criminal activity

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Example of freezing during JAD (1/2)

- ▶ Eurojust assisted in the coordination of a joint action day (JAD) in the countries involved through its **coordination centre at Eurojust**, during which **various freezing orders in different countries**, among others, were simultaneously executed, and during which requests/orders were promptly supplemented, as needed.
- ▶ Eurojust's support with regard to the freezing of assets **during a coordination centre at Eurojust**, in that case, included:
 - **In the course of the searches**, bank transfers appeared to have been made to two other MSs and a third State in amounts totalling approximately EUR 3 million;
 - This situation led to a **new LoR** being issued by one of the involved MSs **during the coordination centre by the prosecutor of that MS (MS A) attending the coordination centre** to the third State seeking the freezing of the money, and Article 9 certificates being issued to MS B and MS C in relation to the identified bank accounts;
 - Eurojust also confirmed to the prosecutor of MS A attending the coordination centre the **language requirements** for MS B and MS C as executing MSs in the framework of the execution of freezing orders, *i.e.* the languages accepted in these MSs;

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Example of freezing during JAD (2/2)

- Eurojust assisted with the **translation** of the Article 9 certificates into the languages of the executing States;
- The translated Article 9 certificates and the respective national freezing order (not translated due to urgency) were **transmitted via Eurojust** (also via FIUs) to the executing MSs;
- **Subsequent transmission of additional information by the prosecutor of MS A attending the coordination centre** to MS B, **via Eurojust**, regarding the role of one of the main suspects in the OCG, his link to the bank accounts in question, and confirmation that a freezing order from MS A had been issued;
- Authorities from MS B informed the relevant parties, via Eurojust, that the freezing order from MS A would be executed **the next day** and that the translated freezing order accompanying the already translated Article 9 certificate **was required without delay**; and
- A total of approximately **EUR 3 million was frozen** in execution of two freezing orders and of an LoR to a third State **issued during the coordination centre by the prosecutor attending the coordination centre**.

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Criminal justice across borders

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Eurojust THB case example “Lover boy”

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The case

The facts

- ▶ OCG trafficking women and girls for the purpose of sexual exploitation (2015-2019) using the “**Love Boy**” method
- ▶ 13 victims and 13 perpetrators = all Romanian nationals. Some victims under 18.
- ▶ Recruitment = in Romania
- ▶ Exploitation = mainly in France.
- ▶ Estimated profit 1,2 million EUR.
- ▶ 2 operational meetings at Europol...

Parallel investigations

- ▶ **In Romania (2016)**
 - Human trafficking
 - OCG
- ▶ **In France (2018)**
 - Human trafficking
 - Trafficking of children
 - OCG
 - Aggravated pimping
 - Aggravated money laundering

22/11/2022

Criminal justice across borders

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Need for judicial cooperation

Issues

- ▶ Eurojust approached in 2019 to support **coordination and judicial cooperation**
- ▶ Parallel proceedings and **risk of conflict of jurisdictions** = same persons and same facts
- ▶ **Urgency to arrest OCG and save victims**
- ▶ Transmission of **urgent EIOs**
- ▶ **Cross-border tracing, freezing and confiscation**



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Criminal justice across borders

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Eurojust's support

- ▶ **March 2019 – 1st meeting at Eurojust**
 - exchange info and coordinate
 - decision to enter JIT (duration of 6 months) with Eurojust as participant
 - **Financial investigations and freezing as one main JIT aim**
- ▶ **May 2019 – 2nd meeting at Eurojust**
 - prosecutorial strategy agreed (FR centralises proceedings)
 - Europol participates the JIT
 - decision for (urgent) action day
- ▶ **June 2019 – action day supported by Eurojust**
 - Arrests, searches, **freezing**, victims saved
- ▶ **November 2019 – 3rd meeting at Eurojust**
 - **Discussion on the proceeds of crime (vehicles seized on action day)**

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Criminal justice across borders

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Specific objective and purpose of JIT

[2022/C 44/02]

MODEL AGREEMENT ON THE ESTABLISHMENT OF A JOINT INVESTIGATION TEAM

In accordance with:

[Please indicate here the applicable legal basis, which may be taken from – but not limited to – the instruments listed below:

- Article 11 of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 20 May 2000 (1);
- Council Framework Decision of 13 June 2002 on joint investigation teams (2);

OBJECTIVES AND PURPOSE OF THE JIT:

The purpose of the JIT is to collect evidence and share relevant information, identify perpetrators and, where appropriate, interrupt their activities and use the evidence collected for the purposes of prosecution and **seizure for confiscation of the proceeds of crime** in I

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Sexual abuse network stopped with Eurojust's support

14 June 2019 | PRESS RELEASE

The Hague, 14 June 2019

The French and Romanian authorities, in close cooperation with Eurojust and Europol, dismantled an organised group (OCG) involved in the trafficking of 13 female victims for the purpose of sexual exploitation. Eurojust actively supported the joint action day, which led to the arrest of 13 suspects, including one of the main leaders of the OCG, and 15 house searches. Coordinated by Eurojust, the national authorities seized 2 luxury cars, 14 mobile phones and 18 SIM cards, as well as 2 computers, jewelry and cash. The estimated total value of the criminal proceeds is €1.2 million. Eurojust facilitated the issuing of European Arrest Warrants by the French authorities, which were executed in Romania, Germany and Italy. Eurojust helped to resolve another case of sexual abuse last week.

In the last three years, women and girls recruited from Romania were victimised by alleged boyfriends and sexually exploited in France and several other EU Member States. The members of the OCG, most of whom are repeat offenders, are accused of having committed the crimes of trafficking in human beings for the purpose of sexual exploitation, participation in a criminal organisation, as well as pimping and money laundering.

The Specialised Jurisdiction (JIRS) of Rennes and the Craiova Territorial Office of the Directorate for the Investigation of Organised Crime and Terrorism (DIICOT) initiated parallel national investigations into the OCG. To avoid potential conflicts of jurisdiction, Eurojust held two coordination meetings to exchange crucial information on the case and agree on a clear prosecutorial strategy. Eurojust also helped the national authorities by swiftly executing mutual legal assistance (MLA) requests between various Member States and actively following up on their execution. National authorities from Hungary and Slovakia were involved in the search of one of the suspects, enabling the Italian authorities to arrest him.



To advance the national investigations, a joint investigation team (JIT) was set up, which was financially and logistically supported by Eurojust. Europol participated in the JIT, providing

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**EUROJUST**

TRAFFICKING IN HUMAN BEINGS: COUNTERING IMPUNITY ENHANCING INVESTIGATIONS AND PROSECUTIONS



Co-funded by the European Union

Tatiana Jancewicz
Head of the JITs Network Secretariat
ERA Seminar
Vienna, 1-2 December 2022

1

Outline of the presentation

- ▶ **What is a JIT –main features, practical considerations and Team composition**
- ▶ **Main differences between JITs and EIOs**
- ▶ **The EU Network of National Experts on JITs and its Secretariat**
- ▶ **Main tools for JITs practitioners**

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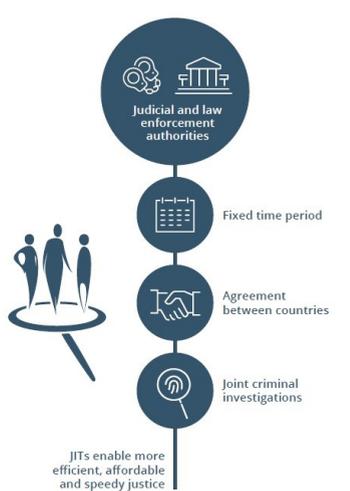
Criminal justice across borders

2



2

What is a Joint Investigation Team (JIT)?



JITs enable more efficient, affordable and speedy justice



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Criminal justice across borders

3

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3

Practical steps to set up a JIT

- ✓ Identifying a **cross-border criminal offence**
- ✓ Identifying a **suitable legal basis**
- ✓ **Contacting** the concerned States & **request** for setting up a JIT – *Eurojust can help!*
- ✓ Drafting and signing the agreement – **JIT model agreement**
- ✓ *If with an EU Member State* – **possible support by Eurojust and Europol**



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 **JITs Network** Criminal justice across borders

4

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JITs Legal basis: from EU to regional and universal

From EU...

- ✓ Article 13, 2000 EU MLA Convention
- ✓ 2002 FD on Joint Investigation Teams



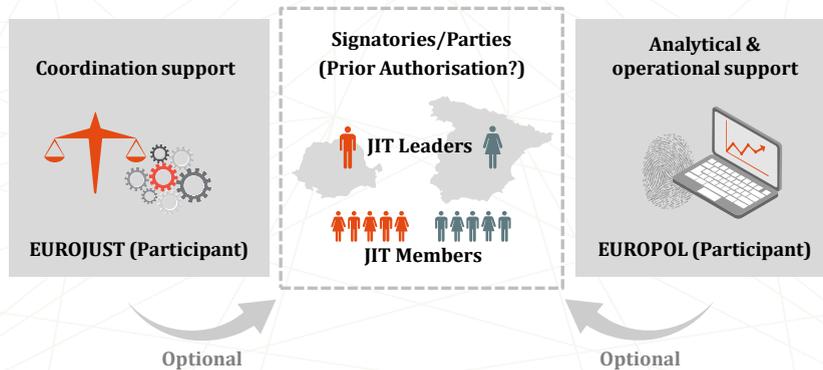
... to regional and universal:

- ✓ Article 5 MLA Agreement between EU and US
- ✓ Agreement between EU and Iceland and Norway (2000 MLA Convention)
- ✓ Article 20 of the Second Additional Protocol to 1959 MLA Convention
- ✓ Article 9 UN Convention against Illicit Traffic in Narcotic Drugs
- ✓ Article 19 UN Convention against transnational organised crime (UNTOC)
- ✓ Article 49 UN Convention against Corruption (UNCAC)
- ✓ *Soon: Article 12, Second Additional Protocol to the Convention on cybercrime*



Team composition

Parties vs Participants



EIO vs. JITs (1)

Main differences between a European Investigation Order and a Joint Investigation Team

| European Investigation Order | Joint Investigation Team |
|--|---|
| <p>EU mutual recognition instrument</p> <ul style="list-style-type: none"> ■ Applicable in all EU Member States except Denmark and Ireland ■ Cooperation limited to specific investigative measure(s) that were requested. Additional measures → new EIO ■ More formal process (e.g. EIO form) | <p>Joint initiative with common purpose</p> <ul style="list-style-type: none"> ■ Suitable also for multilateral settings ■ Partners on equal footing → no lead role ■ Suitable also for cooperation with non-EU countries |

EIO vs. JITs (2)

| | |
|--|--|
| Evidence transmitted after execution of the EIO | Unlimited, real-time exchange of information/evidence |
| Limited participation of the issuing authority | Active participation of seconded members |
| In principle, no investigation in the executing state | <p>Demanding/connected cross-border investigations requiring coordination</p> <ul style="list-style-type: none"> ■ Common operational objectives ■ Agreement on investigative and/or prosecution strategies |

Are JITs and EIOs the same?



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Setting up a Network of JITs national experts

- ✓ **AIM:** set up in **2005** to promote the use of JITs by sharing experiences and best practices
- ✓ **HOW:** flexible Network with one or more CPs per MS
- ✓ **SUPPORT:** from 2011, the **JITs Network Secretariat** established and hosted by **Eurojust**
- ✓ **MEMBERS:**
 - National Experts on JITs
 - Institutional CPs (i.e. Eurojust, Europol, Commission and OLAF)
 - Third countries as observers (Norway, Switzerland, Montenegro, North Macedonia and Ukraine)



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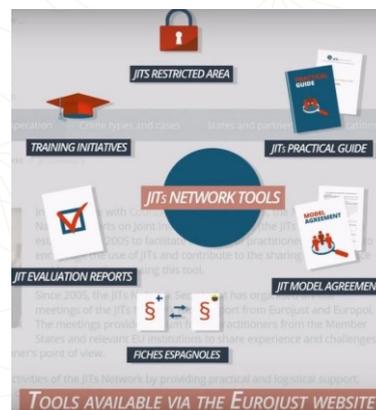
10

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Main tools developed by the JITs Network and the Secretariat

- ✓ **JITs Practical Guide**
- ✓ **Revised JIT Model Agreement**
- ✓ ***Fiches Espagnoles***
- ✓ **JIT Evaluation Project**
- ✓ **Trainings for JIT practitioners**
- ✓ **The JITs Restricted Area and the JIT Portal (for funding!)**



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THB

Countering impunity

Financial Investigation



Co-funded by the European Union



Police Fédérale
Federale Politie



INTRODUCTION



Federale Politie

FJP BRUSSELS – 2nd DIVISION



TRAFFICKING IN HUMAN BEINGS

SMUGGLING OF PERSONS

COUNTERFEIT DOCUMENTS

APPROACH THB BELGIUM

FINANCIAL INVESTIGATION – WHY ?

FINANCIAL INVESTIGATION – HOW ?

CASE: BIG NOSE

E-CURRENCY

ADDITIONAL TOPICS

PANDEMIC COVID 19 - UKRAINE

2

APPROACH THB BELGIUM

THB - Art 433 CC

- recruitment / transport / transfer / housing / taking in / taking control or changing the control of a person

- with the intention to submit him/her to:
 - ✓ sexual exploitation (prostitution)
 - ✓ organized begging
 - ✓ labour exploitation
 - ✓ trafficking in human organs
 - ✓ commit crimes against his/her will

BELGIAN MODEL

the desire to protect victims and to offer them a secure future



the need to take effective action against the networks

victims who cooperate with the government can have a specific victim status

GUIDELINES

GUIDELINE: HOW TO APPROACH THB

Imperative for police / magistrates
How starting an investigation
Detection of the phenomenon THB
Priorities in the approach/investigations
Perpetrators = priority
No second victimization of the victims

GUIDELINE: MULTIDISCIPLINARY COOPERATION



STATUS “VICTIM THB”

The victims have to fulfil 03 basic conditions in order to enter the victim status :

- 1) breaking with the network in which they have been exploited
- 2) being accompanied by an accredited and specialised reception centre for victims of trafficking in human beings (shelter and/or outpatient counselling)
- 3) to lodge a complaint or make a statement against the persons or networks of traffickers who have exploited them

VICTIM THB

1. **45-day reflection period** (provisional residence permit)
 - a. to break off with the alleged perpetrators
 - b. to calm down
 - c. to make an informed decision on whether or not to cooperate with the authorities
2. **temporary** residence document
valid for 3 months - authorisation to work – extendable
3. residence permit of **indefinite duration**
 - a. statements led to a conviction
 - b. prosecutor retained THB in his indictment and if the complaint or the statements were significant for the judicial procedure

GUIDANDE PLAN VICTIMS

PSYCHOSOCIAL/MEDICAL ASSISTANCE

Coming to terms with their experience and the trauma they have suffered

Getting their lives back on track

Working out a realistic plan for the future

ADMINISTRATIVE ASSISTANCE

Assistance with the application of the documents

Return to country of origin

Organisation of voluntary return with IOM

Contact local families or organisations

LEGAL ASSISTANCE

Defending the rights and interests of the victim during legal proceedings

Starting civil proceedings (independent decision)



FINANCIAL INVESTIGATION

WHY ?

GOALS INVESTIGATION THB

DISMANTLING OCG

To stop the offence
To arrest perpetrators
To bring them before court
To see that they can not continue/start again



VICTIM ASSISTANCE

Victim out of the hands of the perpetrators
Give a secure place
Assist him/her in giving her all the possible help



FINANCIAL INVESTIGATION: WHY ?



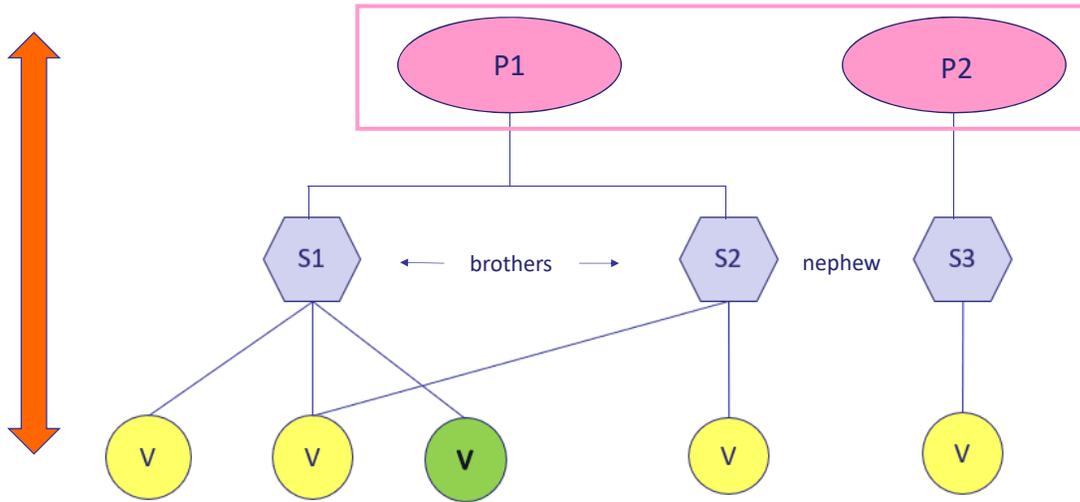


SUPPORTING INVESTIGATION THB

As a contribution to the investigation THB (“common law”):

1. may contribute to the **identification of the members of a criminal organization.**
2. can clarify the **structure** of the organization
3. can give a view of **the importance of the OCG** by means of the criminal assets obtained
4. can help **identify other victims**
5. can show what **victims do not dare to tell (payments)**

HOW?



PERPETRATOR - OCG



Hitting him/them where it hurts at most
=
Taking away their (criminal) money / assets



HOW?

SEIZURES



in country of exploitation



in home country

WHAT?





VICTIME

LEGAL ASSISTANCE

- Defending the rights and interests of the victim during legal proceedings
- Starting civil proceedings (**independant** decision)

COMPENSATION



RECOVERY POSSIBLE



need to seize the criminal assets



FINANCIAL INVESTIGATION

HOW ?

OPTION 1

Investigation
“Money
Laundering”

OPTION 2

Financial
Investigation
“Recovery illegal
assets”

OPTION 3

Special financial
investigation
ordered by the
judge at court

INVESTIGATION ORDERED AT COURT

INVESTIGATION ORDERED AT COURT

no investigation money laundering

no investigation “recovery illegal assets”

fallback solution permitting a later financial investigation

report containing the assets of the suspect

requisition of the prosecutor

INVESTIGATION ORDERED AT COURT

1. Should only be an option if options 1 and 2 were/could not (be) fulfilled.
2. Financial investigation starts when the investigation THB is finished.
3. Risk that assets disappear.
4. Nevertheless: possibility to recover illegal asset.

RECOVERY ILLEGAL ASSETS

FINANCIAL INVESTIGATION

RECOVERY ILLEGAL ASSETS

aim of the organization: making money

determine how much money the OCG has earned from their criminal activities

can be done in the investigation THB

can be done by investigators THB or financial investigators

recovery of the criminal assets

freezing the assets when arrest/intervention in the investigation THB

RECOVERY ILLEGAL ASSETS

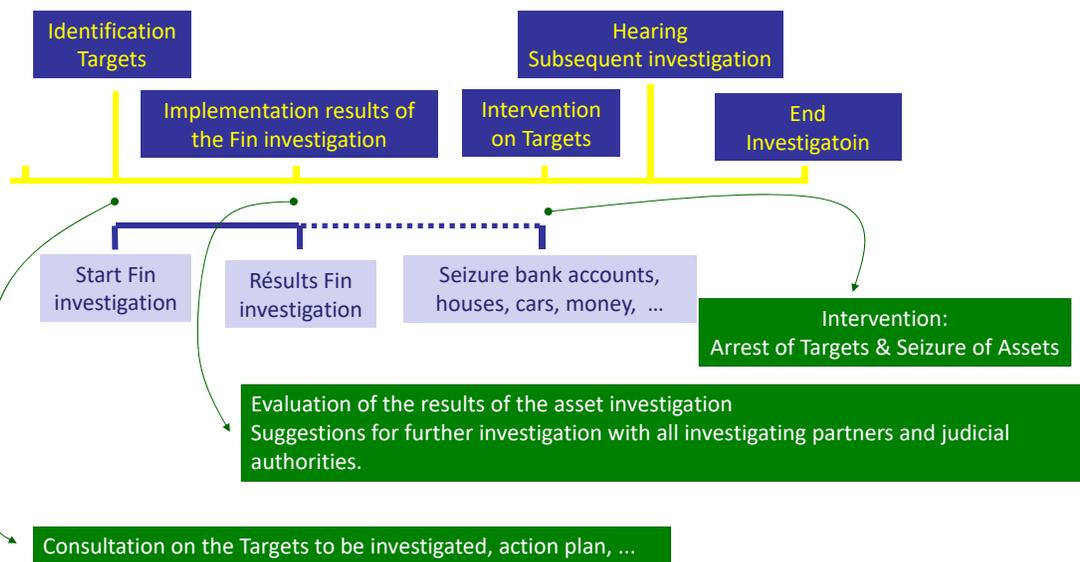
1. aim = to determine and to freeze/confiscate illegal assets (an investigation to locate and identify the criminal asset)
2. an investigation to locate and identify the criminal asset
3. should be done in each investigation THB (standard investigation).
4. can be executed in the investigation THB.
5. simultaneous build-up of two aspects: THB – recovery assets
6. no delay in the investigation THB
7. time Arrest = time “seizure/freezing”

RECOVERY ILLEGAL ASSETS

- 8. unexpected timing: no time/occasion to make disappear assets
- 9. execution by investigators THB (easy cases) / financial investigators (more complex cases).
- 10. focus on the main entities of the file (natural and legal persons) by checking:
 - ✓ cadastral data
 - ✓ tax file
 - ✓ bank accounts



IN PRACTICE



MONEY LAUNDERING

MONEY LAUNDERING

money laundering = the illegal process of making large amounts of money generated by a criminal activity, such as THB, appear to have come from a legitimate source.

money laundering = individual criminal offence

the criminal offence may lead to convictions and seizures

the accused must be able to prove himself the legal origin

financial investigators / magistrates

can be supplementary to an investigation THB

MONEY LAUNDERING

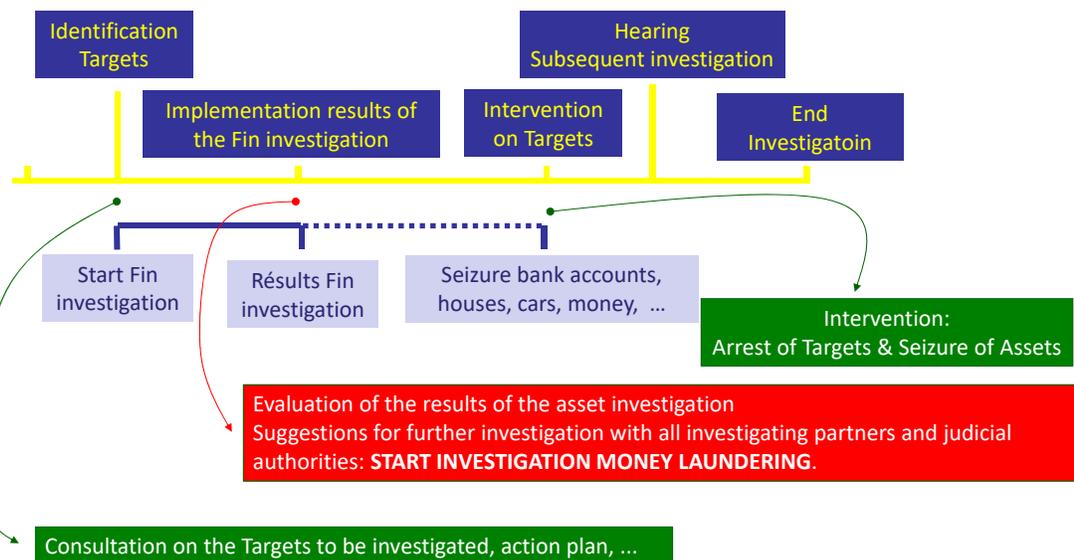
1. assets >>> illegal assets → money laundering
2. additional investigation “money laundering”
3. new criminal offence → additional conviction + additional seizure
4. independent of investigation THB
5. financial investigators and magistrates



FINANCIAL INVESTIGATION

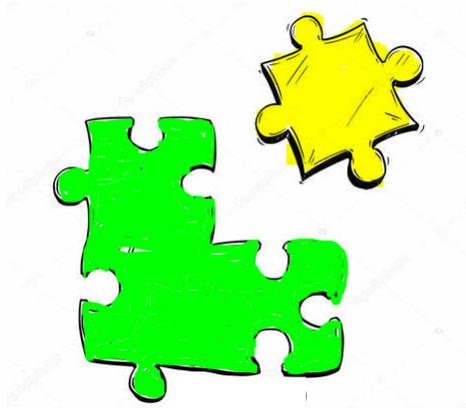
OPTIMAL SITUATION

DECISION MOMENTS



IMPACT

MONEY
LAUNDERING



RECOVERY
CRIMINAL
ASSETS

CONDITIONS

1. existence of a financial investigation
2. attention to the possible initiation of an investigation “money laundering”
3. launching a new investigation “money laundering”
4. cooperation and agreement of the financial magistrates

CROSS-BORDER COOPERATION



COUNTRY OF EXPLOITATION

Seizure assets
Investigation "THB"
(Incl: recovery illegal assets)



COUNTRY OF ORIGIN

Seizure assets
Investigation "money laundering"



INVESTIGATION BIG NOSE

SITUATION

OCG:

- perpetrators / victims: Roumanian nationals
- OCG: gypsy clan (2 families linked by marriage)
- Infractional period: Apr 2006 - Jun 2007

START FINANCIAL INVESTIGATION – WESTERN UNION:

- money received by the identified suspects in Romania (> 114.000 euro)
- money sent from Belgium to Romania (victims – surveillants -) (>902.500 euro)
- identification of other persons (victims – organization members)

SITUATION

MONEY TRANSFERS - WU

- money coming from prostitution activities → Romania
- method used for transferring money
 - ✓ via an agency
 - ✓ 2 or 3 times / week
 - ✓ amounts < 10.000 euro
 - ✓ engagement of intermediate people to protect the suspects (as well in Belgium as in Romania)
 - ✓ use of counterfeit for money transfers
- gain: 700 – 1.200 euro / day / victim

DECISION COURT

| SUSPECT | IMPRISONMENT | FINE |
|------------|--------------|-------------|
| Valter P | 8 years | 25.000 euro |
| Decebal B | 8 years | 25.000 euro |
| Robert A | 7 years | 25.000 euro |
| Tiberius B | 7 years | 25.000 euro |
| Mihael D | 4 years | 10.000 euro |
| Eugen T | 4 years | 10.000 euro |
| Adriana P | 3 years * | 1.000 euro |
| Dumitri C | 2 years * | 1.000 euro |
| Mihaita A | 2 years * | 1.000 euro |
| Raluca B | 3 years * | 1.000 euro |
| Rica M | 3 years * | 1.000 euro |

DECISION COURT

❑ Estimated illegal assets:

- Valter P (8) **3.472.000** euro
- Decebal B (6) **2.889.600** euro
- Robert A (4) **1.736.000** euro
- Tiberius B (6) **2.990.400** euro

700 euro/day/victim
suspicion of other girls working for them/ rotation system (40)
known number + full-time

❑ Victims:

- S1: **423.000** euro (material damage) - **5.000** euro (moral damage)
- S2: **257.680** euro (material damage) – **5.000** euro (moral damage)
- S3: **01** euro (moral damage)
- S4: -

6

E-CURRENCY



CRYPTOCURRENCY



Digital transformation of society



Digital transformation of currency

E-CURRENCY

1. Virtual money is an alternative to traditional money.
2. The value of virtual money fluctuates constantly
3. Characteristics of virtual money transactions:
 - ✓ are carried out in a peer-to-peer network
 - ✓ without the intervention of a central organ (bank,)
 - ✓ the network regulates payments
4. Security and encryption are inherent in the use of virtual currency:
 - ✓ the use of passwords, codes, ...
 - ✓ confirming payments in one or more steps via authenticators and private keys...)



E-CURRENCY

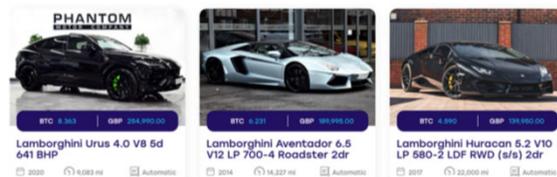


<https://coinmarketcap.com>

POLICE RELEVANCE

Legal circuit

- a. VC used as a means of payment for legal products or services
- b. VC can also be considered as an investment instrument (legal insofar as correct tax return)



POLICE RELEVANCE

Illegal circuit

- a. means of payment for illegal products and services, mainly offered on the darkweb.
- b. money-laundering tool par excellence
 - ✓ masking and moving illicit proceeds
 - ✓ existence of (prepaid) payment cards where the conversion of virtual currency into euros, dollars and other currencies is automatic and therefore usable everywhere



TERMS

WALLET

ADDRESS

KEYS

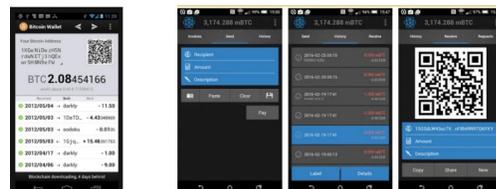
BLOCKCHAIN

EXCHANGER

WALLET

“Wallet” consists of one or more VC addresses (traditional world: debit cards)

Software wallets
managed on mobile devices



Hardware wallets
on external hardware



Paper wallets



WALLET

 Bitcoin Wallet

 Bither

 BitPay

 Edge

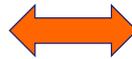
 Electrum

 Mycelium

 Unstoppable

MOBILE

ANDROID



iOS



 Bither

 BitPay

 Edge

 Unstoppable

WALLET

DESKTOP

LINUX



MAC



WINDOWS



 Armory

 Bither

 Bitcoin Core

 BitPay

 Bitcoin Knots

 Electrum

 Sparrow

 Specter

 Wasabi

WALLET

HARDWARE

 BitBox02

 Coldcard

 KeepKey

 Ledger Nano S

 Trezor Model T

 Trezor One

ADDRESS

1. A transaction or transfer of virtual currency occurs from one address to another.
2. An address consist of 26-35 alphanumeric characters starting with 1 (standard) or 3 (more requirements)
3. An address allows:
 - a. to send and to receive virtual currency
 - b. to consult the balance
4. For each address we have a public and a private key.
5. Example: **1PChTurBVEczAWA7MRFMJYBK5FEhPABBP4**

“BANK ACCOUNT”

KEYS



PUBLIC KEY

- = linked to the individual crypto wallet address
- it allows receiving funds
- "IBAN"



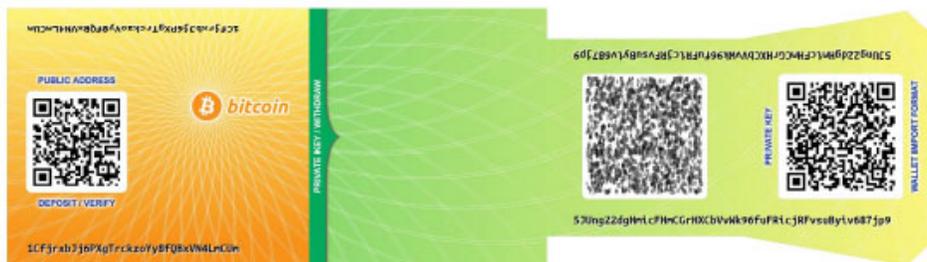
PRIVATE KEY

- needed so user can: have access to the funds + sign transactions
- = linked to the individual crypto wallet address
- "PIN CODE"

KEYS

Your **public** key is: **1CFjrbJj6PXgTrckzoYy8fQBxVN4LmCUm**
Receive bitcoin to your wallet using your PUBLIC key.

Your **private** key is: **5Jung22dgHmicFHmCGrHXcbVvWk96fuFRicjRFvsuByiv687jp9**
Access bitcoin in your wallet using your PRIVATE key.



<https://privatekeys.pw>

SEED

Recovery key for when you lose the private key
12 or 24 words (English, French,

<https://github.com/bitcoin/bips/blob/master/bip-0039/bip-0039-wordlists.md>



BLOCKCHAIN

Kind of database, in which transactions can be stored (payments with a digital currency - important data exchanged by 2 parties).

Digital cash book into which every transaction with VC enters.

Each virtual currency has its own blockchain.

Anyone can see the status and transactions of other users.

Payments from A to B are consultable (addresses and payments) but no identification.

BLOCKCHAIN



Latest Transactions

Bitcoin



| | | | |
|-------------|----------|----------------|-------------|
| bbd7c-42043 | 19:17:30 | 0,00075851 BTC | \$12,59 |
| be8f8-5c65b | 19:17:29 | 0,02560640 BTC | \$425,05 |
| 55d46-b3d38 | 19:17:29 | 0,00461073 BTC | \$76,53 |
| 1cb97-7f9a3 | 19:17:29 | 0,00432531 BTC | \$71,80 |
| 6b475-827b3 | 19:17:29 | 1,73353484 BTC | \$28.775,48 |
| 6e144-820c0 | 19:17:28 | 0,00062564 BTC | \$10,39 |
| 928c1-0f84d | 19:17:28 | 0,00570090 BTC | \$94,63 |
| ca99e-8c707 | 19:17:29 | 0,03935004 BTC | \$653,18 |
| 73a56-40be4 | 19:17:29 | 0,41001281 BTC | \$6.805,93 |
| bd3c1-c1dc7 | 19:17:29 | 0,00314107 BTC | \$52,14 |

Block 125552

Hash: 00000000000001e8d6829a8a21ad5d38d0a473b144b6765798e61f98bd1d
 Previous block: 0000000000000a2e11b8588b29ad144de299f0e21793cd89e567ca602cd81
 Time: 2011-05-21 17:26:31
 Difficulty: 244 112,487774
 Transactions: 4
 Total BTC: 84,52
 Size: 1,496 kilobytes
 Merkle root: 2b12fc11b09288fcdf797d71e950c71ac42b91e88db2304758dfc62b620c3
 Nonce: 2504433986

Transactions

| Transaction | Fee | Size (kB) | From (amount) | To (amount) |
|---------------|------|-----------|--|--|
| 51d37bd487... | 0 | 0.135 | Generation: 50 + 0.01 total fees | 15aNvBTUgMzlZ6dGWCeXFs2MagXL3XMIq: 50.01 |
| 60c25dd8d... | 0 | 0.259 | 1HpppXc7dPr2a67LqscDW5T4YanFppqC: 29.5 | 1B5vLT588KUPVJy3yQfth8Wjw3yEaQ: 0.5 1RQbxxgRSLFamsJNc9MG7bwa1pMwbsaw: 29 |
| 01f314c48... | 0.01 | 0.617 | 1NdsSE6dHubcXfrc7Jn2gdH0L3ai6E: 0.03 1Jp9msVvRU7vskKc118KUzsqg3bbam: 0.02 1HbYJfPqTn3D0jMnTb3VJKcKX7ZcWPbm: 4.82 | 175P5vclL3YTwG6Tcypw3HvYVqg3brc: 0.01 1M5cNM8lmsqV3kqL7v4kgpp3Nby3qg3B6: 4.85 |
| 851928640... | 0 | 0.404 | 12DCcV5DCKQ8tZSKl0bysgCmKRMNQB: 0.14 13C7mnaXJpckcY4XnaoqBlnyNlBortHGF: 0.01 | 1M5c7p86gJKbcYNSR1TtIT5h8Rs0MPS3HP: 0.15 |

EXCHANGERS

Online exchange offices are the bridge between virtual currency and ordinary money

They offer the possibility to buy/sell virtual currency at a certain rate.

Many exchangers also offer wallets



crypto.com

coinbase



PRIME XBT



INDICATORS USE OF VC



1. "wallet files"
2. software linked to VC
3. traces on browser history and mailbox of:
 - visits to exchangers
 - visits to sites related to VC use
 - visits to vendors accepting VC (mostly online dark markets)
 - visiting forums where VC are discussed



1. bank statements(to or from exchangers)
2. printed QR codes (keys)
3. notes (keys, seeds,)?



1. posts social media (VC)
2. use of a TOR-browser
3. dark web marketplaces

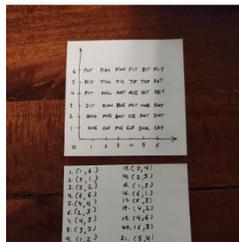


mobile apps related to wallets, exchangers, ...



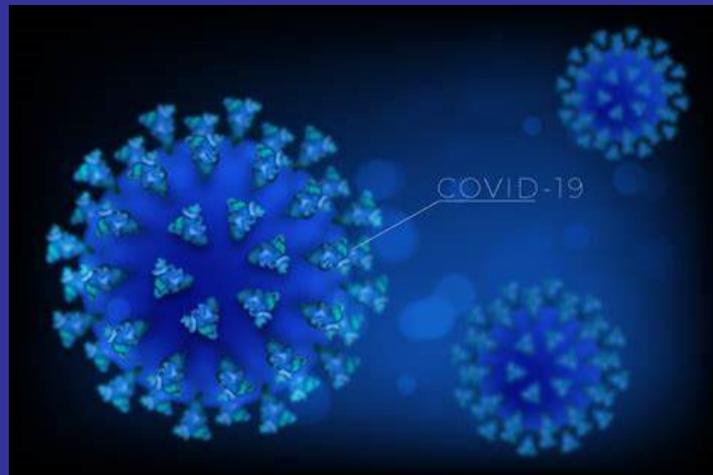
**ASSISTANCE
COMPUTER CRIME UNIT**

INDICATORS USE OF VC





ADDITIONAL TOPICS

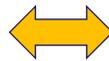


COVID-19

STREET PROSTITUTION WINDOW PROSTITUTION

closure of brothels

!! SUPERVISION POSSIBLE !!



HIDDEN PROSTITUTION PRIVATE PROSTITUTION

Continued activities
no closure of the websites
measures to deal with the
situation
aggravating circumstance

!! SUPERVISION DIFFICULT !!

COVID-19: MEASURES WEBSITE

Home page site:

warning against violating containment rules by asking/accepting physical contacts

!

Coronavirus (COVID-19)
Le contact physique est strictement interdit!
Veuillez ne pas prendre ou accepter de rendez-vous physiques.

Ces mesures ont été prises par le Conseil national de sécurité et sont en vigueur jusqu'au 19 avril 2020 inclus!

#EnsembleContreCorona

COVID-19: MEASURES WEBSITE

Publié par Lolotex (48 ans) - mardi, 07 avril - 17:55

✓ Vérifié ✘ Gold

BONJOUR svp ne pas me contacté pour un plan sexe réel soyez responsable

WEBCAM sex pour le moment

facile vous me trouvez sur le chat vidéo lolotex payement via paypal

je vous accompagnerais jouissance garantie

il faud savoir varié
chaude cougar a gros seins naturel chatte chaude a vous donné l'eau a la bouche
orgasme assurée

Sexe virtuel

il est important de garder vos distances dans cette crise de Corona. Soutenez votre travailleur du sexe préféré et prenez un rendez-vous virtuel avec vidéo!

30 min - € 70,00 60 min - € 120,00

+32 498 42 62 72

Advertisement: virtual sex

Hello, I'm Sofia
Webcam show

Publié par Sofia (20 ans) - mardi, 07 avril - 12:29

✓ Vérifié ✘ Gold

HELLO GUYS!

Hi !! I am Sofya, I am looking forward to new experiences, I like perverse games. I found a way to have fun in this situation too. Due to this situation with Covid 19, we can only see on webcam, it is a much safer way for our health. You can contact me. I'm sorry but please contact me for webcam gifts, they are not valid for physical meetings, following the order of the National Council

Videochat

live:cid.62327cf46c9dde35

FORUMS FOR CUSTOMERS (youppie.net)

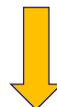
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comments on the prostitution activity
comments about different prostitutes working in Brussels



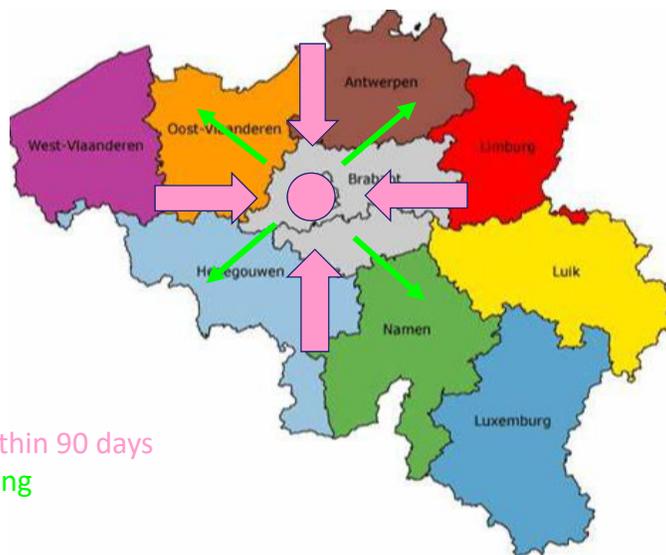
identification girls still working with physical contacts



organizing/orientation of police controls



UKRAINE



Registration within 90 days
Housing

UKRAINE

Persons present at registration centre who contact/recruit persons (exploitation?)

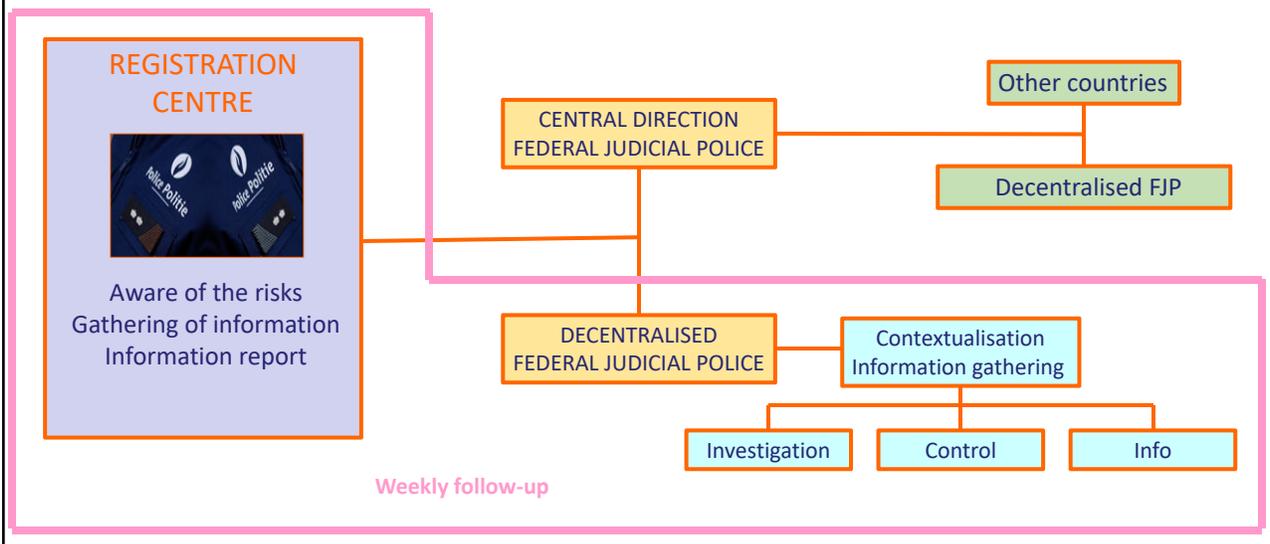
ex: handing out flyers in the context of employment, contacting young girls, offering accommodation and 1000 euro

Persons dropping off/picking up women (Polish and Czech number plates)

Dropping off/picking up people by Polish persons with the intention of exploitation

Organizing of bus trips to Poland to pick up refugees and bring them to Belgium by persons known for sexual offences, child pornography and sex

UKRAINE





THANKS

Patrick BOURGEOIS
Federal Judicial Police Brussels
+32 2 223 91 85
Patrick.Bourgeois@police.belgium.eu



Victim identification

Victim-centered investigations



Co-funded by the European Union

1

Central Intelligence Service – office 8.2

Combating Human Trafficking/Human Smuggling

JOO – Joint Operational Office against Human
Trafficking/Smuggling

.BK

CRIMINAL INTELLIGENCE SERVICE AUSTRIA



JOINT
OPERATIONAL
OFFICE

COMBATING HUMAN
SMUGGLING AND
HUMAN TRAFFICKING

Kerstin Kreuzer

2



Department 8.2.1

- Human trafficking
- Child trafficking
- Cross border prostitution
- Red-light crime

3

Department 8.2.1

currently 5 criminal investigators

information on THB by phone

+43 677 61343434 (24/7)

or e-mail

menschenhandel@bmi.gv.at
humantrafficking@bmi.gv.at

4

Police Responsibility

Provincial Level

Provincial Criminal
Investigation Departments

Federal Level

Criminal Intelligence Service



5

Effects of Covid-19-pandemic using the example „sexual exploitation“

Prohibition of prostitution (lockdown/restrictions)

- massive increase in the illegal practice of prostitution
- decrease in registrations
- difficulty for investigations
- contacting = reporting

6



Ukraine-War / THB

Immediate initiation of preventive measures

- Distribution of NGO/police flyers
 - Placement of posters - train stations/arrival centers, etc.
 - Sensitization and instructions for action to all police stations
 - Contact (ongoing) with various organizations
 - Control of red-light premises with Ukrainian persons
 - Searching of online advertisements with reference to sex services
- currently NO confirmed case of human trafficking

7

Victim-centered investigations

8

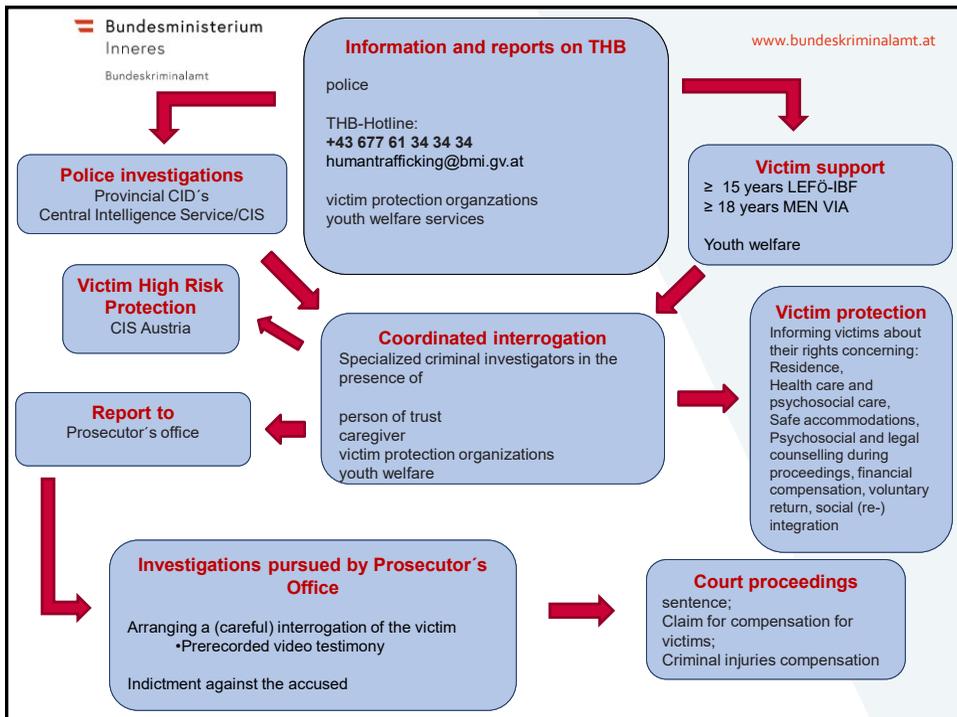
THB vs. other criminal offenses

- Investigation centre = victim
- Victim's willingness to testify (police/court)
- Relationship victim/offender
- Background/precedence of victims
- Victim protection & support

9

National Referral Mechanism (NRM)

10



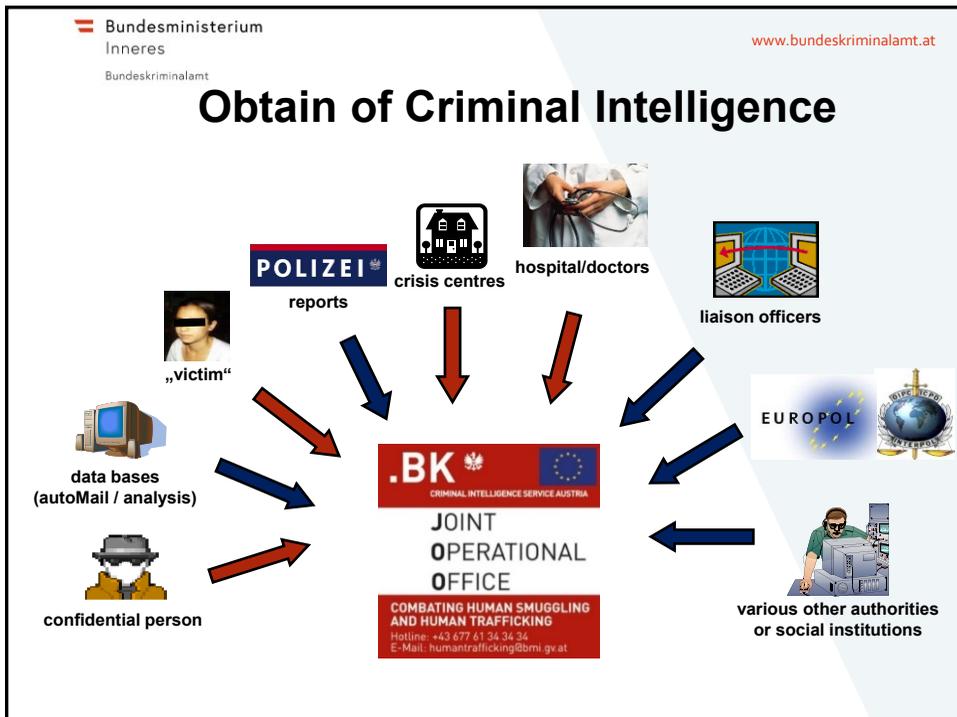
11

Bundesministerium Inneres
Bundeskriminalamt

www.bundeskriminalamt.at

Identifying of victims and perpetrators

12



13

- Bundesministerium
Inneres
Bundeskriminalamt
- www.bundeskriminalamt.at
- **perception of police/other authorities**
 - in the performance of duties
 - Monitoring activities
 - **perception by third parties**
 - **victim reveals him-/herself**
 - law enforcement agencies
 - victim protection agencies
 - social service agencies

14

INDICATORS



15

Indicators

Nothing has to be... / ...everything can

- ❖ Indicators are only a selection
- ❖ THB is constantly changing
- ❖ Victims often do not reveal themselves
- ❖ Victims do not see themselves as victims
- ❖ Victims are under pressure/coercion/fear



16

Indikatoren

General:

- appears intimidated
- uncooperative, dissocial, possibly even aggressive
- poor nutritional status/general condition
- Visible characteristic of abuse
- self-injuries, unkempt appearance, alcohol or drug abuse
- hardly knows about the companion/companion takes over the conversation

17

Indikatoren

children:

- Alone or accompanied by adults pretending to be „parents“ or „legal guardians“
- Shows discomfort in contact with adults

beggars:

- with physical infirmities or mental disabilities

„there is something wrong“

18

Interviewing victims and giving them support

19

INTERROGATION

preparations/considerations in advance

- correct choice of the interrogation room
- avoidance of disturbances/interruptions
- consider access to the room

20

INTERROGATION

➤ Interpreter

- mother language
- right choice → ♂♀
- question: is the interpreter appropriate for sensitive topics?
- retain interpreter in further interrogations, if possible

21

INTERROGATION

➤ preliminary talk - „warm up“

- try to create a basis of trust
- preferences concerning interviewer
- offer drinks/food
- if possible and desired, allow smoking
- give/take time – do not try to push
- not the first conversation must/cannot lead to success right away

22

INTERROGATION

➤ Set of facts

- narration of the victim / no summary
- use the victim's way of expression
- do not embellish/rewrite anything
- possibly document the victim's emotions (compare interviewing children)

23

INTERROGATION

➤ interviewing children

➤ cooperation youth welfare/caregiver

❖ specially trained officers

- special interview room with sound and video recording
- special interviewing methods according to age

❖ from own

- keep interview protocol – question/answer
- document emotions/reactions

24

SUPPORT

➤ protection of any rights

- protection of personal rights
(right to respect/recognition of personal dignity)
- determination of special need for protection
(e.g.: victims of sexual offences, minors, poor mental/health condition)
- careful interrogation in court
- Notification of release from custody/escape/retrieval of accused, etc.

➤ respect/appreciation

25

SUPPORT

➤ with careful interrogation in court

- consultation with victim protection agency/victim advocate
- securing access/exit to the courthouse/interrogation room
(reconnaissance of the location in advance/alternative routes)
- protective measures (disguise, carrying of a blanket, etc.)
- remaining on site during the interrogation and observation of the surroundings

26

Inter-agency cooperation

27

SECURITY POLICE ACT

§ 25 paragraph 3

- legally recognized victim protection institution commissioned by the Federal Ministry of the Interior
LEFÖ-IBF, MEN VIA

§ 56 paragraph 1 point 3

- transfer of personal data
(consent of the victim not required)

28

Victim Protection

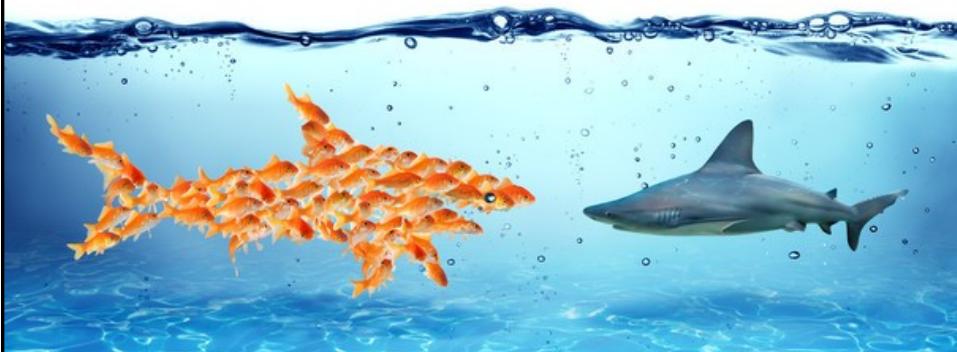
- **NGO's**
 - LEFÖ/IBF, MEN VIA, ...
- **Youth Welfare**
- **Int. Organisations**
(eg. IOM, UNODC)
- **CIS/5.1 (VHR)**

Authorities

- **National**
- **Europol**
- **Interpol**
- **PCC**
- **Liaison officers**
- **Other departments**
- **Frontex**

29

Combating Human Trafficking =



TEAMWORK

30



31

Thank you for your attention!

32



1



2

Learning objectives

- i. What may be the causes of secondary victimization in THB cases (criminal investigations and proceedings).
- ii. What measures can be taken to prevent secondary victimization.
- iii. Which victim rights can be derived from EU regulations, and how these can be implemented in practice.

3

ECHR Rantsev vs Cyprus and Russia

The Palermo Protocol and the Anti-Trafficking Convention refer to the need for a comprehensive approach to combat trafficking which includes measures to prevent trafficking and to protect victims, in addition to measures to punish traffickers (ECHR: Rantsev v. Cyprus & Russia, 7 January 2010, nr. 25965/04).

States have positive obligations to act against THB, and by. By not doing so when there are clear indicators, article 4 of the ECHR is violated.

This includes safeguarding “practical and effective protection of the rights of victims or potential victims of trafficking”



4

30 YEARS ERA 

Victim's rights EU legal framework

The 2005 Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197) (*The Warsaw convention*)

Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime (the *EU Victims' Directive*)

Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims (the *EU Trafficking Directive*)



5

30 YEARS ERA 

Victims' rights

Access without delay to legal counseling and legal representation - art. 12 (2)

Possibility to claim for compensation or to have access to existing schemes of compensation to victims (art 17)

Appropriate protection on the basis of an individual risk assessment – art 12 (3)

Receive specific treatment aimed at preventing secondary victimization

According to the EU THB Directive




6

Informative interview

Informative interview (intake) with a certified THB-investigator before the complaint

- Explaining the criminal procedure
- Providing for (information about) victim support, legal/psychological assistance and protection (referral and risk assessment for safety/specific needs and possible subsequent measures)
- Providing for information about the possibilities to apply for a temporary residency permit
- Announcing that an investigation ex officio (victimless prosecution) can be conducted

Written report (audio reordering is possible)



7

Temporary residency permit for THB victims

The provisions on temporary residence permits for victims of trafficking in Europe

- the 2004 EU Residence Permit-Directive (linked to cooperation of the victim)
- the 2011 EU Anti-Trafficking Directive (unconditional)
- the Council of Europe (CoE) Anti-Trafficking Convention of Warsaw (unconditional)

Renewable residence permits can be granted to victims of trafficking on personal grounds and includes a range of situations: victim's safety, state of health, family situation, etc.

8

Secondary victimization

Criminal proceedings should not increase the suffering and the harm to the victim.

Bottlenecks in the criminal proceedings:

- the fact that the process is focused on the perpetrator,
- the long duration,
- the sometimes cool or unintimidating treatment by procedural actors
- doubts about the credibility of the statement,
- the way in which the victim is treated by the suspect's lawyer
- dissatisfaction with the outcome.

Secondary victimization can be reduced through: **proper treatment (next slide)**, recognition of the victim as an involved party, provision of information, legal and psychological assistance, safety and the shortest possible criminal procedure.

9

Victims' rights - minimum standards of proper treatment

According to the Dutch Human Trafficking Directive minimum standards of proper treatment of victims during court proceedings is (amongst other things) providing for information/assistance about/with:

- all important decisions in the criminal investigation;
- the release of a suspect/ render of judicial decisions;
- to get court documents disclosed;
- legal counsel and interpretation
- progress of the case
- support with obtaining compensation for material and immaterial damage;
- the right to speak and to make a written victim statement during court sessions.

10

Secondary victimization II

Human trafficking victims are particularly vulnerable to secondary and repeat victimization, to intimidation and to retaliation.

Special measures during court proceedings to victims of human trafficking and victims with *specific protection needs* identified (in general):

- Avoid unnecessary repetition of interviews – art 12 (4);
- Avoid visual contact between victims and defendants – art 12 (4) and art 23 (2);
- Avoid the giving of testimony in open court (with public present) – art 12 (4) and art 23 (2);
- Avoid unnecessary questioning concerning the victim's private life not related to the criminal offence – art 12 (4) and art 23 (2)

According to article 12 (4) of the EU THB Directive and article 23 (2) of the EU Victims' Directive

11

Secondary victimization III

Special measures during criminal investigations to victims with specific protection needs identified:

- a) interviews with the victim being carried out in premises designed or adapted for that purpose;
- b) interviews with the victim being carried out by or through professionals trained for that purpose;
- c) all interviews with the victim being conducted by the same persons (...);
- d) all interviews with victims of sexual violence, gender-based violence or violence in close relationships (...) being conducted by a person of the same sex as the victim

(Article 23 Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime)

12



The Non Punishment principle

13



Learning objectives

- i) What the non-punishment in a human trafficking-context entails
- ii) On what international framework this principle is based
- iii) How this principle can be applied in your practice of investigations and prosecutions



14

The non-punishment principle

Trafficked persons should not be punished for illegal conduct that they committed as a direct consequence of being trafficked.



15

International legal framework

Article 26 of the 2005 Council of Europe's Trafficking in Human Beings Convention

- "Each Party shall, in accordance with the basic principles of its legal system, provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so."

Article 8 of the EU Directive on trafficking in human beings provides (2011/36/EU)

- "Member States shall (...) take the necessary measures to ensure that competent national authorities are entitled not to prosecute or impose penalties on victims of trafficking in human beings for their involvement in criminal activities which they have been compelled to commit as a direct consequence of being subjected to [human trafficking]"

Article 4(2) of the 2014 Protocol to the 1930 ILO Forced Labour Convention

- Similar to EU Directive

16

Broad range of unlawful acts

Consequential offences

- Exploitation of criminal activities
- Other offences in which the purpose of the trafficker is directly aimed at

Status-related offences

- Offences linked to the migration status of the victim (f.e. possession of a false identity document or not having a work permit)

Secondary offences

- 'Liberation offences' (to escape situation of human trafficking)
- Offences where victims are assigned a role by their trafficker in maintaining the human trafficking situation towards other victims (very prevalent)



Source: *Schloenhardt & Markey-Towler (2016) and Jovanovic (2017)*

17

Case law

Case of V.C.L. and A.N. v. The United Kingdom

European Court of Human Rights 12 January 2021 (Applications nos. 77587/12 and 74603/12)

Art 4

- Domestic authorities' failure to take operational measures in line with international standards to protect minors prosecuted despite credible suspicion they were trafficking victims
- No initial, prompt assessment of trafficking status
- Inadequate reasons provided for continuing prosecution, despite PPO's finding 'perpetrators' were trafficked

Art 6 § 1

- Failure to investigate applicants' status as potential trafficking victims affecting overall fairness of criminal proceedings



18



Application of the NP principle

Implementation of international legal definitions into domestic legislation

OSCE (2013) Policy and Legislative Recommendation for Model Law on trafficking in persons. Article 10 provides for a model provision on the 'non-liability principle'.

Application through:

- Charging and prosecution policies
- Statutory defences (or pre-existing criminal defences as duress or necessity, or self-defence)
- Sentencing/Judicial excuse
- Criminal records / vacating guilty convictions

A sentence imposed should always reflect the degree of responsibility of the offender in respect of the seriousness of the crime committed.

[Court of Appeal The Hague, January 19th 2010, ECLI:NL:GHSGR:2010:BK9406](#)



19



Victim compensation (Dutch practice)

20



Victim compensation

Article 15 van het 2005 Council of Europe Convention on Action against Trafficking in Human Beings

Under 3: Each Party shall provide (...) for the right of victims to compensation from the perpetrators.

Under 4: Each Party shall adopt such legislative or other measures as may be necessary to guarantee compensation for victims in accordance with the conditions under its internal law, for instance through the establishment of a fund for victim compensation (...)



21



Victim compensation

1. Joining the criminal proceedings as an injured party
2. Compensation enforced by the state
3. Compensation order
4. Violent Offences Compensation Fund
5. Confiscation Order



22

Joining the criminal proceedings as an injured party

30 YEARS ERA

"The person who has suffered direct damage as a result of a criminal offense may join the criminal proceedings as an injured party with respect to his claim for compensation." (art. 51f CC)

Civil process within the criminal process

- Provide for substantiation of a wrongful act (burden of proof on PPO)
- Provide for substantiation of material and/or non pecuniary damage as direct result (burden of proof on the victim).

Amount of damage

- Standard jurisprudence in relation to material damage: standard plausible amounts in (forced) prostitution (shift of burden). Up to 10 customers a day. 50-70 euro's per customer.
- Immaterial damages: judge has large discretionary power and must determine the damages according to fairness.

23

Joining the criminal proceedings as an injured party

30 YEARS ERA

Substantiation for immaterial damages.

- Physical injury automatically opens door to claims
- Psychological injury has to be substantiated with reports from experts (f.e.).

The Supreme Court has determined that exceptions to this rule may be accepted in connection with the *"particular seriousness of the norm violation and its impact on the victim."*

"Considering the offence constitutes such a serious violation of a fundamental right (i.e., the right to self-determination and physical integrity) that this in itself should be considered an infringement of the person. Thereby, even without the presence of a report acknowledging psychiatric recognized illness compensation for damages may be at issue."

- ECLI:NL:HR2004:AO7721 and PHRL2015:924

Case comparison: between 10,000 and 25,000 euro's for immaterial damages

24

Compensation enforcement

The court can either impose a partly suspended sentence under the condition that the offender pays compensation (sect. 14c CC), or can impose a compensation order (sect. 36f CC). Compensation orders are enforced by the State.

Suspended sentence only up to 4 years of imprisonment

Condition of the donation of a certain sum of money (not exceeding the maximum statutory fine) to the Criminal Injuries Compensation Fund



25

Compensation order (art. 36f CC)

The compensation order is an autonomous criminal measure that can be imposed (as a sentence) alongside other punishments and measures (sect 36f paragraph 3 CC).

State Treasury collects the compensation for behalf of the victim

In cases of non recovery of the full amount due, the Court can order default detention of one year maximum. However, the execution of this default detention does not cancel the obligation to pay on behalf of the victim (article 36f paragraph 8 of the Criminal Code).

Advance payment scheme (not capped for THB victims).

- State pays the amount of the compensation measure as an advance payment to the victim, if within eight months after the verdict judgment has become irrevocable has not or has not fully fulfilled his has fulfilled his payment obligation

26



Violent Offences Compensation Fund

Victims will receive, depending on the severity of the physical or psychological injury and the circumstances under which the violent crime was committed, a **fixed amount**.

THB victims can receive **an all-in amount ranging from € 10,000 to € 35,000**.

The Compensation Fund makes the payment conditional upon the compensation subsequently received by the victim (for example, an award of the injured party's claim) may still be deducted from the amount.

The Compensation Fund pays out annually around 20.4 million euros to victims. The number of claims is around 9,250. Of these claims, 5.36 percent involve applications that address human trafficking victimization. So that's about 500 claims on a yearly basis.

The criterion for victimization is plausibility (thus not only on the basis of court rulings).

27



Confiscation order

On January 1, 2014, the Victims Preservation Act went into effect

This law allows for the confiscation of assets on suspicion of serious crimes, including Human Trafficking. Assets may be confiscated to preserve the right to **recovery for a compensation order** to be imposed in respect of that crime

Conservatory confiscation can be made pursuant to article 103 CC after the supervisory judge, -at the request of the Public Prosecutor- has granted authorization for this purpose.

Prevention from transferring or encumbering by the suspect of his assets before he is actually sentenced to a compensation order.

28



Access to justice and the work of civil society: ensuring victims' rights are protected

LEFÖ – Interventionsstelle für Betroffene des Frauenhandels (LEFÖ-IBF)

Evelyn Probst



With financial support from the European Union's Internal Security Fund
– Police 2014-2020

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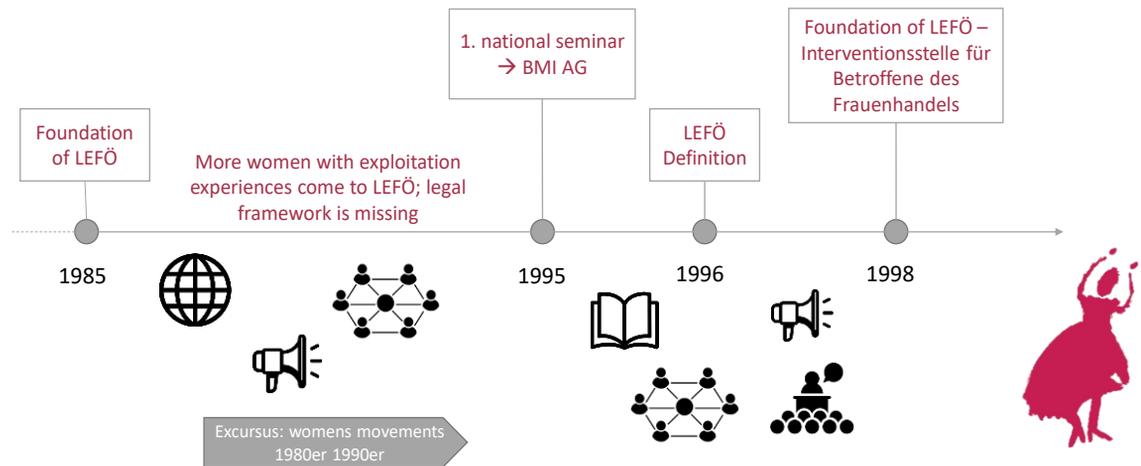
Victims of trafficking

- Victim identification and protection from perpetrators
- Provision of support during investigations and judicial proceedings
- Access to remedies and compensatory measures



2

Human trafficking in Austria



3

LEFÖ – Intervention centre for trafficked women and girls

- LEFÖ-IBF is a recognised victim protection organization according to §25 Abs 3 PSA, that, with a mandate from the Ministry of the Interior and the Federal Chancellery of the Republic of Austria – section Women and Equality, offers its services in the entirety of Austria. Mandated by the Ministry of Justice LEFÖ-IBF offers trafficked women and girls psychosocial and legal victim assistance services.
- IBF: provides direct support to trafficked women and girls, monitors the trafficking situation in Austria and lobbies for accessing rights for all presumed trafficked persons.
- Networking nationally and internationally: for the protection of the rights of trafficked women and girls, member of GAATW and La Strada NGO Platform, including data protection and human rights violation



4

Victim identification and protection from perpetrators

- Unconditional support
- Knowledge and awareness about trafficking - socio-cultural mediators (SKM)
- Online outreach for early identification and vulnerable groups (SKM)
- Information for self-identification
- Counselling
- Legal information
- Assistance for detainees pending deportation in cases of suspected trafficking in women



5

Ласкаво просимо до Австрії! Залишайтеся у безпеці.

ПОСВІДЧЕННЯ ОСОБИ ТА ПАСПОРТ НАЛЕЖАТЬ ТІЛЬКИ ВАМ

Ніколи не віддавайте їх нікому, крім державних органів. Сфотографуйте та зберігайте їх в дуже безпечному місці.

НІ, ЗНАЧИТЬ НІ

Держіть свій інтуїції. Тримайтеся подалі від «помічників», які не сприймають «НІ» як відповідь. У них можуть бути приховані інтереси.

ПРОЖИВАННЯ БЕЗКОШТОВНЕ

Запитуйте заздалегідь, чи окупить від вас чорос для подорожі чи ночівлі в певному місці. Не приймайте підтримку від того, хто чекає чорос у відправці.



Ви зіткнулися з багатьма небезпеками. Багато людей пропонують вам підтримку. Але не всі вони на вашому боці. Пам'ятайте про ризики торгівлі людьми.

ЯКЩО ВИ МАНДРУЄТЕ ДАЛІ

Поїзди безкоштовні. Пропонують заїзницю, НГО або самоорганізовані групи чи авіаквитки. Вам не потрібно платити, ви не повинні нічого компенсувати.

Сховайте лоткову, яку ви носите з собою. Навіть у «чужих» місцях. Пропустимо, що будинок сука або бачок, який ви перевозите, можливо, в якийсь момент доведеться залишити.

Резервне копіювання. Сфотографуйте автомобільні номери будь-якого автомобіля, який використовує, записуйте номери телефонів номери та дані кредитної карти.

КОЛИ ХТОСЬ ПРОПОНУЄ ВАМ РОБОТУ

Запитайте про умови заздалегідь. Дуже важливо знати, яка буде зарплата чи включено соціальне страхування. Вам не потрібно працювати, якщо умови не відповідають вашим домовленостям або робота, яку вам пропонують, не є безпечною!

Визуйте загрозу чи небезпеку? Зв'яжіться з нами!

ILEFO - Інформаційний центр для жінок, які потерпіли від торгівлі людьми. Ми надаємо інформацію, підтримку та поради. Ми також надаємо інформацію про умови життя в Австрії та про соціальне страхування. Ми також надаємо інформацію про соціальне страхування.

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In Auftrag von:

Bundesministerium Inneres
Bundeskriminalamt



Welcome to Austria! Stay safe.

NO MEANS NO.

Trust your gut feeling. Stay away from "helpers" who don't take "NO" for an answer. They might have hidden interests.

IF YOU'RE TRAVELING FURTHER

Trips are free of charge. Offered by railways, NGOs or self-organised groups or airlines. You don't need to pay, you don't have to compensate.

Hide the cash you carry on you. Even in multiple places. Assume that any bag or luggage you carry may have to be left behind at some point.

Back up: Take pictures of car plates of any car you get into. Memorize important phone numbers and credit card data.

YOUR ID & PASSPORT BELONG TO YOU.

Never give them to anyone other than state authorities. Take a picture of and keep them in a very safe place.

ACCOMMODATION IS FREE

Ask in advance, if anything is expected of you for travelling or sleeping at a certain place. Do not accept support from someone who expects something in return.

WHEN YOU ARE OFFERED A JOB

Ask about the conditions beforehand. It's important to know what the salary will be and if social insurance is included. You don't have to work if the conditions are not what you agreed on or unsafe after you start working!



You've faced many dangers. Many are offering support. Not everyone is on your side. Be aware of risks of human trafficking.

Feel threatened or in danger? Contact us!

ILEFO - Information Centre for trafficked women and girls. We provide information, support and advice. We also provide information about living conditions in Austria and about social security. We also provide information about social security.

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Victim identification and protection from perpetrators

- Safe living: temporary shelters
- Safe accommodation with socio-cultural mediation in secret shelters
- Secret places
- Establishing self determination
- adjusted to individual needs for trafficked women and girls from the age of 15



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Victim identification and protection from perpetrators: Impact of Covid

- Prejudice: but the borders are closed, why should there be a victim?
- Sexworkers stuck in Austria: no income, dependency on facilitators, increase of abuse of a vulnerable situation
- No outreach by anybody, who is in the field: authorities as well as NGOs
- Increase of labour exploitation although a huge demand on labour: agriculture and care work



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Victim identification and protection from perpetrators

- Police information to the victims protection organisation
- Information by the police to the victim
- Co-operation between the juridical system and the victims protection organisation



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Security Police Act

- § 56 Abs. 1: Permits the transfer of data from the security authority to suitable victim protection organizations, insofar as this is necessary to protect endangered people
- §25 Abs 3: This provision enables the Minister of the Interior to contractually commission suitable victim protection organizations to advise and support (potential) victims of violence with a view to preventing (further) attacks (intervention centers).



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Provision of support during investigations and judicial proceedings

Counselling: Psychosocial, psychological, social, health and life counselling as well as psychotherapy

- Legal intervention concerning residency and employment rights
- Psychosocial and legal support in legal proceedings including accompanying to police interviews:
- Recovery and reflection period

Confidential – Anonymous – Free of Charge



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Provision of support during investigations and judicial proceedings

Based on the criminal procedural code:

- Psychosocial support during the legal procedures, presence in any interview
- Legal representation by a lawyer
- Securing the rights during the whole procedures
- Sensitive interviews, protection of identity,
- Video interviews
- Exclusion of public



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Provision of support during investigations and judicial proceedings

Social inclusion: Mentoring program

- Support in seeking employment and accommodation
- Apartments for independent living with initial psychosocial assistance



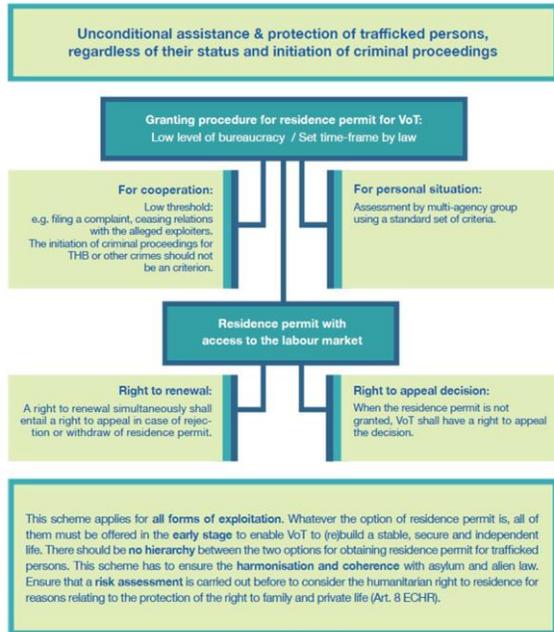
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Access to remedies and compensatory measures

- Access to residence permit or international protection
- Access to compensation as part of the criminal procedure
- Access to unpaid wages
- Access to the social welfare system, like pension system
- Restorative justice: like health system

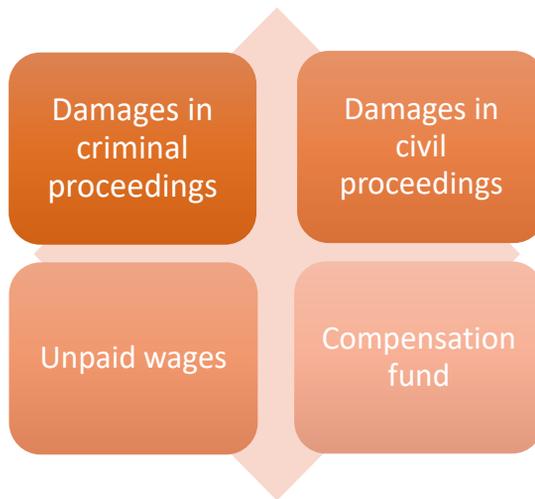


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Access to compensation: Austria



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Provision of support during investigations and judicial proceedings

- safe returns including risk assessments, in cooperation with organizations in the countries of origin



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Thank you! Stay in touch:

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