



Bekämpfung der Straflosigkeit beim Menschenhandel Verbesserung von Ermittlungen und Strafverfolgungen Trier, 24.-25. März 2022

**UP
GRADE**
YOUR LEGAL
EXPERTISE

Criminal Law

Referenten

Carmen Baena Olabe, Abgeordnete nationale Sachverständige, Spanischer Tisch; Mitglied der Untergruppe gegen Menschenhandel, Eurojust, Den Haag

Dr. Tillmann Bartsch, Stellvertretender Direktor, Kriminologisches Forschungsinstitut Niedersachsen, Hannover (online)

Patrick Bourgeois, Leiter der Abteilung für Menschenhandel und Schlepperwesen, Föderale Kriminalpolizei, Brüssel

Radu Cucos, Assoziierter Mitarbeiter, Büro des Sonderbeauftragten und Koordinators für die Bekämpfung des Menschenhandels (CTHB), Organisation für Sicherheit und Zusammenarbeit in Europa (OSZE), Wien

Alexandru Dena, Spezialist und Kriminaltechniker, Direktion zur Untersuchung der organisierten Kriminalität und des Terrorismus (DIICOT), Bukarest

Ramin Farinpour, Projektleiter, Fachbereich Europäisches Strafrecht, ERA, Trier

Kerstin Kreuzer, Kriminalinspektorin, Abteilung für Menschenhandel, Schlepperei und Sonderermittlungen, *Joint Operational Office (JOO)*, Bundeskriminalamt, Wien

Nora Labarta Greven, Wissenschaftliche Mitarbeiterin, Kriminologisches Forschungsinstitut Niedersachsen, Hannover (online)

Maarten Noordzij, Leitender Staatsanwalt für Menschenhandel, Staatsanwaltschaft Ost-Niederlande, Arnheim

Marian Osáin, Abgeordneter nationaler Sachverständiger, Analyseprojekt PHOENIX, *European Migrant Smuggling Centre (EMSC)*, Europol, Den Haag

Evelyn Probst, Leiterin, Interventionsstelle für Betroffene von Frauenhandel, LEFÖ (Beratung, Bildung und Begleitung für Migrantinnen), Wien

Katharina Thon, Programm- und Kapazitätsbildungsbeauftragte, Büro des Sonderbeauftragten und Koordinators für die Bekämpfung des Menschenhandels (CTHB), Organisation für Sicherheit und Zusammenarbeit in Europa (OSZE), Wien

Maja Veber Šajin, Leitende Staatsanwältin, Oberste Staatsanwaltschaft; JITS nationale Expertin, Laibach (online)

Schlüsselthemen

- Bekämpfung der Straffreiheit durch Förderung nationaler und grenzüberschreitender Zusammenarbeit auf dem Gebiet der Justiz, der Strafverfolgung und mit Nichtregierungsorganisationen/NGOs
- Gemeinsame Ermittlungsgruppen (JITs) und Methoden zur Auffindung von Straftätern und Opfern
- Straflosigkeit, opferlose Strafverfolgungsstrategien und verbesserter Opferschutz während des Ermittlungs- und Gerichtsverfahrens
- Finanzermittlungen und Opferentschädigungen

Sprachen
Deutsch, Englisch
(mit Simultanübersetzung)

Tagungsnummer
322DT100f

Unter der Leitung von ERA (Ramin Farinpour) in Zusammenarbeit mit dem Niederländischen Ausbildungsinstitut der Justiz (SSR), La Strada International, LEFÖ, der OSZE und DIICOT



Bekämpfung der Straflosigkeit beim Menschenhandel

Donnerstag, 24. März 2022

08:30 Ankunft und Anmeldung der Teilnehmer

09:00 **Begrüßung und Einführung**
Ramin Farinpour

I. RAHMENSETZUNG: DAS PROBLEM DER STRAFLOSIGKEIT VERSTEHEN, WELCHE FAKTOREN DAZU BEITRAGEN UND BEWÄHRTE UND VIELVERSPRECHENDE PRAKTIKEN IHR ENTGEGENZUWIRKEN

Vorsitz: Ramin Farinpour

09:05 **Tragweite und Natur der Straflosigkeit verstehen: Fakten und Zahlen**

- Die Auswirkung von Covid- 19 auf den Menschenhandel, dessen Täter, Opfer und Ermittlungen
- Bewährte und vielversprechende Praktiken zur Begegnung von Straffreiheit

Katharina Thon

09:45 Diskussion

10:00 **Erfüllen nationale Strafvorschriften ihren Zweck in der Begegnung von Straffreiheit oder muss mehr getan werden? Eine Evaluierung der Strafvorschriften des deutschen Strafgesetzbuches zur Bekämpfung von Menschenhandel**

Tillmann Bartsch, Nora Labarta Greven

10:30 Diskussion

10:45 Kaffeepause

II. INSTRUMENTE UND METHODEN ZUR VEBESSERUNG VON ERMITTLUNGEN UND STRAFVERFOLGUNGEN – TEIL I

Vorsitz: Katharina Thon

11:15 **Wirksamer Einsatz von Innovation im Kampf gegen den Menschenhandel: eine umfassende Analyse technologischer Instrumente**

Radu Cucos

12:00 Diskussion

12:15 **Verwendung der Europäischen Ermittlungsanordnung (EEA) zur Verbesserung der Ermittlungen und Strafverfolgungen von Menschenhandel: formale Grenzen der ermittlungstechnischen Maßnahmen**

Alexandru Dena

12:45 Diskussion

13:00 Mittagessen

14:00 **Europol's Arbeit und Unterstützung zur Verbesserung der grenzüberschreitenden Zusammenarbeit auf dem Gebiet der Strafverfolgung im Kampf gegen den Menschenhandel**

- Datenanalyse und Modus Operandi der Menschenändler verstehen
- Gemeinsame Ermittlungsgruppen (JITs)
- Finanzermittlungen und Vermögensabschöpfung

Marian Osăin

14:45 **Die Rolle und Möglichkeiten von Eurojust zur Begegnung des Menschenhandels durch verbesserte grenzüberschreitende justizielle Zusammenarbeit**

- Eurojust-Bericht zum Menschenhandel, bewährte Praktiken und Belange der justiziellen Zusammenarbeit
- Gemeinsame Ermittlungsgruppen (JITs)
- Einfrieren und Beschlagnahmung von Vermögenswerten

Carmen Baena Olabe

15:30 Diskussion

15:45 Kaffeepause

III. SIMULTANWORKSHOPS

16:15

- **Opferbezogene Ermittlungen und Strafverfolgungen von Menschenhandel**
Maarten Noordzij, Evelyn Probst, Kerstin Kreuzer
- **Erstellung und Verwaltung einer gemeinsamen Ermittlungsgruppe (JIT)**
Maja Veber Šajin

Ziele

Das erste Seminar in einer Reihe von drei, die durch die Europäische Kommission kofinanziert wird, befasst sich mit der Tragweite und Art des Problems der Straffreiheit im Rahmen der Ermittlung und Strafverfolgung von Menschenhandel. Es werden erfolgreiche Praktiken der Straffreiheit zu begegnen vorgestellt, durch nationale und grenzüberschreitende Zusammenarbeit auf dem Gebiet der Justiz, der Strafverfolgung und der Zusammenarbeit mit NGOs und der Zivilbevölkerung, mit dem Ziel der Identifizierung von Tätern und Opfern des Menschenhandels.

Wer sollte teilnehmen?

Richter, Staatsanwälte, Vollstreckungsbeamte, Zivilgesellschaft/NGOs der berechtigten EU-Mitgliedstaaten (Dänemark nimmt nicht am Fonds für die innere Sicherheit – Polizei 2014- 2020 teil) und der EU-Beitrittskandidaten (Albanien und Montenegro)

Veranstaltungsort

Europäische Rechtsakademie (ERA)
Metzer Allee 4
54295 Trier
Deutschland

Teilnahmegebühren und Kostenrückerstattung

Teilnahmegebühr: €120, Unterlagen, Mittagessen und gemeinsames Abendessen inbegriffen

Reisekosten bis zu €300 werden von der ERA bei Vorlegen der Originalbelege, der Tickets, Bordkarten oder Rechnungen nach dem Seminar erstattet.

Unterkunftskosten von maximal zwei Nächten werden bis zu €105 pro Nacht von der ERA bei Vorlage der Originalrechnung erstattet.

Ihre Kontaktpersonen



Ramin Farinpour
Projektleiter
E-Mail: rfarinpour@era.int



Susanne Babion
Assistentin
E-Mail: sbabion@era.int
Tel.: +49 (0) 651 9 37 37 422

- **Forensische Mittel in Menschenhandelsfällen, Fallverwaltung**
Alexandru Dena
- **Wirksamer Einsatz von Innovation im Kampf gegen den Menschenhandel : Technologische Instrumente**
Radu Cucos

18:15 Ende des ersten Seminartages

19:30 Abendessen

Freitag, 25. März 2022

IV. INSTRUMENTE UND METHODEN ZUR VEBESSERUNG VON ERMITTLUNGEN UND STRAFVERFOLGUNGEN – TEIL II

Vorsitz: Ramin Farinpour

09:00 Workshop-Berichte

09:15 **Dem Geldfluss folgen: die Bedeutung der Kenntnis von gesetzeswidrigen Finanzströmen und effektiven Finanzermittlungen in Bezug auf Menschenhandel**

- Finanzermittlungen, Aufspüren von illegalen Geldmitteln und Einnahmen, Einfrieren und Beschlagnahmungen von Vermögenswerten
- Verbundene Geldwäsche und Diversifikation in Kryptovermögen
- Opferentschädigung
- Behördenübergreifende Zusammenarbeit

Patrick Bourgeois

09:45 Diskussion

V. OPFERBEZOGENE ERMITTLUNGEN UND STRAFVERFOLGUNGEN

Vorsitz: Ramin Farinpour

10:00 **Opferidentifizierung: wichtige Instrumente in opferbezogenen Strafverfolgungsermittlungen**

- Nationales Leitsystem
- Identifizierung von Opfern und Tätern
- Befragung und Unterstützung von Opfern
- Behördenübergreifende Zusammenarbeit

Kerstin Kreuzer

10:45 Diskussion

11:00 Kaffeepause

11:30 **Opferschutz während Gerichtsverfahren und Sicherstellung von harten Strafmaßnahmen für Täter**

- Straflosigkeit und Absehen von Strafverfolgung von Opfern, die Gefahr der sekundären Viktimisierung
- Opferlose Strafverfolgungsstrategien im Rahmen der Beweisbeschaffung
- Opferschutz und Entschädigung
- Behördenübergreifende Zusammenarbeit

Maarten Noordzij

12:15 Discussion

12:30 **Zugang zur Justiz und die Arbeit der Zivilgesellschaft: Sicherstellung von Opferrechten**

- Opferidentifikation und Schutz vor Tätern
- Unterstützung während Ermittlungen und Gerichtsverfahren
- Zugang zu Rechtsbehelfen und Entschädigungsmaßnahmen

Evelyn Probst

13:15 Diskussion

13:30 Ende des Seminars

Aktuelle Versionen aller Programme: www.era.int

Änderungen im Programm vorbehalten

Pflichtfortbildung

Die Tagungen der Europäischen Rechtsakademie erfüllen die Voraussetzungen für die Anerkennung als Fortbildung für Fachanwälte nach § 15 FAO. Bei Teilnahme an dieser Veranstaltung erhalten Sie eine Bescheinigung über 11 Stunden.



Kofinanziert durch den Fonds für die innere Sicherheit - Polizei (2014-2020) der Europäischen Union

Der Inhalt dieser Veröffentlichung gibt ausschließlich die Meinung der ERA wieder und liegt in deren alleiniger Verantwortung. Die Europäische Kommission übernimmt keine Verantwortung für die Verwendung der darin enthaltenen Informationen.

Online-Anmeldung für dieses Seminar:
www.era.int/?131172&en

Online-Anmeldung

Bekämpfung der Straflosigkeit beim Menschenhandel
Trier, 24.-25. März 2022/ Tagungsnummer: 322DT100f



Teilnahmebedingungen

Auswahl

1. Die Teilnahme steht offen für Richter, Staatsanwälte, Vollstreckungsbeamte, und Mitglieder der Zivilgesellschaft/NGOs aus berechtigten EU- Mitgliedstaaten (Dänemark nimmt nicht am Fonds für die innere Sicherheit - Polizei 2014-2020 teil) und den EU- Beitrittskandidaten (Albanien und Montenegro), die einen vollständigen Covid-19-Impfschutz oder zulässigen Genesenenstatus vorweisen können.
2. Die Anzahl an verfügbaren Plätzen ist begrenzt (50 Plätze). Die Teilnahme wird Gegenstand eines Auswahlverfahrens sein.
3. Bewerbungsfrist: **3. März 2022**.
4. Eine Antwort wird jedem Bewerber nach Bewerbungsschluss übermittelt. Die Teilnahme ist Gegenstand eines Auswahlverfahrens.

Wir raten nicht zur Buchung einer Anreise oder Hotels, bevor Sie eine Bestätigung unsererseits erhalten.

Anmeldegebühren

5. €120, Unterlagen, Mittagessen und gemeinsames Abendessen inbegriffen.

Reisekosten

6. Reisekosten bis zu €300 werden von der ERA bei Vorlage der Originalbelege, der Tickets, der Bordkarten oder Rechnungen nach dem Seminar erstattet.
Die Teilnehmer werden angehalten ihre Reise selbst zu buchen. Sie werden verpflichtend angewiesen, das kostengünstigste verfügbare Transportmittel zu nutzen und sich sorgfältig die Information zur Reisekostenerstattung durchzulesen.

Unterkunft

7. Unterkunftskosten von maximal 105€ pro Nacht werden von der ERA bei Vorlage der Originalrechnung nach dem Seminar erstattet, wenn die Anreise nach Trier mehr als 100km beträgt.

Sonstige Leistungen

8. Ein Mittagessen, Getränke während der Kaffeepause und die Seminarunterlagen werden von der ERA zur Verfügung gestellt. Zudem ist ein gemeinsames Abendessen inbegriffen.

Teilnahme

9. Eine Teilnahme am gesamten Seminar ist erforderlich und Ihre Anwesenheit wird aufgezeichnet.
10. Eine Teilnehmerliste, die die Adresse jedes Teilnehmers beinhaltet, wird allen Teilnehmern zugänglich gemacht, es sei denn, die ERA erhält einen schriftlichen Widerspruch eines Teilnehmers spätestens bis eine Woche vor Seminarbeginn.
11. Die Adressen der Teilnehmer und andere relevante Informationen werden in der Datenbank der ERA gespeichert, um über Informationen über zukünftige ERA-Veranstaltungen, Publikationen und/oder sonstige Entwicklungen im Interessenskreis der Teilnehmer zu verfügen, es sei denn, der Teilnehmer zeigt an, dass dies nicht erwünscht ist.
12. Ein Teilnahmezertifikat wird am Ende des Seminars ausgeteilt.

Online-Anmeldung für
“**Bekämpfung der
Straflosigkeit beim
Menschenhandel**”:

www.era.int/?131172&en

Veranstaltungsort

Europäische Rechtsakademie
(ERA)
Metzer Allee 4
Trier
Deutschland

Sprachen

Deutsch, Englisch
(mit Simultanübersetzung)

Kontaktperson

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

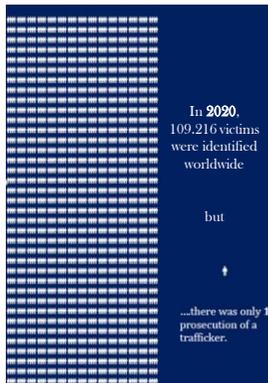
Understanding the Scope and Nature of Impunity



Organization for Security and Co-operation in Europe

1

Closing the Gap: The need for a comprehensive CTHB response



It is estimated that there are about 25 million victims of human trafficking globally. In 2020, 109,216 victims were identified worldwide, yet only 9876 traffickers were prosecuted

1 prosecution for every 2531 victims

Why are we falling short?

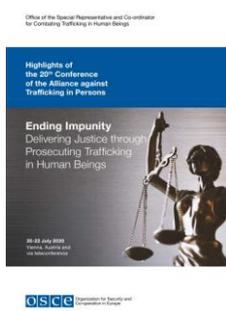


Organization for Security and Co-operation in Europe

2

2

The 20th Conference of the Alliance against Trafficking in Persons



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



3

The way forward in countering impunity

Recommendations from the 20th Alliance Conference



4

Covid-19 – The negative impact of the pandemic on CTHB responses

In times of Covid-19

- Attention of States** shifted toward dealing with a global health pandemic
- Vulnerabilities** of persons increased
- 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

5

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

6

Hidden in Plain Sight Domestic Violence

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

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.

Emerging data shows that since the outbreak of COVID-19, violence against women and girls, and particularly domestic violence has **INTENSIFIED**.

30%

IN FRANCE, REPORTS OF DOMESTIC VIOLENCE HAVE INCREASED BY 30% SINCE THE LOCKDOWN ON MARCH 17.

25%

IN ARGENTINA EMERGENCY CALLS FOR DOMESTIC VIOLENCE CASES HAVE INCREASED BY 25% SINCE THE LOCKDOWN ON MARCH 20.



30 & 33%

IN CYPRUS AND SINGAPORE HELPLINES HAVE REGISTERED AN INCREASE IN CALLS OF 30% AND 33% RESPECTIVELY.

INCREASED CASES OF DOMESTIC VIOLENCE AND DEMAND FOR EMERGENCY SHELTER HAVE ALSO BEEN REPORTED IN CANADA, GERMANY, SPAIN, THE UNITED KINGDOM AND THE UNITED STATES.

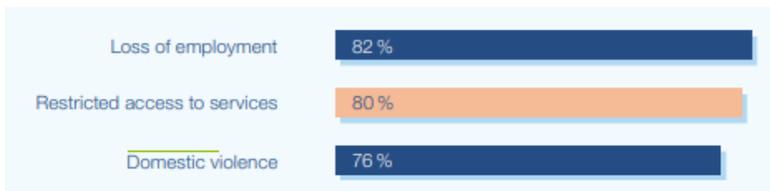


Domestic violence is among the recognized, well-documented push factors into trafficking for the purpose of sexual exploitation.

7

Hidden in Plain Sight Domestic Violence

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



8

Hidden in Plain Sight

Child exploitation online

The National Center for Missing & Exploited Children

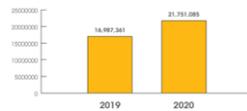


Last year, tech companies reported over 45 million online photos and videos of children being sexually abused — more than double what they found the previous year.

*The New York Times

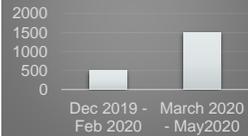
NCMEC has experienced a 28% increase in CyberTipline reports between January - December 2020 versus the same time period in 2019.

CyberTipline Reports Jan 1 - Dec 31



EUROPOL

EXPLOITING ISOLATION:
Offenders and victims of online child sexual abuse during the COVID-19 pandemic



In 2021, NCMEC's CyberTipline received **29.3 million** reports of suspected child sexual exploitation, an increase of **35%** from 2020.

Impunity in times of Covid-19

A challenge across the "4P" framework

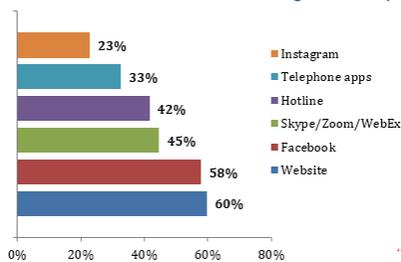
Prevention

- Suspension or postponement of (planned) prevention and awareness raising activities
- Emergency response to pandemic > Neglect to incorporate due diligence and transparency standards in supply chains

11

Protection Access to services

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



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

"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."

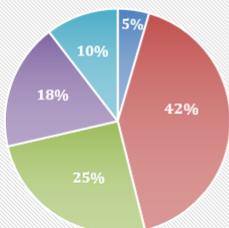
* Frontline stakeholder from Austria (ODHR.UNWOMEN report)

12

Protection Access to shelter

During implementation of measures related to COVID-19 pandemic, the sheltered accommodation

has:



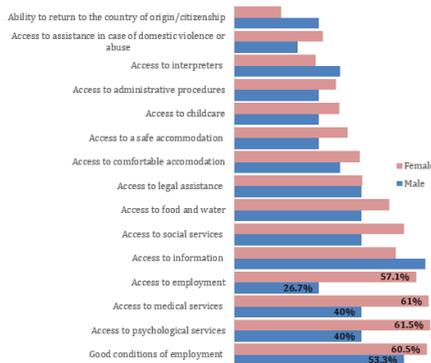
- Closed its premises
- Sufficient spaces
- Sufficient spaces, but does not accept new beneficiaries
- Insufficient spaces
- I don't know

"Better knowledge of escape plans for women, they feel they have nowhere to go, shelters are full of Covid-19. Apartments won't rent, girls can't access social workers or social services to escape." *Woman survivor from Canada (ODIHR/UNWOMEN report)

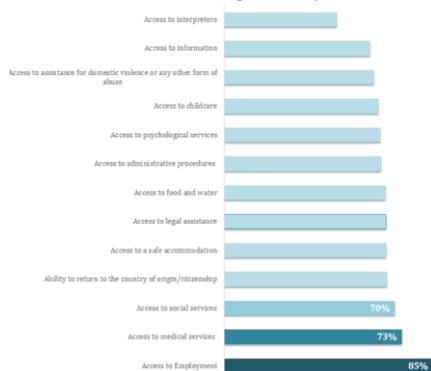
13

Protection Access to services

Services that survivors need



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



14

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 (ODHR/UNWOMEN report)

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

Prosecution

Adapting modes of operation

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

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

Lessons learned

Covid-19 ...

A wake-up call to prioritize the issue and place CTHB
high on the political agenda

“using the momentum” to **build back better!**





Sind die nationalen Strafgesetze geeignet, der
Straflosigkeit entgegenzuwirken, oder muss mehr
getan werden?

Eine Evaluation der Normen des deutschen Strafgesetzbuches zur
Bekämpfung des Menschenhandels

Vorstellung der Projektergebnisse
24. März 2022

Prof. Dr. Tillmann Bartsch, Nora Labarta Greven



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

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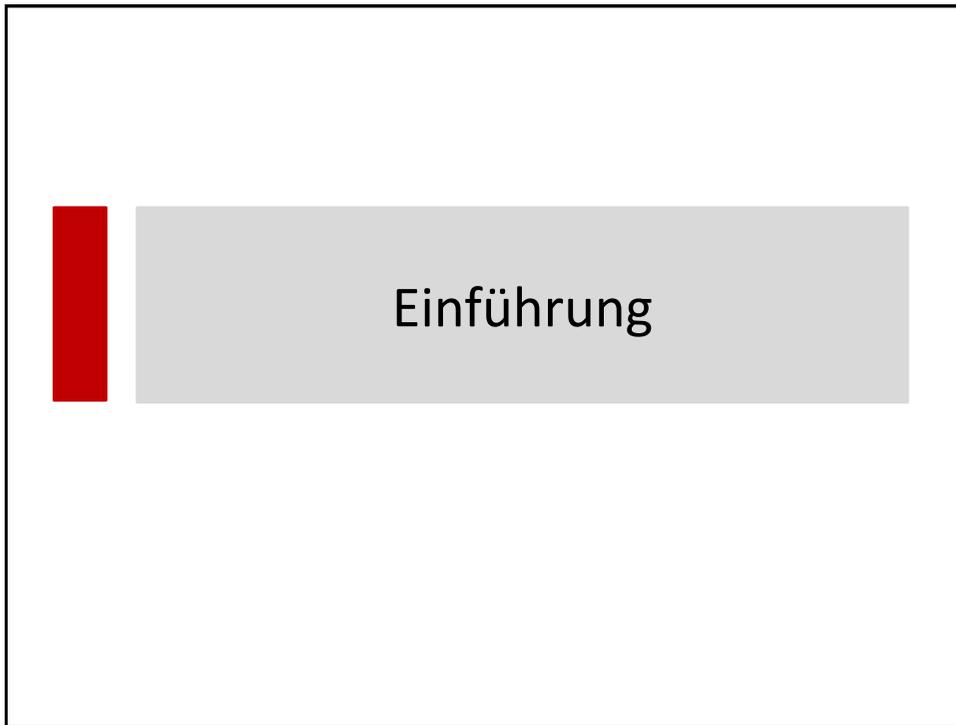


Gliederung

- I. Einführung
- II. Evaluatorisches Vorgehen
- III. Methode und Forschungsdesign
- IV. Forschungsergebnisse



2



3

A slide with a white background and a black border. At the top, there is a wide, light gray horizontal bar with a vertical red bar on the left side, containing the title "Ausgangspunkt der Evaluation" in black, sans-serif font. Below the title, there is a bulleted list of three items. At the bottom of the slide, there is a horizontal navigation bar with a light gray background and a red square on the left containing the letters "K7N" in white. The navigation bar has four segments: "Einführung", "Evaluatorisches Vorgehen", "Methoden", and "Ergebnisse", each with a white arrow pointing to the right.

Ausgangspunkt der Evaluation

- Im Jahr 2016 wurden die kernstrafrechtlichen Vorschriften über den Menschenhandel umfassend reformiert.
- Der Ausschuss für Recht und Verbraucherschutz des Deutschen Bundestags forderte bei Erlass des Gesetzes die Bundesregierung auf, die neu gefassten §§ 232 bis 233a StGB zu evaluieren (BT-Drs. 18/9095, 22).
- Zum Ende des Jahres 2020 erhielt das Kriminologische Forschungsinstitut Niedersachsen e.V. in einem kompetitiven Verfahren den Zuschlag für diese Evaluation.



Einführung

Evaluatorisches Vorgehen

Methoden

Ergebnisse

4

Ausgangspunkt und Gegenstand der Evaluation

- Auftraggeber: Bundesministerium der Justiz und für Verbraucherschutz
- Problem: Das Projekt musste innerhalb von zehn Monaten durchgeführt werden, da die Ergebnisse ggf. noch in die Koalitionsverhandlungen einfließen sollten.
- Auftrag: Den Evaluationsgegenstand bildeten alle kernstrafrechtlichen Vorschriften, die den Menschenhandel betreffen (§§ 232 bis 233a StGB).



Einführung

Evaluatorisches Vorgehen

Methoden

Ergebnisse

5

Evaluatorisches Vorgehen

6

Art der Evaluation

- Durchgeführt wurde eine retrospektive Gesetzesfolgenabschätzung.
- Dies geschah anhand anerkannter Prüfkriterien, nämlich mittels der Kriterien Zielerreichungsgrad, Praktikabilität, Akzeptanz und nichtintendierte Nebeneffekte.



Einführung

Evaluatorisches Vorgehen

Methoden

Ergebnisse

7

Art der Evaluation

- In diesem Vortrag steht allein das Kriterium *Zielerreichungsgrad* im Vordergrund: Mit diesem Kriterium soll beurteilt werden, inwieweit eine gesetzliche Regelung in der Praxis umgesetzt werden kann und welche Probleme sich dabei ergeben.
- Erforderlich war daher die Entwicklung eines **Wirkungsmodells**, in dem *Reformziele* und *ergriffene Maßnahmen* einander gegenübergestellt wurden.



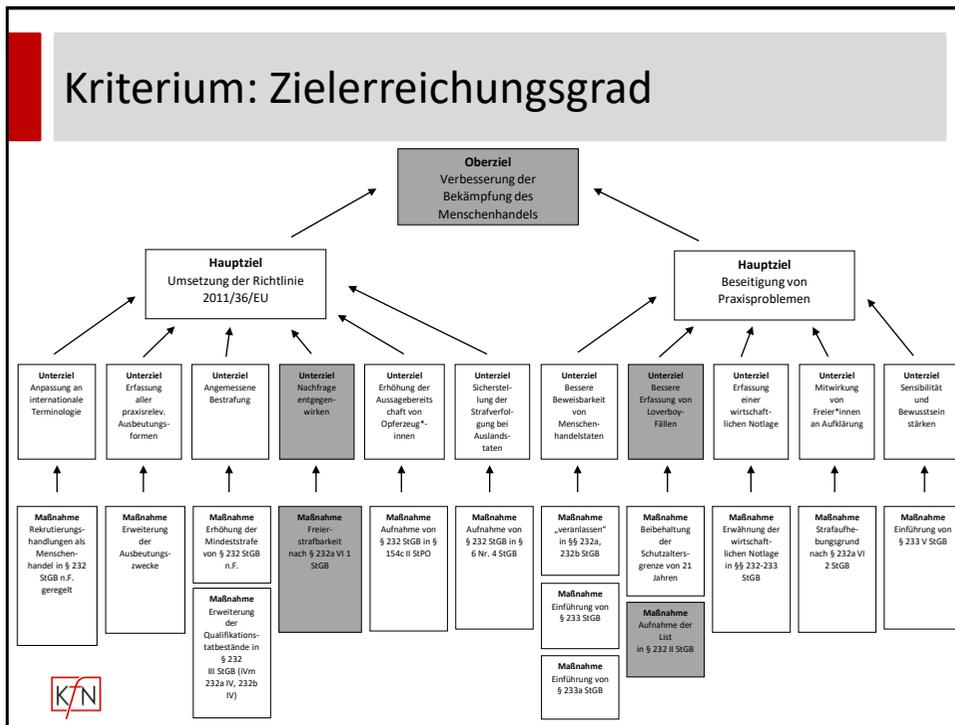
Einführung

Evaluatorisches Vorgehen

Methoden

Ergebnisse

8



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Unterziel: bessere Erfassung von Loverboys

- Loverboymethode:** Laut dem BKA handelt es sich bei der Loverboy-Methode um eine Tatbegehungsform im Rahmen des Menschenhandels zum Zweck der sexuellen Ausbeutung. So heißt es auf der Homepage des BKA: „Häufige Tatbegehungsform (scil: beim Menschenhandel zum Zweck der sexuellen Ausbeutung) ist die ‚Loverboy-Methode‘. Betroffene hiervon sind oft minderjährige Mädchen und junge Frauen aus allen Gesellschaftsschichten. Sie werden von ‚Loverboys‘ angesprochen, die ihnen zunächst vorgaukeln, sie seien in sie verliebt. Die ‚Loverboys‘ geben ihnen Aufmerksamkeit, Komplimente, Zuneigung und oft auch Geschenke. Gleichzeitig machen sie die Opfer emotional abhängig und entfremden sie ihrem Verwandten- und Bekanntenkreis. Später verleiten oder zwingen sie sie zur Prostitution.“

Quelle: https://www.bka.de/DE/ihreSicherheit/RichtigesVerhalten/VerdachtDesMenschenhandels/verdachtDesMenschenhandels_node.html (letzter Abruf am 23.03.2022)

KfN

10

Unterziel: bessere Erfassung von Loverboys

Maßnahme (u.a.): Einfügung des (bereits aus anderen einschlägigen Tatbeständen bekannten) Merkmals „List“ in § 232 Abs. 2 StGB

§ 232 Abs. 2 StGB lautet nunmehr:

Mit Freiheitsstrafe von sechs Monaten bis zu zehn Jahren wird bestraft, wer eine andere Person, die in der in Absatz 1 Satz 1 Nummer 1 bis 3 genannten Weise [scil.: sexuelle Ausbeutung, Beschäftigungsausbeutung, Ausbeutung bei Bettelerei, bei der Begehung mit Strafe bedrohter Handlungen, Sklaverei etc. oder Organentnahme] ausgebeutet werden soll,

1. mit Gewalt, durch Drohung mit einem empfindlichen Übel **oder durch List** anwirbt, befördert, weitergibt, beherbergt oder aufnimmt oder
2. entführt oder sich ihrer bemächtigt oder ihrer Bemächtigung durch eine dritte Person Vorschub leistet.



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Unterziel: Nachfrage nach Zwangsprostitution entgegenwirken

Maßnahme: Einführung einer sog. Freierstrafbarkeit in § 232a Abs. 6

§ 232a Abs. 6 lautete im Zeitpunkt des Evaluationsbeginns:

Mit Freiheitsstrafe von drei Monaten bis zu fünf Jahren wird bestraft, wer an einer Person, die Opfer

1. eines Menschenhandels nach § 232 Abs. 1 S. 1 Nr. 1a, auch in Verbindung mit § 232 Abs. 2, oder
2. einer Tat nach § 232a Abs. 1 bis 5

geworden ist und der Prostitution nachgeht, gegen Entgelt sexuelle Handlungen vornimmt oder von ihr an sich vornehmen lässt und dabei deren persönliche oder wirtschaftliche Zwangslage oder deren Hilfslosigkeit, die mit dem Aufenthalt in einem fremden Land verbunden ist, ausnutzt.



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Unterziel: Nachfrage nach Zwangsprostitution entgegenwirken

- Problem: Nach § 15 StGB war stets Vorsatz der Freier*innen erforderlich.
- Besonderheit: § 232 Abs. 6. S. 2 aF enthielt einen zwingenden persönlichen Strafaufhebungsgrund für den (gesetzlich näher bestimmten) Fall der Mitwirkung von Freier*innen an der Strafverfolgung.

KfN

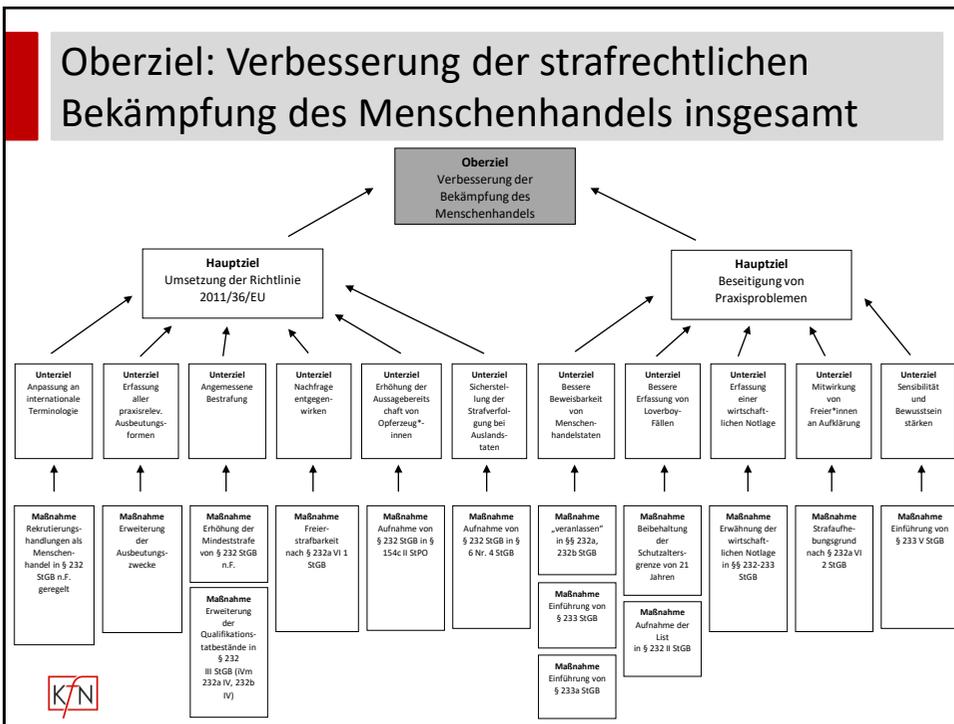
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Methode und Forschungsdesign

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Methoden/Forschungsdesign

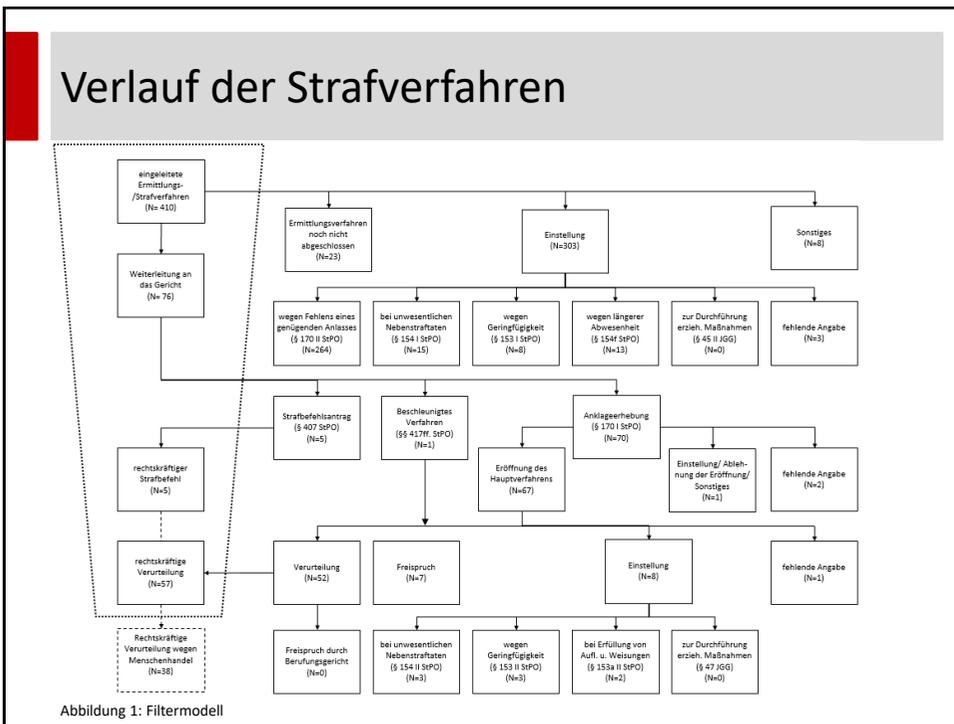
<p><u>Analyse statistischer Daten</u></p> <p><i>Ausgewertete Statistiken:</i></p> <ul style="list-style-type: none"> - PKS - Bundeslagebild - Strafverfolgungsstatistik - ergänzende statistische Daten 	<p><u>Aktenanalyse</u></p> <p>Grundgesamtheit: Verfahren die von 2017 bis 2019 in das Bundeslagebild eingingen</p> <p><i>Ausgewertete Akten:</i></p> <ul style="list-style-type: none"> - 221 Verfahren zur sexuellen Ausbeutung - 24 Verfahren zur Arbeitsausbeutung - 6 Verfahren zur Ausbeutung wegen Begehung von mit Strafe bedrohten Handlungen - 2 Verfahren zur Ausbeutung durch Bettelei 	<p><u>Expert*inneninterviews</u></p> <p><i>Geführte Interviews:</i></p> <ul style="list-style-type: none"> - 6 Staatsanwält*innen - 2 Richter*innen - 7 Polizist*innen, - 4 Vertreter*innen von Fachberatungsstellen 	<p><u>Workshop</u></p> <p><i>Teilnehmende:</i></p> <ul style="list-style-type: none"> - Ministeriumsvertreter*innen - Justizangehörige - Polizist*innen - Vertreter*innen von Fachberatungsstellen
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Einführung → Evaluatorisches Vorgehen → Methoden → Ergebnisse

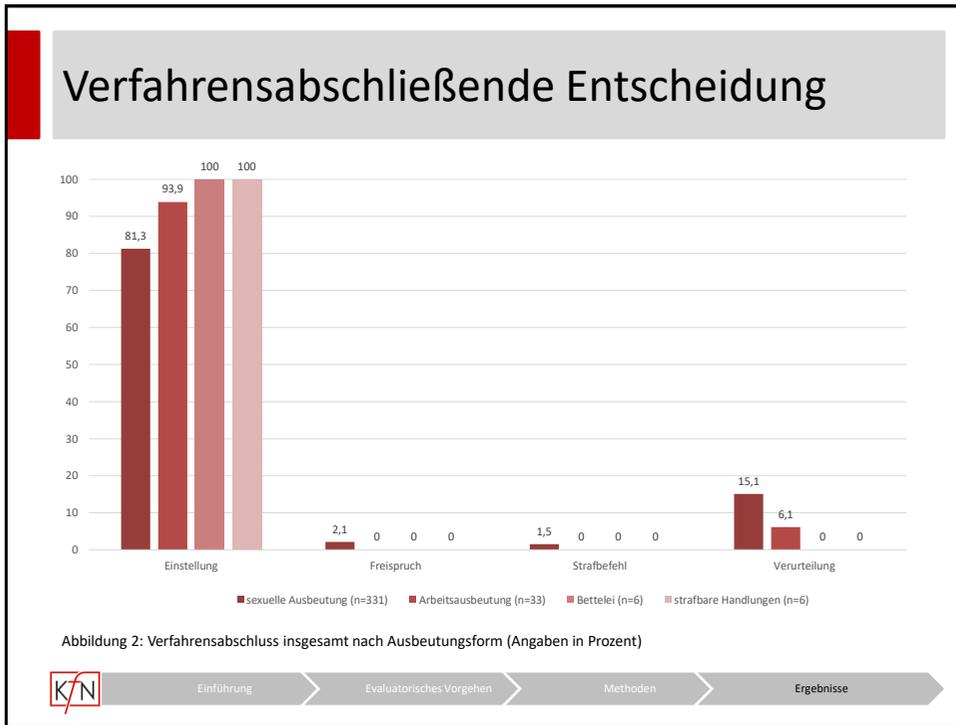
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Forschungsergebnisse

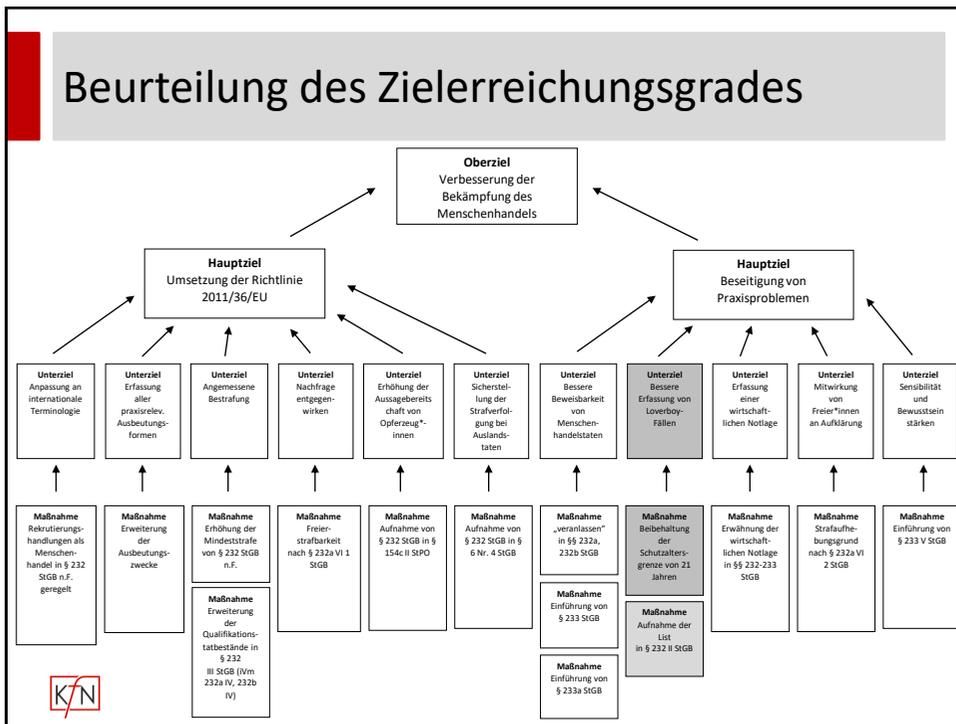
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Unterziel: bessere Erfassung von Loverboy-Fällen

- In einem Fall (**n=222**) gelang eine Verurteilung nach § 232a Abs. 3 StGB wegen des Einsatzes von List.
- In fast 50 % der Verfahren (**n=222**), die eine sexuelle Ausbeutung zum Gegenstand hatten, unterhielten Geschädigte*r und Beschuldigte*r eine Liebesbeziehung.
- Laut Expert*innen bereite das Tatbestandsmerkmal der List erhebliche Probleme; überdies werde die Verfolgung durch die fehlende Bereitschaft der Geschädigten zur Mitwirkung im Strafverfahren erschwert.



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Fazit: bessere Erfassung von Loverboy-Fällen

- Loverboys spielen wie vom Gesetzgeber angenommen eine bedeutende Rolle in Menschenhandelsverfahren.
- Die Erfassung durch das Merkmal der „List“ und eine damit einhergehende Verbesserung der Bekämpfung konnte nicht erreicht werden.



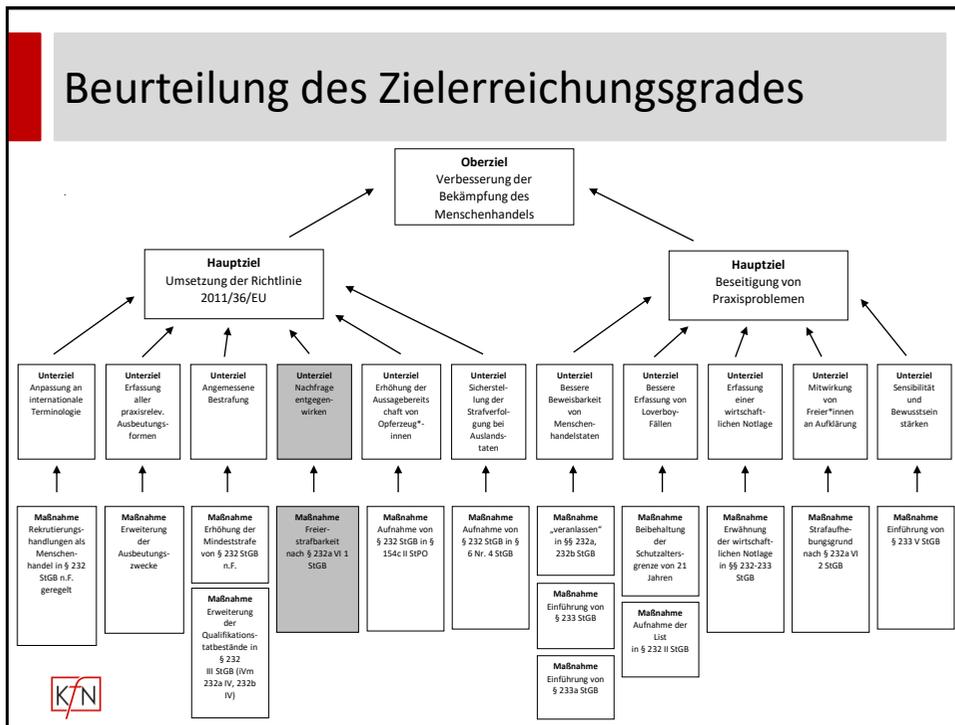
Einführung

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Unterziel: Nachfrage entgegenwirken

- Polizeiliche Kriminalstatistik (PKS) der Jahre 2017 bis 2019: 29 Fälle einer Freierstrafbarkeit nach § 232a Abs. 6 S. 1 StGB
- Bundeslagebild aus dem Jahr 2017: ein Fall einer Freierstrafbarkeit nach § 232a Abs. 6 S. 1 StGB
- Analytierte Strafverfahrensakten: ein Strafverfahren wegen einer Freierstrafbarkeit nach § 232a Abs. 6 S. 1 StGB

Einführung > Evaluatorisches Vorgehen > Methoden > Ergebnisse

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Unterziel: Nachfrage entgegenwirken

- Laut Expert*innen spielen die Freiheitsstrafbarkeit in der Praxis keine Rolle.
- Problematisch seien insbesondere die Erkennbarkeit eines Menschenhandelsopfers und der nahezu unmögliche Nachweis eines entsprechenden Vorsatzes.
- Jedoch genügt seit gesetzlicher Änderung vom 10.08.2021 nun leichtfertiges Verkennen der Freier*innen.



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Fazit: Nachfrage entgegenwirken

- In der bisherigen Fassung findet § 232a Abs. 6 S. 1 StGB keine Anwendung in der Praxis.
- Durch die Erweiterung auf eine leichtfertige Begehungsweise ist das (laut Expert*innen) maßgebliche Hindernis beseitigt worden.
- Die Auswirkungen sind abzuwarten.



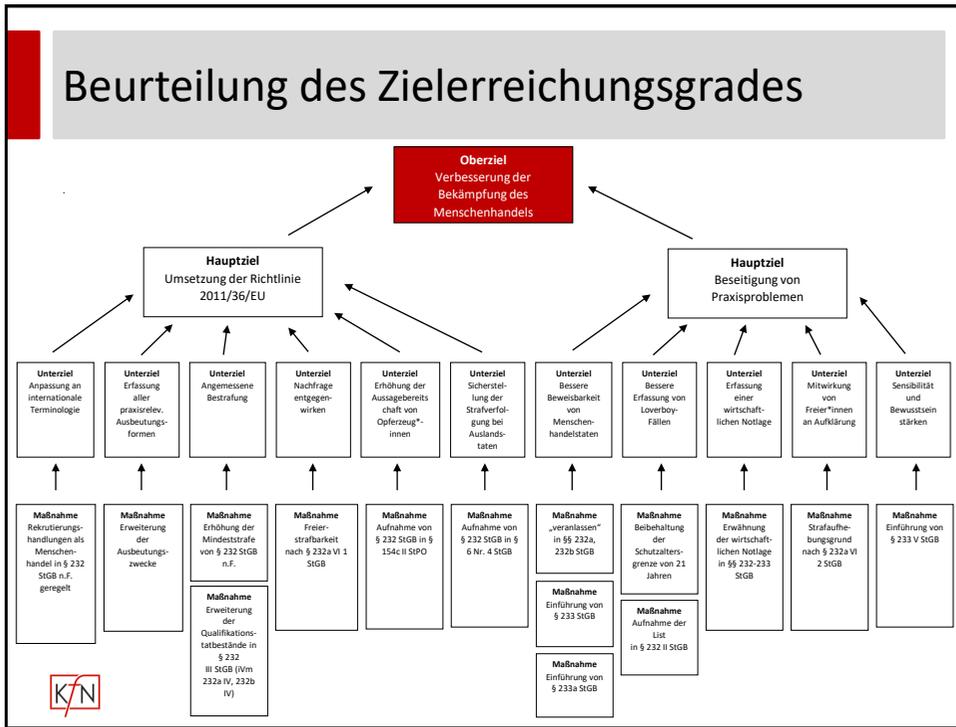
Einführung

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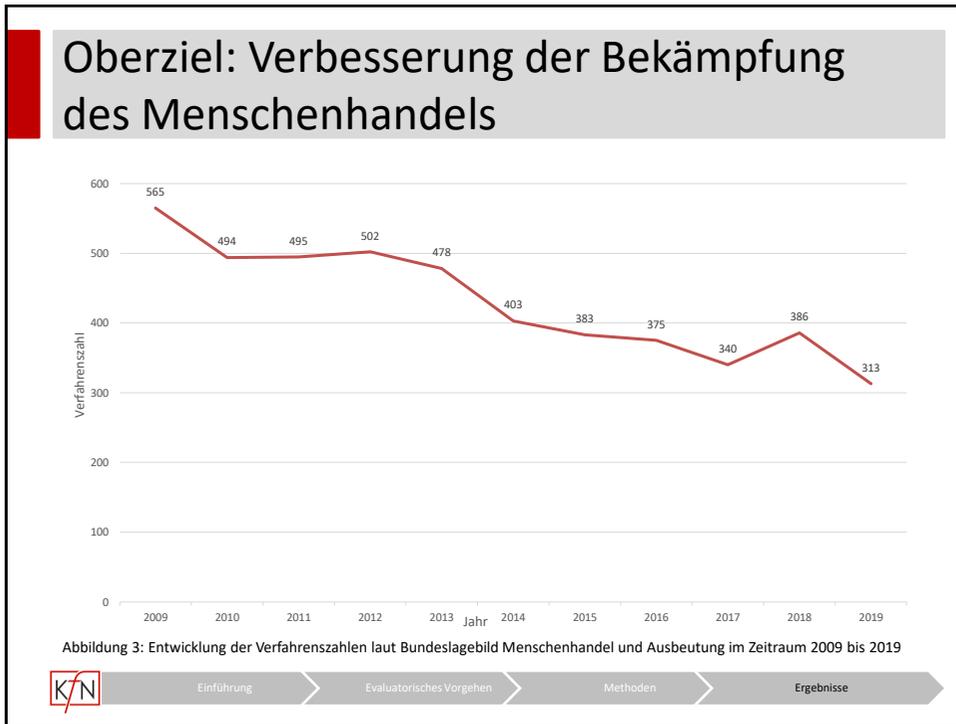
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Oberziel: Verbesserung der Bekämpfung des Menschenhandels

	Vor der Reform (n=455)	Nach der Reform (n=216)	Nach der Reform korrigiert (n=250)
Einstellung im Ermittlungsverfahren	63,3 %	73,6 %	63,6 %
Weiterleitung an das Gericht	36,7 %	26,4 %	36,4 %
Entscheidung des Gerichts			
Erlass des Strafbefehls	1,8 %	1,4 %	1,2 %
Einstellung im Hauptverfahren	2,6 %	2,8 %	2,4 %
Freispruch	4,4 %	1,4 %	1,2 %
Verurteilung...	25,3 %	19,4 %	30,4 %
... wegen anderer Delikte	4,2 %	4,2 %	3,6 %
... wegen Menschenhandels	16,9 %	13,4 %	25,2 %
... keine Angabe	3,7 %	1,9 %	1,6 %

Tabelle 1: Vergleich der Verfahrensabschlüsse vor und nach der Reform



Einführung

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Fazit: Verbesserung der Bekämpfung des Menschenhandels

- Insgesamt kommt die Untersuchung zu dem Ergebnis, dass die Verbesserung der Bekämpfung des Menschenhandels durch die Reform der §§ 232 bis 233a StGB nicht erreicht werden konnte.



Einführung

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Vielen Dank für Ihre Aufmerksamkeit

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Nora Labarta Greven
Kriminologisches Forschungsinstitut Niedersachsen e.V.
Lützerodestr. 9
30161 Hannover
E-Mail: Tillmann.Bartsch@kfn.de/
nora.labarta@kfn.de*

**Leveraging innovation to fight THB:
a comprehensive analysis of
technology tools**

**THB: Countering Impunity
Enhancing investigations and prosecutions**



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



24-25 March 2022, Trier

The scale of the problem and the response

**The response
118,932**



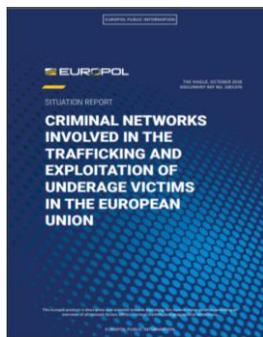
**The problem
24,900,000**



What is the role of technology?

3

The increasing role of technology



The online advertisement of sexual services is an increasing phenomenon relating to THB for sexual exploitation, with children being advertised as adults

75% of survivors were advertised online for sexual services and that online advertising is increasing while advertising on the street is decreasing

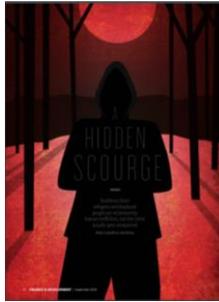


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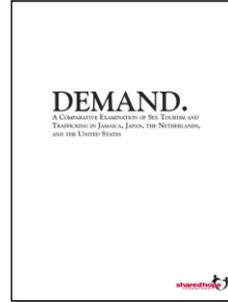
The increasing role of technology



"[the] internet is faster than any other method. I have customers daily, between 10-50 people"

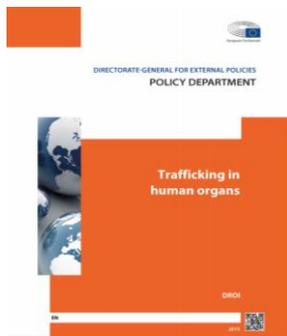


In SE Asia, online platforms facilitating live streaming of sexual abuse of children - rise in child THB in the region

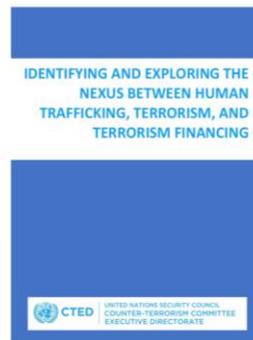


Technology has become the single greatest facilitator of the commercial sex trade in all of the countries observed, with the exception of Jamaica

The increasing role of technology



An increase of organ offers over the Internet in some regions of the OSCE



Terrorist and violent extremist groups are using social media to recruit victims for forced marriages, labor and sexual exploitation

Technology enabled human trafficking

- ✓ **250,000 new escort ads** are posted online every day. Somewhere in that pile of data are children who are bought and sold online for sex (Thorn)
- ✓ According to **Project Arachnid** (Canada)
 - ✓ **5.1 million web pages** hosting child sex abuse material with **40,000 unique images** of child sex abuse
 - ✓ Identifying **100,000 new unique** images of child sex abuse per month
 - ✓ Out of the **790,000 notices** ARACHNID has sent to providers, **85 percent** involve children not previously identified by police

Technology enabled human trafficking

- ✓ In Austria, in **74% of THB cases the Internet is the most common infrastructure** used by perpetrators
- ✓ There are now **one million reports** of online sex abuse in Philippines a year
- ✓ **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

OSCE response - research

305 initiatives identified as a result of the mapping exercise



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.

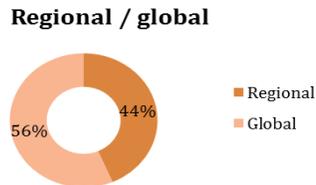
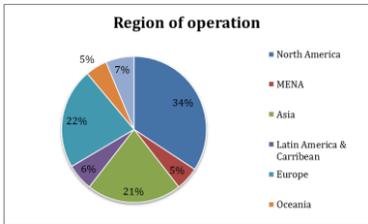
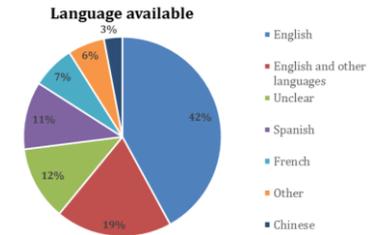
English

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

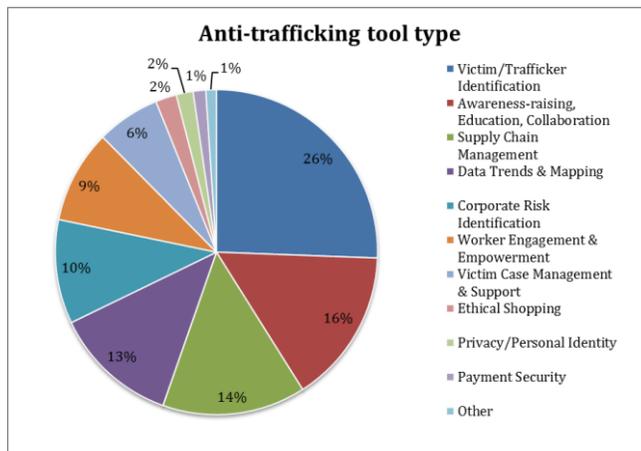
OSCE response - research

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



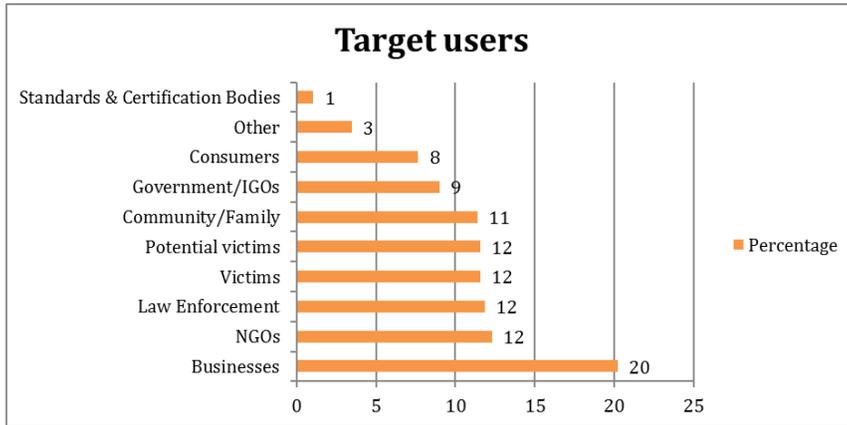
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OSCE response - research

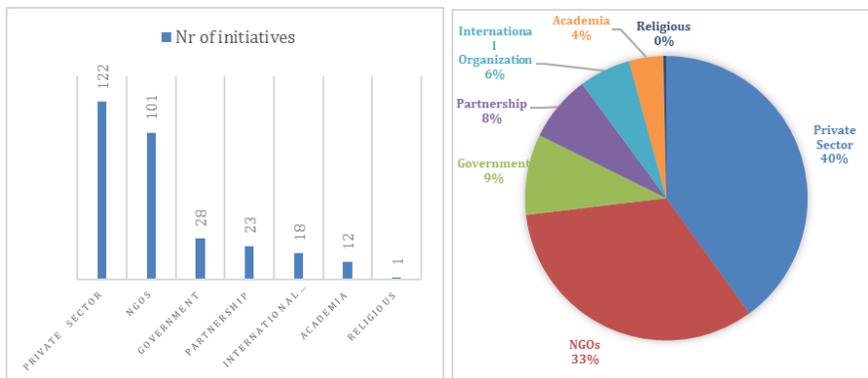


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OSCE response - research



OSCE response - research



OSCE response - research

TECH AGAINST TRAFFICKING

OUR WORK | WHO'S INVOLVED | NEWS & EVENTS | INTERACTIVE MAP | CONTACT US

TECH AGAINST TRAFFICKING INTERACTIVE MAP OF ANTI-TRAFFICKING TECH TOOLS

Download the list of anti-trafficking tech tools

TOOL CATEGORY

TARGET USERS

TARGET SECTOR

TECHNOLOGY

TRAFFICKING TYPE

Browse the tool list or select a ? to explore tool connections

OSCE Organization for Security and Co-operation in Europe

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Specific examples - data scraping software

SPOTLIGHT

DASHBOARD | SEARCH | ALERTS | SAVED

Ads with a Similar Image

ADS (151) | IMAGES | ACTIVITY | TIMELINE

Narrow related ad results

Phone Numbers (Any)	Date Collected (Jun 14, 2017 - Sep 21, 2017)	Locations (Any)	Post ID (Any)	Stated Age (Any)	CLEAR FILTERS
THICK & JUICY SWEET & WET HUGE BOOBS	COLLECTED This, Sep 21, 2017 03:14PM EDT	POSTED Fri, Sep 15, 2017 09:58PM EDT	LOCATION Maryland, Maryland		
THICK & JUICY SWEET & WET HUGE BOOBS	COLLECTED This, Sep 21, 2017 03:13PM EDT	POSTED Thu, Sep 21, 2017 12:47PM EDT	LOCATION Washington D.C., District of Columbia		
THICK & JUICY SWEET & WET HUGE BOOBS	COLLECTED This, Sep 21, 2017 03:09PM EDT	POSTED Thu, Sep 21, 2017 11:49PM EDT			

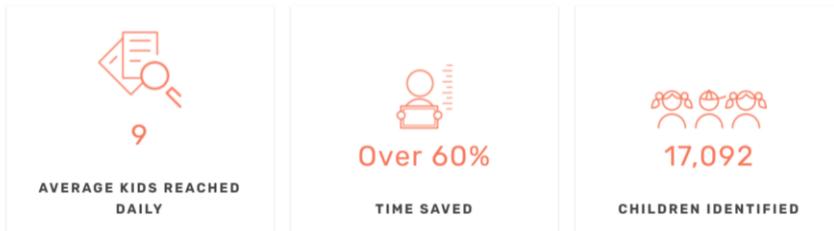
Map showing locations of ads in the United States.

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Specific examples - data scraping software



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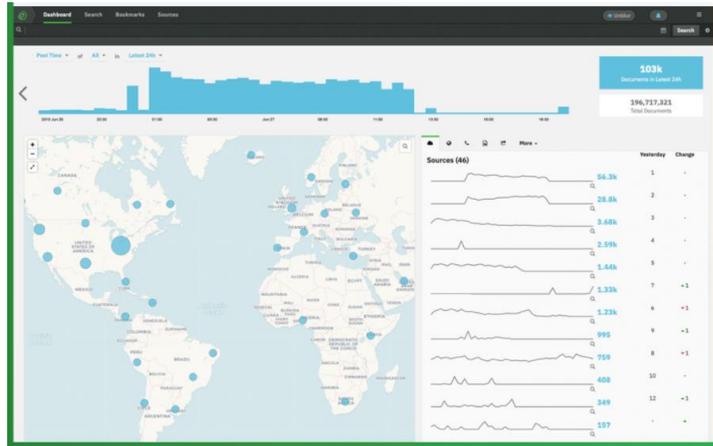
Specific examples - data scraping software



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

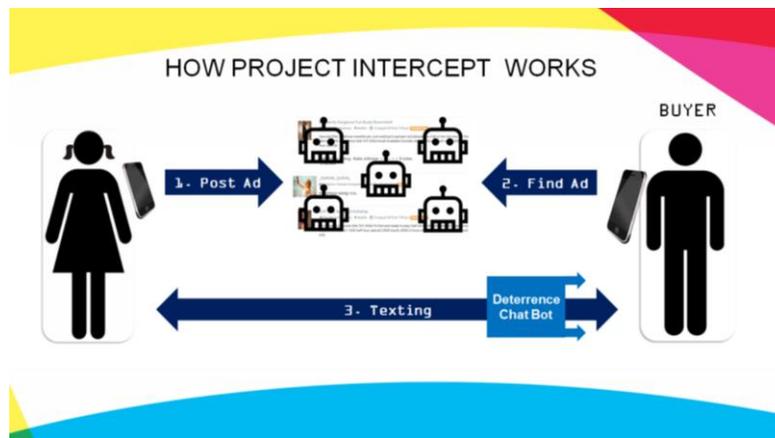
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Specific examples - data scraping software



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AI tools to fight THB - PROJECT INTERCEPT



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AI tools to fight THB - PROJECT INTERCEPT

The screenshot displays the Project Intercept web interface. At the top, there is a navigation bar with options like 'demo mode', 'victim reachout', 'buyer intercept', 'manage ngo', 'admin', and 'sign out'. Below this, the main heading is 'conversations between bots and potential buyers'. A search bar is present, and a list of conversations is shown on the left. The selected conversation is with phone number 12065528377. The chat history shows a sequence of messages: 'that'd be great, i'm jee', 'ok hey jee :) how old are you?', '35, what's the donation for qv', 'well that just happens to be my favorite, 100/hr. any service you want in particular? :)', 'i can do that, like i said q.v.', 'great right on ??? where do you want to meet?', 'riceal i like that! i'm in redmond, can you come here?', 'k hay i'm cool with wherever. any pic of you to feel safe? i'm new to this', 'that's me... you gonna send me one?', and 'k 100/hr for gfs, fs'. To the right of the chat is a 'phone lookup' section providing details for the number 12065528377, including age range (-1 to -1), address (400 E Denny Way), city (Seattle), state (WA), zip code (98122-2050), carrier (Google Voice), line type (NonFixedVDP), and other information.

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Specific examples – labor exploitation

Blockchain technology

Traceability of goods and products in supply chains



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Specific examples – labor exploitation



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Specific examples – financial analysis

Common indicators of ML related to human trafficking



Travel Related Purchases

- Multiple point-of-sale transactions at
 - 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)

Frequent and Excessive POS Purchases

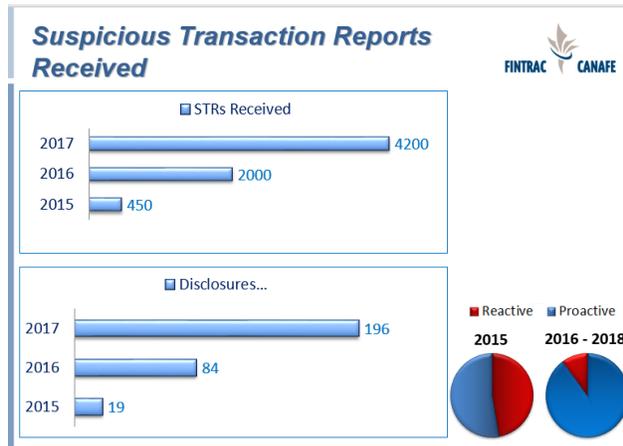
- Multiple point-of-sale transactions at
 - Drug stores
 - Clothing stores
 - Beauty stores (e.g., stores that sell lingerie and/or make-up)
- Fast food restaurants

Excessive Accommodation Transactions

- Hotel / Motel transactions often totalling thousands of dollars monthly across Canada
- Hotel / Motel charges in different cities in short time span

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Specific examples – financial analysis



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OSCE response - research



Mapping the online landscape of platforms where the risks of THB is high

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OSCE response – research ALBANIA

- A prevalence of foreign girls is distinguished in the sites observed. Mainly claim to be Russian or Ukrainian, and rarely Albanian nationality.
- The use of foreign phone numbers is observed in most of the sites, while in some cases the same number is used as contact for different women.
- One website offers “*virginity auctions*” for club members only. Navigating the “virgins” link are observed a number of visibly very young girls

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OSCE response – research GREECE

- There are three main online marketplaces in Greece: escort catalogues, escort agencies, and sites advertising the site-specific services
- Europe-wide and multi-national sites such as *Eurogirlescort*, *TopEscortsClub* and *TopEscortBabes* have sub-sites for Greece, with over 1000 advertisements on each
- the sites provide very little information about the women. The most prominent demographics appear to be Russian-speaking and Latin American

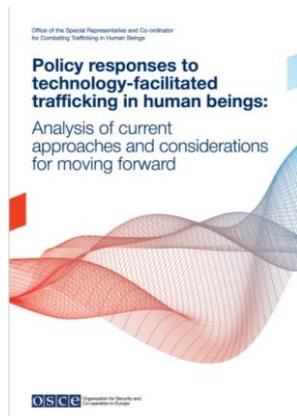
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OSCE response – research LITHUANIA

Services	%	Gender	%
escort services	86	female	61
catalogue/directory		female/male	12
escort agency	5	female/male/shemale	7
classifieds site	5	shemale	5
dating site	3	male	3
hobby board	2		

- International resources prevail - 92%. Local resources take up 8% of the market share.
- Some escort agency offers the services of a girl for a period of 7 and 14 days, which may be indicative of human trafficking.

OSCE response – policy action



- Analysis of how technology-facilitated THB has been approached from the perspective of policy and legislation
- Examines the policies and practices adopted by the private sector and civil society organizations.
- Offers recommendations for policy and legislative responses by OSCE participating States to the misuse of technology to exploit victims

OSCE response – policy action

Ensure that technology-facilitated THB is covered by national definitions of THB and criminal procedure applicable to THB

- ✓ Review national laws that are pivotal to enforcing and prosecuting technology-facilitated THB offences to ensure that they adequately apply to technology-facilitated THB offences
- ✓ Consider whether inclusion of an explicit reference to technology-facilitated THB in anti-trafficking legislation is needed, or, alternatively, consider providing interpretative guidance
- ✓ Increase adoption of the Budapest Convention

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OSCE response – policy action

Enhance State-led regulatory frameworks

Regulatory reform that is based on co-regulation or State-led regulation

- ✓ Establish safety as a paramount consideration for all categories of users in policy and regulatory measures;
- ✓ Implement “safety-by-design” principles in design, development and distribution phases.
- ✓ Adopt prevention measures
- ✓ Conduct regular due diligence

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OSCE response – policy action

Enhance State-led regulatory frameworks

Regulatory reform that is based on co-regulation or State-led regulation

- ✓ Conduct proactive monitoring for exploitative materials and misuse of platforms, and establish mechanisms that allow direct reporting
- ✓ Establish liability for harm caused by content on the platforms or exploitation on the platforms based on the should-have-known principle
- ✓ Establish transparency standards

Thank you!

radu.cucos@osce.org



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



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


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



 DICTOT
 DIRECȚIA DE INVESTIGARE A INFRAȚIUNILOR
 DE CRIMINALITATE ORGANIZATĂ ȘI TERORISM



 ROMÂNIA

**Utilising the European Investigation Order (EIO) to
 enhance THB investigations and prosecutions.
 The technical limits of the investigative measures.**

24th March 2022

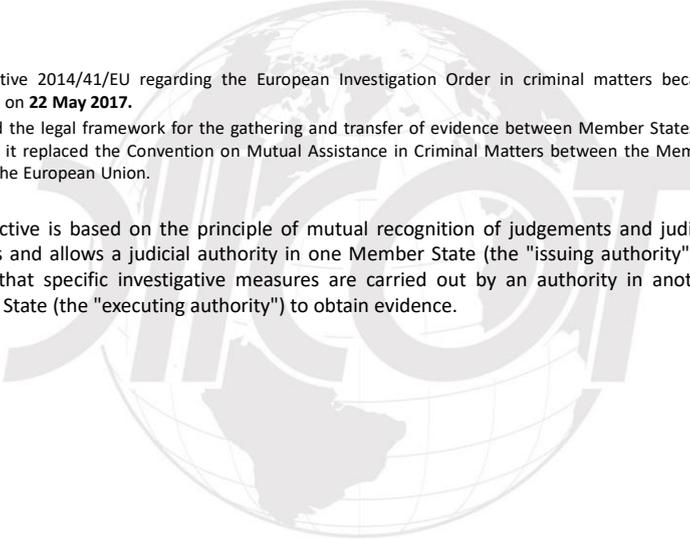


1

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.



2

- EIO is about speeding the legal procedures
- EIO FORMS
 - European Investigation Order (EIO), in Annex A;
 - 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>

3

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

4

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



5

EIO is about the **interoperability** of systems

Interoperability regards:

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



6

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>



7

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>



8

2. Semantics/definitions

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



9

2. Semantics/definitions

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).

-



10

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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11

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

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3. Technical aspects

- **Electronic evidence poses major challenges*:**
 - scant/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
 - 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
 - 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>

13

3. Institutional aspects

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

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Open discussions

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

15

Open discussions

Exceptionally high costs

- *"(23) The expenses incurred in the territory of the executing State for the execution of an EIO should be borne exclusively by that State. This arrangement complies with the general principle of mutual recognition. However, the execution of an EIO may incur exceptionally high costs on the executing State. Such exceptionally high costs may, for example, be complex experts' opinions or extensive police operations or surveillance activities over a long period of time. This should not impede the execution of the EIO and the issuing and executing authorities should seek to establish which costs are to be considered as exceptionally high. The issue of costs might become subject to consultations between the issuing State and the executing State and they are recommended to resolve this issue during the consultations stage. As a last resort, the issuing authority may decide to withdraw the EIO or to maintain it, and the part of the costs which are estimated exceptionally high by the executing State and absolutely necessary in the course of the proceedings, should be covered by the issuing State. The given mechanism should not constitute an additional ground for refusal, and in any event should not be abused in a way to delay or impede the execution of the EIO." – EIO Directive*

16




DIRECȚIA DE INVESTIGARE A INFRAȚIUNILOR
DE CRIMINALITATE ORGANIZATĂ ȘI TERORISM
ROMÂNIA

Thank you!

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DIICOT Specialist
alexandru.dena@diicot.ro

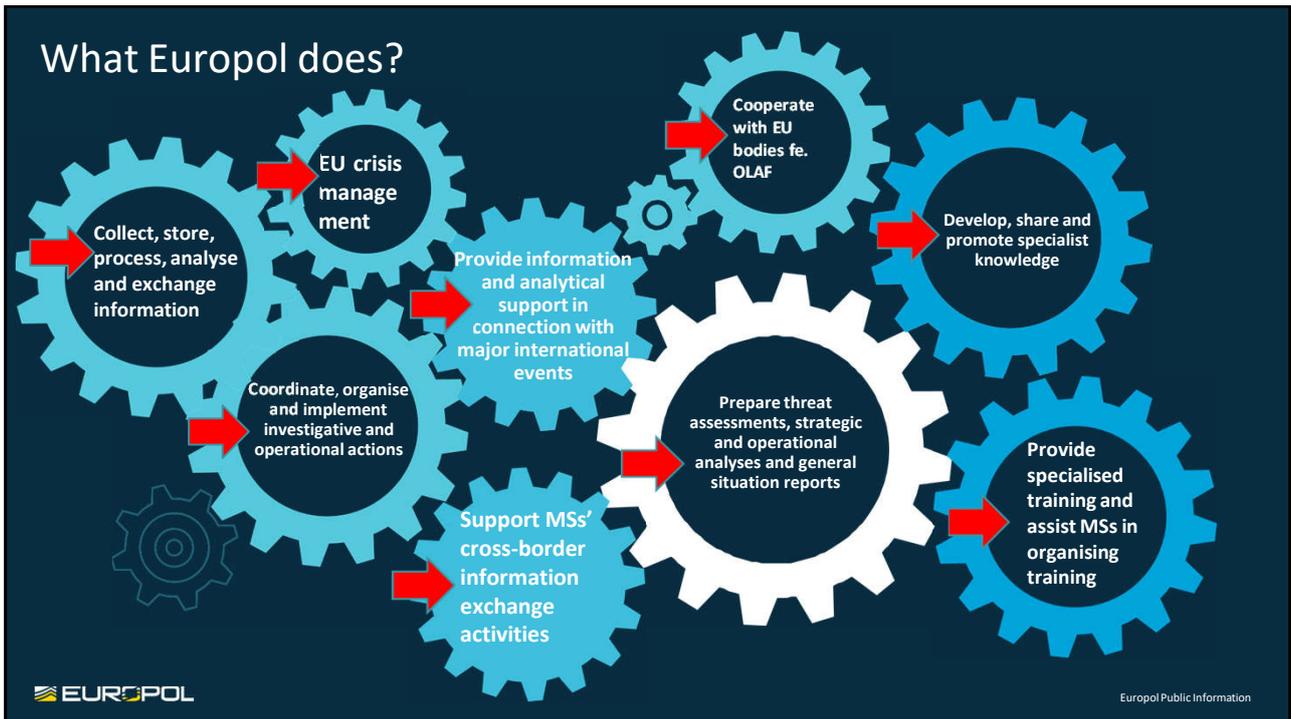


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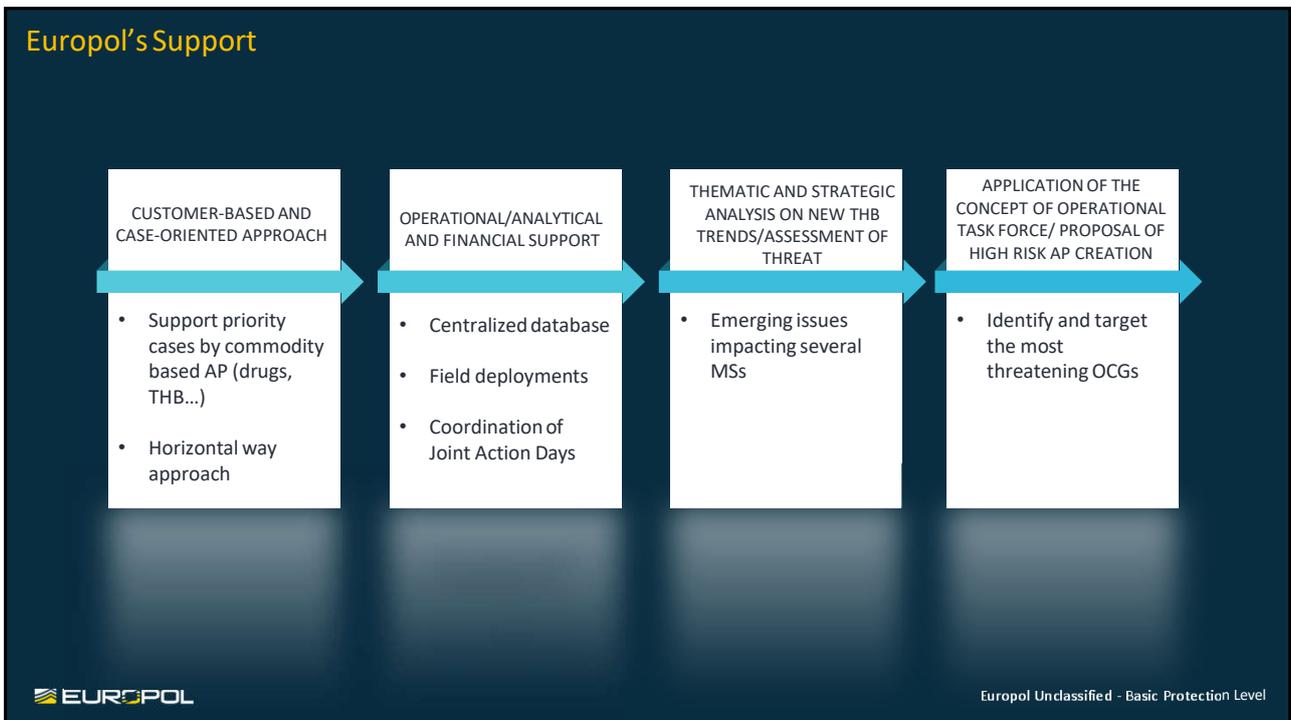


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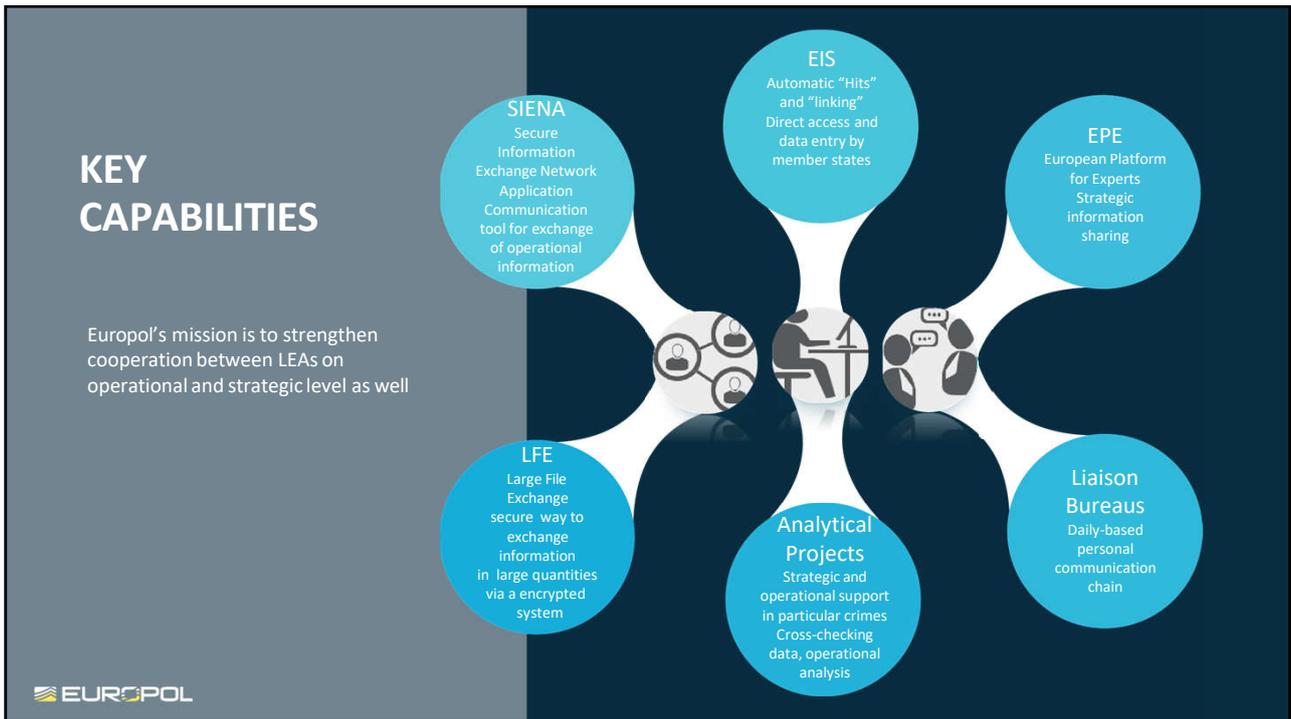


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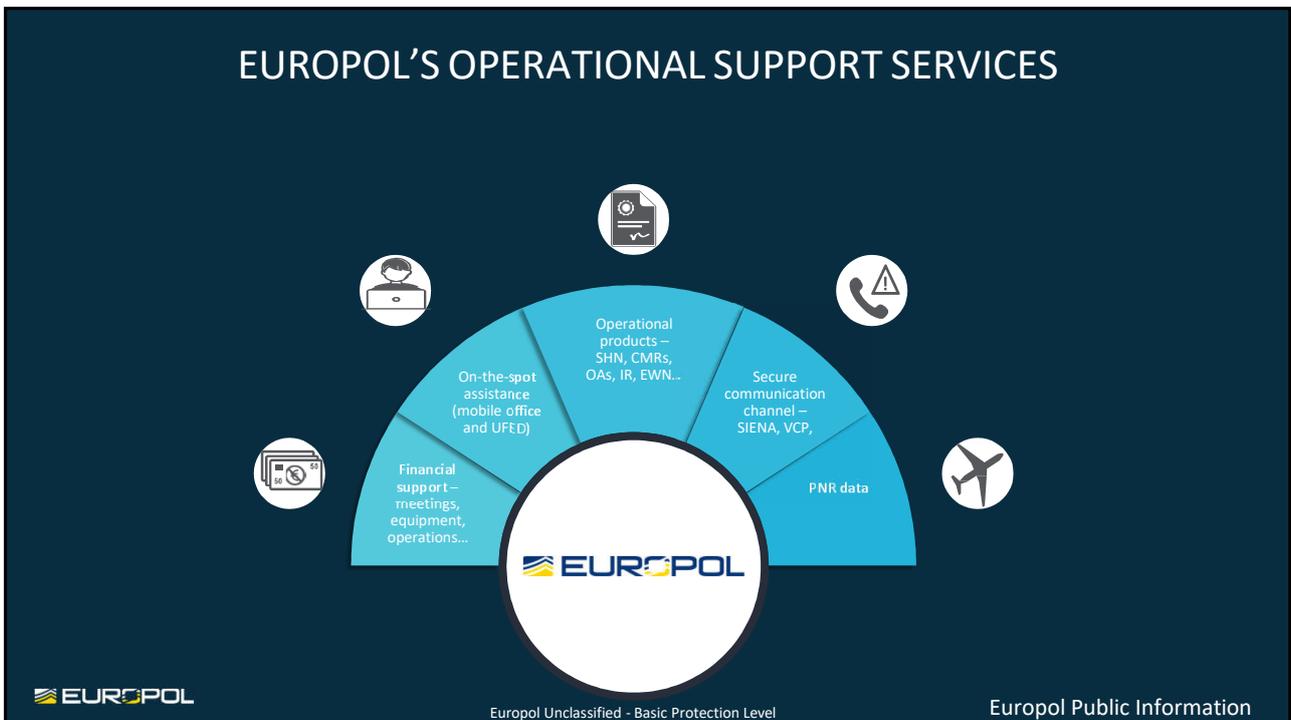


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6

Analysis Project Phoenix – Europol’s project dedicated to THB

- The AP was established on 19th of 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...)
- 25 Member States (MS) and 14 third countries are associated with the AP.
- Focus on all forms of exploitation and associated crimes:
 - Sexual and labour exploitation;
 - Child trafficking;
 - Parallel financial investigations;
 - Internet enabled THB;
 - Chinese THB;
 - Nigerian THB;
 - Vietnamese THB
- The team provides analytical and operational support to high-profile cases
- It develops the knowledge of the THB situation in the EU
- Supports the EMPACT THB project



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- General overview - THB situation in EU

- **70%** of victims and suspects are **EU nationals**
- **Sexual** exploitation is the **most reported** form
- **Labour** exploitation is slowly increasing
- **Physical coercion** is decreasing
- **Deception** is commonly used to lure victims
- **Child exploitation & unaccompanied minors**
- **Internet** is used at every stage of the trafficking chain
- **Document fraud is an important facilitator**
- More sophisticated networks (poly-criminality)



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4

OCGs involved in THB

- Victims and suspects share nationalities and ethnicities
- Criminal networks are fluid and highly mobile and flexible
- Polycriminality – more sophisticated network
- Most dangerous OCGs control the entire trafficking chain
- Small criminal groups between 3-15 members
- Suspects are predominantly male; female suspects involved in low level tasks
- Abuse of Legal Business Structures
- Increasing Use of Internet, Social Media, etc.



Europol Unclassified – BPL
 Europol Handling Code: H1, H3 – Releasable to participants of XXIII. EMN Annual Conference

9

Structure of OCGs

Chinese OCGs

- National based structure
- Hierarchical, military typed structure
- 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
- Polycriminality (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.

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



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5

Nigerian Organised Crime Groups (OCGs)



- Nigerian OCGs are organized in large groups, usually called confraternities, based on gang culture.
- They have a hierarchy in the groups and can attract a high number of human resources, so they are well organized, both geographically and logistically, in cells that are therefore present in several countries.
- They are often distributed in hubs along the trafficking route and have various personal contacts that support them.



- Nigerian OCGs are highly aware of the European law enforcement methods which gives them the possibility to know and understand how to misuse legal channels for their purposes.
- This allows the OCGs to obstruct the authorities' investigations.



- The OCGs can be extremely violent against group members and other competitive OCGs.
- Women have strong role
- The practice of voodoo and 'juju' rites prior to the journey and threaten them later during the exploitation.

Nigerian OCGs

Recruitment

- The majority of victims are recruited in Nigeria through false promises of job opportunities in Europe.
- Sometimes, to lure the victims, the traffickers falsely offer a 'free' journey to the EU where all costs will be covered by them.
- Most of the times victims know that they will have a debt bondage (which can amount to more than €30 000) with their traffickers and are forced to pay back through exploitation.

Financial resources

- The poly-criminal element of Nigerian OCGs allows them to generate enormous profits.
- The illicit proceeds are transferred back to Nigeria through couriers, mules or alternative banking systems.

Poly-criminality

- They are frequently involved in multiple crime sectors, in particular:
 - THB
 - Drug trafficking
 - Human smuggling
 - Money laundering
 - Fraud (documents)
 - Property crime
 - Corruption

Challenges faced by law enforcement

- One of the main challenges for law enforcement is to understand how the groups are organised and who is at the higher levels. Often, it is easy to identify the lowest levels of the organisation but Nigerian OCGs conceal their internal structure, hiding the higher-level members of the organisation, so that these remain unharmed. They also rely on the fact that authorities have limited resources.
- Identifying victims of THB is also problematic for authorities because they often do not perceive themselves as victims, but merely as workers who have to repay a debt back to those who helped them travel to Europe. For this reason, they rarely admit of being victims of THB and remain 'loyal' to the Madams managing them.
- A further challenge is constituted by the Hawala, or similar systems frequently used by Nigerian OCGs. The Hawala system is an alternative or parallel remittance system that operates outside, or parallel to, the traditional banking chain. Nigerian OCGs use this system because it is completely anonymous for both the sender and the receiver of the transactions, as it operates outside of any legal or judicial environment. Moreover, the system is facilitated via the use of supermarket or small shops in Nigerian communities neighbourhood.

THB – South- American victims and suspects

Modi Operandi, OCG structures, routes, essential elements

- Route: entry point ES or PT, then intra-Schengen flight as usual scheme
- Documentation: MSs reported some of the victims were holding EU passports - no info reported so far how they obtained
- Visa free regions could facilitate the entry to EU
- Recruitment in home country
- OCG as facilitating both the journey to Europe, the accommodation and work as well (strong link with FII)
- Mostly sexual exploitation reported: females, males as trans-genders, transvestites
- In-house prostitution: renting apartments shared with the facilitators
- Internet as used platform for adverts
- Money flows back to country of origin (fraudulently opened bank account reported, Western Union or Prepaid Cash Service cards)
- Physical and mental violence both can be used

OPERATION CUMBIA



- In excellent cooperation with the French Judicial Police within the National Police (Police judiciaire / Police nationale) and the Colombian Police
- First successfully finished cooperation with the COL LB active participation
- COL LO deployment was planned – COVID restrictions
- Purely COL criminal group – active since 2015
- Outstanding continuous communication through secure channel
- IT, ES, CH as transit countries involved in the operational information flow
- Sept-Oct 2020 Action Day, 9 locations in Paris, 9 individuals arrested, over 40 possible victims identified, seizure more than 120.000 eur in cash

Europol facilitated the information exchange and provided analytical support. During the action day, Europol cross-checked operational information in real-time against Europol's databases and provided technical support with phone extraction capabilities.



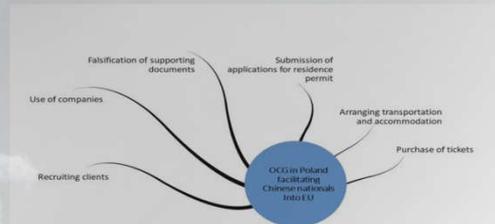
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Chinese OCGs: Threat indicators, scope and capabilities

- High latency
- Well-structure, hierarchically structure
- Presence in various countries
- Closed community
- Involved in various criminal activities being EU priorities
- Money laundering
- Illicit proceeds are laundered in EU and/or sent back to China
- Use of violence, threats extend to family members
- Cooperation with local subjects in the country of origin
- Document fraud in higher intense



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8

Vietnamese Networks

Geographical dimension (PL, DE, UK, NL, CZ, etc.)

Forced labour and sexual exploitation (rarely forced criminality)

Integrated businesses

High number of **Unaccompanied Minors**



TRAFFICKING IN HUMAN BEINGS

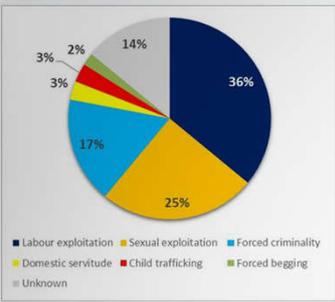


MIGRANT SMUGGLING



DRUG PRODUCTION
TRAFFICKING AND
DISTRIBUTION





Trafficking Type	Percentage
Labour exploitation	36%
Sexual exploitation	25%
Forced criminality	17%
Domestic servitude	3%
Child trafficking	2%
Forced begging	14%
Unknown	3%

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Western-Balkan countries - Albania

Geographical dimension (DE, FR, UK, IT, AT)

Labour exploitation and sexual exploitation

Intensive increase - legal means of accessing

Poly-criminality

Minors

Cooperating with other Eastern-European countries



TRAFFICKING IN HUMAN BEINGS



MIGRANT SMUGGLING



DRUG PRODUCTION
TRAFFICKING AND
DISTRIBUTION



EUROPOL

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Child Trafficking in the EU – Main Findings



- Children are trafficked in the EU from around the world.
- The majority of criminal networks trafficking minors reported to Europol are small and active in one country.
- In particular, large family clans are harmful because they traffic children for sexual exploitation, forced criminality and begging. They work in several countries, rotating the victims.



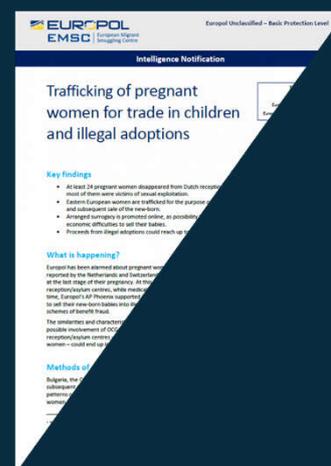
- The main purpose for trafficking underage victims in the EU is sexual exploitation.
- However, other important sectors for exploitation are labour, begging, and being forced to commit criminal acts (pickpocketing and shoplifting).
- To a lesser, but still worrying, extent children are trafficked for illegal adoptions or with the purpose of a sham marriage.



- Victims are usually targeted by traffickers sharing their nationality or ethnic ties.
- Women play an important role in trafficking children, much more than with adults.
- When young girls are targeted for THB, they are usually recruited through the 'lover-boy' method.

Intelligence Notification – Illegal Adoptions

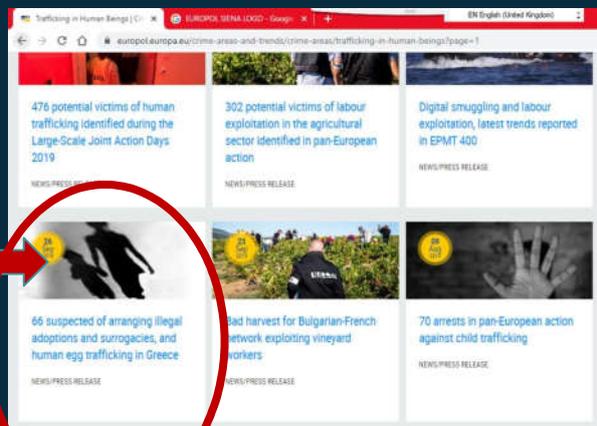
- Older trend - new cases
- Illegal adoption case with GR and BG
- Immense and high profit
- Lawyers, officials, medical experts, doctors involved
- Targeting women with economic difficulties
- Higher intense of technical innovation in communication and internet



OPERATION Leto Action Day 23/09/2019



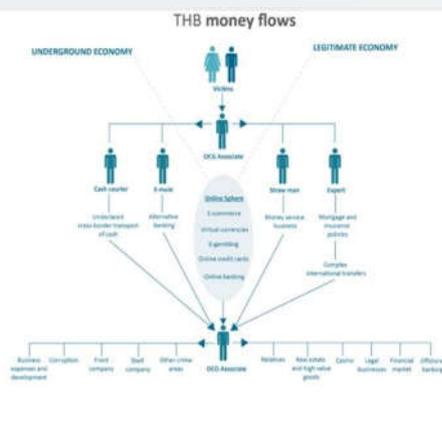
- 12 house searches
- 12 arrests (66 individuals in total)
- 13.000 EUR cash seized, cars electronic devices
- half million estimated profit



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The business model of THB



Challenging to estimate the overall profits

Laundering of criminal proceeds is a major activity for THB OCGs

Low sophistication in ML techniques

Criminal proceeds are sent back to the country of origin

Victims are used to transfer/transport funds
Family members or associates receive the funds

MSBs are used extensively to transfer funds

The use of cash is increasing

Money is laundered in cash intensive business, real estate and luxury vehicles



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11

Money Service Businesses (MBS)

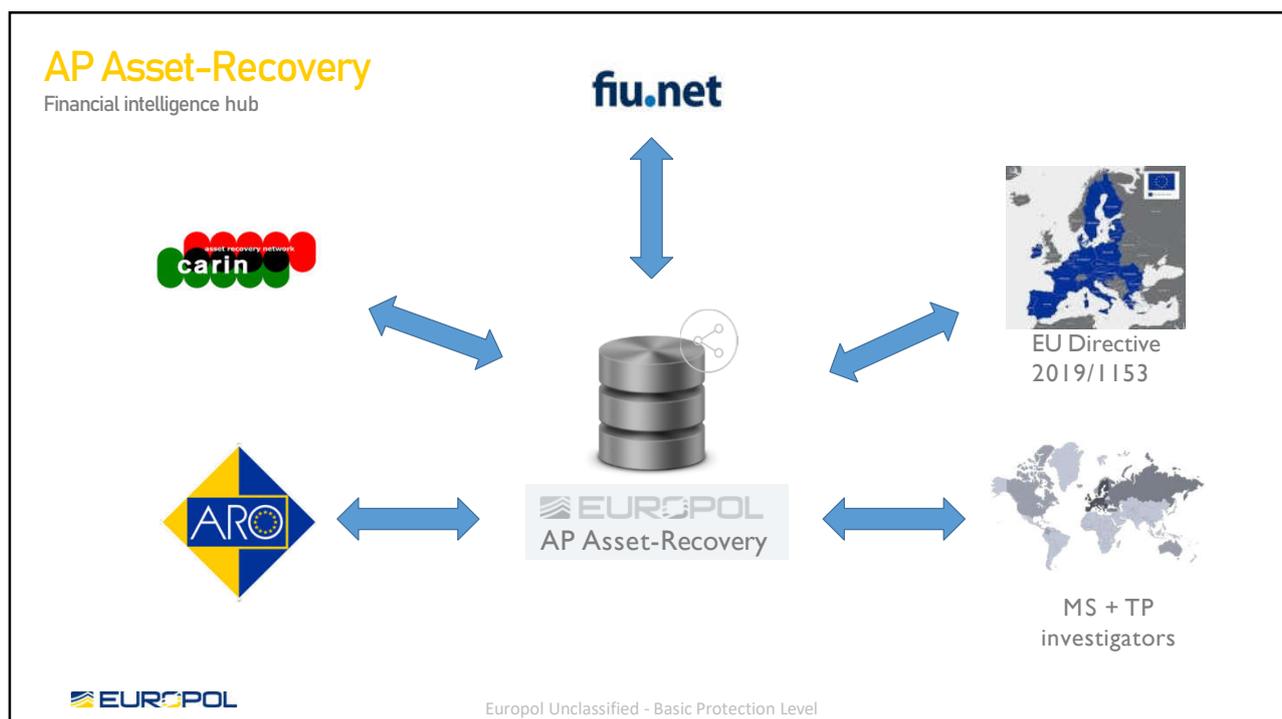
- 1.) Most widely used modus operandi
- 2.) Efficient use of smurfing techniques
- Senders: Criminal associates, victims and contacts
- Recipients: family members or low-level criminals
- 3.) Transaction based vs account based (banking industry)
- 4.) Intelligence gap: Placement in the banking sector in the country of origin



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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Challenges

- Increase number of **hidden crimes** (using private apartments and bars for the exploitation, less street prostitution)
- Higher role for the **internet** as facilitator (platform for the anonymity)
- **Victim identification** (using forged or look- a-like documents, family involvement, family engagement – loyalty to the family, not perceive themselves as victims, emotionally attached to the perpetrators etc.)
- **High mobility** – flexible working approach
- Different **judicial approach** / classification of cases: exploitation vs. property crime s. smuggling
- Identification of **higher members** of the OCGs
- Using **transportation by land** – lack of “footprint” in travelling (no PNR data)
- Not enough sensitivity of the civil society for the identification – **low awareness**
- Difficulties in **financial detection**
 - Illegal proceeds laundered with little use of experts - there are no THB specific money laundering techniques
 - OCGs sent cash/invest illegal profits in the country of origin: using cash couriers and MSBs (Western Union, MoneyGram) and / or invested in real estate, luxury vehicles and cash intensive businesses

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The impact of COVID-19 on trafficking in Human Beings



- Criminal activities have decreased drastically during the pandemic, due to the restrictions and the closure of many public spaces.
- In the context of the COVID-19 pandemic, OCGs continued to exploit victims, whose vulnerable condition has probably **worsened**. Exploiters abused victims in more **hidden** locations, or force them to switch activity to criminal acts. Moreover, the **debt bondage** tying them to their exploiters most probably was extended due to the restrictions during COVID-19.



- Recruitment **increased in online**, where more vulnerable people searched for a new job opportunity after the economic recession that hit several countries during and after the pandemic. If before the pandemic, recruitment online was already increasing, vulnerable individuals are now increasingly exposed to the risk of becoming victims of THB. Minors, in particular, may be at greater risk of being recruited online.
- If the pandemic will, as it is likely, be followed by an economic recession, there will be a wider pool of men and women in **economic distress**, which will push them to accept any job opportunity. At the same time, the demand for **cheap labour** will probably increase, making it a pull factor and potentially provoking a rise in intra-EU trafficking.



- What is more, investigations on THB have seen a **prolonged** course of action. In fact, law enforcement was called to dedicate more of their time to public order and security, in order to facilitate the measures taken by governments to stop the spread of COVID-19, thus having less time to investigate new cases on THB.

EURPOL



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Digital Era Challenges

The COVID-19 pandemic has further prompted the use of digital technologies by human traffickers.

Technological innovations are not only beneficial to the criminals involved, but can present opportunities for THB investigations.

Europol published an important report in October 2020 with the title "**The Challenges of Countering Human Trafficking in the Digital Era**".

The report, published on occasion of the EU Anti-Trafficking Day, gives an overview of how modern technologies (internet, social media, and mobile applications) have considerably affected the activities of organised crime groups (OCGs) involved in THB. Technology has widened their ability to traffic human beings, and traffickers are becoming **more and more experienced in recruiting** victims, **blackmailing** them, **advertising** their exploitation and control them through phones, social networks and websites.



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EURPOL

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Ukraine

- Trafficking networks expected to infiltrate with volunteers
- Vulnerable groups of people
- Risk of exploitation – sexual and labour
- Unaccompanied minors

Unaccompanied and separated children fleeing escalating conflict in Ukraine must be protected

Joint statement by UNICEF Executive Director Catherine Russell and United Nations High Commissioner for Refugees Filippo Grandi

07 March 2022 | Español | Français | العربية





Trafficking in human beings



Facilitation of illegal immigration



29

Joint investigation Teams - Europol's role

- ▶ Europol supports JITs in a number of ways, such as by:
 - showing the big picture: identifying links between related cases and investigations;
 - liaising directly with JIT members;
 - providing members with information that Europol maintains;
 - offering analytical and logistical support, and technical and forensic expertise;
 - supporting the secure exchange of information.

15

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Europol's response to high risk OC

► 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)

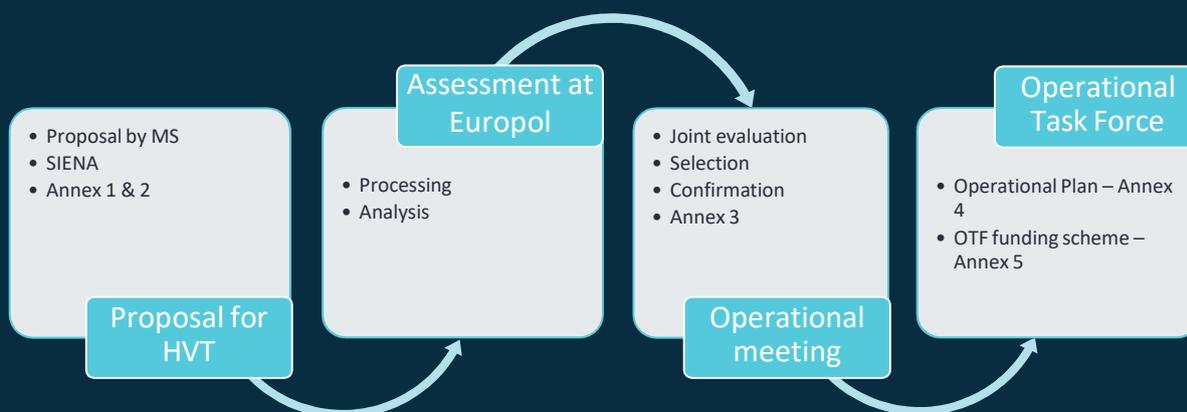
A person, whose criminal activity fulfils the criteria listed in SOP and therefore constitutes a high risk of serious and organized crime to 2 or more EU MSs

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.

HVT proposal/selection – OTF establishment



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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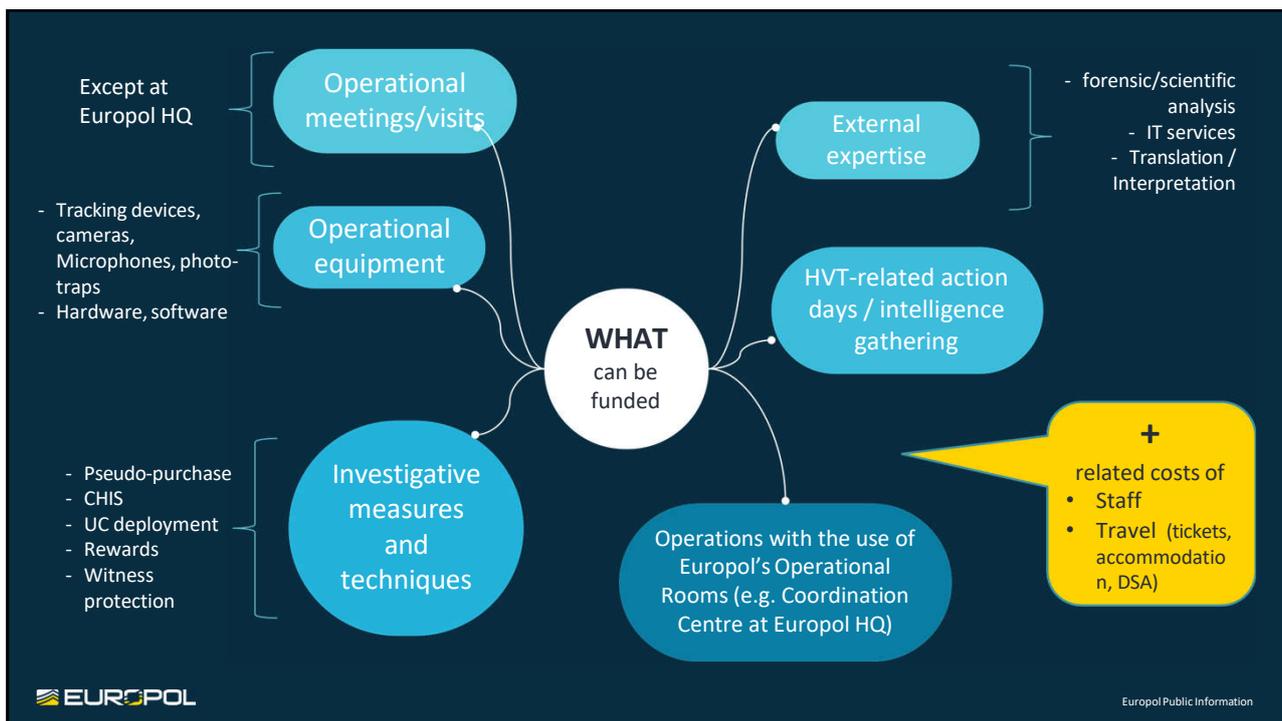
Scoring system



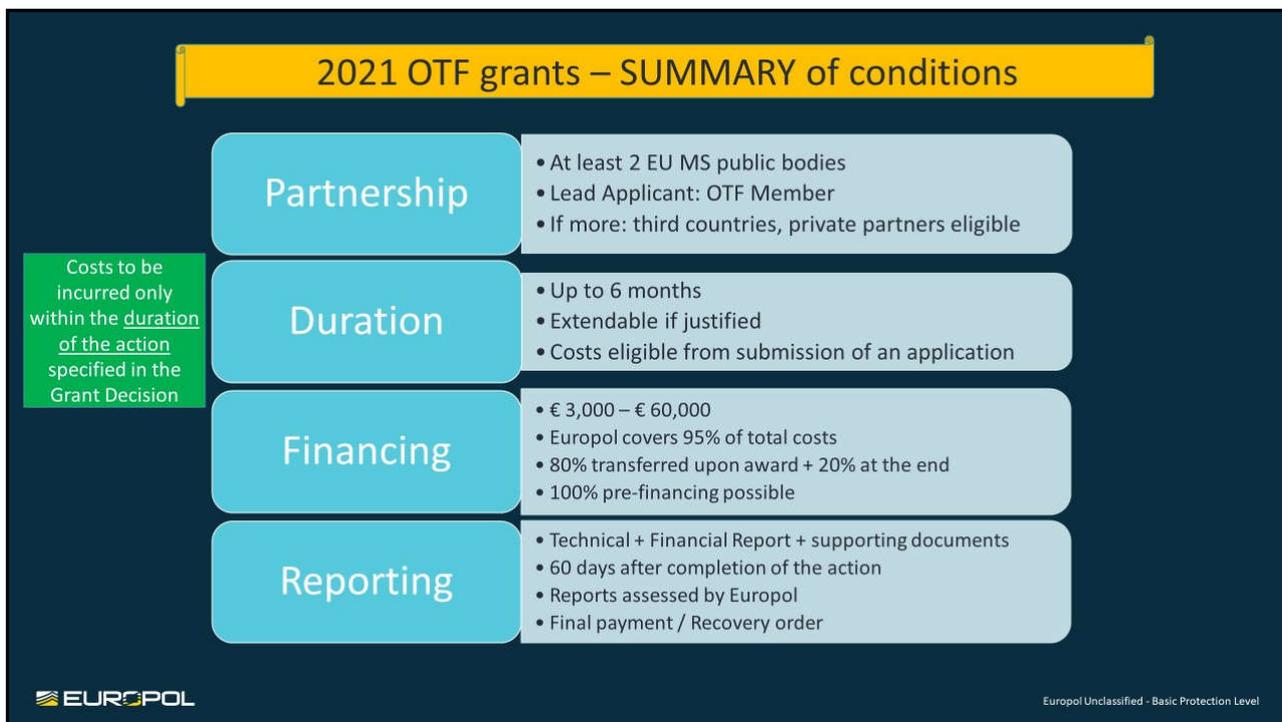
HVT selected > **54 points**

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35



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Thank you for your attention
Any questions?

EUROPOL

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Eurojust approach to the fight against THB

ERA, March 2022

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

1



LEGAL FRAMEWORK

Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000.

PURPOSES of the Protocol:

- To prevent and combat trafficking in persons, paying particular attention to women and children;
- To protect and assist the victims of such trafficking, with full respect for their human rights; and
- To promote cooperation among States Parties in order to meet those objectives.

Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (Anti-Trafficking Directive) → integrated approach based on prevention, protection of victims, investigation, prosecution, partnership at national and international level.

The numbers of convictions in the EU is low as compared to the number of estimated victims.

2

Main features

- Increasingly complex nature and structure of the OCGs and their ever evolving *modus operandi*
- Informal money transfers often used (e.g. *hawala*)
- Multi-faceted feature of the criminal networks: critical element in deciding who is the best placed to prosecute in an international context
- **Differences in definitions** and nature of the offences favours forum shopping from the part of the OCGs (e.g. sham marriages)
- Segmented structure of OCGs → flexible and difficult to disrupt

1. THB is one of the MOST PROFITABLE CRIMINAL BUSSINESS

2. MILLIONS of VICTIMS TRAPPED: most of them WOMEN, but also men and children

4. Many victims under 18 years age

5. By definition a cross-border crime

22/03/2022

Criminal justice across borders

3

EUROJUST

3

Difficulties in identifying victims, gathering evidence and in pólice and judicial cooperation

Evidence for a succesful investigation

1.POLICE SURVEILLANCE

2.WIRE TAPPING

3.SEARCH WARRANTS

4.VICTIM'S STATEMENT

5.FINANTIAL INVESTIGATION

6.TRAVEL DOCUMENTS

7.WITNESS STATEMENT

8.POLICE REPORT

4

Main obstacles

Legal challenges

- Higher risk of conflict of jurisdiction
- Legislation gaps:
 - Sham marriages: **issue of dual criminality**
 - Use of *hawala*: legal in some MS, illegal in others

Operational challenges

- **Limitations** regarding the scope of available investigative tools (e.g. controlled delivery)
- Different stage of investigations
- Difficulty to engage into financial investigations
- **Asserting jurisdiction** and securing admissibility of evidence (in particular on the high seas)
- Limited capacity/will to engage with third States

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Criminal justice across borders

5

EUROJUST

5



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Eurojust coordination role in this crime area

- ▶ **Facilitate** cooperation between the national competent judicial authorities
- ▶ **Coordinate** cross-border investigations, prosecutions and trials between the judicial competent authorities
- ▶ **Support** the competent judicial authorities to render their investigations and prosecutions more effective
 - Promote Special investigative techniques (JITs)
 - Analytical capacities
 - Operational and legal advice
- ▶ Promote our tools (CM, CC)
- ▶ Use to the fullest existing networks and structures and the mandates of FRONTEX and EUROPOL
- ▶ Enhancing **cooperation with key third States origin and transit**

MORE SHARING OF INFORMATION AND MORE COOPERATION AT ALL LEVELS

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COORDINATION MEETINGS



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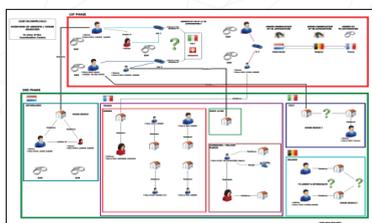
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COORDINATION CENTRES

1. Decision to activate a CC (usually at C. Meeting)
2. Supporting documents
 - Contact List (judicial and police)
 - Overview of measures
3. Operational room (Bellatrix) equipped with:
 - dedicated telephones and email
 - videoconference facilities
 - access to SIS and SIENA, internet
4. During Coordination Centre
 - State of Play/ Charts
 - Log book for communication
5. At the end of action
 - Possible joint press release
 - Charts with final state of play



Criminal justice across borders

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EUROJUST

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Best Practices

1. Ensure early exchange of information in particular with Europol to identify at an earlier stage cases requiring Eurojust's support.
2. Stimulate the involvement of the judicial authorities and stimulate the **coordination of investigations and prosecutions** at an early stage to detect links between national investigations.
3. Consider using a **multi-disciplinary approach** (Administrative authorities, Civil Registrars...)
4. New legislation at EU level?? (lack of common definitions –slavery, exploitation...-)
5. Design **prosecutorial strategies** → to determine who is best placed to prosecute. Centralisation or segmentation of prosecutions
6. Early launch of **financial investigations**.
7. Foster the **judicial dimension of external relations** by promoting cooperation with third States
8. Continue analysing the **impact of diverging national legislation**

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Criminal justice across borders

11 **EUROJUST**

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EUROJUST

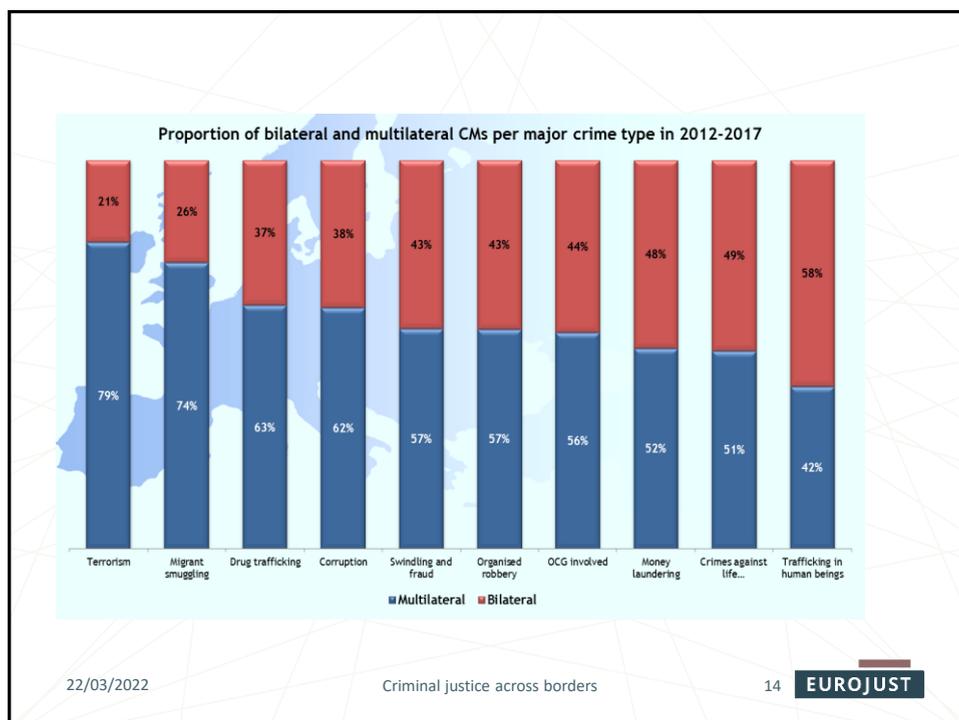
Number of THB investigations coordinated by EJ and JITS remains low

2021 ⇒ even decreased, from 183 in 2019 to 140 in 21.

It is a signal that there is reluctance or lack of awareness in referring cases to EJ.

⇒ The importance of referring THB cases to EJ for assistance at early stage

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Anti-Trafficking Team (ATT)

- ▶ Working Group of the College of Eurojust
- ▶ Centre of Expertise on judicial cooperation offering stakeholders specialised *advice, information, services and products* based in Eurojust's casework in the fight against **migrant smuggling and trafficking of human beings (THB)**, drug & firearms trafficking and their links to organised crime.
- ▶ Special attention to victims' protection (children)

New Focus Group of prosecutors specialised in this area

To share best practice and challenges in investigations and prosecutions and judicial cooperation.

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Eurojust report on trafficking in human beings

Published on 23.02.2021

Link

[Eurojust Report on Trafficking in Human Beings | Eurojust | European Union Agency for Criminal Justice Cooperation \(europa.eu\)](https://www.eurojust.europa.eu/sites/default/files/assets/2021_02_16_thb_casework_report.pdf)

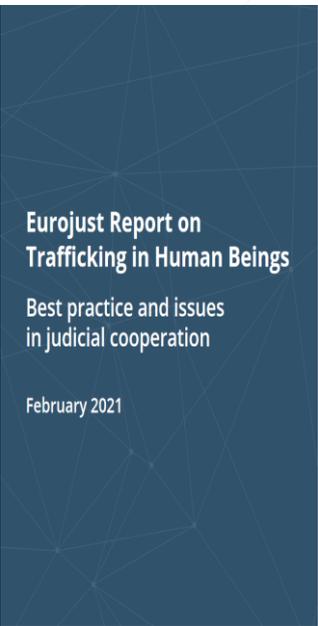
https://www.eurojust.europa.eu/sites/default/files/assets/2021_02_16_thb_casework_report.pdf

22/03/2022

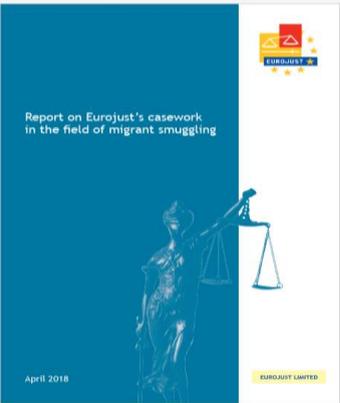
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Eurojust Report on Trafficking in Human Beings
Best practice and issues in judicial cooperation
February 2021

Report on Eurojust's casework in the field of migrant smuggling
April 2018

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[Report on Eurojust's casework on victims' rights](#) 22 February 2022

[Eurojust casework on Trafficking in Human Beings \(THB\)](#) 27 October 2021

[Joint report of the JHA agencies' network on the identification and protection of victims of human trafficking](#) 18 October 2021

[Supporting judicial authorities in the fight against trafficking in human beings](#) 18 October 2021

[Eurojust Report on Trafficking in Human Beings](#) 23 February 2021

www.eurojust.europa.eu

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The aim is to respond to the concern about the difficulties in judicial cooperation Presents solutions used by the Agency when assisting in THB cases

Two main parts:

- **Coordination of investigations:**
Preliminary exchange of information, EIO, JITS, conflict of jurisdiction, action day...
- **Victims' rights: main findings**
 - Identification and location
 - Rescue and protection during the Action Day
 - Protection programs
 - Victims interviewed by fellow countrymen
 - Evidence from victims: testimonies, admissibility of evidence, comparative analysis



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Recommendations to MS

- ▶ **Early cooperation and coordination** between all countries
- ▶ Once an active OCG is discovered, all countries involved should react and conduct an investigation contributing to evidence gathering
- ▶ **Use of JITs** in THB cases
- ▶ **To increase the referrals to EJ on complex jurisdictional issues** → Eurojust case notes, legal analysis and joint recommendations for transfer of proceeding.
- ▶ **Financial investigations**
- ▶ Greater focus on victims: identification and protection
- ▶ Ask Eurojust to assist when **non-EU countries** are involved
- ▶ To increase the cooperation between JHA agencies when assisting investigations

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21 **EUROJUST**

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JOINT INVESTIGATION TEAMS (JITs) IN THB CASES

Eurojust assisted:

- **262 JITs** in 2020 (**49 of them on THB**)
- **254 JITs** in 2021 (**45 of them on THB**)

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Criminal justice across borders

22 **EUROJUST**

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JITs on THB

Total JITs on THB	2017	2018	2019	2020	2021
New JITs signed	27	21	25	12	13
Ongoing JITs from previous years	24	35	36	38	32
Total JITs supported	51	56	61	50	45

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Most effective tool in THB cases

The use of JITs in THB cases allows dynamic, flexible and close collaboration framework in complex and time-sensitive cross-border investigations.

More speed and efficiency than by the traditional channels of mutual legal assistance.

Direct cooperation and communication between authorities participating in the investigation in a mutually beneficial way.

Once a JIT has been set up, the partners can directly exchange information and evidence, cooperate in real time and jointly carry out operations.

The members of the JIT can be present during investigative measures on each other's territories, and to therefore share their technical expertise and human resources more efficiently.

The financial support provided by Eurojust and/or other EU agencies to JITs is another important benefit to national authorities.

The evidence gathered in the framework of the JIT will be used in the countries part of the JIT

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JITs' actions supported by Eurojust

- EJ financial and legal Support, also loan of equipment
- Meetings of the JIT
- Participation in investigative measures carried out on the territory of another State
- Interpretation during activities of the JIT including during investigative measures
- Translation of evidentiary material or procedural or case-related documents
- Cross-border transfer of seized items, evidentiary material or procedural or case-related documents
- **NEW!** (since Oct. 2021) costs of **victims and witnesses'** related to travel and accommodation and also interpretation or translation.

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Network of National Experts on JITS

Each Member State appoints one or more national experts to the Network, which represents the judicial (prosecutors, judges, Ministries of Justice) and law enforcement (police officers, Ministries of Interior) dimensions of a JIT. At a national level, the experts act as 'contact points' whom practitioners wishing to set up a JIT can address.

As members of the Network, they have expertise in the functioning of JITs in their country and have access to information concerning the practicalities of JITs with other Member States. Institutional bodies such as Eurojust, Europol, OLAF, the European Commission and the Council of the EU have also appointed contact points to the JITS Network.

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Takedown of a multinational human trafficking network

4 September 2021 - Coordinated simultaneous actions take place in Italy and the Republic of Moldova, resulting in the dismantling of the human trafficking network. Six suspects are arrested during the operation. Nearly 90 victims are rescued from the clutches of the group and given assurances of protection and legal assistance. Evidence is secured to support judicial follow-up in the respective criminal courts.

Italian and Moldovan authorities agree to hold a **fourth coordination meeting** at Eurojust in January 2022 to discuss jurisdictional issues (which courts will prosecute which suspects and for which crimes) to avoid possible conflicts of jurisdiction.

March 2021 - Funded by Eurojust, a **Joint Investigation Team** is established, with operational support from Eurojust and Europol. Italian and Moldovan authorities pool their efforts and succeed in building operational synergies to map out the activities of the criminal group, while collecting and exchanging relevant information and evidence.

March-December 2021 - **three coordination meetings** are held at Eurojust to discuss cooperation needs, plan the establishment of a joint investigation team and prepare for joint actions.

January 2021 - In an effort to connect the two parallel national investigations, a **case is opened at Eurojust**, involving the **National Desk of Italy, Eurojust's Contact Point at the General Prosecutor's Office in the Republic of Moldova and Europol**, setting into motion a coordinated and structured international response.

Operating since early 2018, a criminal network in the Republic of Moldova uses online platforms to recruit vulnerable women. Coming from precarious socio-economic backgrounds, these women are promised jobs as domestic workers in Italy. Once engaged, they experience severe forms of labour exploitation, are forced to live in wretched conditions, and are subjected to intimidation and threats of violence. Their confiscated passports are used to prepare counterfeit documents, including false COVID-19 health certificates and employment contracts.

Moldovan and Italian authorities separately launch an investigation into this criminal group in 2019.

SEIZURE AND CONFISCATION

The importance of initiating financial investigations in every THB cases in view of confiscation of proceeds of crime: *investigations, asset tracing, freezing of assets, victim compensation, criminal confiscation.*

EJ support ⇒ assists competent authorities to effectively recover criminal assets

Make efficient use of tools for freezing and confiscation:

Regulation 2018/1805 on mutual recognition of freezing orders and confiscation orders

- ▶ **Regulation** covering freezing and confiscation orders **directly applicable in the EU.**
- ▶ Principle of **mutual recognition**: judicial decisions in criminal matters taken in one EU country will be directly recognized and enforced in another MS. The regulation only sets out a limited number of grounds for non-recognition and non-execution.
- ▶ **A wide scope of types of confiscation in criminal** matters, such as value based confiscation, non-conviction based confiscation, including certain systems of preventive confiscation provided that there is a link to a criminal offence.
- ▶ **Standard certificate**
- ▶ A **deadline of 45 days** for the recognition of a confiscation order and in urgent case a deadline of 48 hours for the recognition and a further 48 hours for the execution of freezing orders. Those limits can be postponed under strict conditions detailed in the regulation.
- ▶ Specific provisions to ensure **victims' right to compensation and restitution before the finalization of the criminal proceeding** → Art. 26

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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 international instruments
- ▶ Civil - Common Law Jurisdictions
- ▶ 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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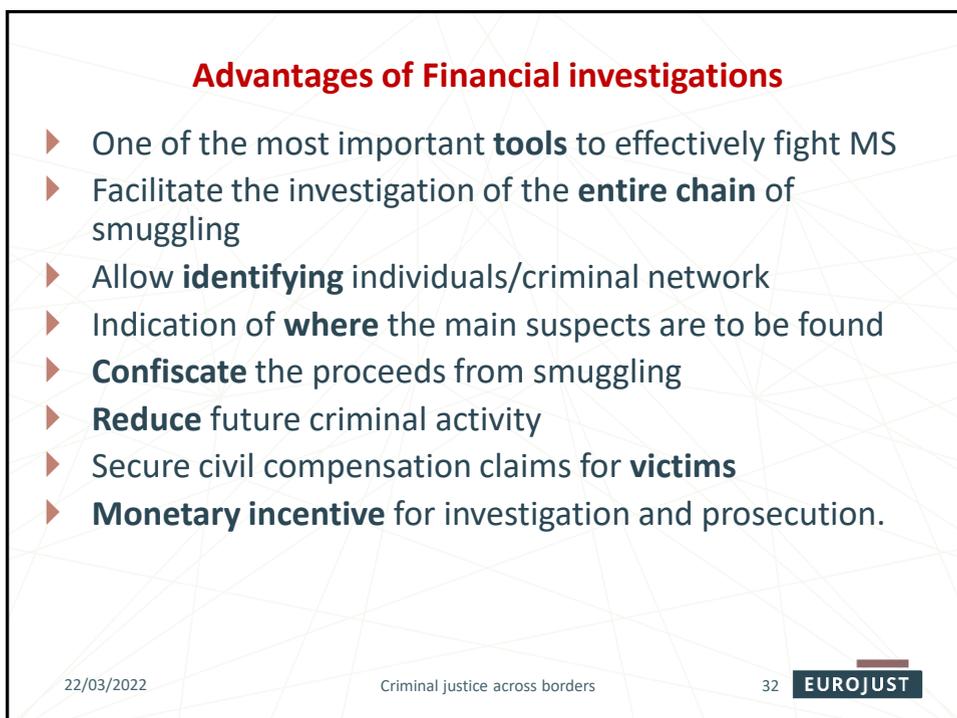
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30



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Financial investigations and JITs

- ▶ **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 smuggling
 - **Reduce** future criminal activity
 - Secure civil compensation claims for **victims**

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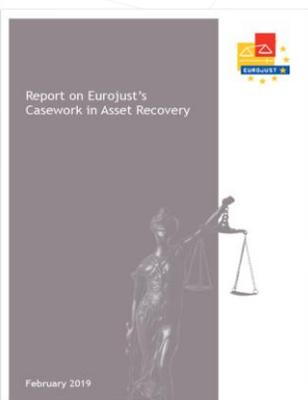
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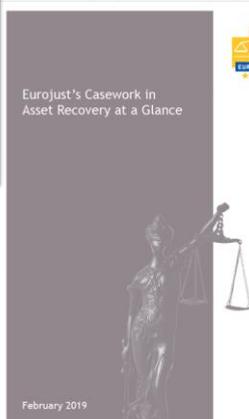


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Report on Eurojust casework in Asset Recovery



22/03/2022



February 2019

Overview legal/practical issues

Support provided by Eurojust throughout whole asset recovery process

Main judicial cooperation instruments used

Best practice

At a Glance (abbreviated version)

34



34

More reports

- ▶ Casework in Asset Recovery is based on the former regulation
- ▶ Infographic about stages in asset recovery proceeding:
 - ❖ Tracing
 - ❖ Freezing
 - ❖ Confiscation
 - ❖ Disposal
- ▶ EJ note on regulation EU 2018/1805 on the mutual recognition of freezing and confiscation orders
- ▶ Statistics since the application of the new regulation

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35 **EUROJUST**

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Way forward

- ▶ **Promote the involvement of judicial authorities at an early stage**
 - ✓ Minimize the risk of conflict of jurisdiction
 - ✓ Design prosecutorial strategies
 - ✓ Exchange information of judicial relevance
- ▶ **Seek the support of Eurojust when appropriate**
 - ✓ Added value of Eurojust: analytical and legal capacities
 - ✓ JITs and other support means (CM and Coordination Centres)
- ▶ **Ensure tracking of EMPACT cases**
 - ✓ National authorities to clearly identify when a case falls into EMPACT to ensure proper follow up and record keeping

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36 **EUROJUST**

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COVID - 19

- ▶ The pandemic has increased vulnerabilities to human trafficking while making trafficking even harder to detect
- ▶ Pandemic generated an increased use of digital platforms to recruit and advertise the services of victims
- ▶ In EJ casework we saw document fraud detected in THB cases – victim travelled with fake Covid certificates
- ▶ See **the report of EJ on THB** cases and the influence of Covid (*last chapter*).

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Leveraging innovation to fight THB: a comprehensive analysis of technology tools

**THB: Countering Impunity
Enhancing investigations and prosecutions**

1

The scale of the problem and the response

**The response
118,932**



**The problem
24,900,000**

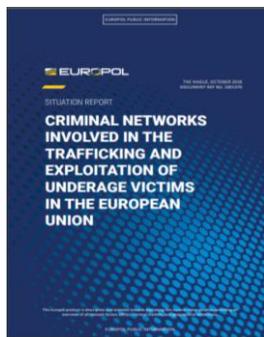


2

What is the role of technology?

3

The increasing role of technology



The online advertisement of sexual services is an increasing phenomenon relating to THB for sexual exploitation, with children being advertised as adults

75% of survivors were advertised online for sexual services and that online advertising is increasing while advertising on the street is decreasing



4

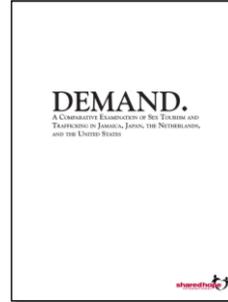
The increasing role of technology



"[the] internet is faster than any other method. I have customers daily, between 10-50 people"

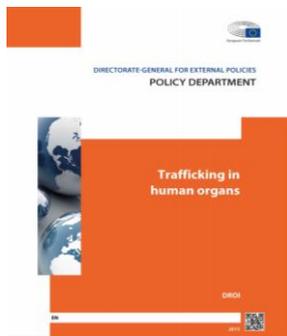


In SE Asia, online platforms facilitating live streaming of sexual abuse of children - rise in child THB in the region



Technology has become the single greatest facilitator of the commercial sex trade in all of the countries observed, with the exception of Jamaica

The increasing role of technology



An increase of organ offers over the Internet in some regions of the OSCE



Terrorist and violent extremist groups are using social media to recruit victims for forced marriages, labor and sexual exploitation

Technology enabled human trafficking

- ✓ **250,000 new escort ads** are posted online every day. Somewhere in that pile of data are children who are bought and sold online for sex (Thorn)
- ✓ According to **Project Arachnid** (Canada)
 - ✓ **5.1 million web pages** hosting child sex abuse material with **40,000 unique images** of child sex abuse
 - ✓ Identifying **100,000 new unique** images of child sex abuse per month
 - ✓ Out of the **790,000 notices** ARACHNID has sent to providers, **85 percent** involve children not previously identified by police

Technology enabled human trafficking

- ✓ In Austria, in **74% of THB cases the Internet is the most common infrastructure** used by perpetrators
- ✓ There are now **one million reports** of online sex abuse in Philippines a year
- ✓ **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

OSCE response - research

305 initiatives identified as a result of the mapping exercise



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.

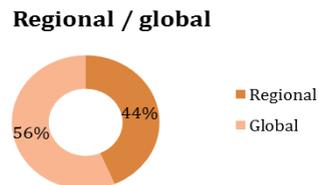
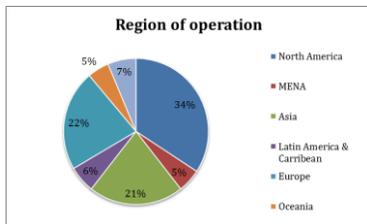
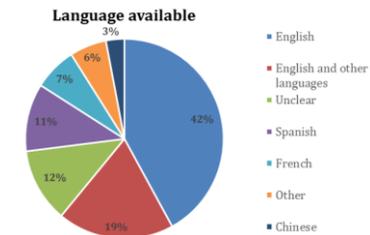
English

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

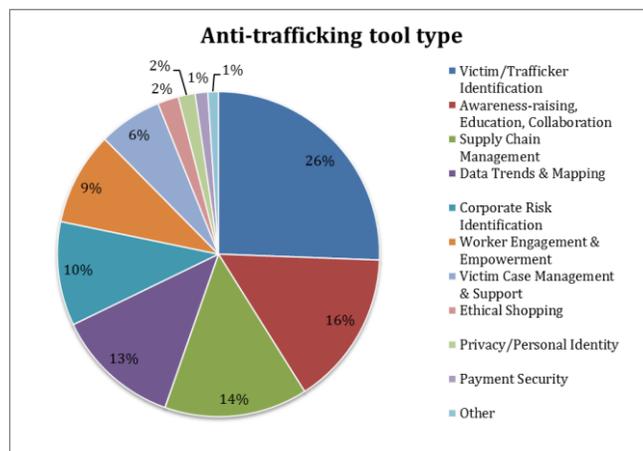
OSCE response - research

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



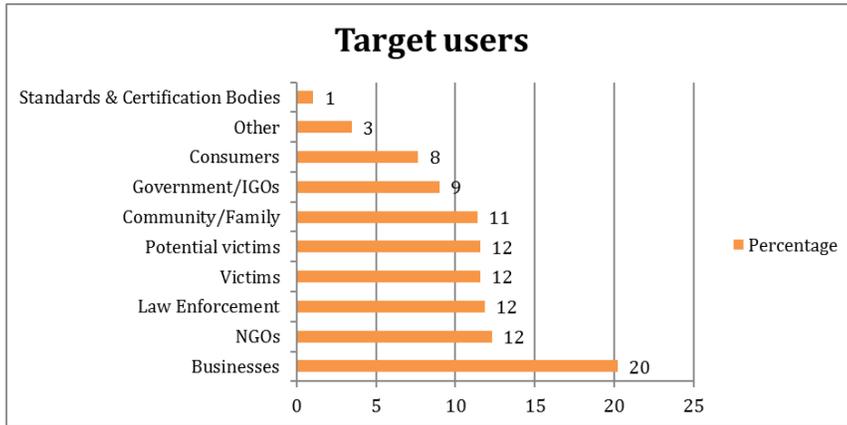
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OSCE response - research



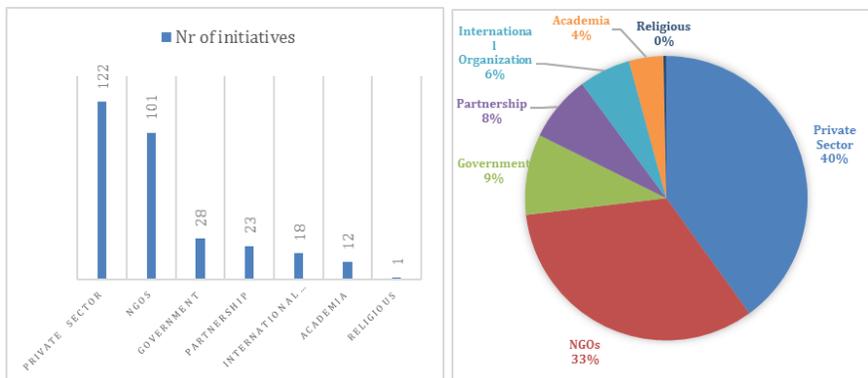
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OSCE response - research



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OSCE response - research



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OSCE response - research

TECH AGAINST TRAFFICKING

OUR WORK | WHO'S INVOLVED | NEWS & EVENTS | INTERACTIVE MAP | CONTACT US

TECH AGAINST TRAFFICKING | INTERACTIVE MAP OF ANTI-TRAFFICKING TECH TOOLS

Download the list of anti-trafficking tech tools

TOOL CATEGORY

TARGET USERS | TARGET SECTOR

TECHNOLOGY | TRAFFICKING TYPE

Browse the tool list or select a ? to explore tool connections

OSCE Organization for Security and Co-operation in Europe

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Specific examples - data scraping software

SPOTLIGHT | DASHBOARD | SEARCH | ALERTS | SAVED

Ads with a Similar Image

ADS (151) | IMAGES | ACTIVITY | TIMELINE

Narrow related ad results

Image	Text	Collected	Posted	Location
	THICK & JUICY SWEET & WET HUGE BOOBS Simply AmAz tNG	This, Sep 21, 2017 03:14PM EDT	Fri, Sep 15, 2017 09:58PM EDT	Maryland, Maryland
	THICK & JUICY SWEET & WET HUGE BOOBS Simply AmAz tNG	This, Sep 21, 2017 03:13PM EDT	Thu, Sep 21, 2017 12:47PM EDT	Washington D.C., District of Columbia
	THICK & JUICY SWEET & WET HUGE BOOBS Simply AmAz tNG	This, Sep 21, 2017 03:09PM EDT	Thu, Sep 21, 2017 11:49PM EDT	

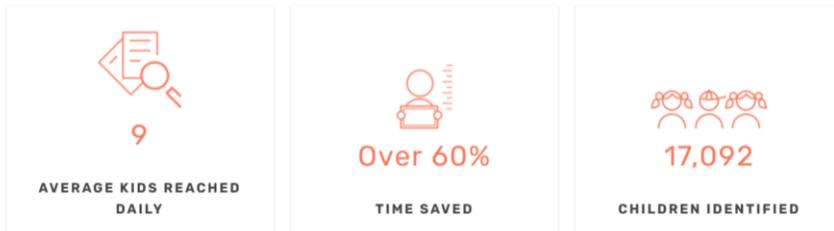
Map showing locations of ads in the United States.

OSCE Organization for Security and Co-operation in Europe

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Specific examples - data scraping software



17

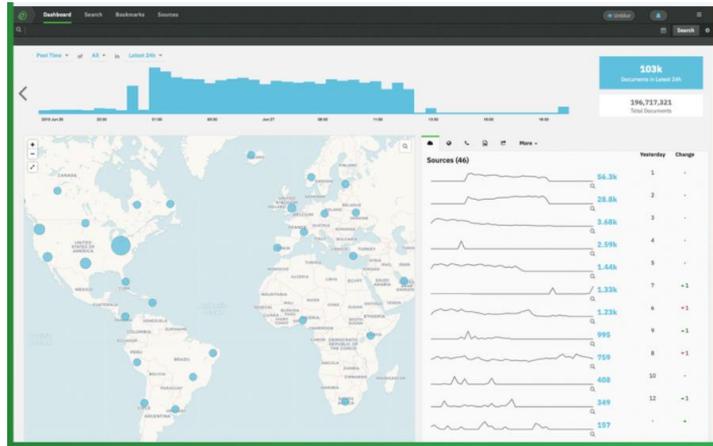
Specific examples - data scraping software



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

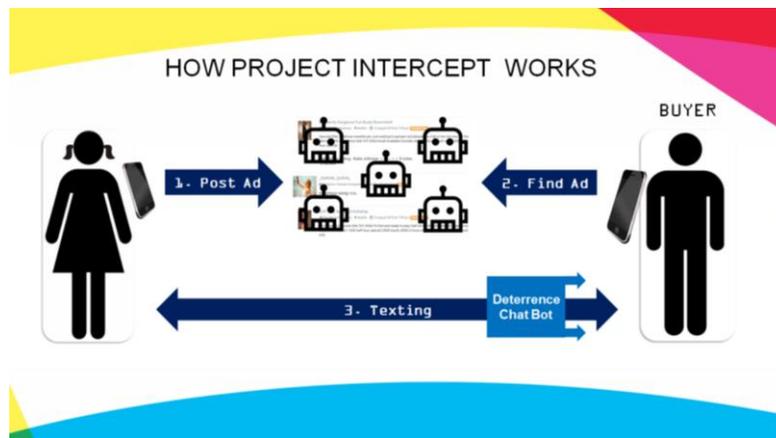
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Specific examples - data scraping software



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AI tools to fight THB - PROJECT INTERCEPT



20

AI tools to fight THB - PROJECT INTERCEPT

The screenshot displays the Project Intercept web interface. At the top, there are navigation links: "demo mode", "victim reachout", "buyer intercept", "manage ngo", "admin", and "sign out". Below this is a header "conversations between bots and potential buyers". A search bar is present with the text "search conversations". A list of conversations is shown on the left, with the selected conversation ID "12065528377" highlighted. The main chat area shows a conversation between a bot (12065528377) and a potential buyer (14256575024). The bot's messages are in dark blue boxes, and the buyer's messages are in light grey boxes. The chat history includes:

- Bot: "that'd be great, i'm jee 🙌"
- Buyer: "ok hey jee :) how old are you?"
- Bot: "35, what's the donation for qv"
- Buyer: "well that just happens to be my favorite, 100/hr. any service you want in particular? :)"
- Bot: "i can do that, like i said q.v. 🙌"
- Buyer: "great right on ??? where do you want to meet?"
- Bot: "rice! i like that! i'm in redmond, can you come here?"
- Buyer: "k hay i'm cool with wherever, any pic of you to feel safe? i'm new to this"
- Bot: "that's me... you gonna send me one?"
- Buyer: "k 100/hr for gft, fs"

 To the right of the chat is a "phone lookup" section for the number 14256575024, displaying details:

- age range: -1 to -1
- address: 400 E Denny Way
- city: Seattle
- state: WA
- zip code: 98122-2050
- carrier: Google Voice
- line type: NonFixedVDP
- belongs to type: Business
- location usage: N/A

 At the bottom of the interface, it says "Admin - Seattle Against Slavery" and "© 2018 - Project Intercept by Seattle Against Slavery".

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Specific examples – labor exploitation

Blockchain technology

Traceability of goods and products in supply chains



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Specific examples – labor exploitation



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Specific examples – financial analysis

Common indicators of ML related to human trafficking



Travel Related Purchases

- Multiple point-of-sale transactions at
 - 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)

Frequent and Excessive POS Purchases

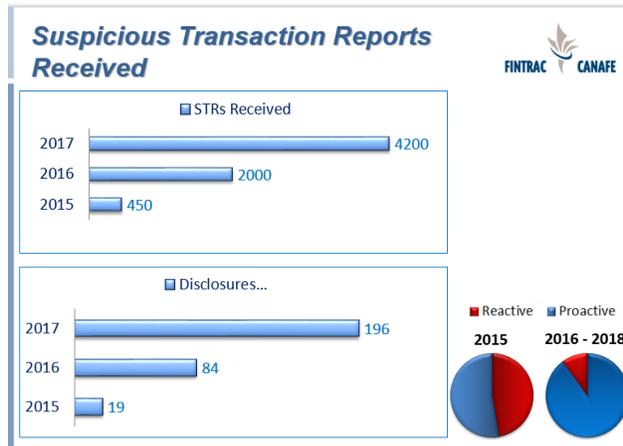
- Multiple point-of-sale transactions at
 - Drug stores
 - Clothing stores
 - Beauty stores (e.g., stores that sell lingerie and/or make-up)
- Fast food restaurants

Excessive Accommodation Transactions

- 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

OSCE response - research



Mapping the online landscape of platforms where the risks of THB is high

26

OSCE response – research ALBANIA

- A prevalence of foreign girls is distinguished in the sites observed. Mainly claim to be Russian or Ukrainian, and rarely Albanian nationality.
- The use of foreign phone numbers is observed in most of the sites, while in some cases the same number is used as contact for different women.
- One website offers “*virginity auctions*” for club members only. Navigating the “virgins” link are observed a number of visibly very young girls

27

OSCE response – research GREECE

- There are three main online marketplaces in Greece: escort catalogues, escort agencies, and sites advertising the site-specific services
- Europe-wide and multi-national sites such as *Eurogirlescort*, *TopEscortsClub* and *TopEscortBabes* have sub-sites for Greece, with over 1000 advertisements on each
- the sites provide very little information about the women. The most prominent demographics appear to be Russian-speaking and Latin American

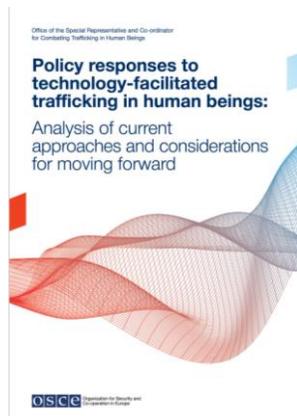
28

OSCE response – research LITHUANIA

Services	%	Gender	%
escort services	86	female	61
catalogue/directory		female/male	12
escort agency	5	female/male/shemale	7
classifieds site	5	shemale	5
dating site	3	male	3
hobby board	2		

- International resources prevail - 92%. Local resources take up 8% of the market share.
- Some escort agency offers the services of a girl for a period of 7 and 14 days, which may be indicative of human trafficking.

OSCE response – policy action



- Analysis of how technology-facilitated THB has been approached from the perspective of policy and legislation
- Examines the policies and practices adopted by the private sector and civil society organizations.
- Offers recommendations for policy and legislative responses by OSCE participating States to the misuse of technology to exploit victims

OSCE response – policy action

Ensure that technology-facilitated THB is covered by national definitions of THB and criminal procedure applicable to THB

- ✓ Review national laws that are pivotal to enforcing and prosecuting technology-facilitated THB offences to ensure that they adequately apply to technology-facilitated THB offences
- ✓ Consider whether inclusion of an explicit reference to technology-facilitated THB in anti-trafficking legislation is needed, or, alternatively, consider providing interpretative guidance
- ✓ Increase adoption of the Budapest Convention

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OSCE response – policy action

Enhance State-led regulatory frameworks

Regulatory reform that is based on co-regulation or State-led regulation

- ✓ Establish safety as a paramount consideration for all categories of users in policy and regulatory measures;
- ✓ Implement “safety-by-design” principles in design, development and distribution phases.
- ✓ Adopt prevention measures
- ✓ Conduct regular due diligence

32

OSCE response – policy action

Enhance State-led regulatory frameworks

Regulatory reform that is based on co-regulation or State-led regulation

- ✓ Conduct proactive monitoring for exploitative materials and misuse of platforms, and establish mechanisms that allow direct reporting
- ✓ Establish liability for harm caused by content on the platforms or exploitation on the platforms based on the should-have-known principle
- ✓ Establish transparency standards

33

Thank you!

radu.cucos@osce.org



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



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

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Opferidentifizierung

Opferorientierte Ermittlungen



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Workshop

Ausübung der Prostitution legal

- 18/19 Jahre alt
- Wohnsitz in Österreich
- behördliche Meldung d. Prostitutionsausübung

Polizeiliche Kontrolltätigkeit

- Prostitutionslokale (Einhaltung d. Vorschriften)
- Kontrolle d. erforderlichen Dokumente

Workshop

Ermittlungsmaßnahmen - Kontaktaufnahme

- Priorisierung / Abgleich Datenbanken
- Auslandsabfragen
- Observation
- Telefonüberwachung

Ermittlungsmaßnahmen – Kontaktaufnahme

- Kontrolltätigkeiten bei Prostitutionsausübung
- Befragung / Vernehmung

Workshop

Befragung/Vernehmung

- Vorbereitungen/Überlegungen im Vorfeld
- Opferschutz
- Dolmetsch
- Aufbau/Herangehensweise
- Sachverhalt

Workshop

Unterstützung

- in Koordination mit Opferschutzeinrichtung
- endet nicht mit Abschlussbericht an die Staatsanwaltschaft
- Gerichtsverhandlung

Vielen Dank für Ihre Aufmerksamkeit!

CONCEPT OF JOINT INVESTIGATION TEAMS

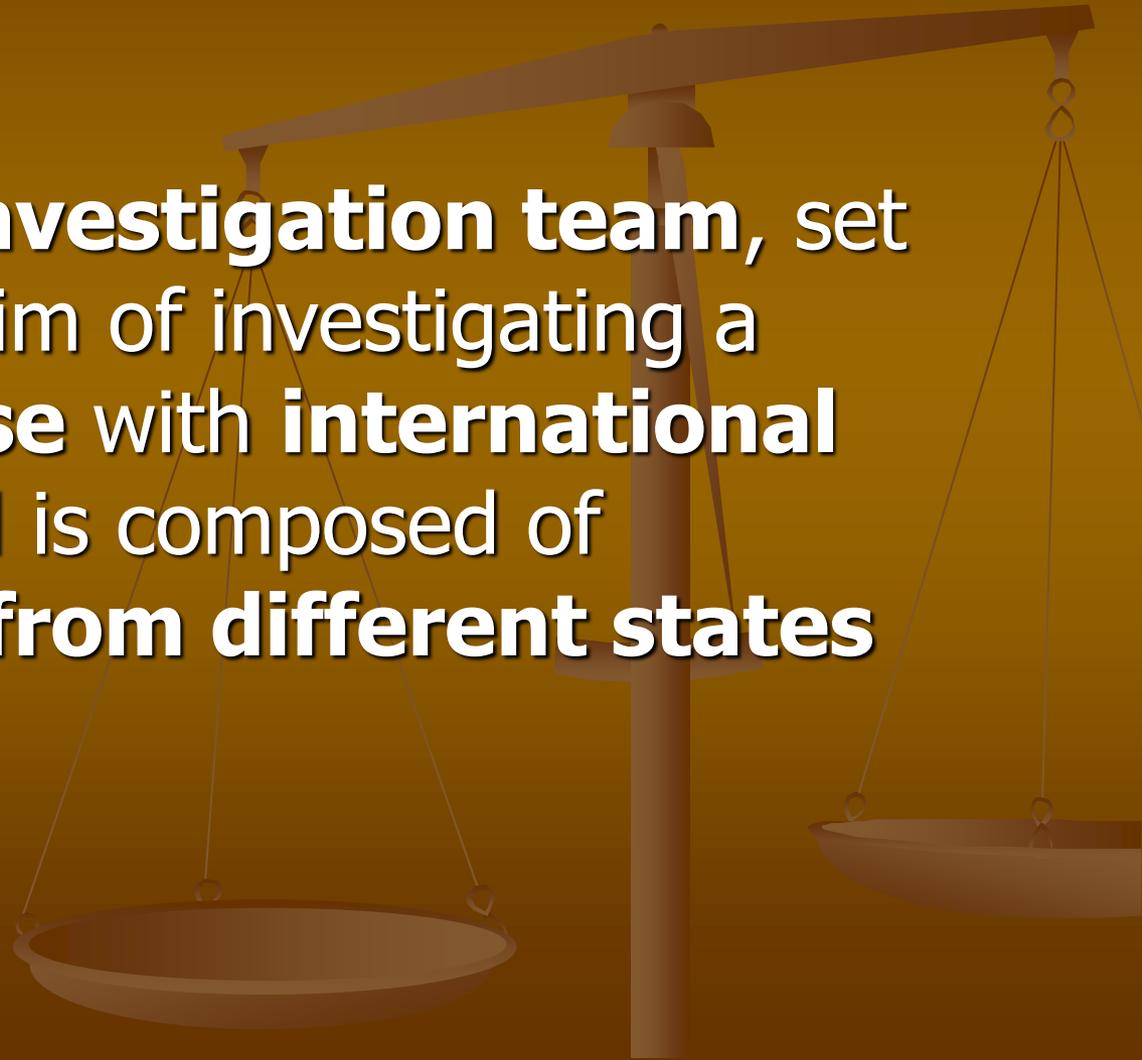
Maja Veber Šajn, MSc
Senior State Prosecutor
Supreme State Prosecutor's Office of the
Republic of Slovenia



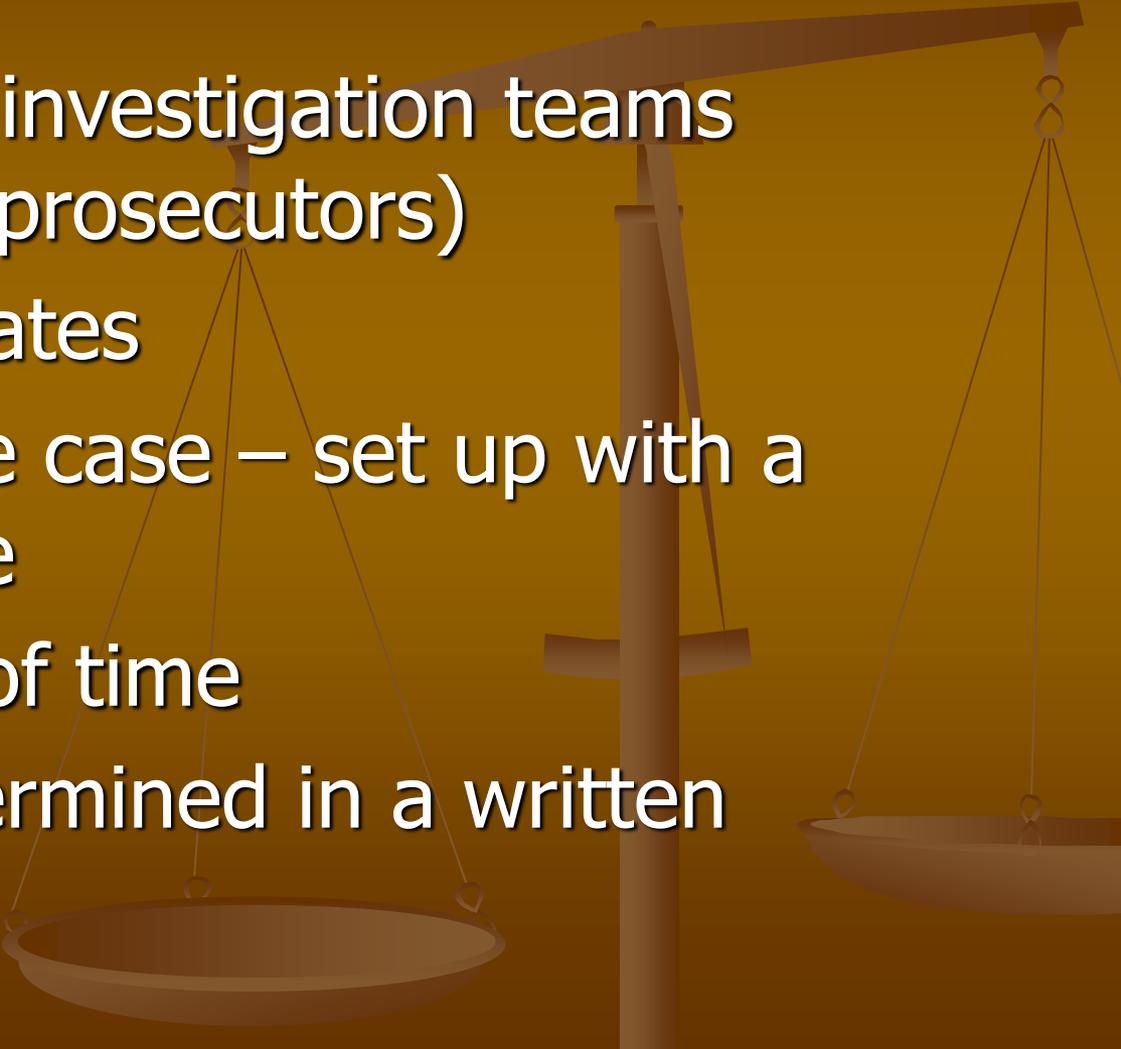
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What is a JIT?

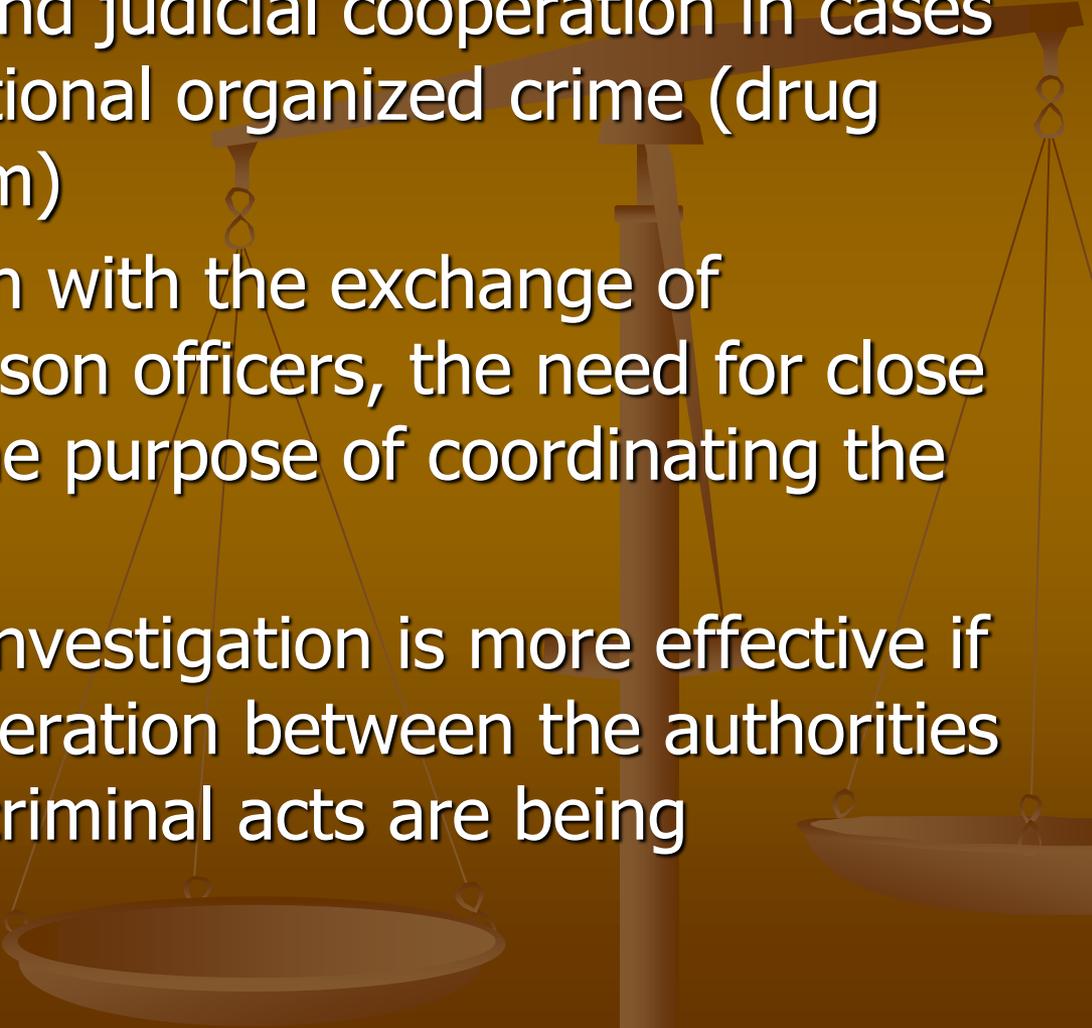
- operational **investigation team**, set up with the aim of investigating a **complex case with international element** and is composed of **authorities from different states**



JIT

- cooperation of investigation teams (investigators, prosecutors)
 - two or more states
 - working on one case – set up with a special purpose
 - limited period of time
 - conditions determined in a written contract
- 

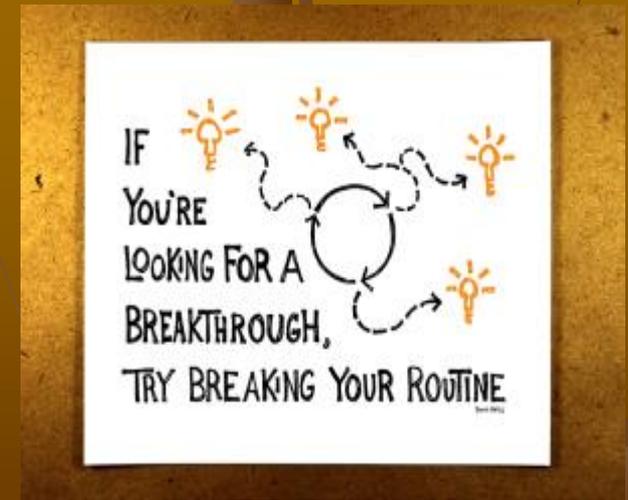
Idea of JITS



- insufficient police and judicial cooperation in cases of complex international organized crime (drug trafficking, terrorism)
- not just cooperation with the exchange of information and liaison officers, the need for close cooperation with the purpose of coordinating the investigation
- without borders – investigation is more effective if there is direct cooperation between the authorities of states in which criminal acts are being investigated

Why change the “winning team”?

Why use a JIT if we can work as we have worked before?



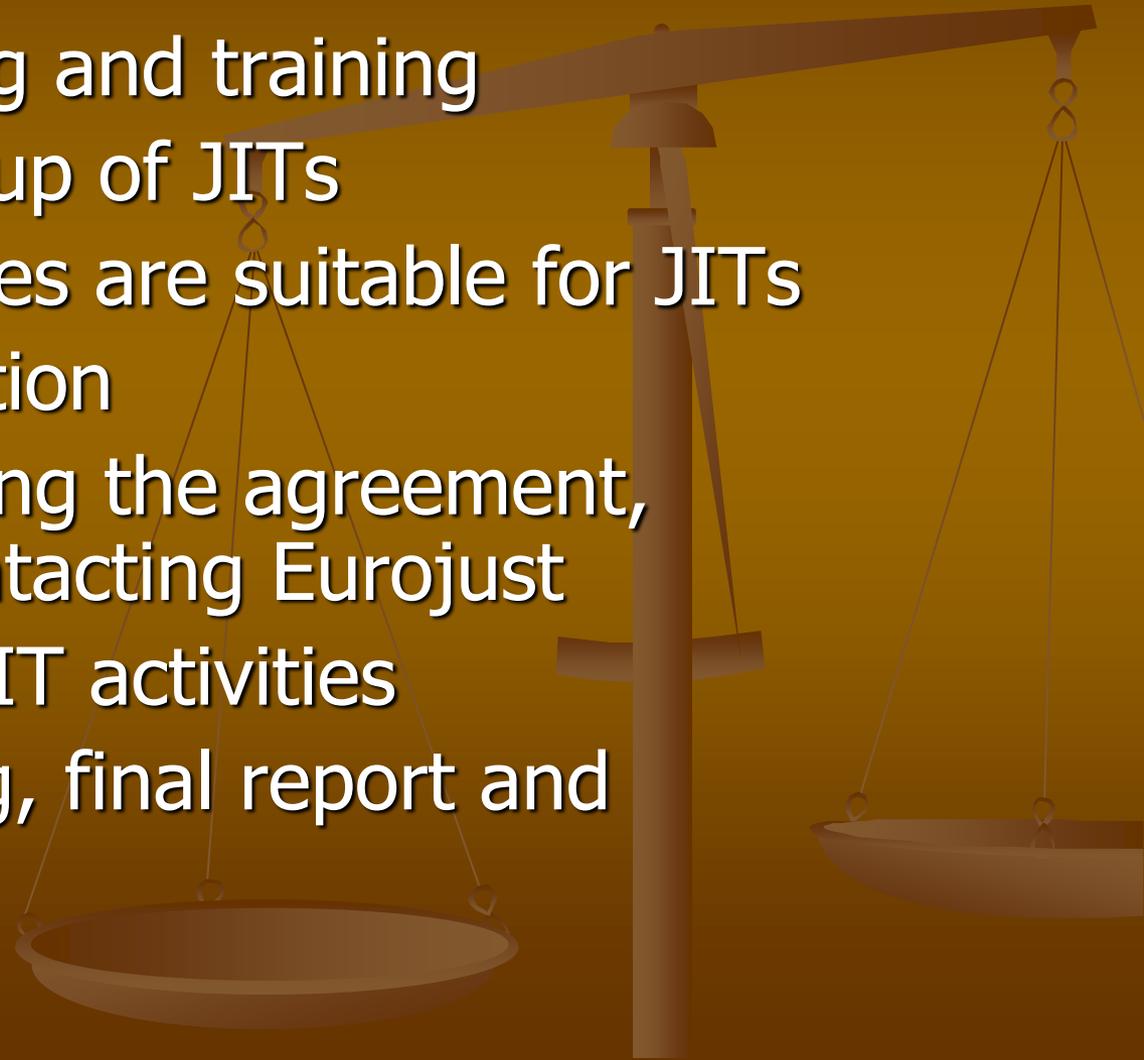
Fear of JITs

- language barriers
- administration
- differences in legislation
- admissibility of evidence
- costs
- lack of trust



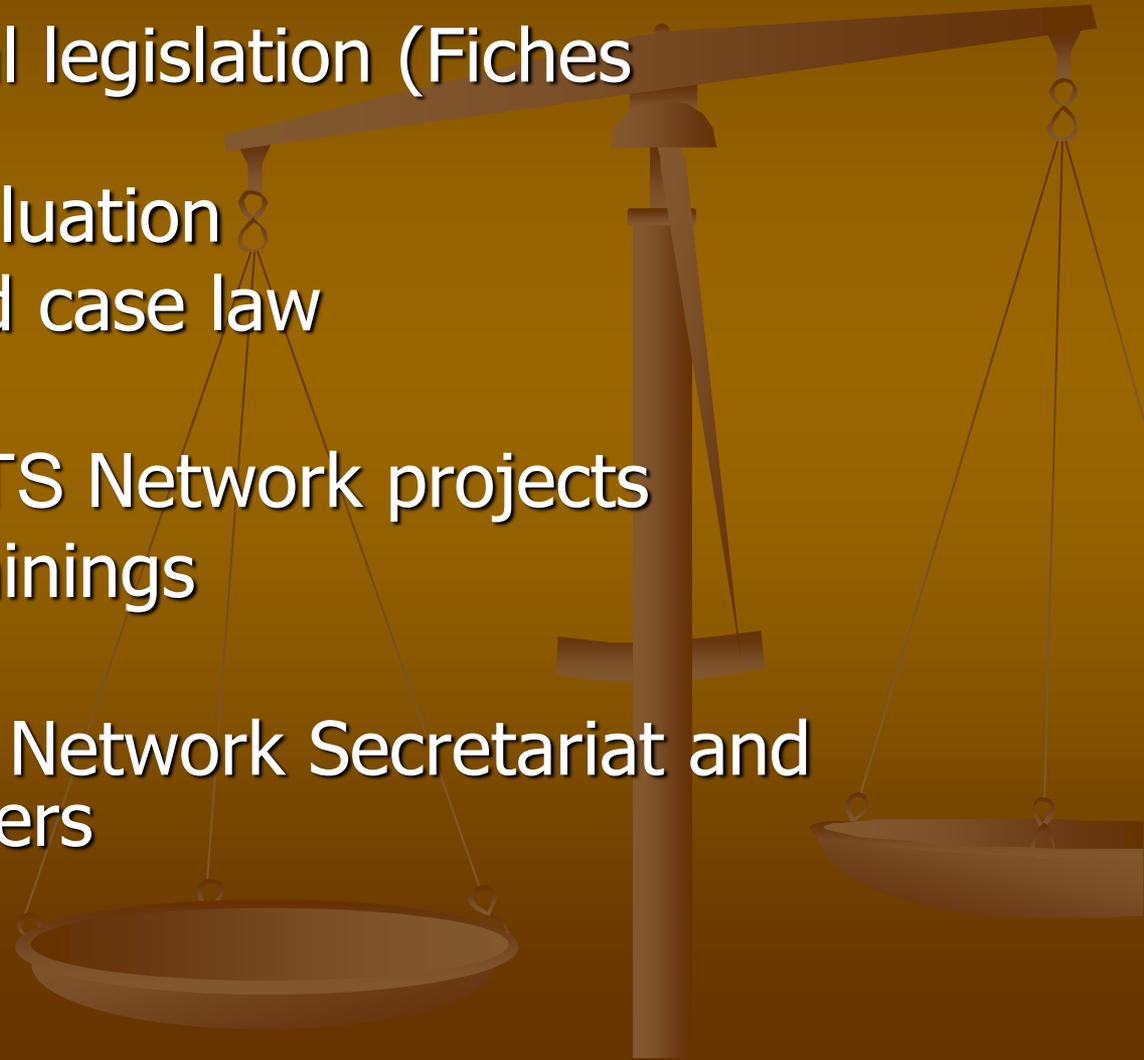
Role of National JIT expert

- awareness raising and training
- promote setting up of JITs
- advise which cases are suitable for JITs
- advise on legislation
- involved in drafting the agreement, negotiations, contacting Eurojust
- coordination of JIT activities
- help with funding, final report and evaluation form

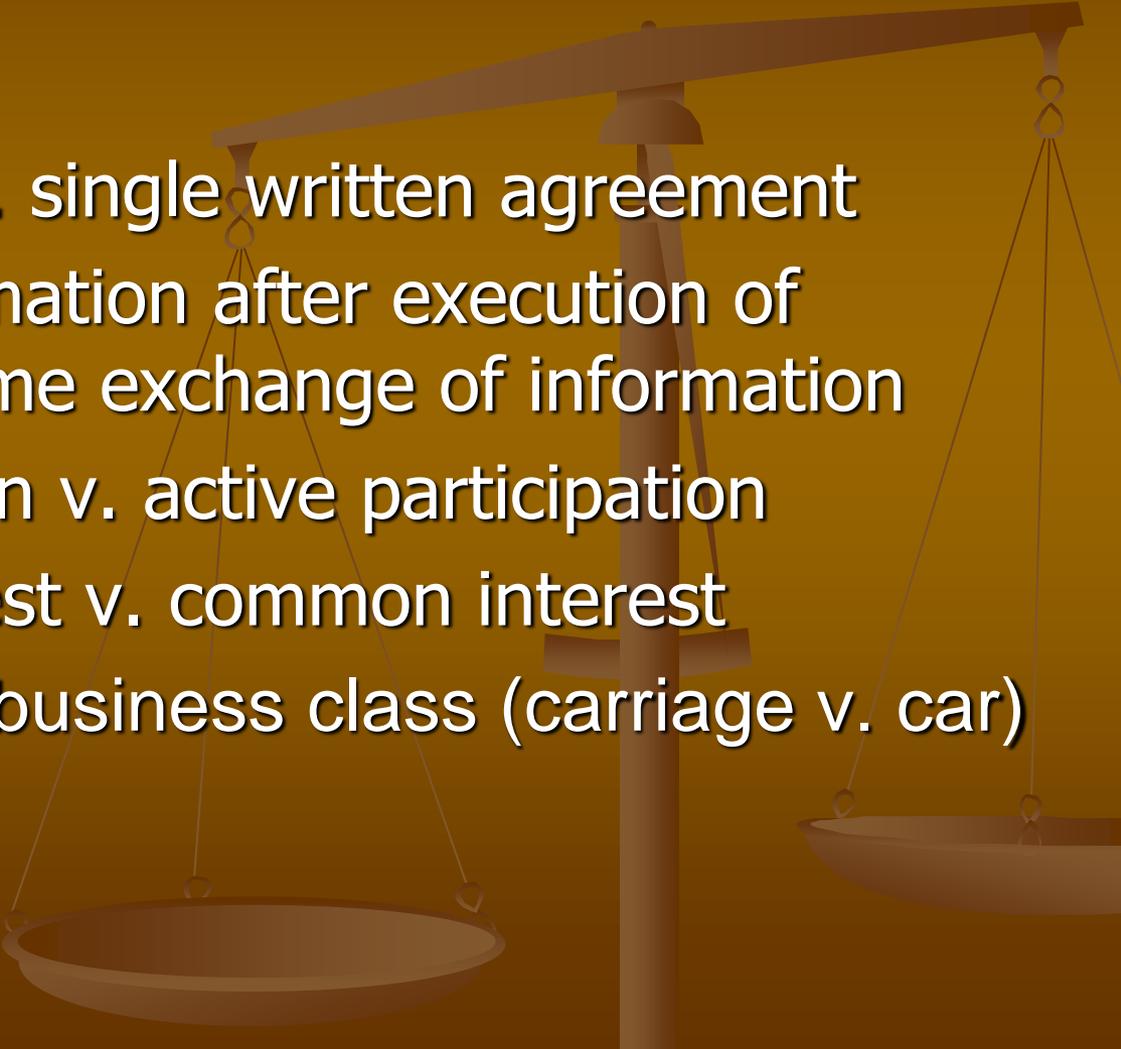


Role of National JIT expert

- project on national legislation (Fiches Espagnoles)
- project on JIT evaluation
- gather JIT related case law
- JIT statistics
- participation in JITS Network projects
- participation in trainings
- annual meetings
- link between JITS Network Secretariat and national practitioners

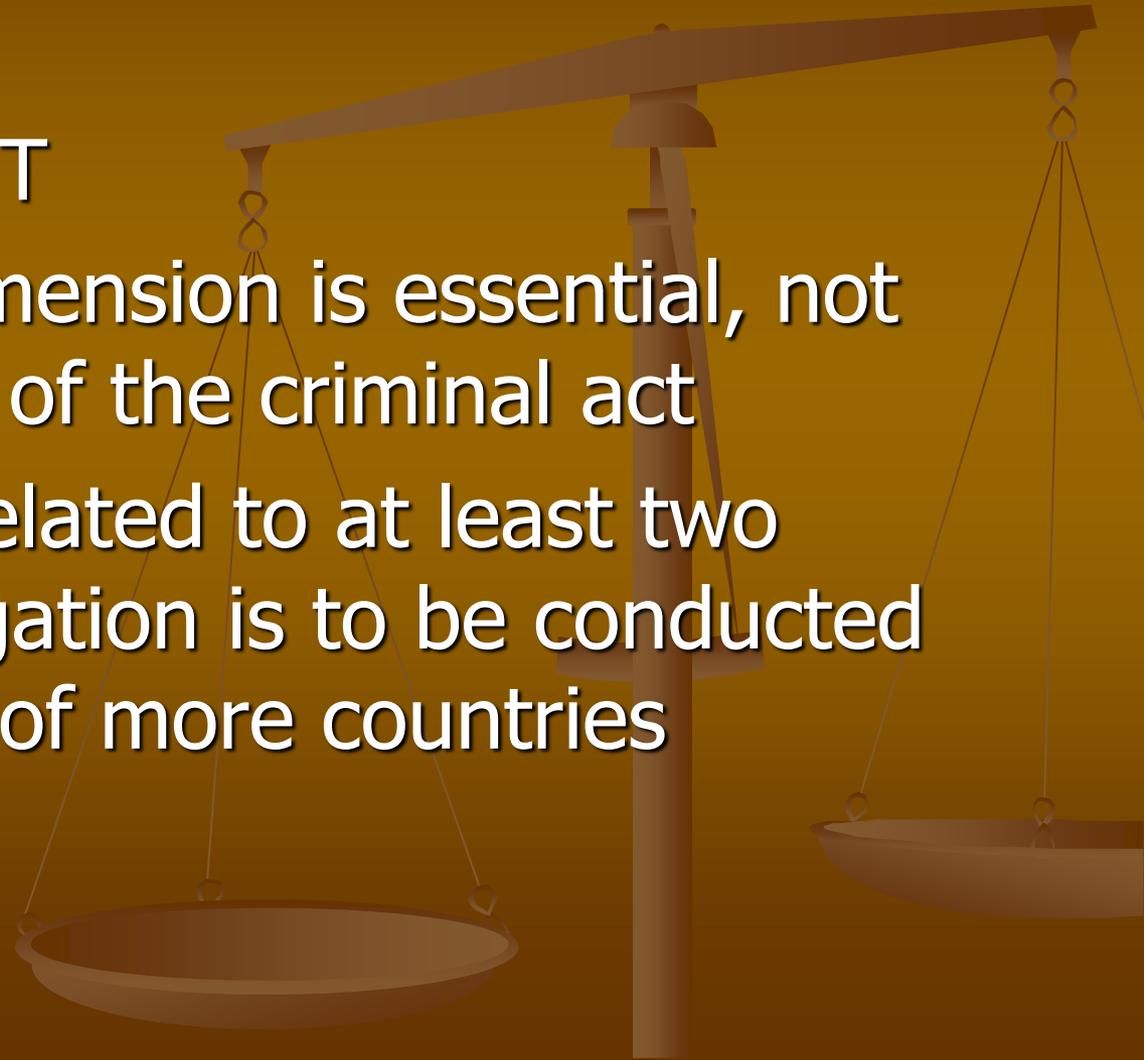


MLA v. JIT

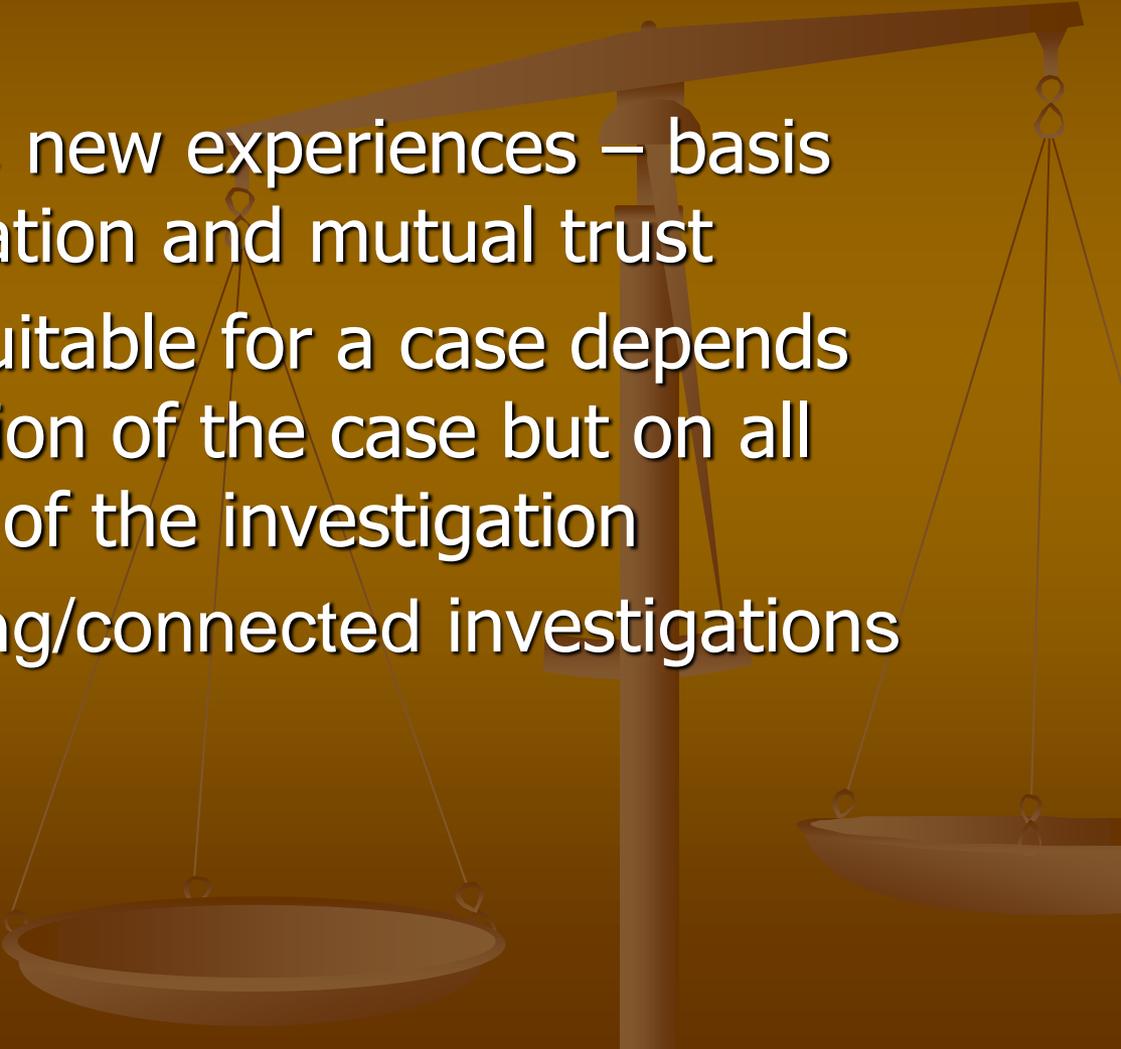
- several requests v. single written agreement
 - exchange of information after execution of MLA/EIO v. real-time exchange of information
 - limited participation v. active participation
 - execution of request v. common interest
 - economy class v. business class (carriage v. car)
- 

What kind of cases?

- no “standard” JIT
- international dimension is essential, not the seriousness of the criminal act
- criminal act is related to at least two states – investigation is to be conducted on the territory of more countries

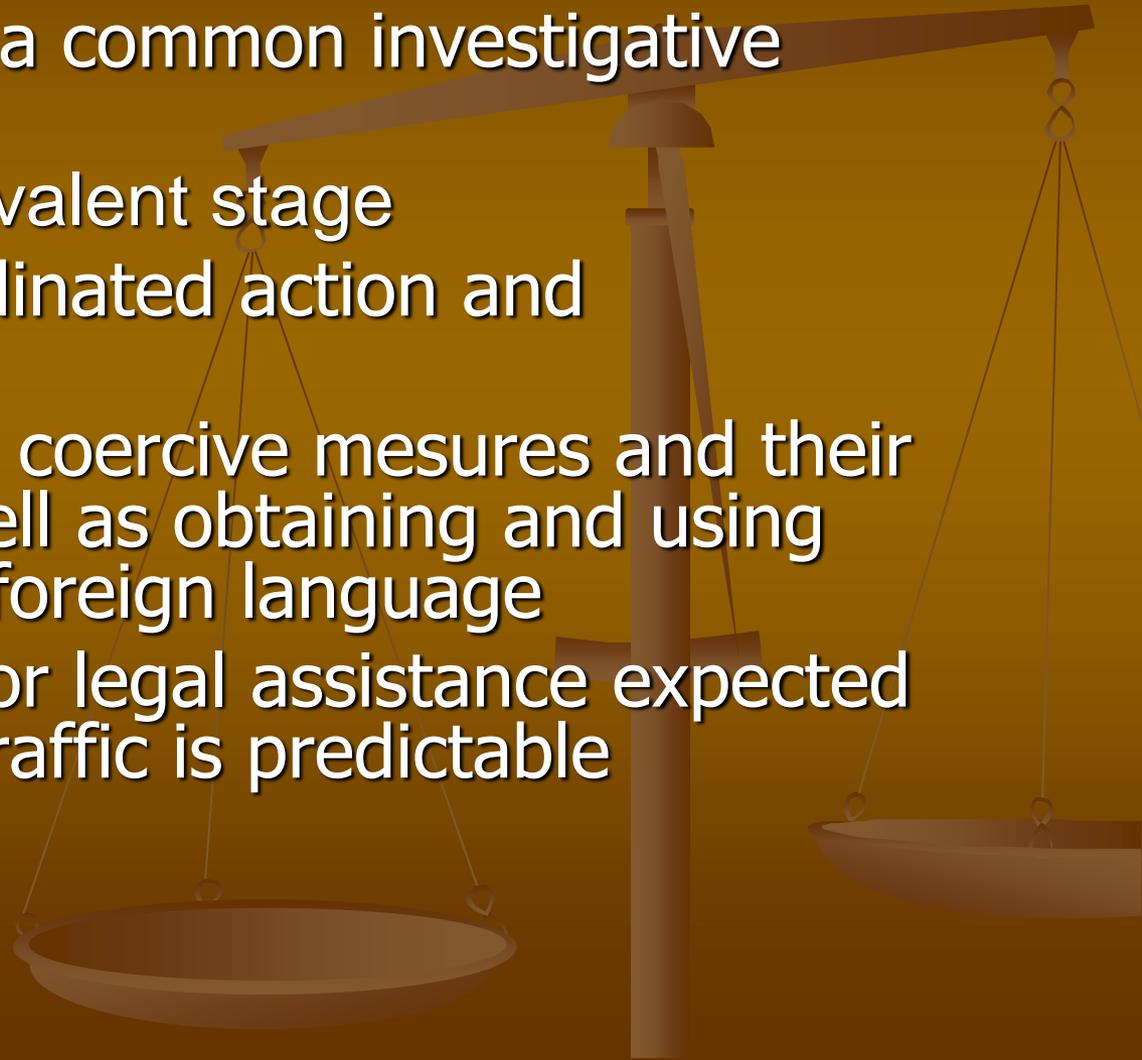


What kind of cases?

- also smaller cases, new experiences – basis for further cooperation and mutual trust
 - whether a JIT is suitable for a case depends not on the dimension of the case but on all the circumstances of the investigation
 - complex/demanding/connected investigations
- 

When to consider a JIT?

- another state has a common investigative interest
- early stage – equivalent stage
- the need for coordinated action and investigation
- expected need for coercive measures and their coordination as well as obtaining and using the evidence in a foreign language
- several requests for legal assistance expected – extensive MLA traffic is predictable



When to consider a JIT?

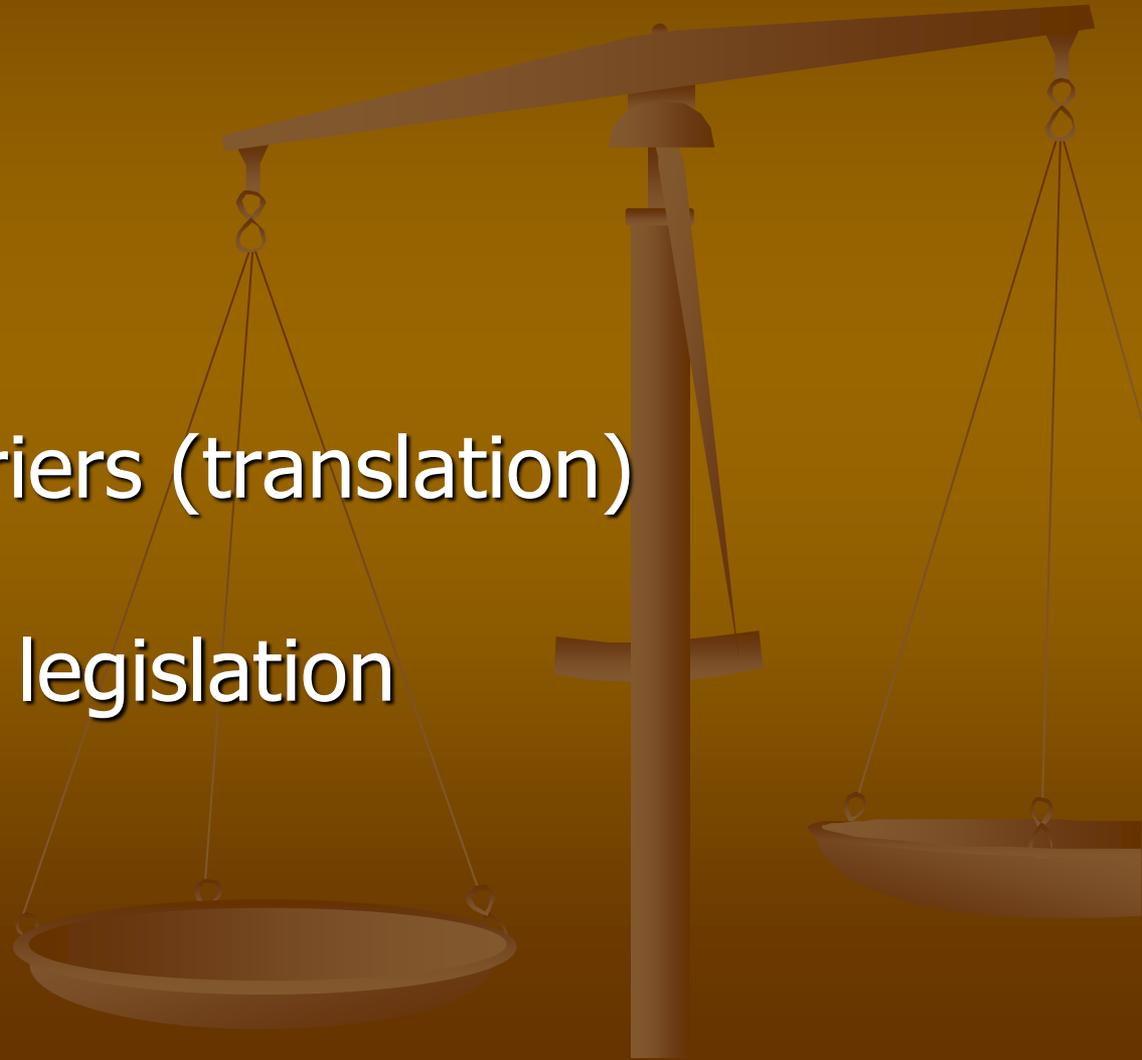
EQUALITY & COMMITMENT

- all parties are equally committed to the JIT
- commitment is the key ingredient for success

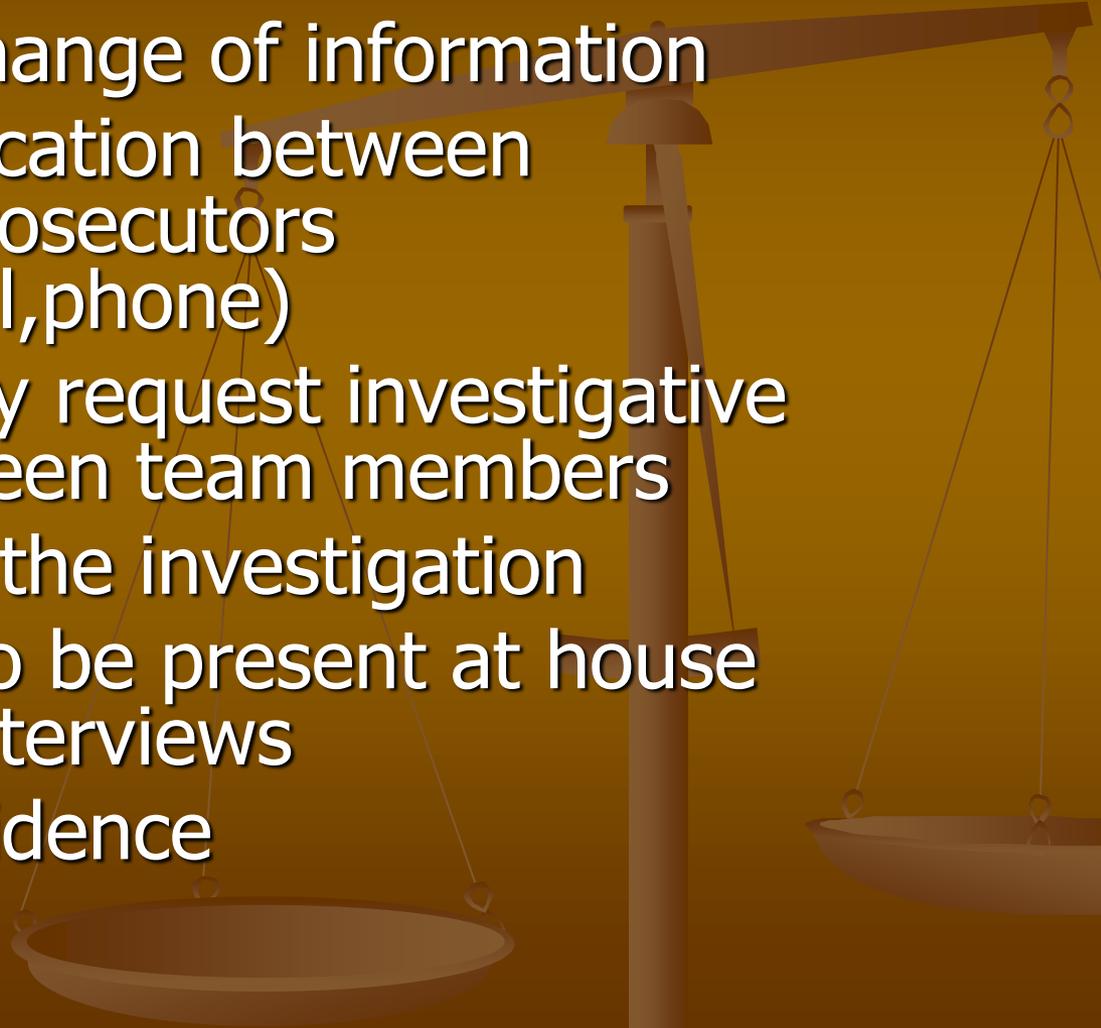


Weaknesses

- lack of trust
- language barriers (translation)
- differences in legislation



Strengths

- fast, direct exchange of information
 - direct communication between investigators/prosecutors (meetings/email, phone)
 - ability to directly request investigative measures between team members
 - coordination of the investigation
 - the possibility to be present at house searches and interviews
 - credibility of evidence
 - mutual trust
- 

Conclusion

- flexible tool for effective investigation of criminal acts with international element
 - common goal
 - broadens our perspective
 - gaining of experience and mutual trust
 - friendship
- 

Teamwork



Champions

Questions?

THANK YOU FOR YOUR ATTENTION

maja.veber-sajn@dt-rs.si



EXPERIENCES CONCERNING JIT

Maja Veber Šajn, MSc
Senior State Prosecutor
Supreme State Prosecutor's Office of the
Republic of Slovenia



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1

Legislation - SLO

- JIT signed by prosecutor general/deputy after obtaining the opinion of the Director General of the Police
- initiative of the State Prosecutor General, Head of the District State Prosecution Office or the Head of the Specialized Prosecution Office or competent authority of another state

2

JIT Patria

- suspicion of aggravated bribery
- 2007- criminal intelligence information from the Austrian police relating to a money laundering case
- suspicious transactions report

3

Case background

- on the same day 3,6 million Euros were transferred from Finnish company Patria to the account of Austrian company and then 2,3 million was transferred to the account of WW
- he then tried to transfer the money to different accounts (Liechtenstein, Thailand, Austria)
- transfers were not done because the bank considered them suspicious
- money was returned to the account of Austrian company

4

Case background

- Interpol dispatch
- investigation pointed to suspicion of bribes paid to Slovenian citizens in connection with the contract between Patria and the Ministry of Defence of the Republic of Slovenia for the purchase of 135 8-wheel armoured vehicles (280 million EUR deal)
- Finnish, Austrian and Slovenian citizens involved

5

Investigation

- Finland launched the investigation
- several people were detained
- May 2008 - proposal by Finnish prosecutor General to set up a JIT
- cooperation with Finnish and Slovenian authorities began

6

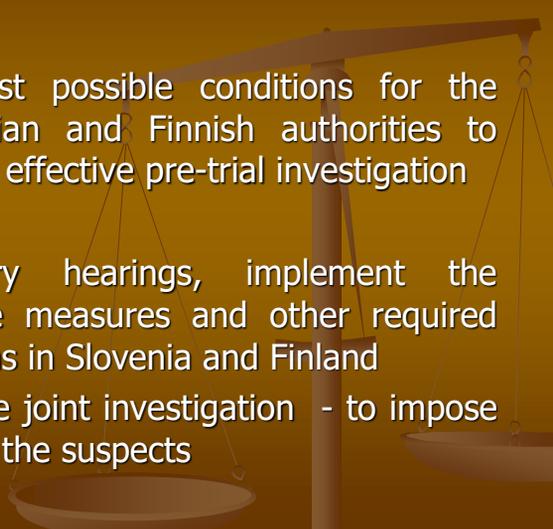
JIT Agreement



- 16.6.2008 joint investigation team agreement was signed between Slovenia and Finland
- National Bureau of Investigation, Finland
- Supreme State Prosecution Office of the Republic of Slovenia

7

JIT Agreement



Purpose of the JIT

- to create the best possible conditions for the competent Slovenian and Finnish authorities to jointly carry out an effective pre-trial investigation
- collect evidence
- conduct necessary hearings, implement the necessary coercive measures and other required investigation actions in Slovenia and Finland
- final purpose of the joint investigation - to impose criminal liability on the suspects

8

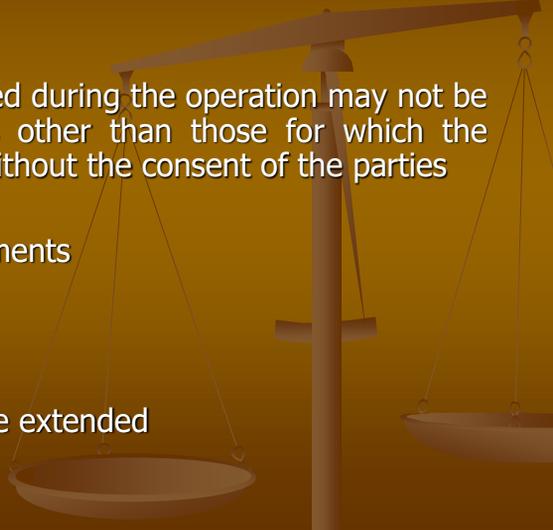
JIT Agreement



- JIT leaders and competences of the members
- Slovenia: Higher State Prosecutor
- Finland: Detective Chief Inspector
- different competent authorities for signing the JIT
- legislation

9

JIT Agreement



Confidentiality

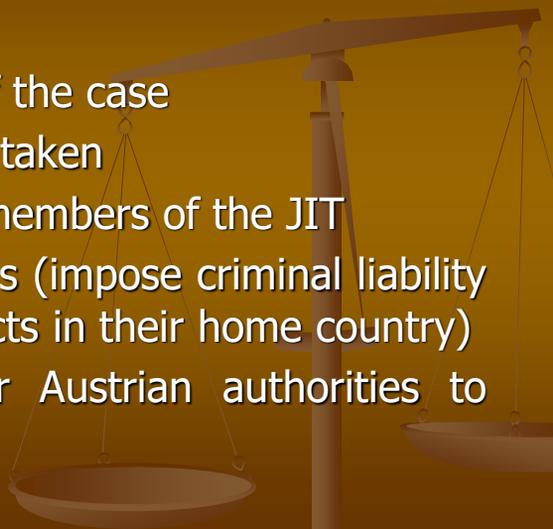
- information obtained during the operation may not be used for purposes other than those for which the team was set up without the consent of the parties

Organisational agreements

- language: English
- costs
- 30.6.2009, could be extended

10

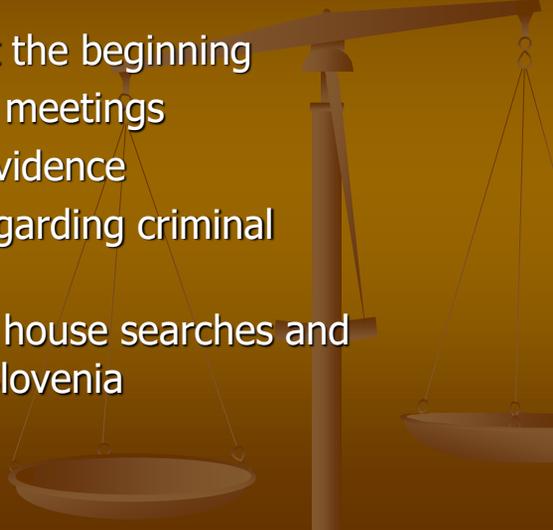
Operational plan

A faint, stylized image of a balance scale is visible in the background of the slide, positioned on the right side.

- 4.7.2008
- description of the case
- actions to be taken
- leaders and members of the JIT
- target persons (impose criminal liability on the suspects in their home country)
- possibility for Austrian authorities to join

11

JIT cooperation

A faint, stylized image of a balance scale is visible in the background of the slide, positioned on the right side.

- lack of trust at the beginning
- many working meetings
- exchange of evidence
- information regarding criminal legislation
- spring 2009 - house searches and interviews in Slovenia

12

Annex

- 1.4.2009 Austria becomes a party to the JIT
- period covered by the agreement is extended until 31.12.2009

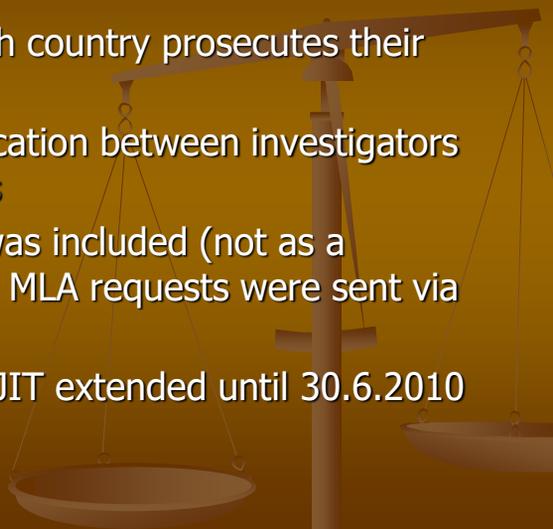
13

Joint activities

- May 2009 Finland – interviews
- working visits (14)
- exchange of evidence (e-mails, protocols of interviews, protocols of house searches at the working visits or via e-mail)
- exchange of information (Finnish and Austrian investigators in Slovenia)
- coordination of investigating measures
- September 2009 Austria – interviews
- October 2009 Slovenia - interviews

14

Joint activities

A faint, stylized image of a balance scale is visible in the background of the slide, symbolizing justice or legal proceedings.

- agreed that each country prosecutes their nationals
- direct communication between investigators and prosecutors
- 2009 Eurojust was included (not as a member), some MLA requests were sent via Eurojust
- duration of the JIT extended until 30.6.2010

15

Weaknesses

A faint, stylized image of a balance scale is visible in the background of the slide, symbolizing justice or legal proceedings.

- lack of trust at the beginning
- language barriers (translation)
- differences in legislation

16

Strengths

- fast, direct exchange of information
- direct communication between investigators/prosecutors (meetings/email,phone)
- ability to directly request investigative measures between team members
- coordination of the investigation
- the possibility to be present at house searches and interviews
- credibility of evidence – 3 states
- mutual trust

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Results - Slovenia

- summer 2010 indictment filed
- fall 2011 trial began
- 4 people accused of Accepting Benefits for Illegal Intermediation (Art 269 CC)
- 1 person accused of Giving of Gifts for Illegal Intermediation (Art 269.a CC)
- June 2013 - 3 people were convicted (2 years of imprisonment, 22 months of imprisonment, 37.000 EUR fine)

18

Results - Slovenia

- April 2015 Constitutional Court overturned the decision, case was returned to the court of first instance, procedure later barred by statute of limitations
- financial investigation was launched, process for civil confiscation was initiated and suit was filed but later withdrawn due to a Constitutional Court decision regarding the retroactive effect of the Confiscation of Assets of Illegal Origin Act

19

Results - Slovenia

- Misfeasance in Office (Art 262 CC) - acquittal
- Abuse of Office or Official Duties (Art 261 CC) – conviction (2,5 years and 15.000 EUR fine; 4 years 4 months and 30.000 EUR fine)

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Results in other countries



- Austria – April 2013 - conviction, 3 years and 850.000 EUR fine
- Finland – January 2014 - acquittal

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Conclusion



- flexible tool for effective investigation of criminal acts with international element
- common goal
- broadens our perspective
- gaining of experience and mutual trust
- friendship

22

Questions?

THANK YOU FOR YOUR ATTENTION

maja.veber-sajn@dt-rs.si



INVESTIGATION THB

FINANCIAL INVESTIGATION

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

 Police Fédérale
Federale Politie

1

INTRODUCTION

APPROACH THB BELGIUM

FINANCIAL INVESTIGATION – WHY ?

FINANCIAL INVESTIGATION – OPTIONS

FINANCIAL INVESTIGATION – EVALUATION OPTIONS

CASE THB

NOTES

 Police Fédérale
Federale Politie

2



INTRODUCTION

3

FJP BRUSSELS – 2nd DIVISION



TRAFFICKING IN HUMAN BEINGS

SMUGGLING OF PERSONS

COUNTERFEIT DOCUMENTS

4

2

APPROACH THB BELGIUM

5

THB - Art 433 CC

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

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

6

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

7

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



8

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

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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

10

Guidance plan for 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 his/her 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)

11



FINANCIAL INVESTIGATION

WHY ?



Federale Politie

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GOALS INVESTIGATION THB

DISMANTLING OCG

- To stop the offence
- To arrest perpetrators
- To bring them before court
- To convince them
- 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

13

FINANCIAL INVESTIGATION: WHY ?



14



15

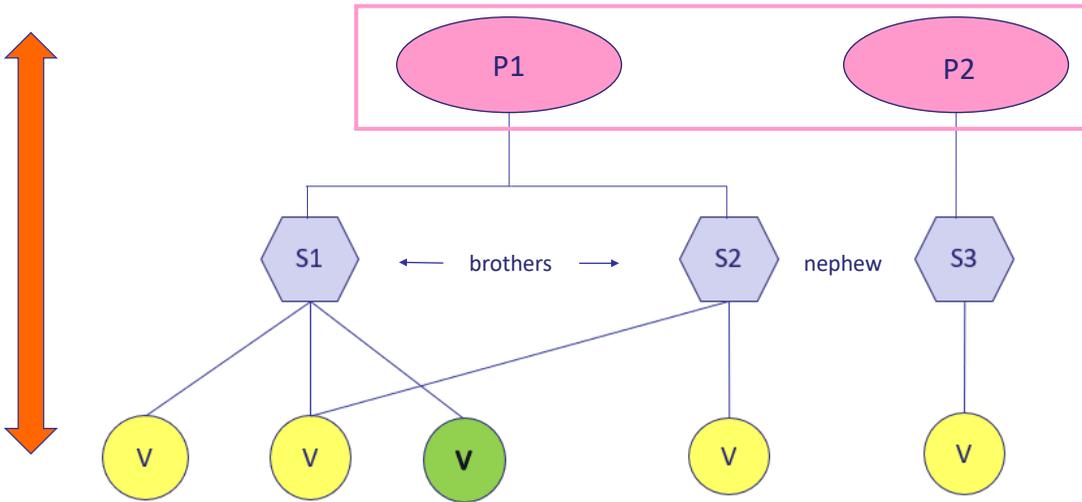
SUPPORTING INVESTIGATION THB

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)**

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HOW?



17



18

PERPETRATOR - OCG



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

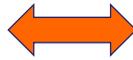


HOW?

SEIZURES



in country of exploitation



in home country

WHAT?





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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

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4

FINANCIAL INVESTIGATION

OPTIONS

Federale Politie

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HOW ?

- OPTION 1**
Investigation
“Money
Laundering”
- OPTION 2**
Financial
Investigation
“Recovery illegal
assets”
- OPTION 3**
Special financial
investigation
ordered by the
judge at court

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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

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FIN INVESTIGATION – ASSETS RECOVERY

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

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INVESTIGATION ORDERED BY JUDGE

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

27



FINANCIAL INVESTIGATION

EVALUATION OPTIONS



Federale Politie

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OPTION 3

OPTION 3: FINANCIAL 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 assets.

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OPTION 2

OPTION 2: RECOVERY CRIMINAL 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

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OPTION 2

OPTION 2: RECOVERY CRIMINAL ASSETS

6. no delay in the investigation THB
7. time Arrest = time "seizure/freezing"
8. unexpected timing: no time/opportunity to make disappear assets
9. execution by investigators THB (easy cases) / financial investigators (more complex cases).

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OPTION 2

OPTION 2: RECOVERY CRIMINAL ASSETS

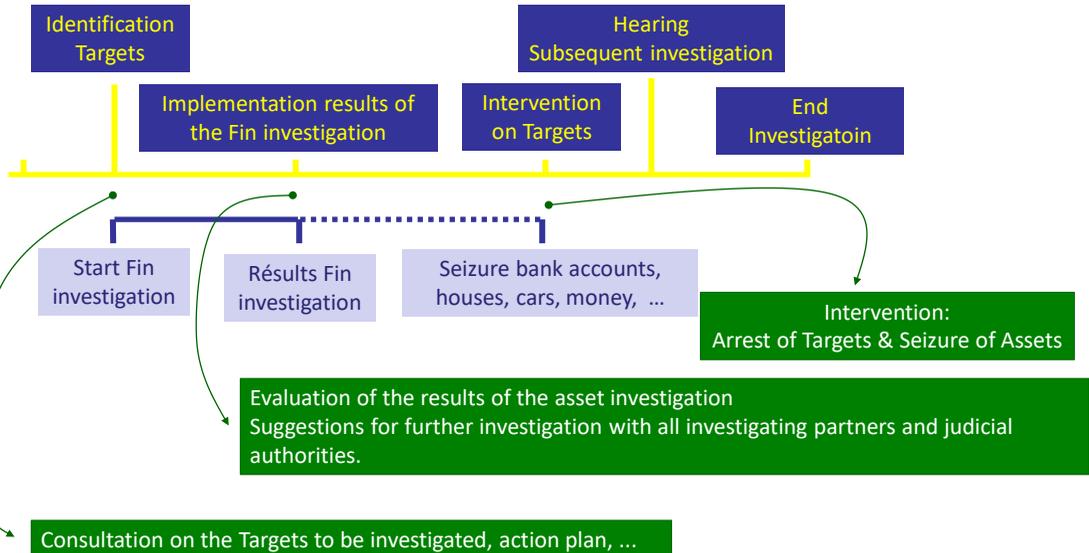
10. focus on the main entities of the file (natural and legal persons) by checking:

- ✓ cadastral data
- ✓ tax file
- ✓ bank accounts



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OPTION 2 IN PRACTICE



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OPTION 1

OPTION 1: INVESTIGATION MONEY LAUNDERING

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



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FINANCIAL INVESTIGATION OPTIMAL SITUATION

35

IN PRACTICE

Execution of a financial investigation where we will try to locate and determine the illegal assets (earned by the criminal activities).

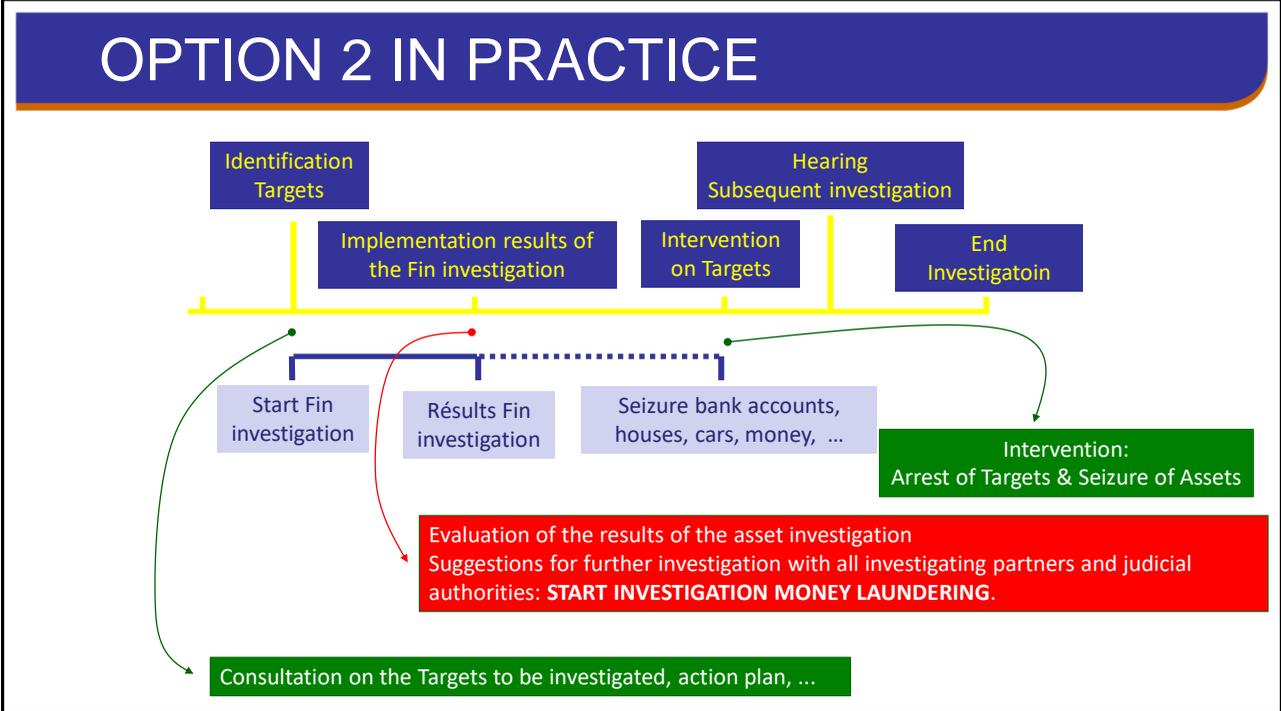


evaluation of the possible launch of a separate money laundering investigation

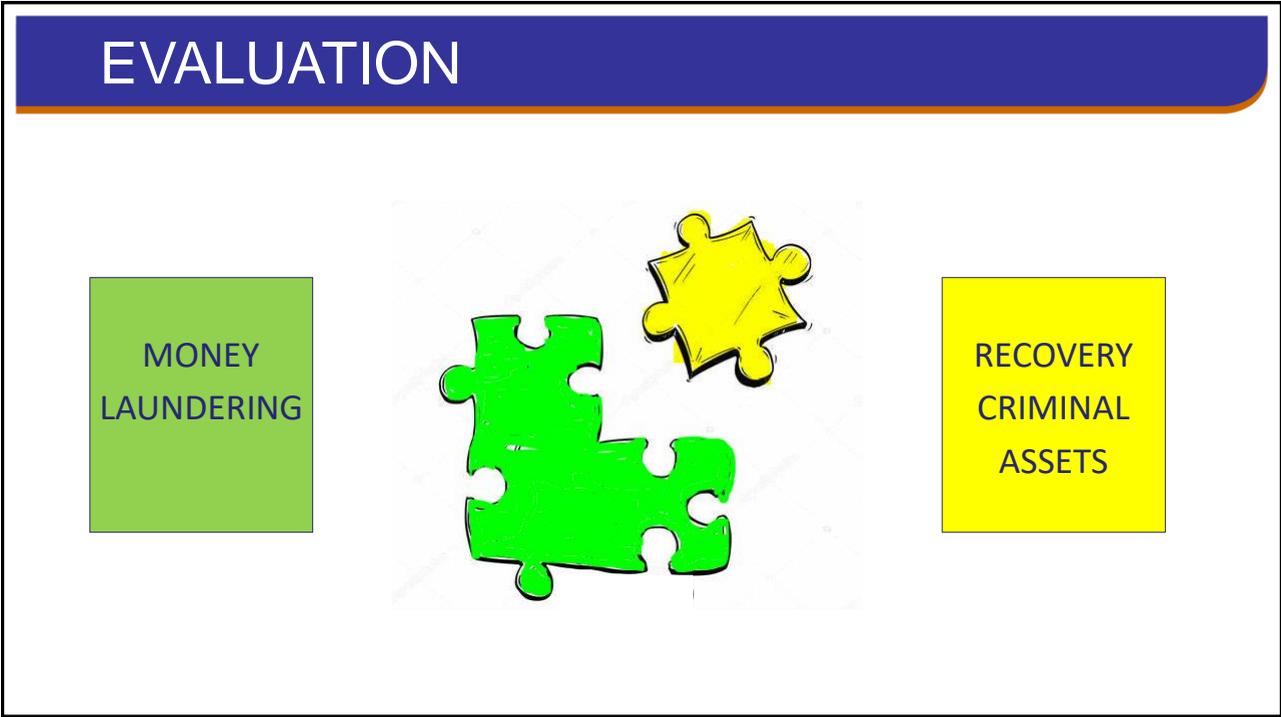


Start/ No start of an investigation “money laundering”

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37



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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

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CROSS-BORDER COOPERATION



COUNTRY OF EXPLOITATION

Seizure assets
Investigation “THB”
(Incl: recovery illegal assets)



COUNTRY OF ORIGIN

Seizure assets
Investigation “money laundering”

40



INVESTIGATION BIG NOSE

41

SITUATION

OCG:

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

START FINANCIAL INVESTIGATION:

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

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SITUATION

MONEY TRANSFERS

- money coming from prostitution activities → Romania
- methods of transferring money
 - ✓ via agencies
 - ✓ 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 false or falsified ID for money transfers
- gain: 700 – 1.200 euro / day / victim

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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

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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: -

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NOTES

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CRYPTOCURRENCY



Digital transformation of society

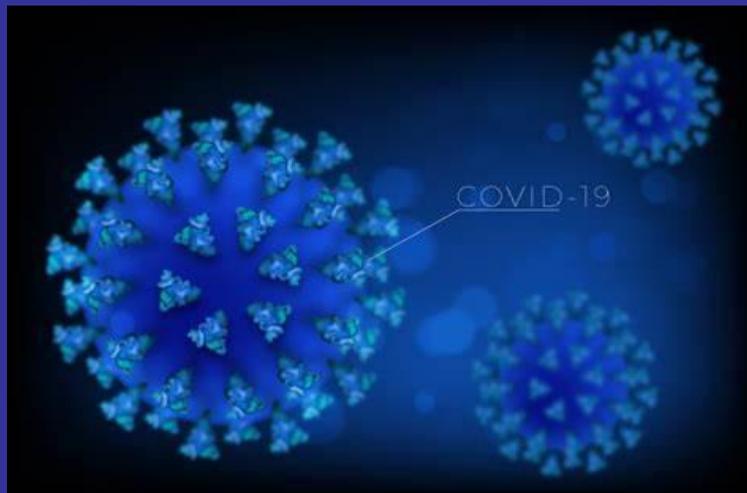


Digital transformation of currency

CRYPTOCURRENCY

1. Cryptocurrency = technical digital innovation with a financial purpose.
2. Digital financial transfer system where a secure payment could be sent directly to the recipient, without the use of an intermediary.
3. Users can already use the digital currency to trade (i.e. payments, investments, transfer of funds) among themselves in the virtual world. This also includes abuse by criminal actors... !!
4. Digital transfer system: combination of online technology + cryptography
5. If used in cases THB: assistance of colleagues CCU (Computer Crime Unit)

49



50

COVID-19

Visible prostitution: closure of establishments

!! SUPERVISION POSSIBLE !!



Hidden prostitution:

!! SUPERVISION DIFFICULT !!

51

SITUATION IN BRUSSELS

1. no increase in hidden prostitution activity
2. volume of advertisements has decreased significantly
3. girls from Eastern Europe and Chinese girls seem to be more aware of the risks (in contradiction to the girls from Latin America)
4. no significant migration of girls from the street/window to the internet (1 case)
5. the majority of brothels seem to have ceased their activities
6. the managers of the websites do not seem to be ready to close down their sites BUT are taking varying measures to deal with the situation.

52

COVID-19: MEASURES WEBSITE

1. Home page site:

warning against violating containment rules by soliciting or accepting physical appointments



53

COVID-19: MEASURES WEBSITE

Below each advertisement: the services offered are part of the virtual sex

Publié par **LeLotex** (48 ans) - mardi, 07 avril - 12:55

✓ Vérifié **🔒 Sécurisé**

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

WEBCAM sex pour le moment

facile vous me trouvez sur le chat vidéo lelotex paiement via paypal

je vous accompagnerais jouissance garantie

il faut savoir savoir chaste cougar a gros seins naturel chatte chaude a vous donner l'eau a la bouche

orgasme assurée

SEXE VIRTUEL

il est important de garder vos distances dans cette crise de Corona. Surtout votre travailleur du sexe interdit et interdit un rendez vous physique avec vidéo

30 min - € 70,00 **60 min - € 120,00**

+32 498 42 62 72

Hello, I'm Sofia
Webcam show

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

✓ Vérifié **🔒 Sécurisé**

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

If the customer calls and requests a physical appointment, it is not impossible that this will be granted

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FORUMS FOR CUSTOMERS (youppie.net)

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



detection girls still working with physical contacts



Organizing/orientation of police controls

55

CASE "FLAMINGO"

aggravating circumstance

=

the victim's life was deliberately or grossly negligently endangered
being engaged in prostitution during the pandemic.

56



Thanks for your attention

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

Maarten Noordzij LL.M MSc
Senior public prosecutor THB and SOM

OPENBAAR MINISTERIE

Victim centered approaches to prosecution

Era Seminar 24th and 25th March, 2022



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

1

Table of content

1. Victim protection and compensation
2. Non-punishment principle
3. How to prevent secondary victimisation
4. Victimless prosecution strategies
5. Interagency cooperation



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2

ECtHR 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”



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3

Victims rights – legal framework

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

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4

Victims rights – legal framework

- Access without delay to legal counseling and legal representation (art. 12)
- Possibility to claim for compensation (art 12) 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). For example through witness protection programs .
- Receive specific treatment aimed at preventing secondary victimization.

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Intake / victimless prosecution

Informative interview (intake) with a certified law enforcement officer before the actual complaint

- Explaining the criminal procedure
- Providing for victim assistance and protection (referral and risk assessment for special 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)

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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 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, according the Warsaw convention on personal grounds and includes a range of situations: victim's safety, state of health, family situation or some other factors.

The Group of Experts on Action against Trafficking in Human Beings (GRETA), which monitors the implementation of the CoE Convention, has stressed that granting a residence permit on account of the personal situation of the victim tallies with the human rights-based approach to combating human trafficking.

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Victims rights

According to the Dutch Prosecutors 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.

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8

Compensation to victims

- Allowance of the claim injured parties
- Compensation measure
- Right to recover from the proceeds of the deprivation
- Payment from the Criminal Injuries Compensation Fund
 - pilot plausibility victimhood human trafficking (till 1-7-2019)



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9

Secondary victimisation

- 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 unthreatening 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 victimisation can be reduced through: proper treatment, recognition of the victim as an involved party, provision of information, legal and psychological assistance, safety and the shortest possible criminal procedure.

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Secondary victimisation

Possible conflict of interest with right to cross examination of witnesses

Human trafficking victims are particular vulnerable to secondary and repeat victimisation, to intimidation and to retaliation.

- Avoid unnecessary repetition of interviews during investigation, prosecution or trial;
- Avoid visual contact between victims and defendants;
- Avoid the giving of evidence in open court;
- Avoid unnecessary questioning concerning the victim's private life.
(*article 12 (4) EU Directive 2011/36/EU*)

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Secondary victimisation

- Individual assessment of victims to identify specific protection needs
- The individual assessment shall, in particular, take into account: (a) the personal characteristics of the victim; (b) the type or nature of the crime; and (c) the circumstances of the crime.
- Article 21 of the Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime

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Secondary victimisation

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 unless this is contrary to the good administration of justice;
 - (d) all interviews with victims of sexual violence, gender-based violence or violence in close relationships, unless conducted by a prosecutor or a judge, 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)

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Secondary victimisation

Special measures during court proceedings to victims with specific protection needs identified

- (a) avoid visual contact between victims and offenders including during the giving of evidence, by appropriate means including the use of communication technology;
- (b) ensure that the victim may be heard in the courtroom without being present, in particular through the use of appropriate communication technology;
- (c) avoid unnecessary questioning concerning the victim's private life not related to the criminal offence; and
- (d) allowing a hearing to take place without the presence of the public.

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

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Secondary victimisation

Special protective measures

Conflicts of interest

- the rights of the defense
 - cross examination (see Keskin vs. the Netherlands, EHRM, nr. 2205/16)
- the rules on judicial discretion,
- the necessity to interview the victim urgently
- the possibility to inflict harm on the victim (or third party) if the measures are not in place
- the course of justice.

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Non prosecution-principle

Victims of TIP should not be prosecuted, punished or put/kept in detention for crimes that were caused or directly linked to them being trafficked.

Legal basis:

2014 Protocol to ILO forced labour convention

2002 OHCHR Principles and Guidelines on Human Rights and Human Trafficking, principle 7 & Guideline 4(5)

2000 Palermo-Protocol art. 2b protection victims TIP & respect for human rights

2011/36/EU Directive on TIP art. 8

2005 Convention on Combatting TIP (Council of Europe), art. 26

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Non prosecution-principle

- Article 26 – Non-punishment provision Warsaw 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 EU Directive

Member States shall, in accordance with the basic principles of their legal systems, 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].

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Non prosecution-principle

Types of crimes:

- Consequential offences
- Status offences
- Secondary offences

Dutch case law

- Dismissal of the case by public prosecutor
- Defense files for duress, what can lead to a discharge of the suspect
- Inadmissibility of the public prosecutor
- Judicial Pardon

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18

Case examples

- Romanian THB victim travels to Moldova/Romania to recruit new victims, travels back with them to Netherlands to bring them under control of her trafficker (and introduces them to prostitution)
- Vietnamese is forced to work in a hemp farm. He is using forged passport for identification purposes
- Vulnerable Dutch men (age: 35, mentally disabled) is recruited by trafficker to forced criminal activities. He is arrested at the Hungarian border while smuggling Syrian migrants into EU.
- Indian young woman is victim of trafficking (domestic servitude). She is compelled by her employers to commit manslaughter against a 'bewitched' minor boy.

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Opferidentifizierung Opferorientierte Ermittlungen



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

BUNDESKRIMINALAMT – Büro 8.2

Bekämpfung Menschenhandel/Schlepperkriminalität

JOO – Joint Operational Office against Human
Trafficking/Smuggling



JOINT
OPERATIONAL
OFFICE

COMBATING HUMAN
SMUGGLING AND
HUMAN TRAFFICKING

Kerstin Kreuzer, KI



Referat 8.2.1

- Menschenhandel
- Kinderhandel
- Grenzüberschreitender Prostitutionshandel
- Rotlichtkriminalität

Referat 8.2.1

derzeit 5 Kriminalbeamte/innen

Hinweise zu Menschenhandel per Telefon

+43 677 61343434 (0-24 Uhr)

oder per E-Mail unter

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

Polizei Zuständigkeiten

Bundesländerebene

Bundesebene

Landeskriminalamt

Bundeskriminalamt

Ermittlungsbereich 10

Referat 8.2.1



Auswirkungen d. Covid-19-Pandemie am Beispiel „sexueller Ausbeutung“

Verbot der Prostitutionsausübung (Lockdown/Beschränkungen)

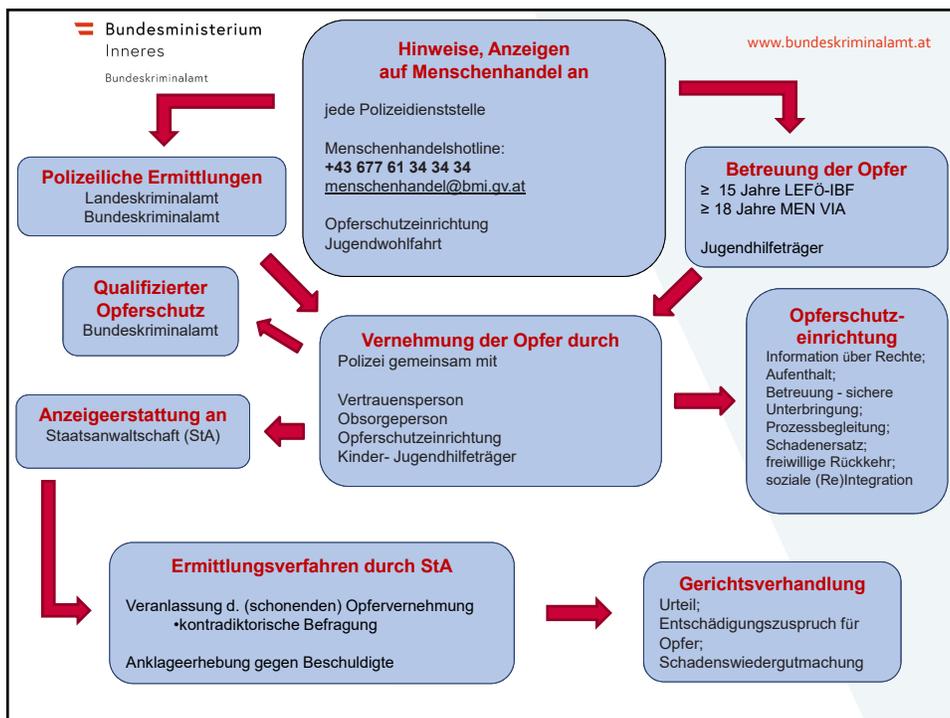
- massiver Anstieg d. illegalen Prostitutionsausübung
- Rückgang der Registrierungen
- Erschwernis für Ermittlungen
- Kontaktaufnahme = Anzeigeerstattung

Opferorientierte Ermittlungen

Menschenhandel vs. anderer strafrechtlicher Delikte

- Ermittlungszentrum = Opfer
- Aussagebereitschaft der Opfer (Polizei/Gericht)
- Beziehung Opfer/Täter
- Background/Vorgeschichte der Opfer
- Opferschutz u. Betreuung

Nationale Empfehlung der Vorgehensweise bei dem Verdacht auf Menschenhandel



Identifizierung von Opfern und Tätern

Kriminalpolizeiliche Informationsgewinnung



➤ polizeiliche/behördliche Wahrnehmung

- in Ausübung des Normaldienstes
- Kontrolltätigkeiten

➤ Wahrnehmung durch Dritte

➤ Opfer gibt sich selbst zu erkennen

- bei Strafverfolgungsbehörden
- bei Opferschutzeinrichtungen
- bei anderen NGO oder Sozialeinrichtungen

INDIKATOREN



Indikatoren

Nichts muss... / ...alles kann

- ❖ Indikatoren sind nur eine Auswahl
- ❖ Menschenhandel verändert sich laufend
- ❖ Opfer geben sich oft nicht zu erkennen
- ❖ Opfer sehen sich selbst nicht als Opfer
- ❖ Opfer stehen unter Druck/Zwang/Angst



Indikatoren

Allgemein:

- wirkt eingeschüchtert
- nicht kooperativ, dissozial, eventuell sogar aggressiv
- schlechter Ernährungszustand/Allgemeinzustand
- sichtbare Merkmale von Misshandlungen
- Selbstverletzungen, ungepflegtes Aussehen, Alkohol- oder Drogenmissbrauch
- weiß über die Begleitperson kaum Bescheid / Begleitperson übernimmt das Gespräch

Indikatoren

Kinder:

- alleine oder in Begleitung von Erwachsenen, die vorgeben ‚Eltern‘ oder ‚Erziehungsberechtigte‘ zu sein
- zeigt Unwohlbefinden bei Kontakt mit Erwachsenen

Bettler/innen:

- Bettler(in) mit körperlichen Gebrechen / geistigen Behinderungen

„da stimmt etwas nicht“

Befragung/Vernehmung von Opfern und deren Unterstützung

VERNEHMUNG

Vorbereitungen/Überlegungen im Vorfeld

- richtige Wahl der Vernehmungsräumlichkeit
- Vermeidung von Störungen/Unterbrechungen
- Zugang zur Räumlichkeit bedenken

VERNEHMUNG

➤ Dolmetsch

- Muttersprache
- Richtige Wahl → ♂ ♀
- Frage: ist der/die Dolmetscher/in für sensible Themen geeignet?
- Dolmetscher/in in weiteren Vernehmungen beibehalten, wenn möglich

VERNEHMUNG

➤ Vorgespräch - „warm up“

- versuchen eine Vertrauensbasis zu schaffen
- Präferenzen betr. Befragungsperson ♂♀
- Getränke/Essen anbieten
- wenn möglich und erwünscht Rauchen lassen
- Zeit lassen, nicht versuchen zu drängen
- nicht gleich das erste Gespräch muss/kann zum Erfolg führen

VERNEHMUNG

➤ Sachverhalt

- Erzählung des Opfers / keine Zusammenfassung
- Ausdrucksweise des Opfers verwenden
- Nichts Verschönern/Umschreiben
- ev. Emotionen des Opfers mitdokumentieren (Vergleich Befragung von Kindern)

VERNEHMUNG

➤ Befragung von Kindern

➤ Zusammenarbeit Jugendwohlfahrt/Obsorgeperson

❖ besonders geschulte Beamte/innen

- eigener Befragungsraum mit Ton- und Videoaufzeichnung
- spezielle Befragungsmethoden dem Alter entsprechend

❖ aus eigenem

- Befragungsprotokoll führen - Frage/Antwort
- Emotionen/Reaktionen dokumentieren

UNTERSTÜTZUNG

➤ Wahrung jeglicher Rechte

- Persönlichkeitsschutzrechte

(Recht auf Achtung/Anerkennung der persönlichen Würde)

- Feststellung besonderer Schutzbedürftigkeit

(zB.: Opfer v. Sexualstraftaten, Minderjährige, schlechter
seelischer/gesundheitlicher Zustand)

- schonende Vernehmung vor Gericht
- Verständigung über Freilassung aus der Haft/Flucht/Wiederergriffung von Beschuldigten, etc.

➤ Respekt/Wertschätzung

UNTERSTÜTZUNG

➤ bei schonenden Vernehmungen vor Gericht

- Absprache mit Opferschutzeinrichtung/Opferanwalt
- Sicherung von Zugang/Abgang zum Gerichtsgebäude/Vernehmungsraum (Erkundung der Örtlichkeit im Vorfeld/Ausweichrouten)
- Schutzmaßnahmen (Verkleidung, Mitführen einer Decke, etc.)
- Verbleiben vor Ort während d. Vernehmung und Beobachtung des Umfeldes

Behördenübergreifende Zusammenarbeit

SICHERHEITSPOLIZEIGESETZ

§ 25 Abs. 3 SPG

- anerkannte und durch BMI beauftragte Opferschutzeinrichtungen
LEFÖ-IBF, MEN VIA

§ 56 Abs. 1 Pkt. 3 SPG

- Übermittlung personenbezogener Daten
(Einwilligung d. Opfers nicht erforderlich)

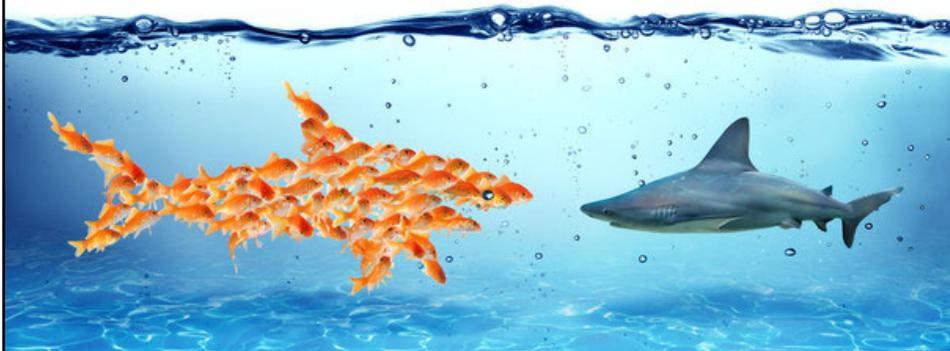
Opferschutz

- **NGO's**
- **Jugendwohlfahrt**
- **Int. Organisationen**
(z.B. IOM, UNODC)
- **BK/5.1 (VHR)**

Behörden

- **National**
- **Europol**
- **Interpol**
- **PKZ**
- **Verbindungsbeamte**
- **Partnerdienststellen**
- **Frontex**

Menschenhandelsbekämpfung =



TEAMWORK



Vielen Dank für Ihre Aufmerksamkeit!



Sicherheit, Unterstützung und Opferrechte aus der Perspektive einer NGO

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

Evelyn Probst



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

1

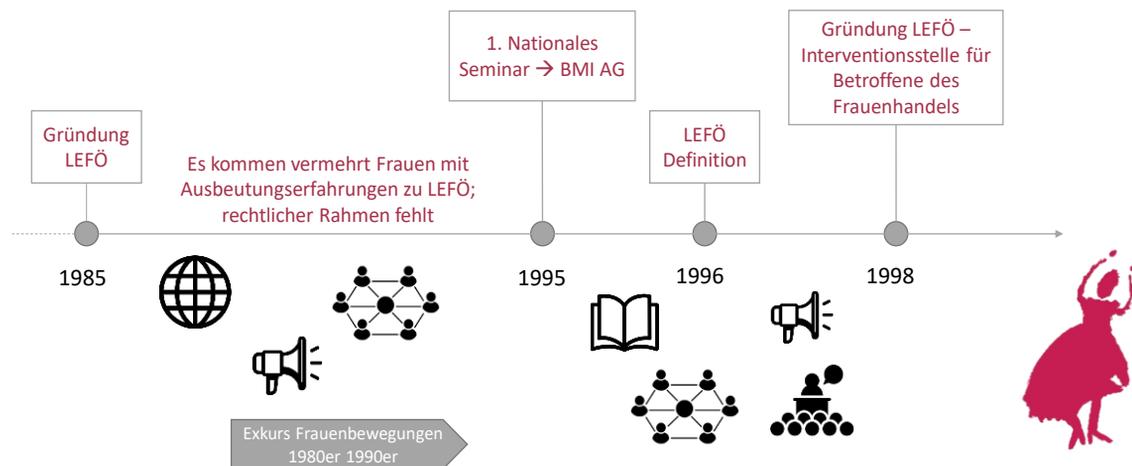
Betroffene von Menschenhandel

- Opferidentifikation und Schutz vor Tätern
- Unterstützung während der rechtlichen Verfahren
- Zugang zu Schadenersatz und Schmerzensgeld



2

Frauenhandel in Österreich



3

LEFÖ – Interventionsstelle für Betroffene von Menschenhandel

- LEFÖ-IBF ist eine anerkannte Opferschutzeinrichtung nach §25 Abs 3 SPG, die, im Auftrag des Bundesministeriums für Inneres und des Bundeskanzleramts – Abteilung Frauen und Gleichberechtigung, die in ganz Österreich tätig ist
- IBF: bietet direkte Unterstützung für betroffene Frauen und Mädchen an, überwacht die Situation des Menschenhandels und betreibt Lobbyarbeit für alle mutmaßlich von Menschenhandel betroffenen Personen
- Nationales und internationales Netzwerken: zum Schutz der Rechte von betroffenen Frauen und Mädchen, Mitglied bei GAATW und La Strada NGO Plattform inklusive Datenschutz und Menschenrechtsverletzungen



4

Opferidentifikation und Schutz vor Täter*innen

- Sicheres Wohnen: temporäre Unterkünfte
- Sichere Unterkünfte mit sozio-kultureller Mediation in geheimen Wohnungen
- Selbstbestimmung aufbauen
- Angepasst an individuelle Bedürfnisse von betroffenen Frauen und Mädchen ab 15 Jahren



5

Opferidentifikation und Schutz vor Täter*innen

- Vorurteile: aber die Grenzen sind geschlossen, warum sollte es ein Opfer geben?
- SexarbeiterInnen, die in Österreich festsitzen: kein Einkommen, Abhängigkeit von VermittlerInnen, Zunahme des Missbrauchs der prekären Situation
- Kein direkter Kontakt von vor Ort ist: weder Behörden noch NGOs
- Zunahme der Ausbeutung von Arbeitskräften, obwohl ein großer Bedarf an Arbeitskräften besteht: Landwirtschaft und Pflegearbeit



6

Ласкаво просимо до Австрії! Залишайтеся у безпеці.

ILEFO
INFORMATION CENTER FOR REFUGEES

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

ПОСВІДЧЕННЯ ОСОБИ ТА ПАСПОРТ НАЛЕЖАТЬ ТІЛЬКИ ВАМ

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

ЯКЩО ВИ МАНДРУЄТЕ ДАЛІ

Піддаєні безкоштовно. Пропонують заїзничі, НУО або самоорганізовані групи чи авіакомпанії. Вам не потрібно платити, ви не повинні нічого компенсувати.

Сховайте речі, яку ви носите з собою. Навіть у чужих місцях. Припустимо, що будь-яка сумка або багаж, який ви перевозите, можливо, в якийсь момент доведеться залишити.

Розкриває копійчасті: опосторочуйте автомобільні номери, будь-якого автомобіля, який ви їдете, записуйте номери телефонні номери та дані кредитної карти.

ПРОЖИВАННЯ БЕЗКОШТОВНЕ

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

КОЛИ ХТОСЬ ПРОПОНУЄ ВАМ РОБОТУ

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

Вірте менше, ніж ви чуєте? З'ясуйте це за адресою:

0043 1 7995298
info@ilefo.at
https://ilefo.at/
www.facebook.com/ilefo1985

In Auftrag von:
Bundesministerium Inneres
Bundeskanzleramt

Feel threatened or in danger? Contact us

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Bundeskanzleramt

Welcome to Austria! Stay safe.

ILEFO
INFORMATION CENTER FOR REFUGEES

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

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 traveling 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!

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Sicherheitspolizeigesetz

- § 56 Abs. 1: gestattet die Weitergabe von Daten der Sicherheitsbehörde an geeignete Opferschutzeinrichtungen, soweit dies zum Schutz gefährdeter Menschen erforderlich ist
- §25 Abs 3: Diese Bestimmung ermöglicht es dem Innenminister, geeignete Opferschutzeinrichtungen vertraglich damit zu beauftragen, (potentielle) Opfer von Gewalt, im Sinne einer Prävention von (weiteren) Übergriffen, zu beraten und zu unterstützen (Interventionsstellen).

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Unterstützung während der rechtlichen Verfahren

Beratung: psychosoziale, psychologische , soziale, Gesundheits- und Lebensberatung sowie Psychotherapie

- Rechtliche Intervention bezüglich Aufenthalt und Arbeitsrechten
- Psychosoziale und rechtliche Unterstützung in Verfahren inklusive Begleitungen zu polizeilichen Verhören
- Erholungs- und Bedenkzeit

Vertraulich – Anonym – kostenfrei



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Unterstützung während der rechtlichen Verfahren

Basierend auf der Strafprozessordnung:

- Psychosoziale Unterstützung während des Verfahren, Anwesenheit in allen Gesprächen
- Rechtliche Repräsentation durch eine*n Anwält*in
- Sicherstellung der Rechte während des gesamten Verfahrens
- Schutz der Identität
- Schonende Vernehmung
- Ausschluss der Öffentlichkeit



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Unterstützung während der rechtlichen Verfahren

Soziale Inklusion: Mentoring Programm

- Unterstützung bei der Arbeits- und Wohnungssuche
- Wohnungen für unabhängiges Leben mit anfänglicher psychosozialer Unterstützung



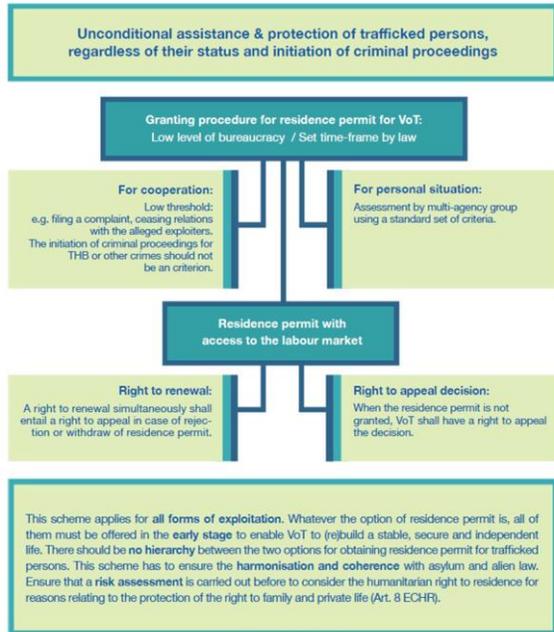
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Zugang zu Rechtsmittel, Entschädigung und Schmerzensgeld

- Zugang zu Aufenthaltstiteln oder internationalem Schutz
- Zugang zu Entschädigung als Teil des Strafverfahrens
- Zugang zu unbezahlten Gehältern
- Zugang zum Sozialsystem, wie dem Pensionssystem und dem Gesundheitssystem
- Opferorientiert Justiz



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Zugang zu Entschädigung: Österreich



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Zugang zu Rechtsmittel, Entschädigung und Schmerzensgeld

- Vorbereitungen von sicheren Rückkehren inklusive Gefahrenanalysen, in Zusammenarbeit mit Organisationen im Herkunftsland



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Vielen Dank! Bleiben Sie mit uns in Kontakt:

www.lefoe.at

www.facebook.com/lefoe1985

ibf@lefoe.at



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