



# Trafficking in Human Beings: Countering Impunity

## Enhancing investigations and prosecutions

Trier, 24-25 March 2022

**UP  
GRADE**  
YOUR LEGAL  
EXPERTISE

Criminal Law

### Speakers

**Carmen Baena Olabe**, Seconded National Expert, Spanish National Desk; Member of the Anti-Trafficking in Human Beings Subgroup, Eurojust, The Hague

**Dr Tillmann Bartsch**, Deputy Director, Criminological Research Institute Lower Saxony, Hanover (online)

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

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

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

**Ramin Farinpour**, Senior Lawyer, European Criminal Law Section, ERA, Trier

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

**Nora Labarta Greven**, Researcher, Criminological Research Institute Lower Saxony, Hanover (online)

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

**Marian Osáin**, Seconded National Expert, Analysis Project PHOENIX, European Migrant Smuggling Centre (EMSC), Europol, The Hague

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

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

**Maja Veber Šajn**, Senior State Prosecutor, Supreme State Prosecutor's Office; JITs National Expert, Ljubljana (online)

### Key topics

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

### Languages

English, German  
(simultaneous interpretation)

### Event number

322DT100f

### Organisers

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



# Trafficking in Human Beings: Countering Impunity

Thursday, 24 March 2022

08:30 Arrival and registration of participants

09:00 **Welcome and introduction**

*Ramin Farinpour*

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

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*Chair: Ramin Farinpour*

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

- The impact of COVID-19 on THB, its perpetrators, victims and investigations
- Good and promising practices to counteract impunity

*Katharina Thon*

09:45 Discussion

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

*Tillmann Bartsch, Nora Labarta Greven*

10:30 Discussion

10:45 Coffee break

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

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*Chair: Katharina Thon*

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

*Radu Cucos*

12:00 Discussion

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

*Alexandru Dena*

12:45 Discussion

13:00 Lunch

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

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

*Marian Osáin*

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

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

*Carmen Baena Olabe*

15:30 Discussion

15:45 Coffee break

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## III. SIMULTANEOUS WORKSHOPS

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16:15

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

*Maarten Noordzij, Evelyn Probst, Kerstin Kreuzer*

- **Setting up and managing a JIT**

*Maja Veber Šajin*

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

*Alexandru Dena*

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

*Radu Cucos*

18:15 End of first day

19:30 Joint dinner

## Objective

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

## Who should attend?

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

## Venue

Academy of European Law (ERA)  
Metzer Allee 4  
Trier  
Germany

## Participation fee and reimbursement of costs

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

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

Two nights' hotel accommodation up to €105/night will be reimbursed by ERA upon receipt of the original invoice.

## Your contact person



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

Friday, 25 March 2022

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

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*Chair: Ramin Farinpour*

09:00 Workshop reports

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

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

*Patrick Bourgeois*

09:45 Discussion

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**V. VICTIM-CENTRED APPROACHES TO INVESTIGATIONS AND PROSECUTIONS**

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*Chair: Ramin Farinpour*

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

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

*Kerstin Kreuzer*

10:45 Discussion

11:00 Coffee break

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

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

*Maarten Noordzij*

12:15 Discussion

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

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

*Evelyn Probst*

13:15 Discussion

13:30 End of the seminar

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Programme may be subject to amendment.

**CPD**

ERA's programmes meet the standard requirements for recognition as Continuing Professional Development (CPD). This event corresponds to **11 CPD hours**.



Co-funded by the Internal Security Fund - Police (2014-2020) of the European Union

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[www.era.int/?131172&en](http://www.era.int/?131172&en)

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## Trafficking in Human Beings: Countering Impunity

Trier, 24-25 March 2022 / Event number: 322DT100f



### Terms and conditions of participation

#### Selection

1. Participation is open to judges, prosecutors, law enforcement officers, civil society/NGOs from eligible EU Member States (Denmark does not participate in the Internal Security Fund - Police 2014-2020) and EU Candidate Countries (Albania and Montenegro) who have been fully vaccinated or have recently recovered from COVID-19.
2. The number of places available is limited (50 places). Participation will be subject to a selection procedure.
3. Applications should be submitted by **3 March 2022**.
4. A response will be sent to every applicant after the deadline. Participation is subject to a selection procedure.

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

#### Registration fee

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

#### Travel expenses

6. Travel costs up to €300 can be reimbursed by ERA upon receipt of the original receipts, tickets, boarding passes, invoices after the seminar.  
  
Participants are asked to book their own travel. Participants are advised of the obligation to use the most cost-efficient mode of transport available and to read the travel reimbursement information sheet carefully.

#### Accommodation

7. Two nights' single room accommodation up to €105 per night can be reimbursed by ERA upon receipt of the original receipts and invoices after the seminar if they have to travel more than 100km to Trier.

#### Other services

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

#### Participation

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

Apply online for  
"Trafficking in Human  
Beings: Countering  
Impunity":

[www.era.int/?131172&en](http://www.era.int/?131172&en)

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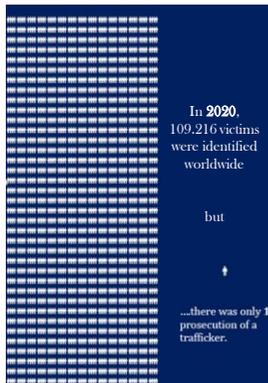
#### Contact Person

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# Understanding the Scope and Nature of Impunity

## Closing the Gap: The need for a comprehensive CTHB response



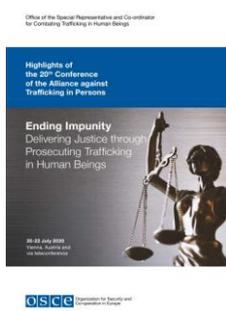
It is estimated that there are about 25 million victims of human trafficking globally. In 2020, 109,216 victims were identified worldwide, yet only 9876 traffickers were prosecuted

\*\*\*

1 prosecution for every 2531 victims

Why are we falling short?

# The 20th Conference of the Alliance against Trafficking in Persons



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



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# The way forward in countering impunity

## Recommendations from the 20<sup>th</sup> Alliance Conference



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## 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

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## Hidden in Plain Sight

### The rise of invisible crimes during Covid-19

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

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

**osce** Organization for Security and  
Co-operation in Europe 6

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## Hidden in Plain Sight Domestic Violence

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.

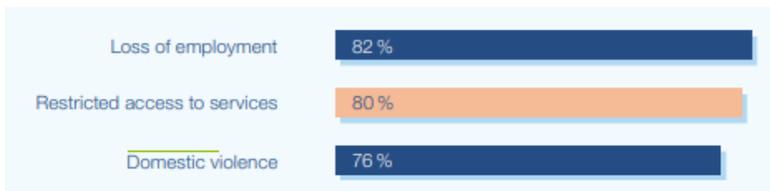


Domestic violence is among the recognized, well-documented push factors into trafficking for the purpose of sexual exploitation.

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## 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



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# Hidden in Plain Sight

## Child exploitation online

### The National Center for Missing & Exploited Children

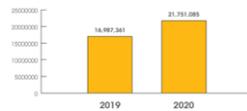


Last year, tech companies reported over 45 million online photos and videos of children being sexually abused — more than double what they found the previous year.

\*The New York Times

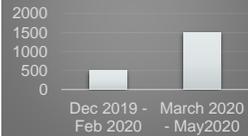
NCMEC has experienced a 28% increase in CyberTipline reports between January - December 2020 versus the same time period in 2019.

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

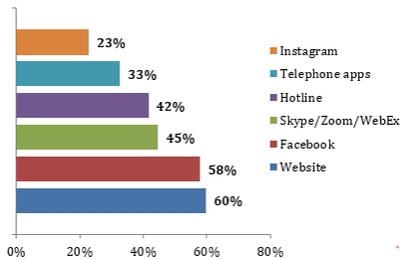
## Prevention

- 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

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## 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."*

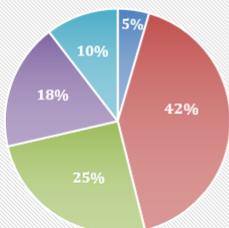
\* Frontline stakeholder from Austria (ODHR.UNWOMEN report)

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## Protection Access to shelter

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

has:



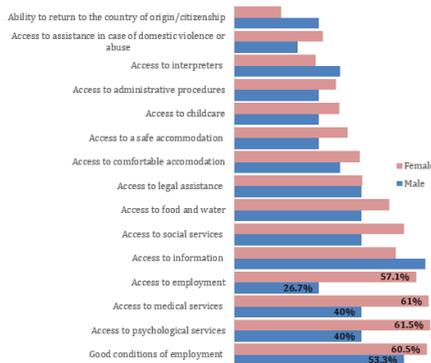
- Closed its premises
- Sufficient spaces
- Sufficient spaces, but does not accept new beneficiaries
- Insufficient spaces
- I don't know

*"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)

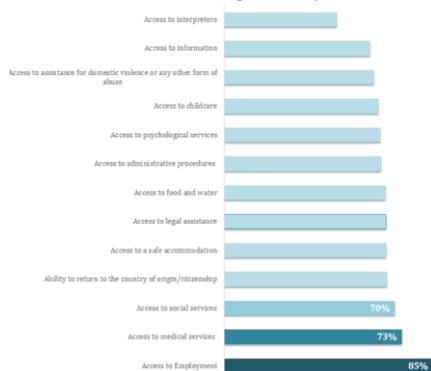
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## Protection Access to services

Services that survivors need



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



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## Prosecution

### Ensuring the continuity of the justice system

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

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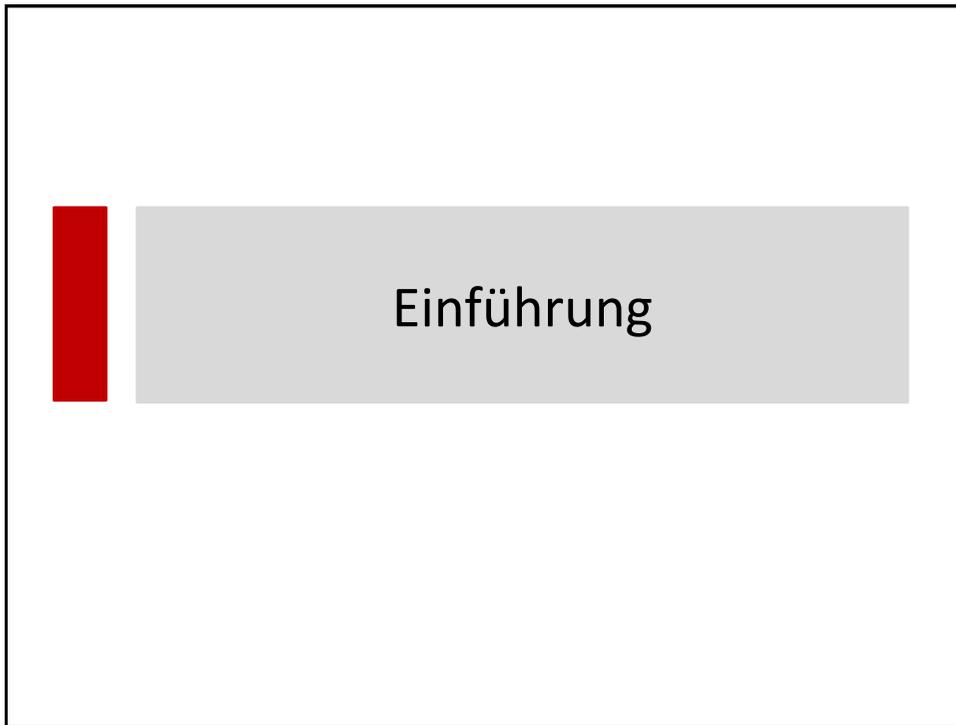


## Gliederung

- 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. The text "Ausgangspunkt der Evaluation" is written in black, sans-serif font, centered within the gray bar. Below this bar, 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. It starts with a red square containing the white letters "K7N" with a red diagonal line through it. This is followed by four gray arrow-shaped boxes pointing to the right, each containing a label: "Einführung", "Evaluatorisches Vorgehen", "Methoden", and "Ergebnisse".

- 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.

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## 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

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## Evaluatorisches Vorgehen

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## 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

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## 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.



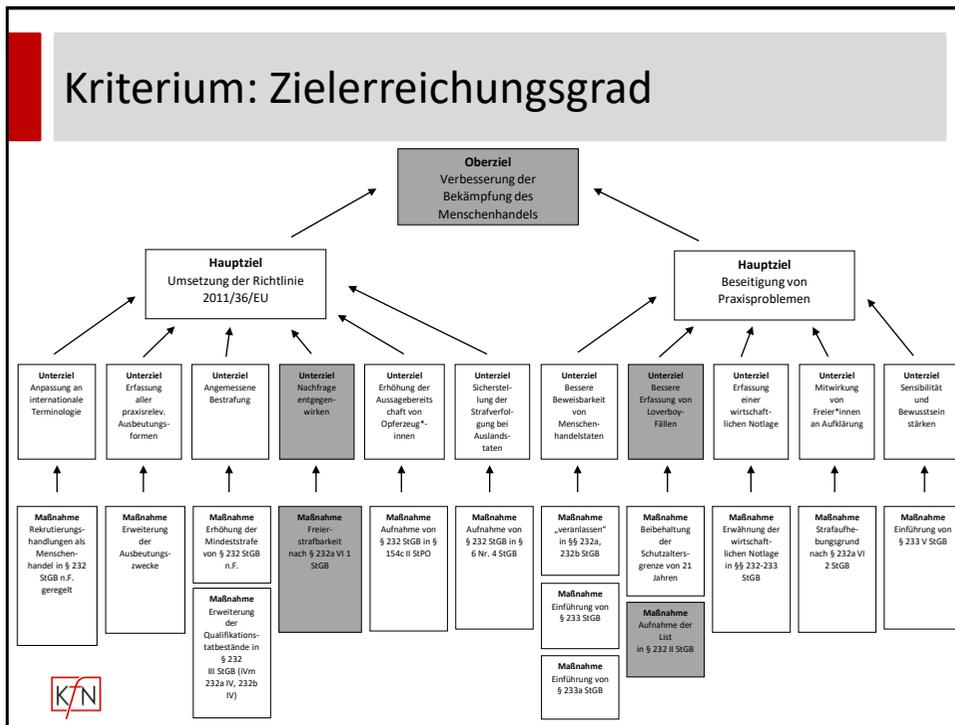
Einführung

Evaluatorisches Vorgehen

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

KfN      Einführung      Evaluatives Vorgehen      Methoden      Ergebnisse

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## 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.



Einführung

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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

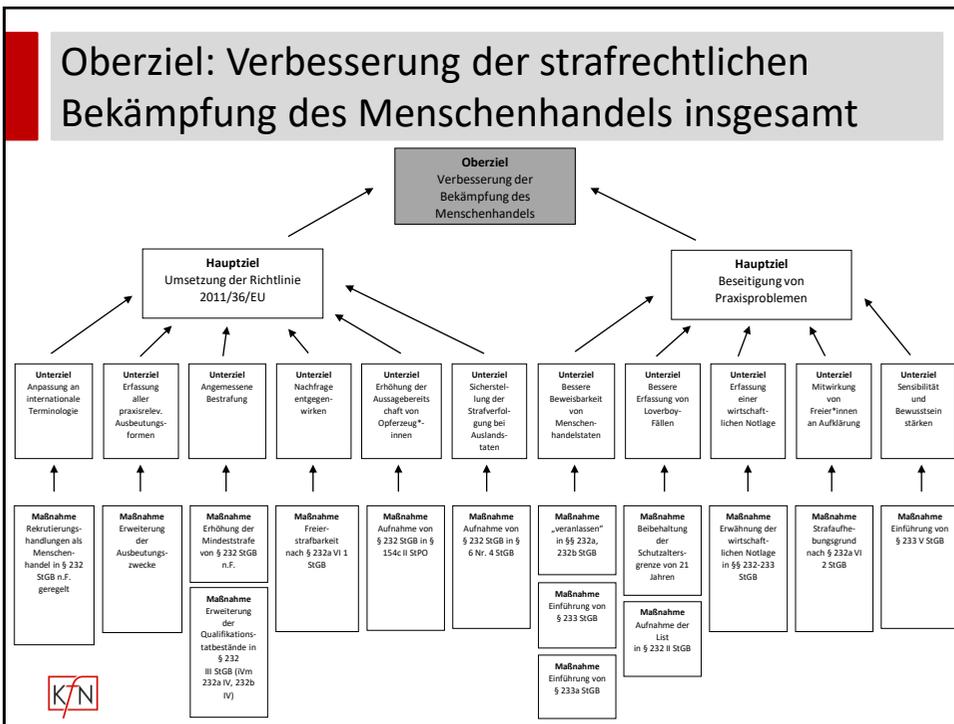
Einführung

Evaluatorisches Vorgehen

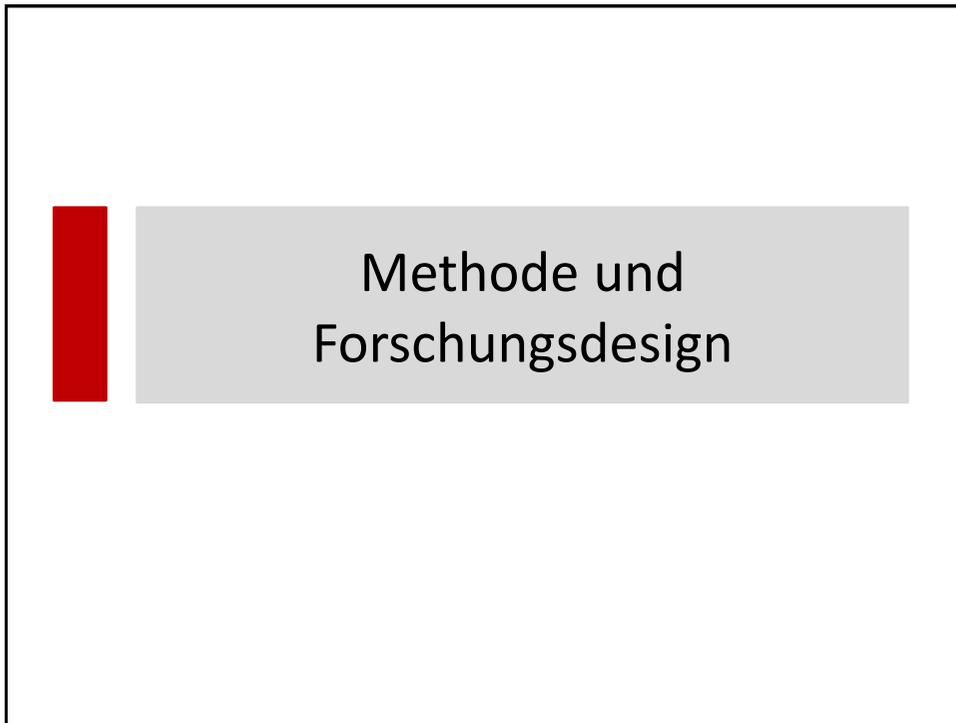
Methoden

Ergebnisse

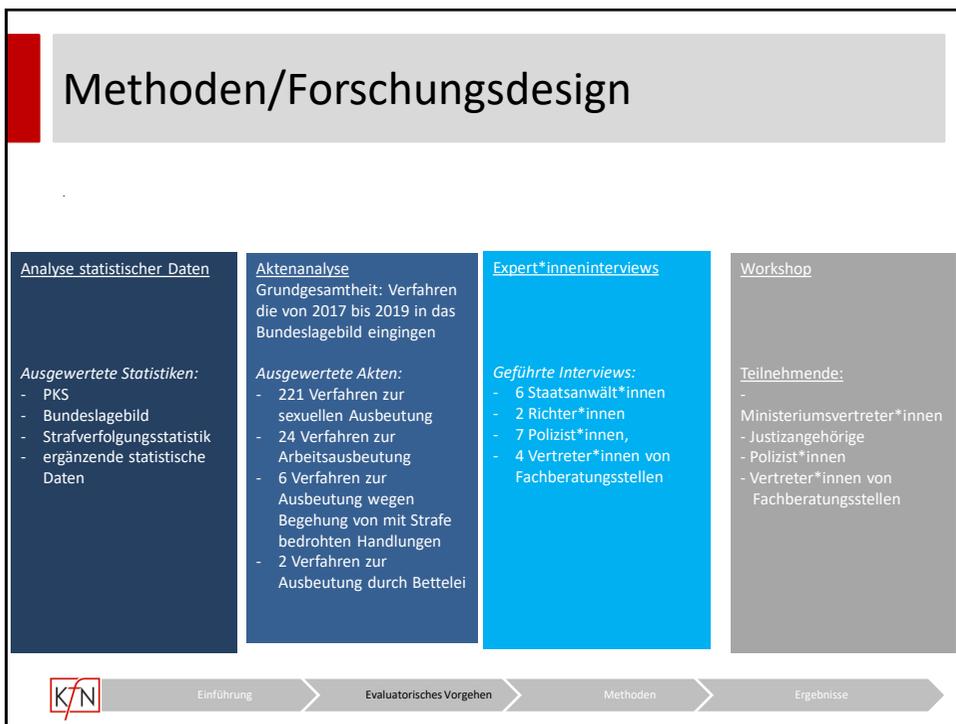
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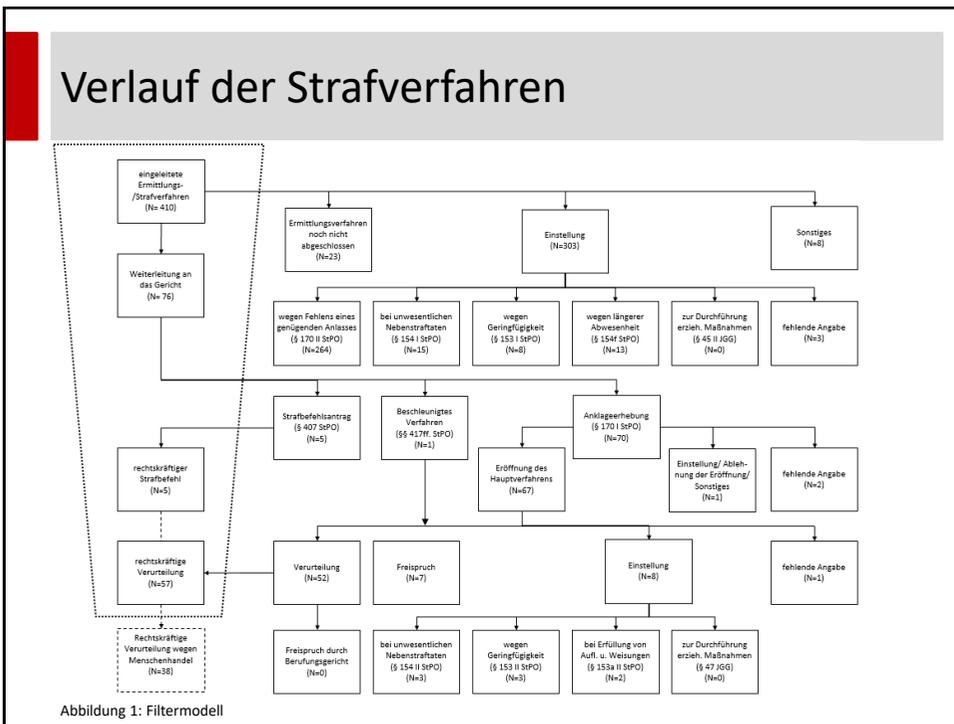
15



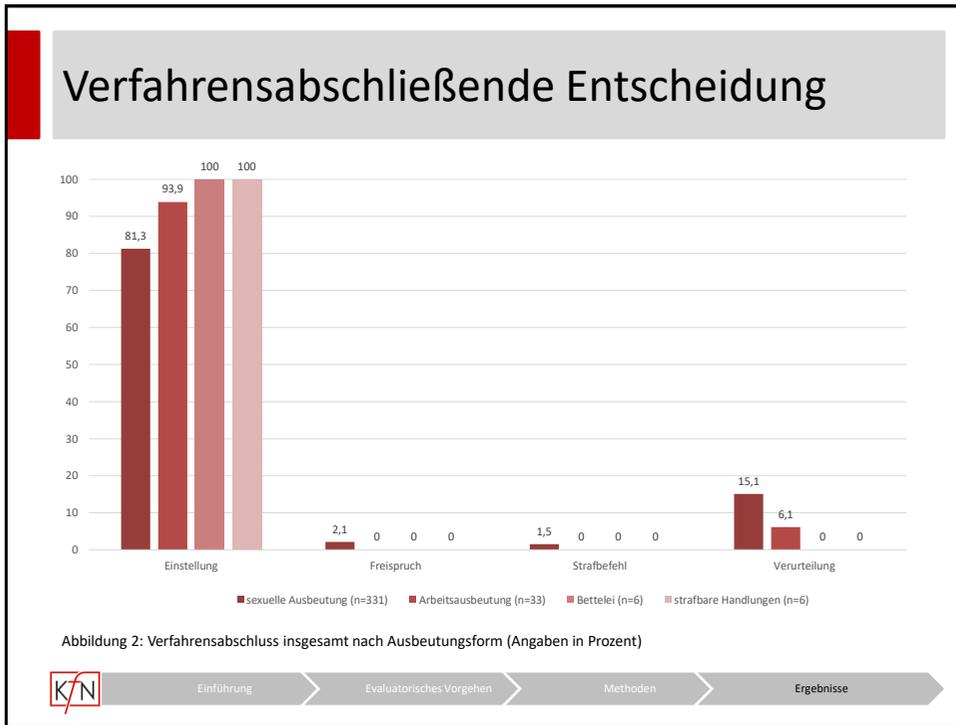
16

# Forschungsergebnisse

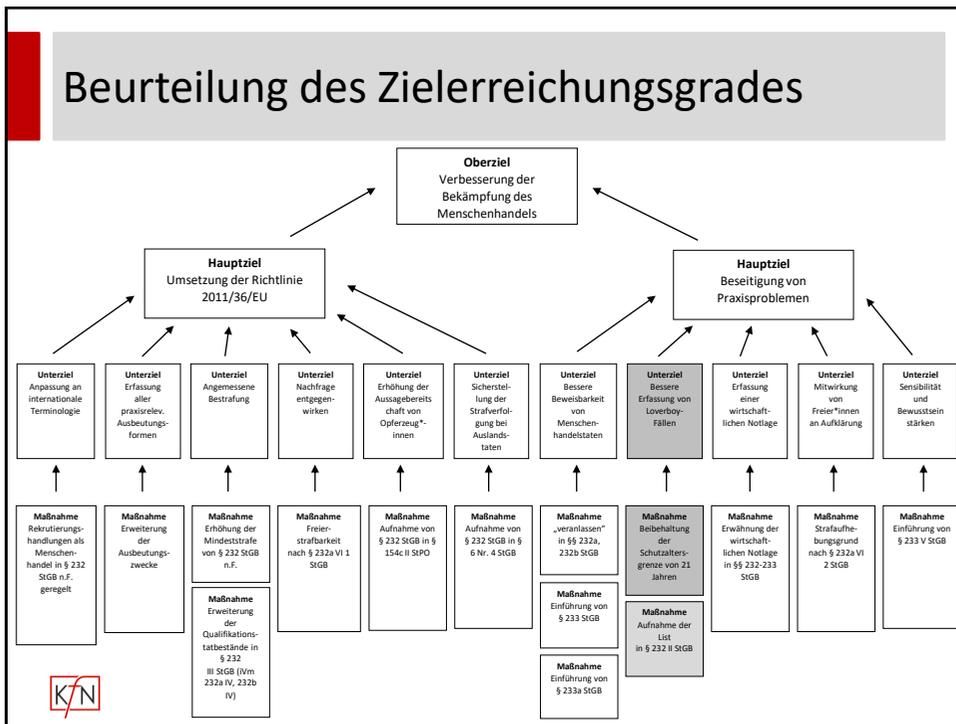
17



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19



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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.



Einführung

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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.



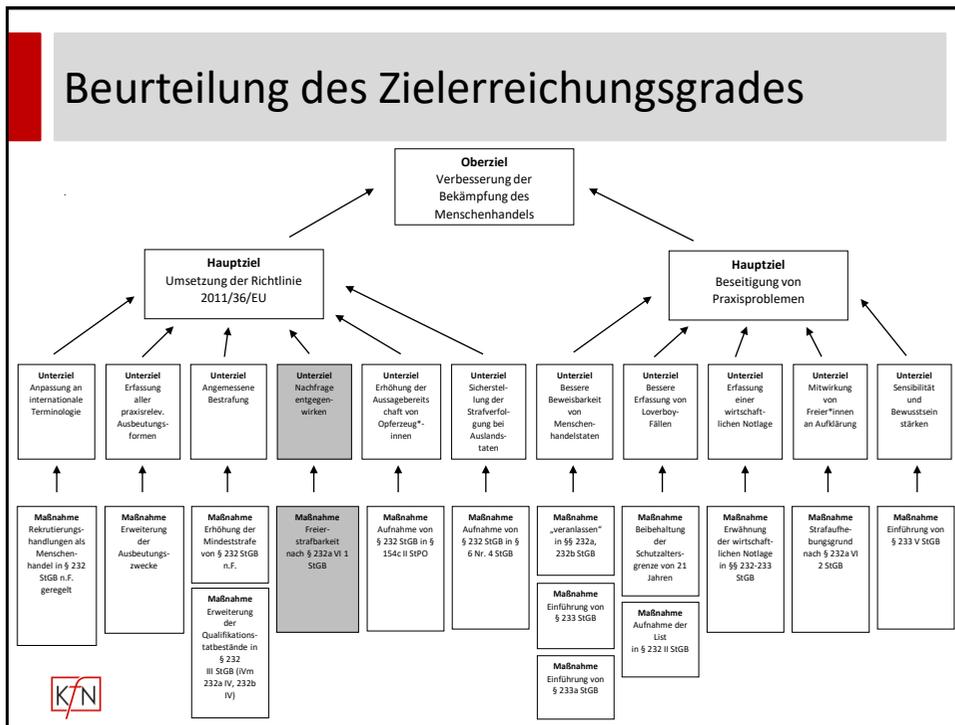
Einführung

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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

KFN

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.



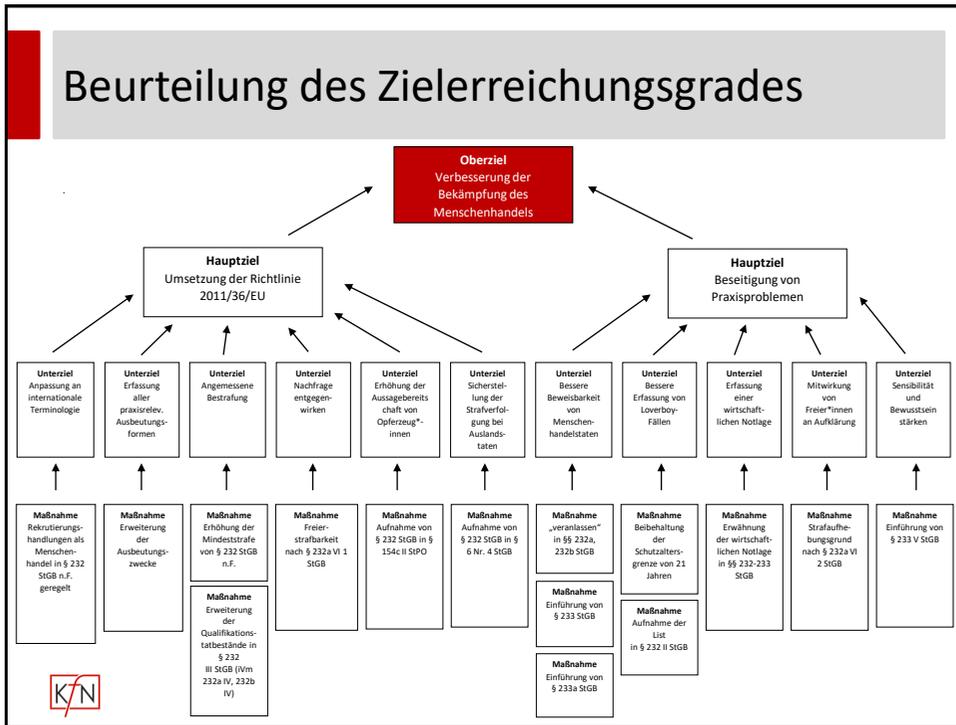
Einführung

Evaluatorisches Vorgehen

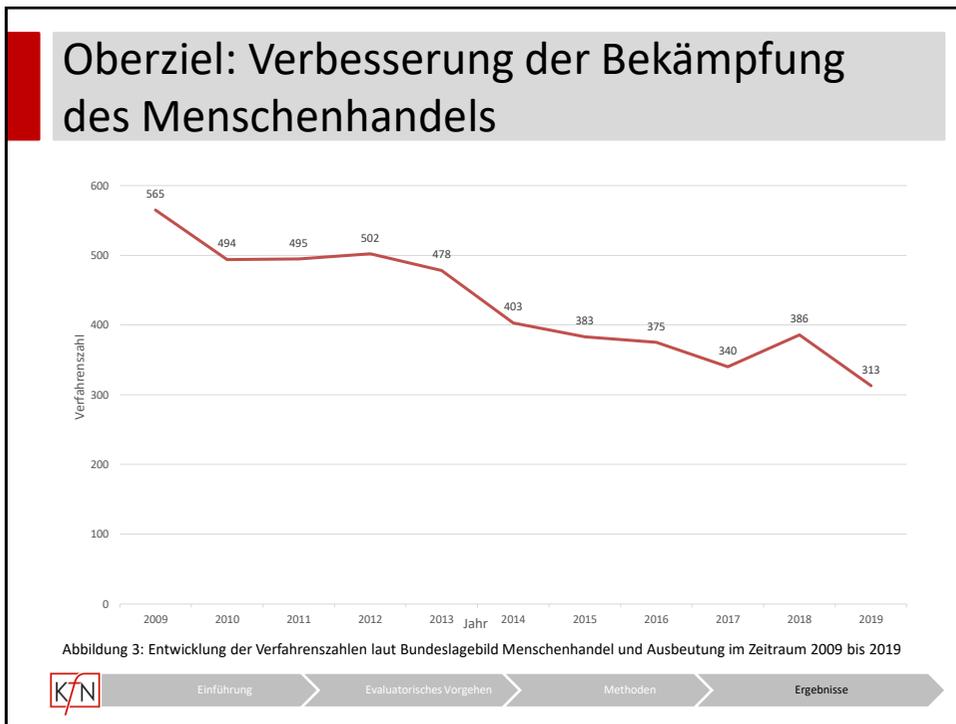
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## Oberziel: Verbesserung der Bekämpfung des Menschenhandels

	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



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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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30161 Hannover  
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[nora.labarta@kfn.de](mailto: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

www.osce.org

24-25 March 2022, Trier

1

1

**The scale of the problem and the response**

**The response  
118,932**



**The problem  
24,900,000**

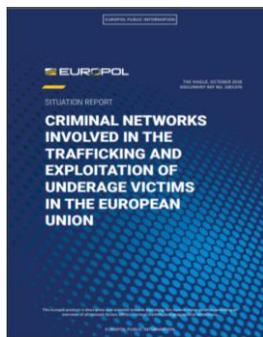


2

## 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*

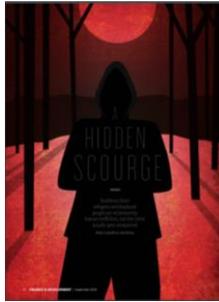


4

## The increasing role of technology



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

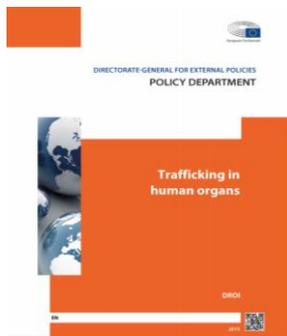


*In SE Asia, online platforms facilitating live streaming of sexual abuse of children - rise in child THB in the region*

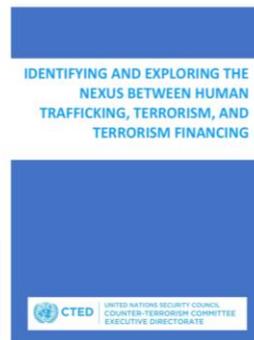


*Technology has become the single greatest facilitator of the commercial sex trade in all of the countries observed, with the exception of Jamaica*

## 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.

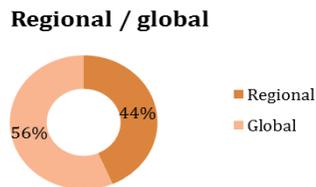
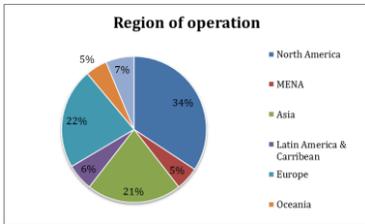
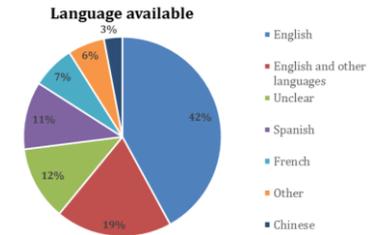
English

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

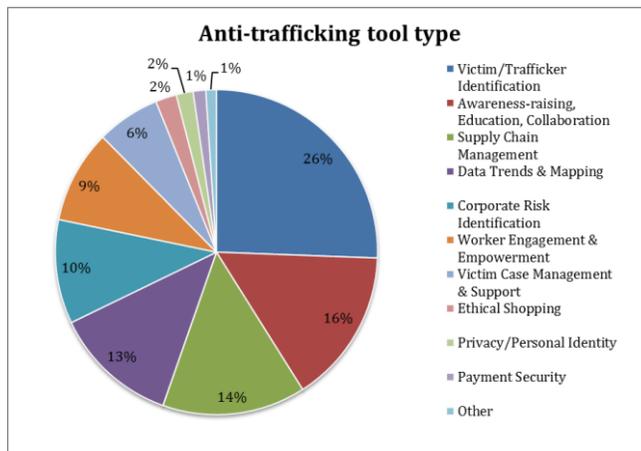
## OSCE response - research

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



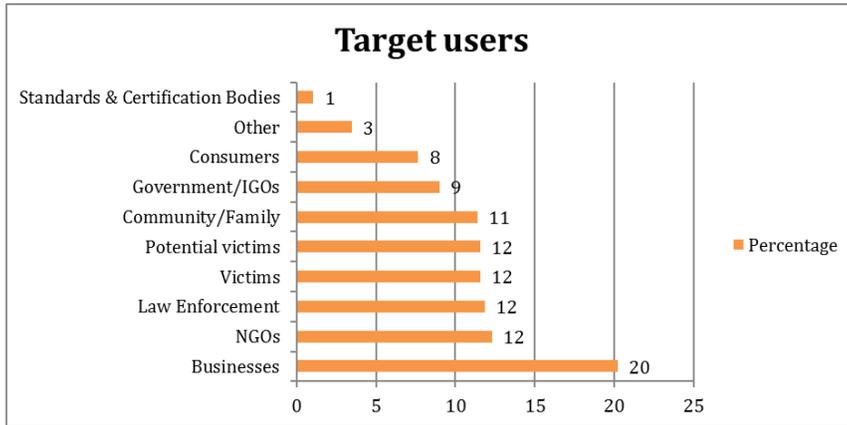
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## OSCE response - research



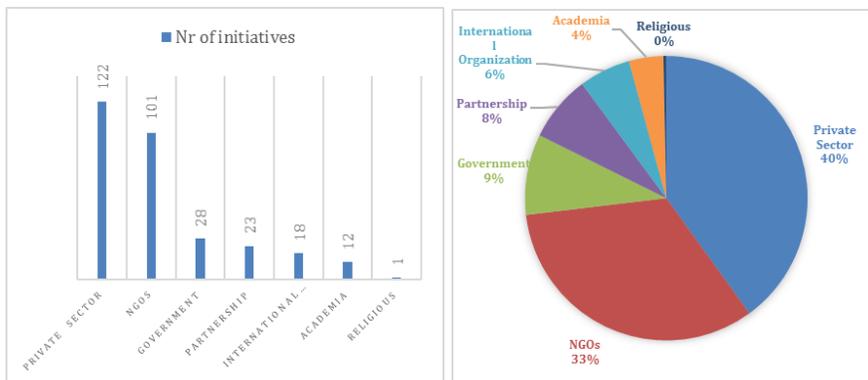
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## OSCE response - research



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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

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## Specific examples - data scraping software

SPOTLIGHT

DASHBOARD | SEARCH | ALERTS | SAVED

Ads with a Similar Image

ADS (151) | IMAGES | ACTIVITY | TIMELINE

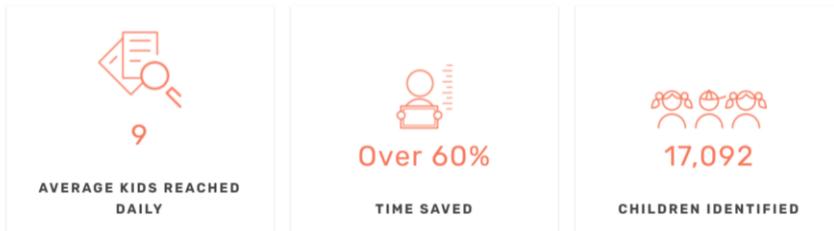
Narrow related ad results

Image	Text	COLLECTED	POSTED	LOCATION
	THICK & JUICY - SWEET & WET - HUGE BOOBS - Simply AmAz ING	This, Sep 21, 2017 03:14PM EDT	Fri, Sep 15, 2017 09:58PM EDT	Maryland, Maryland
	THICK & JUICY - SWEET & WET - HUGE BOOBS - Simply AmAz ING	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 ING	This, Sep 21, 2017 03:09PM EDT	Thu, Sep 21, 2017 11:49PM EDT	

Map showing geographic distribution of ads in the United States.

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## Specific examples - data scraping software



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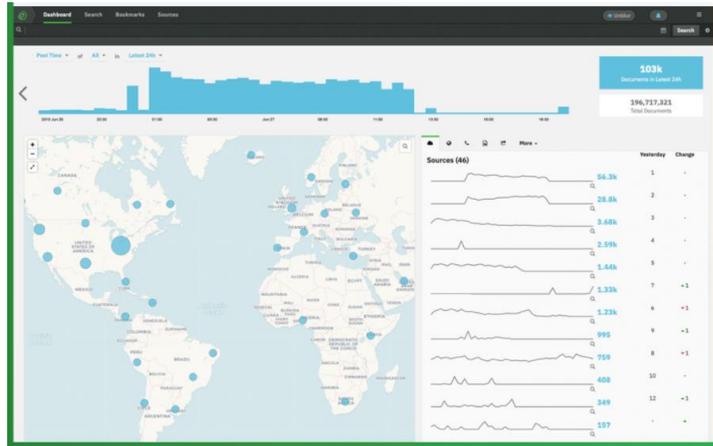
## Specific examples - data scraping software



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

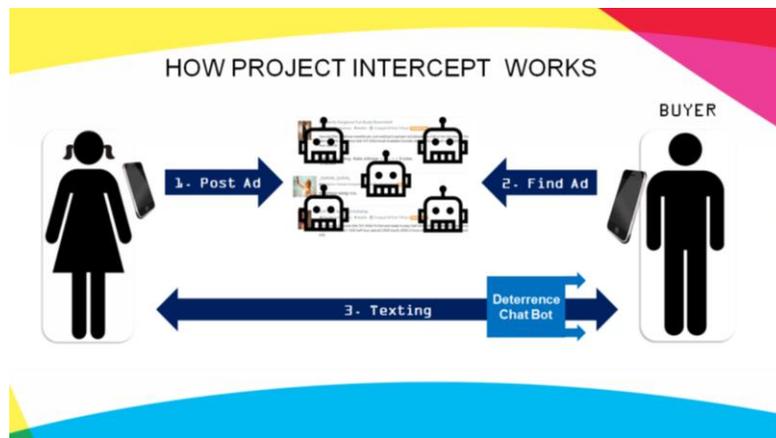
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## Specific examples - data scraping software



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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 are navigation links: "demo mode", "victim reachout", "buyer intercept", "manage ngo", "admin", and "sign out". Below this, the page title is "conversations between bots and potential buyers".

The main content area is divided into three sections:

- Search Conversations:** A list of phone numbers with a search bar. The number 12065528377 is selected.
- Chat Log:** A conversation between a bot (12065528377) and a potential buyer (14256575024). The messages are:
  - 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 gif, ts"
- Phone Lookup:** Metadata for the number 12065528377:
  - 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

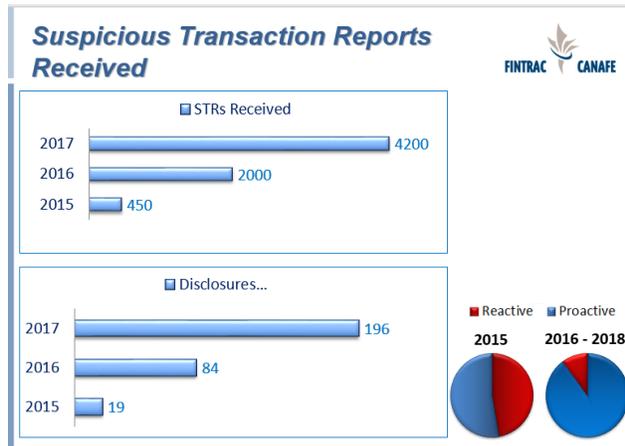
- Multiple point-of-sale transactions at
  - Drug stores
  - Clothing stores
  - Beauty stores (e.g., stores that sell lingerie and/or make-up)
- Fast food restaurants

#### Excessive Accommodation Transactions

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

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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

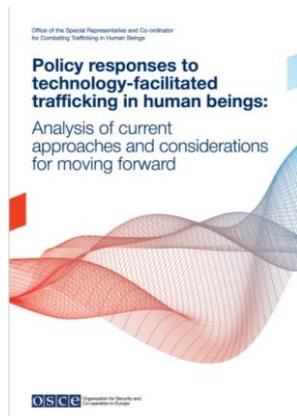
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## OSCE response – research LITHUANIA

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

33

# Thank you!

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



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

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 With financial support from the European Union's Internal Security Fund  
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 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.**

24<sup>th</sup> March 2022

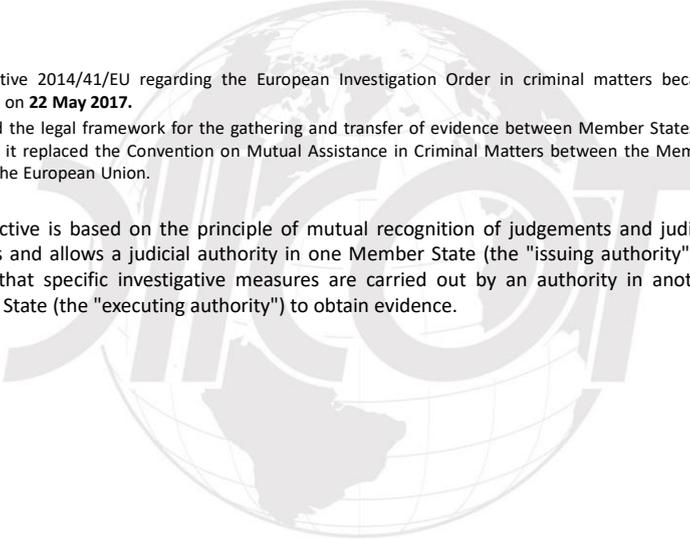


1

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).

- 



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## 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)

- 

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

14

## 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**

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## 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!**

Alexandru DENA  
DIICOT Specialist  
alexandru.dena@diicot.ro



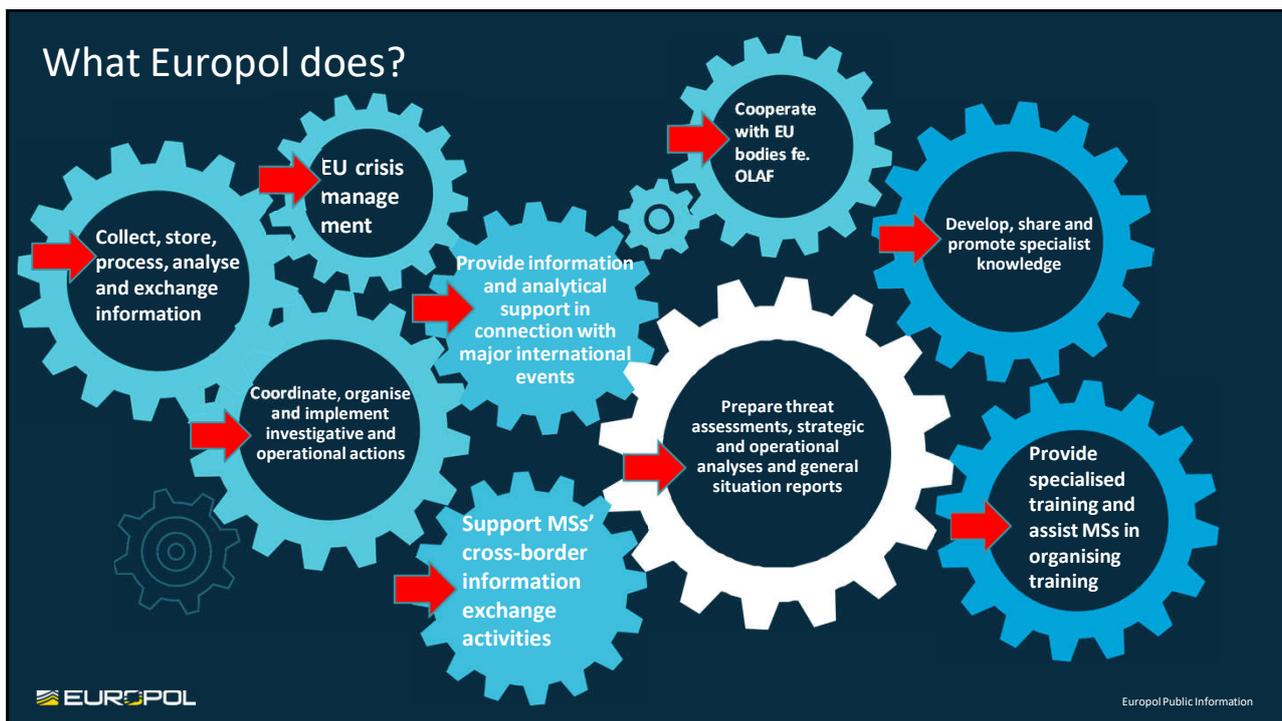


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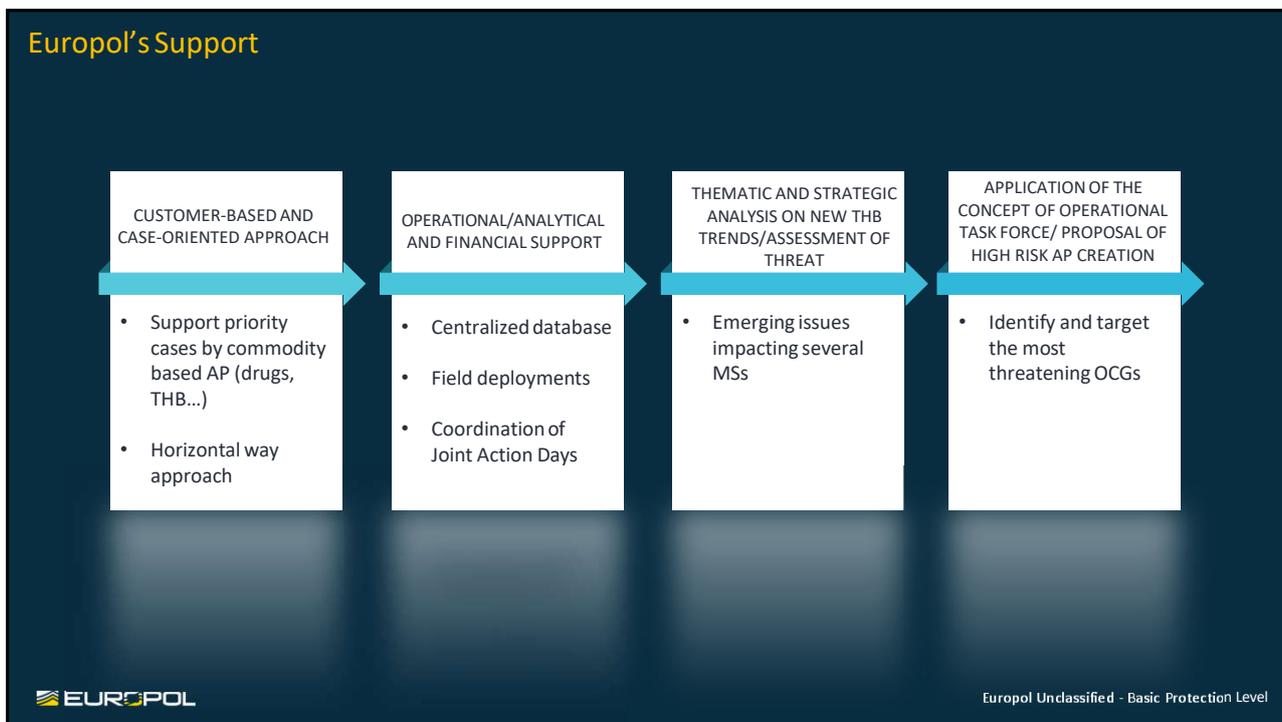


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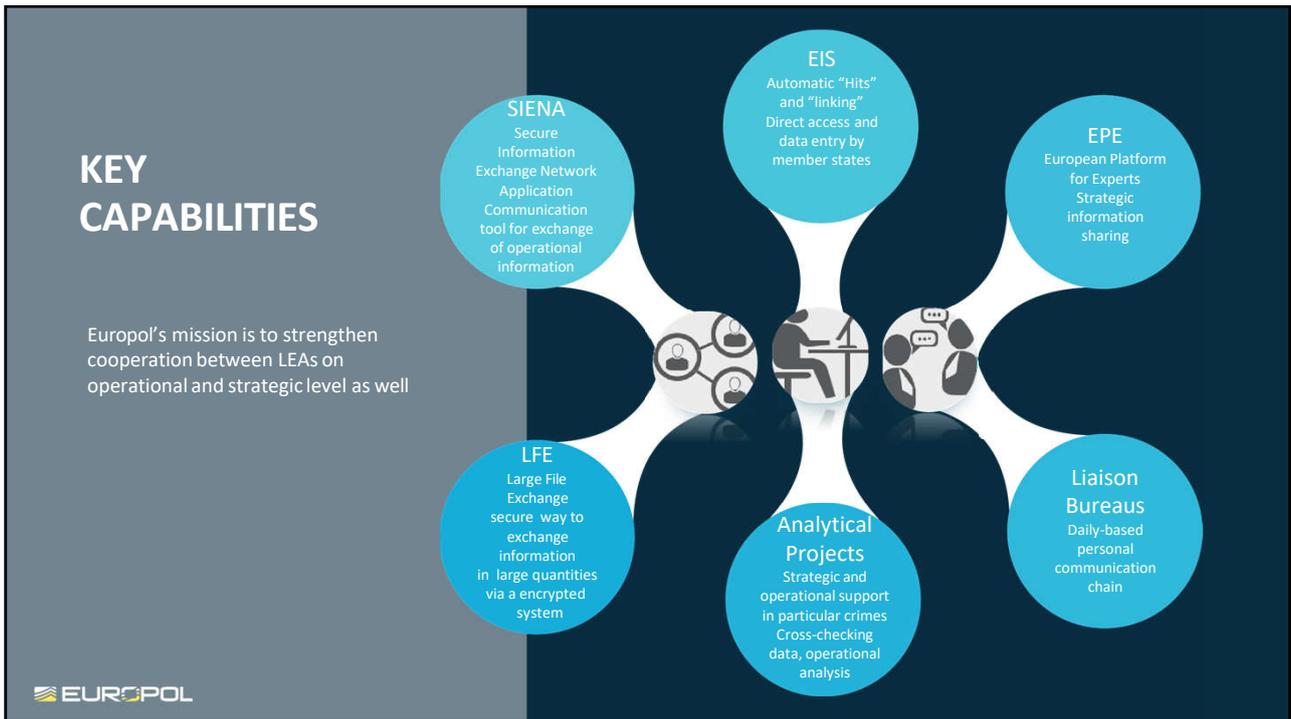


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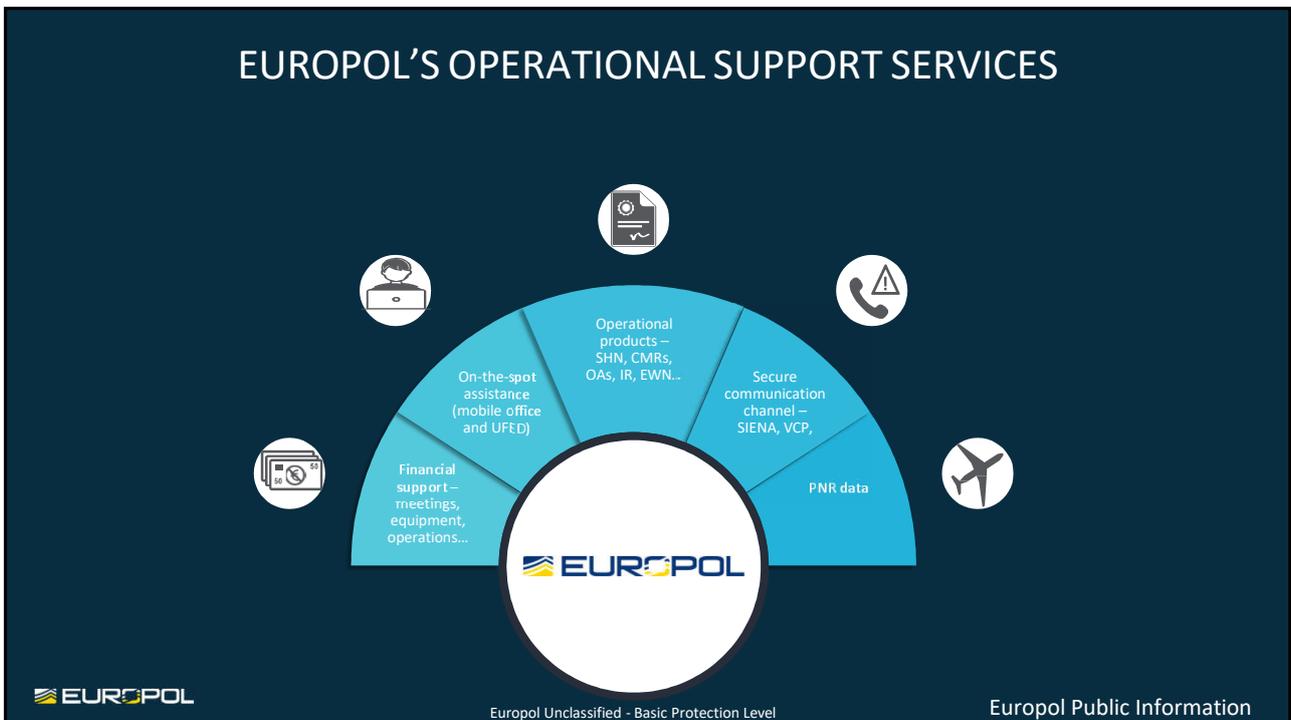


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## Analysis Project Phoenix – Europol’s project dedicated to THB

- The AP was established on 19<sup>th</sup> 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

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## 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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## 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.



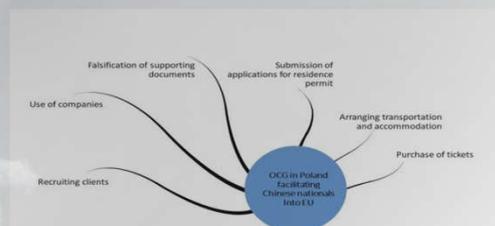
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## Chinese OCGs: Threat indicators, scope and capabilities

- 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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## 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**



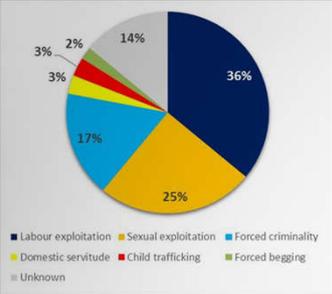

TRAFFICKING IN HUMAN BEINGS



DRUG PRODUCTION  
TRAFFICKING AND  
DISTRIBUTION



MIGRANT SMUGGLING



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

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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.



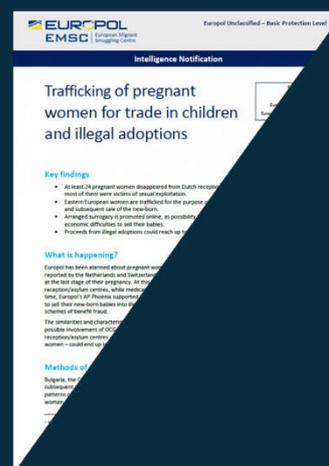
- The main purpose for trafficking underage victims in the EU is sexual exploitation.
- However, other important sectors for exploitation are labour, begging, and being forced to commit criminal acts (pickpocketing and shoplifting).
- To a lesser, but still worrying, extent children are trafficked for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

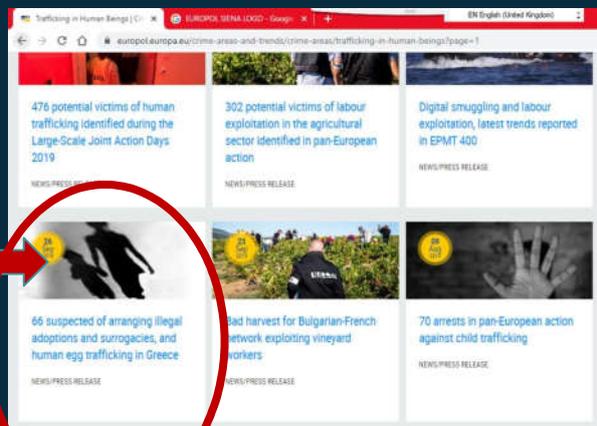
- Older trend - new cases
- Illegal adoption case with GR and BG
- Immense and high profit
- Lawyers, officials, medical experts, doctors involved
- Targeting women with economic difficulties
- Higher intense of technical innovation in communication and internet



# OPERATION Leto Action Day 23/09/2019



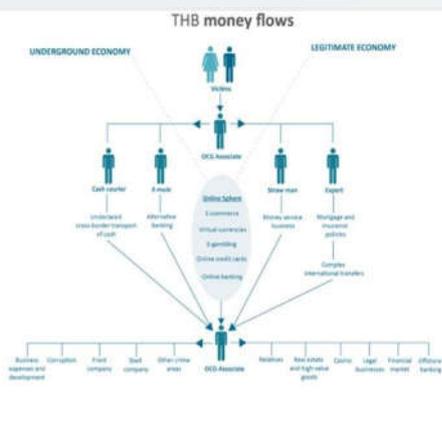
- 12 house searches
- 12 arrests (66 individuals in total)
- 13.000 EUR cash seized, cars electronic devices
- half million estimated profit



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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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## Money Service Businesses (MBS)

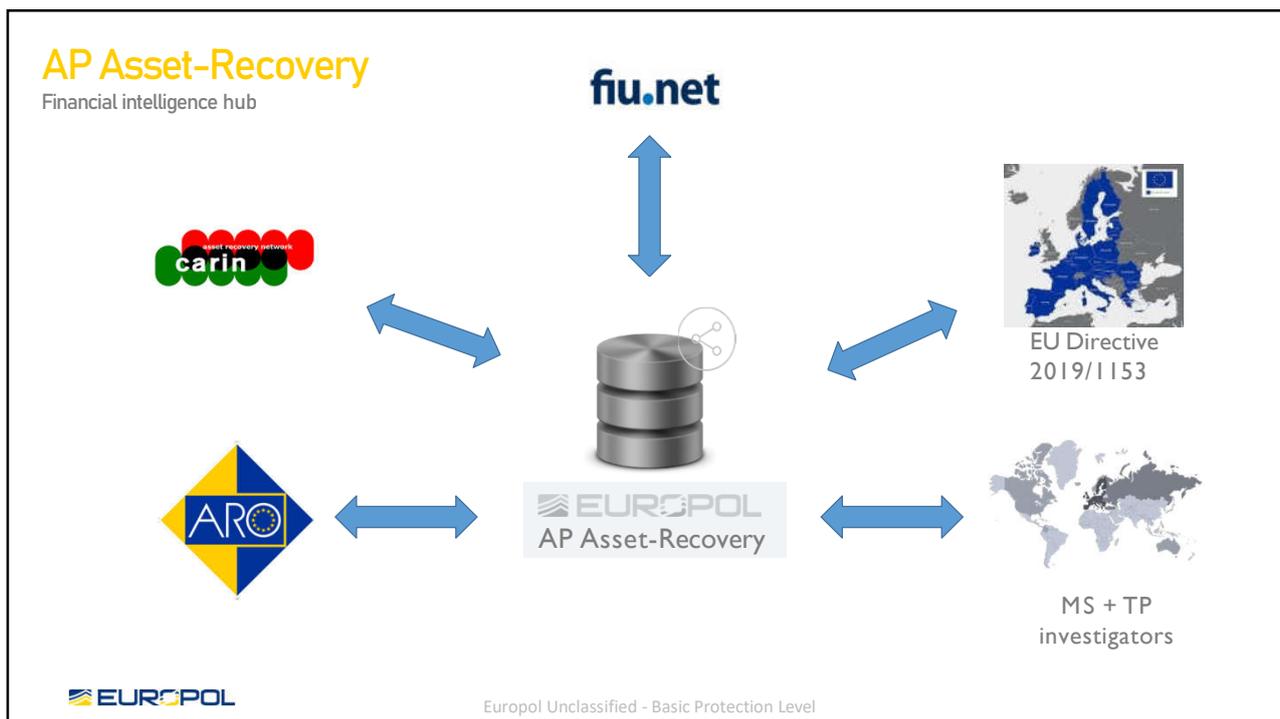
- 1.) Most widely used modus operandi
- 2.) Efficient use of smurfing techniques
- Senders: Criminal associates, victims and contacts
- Recipients: family members or low-level criminals
- 3.) Transaction based vs account based (banking industry)
- 4.) Intelligence gap: Placement in the banking sector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

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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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## 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



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## 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.

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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)

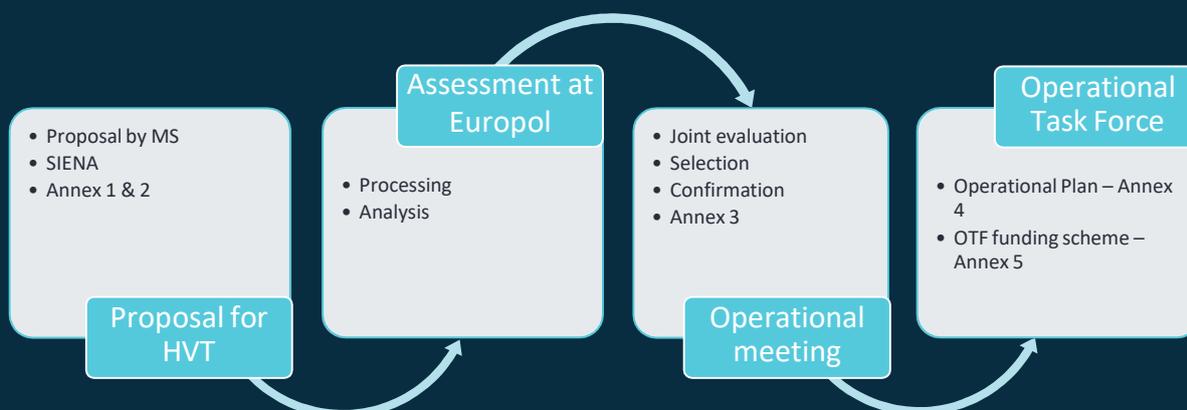
A person, whose criminal activity fulfils the criteria listed in SOP and therefore constitutes a high risk of serious and organized crime to 2 or more EU MSs

### 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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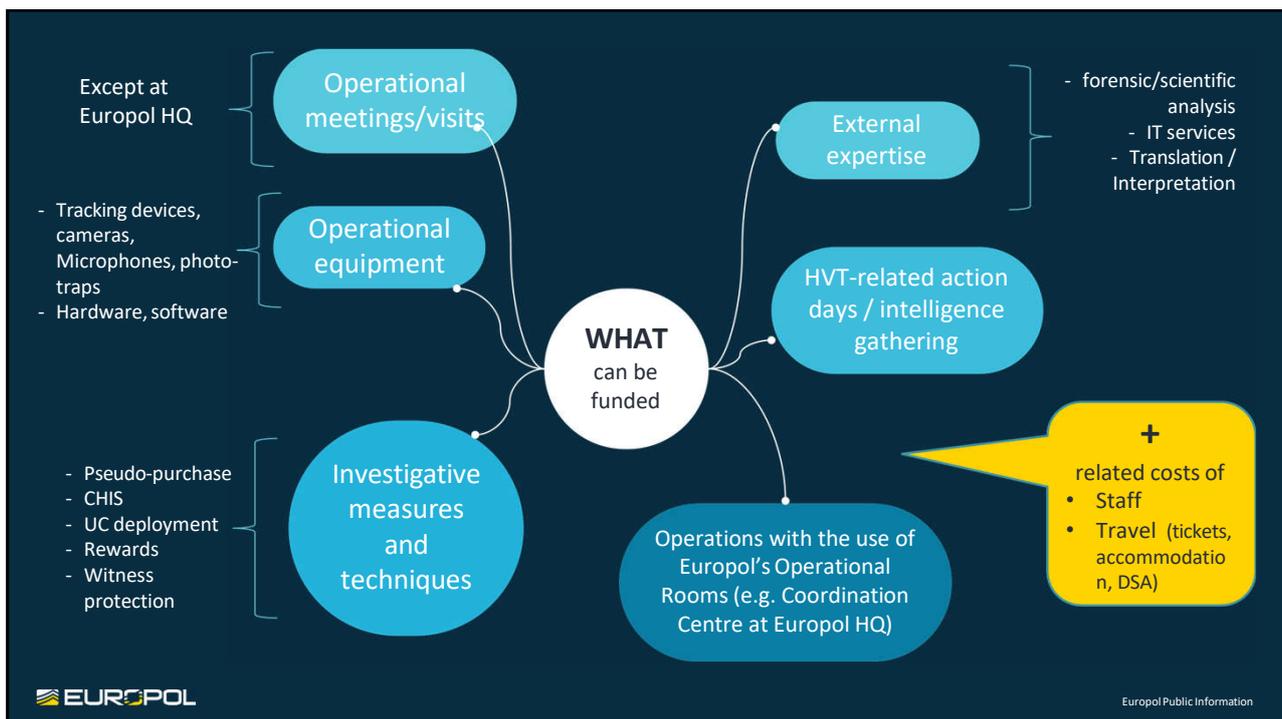
## Scoring system



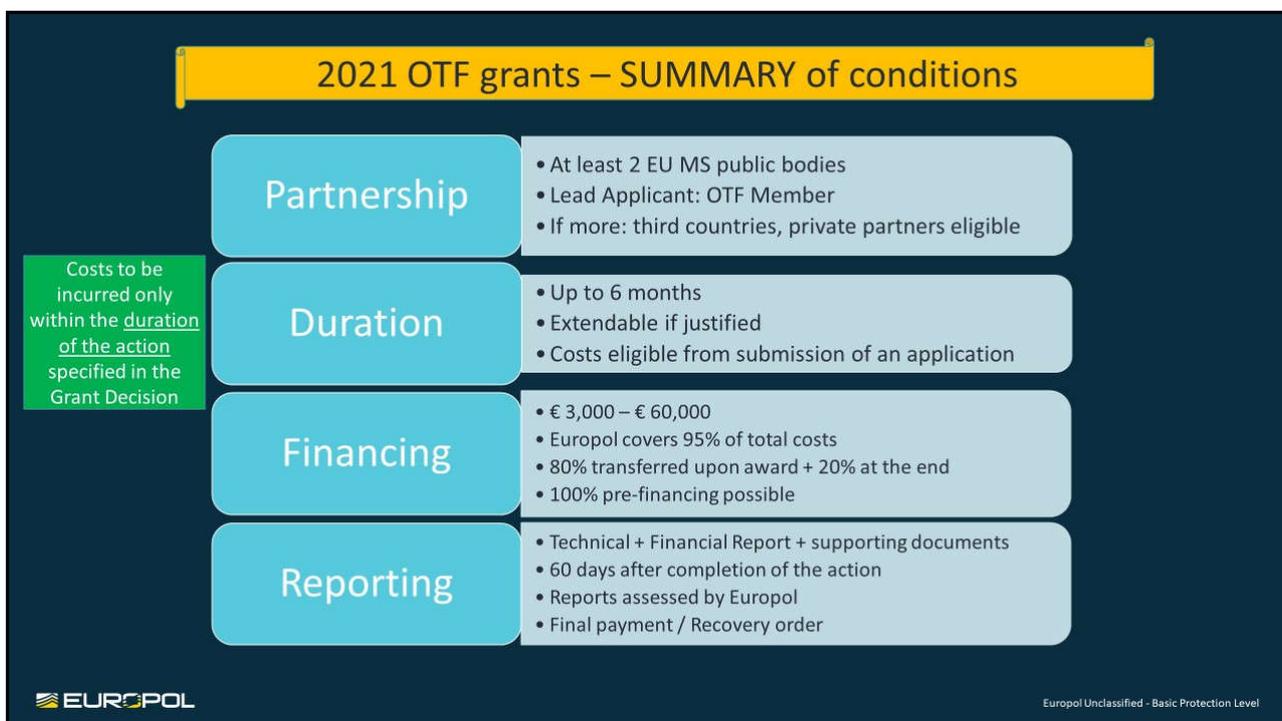
HVT selected > **54 points**

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**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

The logo for EUROJUST, featuring the word "EUROJUST" in white capital letters on a dark blue rectangular background.

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 advise
- ▶ 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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Criminal justice across borders

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## COORDINATION MEETINGS



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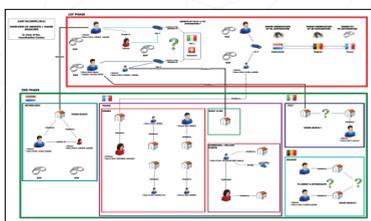
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## COORDINATION CENTRES

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**

22/03/2022

Criminal justice across borders

11 **EUROJUST**

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**EUROJUST**

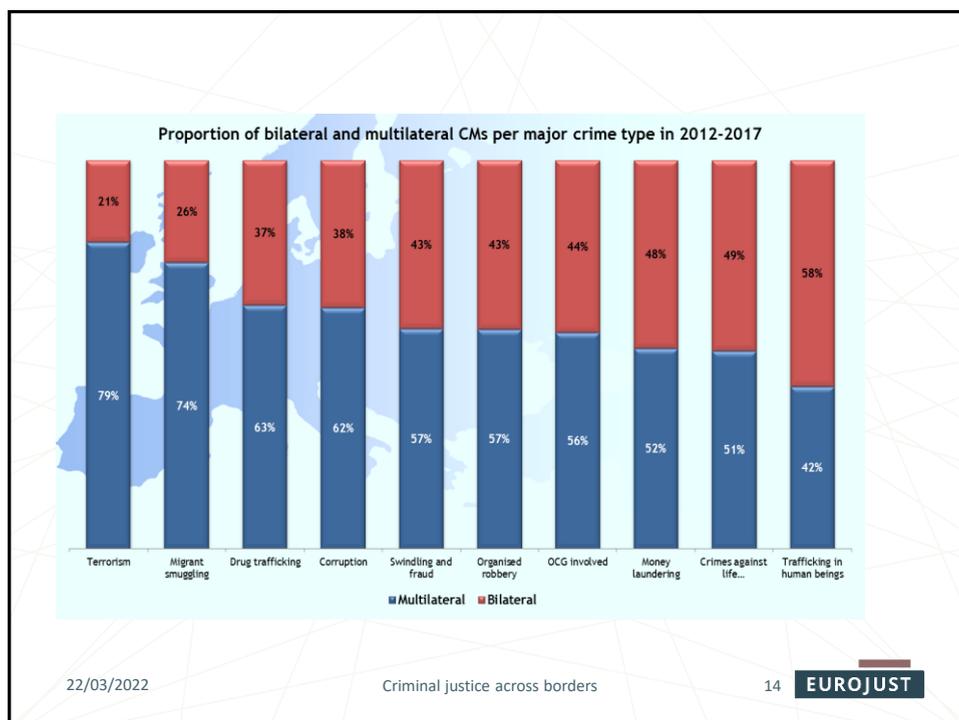
**Number of THB investigations coordinated by EJ and JITS remains low**

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

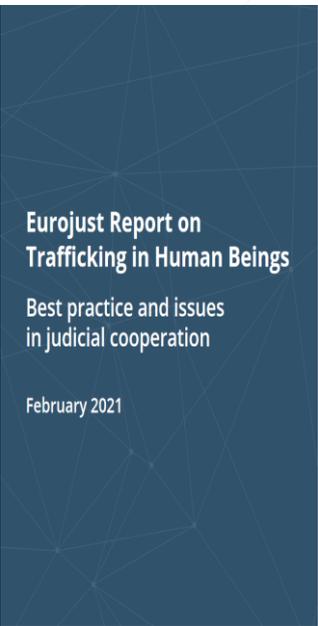
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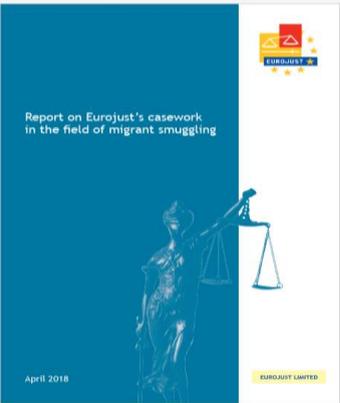
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**Eurojust Report on Trafficking in Human Beings**  
Best practice and issues in judicial cooperation  
February 2021

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

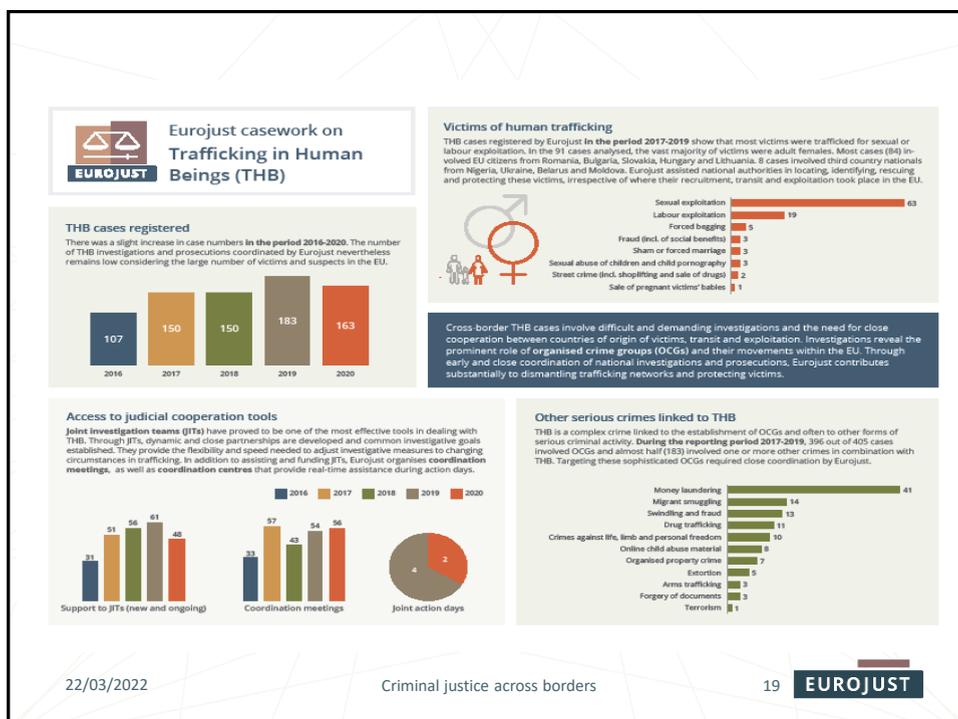
[Supporting judicial authorities in the fight against trafficking in human beings](#) 18 October 2021

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

[www.eurojust.europa.eu](http://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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## 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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## 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
<b>Total JITs supported</b>	<b>51</b>	<b>56</b>	<b>61</b>	<b>50</b>	<b>45</b>

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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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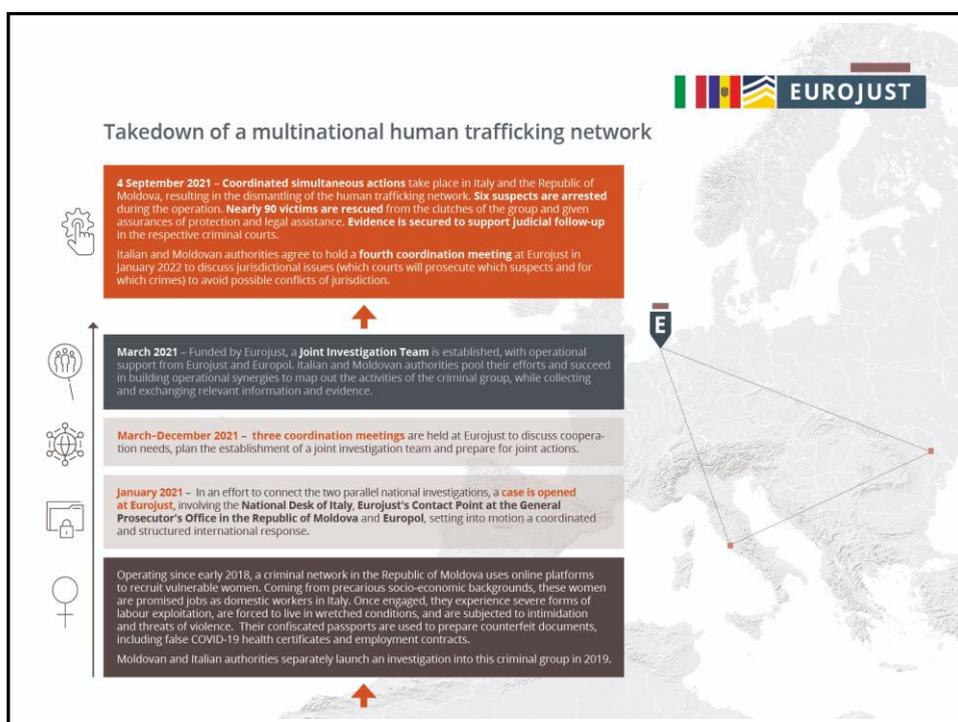
Content	
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1.2. Setting up of a JIT .....	13
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1.4. The closure and evaluation of the JIT.....	21
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8.1. Checklist: recommended practical steps for setting up a JIT.....	87
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## 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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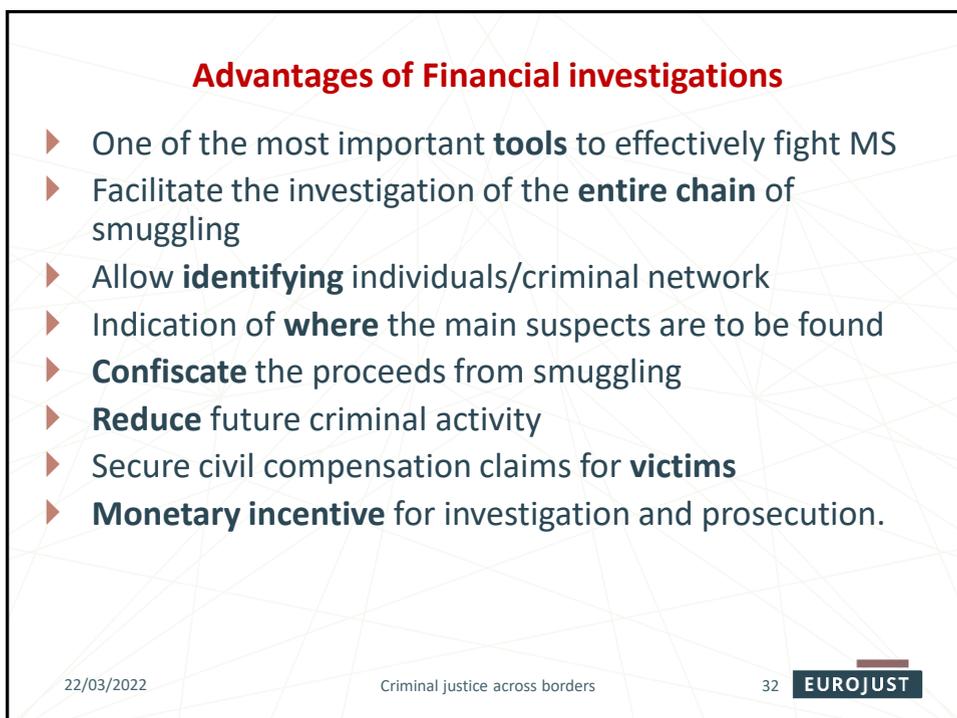
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## Financial investigations and JITs

- ▶ **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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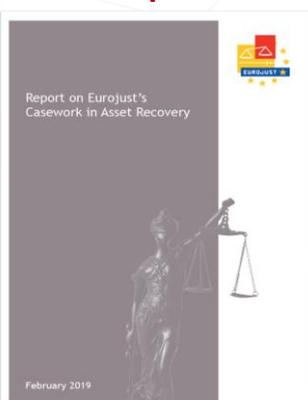
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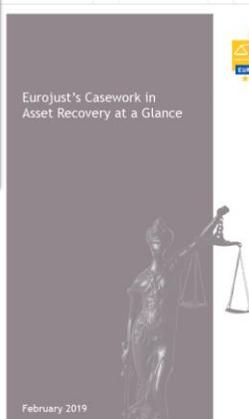


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## Report on Eurojust casework in Asset Recovery



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)

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## 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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## 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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## 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**

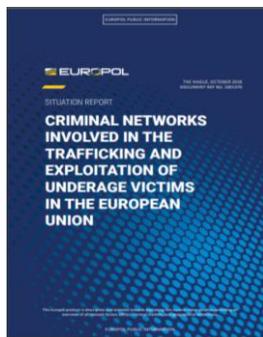


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## What is the role of technology?

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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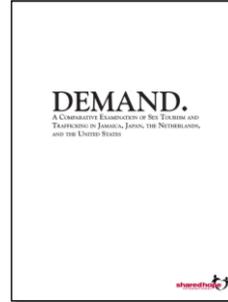
## The increasing role of technology



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

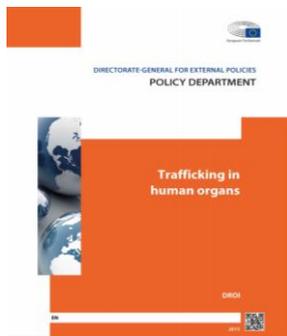


*In SE Asia, online platforms facilitating live streaming of sexual abuse of children - rise in child THB in the region*



*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.

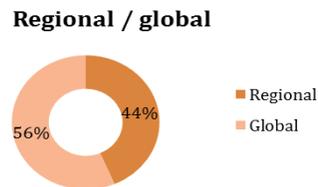
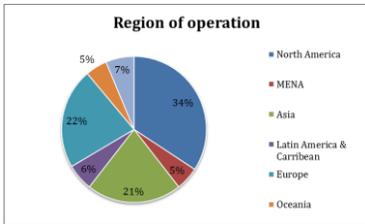
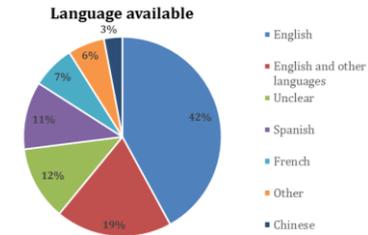
English

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

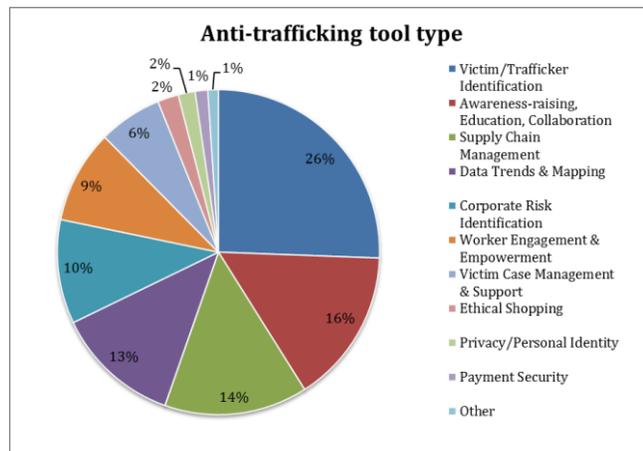
## OSCE response - research

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



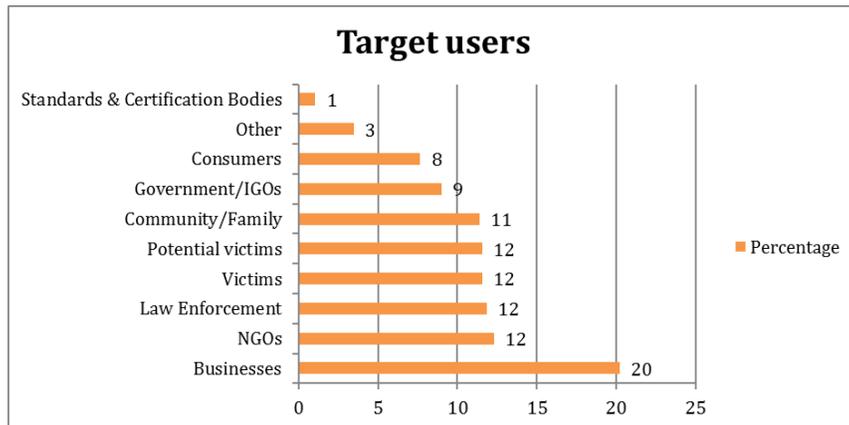
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## OSCE response - research

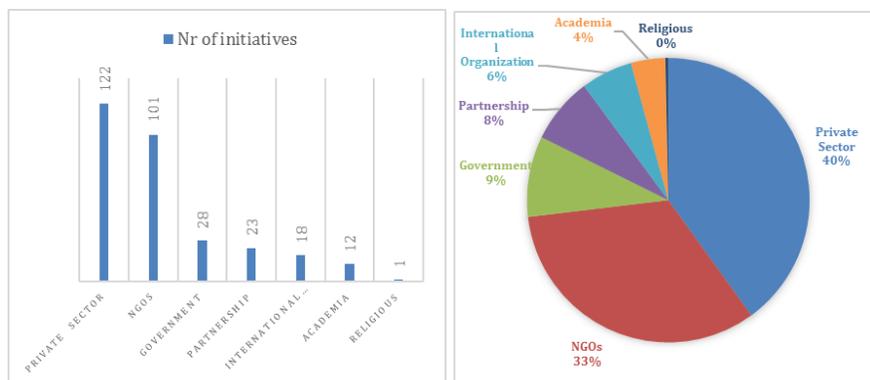


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## OSCE response - research



## 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

Image	Text	COLLECTED	POSTED	LOCATION
	THICK & JUICY - SWEET & WET - HUGE BOOBS - Simply AmAz ING	This, Sep 21, 2017 03:14PM EDT	Fri, Sep 15, 2017 09:58PM EDT	Maryland, Maryland
	THICK & JUICY - SWEET & WET - HUGE BOOBS - Simply AmAz ING	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 ING	This, Sep 21, 2017 03:09PM EDT	Thu, Sep 21, 2017 11:49PM EDT	

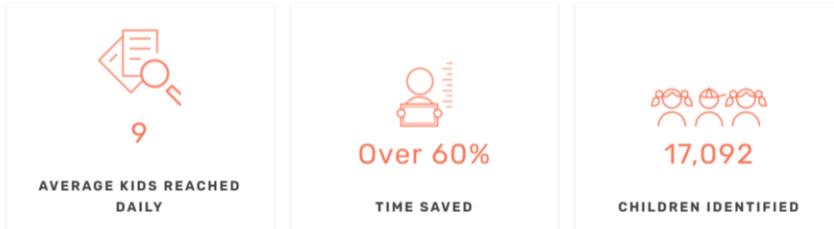
Map showing geographic distribution of ads in the United States.

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## Specific examples - data scraping software



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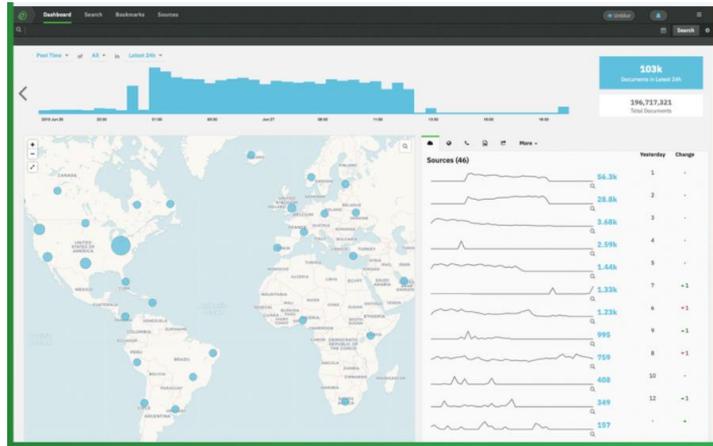
## Specific examples - data scraping software



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

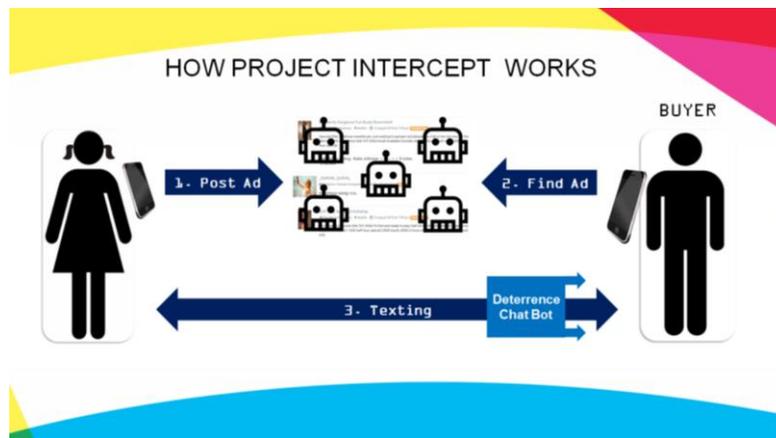
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## Specific examples - data scraping software



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## AI tools to fight THB - PROJECT INTERCEPT



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## 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

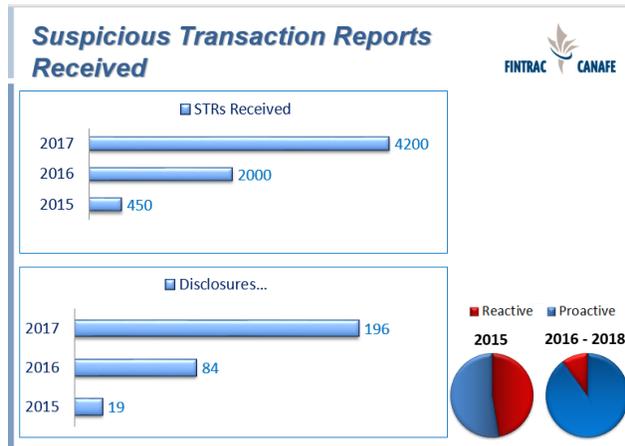
- Multiple point-of-sale transactions at
  - Drug stores
  - Clothing stores
  - Beauty stores (e.g., stores that sell lingerie and/or make-up)
- Fast food restaurants

#### 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 *Eurogirlsesort*, *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

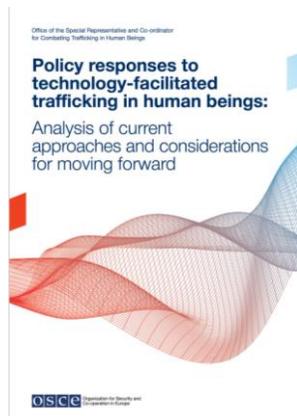
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## OSCE response – research LITHUANIA

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

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# Thank you!

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

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# Opferidentifizierung

## Opferorientierte Ermittlungen



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

# 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

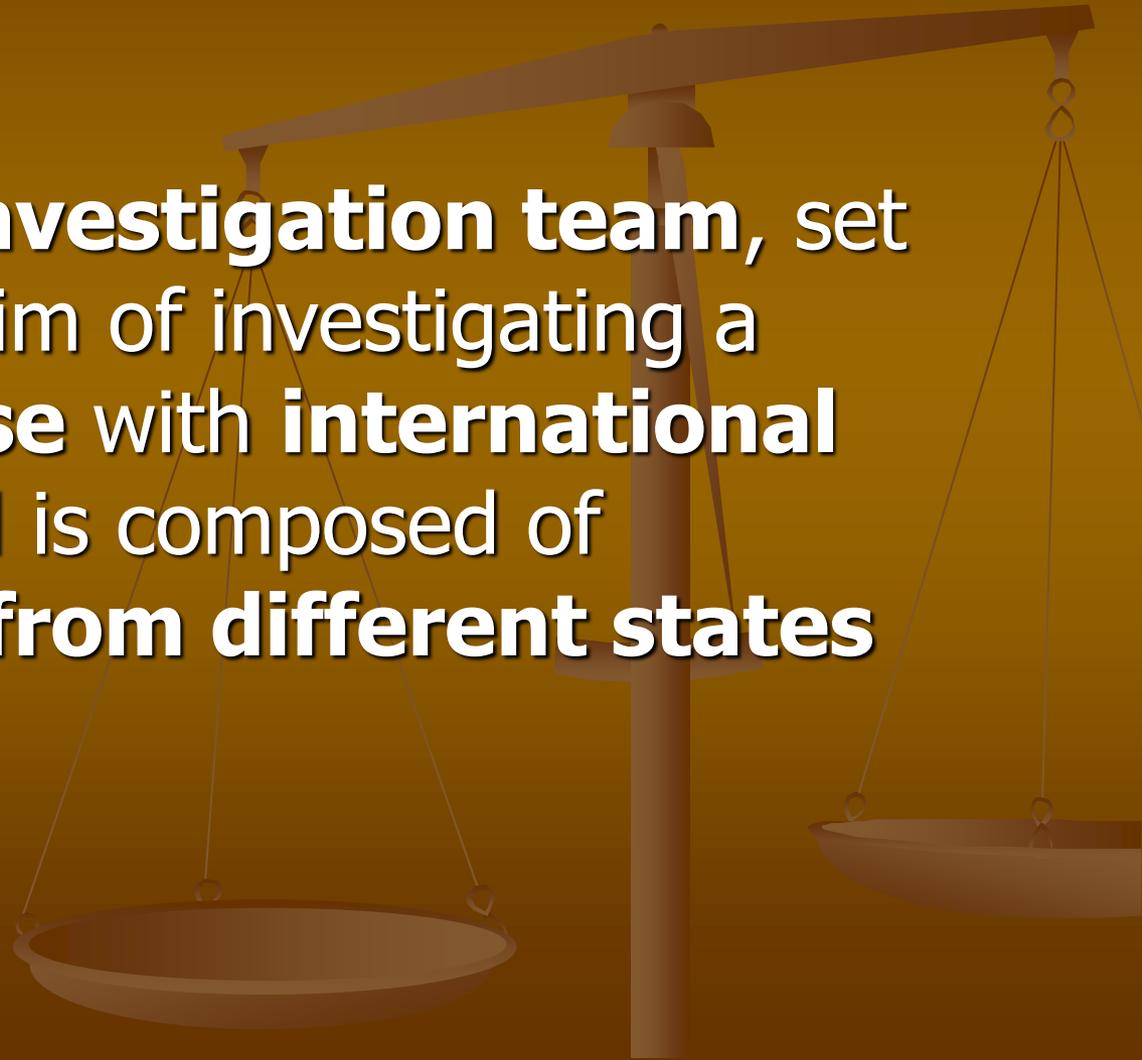
**Maja Veber Šajn, MSc**  
**Senior State Prosecutor**  
**Supreme State Prosecutor's Office of the**  
**Republic of Slovenia**



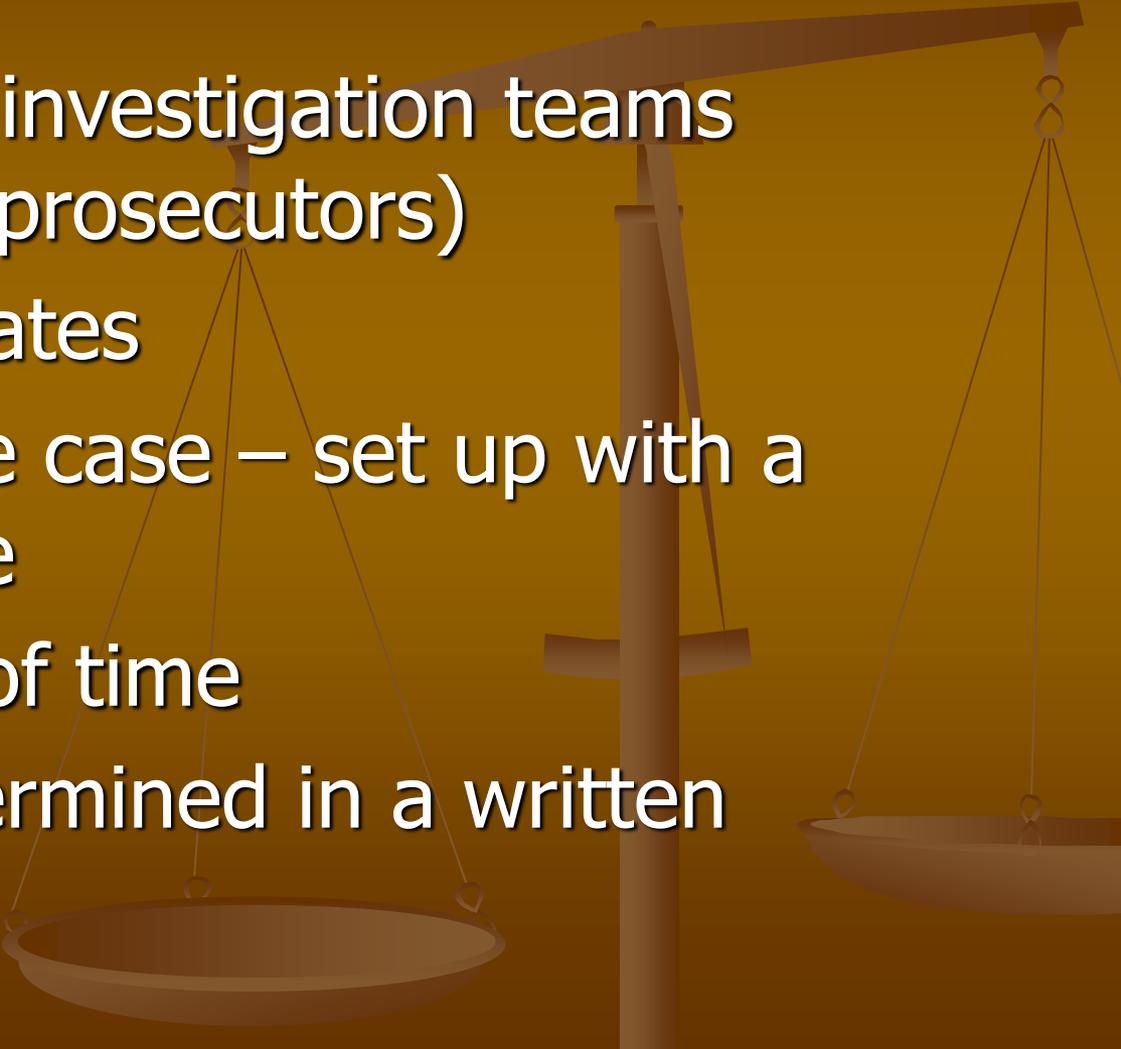
With financial support from the European Union's Internal Security Fund  
– Police 2014-2020

# What is a JIT?

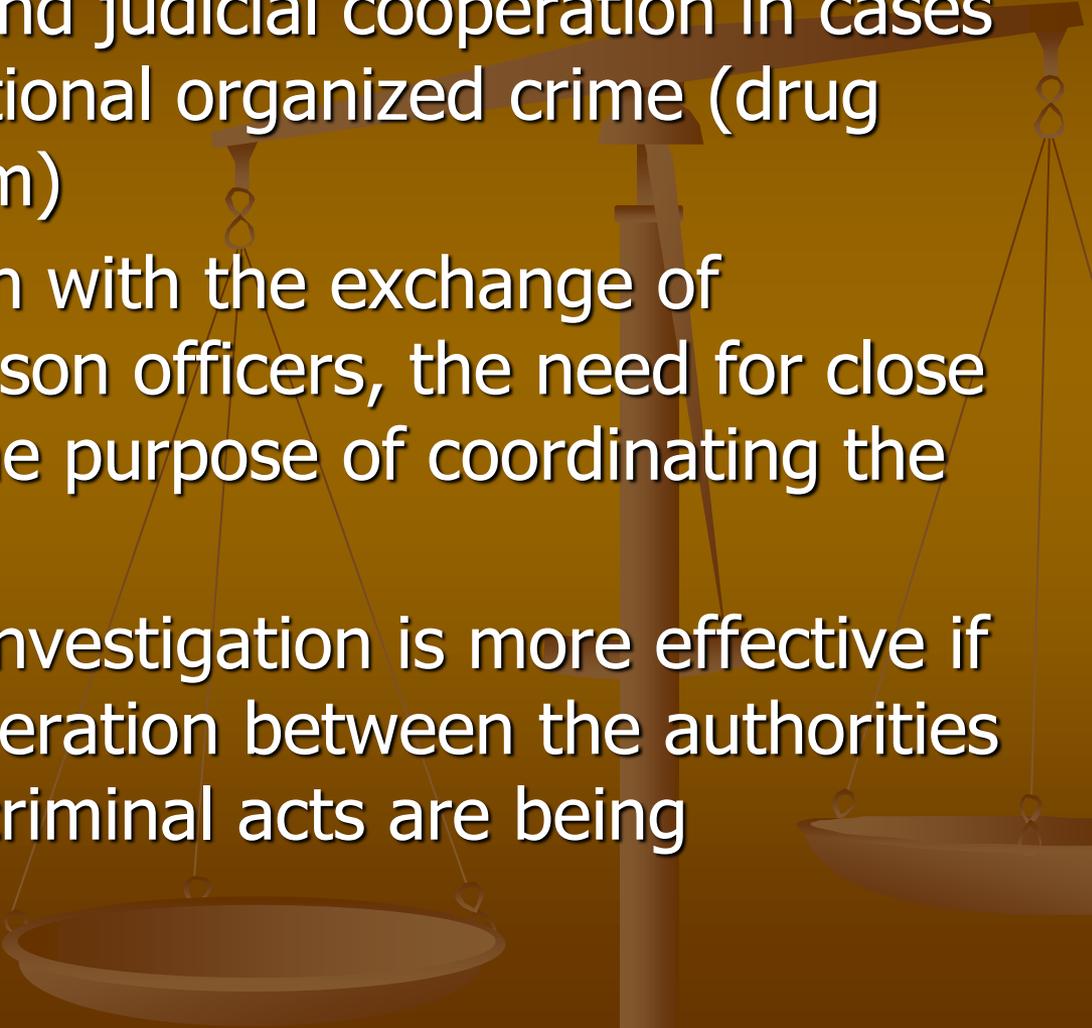
- operational **investigation team**, set up with the aim of investigating a **complex case with international element** and is composed of **authorities from different states**



# 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
- 

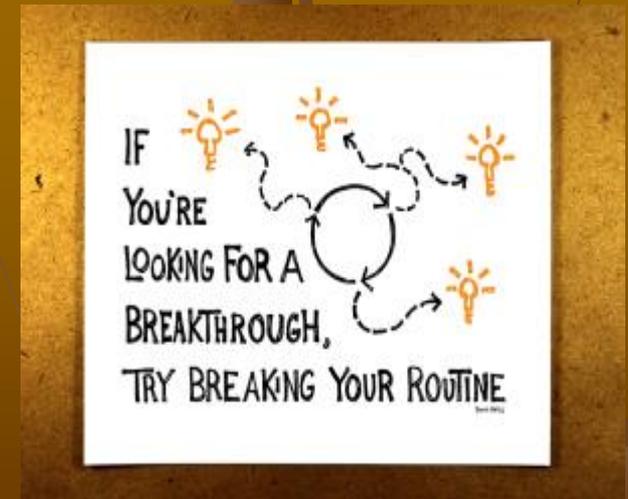
# Idea of JITS



- 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?



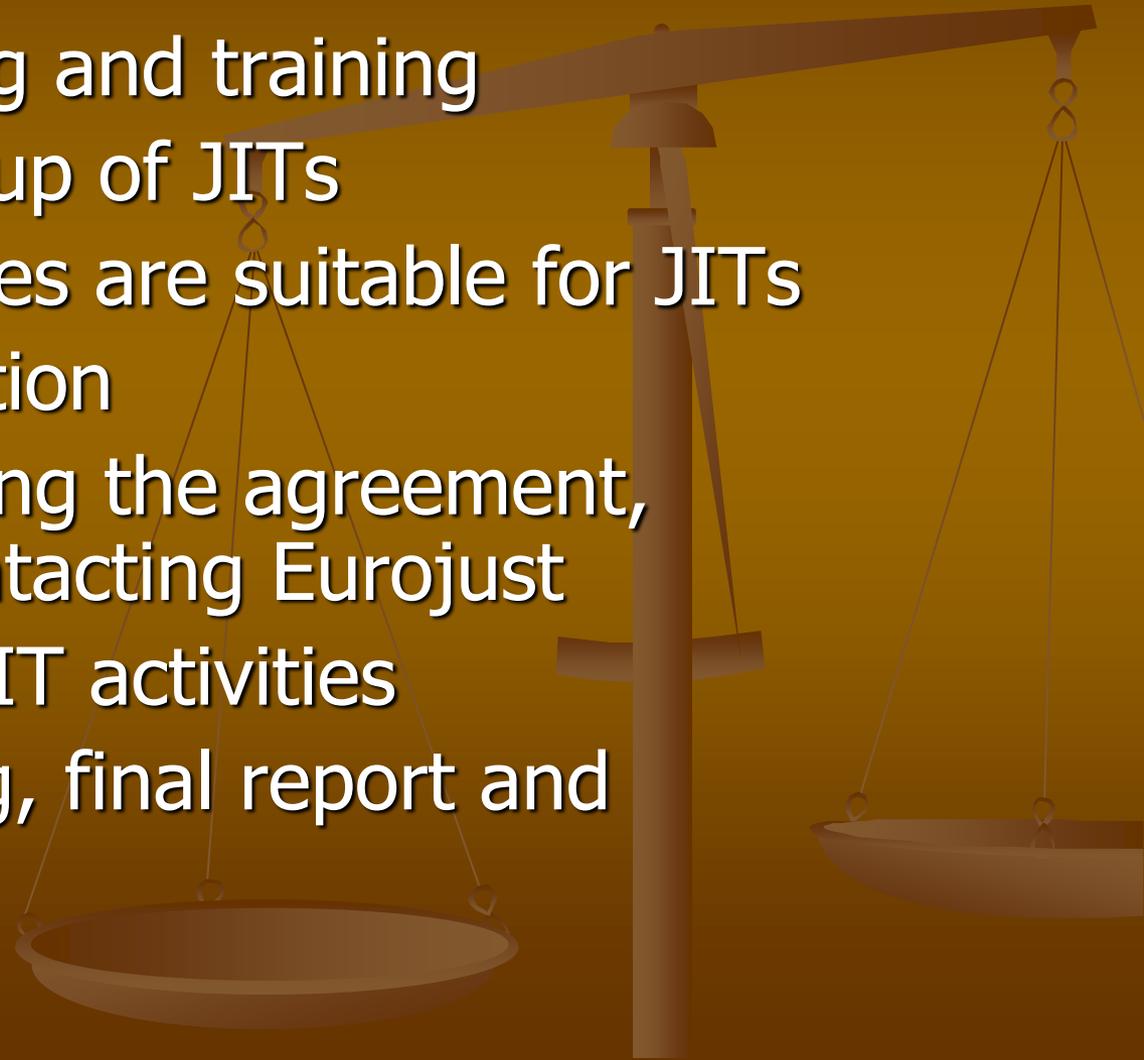
# Fear of JITs

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



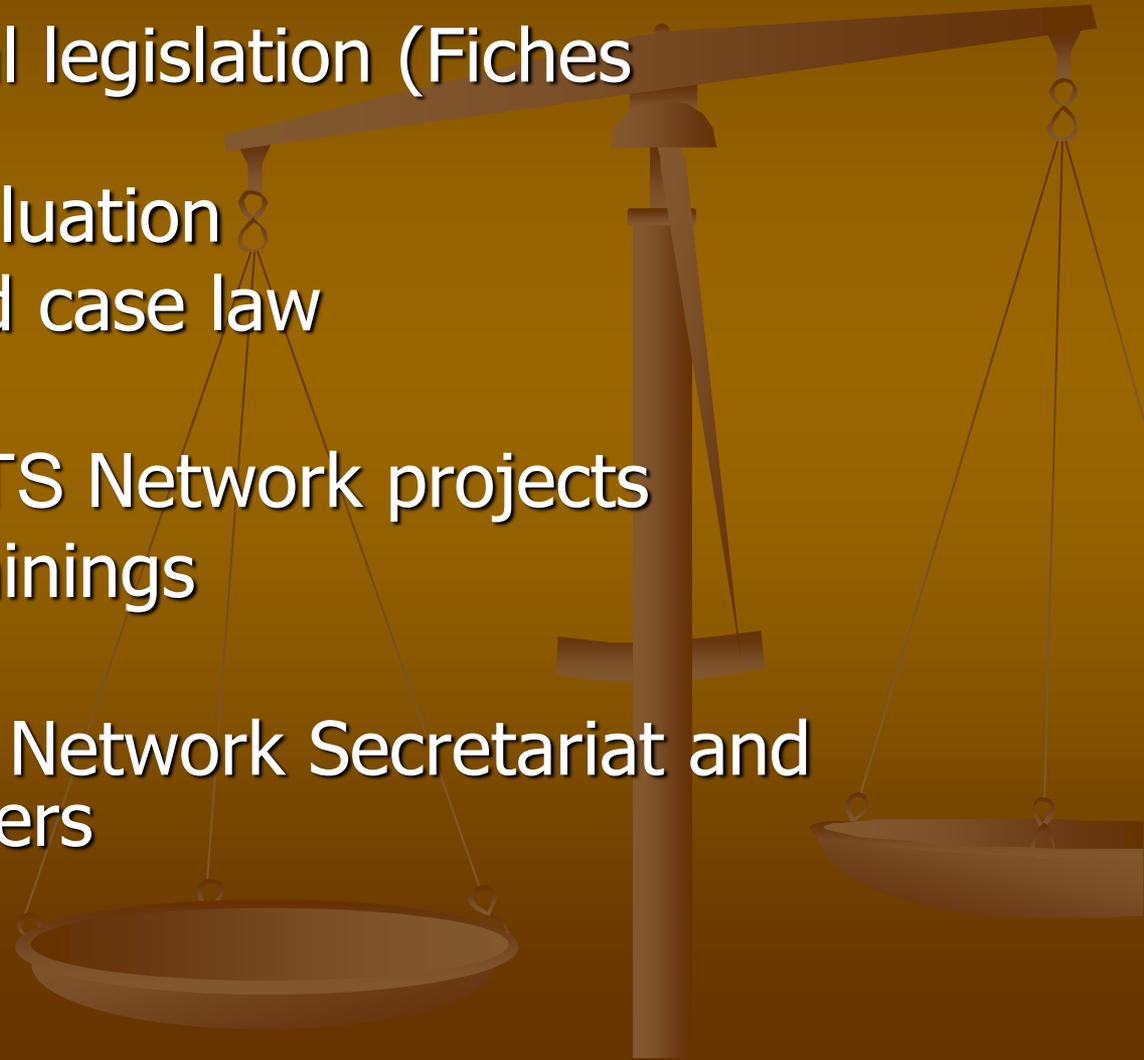
# Role of National JIT expert

- 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

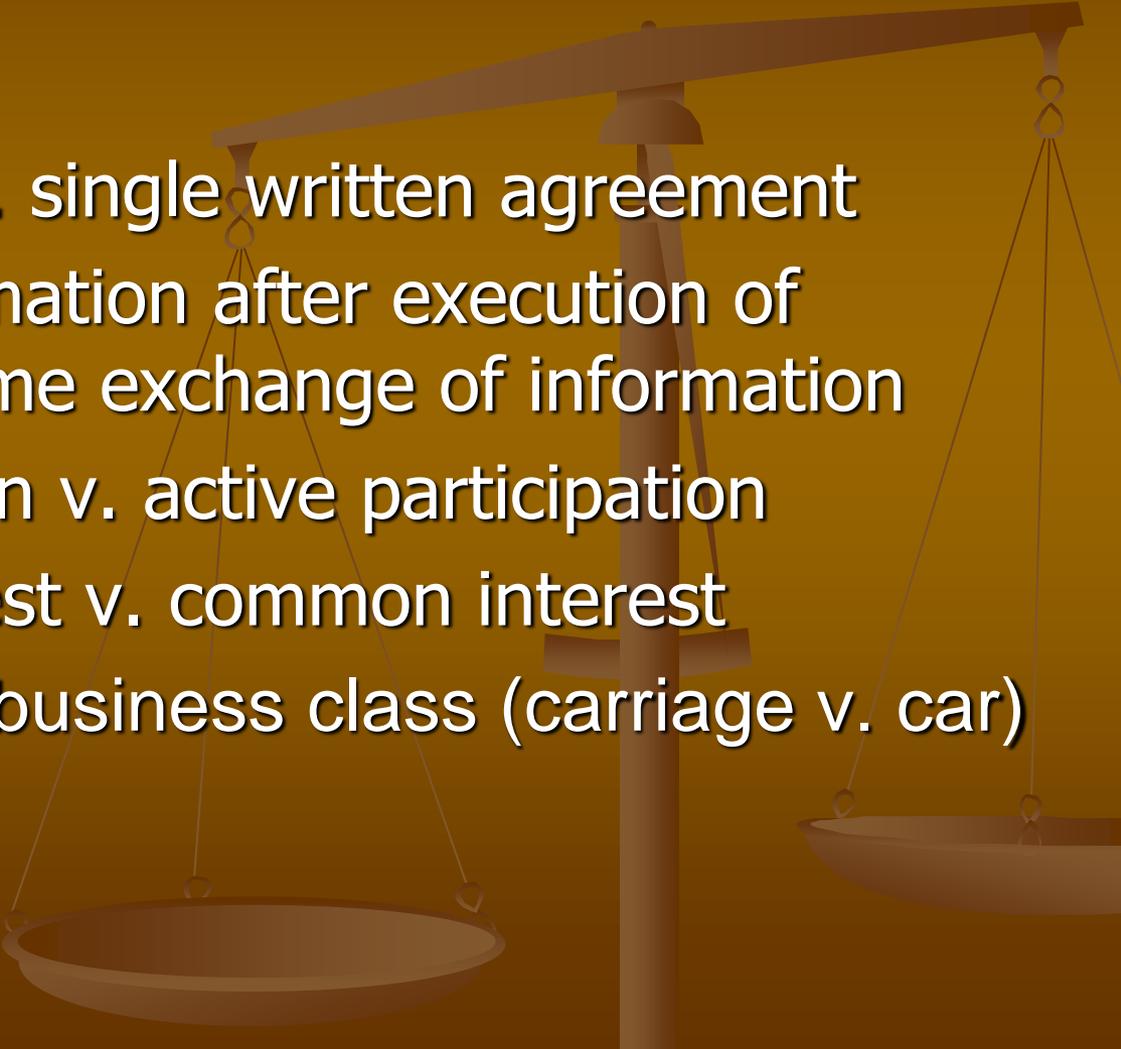


# Role of National JIT expert

- 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

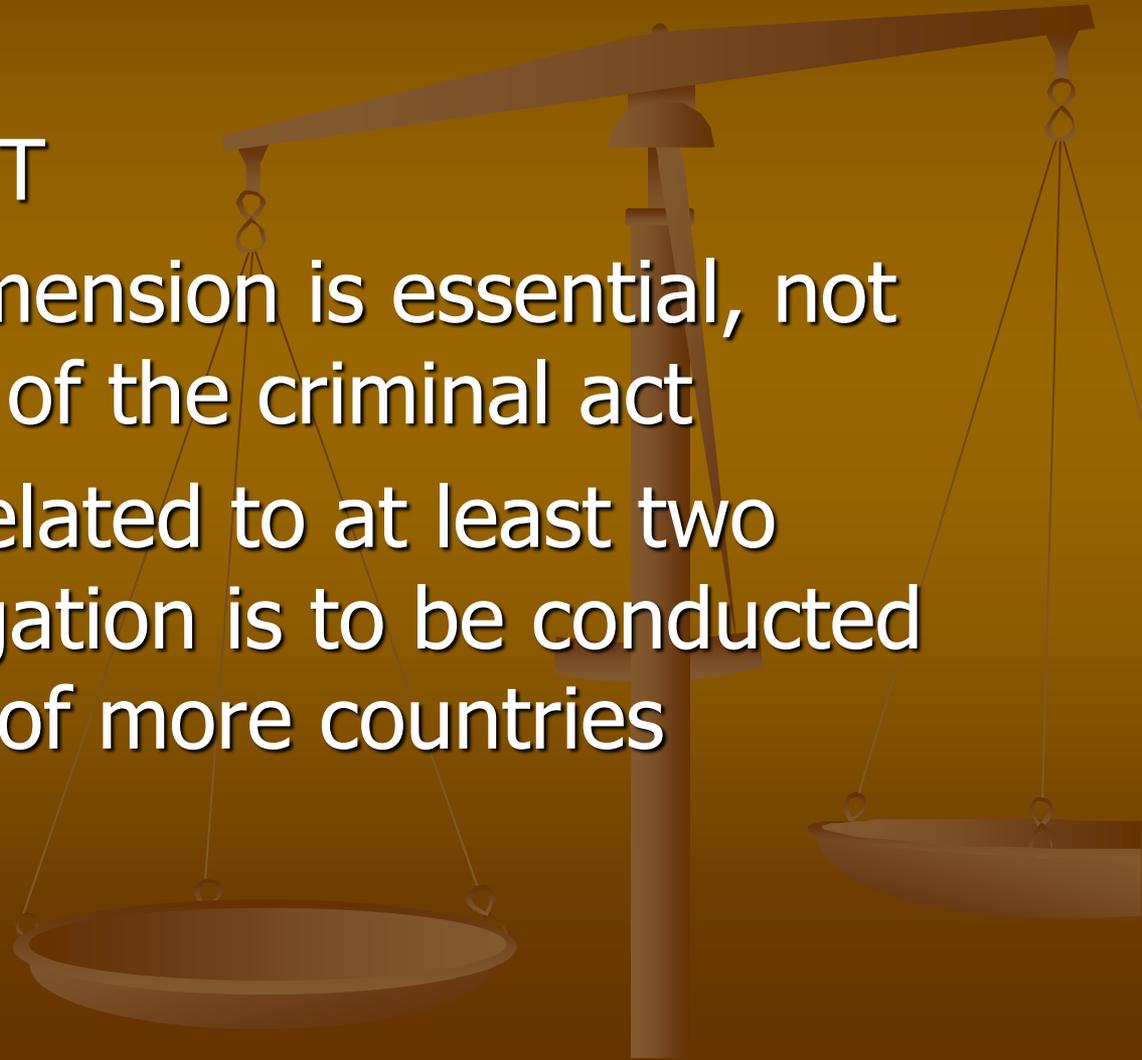


# MLA v. JIT

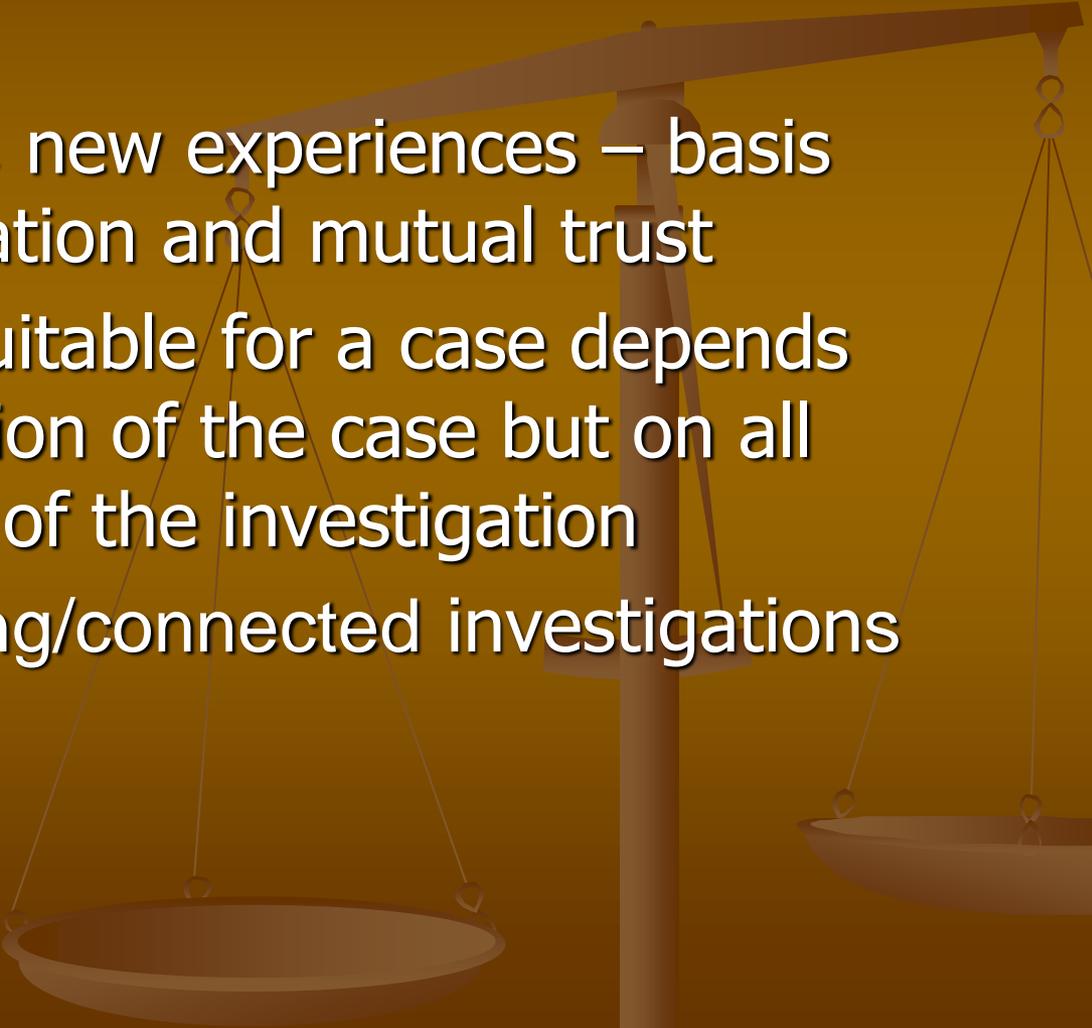
- several requests v. single written agreement
  - exchange of information after execution of MLA/EIO v. real-time exchange of information
  - limited participation v. active participation
  - execution of request v. common interest
  - economy class v. business class (carriage v. car)
- 

# 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

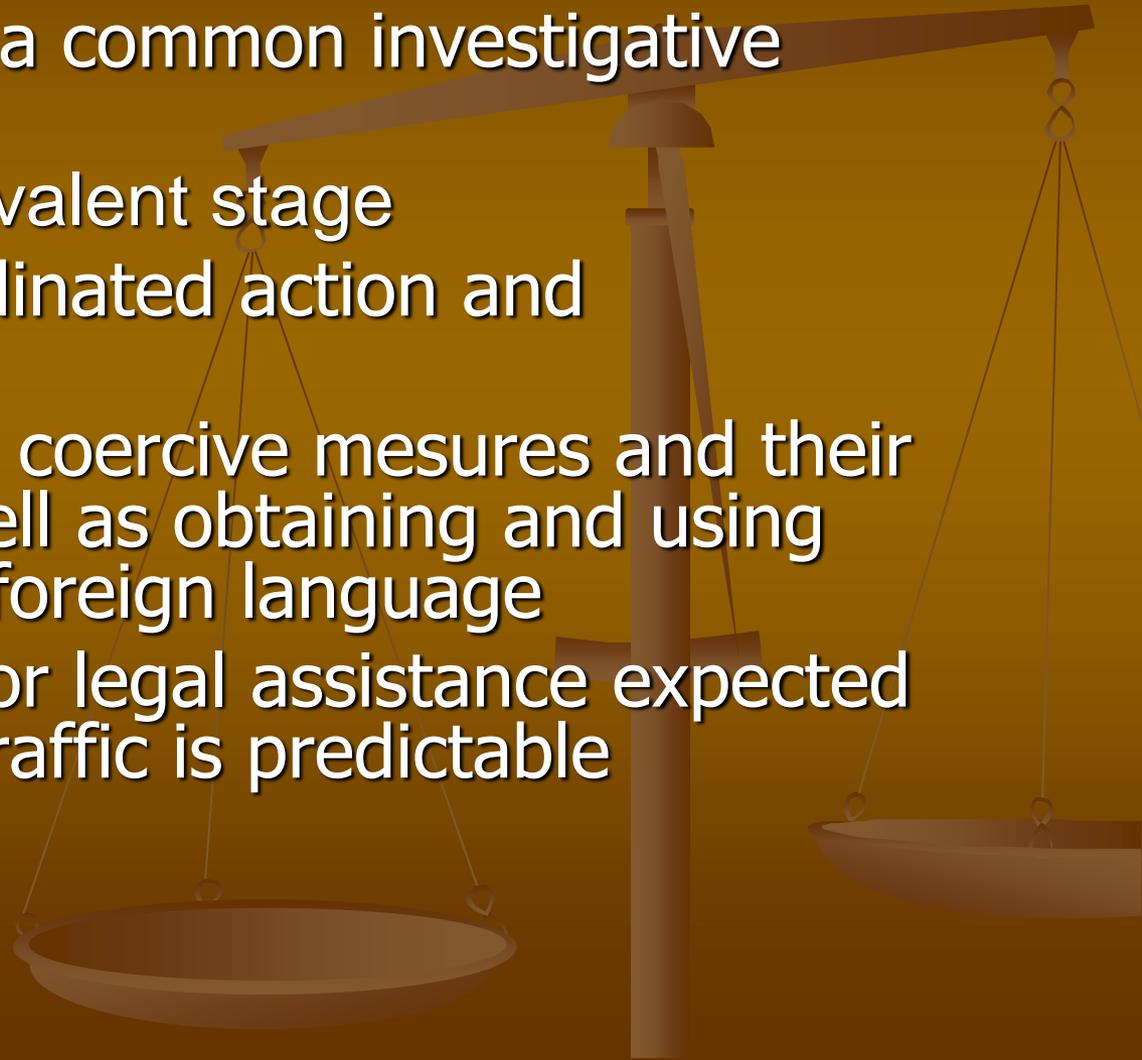


# What kind of cases?

- 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?

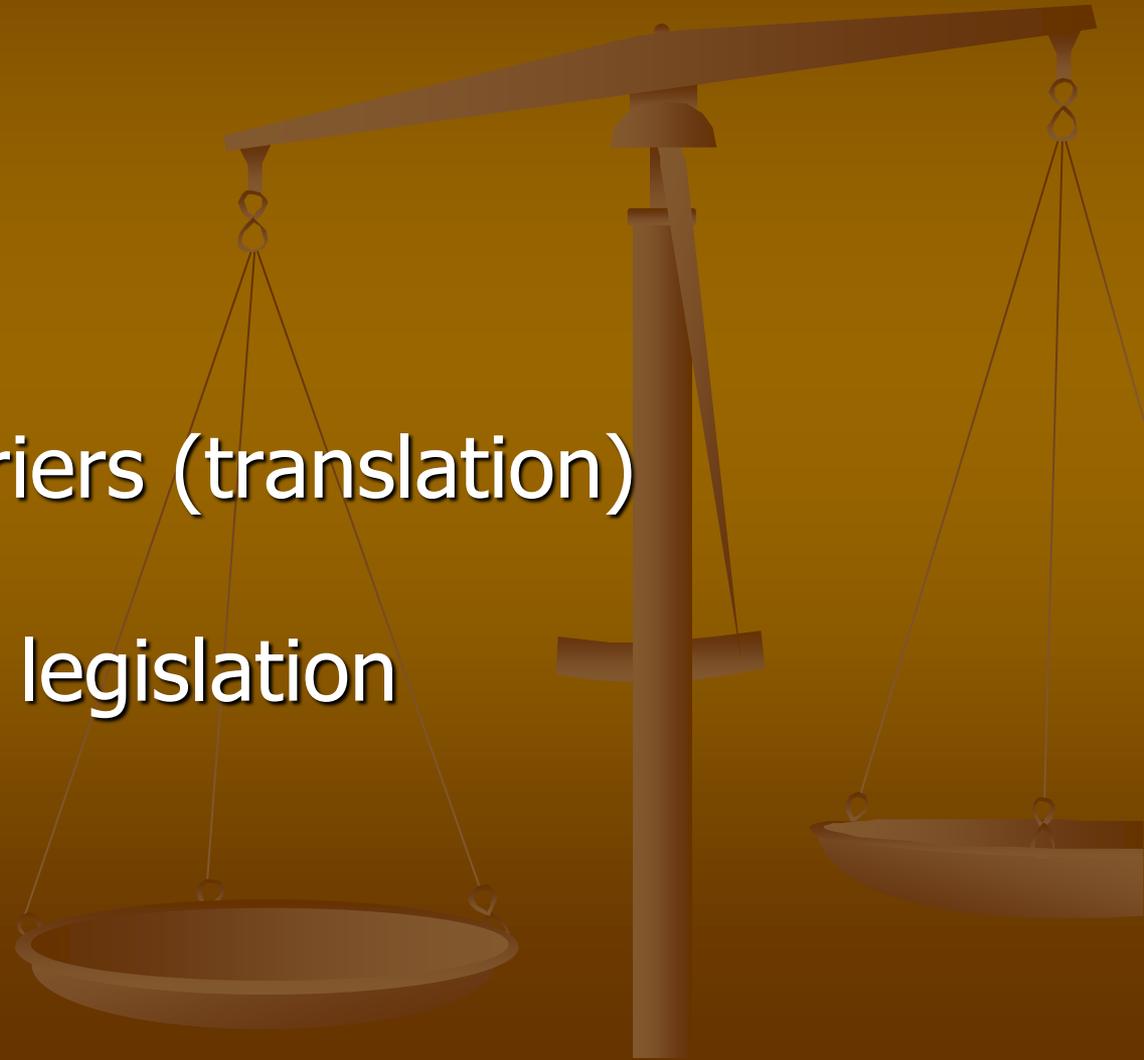
## EQUALITY & COMMITMENT

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

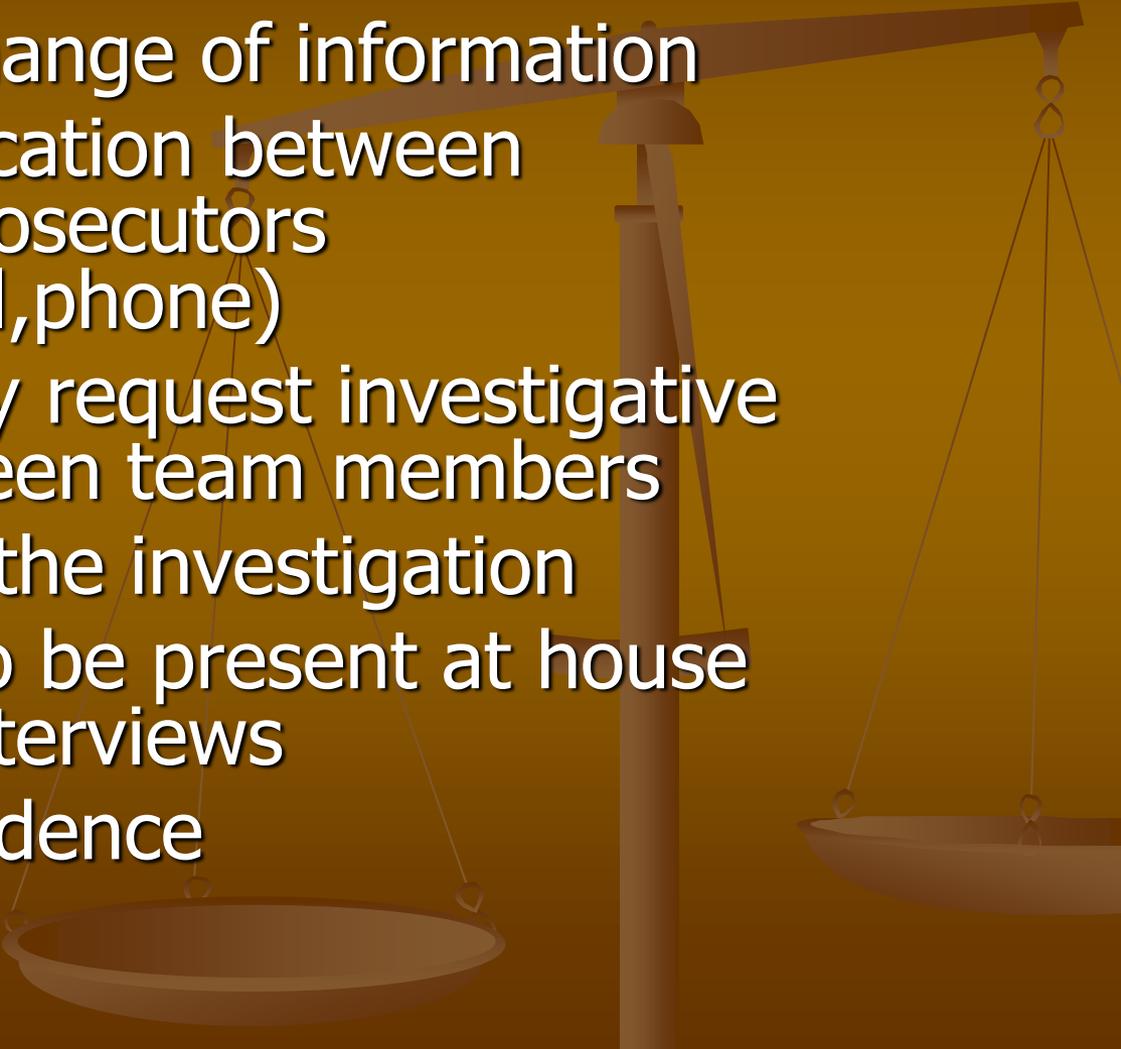


# Weaknesses

- 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

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# EXPERIENCES CONCERNING JIT

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



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

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## 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

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## JIT Patria

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

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## 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

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## 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

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## 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

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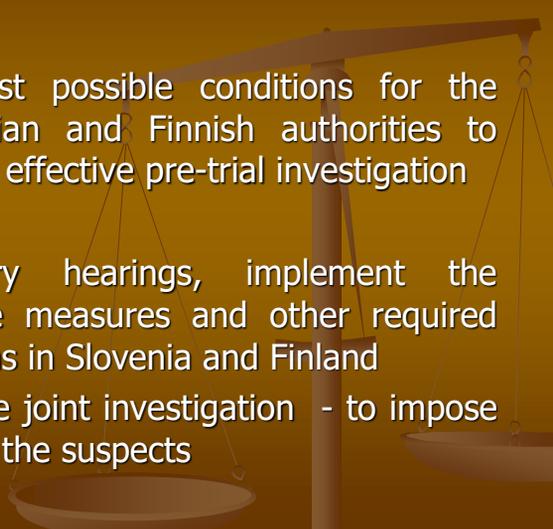
## JIT Agreement



- 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

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## 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

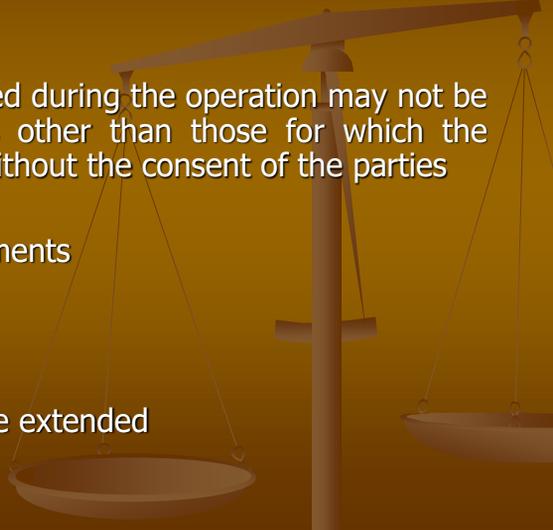
## JIT Agreement



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

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## JIT Agreement



### Confidentiality

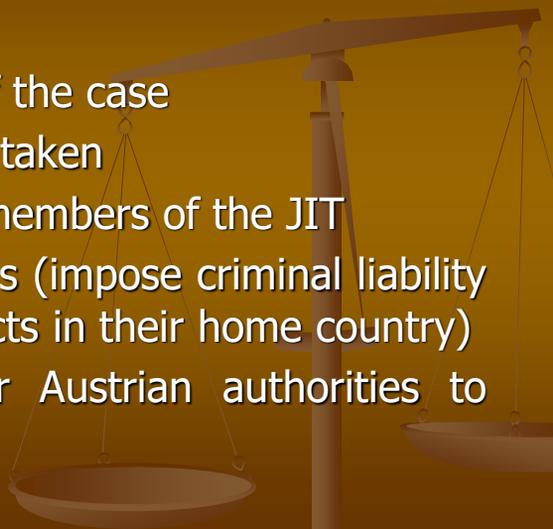
- information obtained during the operation may not be used for purposes other than those for which the team was set up without the consent of the parties

### Organisational agreements

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

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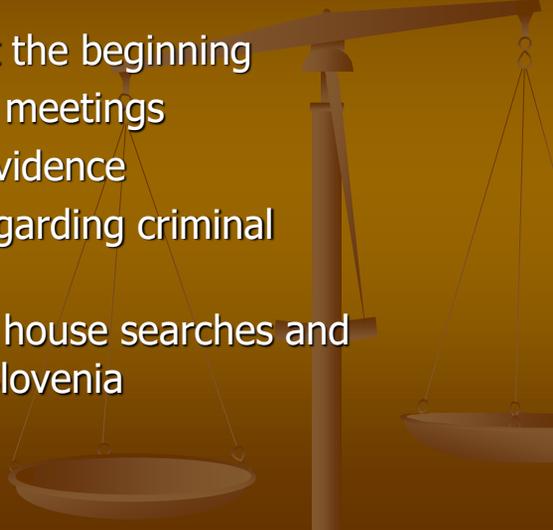
## Operational plan

A faint, stylized illustration of a balance scale is visible in the background of the slide, positioned to the right of the text.

- 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

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## JIT cooperation

A faint, stylized illustration of a balance scale is visible in the background of the slide, positioned to the right of the text.

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

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## Annex

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

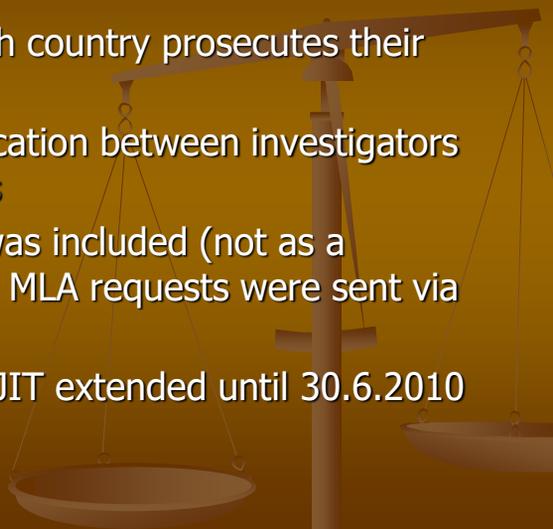
13

## 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

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## 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

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## 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

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## 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

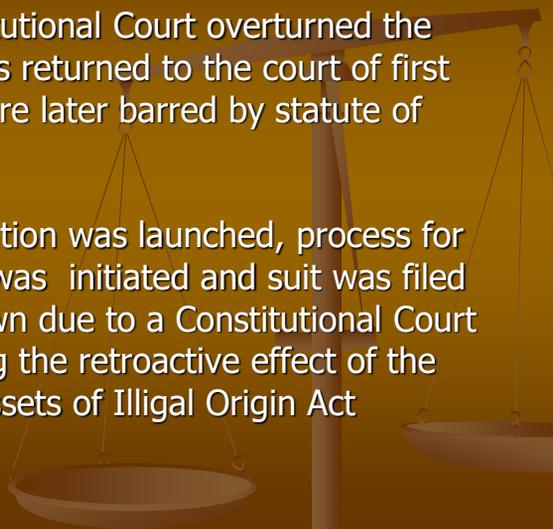
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## Results - Slovenia

- 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)

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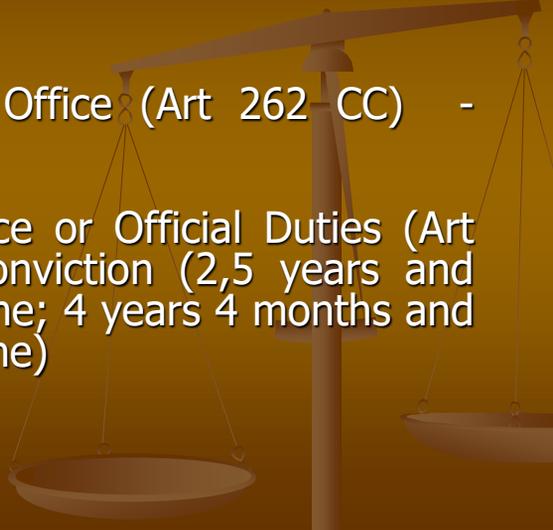
## Results - Slovenia



- 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

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## 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

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Questions?

THANK YOU FOR YOUR ATTENTION

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# 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 – 2<sup>nd</sup> DIVISION



TRAFFICKING IN HUMAN BEINGS

SMUGGLING OF PERSONS

COUNTERFEIT DOCUMENTS

4

# 2

## APPROACH THB BELGIUM

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## 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

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## 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

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## 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



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## 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

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## 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 (independant decision)

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## 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

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# FINANCIAL INVESTIGATION: WHY ?



14

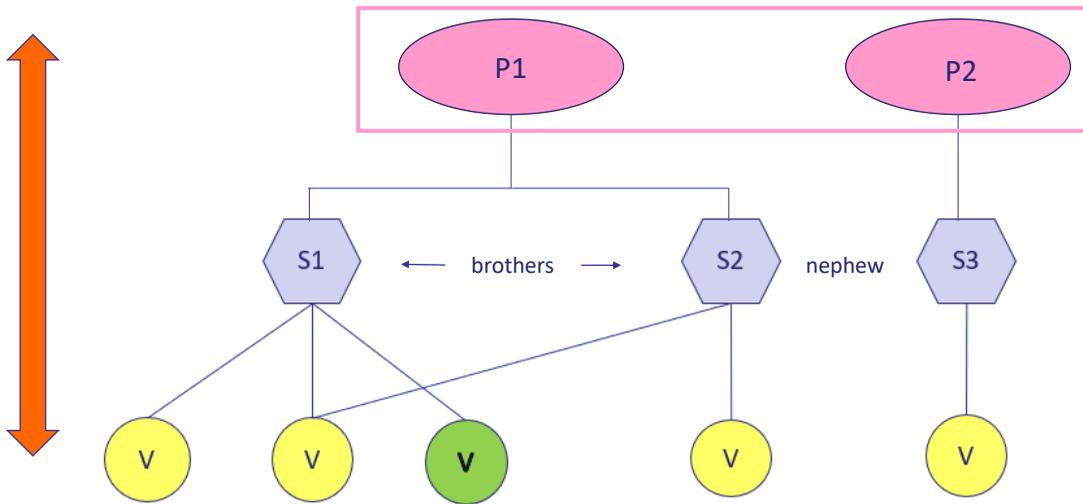


## SUPPORTING INVESTIGATION THB

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

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

# HOW?



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# PERPETRATOR - OCG



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



**HOW?**

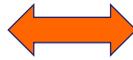
**SEIZURES**



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

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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

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## FINANCIAL INVESTIGATION

## EVALUATION OPTIONS

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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

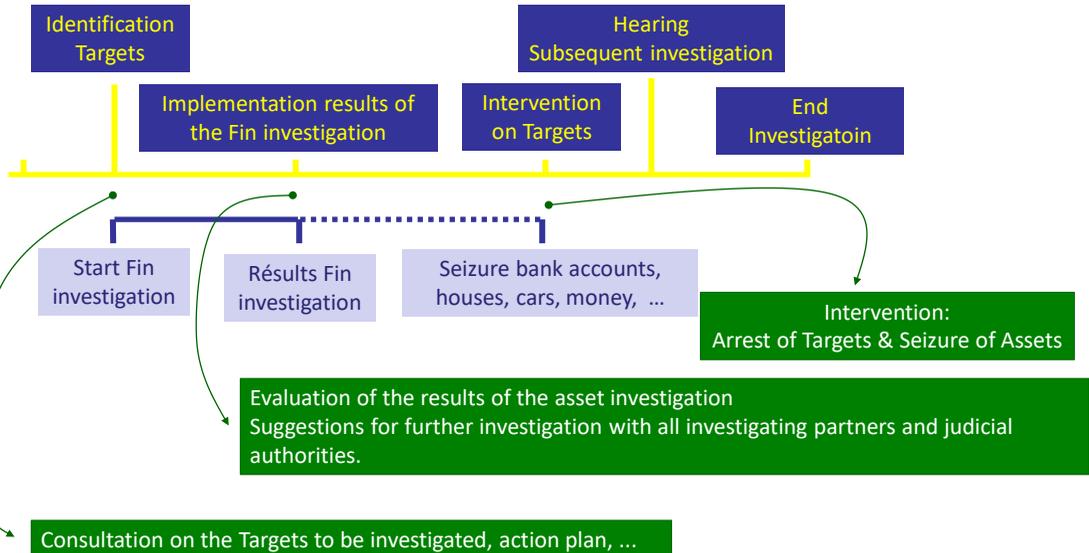
10. focus on the main entities of the file (natural and legal persons) by checking:

- ✓ 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

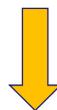
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## IN PRACTICE

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

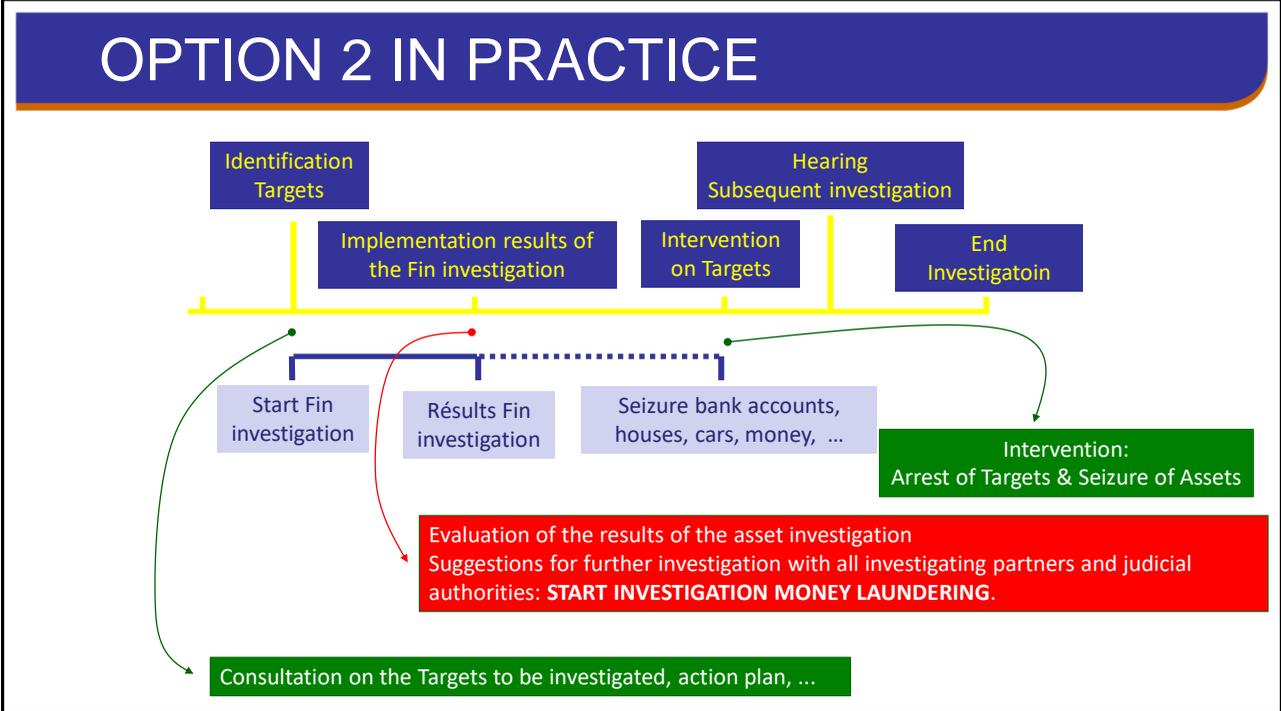


evaluation of the possible launch of a separate money laundering investigation

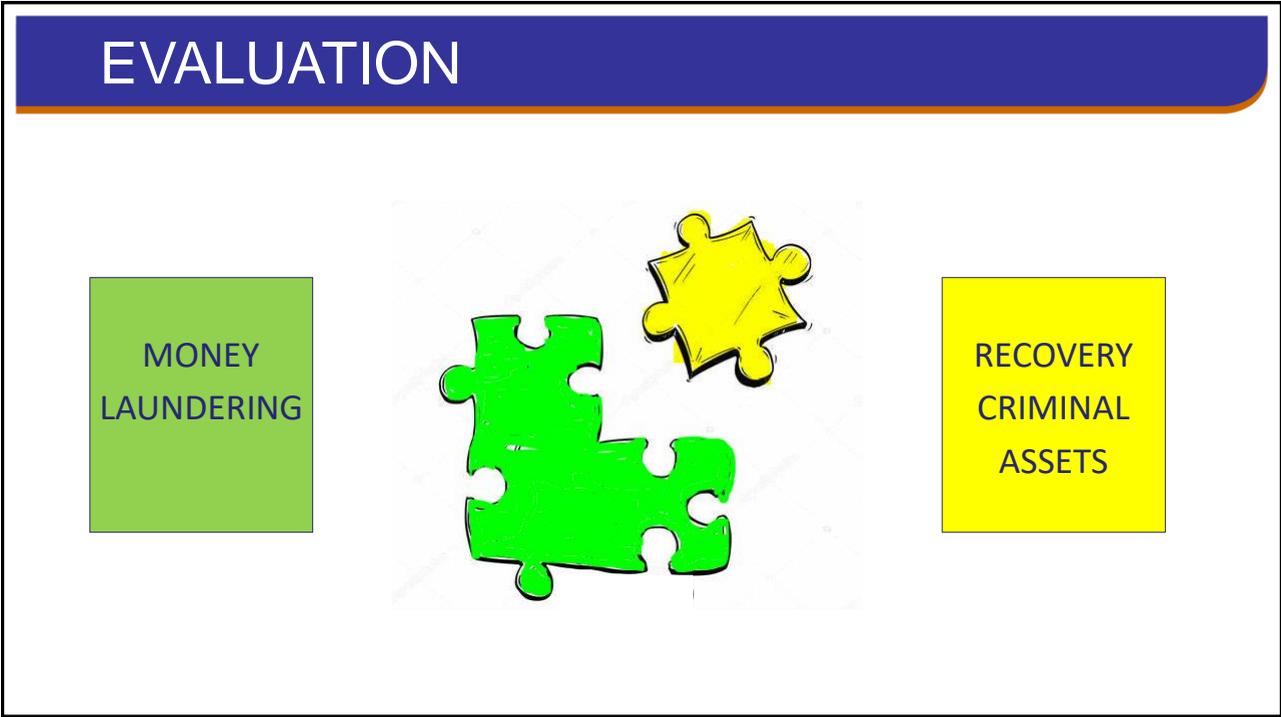


Start/ No start of an investigation “money laundering”

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## 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”

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# INVESTIGATION BIG NOSE

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## 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*

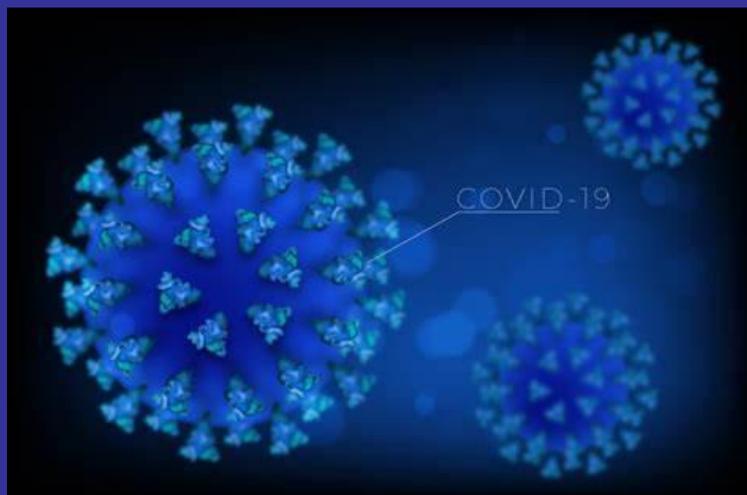


*Digital transformation of currency*

# 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)

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## COVID-19

Visible prostitution: closure of establishments

**!! SUPERVISION POSSIBLE !!**



Hidden prostitution:

**!! SUPERVISION DIFFICULT !!**

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## 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.

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# COVID-19: MEASURES WEBSITE

## 1. Home page site:

warning against violating containment rules by soliciting or accepting physical appointments



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# 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 payement 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

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## CASE "FLAMINGO"

aggravating circumstance

=

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

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Thanks for your attention

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

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# 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

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## 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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## 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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## 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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## 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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## 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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## 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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## 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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## Victim identification

### Victim-centered investigations



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

## Central Intelligence Service – office 8.2

### Combating Human Trafficking/Human Smuggling

**JOO – Joint Operational Office against Human  
Trafficking/Smuggling**



**JOINT  
OPERATIONAL  
OFFICE**

**COMBATING HUMAN  
SMUGGLING AND  
HUMAN TRAFFICKING**

**Kerstin Kreuzer**



## Department 8.2.1

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

## Department 8.2.1

currently 5 criminal investigators

information on THB by phone

**+43 677 61343434 (24/7)**

or e-mail

[menschenhandel@bmi.gv.at](mailto:menschenhandel@bmi.gv.at)  
[humantrafficking@bmi.gv.at](mailto:humantrafficking@bmi.gv.at)

## Police Responsibility

Provincial Level

Provincial Criminal  
Investigation Departments

Federal Level

Criminal Intelligence Service

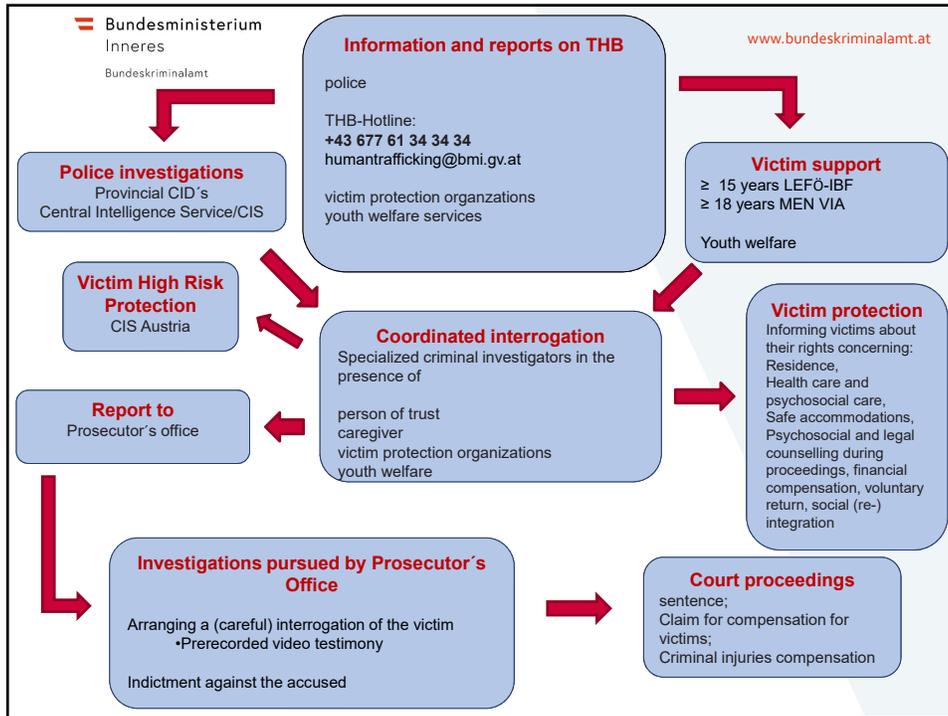


## Victim-centered investigations

## **THB vs. other criminal offenses**

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

## **National Referral Mechanism (NRM)**

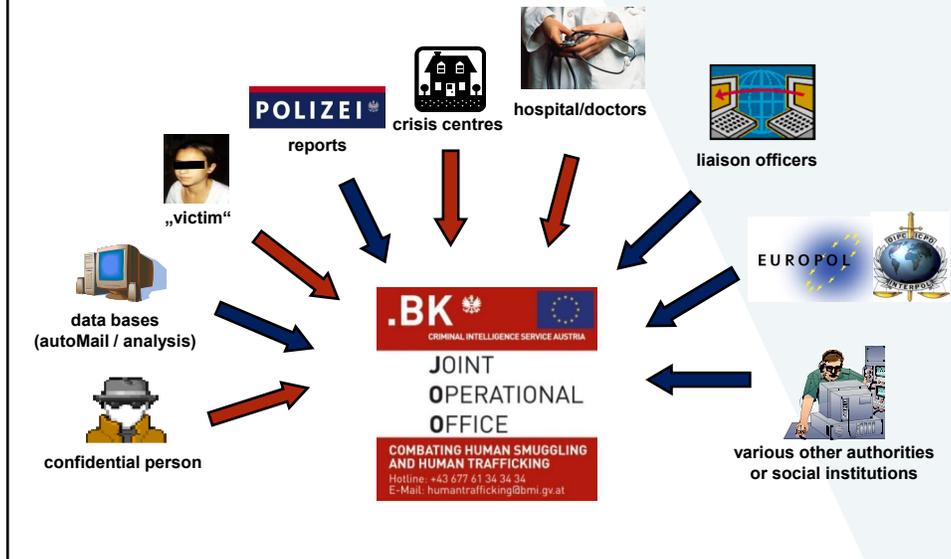


**Bundesministerium Inneres**  
Bundeskriminalamt

[www.bundeskriminalamt.at](http://www.bundeskriminalamt.at)

# Identifying of victims and perpetrators

## Obtain of Criminal Intelligence



### ➤ perception of police/other authorities

- in the performance of duties
- Monitoring activities

### ➤ perception by third parties

### ➤ victim reveals him-/herself

- law enforcement agencies
- victim protection agencies
- social service agencies

# INDICATORS



## Indicators

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

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



## Indikatoren

### General:

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

## Indikatoren

### children:

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

### beggars:

- with physical infirmities or mental disabilities

**„there is something wrong“**

## **Interviewing victims and giving them support**

# **INTERROGATION**

## **preparations/considerations in advance**

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

## INTERROGATION

### ➤ Interpreter

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

## INTERROGATION

### ➤ preliminary talk - „warm up“

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

# INTERROGATION

## ➤ Set of facts

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

# INTERROGATION

## ➤ interviewing children

### ➤ cooperation youth welfare/caregiver

### ❖ specially trained officers

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

### ❖ from own

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

## SUPPORT

### ➤ protection of any rights

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

### ➤ respect/appreciation

## SUPPORT

### ➤ with careful interrogation in court

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

## Inter-agency cooperation

## SECURITY POLICE ACT

### § 25 paragraph 3

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

### § 56 paragraph 1 point 3

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

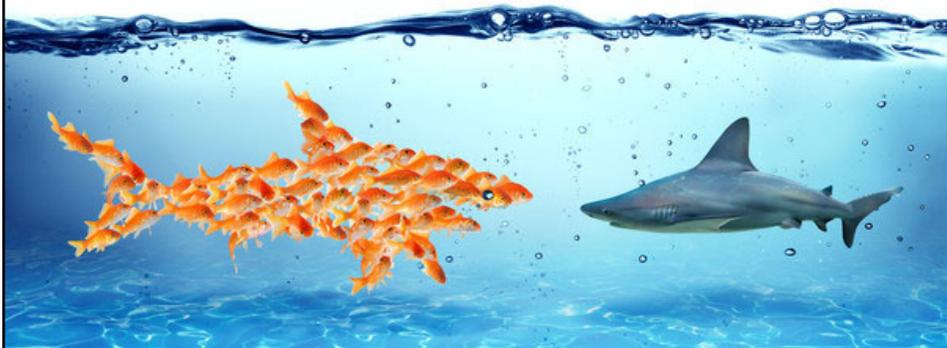
## Victim Protection

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

## Authorities

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

## Combating Human Trafficking =



**TEAMWORK**



**Thank you for your attention!**





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

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

Evelyn Probst



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

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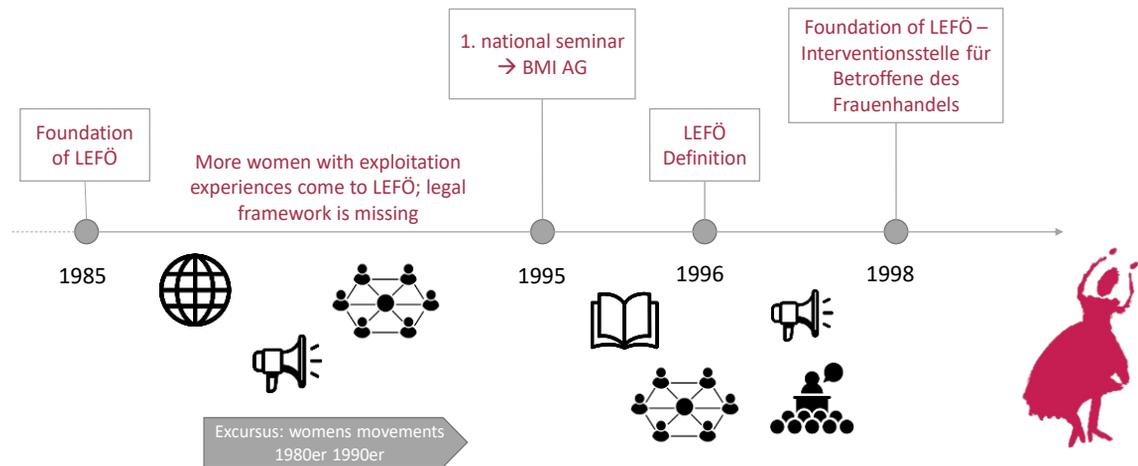
## Victims of trafficking

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



2

## Human trafficking in Austria



3

## LEFÖ – Intervention centre for trafficked women and girls

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



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# Victim identification and protection from perpetrators

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



5

## Ласкаво просимо до Австрії! Залишайтеся у безпеці.

**ПОСВІДЧЕННЯ ОСОБИ ТА ПАСПОРТ НАЛЕЖАТЬ ТІЛЬКИ ВАМ**

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

**НІ, ЗНАЧИТЬ НІ**

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

**ПРОЖИВАННЯ БЕЗКОШТОВНЕ**

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



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

**ЯКЩО ВИ МАНДРУЄТЕ ДАЛІ**

Подорожі безкоштовні. Пропонують заздалегідь, НО або саморганізовані групи чи асоціації. Вам не потрібно платити, ви не повинні нічого компенсувати.

Сховайте потягу, яку ви носите з собою. Навіть у «чужих» місцях. Пропустимо, що будь-яка сумка або багаж, який ви перевозите, мовляв, в якийсь момент доведеться залишити.

Резервне копіювання. Сфотографуйте автомобільні номери будь-якого автомобіля, який використовуєте, загалом зробіть фото вашого телефонного номеру та дві кредитні карти.

**КОЛИ ХТОСЬ ПРОПОНУЄ ВАМ РОБОТУ**

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

**Визуальна допомога чи інформація? Запитайте у нас!**

ILEFO - Інформаційний центр для жінок, які потерпіли від торгівлі людьми. Ми надаємо інформацію, підтримку та поради. Ми надаємо інформацію про соціальні послуги та юридичну допомогу. Ми надаємо інформацію про соціальні послуги та юридичну допомогу.

0043 1 7909298  
@ifefoo.at  
https://ifefoo.at/  
www.facebook.com/ifefoo1985

In Auftrag von:

**Bundesministerium Innere**  
**Bundeskantleramt**



## Welcome to Austria! Stay safe.

**NO MEANS NO.**

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

**IF YOU'RE TRAVELING FURTHER**

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

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

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

**YOUR ID & PASSPORT BELONG TO YOU.**

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

**ACCOMMODATION IS FREE**

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

**WHEN YOU ARE OFFERED A JOB**

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



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

**Feel threatened or in danger? Contact us!**

ILEFO - Information Centre for trafficked women at a hotline. We provide information, support and advice. We provide information about social services and legal support. We provide information about social services and legal support.

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In Auftrag von:

**Bundesministerium Innere**  
**Bundeskantleramt**





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## Victim identification and protection from perpetrators

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



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## Victim identification and protection from perpetrators: Impact of Covid

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



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## Victim identification and protection from perpetrators

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



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## Security Police Act

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



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## Provision of support during investigations and judicial proceedings

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

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

**Confidential – Anonymous – Free of Charge**



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## Provision of support during investigations and judicial proceedings

Based on the criminal procedural code:

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



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## Provision of support during investigations and judicial proceedings

### **Social inclusion:** Mentoring program

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



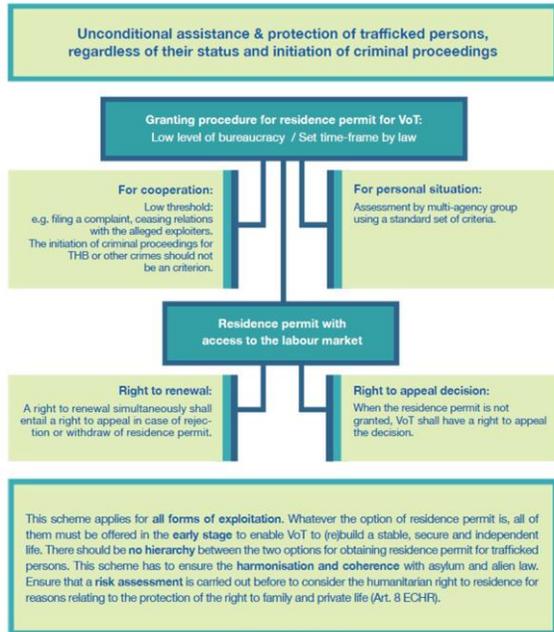
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## Access to remedies and compensatory measures

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

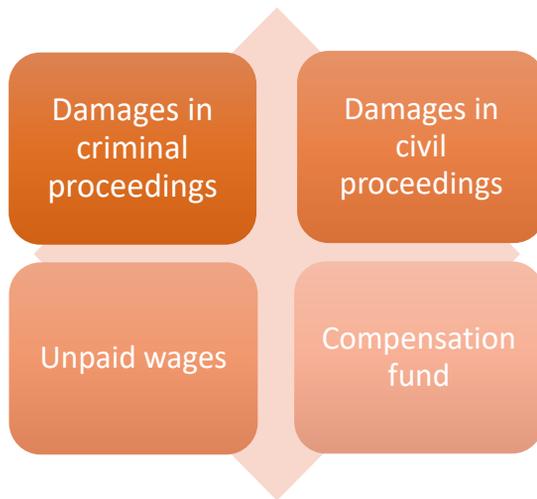


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## Access to compensation: Austria



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## Provision of support during investigations and judicial proceedings

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



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Thank you! Stay in touch:

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