



Reduzir a Procura e Prevenir o Tráfico de Seres Humanos

Lisboa, 8-9 setembro 2022

EXCELLENCE IN EUROPEAN LAW¹

Oradores

Manuel Albano, Relator Nacional para o Tráfico de Seres Humanos, Comissão para a Cidadania e Igualdade de Género, Porto

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Chandra Gracias, Juíza; Formadora na área jurídica, Centro de Estudos Judiciários (CEJ), Lisboa

Thi Hoang, analista e editor-chefe do Journal of Illicit Economies and Development (JIED), Iniciativa Global Contra o Crime Organizado Transnacional (Global Initiative Against Transnational Organized Crime), Viena

Suzanne Hoff, Coordenadora Internacional, La Strada International, Amesterdão

Kevin Hyland, Membro do Grupo de Peritos sobre a Luta contra o Tráfico de Seres Humanos (GRETA), Conselho da Europa, Estrasburgo

Evan Karr, Assistente responsável pelo Gabinete do Representante Especial e Coordenador para o Combate ao Tráfico de Seres Humanos (CTHB), Organização para a Segurança e Cooperação na Europa (OSCE), Viena

Susana Luz, Inspetora do Trabalho, Autoridade para as Condições do Trabalho (ACT), Lisboa

Conny Rijken, Relatora Nacional, sobre Tráfico de Seres Humanos e Violência Sexual contra Crianças, Haia

Szonja Szabó, Perita, Projeto de Análise Phoenix, Centro Europeu de Contrabando de Migrantes (EMSC), Europol, Haia (online)

Fernando Vaz Ventura, Juiz Desembargador, Diretor do CEJ, Lisboa



Com o apoio financeiro do Fundo para a Segurança Interna da União Europeia - Polícia 2014-2020

Tópicos-chave

- Iniciativas de redução e prevenção da procura
- Tráfico cibernético e utilização de tecnologia para prevenir e combater o Tráfico de Pessoas

Línguas

Português, Inglês (interpretação simultânea)

Número do Evento
322DT102

Organizadores

ERA (Ramin Farinpour) em cooperação com o Centro de Estudos Judiciários (CEJ), Serviço de Estrangeiros e Fronteiras (SEF), Relator Nacional para o Tráfico de Seres Humanos, Organização para a Segurança e Cooperação na Europa (OSCE), ANITP (Agência Nacional contra o Tráfico de Pessoas) e La Strada International

CENTRO DE ESTUDOS JUDICIÁRIOS



COMISSÃO PARA A CIDADANIA E A IGUALDADE DE GÉNERO
Ministro Adjunta e dos Assuntos Parlamentares



Reduzir a Procura e Prevenir o Tráfico de Seres Humanos

Quinta-feira, 8 setembro 2022

08:30 Arrival and registration of participants

09:00 **Chegada e registo dos participantes**
Fernando Vaz Ventura, Ramin Farinpour

I. DEFINIÇÃO DO CENÁRIO: COMPREENDER A PROCURA E AS SUAS IMPLICAÇÕES NA POLÍTICA DE LUTA CONTRA O TRÁFICO DE SERES HUMANOS

Moderador: Ramin Farinpour

09:10 **Compreender o âmbito e a natureza da procura e as principais soluções e estratégias para a desencorajar**
Evan Karr

09:45 **As complexidades da procura e a avaliação do impacto e potencial das medidas do lado da procura para reduzir o tráfico: conclusões do projeto DemandAT**

- Medidas políticas que orientam a procura e o seu impacto
 - A procura e o tráfico para fins de exploração sexual e trabalho forçado
- Suzanne Hoff*

10:30 Debate

10:45 Pausa Café

II. RESPOSTAS À REDUÇÃO DA PROCURA: MEDIDAS REGULAMENTARES TOMADAS PELOS ESTADOS-MEMBROS

Moderador: Evan Karr

11:15 **O modelo sueco para combater o tráfico de seres humanos para exploração sexual: criminalizar a procura**
Anna Ekstedt

11:45 **Enfrentar a procura no âmbito de uma estratégia nacional anti-tráfico: o exemplo de Portugal**

- Medidas de justiça penal, campanhas e programas de educação, medidas de sensibilização em sectores-chave da indústria

Manuel Albano

12:15 Debate

12:30 Almoço

13:30 **A abordagem holandesa para combater a procura do tráfico de seres humanos**
Conny Rijken

14:00 Debate

III. RESPOSTAS À REDUÇÃO DA PROCURA POR PARTE DOS ATORES RELEVANTES

Moderador: Ramin Farinpour

14:15 **Trabalho de aplicação da lei na luta contra a procura**

- Combate a grupos de crime organizado, trabalho forçado e prostituição
- Atividades transfronteiriças de aplicação da lei e cooperação com a Europol

Edite Fonseca Fernandes

14:45 **Tráfico cibernético: utilização da tecnologia para combater o tráfico de pessoas no contexto da sua procura**
Radu Cucos, Thi Hoang

15:30 Debate

15:45 Pausa Café

Objetivo

Este seminário final numa série de três co-financiados pela Comissão Europeia analisará o âmbito do problema da procura do tráfico de seres humanos e como pode ser combatido com iniciativas de prevenção sobre a redução da procura. Serão examinadas as novas e emergentes ferramentas a serem utilizadas pelos traficantes, em particular no domínio cibernético.

O trabalho de vários Estados-Membros da UE e organizações (internacionais) que tentam reduzir a procura será analisado tanto do ponto de vista judicial como do ponto de vista da aplicação da lei, bem como o trabalho realizado pelos atores relevantes na sensibilização. Medidas regulamentares e legais para reduzir a procura, incluindo a criminalização da utilização de serviços exigidos às vítimas de tráfico, serão ilustradas.

Os Workshops farão parte do seminário.

Quem deve participar?

Juízes, procuradores, agentes policiais, sociedade civil/ONG de Estados-Membros elegíveis da UE (a Dinamarca não participa no Fundo para a Segurança Interna - Polícia 2014-2020) e países candidatos elegíveis (Albânia e Montenegro).

Local

Centro de Estudos Judiciários (CEJ)
Largo do Limoeiro Lisboa
Portugal

Inscrição e reembolso de custos

Inscrição: €120, incluindo documentação, almoço e jantar convívio

As despesas de viagem até 300 euros serão reembolsadas pela ERA mediante apresentação dos recibos originais, bilhetes, cartões de embarque ou faturas após o seminário.

Duas noites de alojamento em hotel, até €125/noite, serão reembolsados pela ERA após a receção da fatura original.

IV. WORKSHOPS PARALELOS

- 16:15
- **Iniciativas de prevenção para combater a procura**
Manuel Albano, Suzanne Hoff
 - **Utilização de tecnologia para combater o tráfico de pessoas**
Radu Cucos, Thi Hoang, Szonja Szabó
 - **Combater a procura do tráfico de mão-de-obra**
Kevin Hyland
 - **Cooperação transfronteiriça e entre plataformas em relação à redução da procura**
Marius Burcea, Edite Fonseca Fernandes
- 18:15 Fim do primeiro dia
- 19:30 Jantar convívio

Sexta-feira, 9 setembro 2022

09:00 Relatórios dos Workshops

V. RESPOSTAS À REDUÇÃO DA PROCURA POR PARTE DOS ATORES RELEVANTES CONT.

Moderador: Ramin Farinpour

- 09:15 **Lidar com a procura de exploração sexual, assistir e proteger as vítimas**
- Identificação das vítimas, penas severas para traficantes e utilizadores de serviços de vítimas de tráfico: visão geral das medidas na Roménia
 - Campanhas de informação para contrariar a procura, cooperação com ONG
 - Combater o recrutamento e o aliciamento online no contexto de campanhas de informação
- Marius Burcea*
- 09:45 **Uma perspetiva judicial sobre a redução da procura**
- Criminalização de serviços obtidos de vítimas de tráfico
 - Sanções para traficantes e utilizadores de serviços de vítimas de tráfico
- Chandra Gracias*
- 10:15 Debate
- 10:30 Pausa Café
- 11:00 **Testemunho de uma vítima**
- 11:30 **Combate à procura do tráfico de mão-de-obra**
- Ferramentas e métodos
 - Últimos desenvolvimentos (legislativos)
 - Cooperação entre as autoridades públicas, o sector privado e a sociedade civil
- Kevin Hyland*
- 12:15 Debate
- 12:30 **Sensibilizar e combater a procura na cadeia de abastecimento: o papel e responsabilidades dos inspetores do trabalho**
- Parcerias com o sector privado e a sociedade
- Susana Luz*
- 13:00 Debate
- 13:15 Fim do Seminário

Para atualizações do programa: www.era.int
O programa pode ser sujeito a alterações

Pessoas de contacto



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Susanne Babion
Assistente
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Tel.: +49 (0) 651 9 37 37 422

DPC

Os programas da ERA cumprem os requisitos padrão para o reconhecimento como Desenvolvimento Profissional Contínuo (DPC). Este evento corresponde a **11 horas DPC**.



Co-financiado pelo Fundo para a Segurança Interna - Polícia (2014-2020) da União Europeia

O conteúdo deste programa reflete apenas a opinião do autor e é da sua exclusiva responsabilidade. A Comissão Europeia não aceita qualquer responsabilidade pelo uso que possa ser feito da informação contida no mesmo.

Inscriba-se online para este seminário:
www.era.int/?131172&en

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Inscreva-se online

Reduzir a Procura e Prevenir o Tráfico de Seres Humanos

Lisboa, 8-9 setembro 2022 / Número do Evento: 322DT102



Termos e condições de participação

Seleção

1. A participação está aberta a juizes, procuradores, agentes policiais, investigadores financeiros, responsáveis de conformidade, sociedade civil/ONG de Estados-Membros elegíveis da UE (a Dinamarca não participa no Fundo para a Segurança Interna - Polícia 2014-2020) e países candidatos à UE (Albânia e Montenegro).
2. O número de lugares disponíveis é limitado (50 lugares). A participação será sujeita a um processo de seleção.
3. As candidaturas devem ser apresentadas até **28 de julho de 2022**.
4. Será enviada uma resposta a cada candidato após o prazo. A participação está sujeita a um processo de seleção.

Aconselhamo-lo a não reservar qualquer viagem ou hotel antes de receber a nossa confirmação

Inscrição

5. 120 EUR, incluindo documentação, almoço e um jantar convívio.

Despesas de viagem

6. As despesas de viagem até 300 € podem ser reembolsadas pela ERA mediante a receção dos recibos originais, bilhetes, cartões de embarque, faturas após o seminário. Para quem viaja menos de 100 km até Lisboa, as despesas de viagem até 150 € serão reembolsadas.

Os participantes são convidados a reservar as suas próprias viagens. Os participantes são informados da obrigação de utilizar o meio de transporte mais rentável disponível e de ler cuidadosamente a folha de informação de reembolso da viagem.

Alojamento

7. Duas noites de alojamento individual até 125 € por noite podem ser reembolsadas pela ERA mediante a receção dos recibos e faturas originais após o seminário, se tiverem de viajar mais de 100 km até Lisboa.

Outros serviços

8. Um almoço, bebidas consumidas durante os intervalos da pausa café e os documentos do seminário são oferecidos pela ERA. Está também incluído um jantar convívio.

Participação

9. A participação no seminário é necessária e a sua presença será registada.
10. Uma lista de participantes com indicação dos respetivos endereços será disponibilizada a todos os participantes, a menos que a ERA receba uma objeção escrita do participante o mais tardar uma semana antes do início do evento.
11. O endereço do participante e outras informações relevantes serão armazenados na base de dados da ERA a fim de fornecer informações sobre futuros eventos da ERA, publicações e/ou outros desenvolvimentos na área de interesse do participante, a menos que o participante indique que não deseja que a ERA o faça.
12. Um certificado de participação será distribuído no final do seminário.

Inscreva-se online para
"Reduzir a Procura e
Prevenir o Tráfico de
Serres Humanos" :

www.era.int/?131172&en

Local

Centro de Estudos Judiciários
(CEJ)
Largo do Limoeiro
Lisboa
Portugal

Línguas

Português, Inglês (interpretação
simultânea)

Pessoa de contacto

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Organization for Security and
Co-operation in Europe

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

Understanding the scope and nature of demand and key solutions and strategies to discourage it

Evan Karr, Assistant Officer on CTHB
Lisbon, 8 September 2022



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

1

Overview

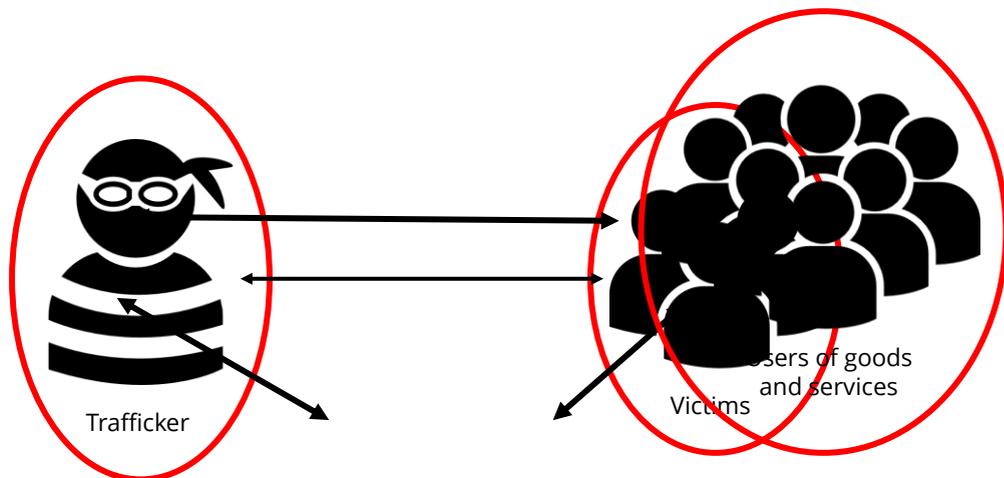
1. **What is demand and why it matters**
2. **The concept of discouraging demand in European law**
3. **Strategies and tactics to discourage demand that fosters THB for labour exploitation**
 - Through business governance and business supply chains
 - Through trade
 - Through public procurement
4. **Strategies and tactics to discourage demand that fosters THB for sexual exploitation**
 - Holistic response



2

What is demand?

3

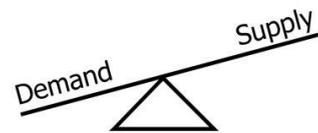


4

Demand as a driver of THB for forced labour

Customers want to buy cheap goods and services

Companies reduce production costs as much as possible to satisfy demand for cheap goods and services



Citizens, residents, businesses, and governments are the consumers who, **knowingly or unknowingly fuel labour trafficking**

Traffickers exploit race to bottom in production costs and set up business to generate revenues with human trafficking

osce

5

Case Study: Boohoo



osce

6

Demand as a driver of THB for sexual exploitation

Men seek to buy sex

The desire for this profit inspires trafficking

Encouraging pimps to profit off the sale of sex

OSCE

7

Case Study: Paradise



OSCE

8

Scope of demand

Palermo Protocol

“States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking”

“The demand that fosters... exploitation... that leads to trafficking...”

- Not (only) the demand for trafficking
- Not (only) the demand for exploitation
- Demand must be understood as that which fosters exploitation, not necessarily as demand directly for that exploitation (UN SR)



Combating the demand that fosters THB for forced labour



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Demand side approaches to prevent THB for Labour Exploitation

1 Through business governance and business supply chains

2 Through trade

3 Through public procurement



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1 Through business governance and business supply chains

Reporting laws



Disclosure laws



Due diligence (and due diligence +) laws



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2 Through trade

Trade regulations

- **US Trade Facilitation and Trade Enforcement Act**
(strengthened under Obama administration)
 - **To prevent unfair competition**
 - **Enforced by US Customs and Border Protection**
 - **Withhold Release Orders, published in Federal Register**
- **G7 Communique**
Development of EU import ban announced
- **Uyghur Forced Labour Prevention Act**

Recent examples of enforcement

- 30th December 2020
Palm oil producer Sime Darby Plantation
- 15th July 2020 (until 29th March 2021)
Disposable Gloves manufacturer Top Glove
- 13th January 2021
Cotton, tomatoes & downstream products made in Xinjiang Uyghur Autonomous Region (XUAR), PR China
- 23th June 2021
Silica-based products from Hoshine Silicon Industry Co. Ltd. and subsidiaries
- 18th May 2018
All cotton from Turkmenistan



1 Incl. its subsidiaries and joint ventures

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3 Public Procurement

- Include CTHB in procurement policy and incorporate in general terms and conditions for suppliers
- Planning phase: Market analysis and risk assessment
- Procurement phase: Set evaluation criteria
- Contract management phase: Monitoring, reporting, remediation, termination



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Need for a comprehensive approach

- 1 Through business governance and business supply chains
- 2 Through trade
- 3 Through public procurement



THB for forced labour cannot be solved by one of these approaches alone. A collaborative and comprehensive series of interventions is necessary.



18

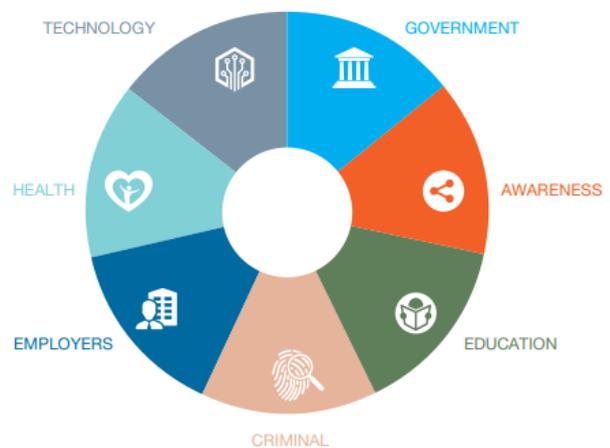
Combating the demand that fosters THB for sexual exploitation



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Develop a holistic approach

Implement complementary measures across multiple sectors



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Invest in prevention

Utilize more advanced prevention strategies such as:

- Targeted public awareness campaigns
- Education programs
- Restricting access to areas known for prostitution
- Employer codes of conduct
- Online deterrence and disruption
- Addressing online platforms



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Effective criminal justice measures

- Statutes can only have an impact if they are implemented; political will, resources, training and expertise are needed
- Move away from the knowing use and gross negligence statutes
- Strict liability statutes take into account the harm experienced by victims



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Thank you for your attention

osce Organization for Security and Co-operation in Europe

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European NGO network against trafficking in human beings

La Strada International European NGO network against trafficking in human beings



With financial support from the European Union's Internal Security
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1



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DemandAT 2014-2017

- **Multidisciplinary [project](#) with [expert teams](#) across 7 European countries**
- **EU funded & coordinated by ICMPD**
- **Aim: analyse (impact and potential) of demand-side policies and practical measures**
- **Focus on multiple forms of human trafficking/forced labour**
- **All publications still available at www.DemandAT.eu**

2



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European NGO network against trafficking in human beings

Research areas

- **The Concept of Demand**
- **Policy Instruments in Steering Demand**
- **Demand related to different forms of THB**
- **Comparative Country Analysis on gov responses**
- **Domestic Work policies and impact**
- **Impact of existing initiatives to address THB in global supply chains**
- **Tackling demand in prostitution policies**
- **Role, potential and limits of law enforcement actors**
- **Demand Campaigns and impact**

3



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Critical findings

- **High expectations of demand measures versus limited impact assessment**
- **Lack of adequate implementation**
- **Demand remains a vague, artificial, political term**
- **Strong focus prostitution - conflated with THB**
- **Unclear distinction: demand for services versus actual exploitation – which demand leads to exploitation and abuse?**
- **Strong focus on criminalisation, less focus on workers' rights and empowerment**

4



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Recommendations

- **Need for understandable and useful term – ensure clarity of the term**
- **Consider alternative measures for criminalising**
(incentives, sanctions, monitoring self-regulating and auditing systems like voluntary codes, certifications and corporate social responsibility (CSR))
- **Ensure consistency with other policies and actions & context specific situations** - Demand-side measures need to spell out the specific market in which a measure is supposed to work, as well as how exactly the particular measure will address trafficking. Exploitation embedded in markets with different characteristics
- **Address vulnerability of sector and workers via awareness and rights protection;** including regularisation, safe reporting/complaint mechanisms - e.g. increasing legal paths for - for example - domestic work and controlling employers without punishing workers.
- **More focus on recruitment practices**

5



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Recommendations

- **Demand measures to be combined with measures tackling supply & root causes** Demand-side measures shape purchasing conditions in a market context - to be combined with other anti-trafficking efforts
- **Prevention and awareness should include action/behavioral change** decrease social acceptance of exploitative situation
- **Ensure multi-stakeholder cooperation, including involvement of trade unions, NGOs, workers and consumers – ensure there is a choice for consumers & responsibility of govern & private sector**
- **Ensure adequate monitoring and evaluation; assess impact on reducing human trafficking but also on possible collateral damage**

6



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Criminalising knowingly Use

- **Revision EU THB Directive**
- **Hardly no evaluation/impact assessment done**
- **Quite some variety in what is criminalised/strong focus on knowingly use of sexual services**
- **Interpretation & proof requirements differ too**
- **Added value and impact on prevention and prosecution THB is unclear**
- **Presumed 'normative effect' – but not much awareness raised**

7



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Workshop session Demand

- **Introduction to the workshop & the THB Directive provision 18.4 – Criminalising knowingly use**
- **Situation Portugal**
- **Brainstorm**

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Workshop session Demand

- **For which (knowingly) use of services provided by exploited/trafficked persons, should persons be criminalised?**
- **How can it also address demand for severe forms of labour exploitation**
- **What are issues of concern with criminalising knowingly use – also in relation to implementation?**
- **What is the possible/expected impact of this provision on the prevention of human trafficking?**
- **What are alternative prevention (demand) initiatives in relation to both trafficking for sexual and for labour exploitation?**

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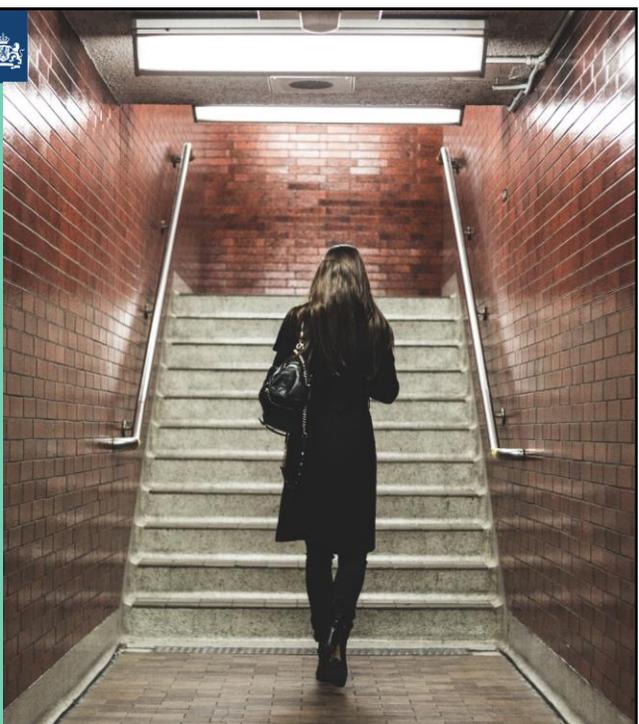
National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children

The Dutch approach to countering demand for Trafficking in Human Beings

Conny Rijken – Dutch National Rapporteur

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

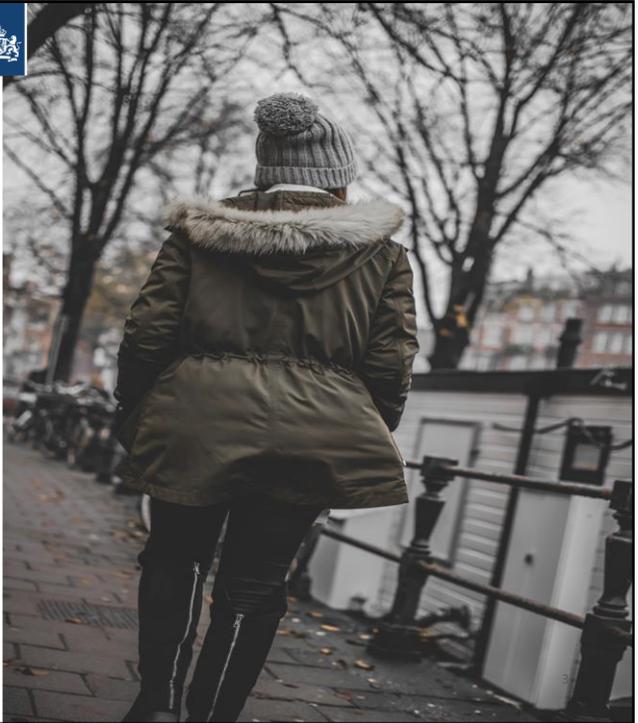
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National Rapporteur on Human Trafficking and Sexual Violence Against Children

- > Independent institute
- > Legal mandate to:
 - > a. **conduct research into the nature and scope** of human trafficking and sexual violence against children and the effects of policies undertaken by authorities;
 - > b. **advise the government** on the prevention and combat of trafficking in human beings and sexual violence against children;
 - > c. **report periodically to the government** by presenting reports to the Minister of Justice and Security.

2



Trends in our reports

- > Estimate of 5.000 THB victims per year in the Netherlands.
- > Vulnerable groups:
 - Young offenders and victims;
 - Migrants;
 - Vulnerable workers.
- > 45% of victims of THB will become a victim of a serious crime again within 5 years, in 2/3 of all cases repeated victimization offences included violence, human trafficking, and/or sex offences.
- > Focus necessary on online and financial component.
- > Integrated approach including offenders and victims.
 - Overlap with other forms of crime such as sexual violence against children and with personal and family problems (multi-problems).

3



Perpetrators of human trafficking in the Netherlands

- > Many offenders are under the age of 23.
- > The number of registered suspects dropped while reported incidents increased.
- > Domestic sexual exploitation has become less visible.
- > Efforts to combat labor exploitation are lagging behind.
- > Rehabilitation lagging behind.
- > Reoffending is high.
- > **What is needed?**
 - More focus on prevention;
 - Research into help for offenders;
 - Targeted approach to labour exploitation.

4



Addressing demand in the criminal code

- > In the provision on human trafficking (art. 273f CC):
 - Profiting of the exploitation of another person
 - Profiting of the forced/involuntary removal of organs
 - Profiting of the sexual services or organ removal of a minor (without force/coercion)

5

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Addressing demand of THB for sexual exploitation

New legislation focussing on the client (273g CC):

- The client who performs sexual acts with a sex worker of which (s)he knows or has serious reason to believe that the sex worker is a victim of human trafficking, is punishable.
- Higher penalty for children
- For the client to be punishable, it is not required that the client him/herself has exercised coercion.
- In force since January 2022, not used yet.

6

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Comments 273g CC

- > Only applies to clients of victims of THB for sexual exploitation not to other forms of THB
- > Overlap with criminalization of sexual acts with minor in other laws and in new law reference to 'means' used in case of minors.
- > How to prove: 'knows or serious reasons to believe (a person is a victim)'

7

7



Factors relevant to prove 'knows or serious reasons to believe'

Lessons from case law on human smuggling:

- > A reasonable person sets the standard
- > Sometimes obligation to verify (e.g. age, papers)
- > Level of regulation in the particular area
- > Specific characteristic of the person
- > Context of the case: e.g. duration and frequency of the contact, how did they enter into contact, where did they meet

8

8



Would distinction between licensed and non-licensed facilities be useful?

- > Legislation on regulating sex work (under negotiation since 2009):
 - The introduction of a national uniform licensing requirement for sex workers.
 - Sex workers who work without a permit can be fined administratively.
 - Clients of an unlicensed sex worker are punishable, as are operators who let an unlicensed sex worker work for them.
- Licensed facility/person does not automatically mean THB-free facility/person.
- But could play a role in criminal cases, e.g. obligation to verify and specific context of the case.
- But questionable this will help combating THB

9

9



Challenges in combatting & preventing technology-facilitated trafficking in human beings



- **No specific legal framework** for technology-facilitated trafficking in human beings;
- Human trafficking '**Field Labs**' → multi-agency cooperation;
- **Public-Private Cooperation** → Notice and take down code (NTD-code);
- **Webcrawler** → Not yet able to use this as evidence, legislation lags behind;
- New authority (on 'terroristic content and child pornography') will be established (Regulation (EU) 2021/784).

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Prevention THB for labour exploitation

- > Report of 2021
- > Role of employment agencies
- > Multiple dependency
- > Lack of registration of labour migrants
- > Housing of labour migrants as business model



11

11



Addressing demand for THB for labour exploitation

- > Little attention and very different from the way demand for THB for sexual exploitation is addressed.
- > Demand for cheap labour and products, economic interest.
- > Role of consumers; quality labels, certificates.
- > Responsibilities in the supply chain.

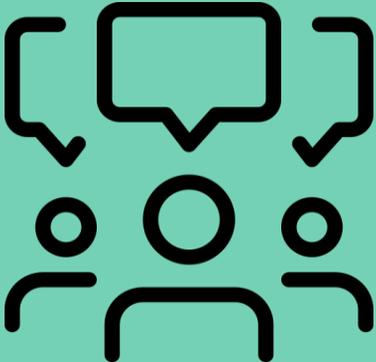


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Thank you for your attention





Countering organised crime groups

Cross-border law enforcement activities and cooperation with Europol

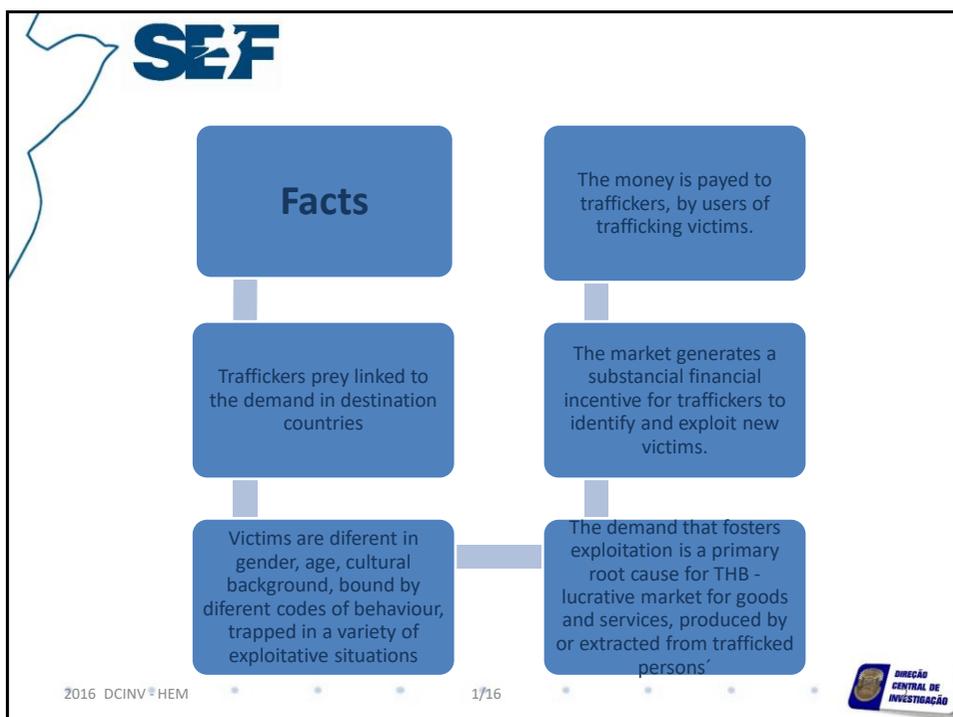
Reducing Demand and Preventing Trafficking in Human Beings

Lisbon, 8-9 September 2022
ERA

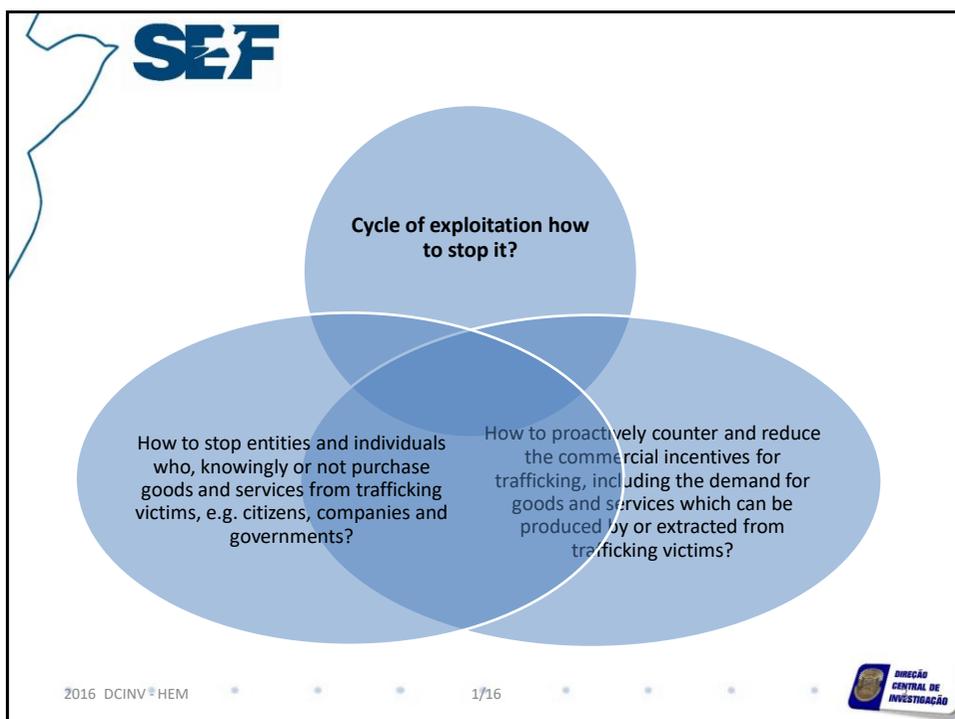
With financial support from the European Union's Internal Security Fund—Police 2014-2020



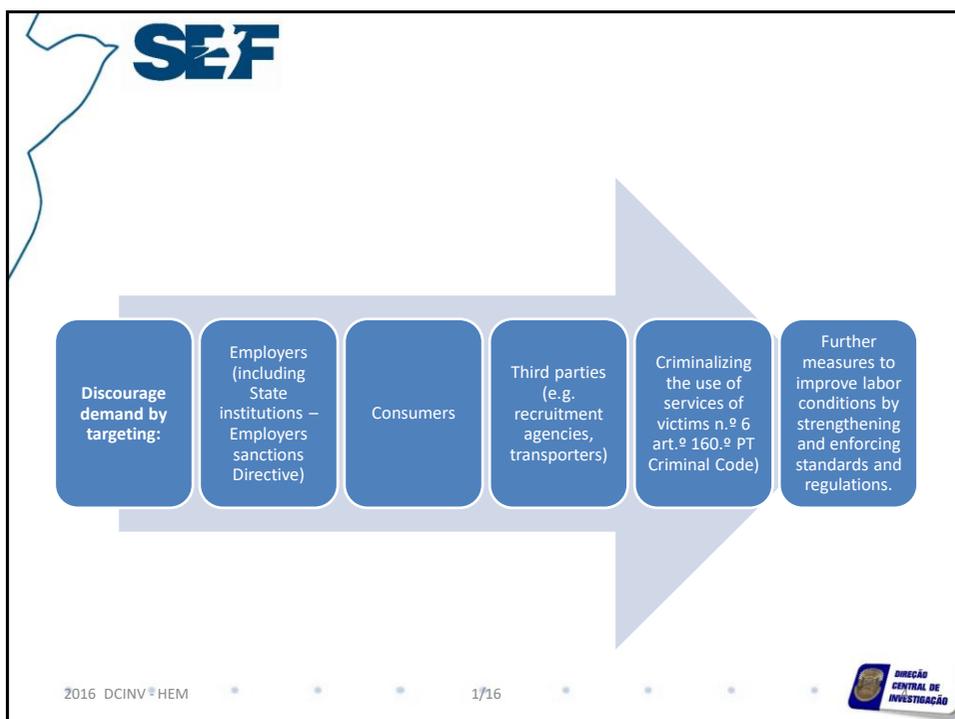
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4



Criminal justice systems are failing to combat THB?

"no convictions, or a few convictions per year in a country whose citizens are trafficked and detected by authorities in other countries is a red flag for an alarming level of impunity"
(UNODC 2020 Global TIP Report)

How to counter the culture of impunity?

By holding criminals accountable for their actions, by bringing them to justice

By dismantling the criminal business model - following the money, seizing and confiscating criminal proceeds. Investigations into the final aspects of THB can support each pillars of a successful anti-THB strategy: prosecution, protection, prevention and partnerships.

2018 DCINV - JCP 2/10



5



Europol's situational Report

THB is most frequently is carried out by criminal organizations

It involves careful planning

It includes sophisticated level of organisation

It demands the engagement of several individuals (with diferent tasks, often located in different sites, countries or even continents).

2018 DCINV - JCP 3/10



6



Factors and challenges faced by the criminal justice system

-  Transnationality and the need to collect evidence from foreign jurisdictions
-  Dificult evidential challenges

2018 DCINV - JCP 5/10



7



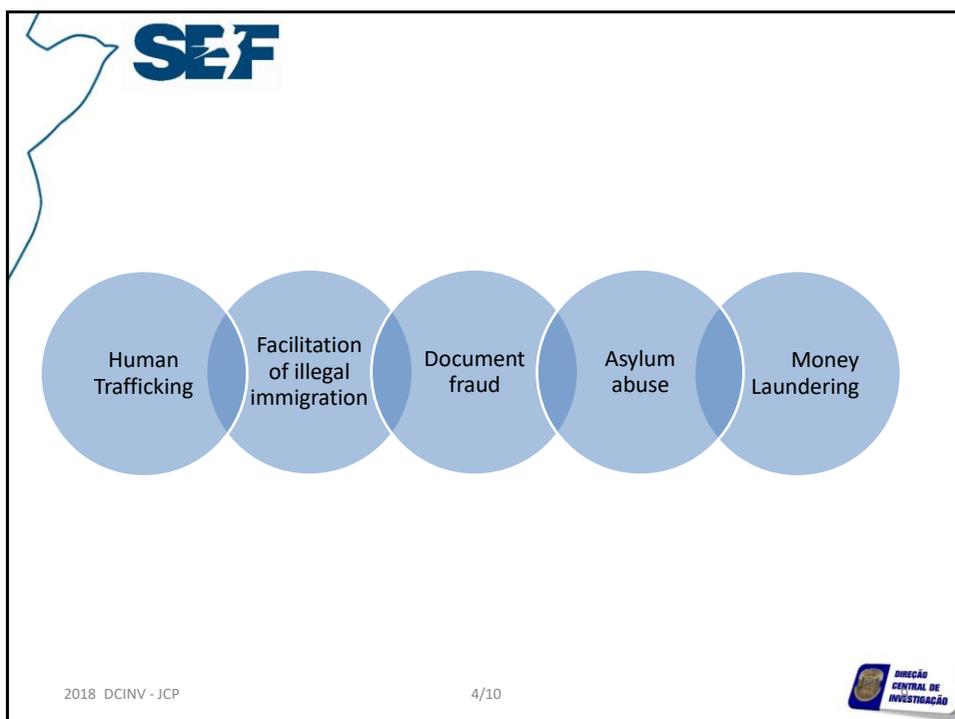
Evidential challenges

- How to prove the chain of trafficking, when investigating an organized criminal group that may gather local agents, recruiters, transportes and the actual exploiters?
- How to prove that the users of the victim services knew that the person was a THB victim?
- How to prove trafficking, when the exploitative phase never happened?
- The issue of consent and the difficult prove that one on the described means was used, in order to get such consent

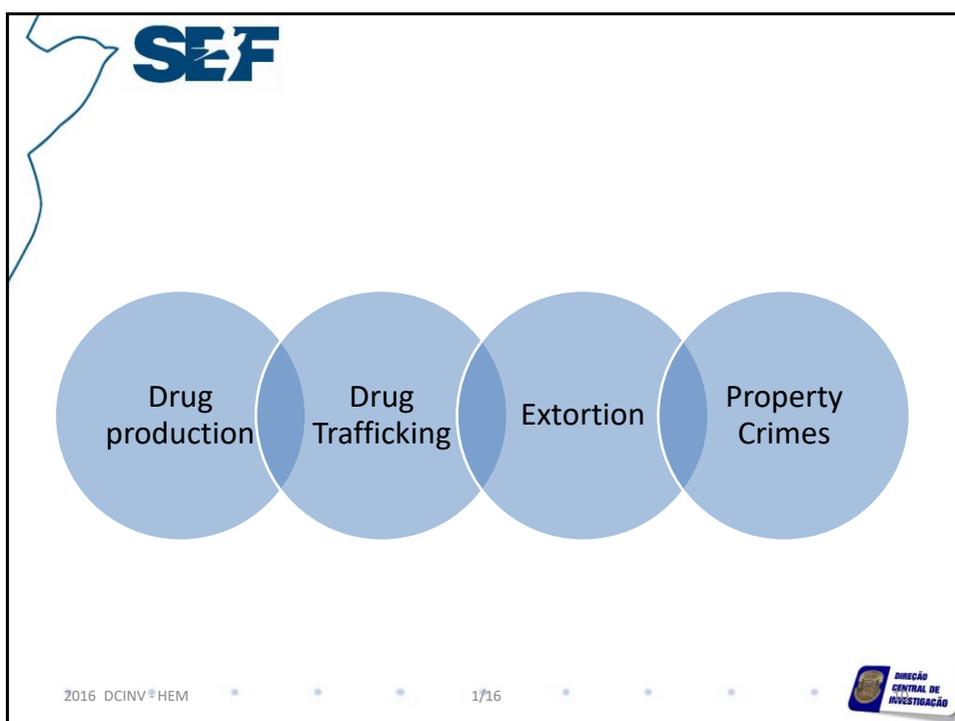
2016 DCINV® HEM 1/16



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Prosecution services

Need to prove the guilt of all the actors in that chain

Need to prove that those links had the knowledge that the victim was going to be exploited – thus, proving that they are, indeed, part of the chain of trafficking

Increased difficulty

chain links are part of a transnational OCG, located in different countries and different jurisdictions.

A proper investigation will demand:

special investigative techniques

cross-border cooperation between one or more criminal justice systems, in order to identify not only the criminals at the end of the chain, but also all the other ones involved in the chain of trafficking

2016 DCINV®HEM 1/16 

11



HOW?

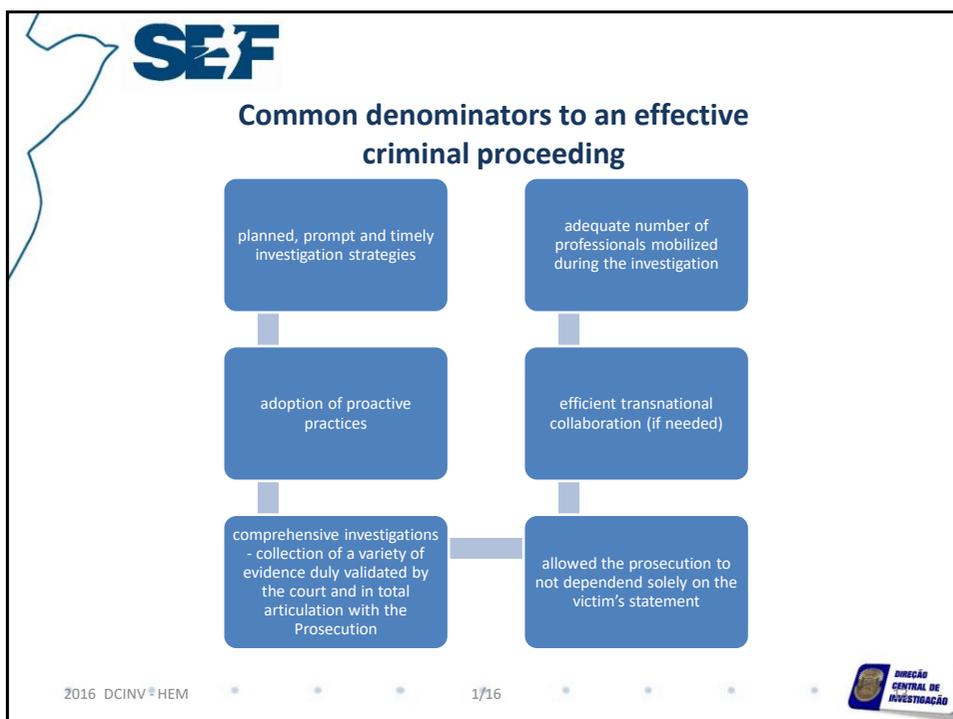
Need to establish well-resourced cross-border law enforcement responses to trafficking in persons

Fostering a better understanding among law enforcement actors and the judiciary of the complex circumstances and evidential challenges of many trafficking in persons cases

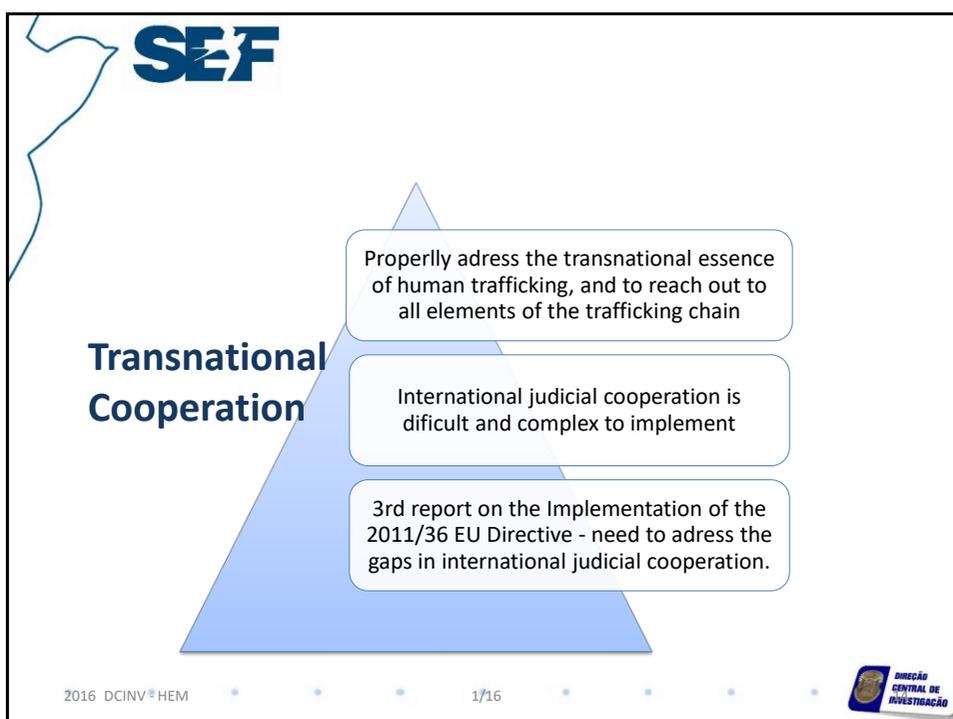
Increasing the capacity of national criminal justice actors (including police, immigration, anti-money laundering agencies, prosecutors and judges) to investigate and prosecute traffickers and seize the proceeds of their crimes

2016 DCINV®HEM 1/16 

12



13



14



International judicial cooperation has proved to be difficult and complex to implement, when criminal justice systems are dealing with transnational human trafficking cases.

Eurojust issued the document “Report on Trafficking in Human Beings – best practice and issues in Judicial Cooperation, issuing several recommendations directed mainly to prosecutors, judges and law enforcement authorities involved in counter trafficking in human beings

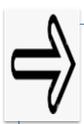
- Eurojust – European Union Agency for Criminal Justice Cooperation, <https://www.eurojust.europa.eu/about-us/who-we-are>

2016 DCINV®HEM 1/16



15



 EUROPOL		Exchange of information at police level, through data cross check against Europol databases and via request to all MSs and associated countries
 When?		Detected links to several countries
 Why?		Allows these diferent countries to initiate parallel criminal proceedings
 Quick Exchange of information		Provides direction to criminal investigation

2016 DCINV®HEM 1/16



16




EUROPOL

Early cooperation and coordination between the involved countries

Once an active criminal group is detected, all involved countries are actively conengaged and contributing information exchange, evidence gathering by means of initiating criminal proceedings

2016 DCINV®HEM 1/16



17




Joint Investigation Teams (JIT's)

preferable form of cooperation

allow close cooperation

adoption of common investigative goals

direct proactive communication.

2016 DCINV®HEM 1/16



18



The most advanced tool used in international cooperation in criminal matters

Established for a limited duration, and for a specific purpose

A legal agreement between one or more Member States, regarding a criminal investigation

Binding to law enforcement authorities, prosecutors and judges

Admissibility, validity of evidence gathered and how to use such evidence in another country judicial proceedings.

2016 DCINV®HEM 1/16



19



Exchange information and evidence, in a real time cooperation that may even allow criminal justice practitioners to be presente during investigative measures on each others territory

The circumstances in which a JIT will operate, and cease to operate must be established, and it's overall functioning must be decided according to each country national legal provisions

2016 DCINV®HEM 1/16



20




Evident need to establish well-resourced cross-border law enforcement responses to trafficking in persons

Foster a better understanding among law enforcement actors and the judiciary about the complex circumstances and evidential challenges of many trafficking in persons cases

“Uncertainty about the evidence necessary to prove a case” as one of the biggest challenges to prosecuting human trafficking, sapecifically the concern about charging trafficking offenders “... when evidentiary standars were not well established”

Lack of an institutional infrastructure to support prosecution.

2016 DCINV®HEM 1/16



21



Edite Fonseca Fernandes
Inspetora Chefe

Direção Central de Investigação

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2018 DCINV - HEM 10/10



22

**Policy and legal considerations related
to technology-facilitated
trafficking in human beings**

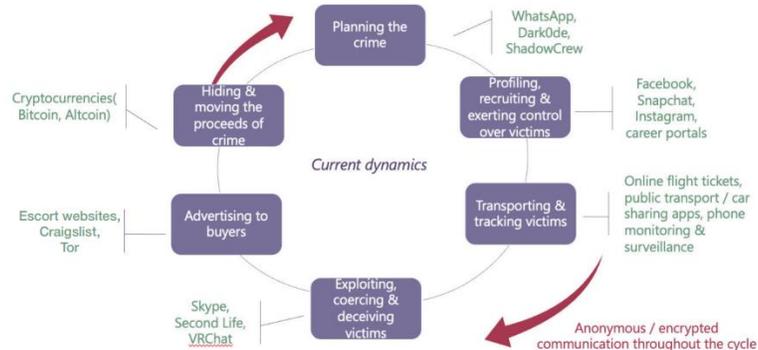


With financial support from the European Union's Internal Security Fund—Police 2014-2020

1

What is the role of technology?

How technologies infiltrated the human trafficking landscape



2

What is the role of technology in the context of **demand**?

- Online platforms and technology tools are the **distribution channel that connects all THB stakeholders**
- Online platforms and tech tools are **amplifying the interactions in the marketplace** (1/7 offline vs 1/4 online)
- Some online platforms (hubby boards) serve as **feedback loops for the demand side** – buyers share their experiences to have more information about markets
- Online platforms and technology **reach out to new niches of buyers**

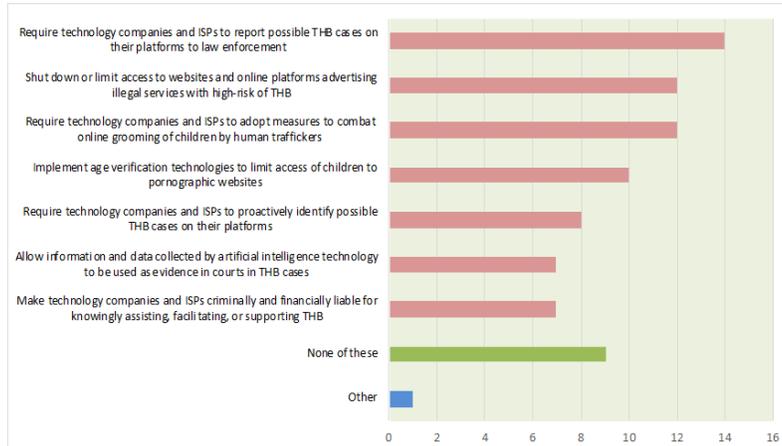
3

Why discussing about policy/laws is important?

- All of the above mentioned misuse of technology by traffickers at scale
- Policy and legislative shortcomings are impeding efficient use of certain tools and mechanisms to combat THB
- Asymmetric obligations and benefits

4

Why discussing about policy/laws is important?



5

Why discussing about policy/laws is important?

Measure	Yes	No	No response
National hotlines on online child sexual abuse and exploitation	39	3	7
Use of data scraping to aggregate information from different online platforms associated with possible THB cases	24	10	15
Legislation allows use of specialized software to support investigation of THB cases	23	7	19
Use of generic and specific indicators to flag possible THB cases facilitated by online platforms	19	15	15
Special task force or working group to address technology-facilitated/enabled human trafficking	8	26	15

6

Tech-facilitated THB stakeholders

- State authorities
- NGOs
- Academia
- **Private Technology Sector/Online Platforms**

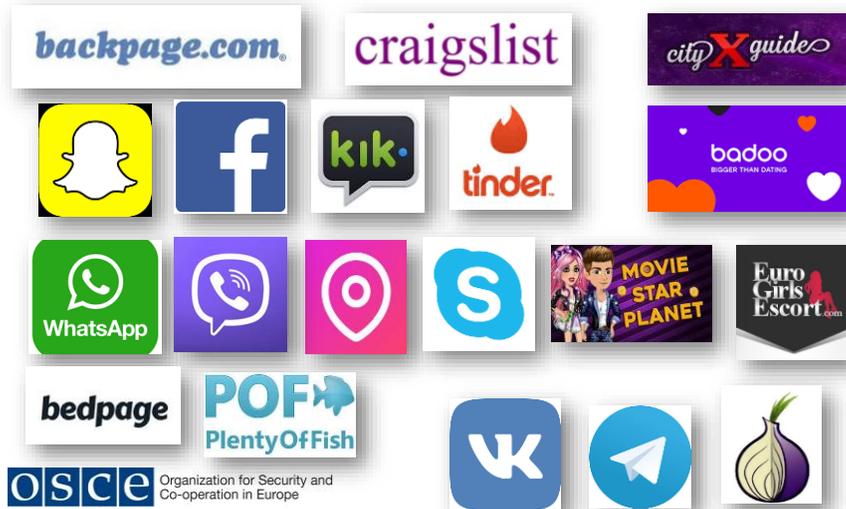
7

Why focus policies on online platforms?

- Their resources and infrastructure are being misused by traffickers
- Their services are involved in every stage of the THB crime
- They have access to data and information and can see patterns
- They have the financial resources and expertise
- Their action/inaction facilitates THB
- Concrete cases of online platforms being involved in THB

8

The online world is limitless



9

Current policy approaches to online platforms

- To date, governments have generally allowed the technology sector to **self-regulate** and use **voluntary compliance** on the topic of combating exploitation and THB.
 - *Terms of Use.*
 - *Harmonized responses across the technology industry, often through the establishment of multi-stakeholder initiatives*
- There are **considerable shortcomings** in self-regulatory approaches, particularly when compliance is voluntary

10

Specific issues related to regulating the technology industry on THB

Prevention

- a. Safety by design
- b. Age and Consent Verification
- c. Government-issued guidance

Monitoring

- a. Intersection between monitoring and liability
- b. Tensions between monitoring and privacy

11

Specific issues related to regulating the technology industry on THB

Content removal and blocking of websites

- a. Reporting and notice
- b. Determining illegality
- c. Removal
- d. The challenge of jurisdiction in regulating content removal in the global online marketplace
- e. Taking down or blocking websites

12

Specific issues related to regulating the technology industry on THB

Liability for online platforms

- a. Developing jurisprudence on liability
- b. Challenges for establishing liability of online platforms
- c. Uneven approaches across countries

Transparency regarding online platform actions

Recommendations

- 1. Ensure that technology-facilitated THB is covered by national legislation criminalizing THB and by relevant codes of criminal procedure.**
- 2. Enhance State-led regulatory frameworks.**
 - a. *Strong prevention measures including:***
 - i. “Safety-by-design” principles in the design, development, and distribution of products and systems;
 - ii. Age-verification for persons depicted in, persons uploading, and persons viewing sexually explicit material. Consent verification should also be explored for any sexually explicit content prior to its distribution;
 - iii. High-visibility content removal request mechanism.

Recommendations

b. Due diligence obligations for their operations and systems to identify risks of misuse and mitigate them, including:

- i. Undertake proactive monitoring for exploitative or harmful materials (not only illegal) and for misuse of platforms, and establish mechanisms to allow for direct reporting by the public to companies;
- ii. Remove prohibited content expeditiously, preserving it safely for possible use in investigations/prosecutions;
- iii. Report illegal content to appropriate/designated authorities;
- iv. Enforcement mechanism for failure to comply with the above.

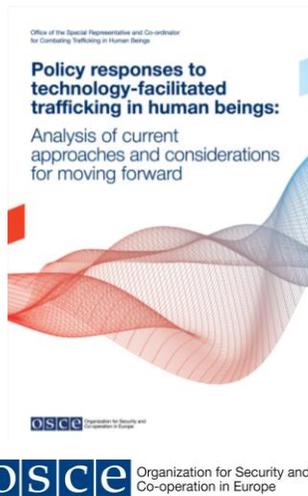
Recommendations

c. Liability for harm caused by content on the platforms or exploitation occurring through the platform. Liability should be based on a “should have known” standard.

d. Transparency standards regarding the report.

3. Strengthen cooperation between States, the private sector and civil society with the aim of improving data gathering and sharing between law enforcement, anti-trafficking actors and other relevant stakeholders.

OSCE resources



- provides an analysis of how tech-facilitated THB has been approached from the perspective of policy and legislation across the OSCE participating States.
- 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

17

17

Important questions for the criminal justice system

- Investigation and prosecution of **online platforms as legal entities**
- Accepting in courts **digital evidence generated by technology tools**, including Artificial Intelligence
- The constant **tension between privacy and online harms**
- **Determining harm and punishment**, especially when sexually explicit content was generated and shared publicly

18

18

Thank you!

radu.cucos@osce.org



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

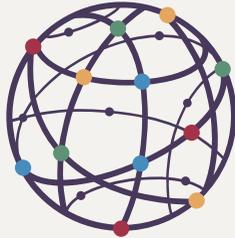


[osce.org/secretariat/
trafficking](https://osce.org/secretariat/trafficking)

Tech, human trafficking, and demand

Reducing demand and preventing trafficking in human beings

Thi Hoang | thi.hoang@globalinitiative.net
ERA, 8-9 September 2022



GLOBAL INITIATIVE



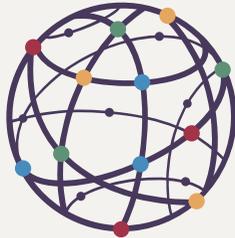
With financial support from the European Union's Internal Security Fund—Police 2014-2020

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Tech, human trafficking, and demand 2

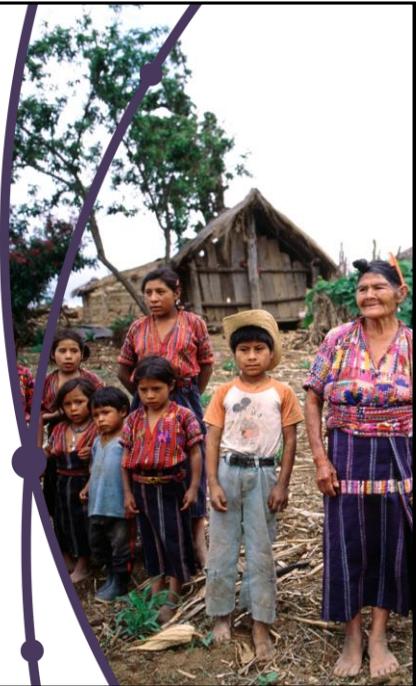
Outline

- 1. The role of technology in human trafficking**
- 2. Responses – Tech sector as key actor**
The need for a coordinated cross-border & multi-stakeholder approach
- 3. Tech Against Trafficking**
Harnessing the power of tech & multi-stakeholder partnerships to combat human trafficking



GLOBAL INITIATIVE

2



GLOBAL INITIATIVE

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

RESPECT

Flagship projects include:

- **RESPECT Resource Centre** respect.international/resource-centre
The one-stop shop for businesses and relevant stakeholders on materials related to human trafficking, including webinars, reports, standards and code of ethics, legislations, and guidance
- **Interactive Map for Business of Anti-Human Trafficking Organizations** modernslaverymap.org
The interactive map provides a unified repository of initiatives and organizations engaging businesses in the fight against human trafficking
- **Tech Against Trafficking** techagainstrafficking.org
A coalition of technology companies collaborating with global experts to help eradicate human trafficking

Logos: UN Alliance, GBCAT, ILO GLOBAL BUSINESS NETWORK ON FORCED LABOUR AND HUMAN TRAFFICKING, RESPECT, BABSON, GLOBAL INITIATIVE, IOM UN HUMANITARIAN, United Nations Global Compact

Logos: amazon, BT, Microsoft, salesforce.org, Google, Meta

GI-TOC / RESPECT is the Research Lead. Business for Social Responsibility (BSR) is the Secretariat
Interactive map of anti-trafficking tech tools: techagainstrafficking.org/interactive-map

3

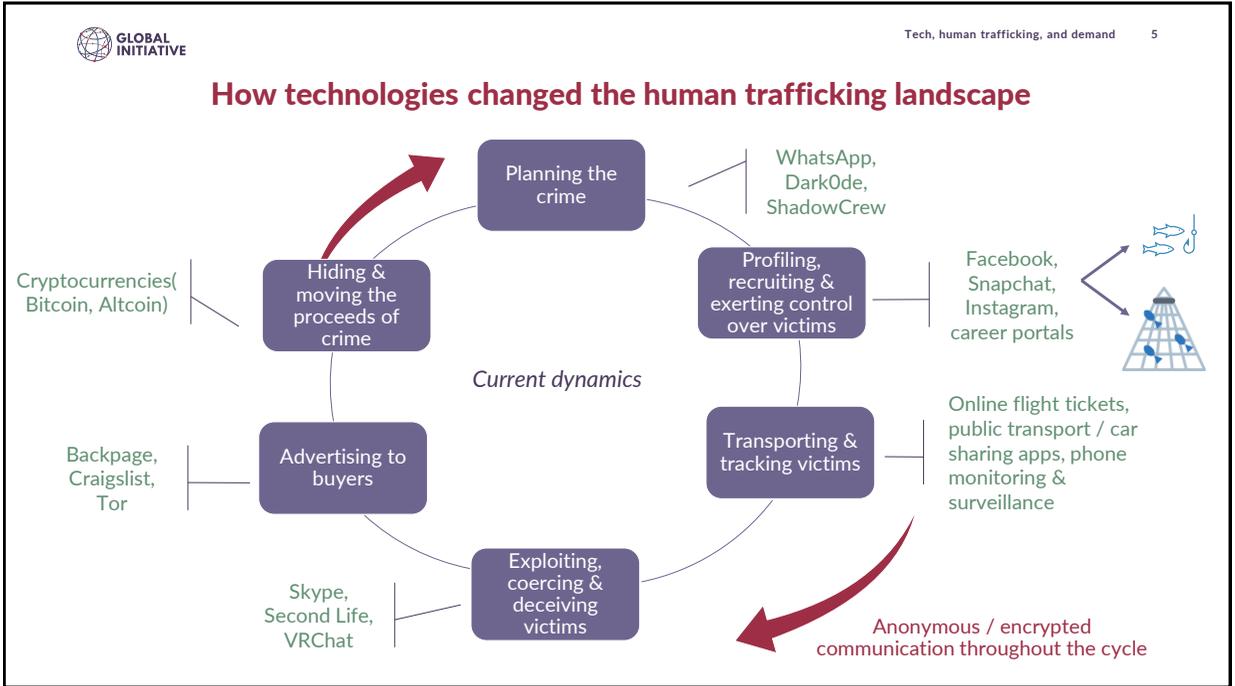


GLOBAL INITIATIVE

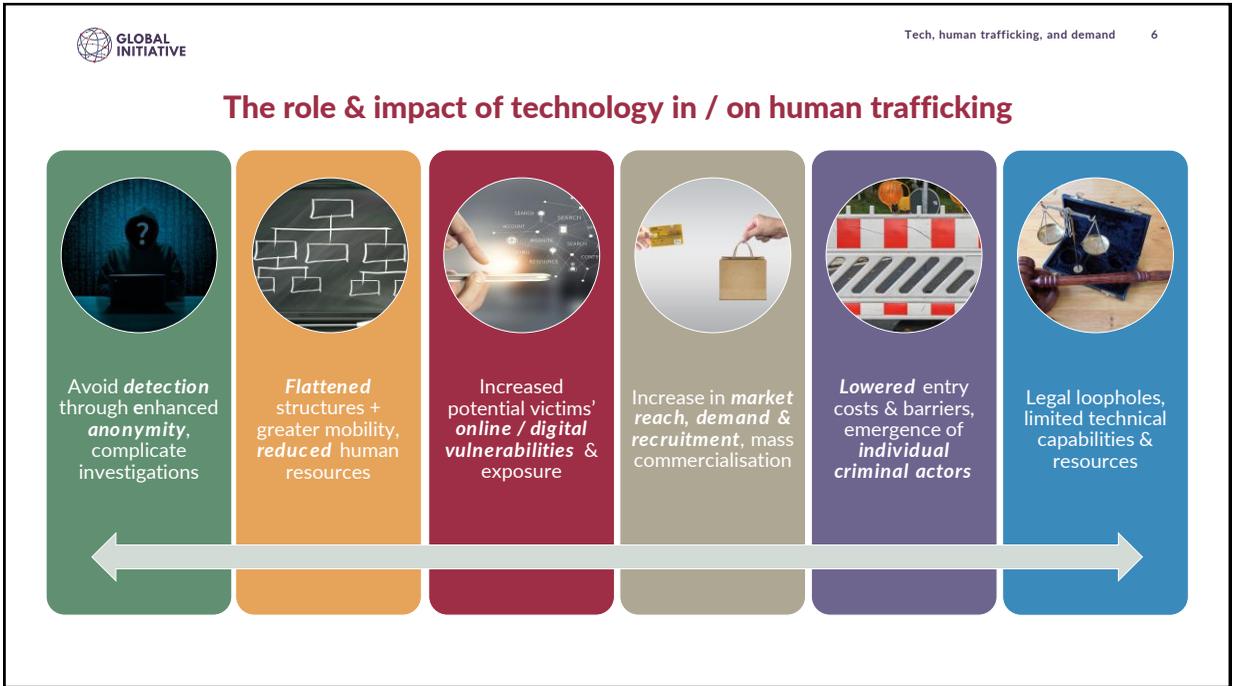
Tech, human trafficking, and demand 4

1 The role of technology in human trafficking

4



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2

Responses: Tech sector as key actor

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

7

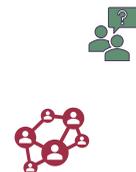
Responses: Tech sector as key actor

Leveraging tech to counter trafficking (& other crimes)

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

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

Who has these technologies?



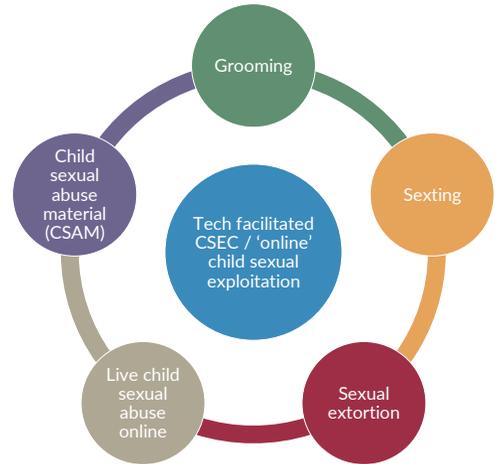
➔ Call to action: **collaborate with businesses**

8

Adding demand to the picture

How tech can be used to address demand in human trafficking

- Labour exploitation
 - ➔ Raise consumer awareness
 - ➔ Address the current global supply chain's lack of transparency and formality-informality overlaps
- Sexual exploitation
 - ➔ Increase digital hygiene and awareness among vulnerable groups (children, youth etc.)
 - ➔ E.g. address paedophile's mental issues, harm reduction strategies, shape online social norms



9

The problem:

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

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

➔ Call to action:

(i) increase **accountability** & **liability** for digital platforms & applications from the tech sector;

(ii) **mandate** businesses to put in place these elements, mechanisms & measures (esp. multinationals, who might not need to comply with local laws => multilateral collaboration)

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

10

3

Tech Against Trafficking

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

11

TECH AGAINST TRAFFICKING >

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

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

12

TECH AGAINST TRAFFICKING

Member Companies

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



Advisory Group

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



Research Partners

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



Secretariat



KEY ACTIVITIES



Map the Landscape

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



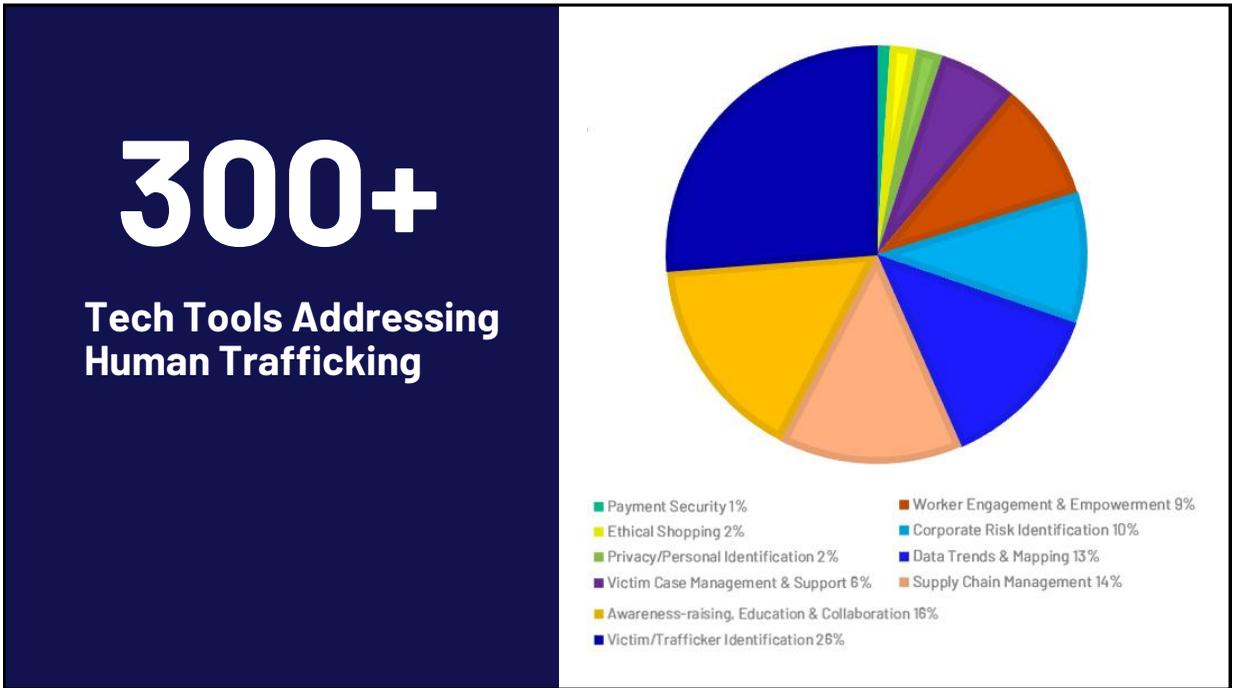
Identify and Select

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

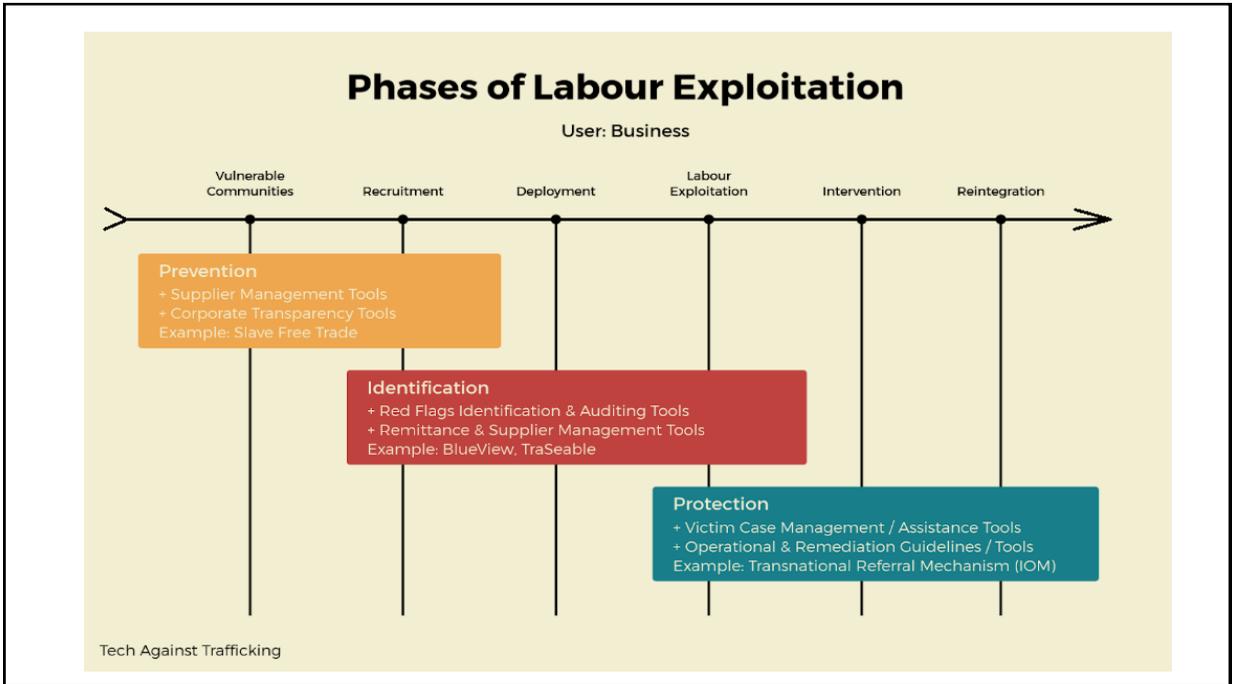


Accelerate Solutions

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

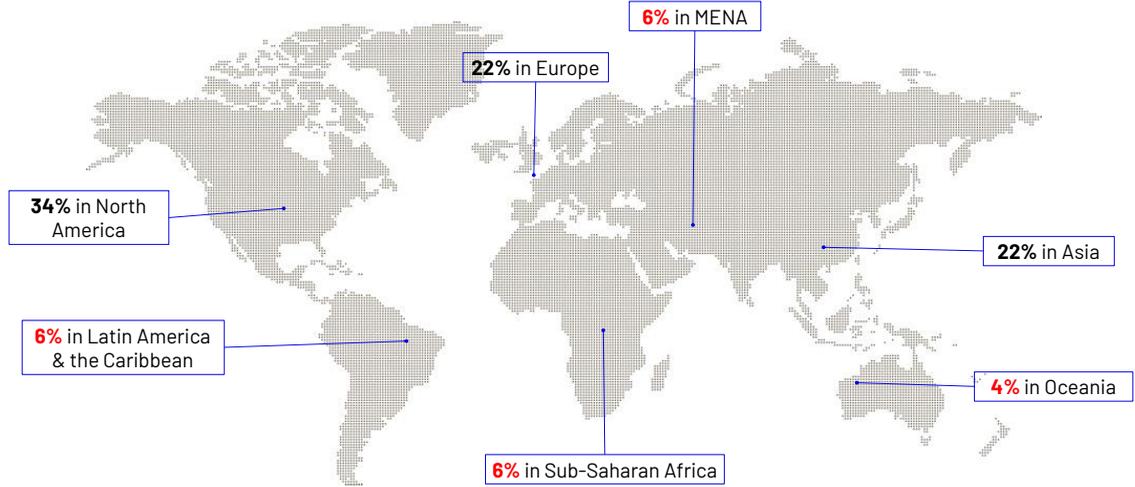


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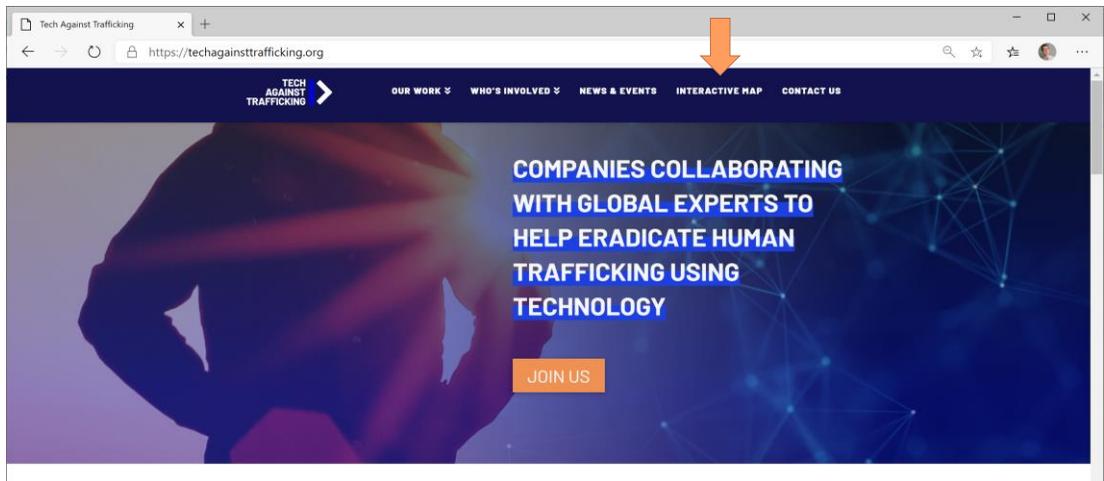
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GEOGRAPHIES: TOOLS BY REGION



17

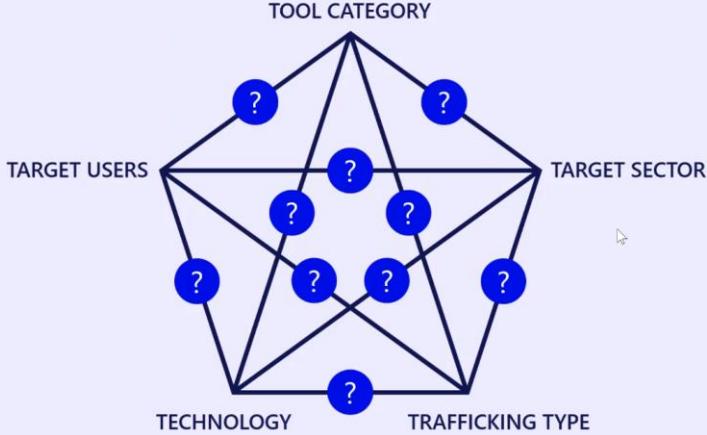
THE INTERACTIVE MAP



18

TECH AGAINST TRAFFICKING  INTERACTIVE MAP OF ANTI-TRAFFICKING TECH TOOLS 

[Download the list of anti-trafficking tech tools](#)



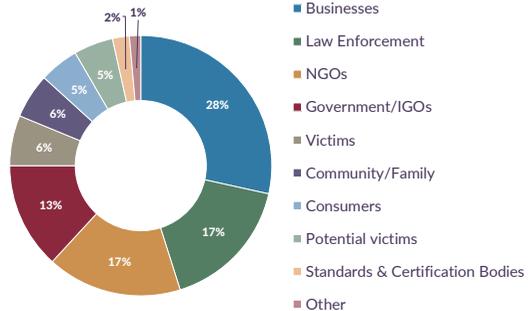
Browse the tool list or select a  to explore tool connections

19

 Tech, human trafficking, and demand 20

Highlights from TAT's landscape analysis

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



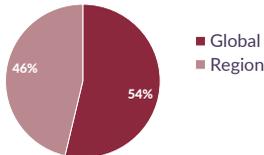
Who uses customizable tools?

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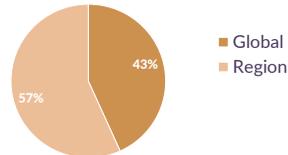
Highlights from TAT’s landscape analysis (cont.)

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

Geographical coverage of tools against labour trafficking



Geographical coverage of tools against sex trafficking



Highlights from TAT’s landscape analysis (cont.)

- ‘Supply Chain Management’ and ‘Corporate Risk Identification’ make up more than one third of anti-labour trafficking tech tools. On anti-sex trafficking tool type, it’s ‘Victim / Trafficker Identification’
- Businesses can be encouraged to engage more with the tech tools aimed at *empowering workers in the global supply chains*

Anti-labour trafficking tool type

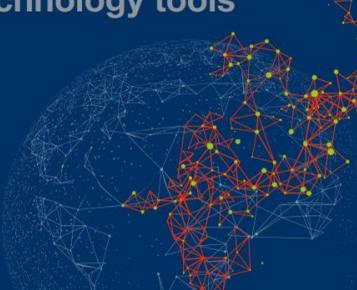


Office of the Special Representative and Co-ordinator
for Combating Trafficking in Human Beings

Tech Against Trafficking

Leveraging innovation to fight trafficking in human beings:

A comprehensive analysis of technology tools






PUBLICATION

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

23

THE ACCELERATOR PROGRAM

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



2019

Counter-Trafficking Data Collaborative





2020

[Break from AP]
Shifted priorities due to the pandemic

Conducted needs assessment survey

Provided on the ground technical support to frontline organisations



2021

The Lantern Project





2021

Modern Slavery Helpline, Unseen App





2022

Evaluating applications



June 2021
Launch Pad



July 2021 - March 2022
Providing Tailored Resources



May 2022
Showcase Event



May 2022 and Beyond
Progress Reports



24

24

WHAT WORKS

**TECH
AGAINST
TRAFFICKING**

➤

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

25



GLOBAL INITIATIVE

Tech, human trafficking, and demand 26

Key take-aways

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

26



 GLOBAL INITIATIVE

Tech, human trafficking, and demand

THANK YOU

Contact
thi.hoang@globalinitiative.net
www.globalinitiative.net

27





GLOBAL INITIATIVE

AGAINST TRANSNATIONAL ORGANIZED CRIME

28



Workshop On 8 September On Countering Demand For Labour Trafficking

The demand for cheap labour is a global phenomenon, often linked to business models and a competitive edge. Understanding how to balance the market to protect workers and allow economies to be self-sufficient and business to be profitable is a continual debate. But when is the threshold crossed to the point where it becomes the enabler or the catalyst of labour trafficking and how can this be prevented.

During this session delegates will discuss and explore:

- 1. The geographical reach of forced labour**
- 2. The high-risk sectors**
- 3. The role of technology as an enabler and for prevention**
- 4. The financial benefits**
- 5. The effectiveness of legislation in different jurisdictions**

To help with preparation and the session the following reference documents will be of assistance:

- 1. ILO standards on forced labour:**
https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_508317.pdf
- 2. G7 and G20 commitments to address forced labour:**
<https://www.gov.uk/government/news/g7-trade-ministers-statement-on-forced-labour-annex-a>
- 3. Technology being used to prevent human trafficking:**
<https://www.thomsonreuters.com/en/careers/careers-blog/how-technology-is-being-used-to-combat-human-trafficking.html>
- 4. Legislation:**
 - ECHR Article 4
 - UK Modern Slavery Act 2015
 - Australian Modern Slavery Act 2018
 - US Tariff Act
 - France Due Diligence Legislation
 - EU Conflict Minerals Legislation
 - Council of Europe Convention
 - EU Directive
 - Future instruments

Tackling Demand For Labour Trafficking – 9th September 2022

- **Tools and methods**
- **Latest (legislative) developments**
- **Cooperation between public authorities, the private sector and civil society**

During this session the range of measures available to reduce and counter labour trafficking will be explained. These include:

Tools and methods:

1. Financial interventions and prevention
2. Business culture
3. Market demands
4. Voluntary codes versus statutory requirements
5. Technology as an enabler and as a means of prevention
6. Multilateral commitments

Legislation:

1. Australian, UK, French, EU, Brazilian, and the USA and the impending legislation in Germany, Canada, UK, and other regions
2. Effective or new legislative needs

Cooperation:

1. As in the Council of Europe Directive
2. The EU Directive
3. The Palermo Protocol
4. In Practice

Countering Demand for Labour Trafficking

KEVIN HYLAND



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

1

Definitions

Council of Europe Convention

International Labour Organisation

Palermo Protocol

Domestic Legislation

Article 4 ECHR

European Court of Human Rights

2

International Labour Organisation Definition

- ▶ Forced labour can be understood as work that is performed involuntarily and under the menace of any penalty. It refers to situations in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as manipulated debt, retention of identity papers or threats of denunciation to immigration authorities.

3

- ▶ Forced Labour Convention, 1930 (No. 29)
- ▶ This fundamental convention prohibits all forms of forced or compulsory labour, which is defined as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." Exceptions are provided for work required by compulsory military service, normal civic obligations, as a consequence of a conviction in a court of law (provided that the work or service in question is carried out under the supervision and control of a public authority and that the person carrying it out is not hired to or placed at the disposal of private individuals, companies or associations), in cases of emergency, and for minor communal services performed by the members of a community in the direct interest of the community. The convention also requires that the illegal extraction of forced or compulsory labour be punishable as a penal offence, and that ratifying states ensure that the relevant penalties imposed by law are adequate and strictly enforced.
- ▶ Abolition of Forced Labour Convention, 1957 (No. 105)
- ▶ This fundamental convention prohibits forced or compulsory labour as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; as a method of mobilizing and using labour for purposes of economic development; as a means of labour discipline; as a punishment for having participated in strikes; and as a means of racial, social, national or religious discrimination.
- ▶ Protocol of 2014 to the Forced Labour Convention, 1930 and Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)
- ▶ A new legally binding Protocol on Forced Labour, supported by a Recommendation (No. 203), aiming to advance prevention, protection and compensation measures, as well as to intensify efforts to eliminate all forms of forced labour, including trafficking in persons.

4

The Geographical Reach of Forced Labour

Where does this crime occur

Is it limited to certain countries or regions

How does it manifest itself

Is it market driven

5

Children in Forced Labour

- ▶ [Meet Dorsen, 8. He mines cobalt in DR Congo for your smartphone. You can help him. - Bing video](#)
- ▶ [children in forced labour - Bing video](#)

6

High Risk Sectors

Is this phenomenon limited to certain kinds of businesses or industries

What are the high-risk sectors

What drives demand in these sectors

Do consumers have a role to play

Where does Government procurement cross with labour trafficking

7

The Role of Technology as an Enabler and for Prevention

How does technology have a role good or bad in labour trafficking

What can be done to prevent the use of technology in labour trafficking

Are voluntary or statutory measures most effective in managing on line trafficking

8

The Financial Benefits of Labour Trafficking

Does the commercial benefit outweigh the risks of exploitation in labour trafficking

Who benefits

What are the values of the benefits

Who losses out

What can make a change to the financial gains

How does this affect development

9

The Effectiveness of Legislation in Different Jurisdiction

Discuss the different legislation, particularly the prevention models

Are any more effective

If so, why

What is needed next

10

Five Measures to Prevent Labour Trafficking



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



NATIONAL AGENCY AGAINST TRAFFICKING IN PERSONS

Helpline 0800. 800. 678

Anitp.mai.gov.ro

1

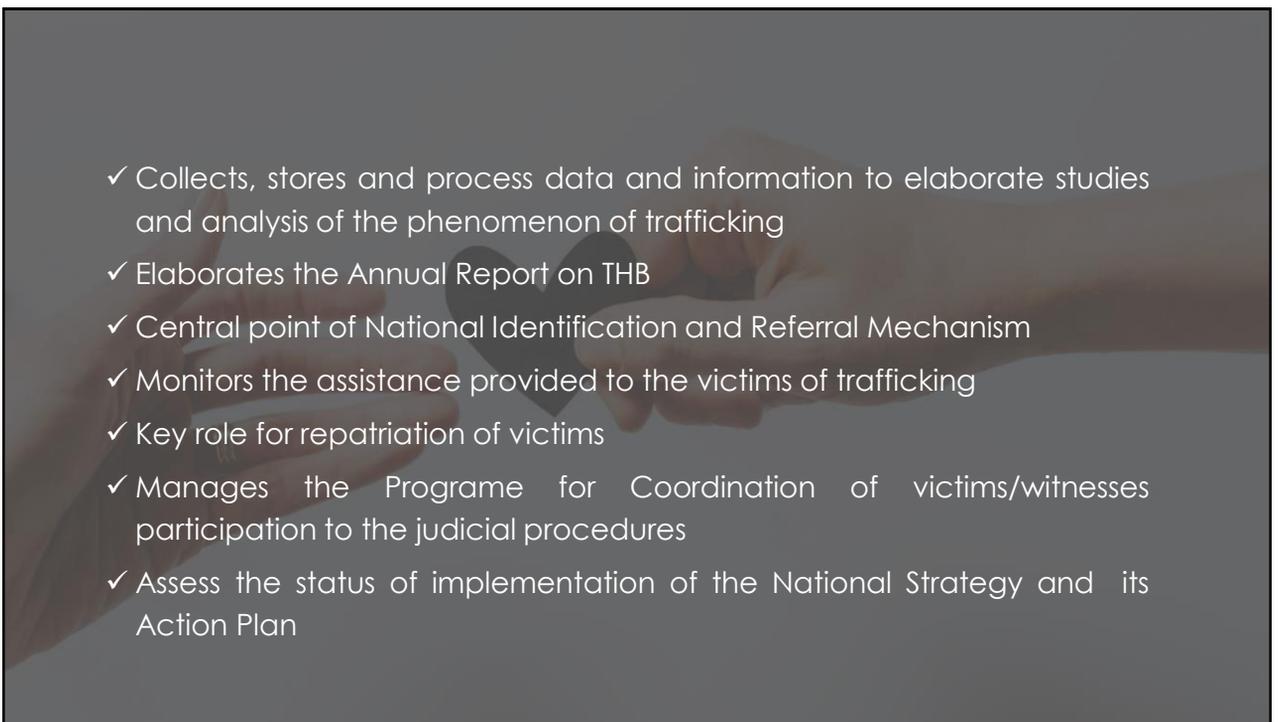
WHAT DO WE DO?

- ✓ **Structure of Ministry of Internal Affairs**
- ✓ **Evaluates and monitors at national level the activity in the field of fight against THB developed by public institutions and NGO's**
- ✓ **National Rapporteur**
- ✓ **National Strategy against Trafficking in Persons and its Action Plan**
- ✓ **SIMEV (data base with VoT)**
- ✓ **Prevention campaigns**
- ✓ **Helpline**

2



3



4

❖ It is an important tool for

- ✓ monitoring the victim assistance and progress **towards** social reintegration
- ✓ evaluation of the phenomenon, in order to identify trends and make them available to interested persons
- ✓ **SIMEV** (data base with VoT)
- ✓ ensuring the effectiveness of early action to implement the national strategy against trafficking in persons

5

National Identification and Referral Mechanism (NMIR)

Approved through a Common Order (35/ 2007) of several ministers

- ✓ practical methods for identification and repatriation of victims
- ✓ referral procedures
- ✓ principles
- ✓ interviewing methods
- ✓ Indicators

6

VICTIMS' COORDINATION DURING CRIMINAL PROCEEDINGS

A close-up photograph of two hands, one from the left and one from the right, gently holding a solid black heart shape between them. The background is a soft, out-of-focus light color.

Aims to:

- ✓ Increase participation of victims in criminal proceedings phases
- ✓ Respect the rights of individual participation in all phases of the trial
- ✓ Inform the victim about judicial and administrative proceedings
- ✓ Facilitating the access of victims of trafficking to support services

7

A close-up photograph of a hand moving a white chess piece on a chessboard. The piece is being lifted from its square. Other chess pieces are visible in the background, and the lighting is dramatic with some red and blue highlights.

Inter-institutional Cooperation and
National Prevention Projects Unit

8

- ✓ Elaborate/ implement/ coordinate/ assess **national prevention projects/ campaigns**
- ✓ Carry out **education and public awareness activities** on the phenomenon of trafficking
- ✓ Develop **partnerships** between the actors involved in preventing human trafficking nationally and locally
- ✓ Development and distribution of **educational-preventive materials** to the public
- ✓ Manage the activity of **Public Relations and Media Cooperation**
- ✓ **Provide information** aimed to reduce trafficking risks
- ✓ **Identify and guide** possible victims of trafficking

9



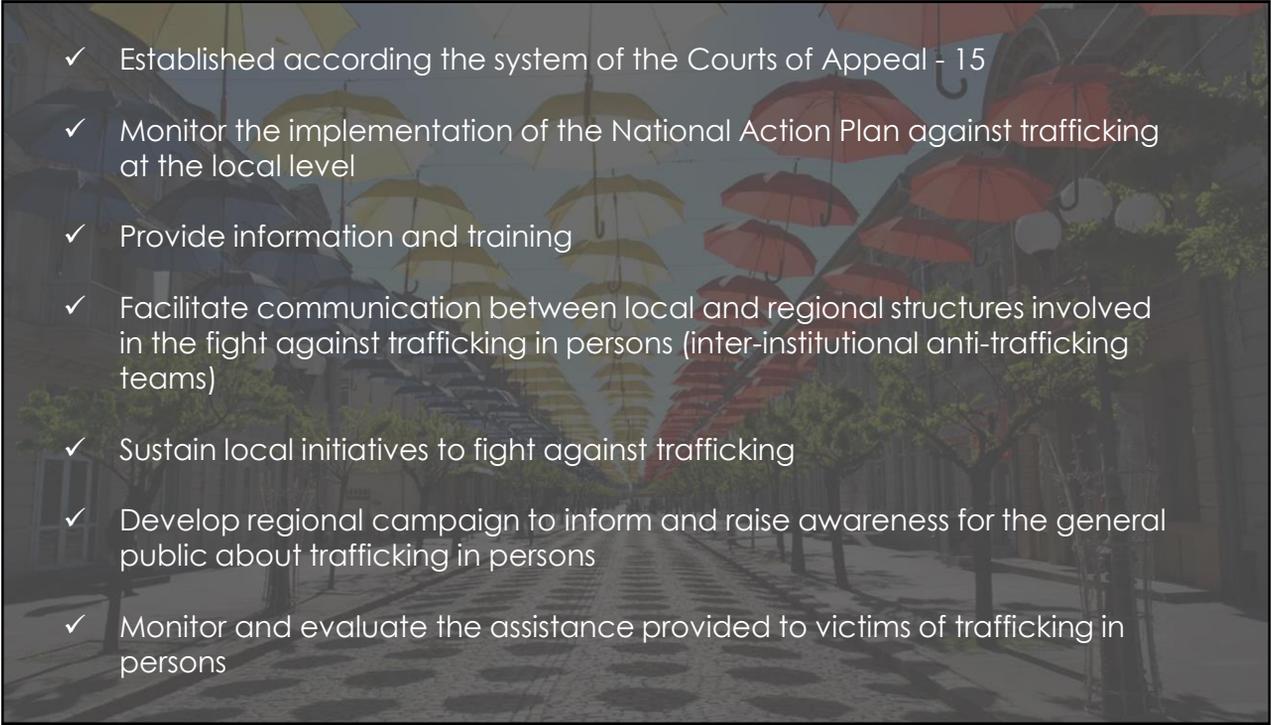
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11



12

- 
- ✓ Established according the system of the Courts of Appeal - 15
 - ✓ Monitor the implementation of the National Action Plan against trafficking at the local level
 - ✓ Provide information and training
 - ✓ Facilitate communication between local and regional structures involved in the fight against trafficking in persons (inter-institutional anti-trafficking teams)
 - ✓ Sustain local initiatives to fight against trafficking
 - ✓ Develop regional campaign to inform and raise awareness for the general public about trafficking in persons
 - ✓ Monitor and evaluate the assistance provided to victims of trafficking in persons

13



14

The strategic approach on Prevention is developed on five coordinates:

- ✓ Address the main types of exploitation (sexual, labor, forced begging)
- ✓ Proportional coverage of the entire territory (all 42 counties, both in urban and rural areas)
- ✓ Targeting the main vulnerable groups (women, children, men, ethnical minorities – depending on type of exploitation), the potential clients and the general public
- ✓ Tailored on local/regional specificity of trafficking
- ✓ Public – NGO –Private partnership

15



RAISING
AWARENESS

16

ROUND TABLES



19



PREVENTION ACTIVITIES

20



PREVENTION ACTIVITIES

21



INFORMATION
– PREVENTIVE
MATERIALS

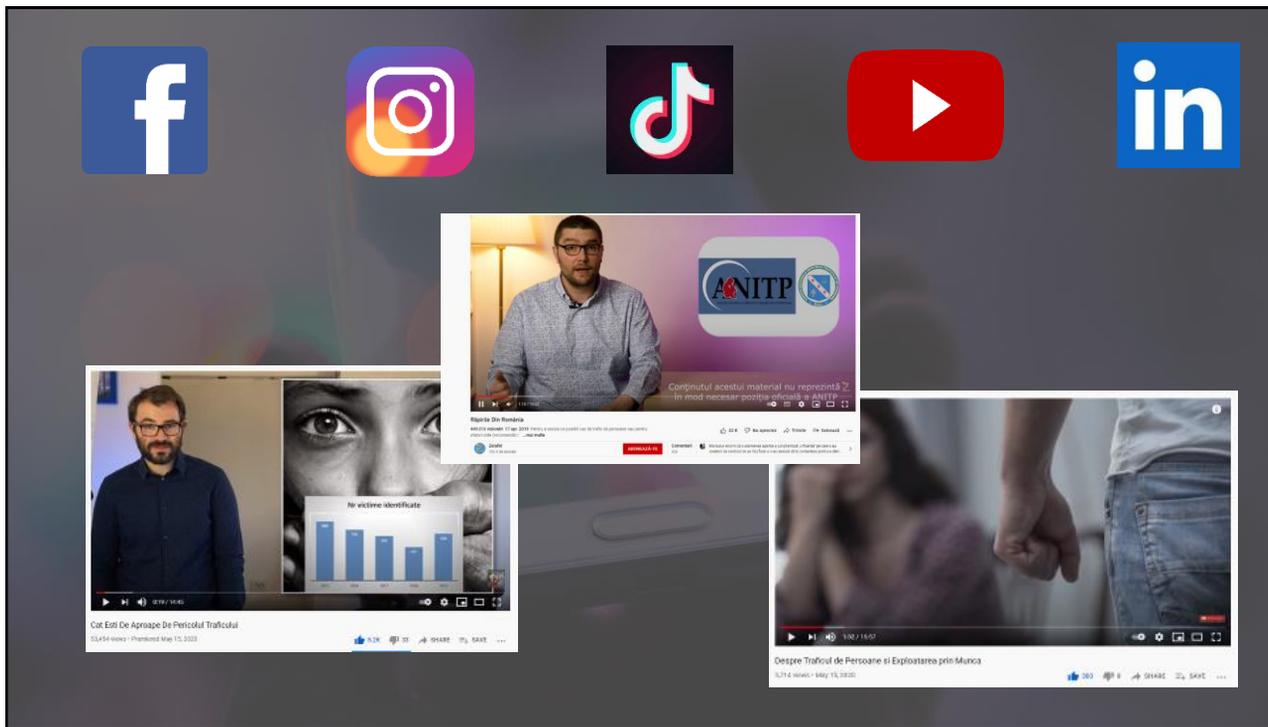
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23



24



25



26



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28

“Addressing demand means recognizing that trafficking involves more than just a trafficker and a victim [...] As uncomfortable as it may be, it means acknowledging that \$150BLN come from all of us – individuals, businesses and governments paying, knowingly or unknowingly, for goods and services extracted from trafficking victims. [...] Human trafficking has infected virtually every corner of our global supply chains: it is in the technology we use, the clothes we wear, the food we eat [...] This is not to say that the fight against trafficking is unwinnable - it absolutely is. But, to defeat trafficking, we need to confront its root causes and the demand is fuelling it. We need to stop paying for trafficking - it is that simple.”

OSCE Special Representative Valiant Richey
at the 21st OSCE Alliance Conference against Trafficking in Persons, 14 June 2021, Vienna

29

Summarizing the fight against trafficking in persons solely with the legal paradigm (strictly criminal) and its actors (author, victim, judicial bodies) is not enough. The criminal dimension of trafficking in persons is only the end point of an entire causal chain and, as such, a rational approach to the fight against trafficking in human beings must aim to deal with every dimension and reality of the macro-social context in part.

30

The importance of the demand within human trafficking phenomenon

- ✓ THB is a crime driven by demand
- ✓ The clients/employers claim to have nothing to do with human trafficking and posed into respectable businessman or loving fathers and husbands
- ✓ The general public excuses himself: I didn't know it.....

31

International documents asking for demand reduction

PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME

Article 9 Prevention of trafficking in persons

5. States Parties shall adoptmeasures..... to discourage the demand that fostersexploitation..... that leads to trafficking.

COUNCIL OF EUROPE CONVENTION ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS

Article 19 – Criminalisation of the use of services of a victim

Each Party shallestablish as criminal offences..... the use of servicesobject of exploitationknowledgeis a victim of trafficking

DIRECTIVE 2011/36/EU

Article 18 Prevention

(1) Member States shall take measures, discourage and reduce the demand that fosters all forms of exploitation

EU STRATEGY ON COMBATING TRAFFICKING IN HUMAN BEINGS (2021-2025)

32

Romanian legal framework

- **Harmonization with international legal framework**

- ✓ Romania has signed United Nations Convention Against Transnational Organized Crime and its two Protocols
- ✓ The CoE Convention was ratified
- ✓ The DIRECTIVE 2011/36/EU was transposed into national legislation

- **Internal legislation**

- ✓ Law 678/2001 on Preventing and Combating Trafficking in Human Beings
- ✓ The Penal Code
 - Title I, Chapter VII Trafficking and exploitation of vulnerable persons, incriminates the trafficking in human beings and other connected crimes (i.e. slavery, trafficking in minors)
 - Specific provisions on:
 - **incriminating the use of services of a victim of trafficking,**
 - **exploitation of begging**
 - **use of a minor for begging**

33

Romanian legal framework

Specific provisions on incriminating the use of services of a victim of trafficking

Art. 216 Use of services of an exploited person

The use of services foreseen in art 182, provided by a person about whom the beneficiary knows that is a victim of trafficking in persons or trafficking in minors, shall be punishable by prison from 6 months to 3 years or with a fine.

Art. 182 Exploitation of person

Exploitation of a person means:

- Forcing a person to carry out work or a task;
- Enslavement or other similar procedures to deprive of freedom or place in bondage;
- Forcing persons into prostitution, pornography, in view of obtaining and distributing pornographic materials or any other type of sexual exploitation;
- Forcing into mendicancy;
- Illegal collection of body organs, tissues or other cells.

34



RAISING AWARENESS

35

Your money enriches traffickers! Your money kills souls!

The aim of the campaign was to raise public awareness about the consequences of sexual exploitation, labour exploitation, forced begging, knowledge and observance of the legal provisions that sanction trafficking in persons in all its forms.

FEMEI ... **MINORI** ... **EXPLOATARE** ... **SEXUALA** ... **CERSETORIE** ... **VICTIMA** ... **MUNCĂ** ... **SECHESTRARE** ... **PROMISIUNI** ... **AMENINȚARE** ... **RĂPIRE** ... **TRAFIC DE PERSOANE** ... **INFRACTIUNI** ... **188 CONDAMNĂRI DEFINITIVE**

BANII TĂI ÎMBOGĂȚESC PE TRAFICANȚII! BANII TĂI UCID SUFLETE!

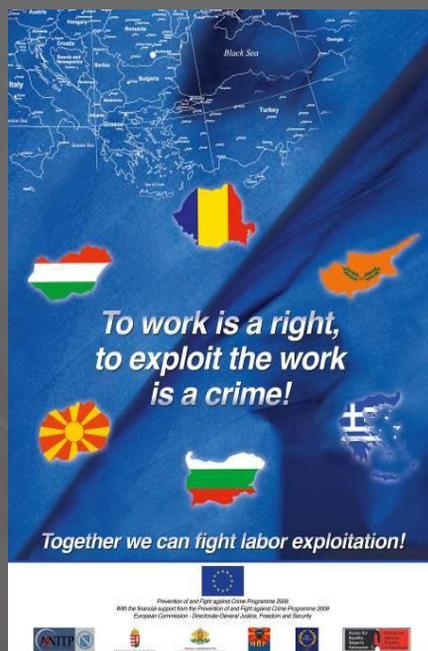
CUNOAȚUȚI ASTEFL DE CAZURI BUNĂRI LA: 0800 800 670

021 313 3100

36

To work is a right. To exploit the work is a crime!

The objectives of the campaign were represented by increasing the level of information of the public about the risks associated with labour exploitation, informing the population about the legal working conditions in the destination countries.



37

Exploitation kills souls

The aim of the campaign was reducing the demand of services offered by victims of trafficking in persons (exploited for sexual, labour or forced begging purposes) by informing the target groups and the general public about the condition of the victim, the recruitment methods and the legal repercussions.



38

Do you choose to cherish or to crush?

The campaign aimed at influencing target groups, both minors and adults, to develop attitudes in accordance with legal provisions and moral values, this way pursuing the decrease in demand for sexual services.



39

Know your rights! Respect your duties!

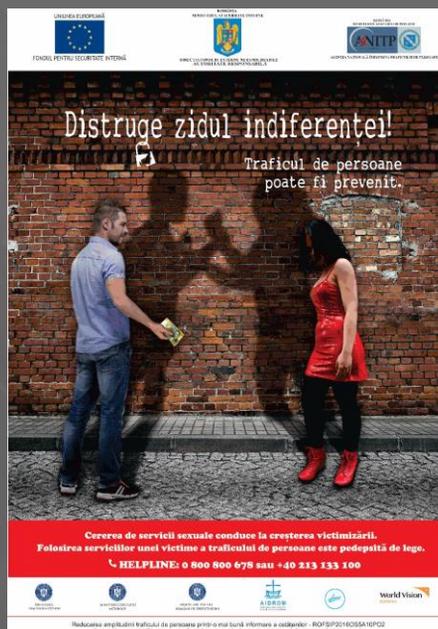
The objectives of the prevention campaign aimed at informing and raising awareness of the implications of trafficking in persons, in order to decrease demand from the labour exploitation perspective.



40

Tear down the wall... of indifference! Trafficking in persons can be prevented.

The campaign aimed at preventing trafficking in persons for sexual exploitation purposes by carrying out preventive actions focused on both supply and demand, as dimensions of trafficking in persons.



41

Give freedom! Don't pay for exploitation!

The campaign aimed at preventing trafficking in persons for forced begging purposes by carrying out preventive actions, at national level, focused on both supply and demand.



42

Cherish women! Do not tolerate their exploitation!

The online prevention campaign aimed at raising awareness of trafficking in persons for the purpose of women's sexual exploitation, targeting especially the potential consumers of sexual services, in order to decrease the demand.

PREȚUIEȘTE FEMEILE!
NU TOLERA EXPLOATAREA LOR!

#prețuieștefemeile

PENTRU VICTIMELE TRAFICULUI DE PERSOANE LIBERTATEA ESTE CEL MAI DE PREȚ DAR!

o campanie de informare cu privire la exploatarea sexuală a femeilor

ANITP

RECUPERITUM BUSINESS

43

Prison is not just behind bars! The freedom of a victim of trafficking in persons depends on your choices!

The campaign aims at preventing trafficking in persons by raising public awareness about the importance of the demand in the mechanism of trafficking in persons, targeting especially potential consumers of services offered by victims of trafficking. The prevention activities are carried out both online (on social-media platforms), as well as outdoors.

ROMANIA
MINISTERUL AFACERILOR INTERNE
ANITP
AGENCIJA NAȚIONALĂ ROMÂNĂ TRAFICULUI DE PERSOANE

ÎNCHISOAREA NU ESTE DOAR ÎNTRE GRATII!

Libertatea unei victime a traficului de persoane depinde de alegerile tale!

TelVerde ANITP 0800 800 678 sau +4 021 313 31 00

ISFP 2019-AG-THB - "Continuarea consolidării capacității de combatere a traficului de persoane cu accent pe prevenție, cooperare și recuperarea produselor infracțiunii - WESTEROS 2"
Proiect finanțat de Uniunea Europeană prin Internal Security Fund - Police

44

***With a call you will save
her life! Be her savior!***

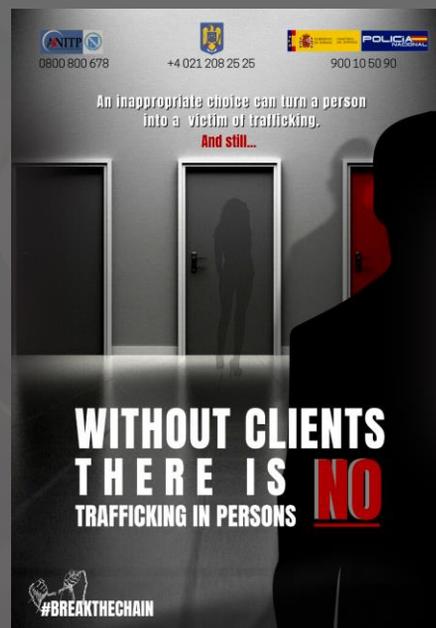
The campaign aimed at informing and raising awareness among Romanian citizens in the UK about the risks and implications associated with human trafficking for the purpose of sexual exploitation of women.



45

***Without clients, there is
NO trafficking in persons***

Campaign to prevent trafficking in persons for the purpose of sexual exploitation, implemented simultaneously in Romania and Spain



46

WHEN THEY WILL STOP BUYING
I WILL STOP SELLING!

Skin Trade, American movie, 2014

47



HELPLINE
0800 800 678

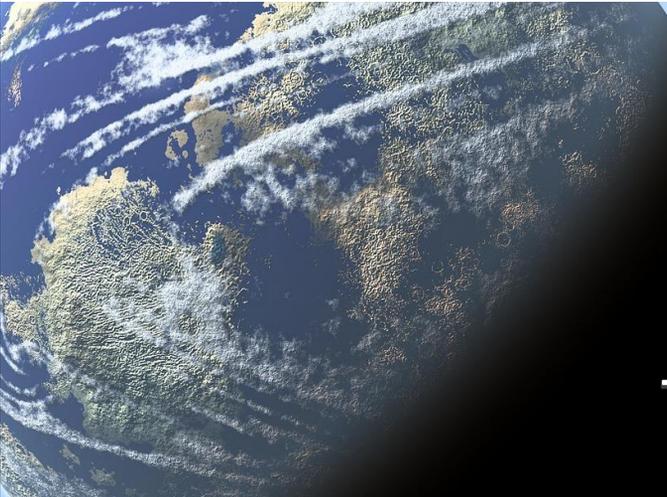
MINISTRY OF INTERNAL AFFAIRS
NATIONAL AGENCY AGAINST TRAFFICKING IN PERSONS

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E-mail : anitp@mai.gov.ro

Website : <http://anitp.mai.gov.ro>

48



NATIONAL AGENCY
AGAINST
TRAFFICKING IN PERSONS

THANK YOU!

Helpline 0800. 800. 678

Anitp.mai.gov.ro

Countering Demand for Labour Trafficking

KEVIN HYLAND



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

1

The Tools Available & Definitions

Council of Europe Convention

International Labour Organisation

Palermo Protocol

Domestic Legislation

Article 4 ECHR

European Court of Human Rights

2

International Labour Organisation Definition

- ▶ Forced labour can be understood as work that is performed involuntarily and under the menace of any penalty. It refers to situations in which persons are coerced to work through the use of violence or intimidation, or by more subtle means such as manipulated debt, retention of identity papers or threats of denunciation to immigration authorities.

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- ▶ **Protocol of 2014 to the Forced Labour Convention, 1930 and Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)**
- ▶ A new legally binding Protocol on Forced Labour, supported by a Recommendation (No. 203), aiming to advance prevention, protection and compensation measures, as well as to intensify efforts to eliminate all forms of forced labour, including trafficking in persons.

4

Others

- ▶ UN University <https://cpr.unu.edu/news/announcements/finance-against-slavery-and-trafficking-enters-new-phase-of-growth.html>
- ▶ G20 Commitments
- ▶ G7 Commitments
- ▶ Tech Sector Commitments
- ▶ Voluntary Codes

5

GLOBAL LAW ENFORCEMENT DATA

The 2003 reauthorization of the TVPA added to the original law a new requirement that foreign governments provide the Department of State with data on trafficking investigations, prosecutions, convictions, and sentences in order to fully meet the TVPA's minimum standards for the elimination of trafficking (Tier 1). The 2004 TIP Report collected this data for the first time. The 2007 TIP Report showed for the first time a breakout of the number of total prosecutions and convictions that related to labor trafficking, placed in parentheses.

YEAR	PROSECUTIONS	CONVICTIONS	VICTIMS IDENTIFIED	NEW OR AMENDED LEGISLATION
2015	19,127 (857)	6,615 (456)	77,823 (14,262)	30
2016	14,939 (1,038)	9,072 (717)	68,453 (17,465)	25
2017	17,471 (869)	7,135 (332)	96,960 (23,906)	5
2018	11,096 (457)	7,481 (259)	85,613 (11,009)	5
2019	11,841 (1,024)	9,548 (498)	118,932 (13,875)	7
2020	9,876 (1,115)	5,011 (337)	109,216 (14,448)	16
2021	10,572 (1,379)	5,260 (374)	90,354 (21,219)	15

The above statistics are estimates derived from data provided by foreign governments and other sources and reviewed by the Department of State. Aggregate data fluctuates from one year to the next due to the hidden nature of trafficking crimes, dynamic global events, shifts in government efforts, and a lack of uniformity in national reporting structures. The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified.

6

The Geographical Reach of Forced Labour

Where does this crime occur

Is it limited to certain countries or regions

How does it manifest itself

Is it market driven

7

Children in Forced Labour

- ▶ [Meet Dorsen, 8. He mines cobalt in DR Congo for your smartphone. You can help him. - Bing video](#)

8

57	 Kazakhstan	Asia	193,611	2022	171,082	2020	190,814	2021
58	 Algeria	Africa	193,601	2022	147,689	2020	167,983	2021
59	 Kuwait	Asia	186,610	2022	105,949	2020	105,960	2020
60	 Morocco	Africa	133,062	2022	114,724	^{In 2020}	132,725	2021
61	 Angola	Africa	124,862	2022	62,307	2020	72,547	2021
62	 Slovakia	Europe	118,434	2022	105,173	2020	114,871	2021

The Financial Benefits of Labour Trafficking

\$150 BILLION

9

The Effectiveness of Legislation in Different Jurisdiction

Discuss the different legislation, particularly the prevention models

Are any more effective

If so, why

What is needed next

10

Legislation



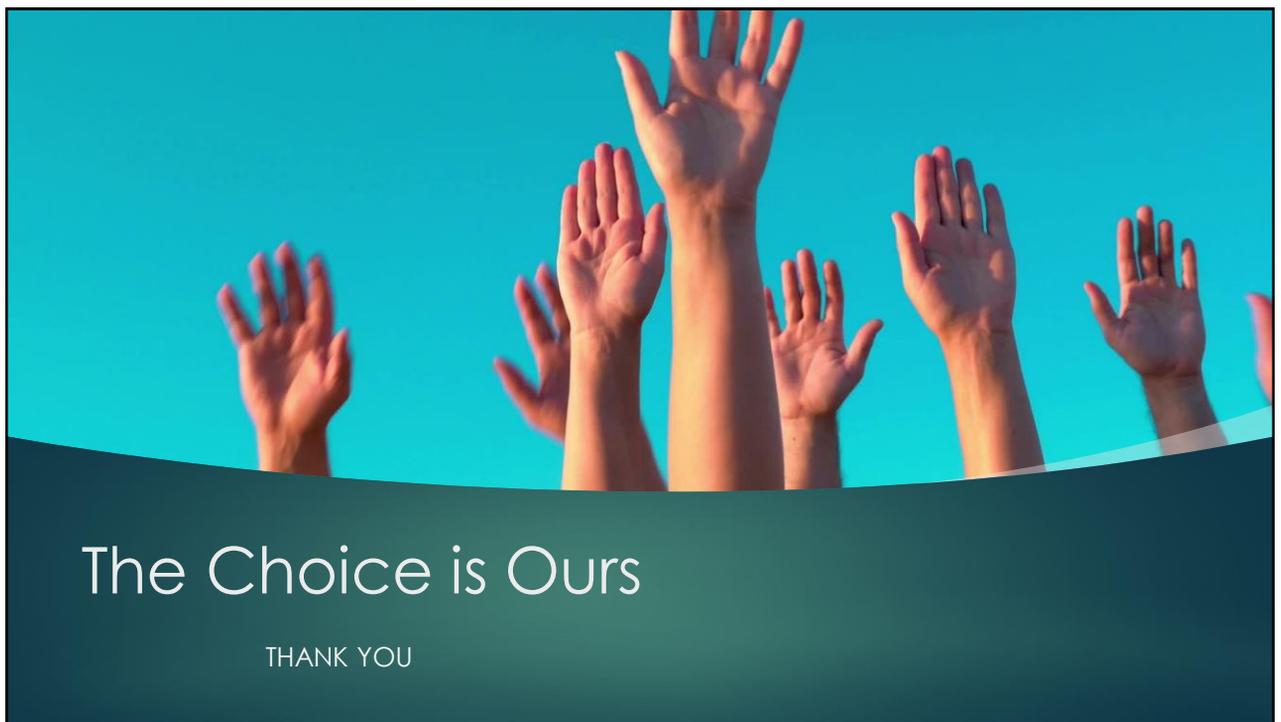
11

Five Measures to Prevent Labour Trafficking

12

1. Finances – Tainted Money and Government Procurement
2. See this as a serious crime and respond commensurate to the harm it causes to individuals but also to national and international security
3. Implement the many commitments made by Government – less talk more action
4. Sentencing and sanctions should meet the serious nature of the crime – The Criminal Justice System and administrative options
5. Increase the knowledge of this crime – no victim blaming, remove the continual blame on migrants as a cause, moral leadership – All of this will require cooperation and leadership by society, not necessarily coming from the political leaders

13



14

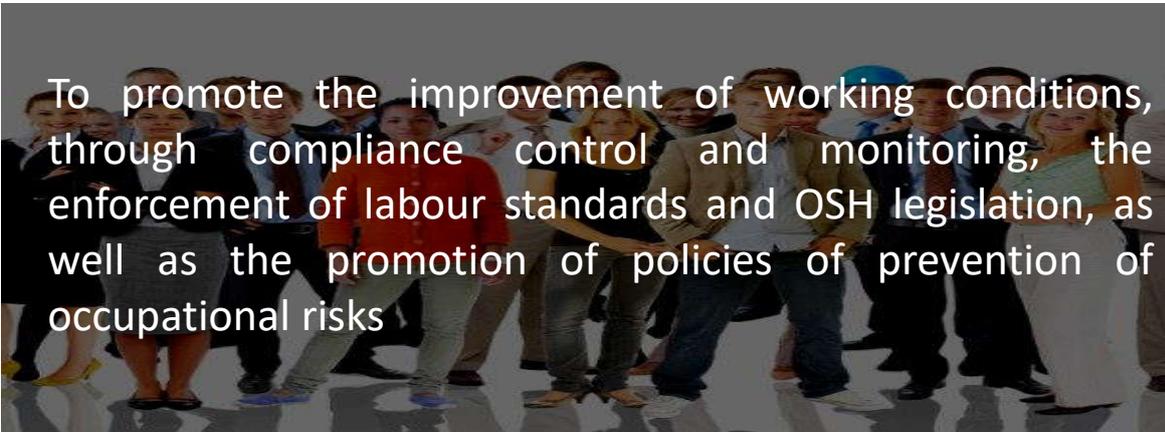
***Raising awareness and tackling demand in the supply chain:
the role and responsibilities of labour inspectors***

PORTUGUESE AUTHORITY FOR WORKING CONDITIONS

Susana Luz

Division for Studies and Technical Support to Inspection Activity

MISSÃO



To promote the improvement of working conditions, through compliance control and monitoring, the enforcement of labour standards and OSH legislation, as well as the promotion of policies of prevention of occupational risks

AUTHORITY FOR WORKING CONDITIONS

Who are we?

- State central authority - jurisdiction over the whole mainland territory – 32 local units
- Part of the direct administration of state under the Ministry of Labour, Solidarity and Social Security
- Generalist: labour relations and Occupational Safety and Health (OSH)
- In all private sectors



AUTHORITY FOR WORKING CONDITIONS

Labour Relations

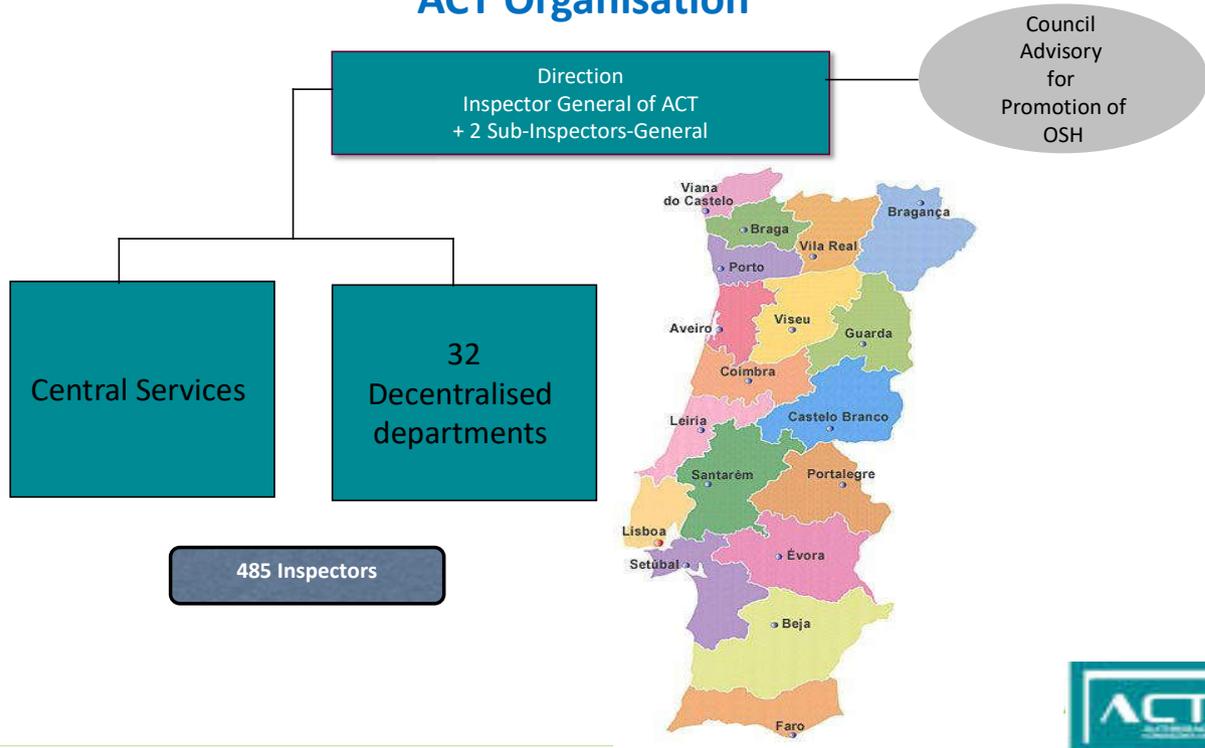
- Recruitment process (Agencies)
- Temporary work
- Posting of workers
- Undeclared work
- False self-employed
- Maternity/paternity leave
- Equality and non-discrimination
- Holidays, public holidays and absence
- Frameworks of special working time
- Remuneration
- Reduction or suspension of employment contracts
- Social security
- Foreigners
- ...

OSH

- Risk assessment
- Health and Safety organization
- Occupational accidents and professional disease's
- Agriculture
- Construction
- Machinery
- Mines
- Footwear industry
- Fisheries
- Asbestos
- Biological agents
- Chemicals
- Carcinogenic
- ATEX (explosive atmospheres)
- GMOs (genetically modified organisms)
- Transports
- ...



ACT Organisation



Main attributions are:

- promote, control, monitor compliance and enforce the labour law (H&S)
- promote awareness, information and counseling about working conditions, aiming to ensure full compliance with legal standards
 - Inform and advise workers, employers and their collective representatives to raise awareness on their rights and duties through telephone line; written information; personally in local branches; during inspection visits: in workshops; in seminars; in mass media (radio spots, TV, newspaper, social networks – Facebook, Twitter Instagram) – “be where people are”
 - Information materials in our website: FAQs, legislation, checklists, mandatory forms and a calculator for calculating the compensation for the contrasts termination [http://www.act.gov.pt/\(pt-PT\)/Paginas/default.aspx](http://www.act.gov.pt/(pt-PT)/Paginas/default.aspx)
- suggest the enrichment of the legal system in case of absence or inadequacy of legal standards.

SIMULADOR DE COMPENSAÇÃO POR CESSAÇÃO DO CONTRATO DE TRABALHO
veja aqui

300 069 300

YouTube

canal da act



veja a resposta às suas dúvidas nas perguntas mais frequentes



Main functions of the labour inspector

- To promote, control and supervise compliance with legal, regulatory and conventional norms regarding labour relations and conditions
- To provide information and technical advice with a view to clarifying the subjects of labour relations and the respective associations
- Suggesting the appropriate measures in case of lack or inadequacy of legal or regulatory standards
- To cooperate with social and institutional partners and with public and private institutions engaged in similar activities



Role of labour inspector Specificities

- ✓ First-hand information about workplaces
- ✓ Free access to workplaces
- ✓ Direct contact with the potential victim
- ✓ Possibility of immediate action
- ✓ Intervention procedures of the labor inspectorate (possibility to question employees, examine and request documents, take pictures ...)
- ✓ Humanized approach and conciliation





Role of labour inspector

- ✓ Information and advice function
- ✓ Signaling of possible victims
- ✓ Action completed by other social actors
- ✓ Application of legal instruments in accordance with the criteria of opportunity
- ✓ Coverage of the national territory
- ✓ Representatives of the public administration



Powers of the Labour Inspector

DL n.º 102/2000 - Statute of the General Labour Inspectorate - art.º 11

Enter freely, without notice, at any time of the day or night, into all workplaces (except personal homes)

- impose immediately enforceable measures (serious danger to the safety and health of workers)

Carry out any examinations, inspections or investigations deemed necessary, namely

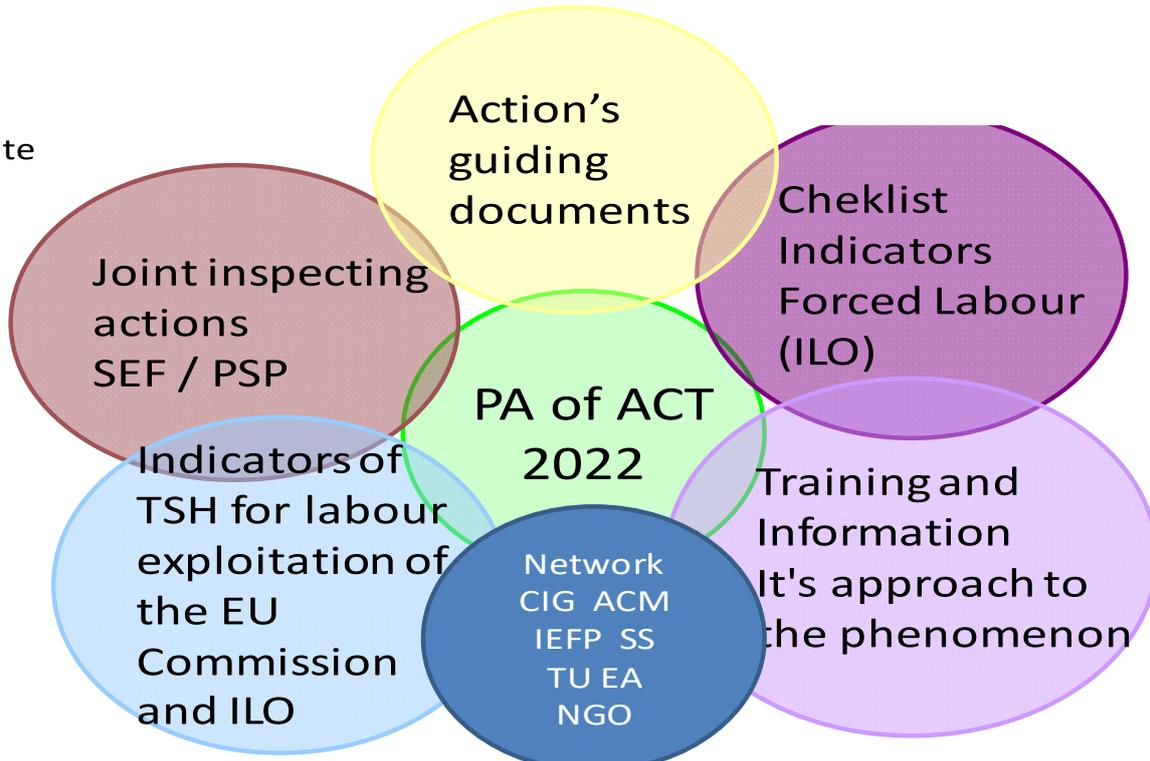
- question, either alone or in the presence of witnesses, the employer or workers
- request all the books, registers and documents that are necessary for their action, for immediate consultation or in the services of the ACT, as well as to make copies of them or extract any notes
- take samples for analysis

Initiate labour administrative offence proceedings



Instruments that facilitate
the field action of the LI

Protocol on the
creation of the
support and
protection network
for victims of
trafficking (RAPVT)



Lista de verificação de TSH para Exploração Laboral

INDICADORES DE TRÁFICO DE SERES HUMANOS PARA EXPLORAÇÃO
LABORAL DE ADULTOS (resultantes do sondagem Delphi e implementados
pela OIT e pela Comissão Europeia)

1	INDICADOR DE TRÁFICO DE SERES HUMANOS PARA EXPLORAÇÃO LABORAL DE ADULTOS (resultantes do sondagem Delphi e implementados pela OIT e pela Comissão Europeia)	SI	NI
1	Indicador de tráfico de seres humanos para exploração laboral de adultos		
	Indicador de tráfico de seres humanos para exploração laboral de adultos		
	Indicador de tráfico de seres humanos para exploração laboral de adultos		
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4	Indicador de tráfico de seres humanos para exploração laboral de adultos		
	Indicador de tráfico de seres humanos para exploração laboral de adultos		
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	Indicador de tráfico de seres humanos para exploração laboral de adultos		

A handbook for Labour Inspectors

Os indicadores (EL-PS) devem ser usados em todas as situações em que um inspetor do trabalho possa estar perante uma potencial vítima.

Cada uma das seis dimensões de tráfico para exploração laboral devem ser avaliadas de forma independente. O resultado da avaliação é positivo se a dimensão em causa está presente na potencial vítima e negativa se não estiver.

Para que se considere uma dimensão com avaliação positiva, ela deve, pelo menos, conter:

- 2 indicadores fortes; ou
- 1 indicador forte e 1 indicador médio ou fraco; ou
- 3 indicadores médios; ou
- 2 indicadores médios e 1 fraco.

Com o resultado da análise, que combina as seis dimensões, e caso esteja em causa um migrante (semelhante racionalizado pode ser feito quanto aos demais trabalhadores, com as devidas adaptações), é possível classificar da seguinte forma:

- > Migrante de engano (sem engano, sem exploração e sem coação - todas as dimensões 0);
- > Migrante explorado (com exploração mas sem engano ou coação - dimensão 4);
- > Vítima de engano e exploração (sem coação - dimensão 1 e 4);
- > Vítima de TSH - EL (engano, exploração e coação - dimensão 1, 2, 4 e 5).

Os indicadores 3 e 6 devem ser tidos como complementares das restantes.



LEGAL LABOUR FRAMEWORK

What?

The Labor Code has been amended since 23/09/2016 (by Law 28/2016, 23/08) in order to combat modern forms of forced labour.

What is changed?

The range of entities responsible for refusing to hire contractors from services or works, subcontracting and temporary work with any labor norms of safety and health at work has been extended.

Who? Art.º551.º/4 Labour Code

The owner, the company or the farm and the company that is the user or contractor of the work or service, as well as the respective managers, directors or administrators, as well as companies that with the owner, company or farm, user company or Contractor of a work or service are in relation to reciprocal, domain or group participation,

How?

They are jointly and severally liable for:

Compliance with legal provisions, possible breaches of other standards and payment of the respective fines.

Committed by

The subcontractor performing all or part of the contract on the premises of the contractor or under his responsibility.



Temporary Work Agencies

Who?		Liability?	What?
-The Temporary employment agency and temporary employment user	As well as: - Its managers and directors - Companies in relation with owner of the work, company or farm to reciprocal participation, - Domain or group	Subsidiary liability	The workers' credits, for the correspondent social security contributions and the payment of the respective fines
- The user		Is/Are jointly and several liability for the non-performance by the temporary employment agency	Charges and obligations relating to workers, as well as payment of fines
- the owner of the work, undertaking or farm and the company that is the user or contractor of the work or service		Joint and several liability	Violations of legal provisions: Concerning health and safety of temporary workers During the performance of the activity at its premises and for payment of the respective fines relating to of those occasionally assigned to them or of workers in the service of services providing Companies

Using the activity of a foreign citizen in an illegal situation (art.º198-A Law n.º 23/2007)

Who uses the activity of a foreign citizen who does not have a residence permit or a visa authorizing the exercise of a subordinate professional activity (...)

Applying fines for administrative offences and accessory penalties

Administrative Offences ACT's competence
very serious

employer, user, assignor,
general contractor, owner of
the work/Public
Administration (disciplinary
liability)

are
jointly and
severally
responsible

- of salary claims arising from an employment contract, its breach or termination
- for non-declaration of income subject to tax and social security contributions
- non-compliance with labour legislation
- paying the necessary costs for the stay and the removal of the foreign nationals concerned
- For the payment of any costs relating to the remittance of funds arising from labour claims to the country of return



RECRUITMENT PROCESS

PRIVATE EMPLOYMENT AGENCIES/TEMPORARY WORK AGENCIES

Legal requirements to exercise the activity ^(16.º)

- **Private Employment Agencies** - **PRIOR NOTIFICATION** of the activity to the Public Employment Service - Identification of the agency, address, tax identification number, commercial registration number (carry on recruitment activity)
- **Temporary Work Agencies** – **LICENSE** granted by the Public Employment Service



RECRUITMENT PROCESS

PRIVATE EMPLOYMENT AGENCIES/TEMPORARY WORK AGENCIES

Legal requirements to exercise the activity (16.9)

LEGAL FRAMEWORK

Must also prove with documents:

- a) Credibility/suitability (of the requesting person and all business partners and directors)
- b) Orderly situation in terms of taxes and contribution administration to social security
- c) Constitute a guarantee



RECRUITMENT PROCESS

PRIVATE EMPLOYMENT AGENCIES

more common illegal practices

- Enterprises or individual persons do not have the legal requirements to exercise the activity (prior notification to the Public Employment Service; pay taxes to public authorities)

- The content of recruitment announcements is discriminatory – age, gender – e.g. “total availability” (during the interviews – questions about pregnancy) or with false working conditions (wage, function, workplace, working hours)

- The jobseekers receive fake e-mails with very attractive working conditions – and asking to send money to pay services/documents

- Illegal recruiters act underground (spoken invitations, in digital platforms, only with a telephone number in a newspaper, or in the internet, don't have a face, a workplace);

- Subcontracting chain (The most frequent sectors are: agriculture, construction sites, cleaning services)

- Informal recruitment places



RECRUITMENT PROCESS

PRIVATE EMPLOYMENT AGENCIES



WHAT can AWC do to tackle the illegal recruitment process

➤ ADVISORY FUNCTION

- Inform, advice – website (faqs, legislation) telephone line, seminars, workshops, during the visits, or upon written or verbal requests
- Recommendations, warnings to explain the legal requirements (ensure that the legislation is under understood therefore better accept and applied)
- Campaigns with social and institutional partners - Employers Associations and Trade Unions – encourage the exchange of best practices



M7

“M7” focuses on appropriate regulation for the temporary work industry and private employment agencies in order to enhance its contribution to better and fairer job creation and the better functioning of the labour market



Private Employment Agencies and private business Organisations working with human resources dimensions

Seven measures

- Credibility
- Clarification
- Reinforce importance

M7

- M1 - What can be done, in collaboration with APESPE-RH, to increase the credibility of the sector
- M2 - Conditions for accessing/opening a Recruitment and Selection Company, Placement Agency, Temporary Work and Outsourcing
- M3 - Temporary work permit - Access regulation
- M4 - Analysis on the permits issue
- M5 - Temporary Work Cost Structure
- M6 - Quality Seal and Ethical Commitment
- M7 - Code of conduct

1.10. Devido ao carácter de natureza regulamentar do presente documento, o presente documento não tem natureza de lei, não produz efeitos de direito e não cria obrigações para os particulares.

Descrição	Valor	Unidade
Salário	1000	€
Aluguer	1000	€
Aluguer de escritório	1000	€
Aluguer de transporte	1000	€
Aluguer de alimentação	1000	€
Aluguer de vestuário	1000	€
Aluguer de outros	1000	€
Total	7000	€

NOTAS:

1.11. Este documento não tem natureza de lei, não produz efeitos de direito e não cria obrigações para os particulares.

1.12. Este documento não tem natureza de lei, não produz efeitos de direito e não cria obrigações para os particulares.

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M5

Extratos Cartão de Trabalho Temporário

Classificação dos componentes integrantes do custo do Trabalho Temporário

Resumo dos valores custos de acordo com o método de prestação de serviços temporários

DESCRICÃO	UNIDADE M7 + M8	
	Montante 10 a ano	Montante 10 a ano
RETRIBUIÇÃO		
Salário	1000	1000
Aluguer	1000	1000
Aluguer de escritório	1000	1000
Aluguer de transporte	1000	1000
Aluguer de alimentação	1000	1000
Aluguer de vestuário	1000	1000
Aluguer de outros	1000	1000
OUTROS		
Aluguer de transporte	1000	1000
Aluguer de alimentação	1000	1000
Aluguer de vestuário	1000	1000
Aluguer de outros	1000	1000
TOTAL	10000	10000

Parcela de acordo de aplicação Remuneração normal: 7,000000 (70%)



AUTHORITY FOR WORKING CONDITIONS ACTION

WHAT can WCA do to tackle the illegal recruitment process



➤ COOPERATION

With other institutional partners – **PROTOCOL (network to exchange relevant information and develop information sessions)** between:

- Portuguese Association of Companies in the Private Employment Sector
- Public Employment Service
- General Directorate for Consular Affairs and Portuguese Communities
- Federation of Trade Unions of Industry and Services



AUTHORITY FOR WORKING CONDITIONS ACTION

PRIVATE EMPLOYMENT AGENCIES

WHAT can AWC do to tackle the illegal recruitment process

➤ CONTROL FUNCTION

- More target inspective interventions in companies with illegal work (preventive and reactive) - planning a new informatics system with database from other authorities
- Investigate the announcements on Social media and websites



AUTHORITY FOR WORKING CONDITIONS ACTION

How identified cases are dealt by Labour Inspectorate

- Written warnings
- Notice of infringement (Fines) – the amount depends of the gravity of the infringement and business volume of the company
- Communication to the Employment Public Service
- Suspension/Interdiction of the activity
- Then... Second visit to check the compliance of the law
- Participation to the Public Prosecutor criminal situations:
 - Trafficking for labour exploitation /Forced Labour
 - Support for illegal emigration
 - Illegal recruitment of foreign citizens
 - Use of foreign citizen's activity in an illegal situation



AUTHORITY FOR WORKING CONDITIONS ACTION

How complaints are addressed?

Preparation

- Adequate planning (Information system)
- Undercover the recruitment place and future workplace

Visit

- Without prior notice
- Inform presence in the company
- Collect data / proof

Visit's end

- Level of compliance
- Adopt urgent administrative procedures



ROLE OF LABOUR INSPECTORATE

Contribute to:

- ✓ Fair recruitment
- ✓ Equal opportunities
- ✓ Better working conditions
- ✓ Decent and fair work



On behalf of the Authority for Working Conditions

thank you very much for your attention

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