



# Reducing Demand and Preventing Trafficking in Human Beings

Lisbon, 8-9 September 2022

EXCELLENCE IN EUROPEAN LAW<sup>1</sup>

## Speakers

**Manuel Albano**, National Rapporteur for Trafficking in Human Beings, Commission for Citizenship and Gender Equality, Porto

**Marius Burcea**, Head of Interinstitutional Cooperation and National Prevention Projects Department, National Agency Against Trafficking in Persons (ANITP), Ministry of Internal Affairs, Bucharest

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

**Anna Ekstedt**, Ambassador-at-large for Combatting Trafficking in Persons, Swedish Ministry for Foreign Affairs, Stockholm (online)

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

**Edite Fonseca Fernandes**, Inspector, Central Directorate for Investigations, Anti-Trafficking in Human Beings Unit, Portuguese Immigration and Borders Service (SEF), Lisbon

**Chandra Gracias**, Judge; Judicial Trainer, Centre for Legal Studies (CEJ), Lisbon

**Thi Hoang**, Analyst and Journal of Illicit Economies and Development (JIED) Managing Editor, Global Initiative Against Transnational Organized Crime, Vienna

**Suzanne Hoff**, International Coordinator, La Strada International, Amsterdam

**Kevin Hyland**, Group of Experts on Action against Trafficking in Human Beings (GRETA) Member, Council of Europe, Strasbourg

**Evan Karr**, Assistant Officer, Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (CTHB), Organization for Security and Co-operation in Europe (OSCE), Vienna

**Susana Luz**, Labour Inspector, Portuguese Authority for Working Conditions (ACT), Lisbon

**Conny Rijken**, National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, The Hague

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

**Fernando Vaz Ventura**, Court of Appeal Judge; Director of Centre for Legal Studies (CEJ), Lisbon



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

## Key topics

- Demand reduction and prevention initiatives
- Cyber-enabled trafficking and using technology to prevent and counter THB

## Languages

English, Portuguese (simultaneous interpretation)

## Event number

322DT102

## Organisers

ERA (Ramin Farinpour) in cooperation with the Portuguese Centre for Legal Studies (CEJ), Immigration and Borders Service (SEF), National Rapporteur for Trafficking in Human Beings, Organisation for Security and Cooperation in Europe (OSCE), ANITP (National Agency Against THB) and La Strada International

CENTRO DE ESTUDOS JUDICIÁRIOS



# Reducing Demand and Preventing Trafficking in Human Beings

## Thursday, 8 September 2022

08:30 Arrival and registration of participants

09:00 **Welcome and introduction**  
*Fernando Vaz Ventura, Ramin Farinpour*

### I. SETTING THE SCENE: UNDERSTANDING DEMAND AND ITS IMPLICATIONS FOR ANTI-THB POLICY

*Chair: Ramin Farinpour*

09:10 **Understanding the scope and nature of demand and key solutions and strategies in discouraging it**  
*Evan Karr*

09:45 **The complexities of demand and assessing the impact and potential of demand-side measures to reduce trafficking: findings from the DemandAT project**

- Policy measures that steer demand and their impact
- Demand and trafficking for the purposes of sexual exploitation and forced labour

*Suzanne Hoff*

10:30 Discussion

10:45 Coffee break

### II. RESPONSES TO DEMAND REDUCTION: REGULATORY MEASURES TAKEN BY MEMBER STATES

*Chair: Evan Karr*

11:15 **The Swedish model to counter demand for trafficking in human beings: criminalising the purchase of (sexual) services – has demand been reduced or displaced?**

*Anna Ekstedt*

11:45 **Addressing demand within the framework of a national anti-trafficking strategy: the example of Portugal**

- Criminal justice measures, campaigns and education programmes, awareness-raising measures in key industry sectors

*Manuel Albano*

12:15 Discussion

12:30 Lunch

13:30 **The Dutch approach to countering demand for trafficking in human beings**  
*Conny Rijken*

14:00 Discussion

### III. RESPONSES TO DEMAND REDUCTION BY RELEVANT ACTORS

*Chair: Ramin Farinpour*

14:15 **Law enforcement work in countering demand**

- Countering organised crime groups, forced labour and prostitution
- Cross-border law enforcement activities and cooperation with Europol

*Edite Fonseca Fernandes*

14:45 **Cyber-enabled trafficking: using technology to counter THB within the context of its demand**

*Radu Cucos, Thi Hoang*

15:30 Discussion

15:45 Coffee break

## Objective

This final seminar in a series of three co-financed by the European Commission will analyse the scope of the problem of demand for trafficking in human beings (THB) and how it can be countered with prevention initiatives on demand reduction. Clamping down on new and emerging tools being used by traffickers, in particular in the cyber domain, will be examined.

The work of various EU Member States and (international) organisations attempting to reduce demand will be looked at from both a judicial and a law enforcement perspective, as well as the work done by relevant actors in awareness raising. Regulatory and legal measures to reduce demand, including the criminalisation of the use of services exacted from victims of trafficking, will be illustrated.

Workshops will form a part of the seminar.

## Who should attend?

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

## Venue

Portuguese Centre for Judicial Studies (CEJ)  
Largo do Limoeiro  
Lisbon  
Portugal

## Participation fee and reimbursement of costs

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

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

Two nights' hotel accommodation up to €125/night will be reimbursed by ERA upon receipt of the original invoice.

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#### IV. SIMULTANEOUS WORKSHOPS

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- 16:15
- **Prevention initiatives to counter demand**  
*Manuel Albano, Suzanne Hoff*
  - **Using technology to counter THB**  
*Radu Cucos, Thi Hoang, Szonja Szabó*
  - **Countering demand for labour trafficking**  
*Kevin Hyland*
  - **Cross-border and cross-platform cooperation in relation to demand reduction**  
*Marius Burcea, Edite Fonseca Fernandes*
- 18:15 End of first day
- 19:30 Joint dinner

### Friday, 9 September 2022

09:00 Workshop reports

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#### V. RESPONSES TO DEMAND REDUCTION BY RELEVANT ACTORS CONT.

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*Chair: Ramin Farinpour*

- 09:15 **Dealing with demand for sexual exploitation, assisting and protecting victims**
- Identifying victims, harsh penalties for traffickers and users of services of victims of trafficking: overview of measures in Romania
  - Information campaigns to counteract demand, cooperation with NGOs
  - Countering online recruitment and grooming within the context of information campaigns
- Marius Burcea*
- 09:45 **A judicial perspective on reducing demand**
- Criminalisation of services obtained from victims of trafficking
  - Penalties for traffickers and users of services of victims of trafficking
- Chandra Gracias*
- 10:15 Discussion
- 10:30 Coffee break
- 11:00 **Survivor statement**
- 11:30 **Tackling demand for labour trafficking**
- Tools and methods
  - Latest (legislative) developments
  - Cooperation between public authorities, the private sector and civil society
- Kevin Hyland*
- 12:15 Discussion
- 12:30 **Raising awareness and countering demand within the supply chain: the role and responsibilities of labour inspectors**
- Partnerships with private sector and civil society
- Susana Luz*
- 13:00 Discussion
- 13:15 End of the seminar

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For programme updates: [www.era.int](http://www.era.int)  
Programme may be subject to amendment

#### Your contact persons



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#### CPD

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



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

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## Apply online for

# Reducing Demand and Preventing Trafficking in Human Beings

Lisbon, 8-9 September 2022 / Event number: 322DT102



## Terms and conditions of participation

### Selection

1. Participation is open to judges, prosecutors, law enforcement officers, financial investigators, compliance officers, civil society/NGOs from eligible EU Member States (Denmark does not participate in the Internal Security Fund - Police 2014-2020) and EU Candidate Countries (Albania and Montenegro).
2. The number of places available is limited (50 places). Participation will be subject to a selection procedure.
3. Applications should be submitted by **28 July 2022**.
4. A response will be sent to every applicant after the deadline. Participation is subject to a selection procedure.

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

### Registration fee

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

### Travel expenses

6. Travel costs up to €300 can be reimbursed by ERA upon receipt of the original receipts, tickets, boarding passes, invoices after the seminar. For those travelling less than 100km to Lisbon, travel costs of up to €100 will be reimbursed.

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

### Accommodation

7. Two nights' single room accommodation up to €125 per night can be reimbursed by ERA upon receipt of the original receipts and invoices after the seminar if they have to travel more than 100km to Lisbon.

### Other services

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

### Participation

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

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Lisbon  
Portugal

### Languages

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(simultaneous interpretation)

### Contact Person

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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

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## Overview

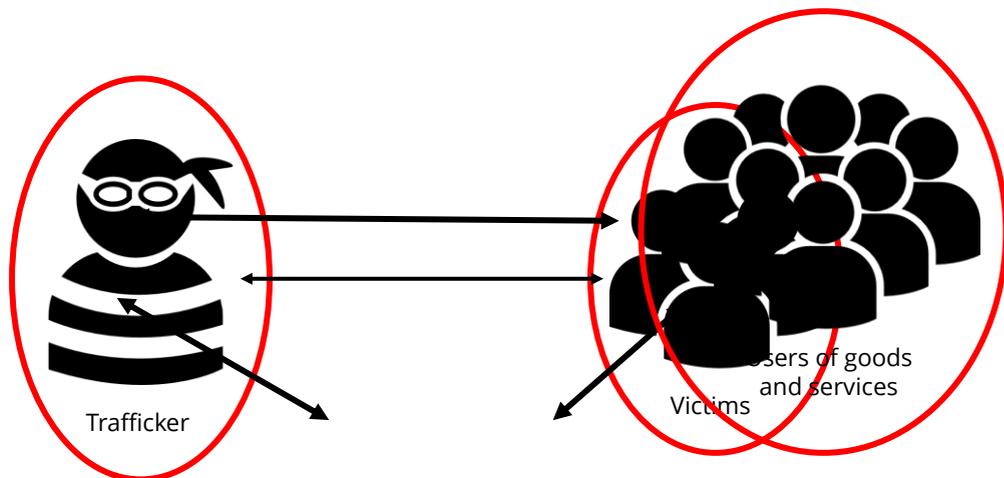
1. **What is demand and why it matters**
2. **The concept of discouraging demand in European law**
3. **Strategies and tactics to discourage demand that fosters THB for labour exploitation**
  - Through business governance and business supply chains
  - Through trade
  - Through public procurement
4.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



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# What is demand?

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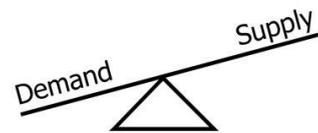


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## Demand as a driver of THB for forced labour

**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

## Case Study: Boohoo



## 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**

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## Case Study: Paradise



**OSCE**

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# 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.**



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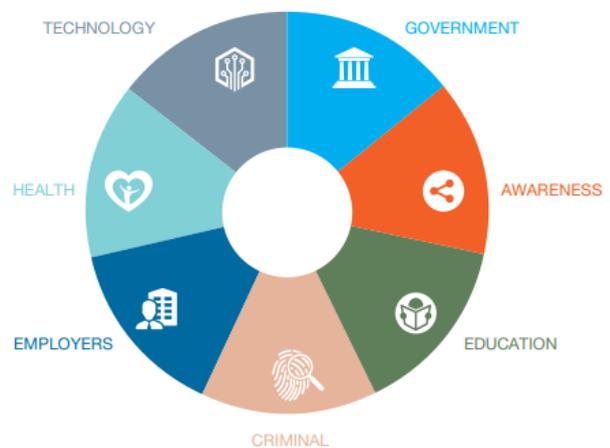
# Combating the demand that fosters THB for sexual exploitation



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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

**Evan Karr**  
Assistant Officer on CTHB  
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European NGO network against trafficking in human beings

## La Strada International European NGO network against trafficking in human beings



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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](http://www.DemandAT.eu)**

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## 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**

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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**

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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**

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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**

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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**

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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

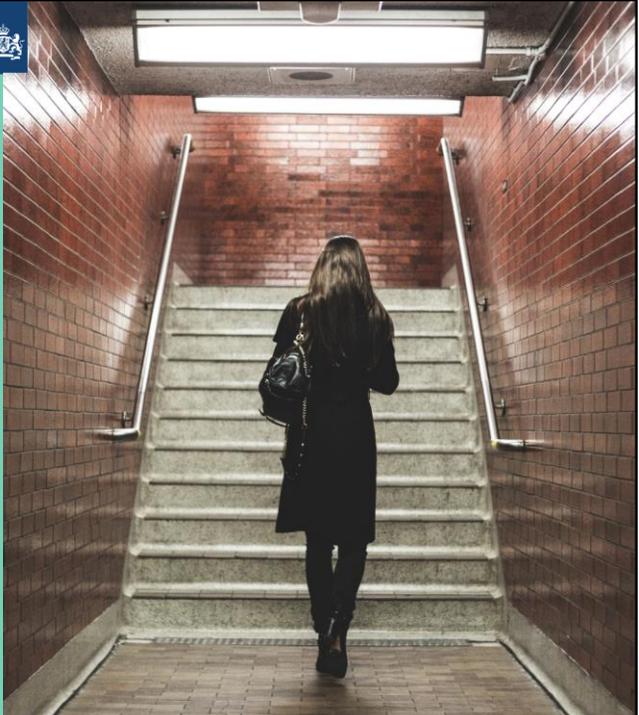
**The Dutch approach to countering demand for Trafficking in Human Beings**

Conny Rijken – Dutch National Rapporteur

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

trafficking sexual  
in violence  
human beings children  
against

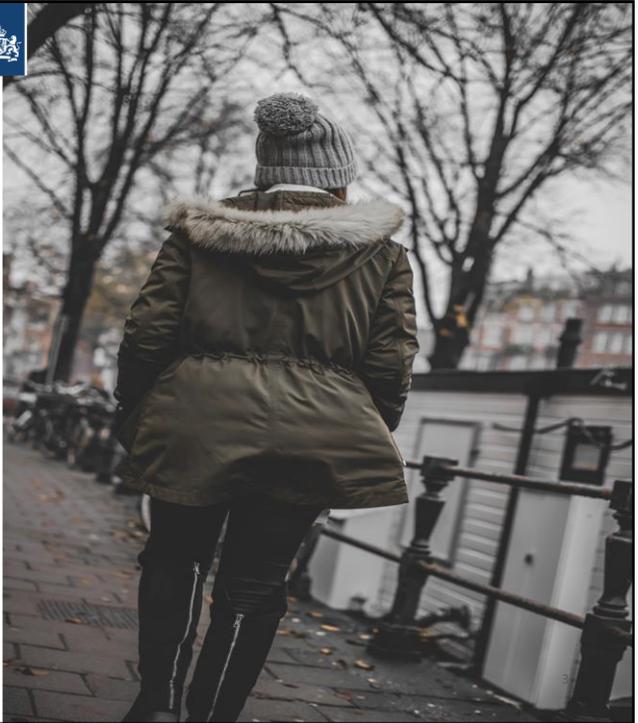
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National Rapporteur on Human Trafficking and Sexual Violence Against Children

- > 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.

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## 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).

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## 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.

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## 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)

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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.

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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)'

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## 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

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## 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

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## 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



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## 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.

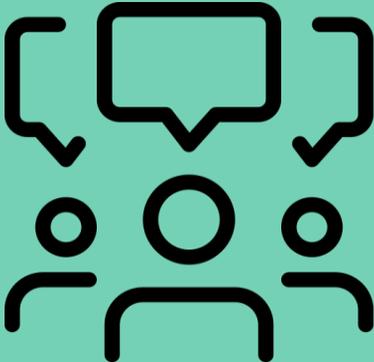


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Thank you for your attention





## Countering organised crime groups

### Cross-border law enforcement activities and cooperation with Europol

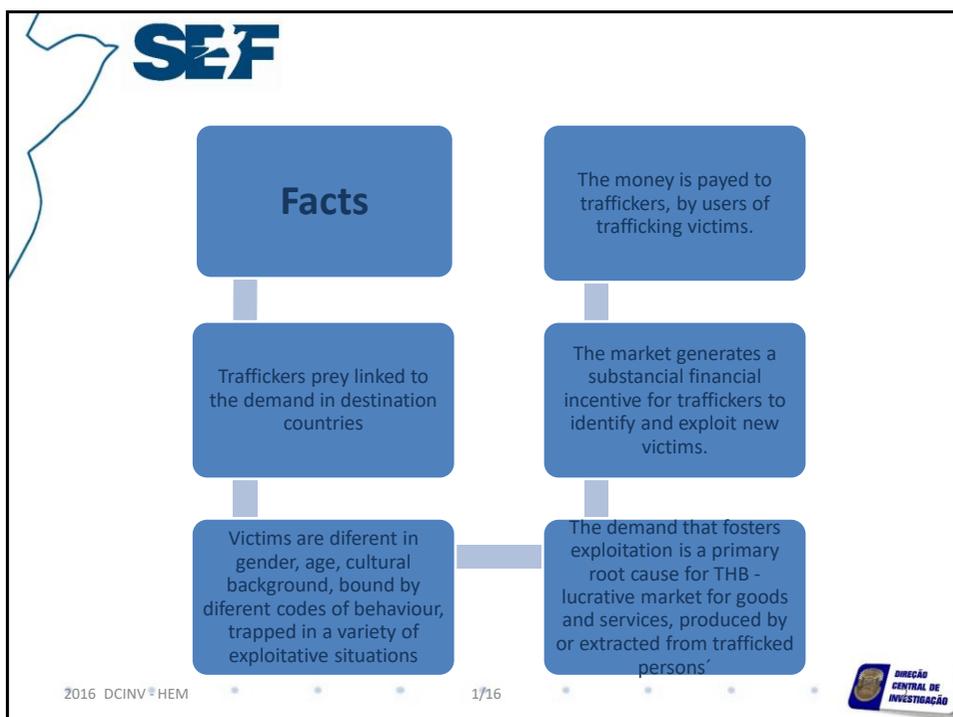
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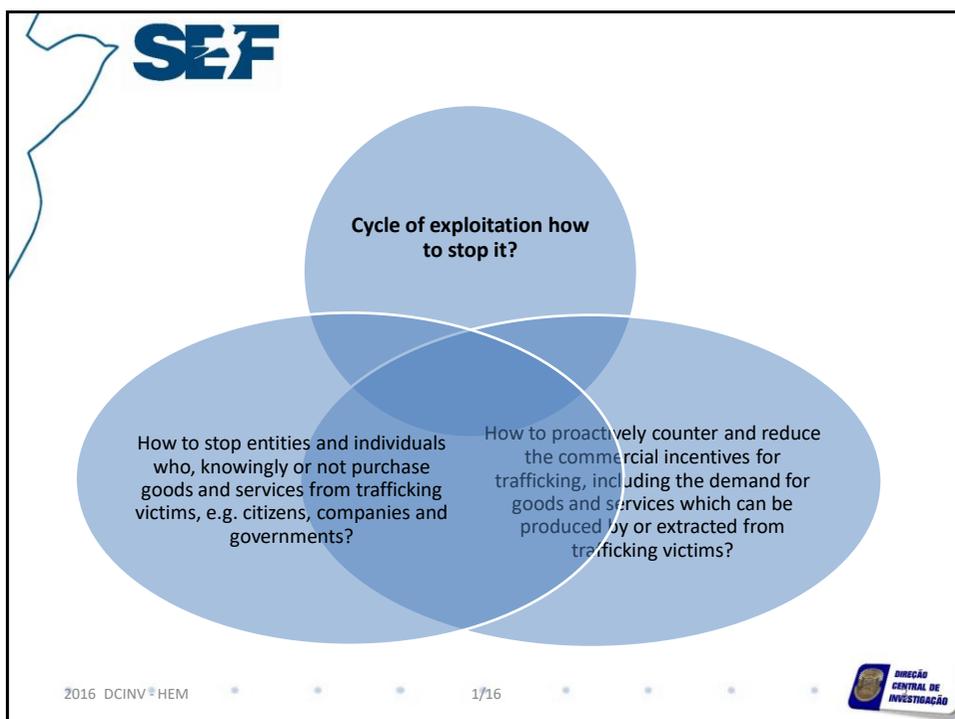
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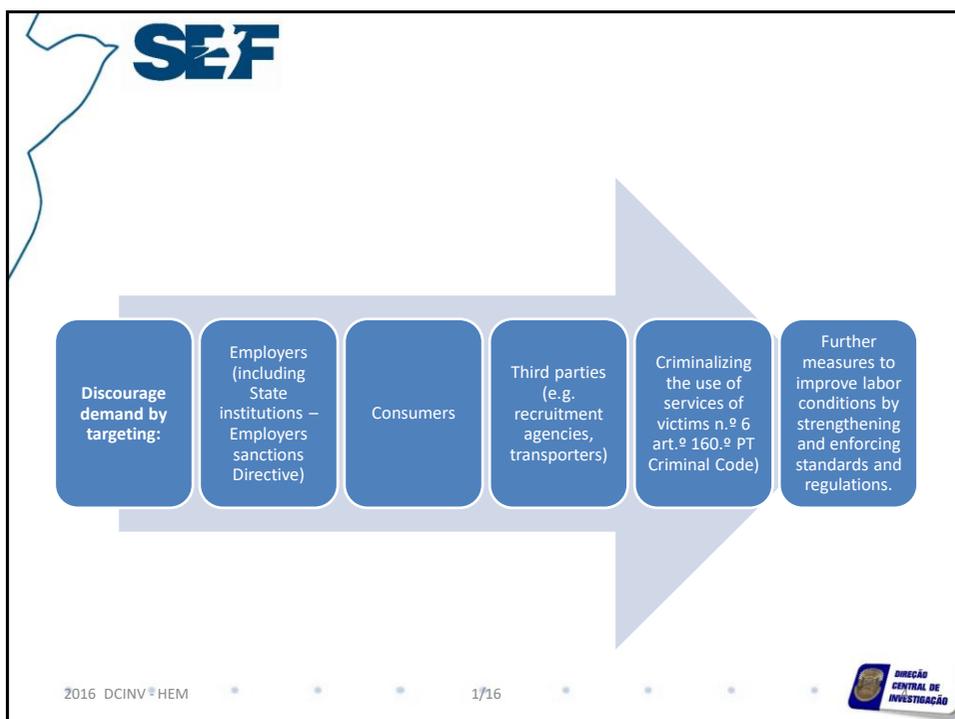
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## Criminal justice systems are failing to combat THB?

*"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



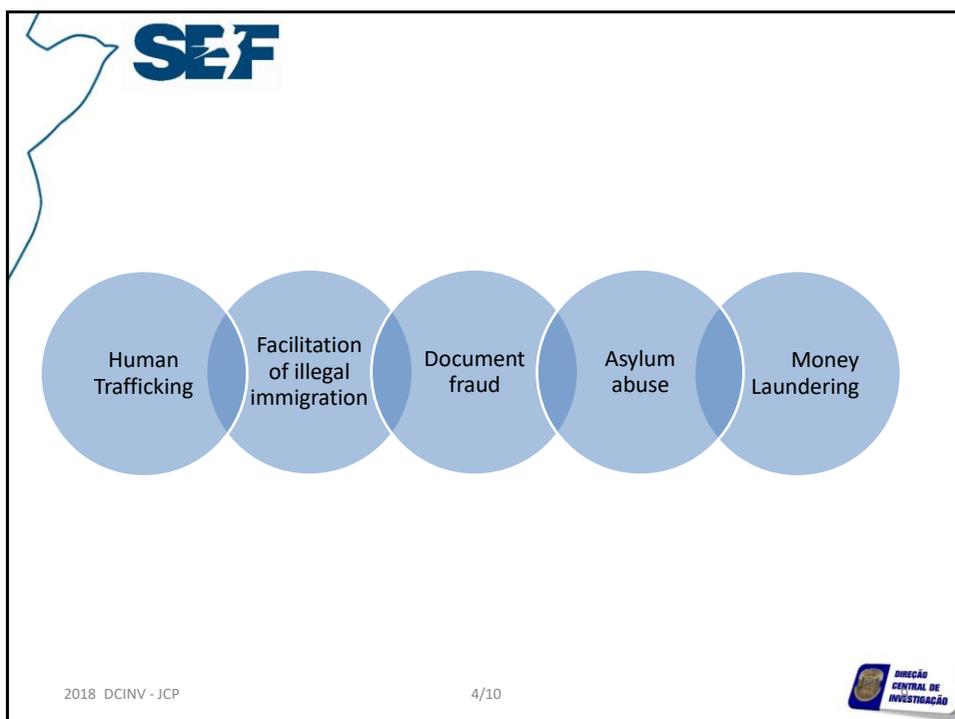
## Evidential challenges

- 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

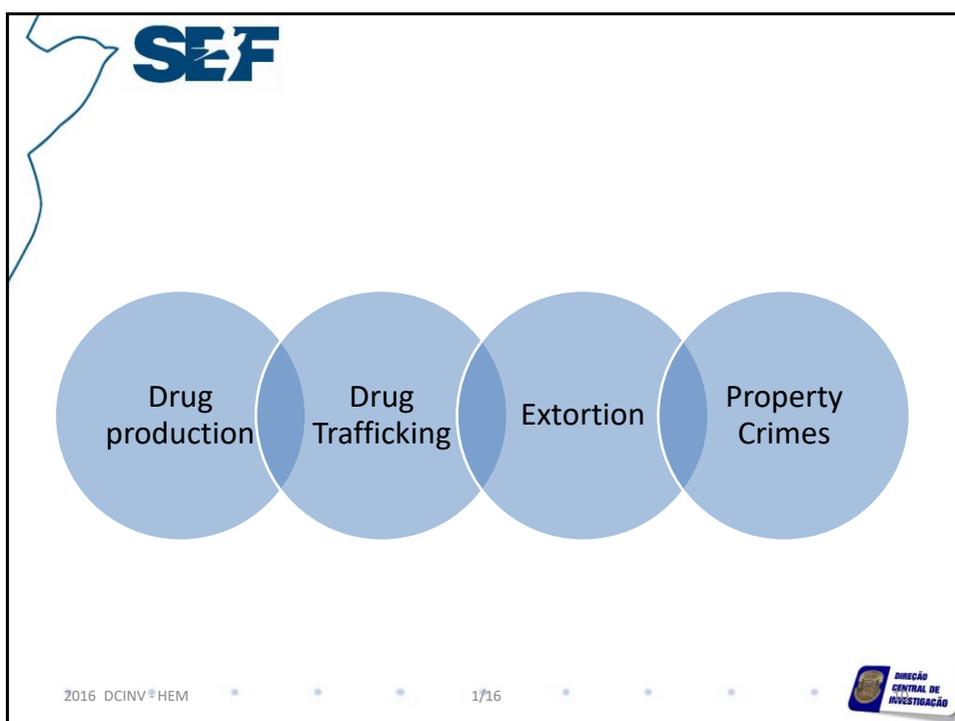
2016 DCINV® HEM 1/16



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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




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## 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

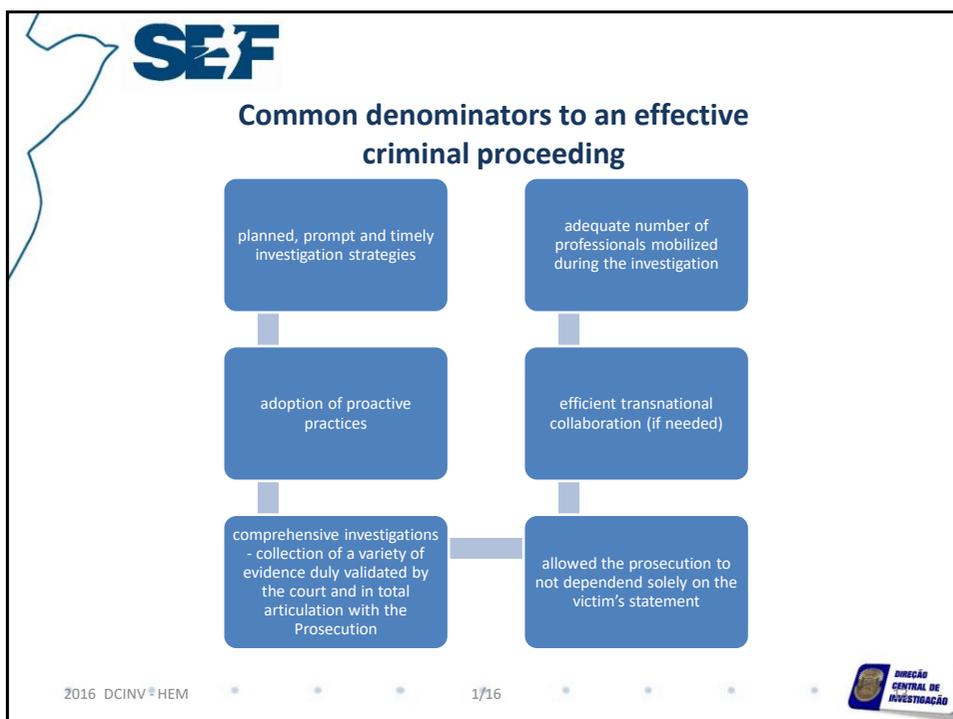
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Increasing the capacity of national criminal justice actors (including police, immigration, anti-money laundering agencies, prosecutors and judges) to investigate and prosecute traffickers and seize the proceeds of their crimes

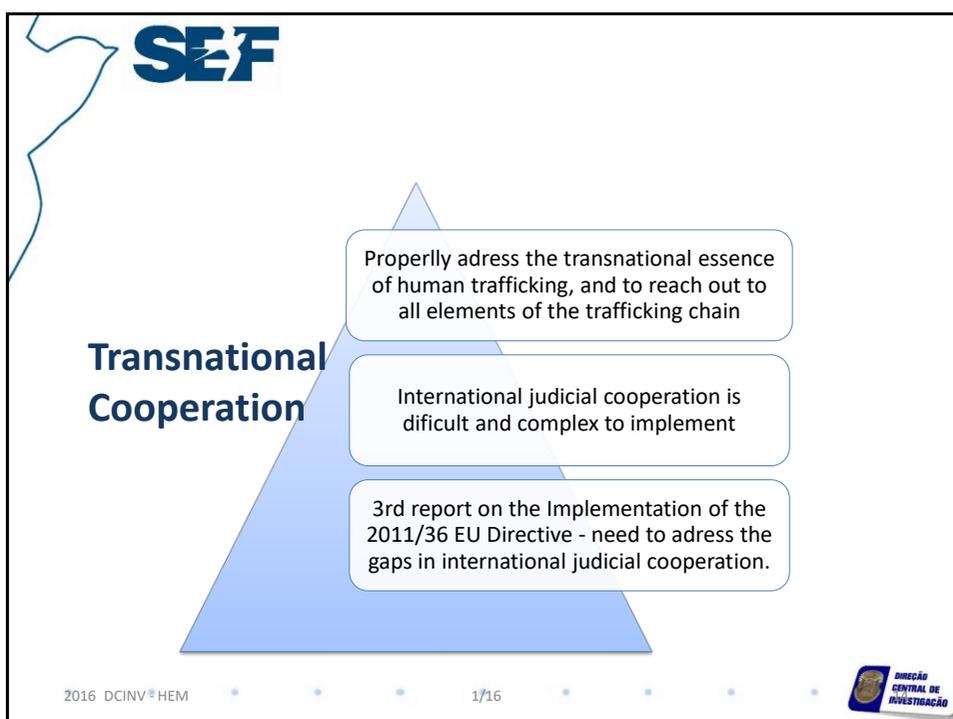
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12



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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

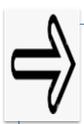
- Eurojust – European Union Agency for Criminal Justice Cooperation, <https://www.eurojust.europa.eu/about-us/who-we-are>

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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

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Joint Investigation Teams (JIT's)

preferable form of cooperation

allow close cooperation

adoption of common investigative goals

direct proactive communication.

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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.

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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

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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

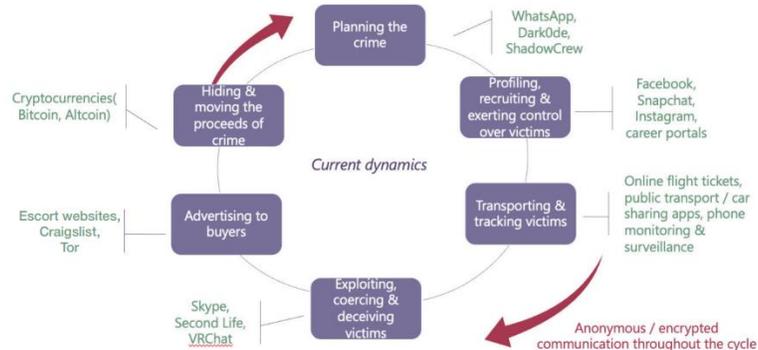


With financial support from the European Union's Internal Security Fund—Police 2014-2020

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**

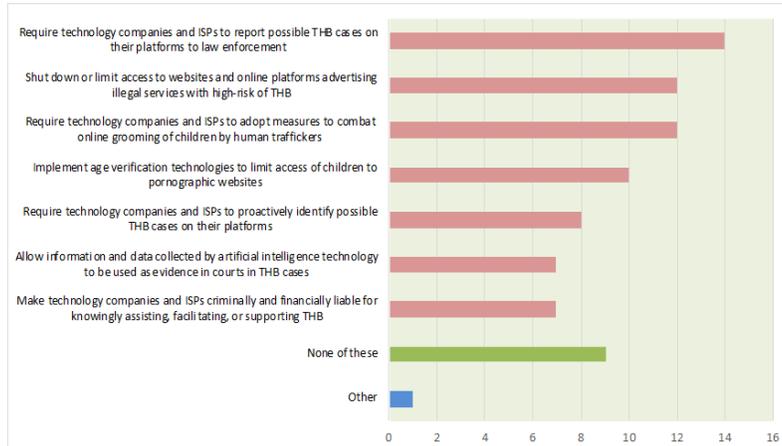
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## Why discussing about policy/laws is important?

- 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**

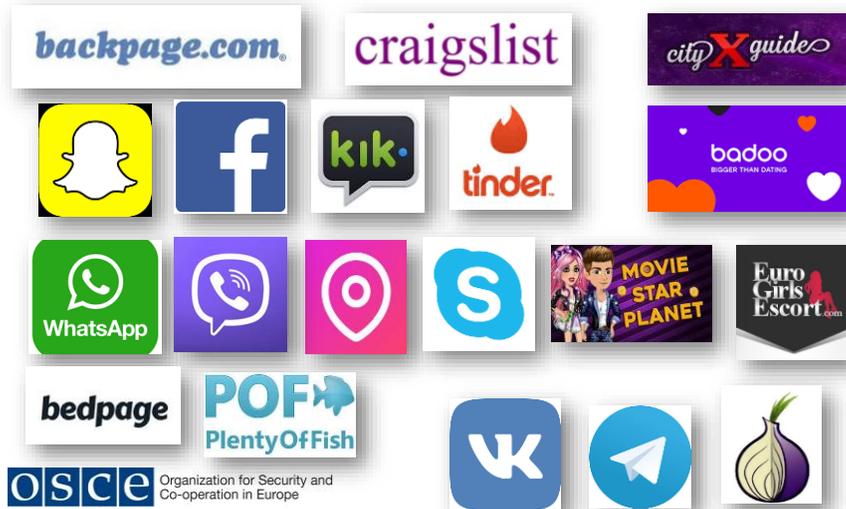
7

## 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.

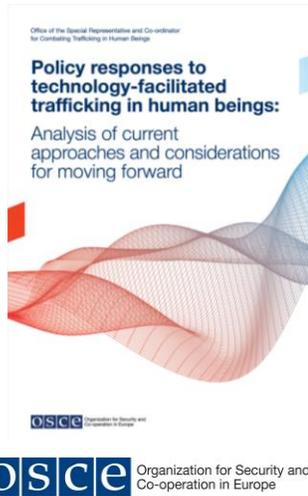
## Recommendations

### *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](mailto:radu.cucos@osce.org)



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

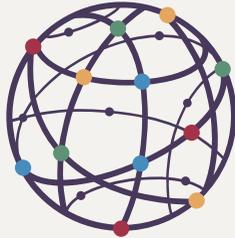


[osce.org/secretariat/  
trafficking](https://osce.org/secretariat/trafficking)

# Tech, human trafficking, and demand

*Reducing demand and preventing trafficking in human beings*

Thi Hoang | [thi.hoang@globalinitiative.net](mailto:thi.hoang@globalinitiative.net)  
ERA, 8-9 September 2022



**GLOBAL INITIATIVE**



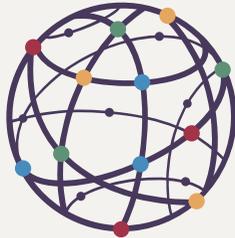
With financial support from the European Union's Internal Security Fund—Police 2014-2020

1

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

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

Flagship projects include:

- **RESPECT Resource Centre** [respect.international/resource-centre](https://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](https://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](https://techagainstrafficking.org)  
A coalition of technology companies collaborating with global experts to help eradicate human trafficking

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](https://techagainstrafficking.org/interactive-map)



3

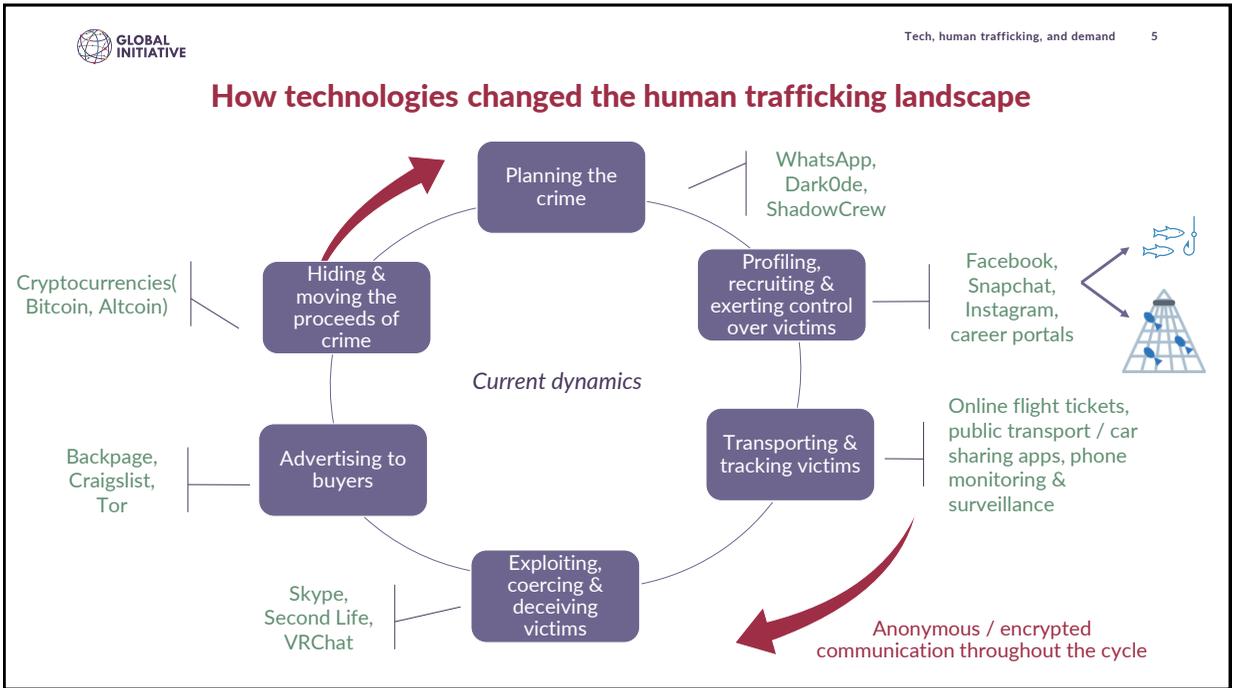
 Tech, human trafficking, and demand 4



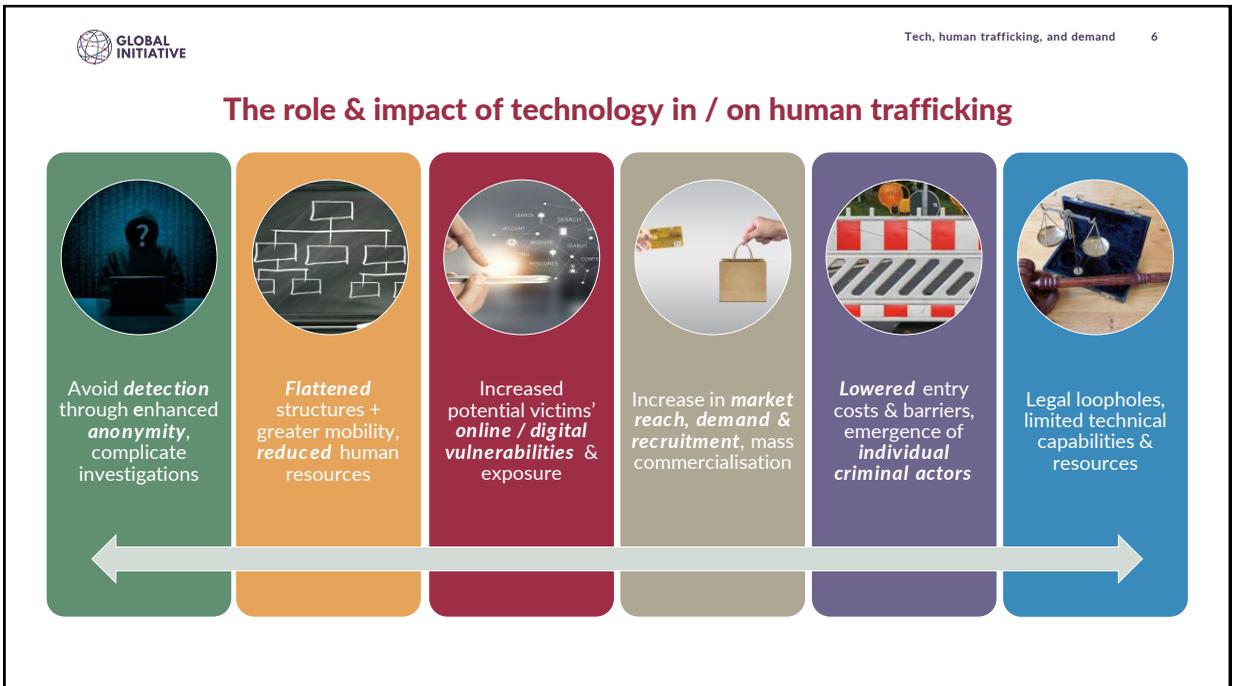
# 1

## The role of technology in human trafficking

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# 2

## Responses: Tech sector as key actor

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

7

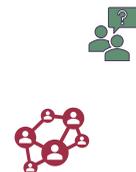
## Responses: Tech sector as key actor

### 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?



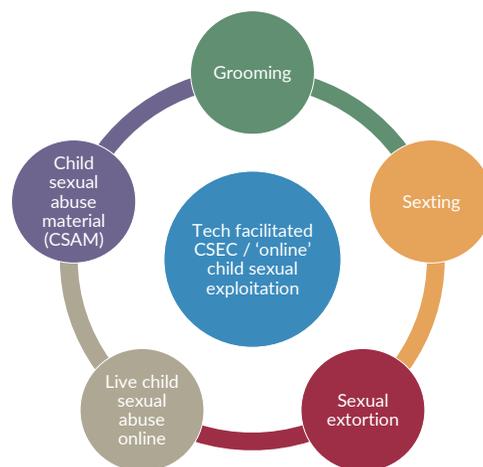
➔ Call to action: **collaborate with businesses**

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)**

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GLOBAL INITIATIVE

Tech, human trafficking, and demand 11

# 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.

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# 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.



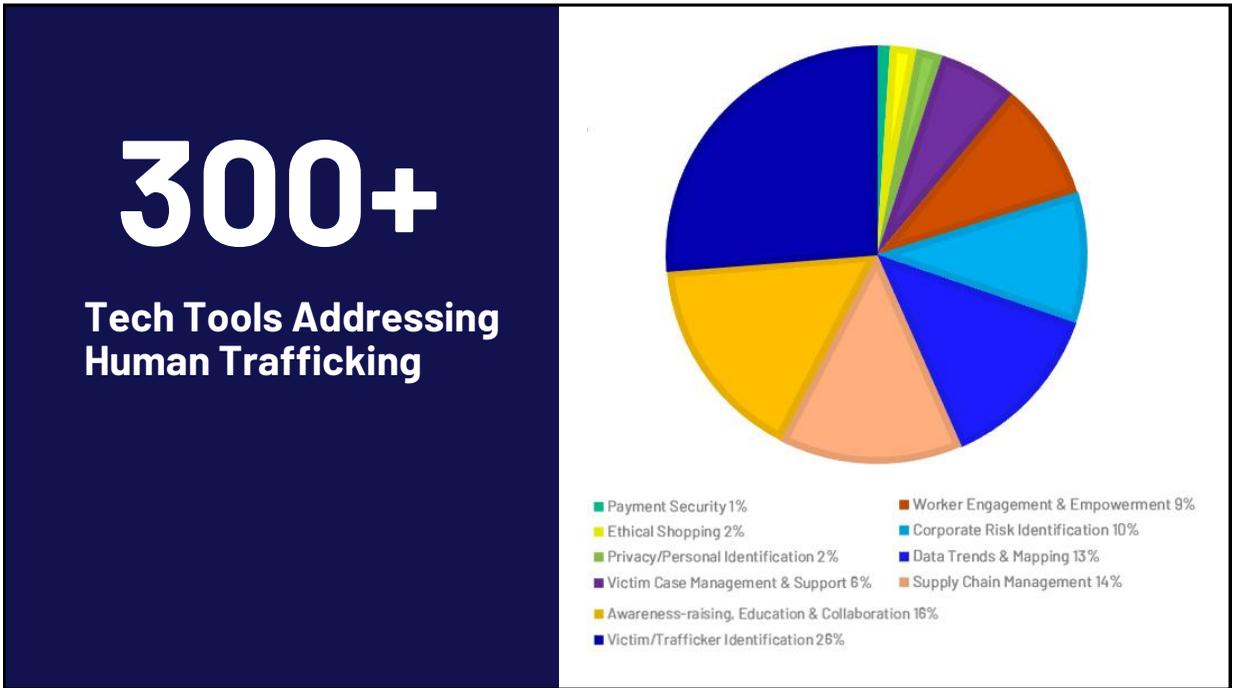
### Identify and Select

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.

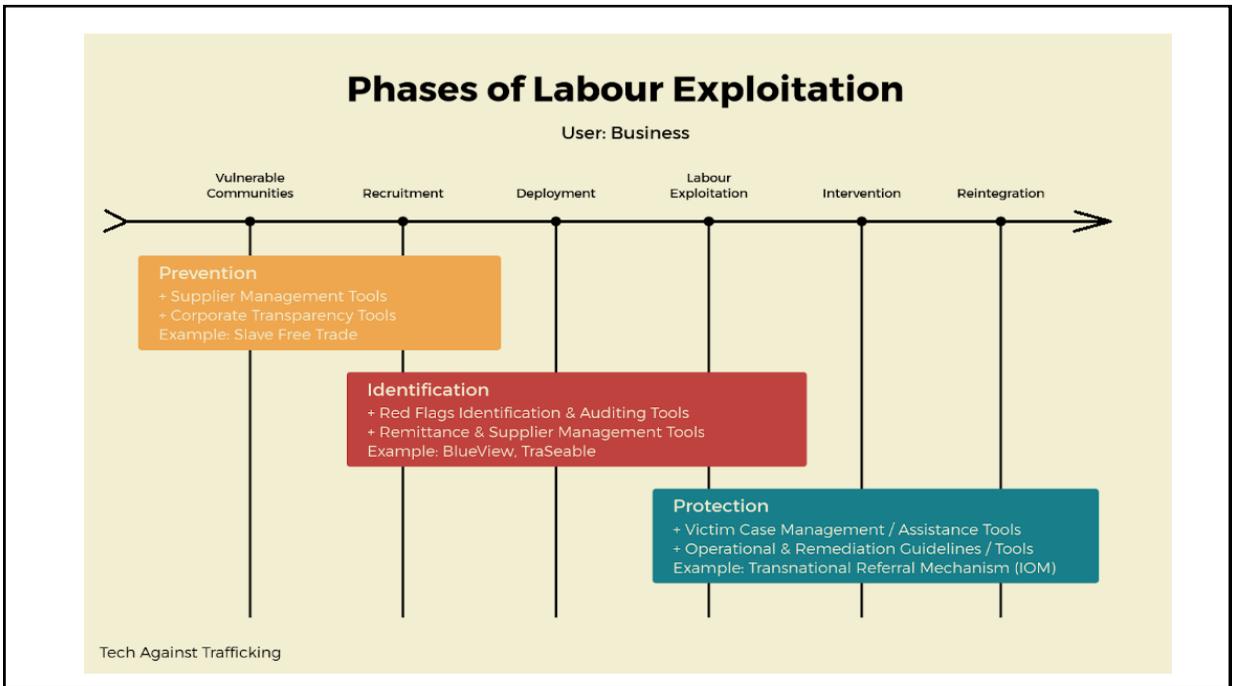


### Accelerate Solutions

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.

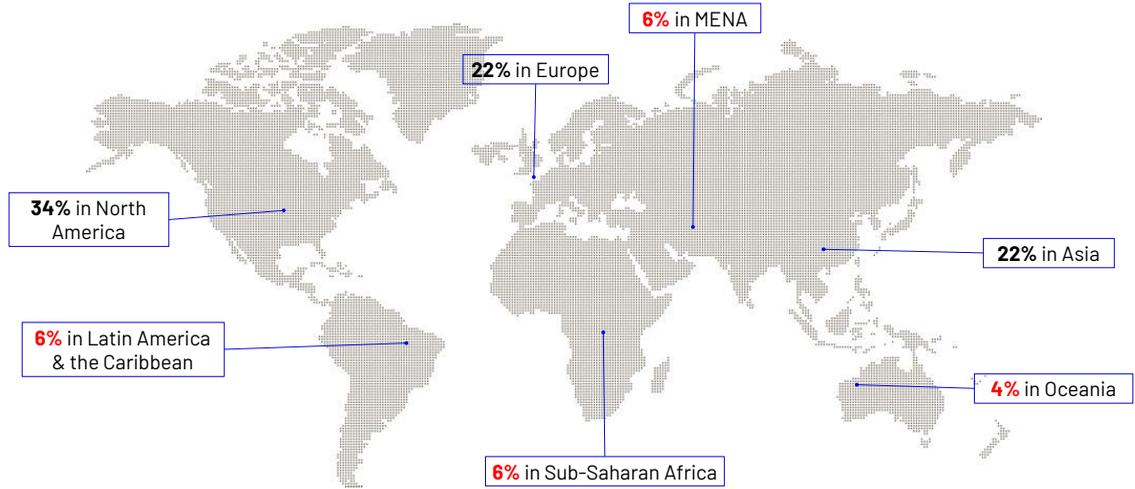


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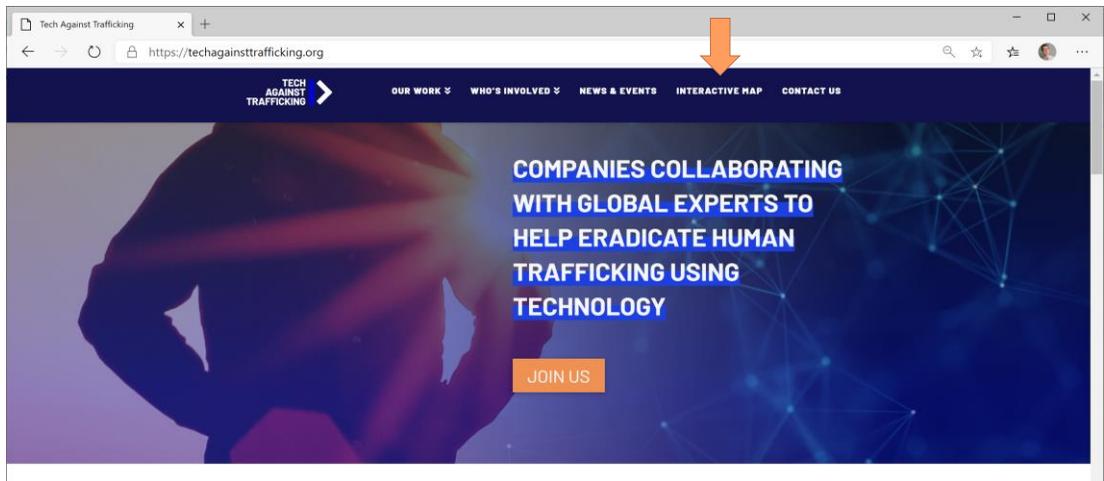
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# GEOGRAPHIES: TOOLS BY REGION



17

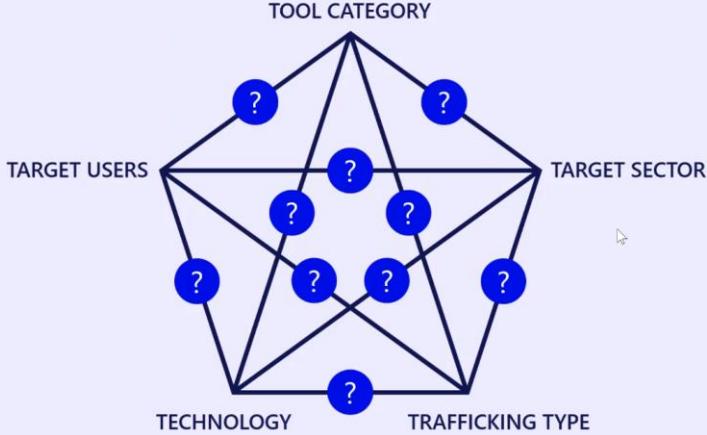
# THE INTERACTIVE MAP



18

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

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



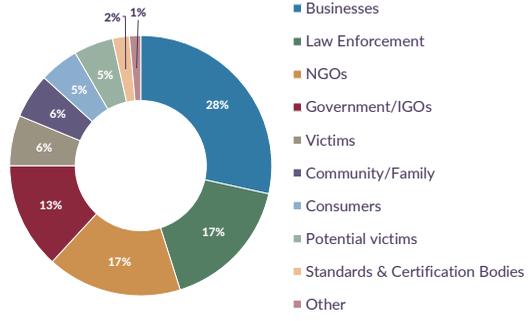
Browse the tool list or select a  to explore tool connections

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 **GLOBAL INITIATIVE** 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



User Group	Percentage
Businesses	28%
Law Enforcement	17%
NGOs	17%
Government/IGOs	13%
Victims	6%
Community/Family	6%
Consumers	5%
Potential victims	5%
Standards & Certification Bodies	2%
Other	1%

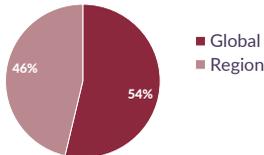
**Who uses customizable tools?**

20

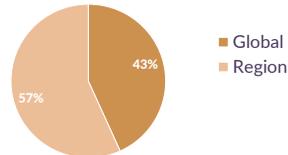
## Highlights from TAT’s landscape analysis (cont.)

- 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



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## 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



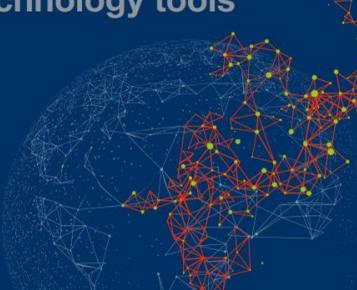
22

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

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- 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

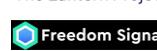
Conducted needs assessment survey

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

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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

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](http://www.globalinitiative.net)

27



# GLOBAL INITIATIVE

AGAINST TRANSNATIONAL ORGANIZED CRIME

28



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](http://Anitp.mai.gov.ro)

1

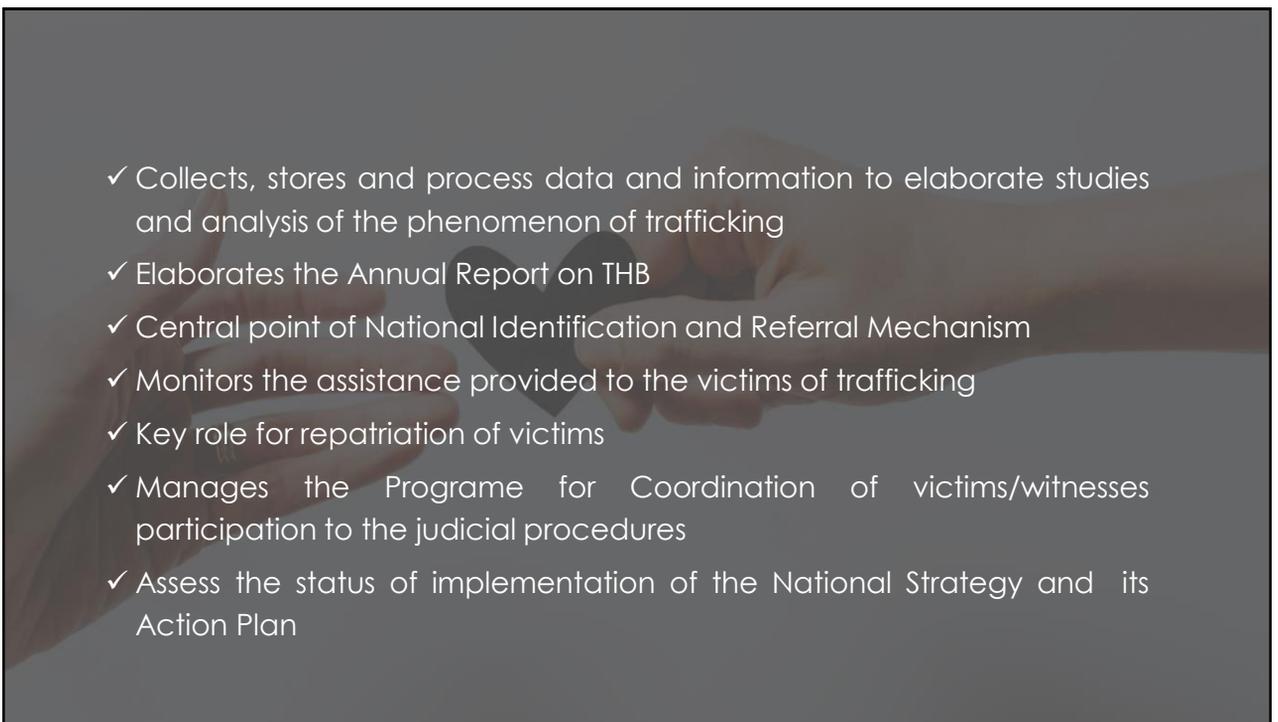
### WHAT DO WE DO?

- ✓ 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

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 black and white checkered board. The background is blurred, showing other chess pieces and a warm, reddish light.

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



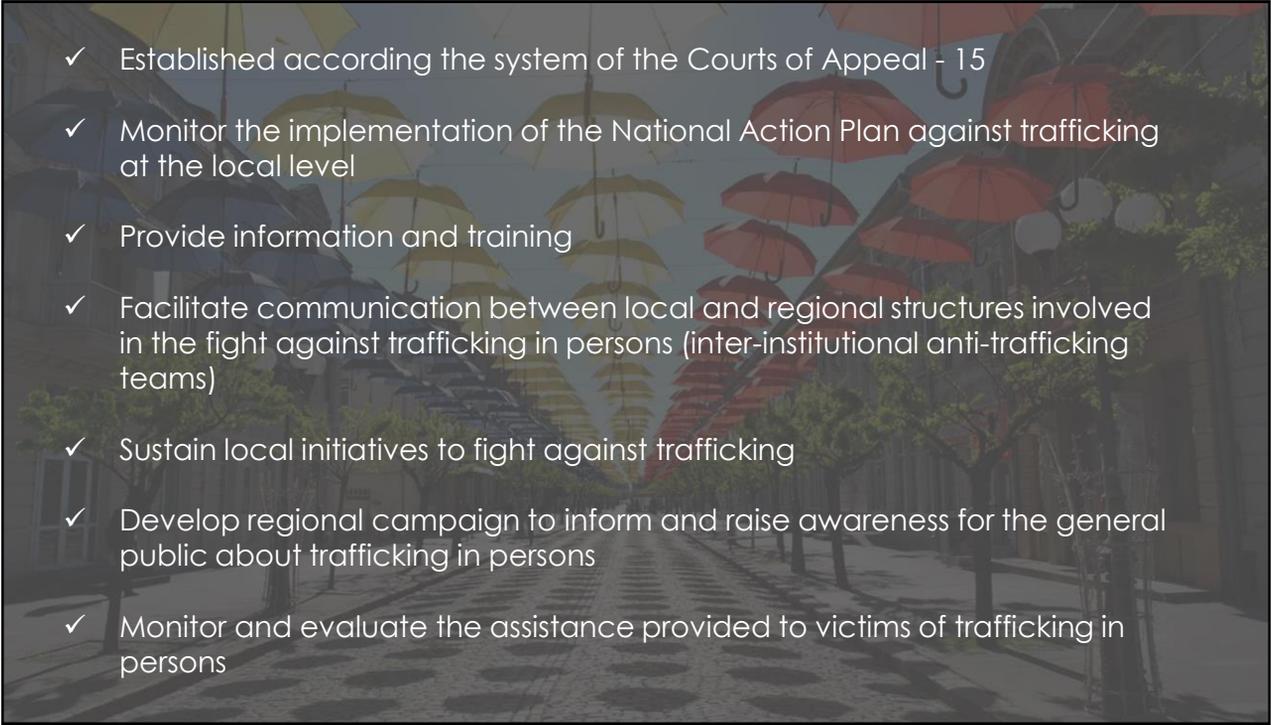
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11



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

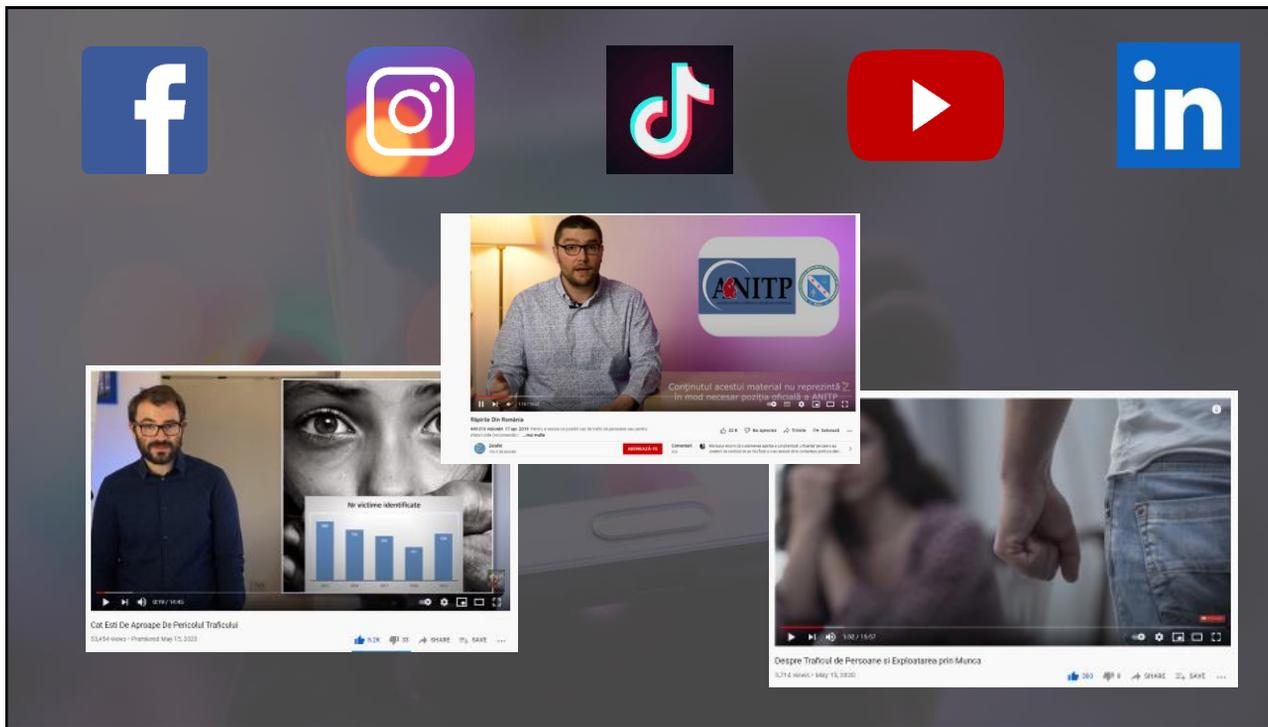
22



23



24



25



26



27



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 adopt .....measures..... to discourage the demand that fosters .....exploitation..... 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 shall .....establish as criminal offences..... the use of services .....object of exploitation .....knowledge .....is 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!**

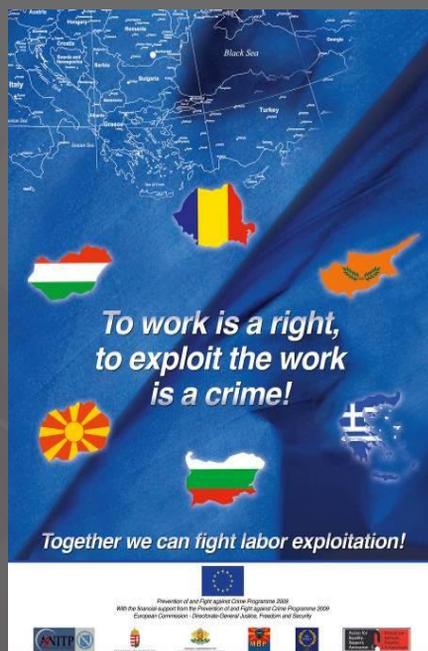
**CUNOAȚUȚI ASTFEL DE CAZURI DURĂMI LA: 0800 800 670**

**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!

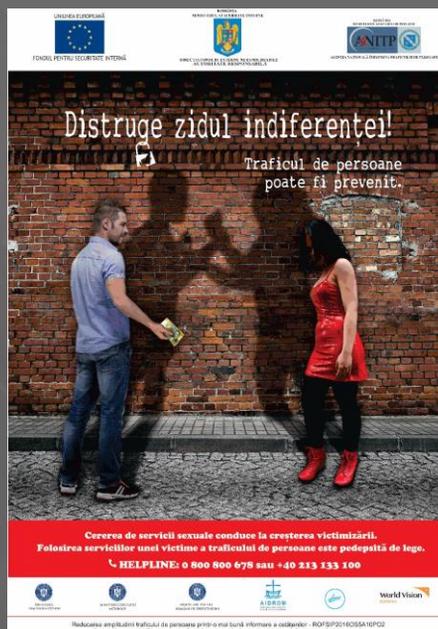
The objectives of the prevention campaign aimed at informing and raising awareness of the implications of trafficking in persons, in order to decrease demand from the labour exploitation perspective.



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!**

#pretuiestefemeile

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!***

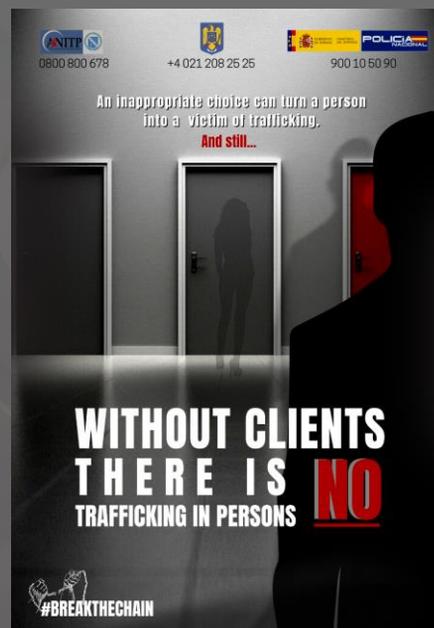
The campaign aimed at informing and raising awareness among Romanian citizens in the UK about the risks and implications associated with human trafficking for the purpose of sexual exploitation of women.



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

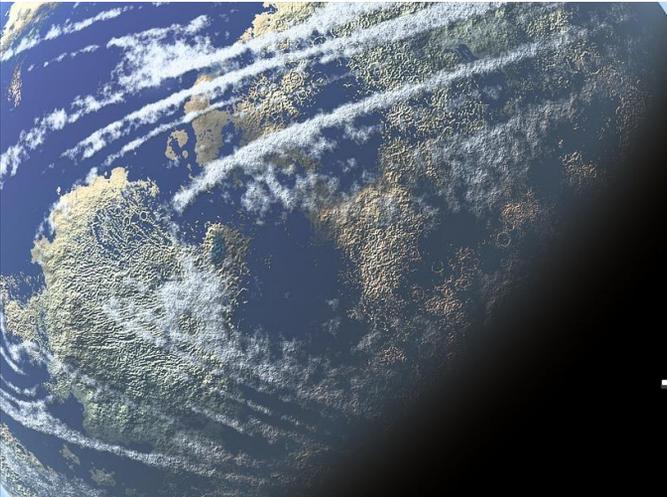
MINISTRY OF INTERNAL AFFAIRS  
NATIONAL AGENCY AGAINST TRAFFICKING IN PERSONS

Phone: +40 21 311 89 82  
0 800 800 678

E-mail : [anitp@mai.gov.ro](mailto:anitp@mai.gov.ro)

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

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NATIONAL AGENCY  
AGAINST  
TRAFFICKING IN PERSONS

# THANK YOU!

Helpline 0800. 800. 678

[Anitp.mai.gov.ro](http://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

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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

# 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	<sup>In 2020</sup>	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



# Five Measures to Prevent Labour Trafficking

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

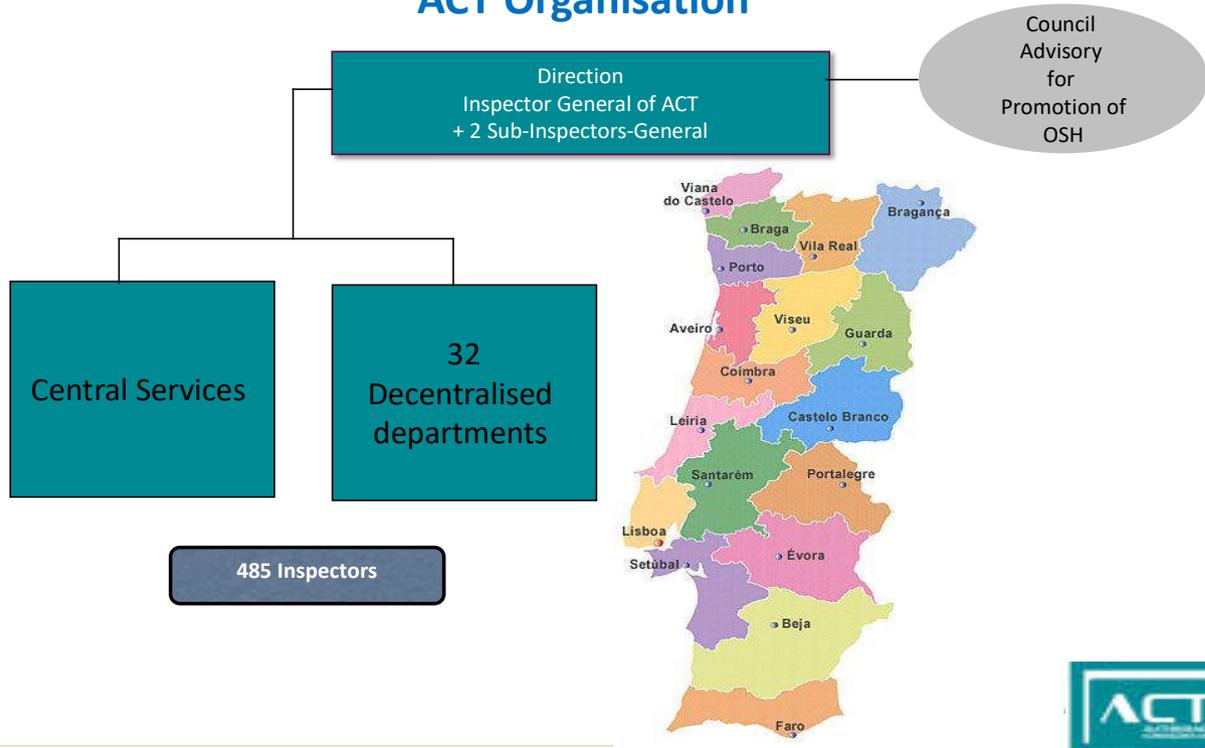
- Recruitment process (Agencies)
- Temporary work
- Posting of workers
- Undeclared work
- False self-employed
- Maternity/paternity leave
- Equality and non-discrimination
- Holidays, public holidays and absence
- Frameworks of special working time
- Remuneration
- Reduction or suspension of employment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





## 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 <sup>(16.º)</sup>

- **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





## 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

**[www.act.gov.pt](http://www.act.gov.pt)**

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