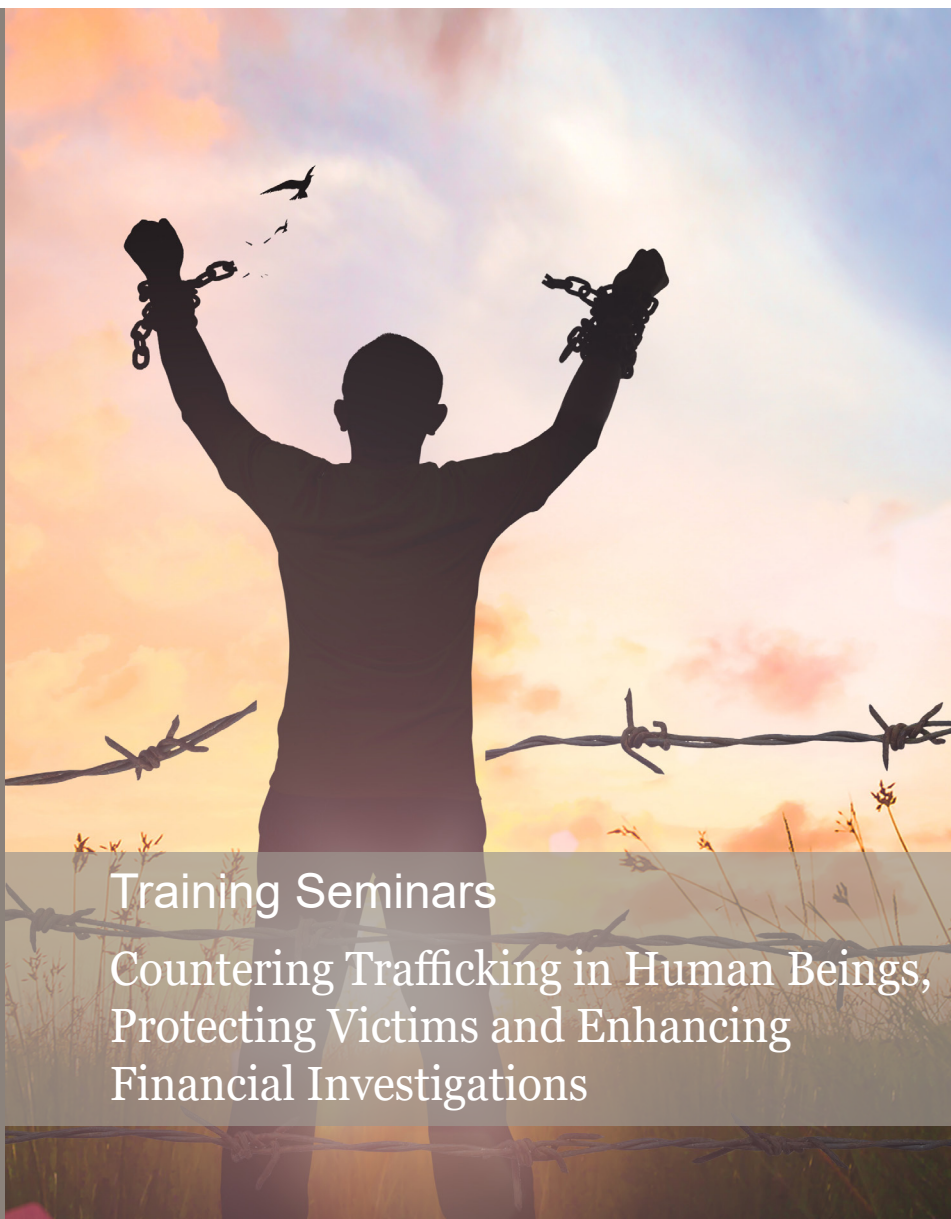




Co-funded by the Internal Security Fund
(ISF) 2014-2020 of the European Union



Training Seminars

Countering Trafficking in Human Beings,
Protecting Victims and Enhancing
Financial Investigations

Upgrade your legal expertise

During 2016-2018, the Academy of European Law (ERA) implemented a EU co-funded project, entitled “Countering Trafficking in Human Beings, Protecting Victims and Enhancing Financial Investigations”, which consisted of four seminars taking place in Thessaloniki, Lisbon, Vienna and Trier. Each seminar focused on a different aspect of trafficking in human beings (THB) and how to counter it, with the aim being to provide practical training for a broad spectrum of legal professionals and practitioners, law enforcement officers and members of civil society/NGOs in the field of countering THB, protecting its victims and enhancing financial investigations and raising awareness.

Each seminar targeted judges, prosecutors, lawyers in private practice and law enforcement officers and members of civil society/NGOs from all EU Member States. A total of 242 practitioners attended the training events.

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Methodology

Each seminar offered a mix of training methods, from lectures to interactive workshops. At the heart of the training was an analysis of demand reduction in relation to trafficking for sexual exploitation, as well as looking at how such victims can be better assisted and protected, whilst also trying to measure the material, human, and emotional costs thereof. A closer look at the financial investigation of THB and the use of the internet in relation to its financial flows and profits also formed a key part of the project series. Participants' application of relevant instruments was improved through real-time training and knowledge-sharing. Mutual trust between participants across platforms was strengthened and an understanding of each other's work through, amongst others, a better understanding of the tools available to them at both a national and cross-border level, as well as the correct application of the relevant EU and other international standards in relation to countering THB.

The project supported networking by giving the participants from various EU Member States the opportunity to make personal contacts with other participants and speakers, leading to an exchange of best practice and experience in the course of the offered training.





Implemented seminars

Demand Reduction in Relation to Trafficking in Human Beings for Sexual Exploitation

Thessaloniki, 6-7 April 2017

Languages: English and Greek

Number of participants: 72

Assisting Victims of Human Trafficking for Sexual Exploitation and Measuring the Costs Thereof

Lisbon, 4-5 December 2017

Languages: English and Portuguese

Number of participants: 60

Financial Investigation of Trafficking in Human Beings: Use of the Internet in Relation to its Financial Flows and Profits

Vienna, 14-15 June 2018

Languages: English and German

Number of participants: 62

Countering Trafficking in Human Beings: Protecting Victims and Enhancing Financial Investigations

Trier, 13-14 December 2018

Languages: English and German

Number of participants: 48



Key project results

- Trained 242 legal, law enforcement, NGO, civil society and other practitioners in topics related to countering THB
- Improved knowledge of the application of relevant EU and other international bodies legal and policy instruments
- Enhanced understanding and knowledge of matters relating to victims' assistance
- Raised awareness of issues surrounding THB
- Exchanged best practice and experience in matters relating to cross-border judicial, law enforcement and other forms of cooperation relating to countering THB
- Created the possibility to network between legal, law enforcement and other practitioners in the field of THB at the seminars.

Project subsite

www.era.int/thb





Demand Reduction in Relation to Trafficking in Human Beings for Sexual Exploitation

If there is no reduction of demand, trafficked persons are most often themselves victims of serious criminal offences and human rights violations, but not recognised as such and thus prosecuted. There has to be awareness raising for all actors involved about the victimisation of trafficked persons, especially to ensure the principle of non-punishment.

The knowledge about a trafficked person is a key element for criminalisation of clients. Sexual exploitation of trafficked persons and the (paid) use of sexual services are often closely related, but have to be seen separately, both legally and politically. The criminalisation of the use of trafficked persons is an anti-trafficking measure, criminalisation of the use of sex workers is not an (direct) anti-trafficking measure.

Demand reduction does not necessarily mean trafficking reduction. If there are regulations in place prohibiting the buying and selling sex, then the market will simply go underground, because the advertisements disappear but not the demand.

There is not enough evaluation of measures to reduce the demand through criminalisation. Without a thorough evaluation, there is no assessment of the efficacy of national action plans and no detailed information about the development of demand in national structures and potential links of demand reduction through national and European criminal law.

Prosecution of perpetrators in THB is difficult. The aim has to be to overcome obstacles like identifying victims, gaining evidence, deciphering complex connections and cases, overcoming the lack of knowledge and experience resulting from a relatively low number of prosecuted perpetrators, to overcome the big dimension of a crime like THB and to find an effective way for asset recovery.

Measures to fight THB can only be effective if they are planned with a view like the one of the traffickers and the one of the victims. Especially in connection to the irregular migrant crisis of the past years, there is a great potential of possible victims like migrant women and children, who are extremely vulnerable to traffickers and easy to recruit. These people need to understand the possible dangers and their own (human) rights, they need basic awareness raising.



Main recommendations

- Increase cooperation between destination and origin countries in order to ensure a better exchange of information on potential victims. Joint investigations should be conducted.
- If legitimate providers of sexual services and law enforcement institutions work together closer than now, it will be easier to identify unlawful conduct in the business, like the use and advertisement of minors or the use of unregistered woman as well as victims of THB. It is possible to use the “language of the target group” through the knowledge of providers of sexual services.
- To avoid stigmatisation of sex buyers, the implementation of anonymous hotlines to drop off information about possible victims of THB could be a step towards more effective prosecution.
- Connecting evidence and known victims, witnesses and perpetrators, although maybe not leading to court cases, as well as intelligence-led policing, could help to identify cases of THB and make the prosecution of these cases more effective.
- Making law-enforcement and anti-trafficking measures known and viewable in the public as well as in the target groups of traffickers (women, children etc.) Being known as law-enforcement measures works as a deterrent to demand for sexual exploitation. Also, a personal component like policemen that are known and trusted in a specific area could help to identify victims of THB.
- Extradition and the ban of re-entry is needed to prevent the perpetrator to come back to the environment where the exploitation has taken place. Therefore, different countries have to develop ties between law enforcement agencies and the judiciary to prevent perpetrators to return into the environment of their victims.
- Prosecution of perpetrators in THB is difficult. The aim has to be to overcome obstacles like identifying victims, gain evidence, decipher complex connections and cases, to overcome the lack of knowledge and experience resulting from a relatively know number of prosecuted perpetrators, to overcome to big dimension of a crime like THB and to find an effective way for the asset recovery.
- Cooperation with private partners (like hotels, sex-website-owners and banks) can lead to better awareness raising and thus to efficient reduction of exploitation of victims of THB. Improve cooperation with civil society.
- Change attitudes – publicise what happens to victims of trafficking, make the public fully aware and informed.





Assisting Victims of Human Trafficking for Sexual Exploitation and Measuring the Costs Thereof

Assisting the victim before, during and after criminal proceedings, is not conditional on cooperation but on reasonable grounds to believe that someone is a victim of THB. The inability or unwillingness of a victim to cooperate can be based on multiple factors and should not be an obstacle to the victim's assistance.

The victim's subsistence, secured through appropriate and safe living standards, medical assistance including psychological support, as well as translation and interpretation services (Directive 2011/EU on preventing and combating trafficking in human beings and protecting its victims) is a minimum standard only but already quite difficult to fulfill, especially for smaller countries.

(Effective) access to legal assistance and compensation for victims of THB is insufficient in most European countries and does not correlate to the wealth of a country. The system of compensation for victims is extremely complex and not understandable for victims of THB, which may not be able to speak the language of the country they are in or understand the justice system they have to use to seek compensation. The wealth of a country is not an indicator for the effectiveness of access to compensation for victims of THB, as the wealthiest countries often have the most complicated legal system with regard to legal remedies for the victims of crime.

Important indicators to identify victims of sexual exploitation are: the subjection of the victims to acts of violence as well as depriving them of passports; frequent checks on them by the perpetrators; the duty to account for all of their income to others, only leaving the victims a small sum of the money to send to their family; the threatening of family members if the victim tries to stand up to the perpetrators; the lack of discretion regarding timetables and the nature of the sexual acts they have to perform; the lack of exercising a free will to return home whenever the victim wants to, as well as any temporary returns being strictly supervised.

In order to ensure that also other actors than law enforcement agencies are able to formally identify victims of THB, a Dutch pilot project was launched to develop a multidisciplinary model of the identification of victims. The so called Victim Identification Board, an independent multidisciplinary board where the former Dutch National Rapporteur on THB is one of its seven members, will examine cases of possible victims of THB. The results of the examinations will likely be published in the second half of 2019 and will aim to ensure the correct identification of THB victims.

The victim's interest and dignity always prevails if compared to the interest to punish the perpetrators, even if that means that a conviction cannot be reached. Dignity defines people and thus is crucial to protection in criminal proceedings, including victims of THB for sexual exploitation and helping them to recover.



Without the principles of non-prosecution and non-punishment, a witness would be liable for any crime committed during the period of victimisation, thus hindering any testimony because of the possibility of self-incrimination and the erection of even more obstacles for the prosecution of perpetrators and the recovery of the victims.

Personal contact between recruiters (friends of the family) and the victim is very common and lays out a fundament of trust. The victim is often recruited in its domestic environment by persons known or recommended to the victim by persons of trust, making it easier to traffic the victim to the country of destination. The internet offers broader possibilities, but is still used less than personal contact.

Main recommendations

- Need for cross-border cooperation of relevant authorities. THB is a cross-border crime, thus, a better and more effective cooperation of law enforcement agencies is needed. There also is a need for a quick decision on responsibilities regarding the investigation of a potential THB case.
- The use of Eurojust and Europol cannot replace personal initiative from people on the side of national law enforcement agencies and judiciaries. They two agencies are a start and a way to make prosecution easier and more effective, but until now not the solution to solve all cases of THB.
- The longer the duration of exploitation and as younger the victims, the higher will be the cost of treatment and recovery, because more therapy is needed to erase the tracks the crime has left on the victim. The faster a victim is identified, the speedier court proceedings are conducted, the more money can be saved regarding the costs of treatment and recovery of victims of THB.
- Legal counselling is crucial to secure the victim's legal interest (especially compensation) before, during and after the court proceedings, thus it has to be free, if necessary.
- Most victims are never identified, thus no appropriate assistance and/or compensation is given or awarded to them. Therefore it is crucial to ensure the correct identification of victims, which can be obtained by training professionals and securing the involvement of other actors (health care staff, social workers, unions, civil servants). Multidisciplinary teams should work together.
- There is a real need for effective cooperation between authorities and thus special victim protection teams should be created that offer victim support services. Training and awareness are key factors in victim assistance and, therefore, the need to combine forces and knowledge.
- In Spain, prosecutors are obliged to request victim compensation. This model could serve as inspiration to other countries.





Financial Investigation of Trafficking in Human Beings: The Use of the Internet in Relation to its Financial Flows and Profits

THB is a multinational business of geographically separated but connected networks. Using the business model approach offers new insights into the working of criminal organisations involved in THB. Finding and following profits, partners and payments will provide more information into the working of criminal organisations and who is controlling them, it will provide a tool to eliminate the motivation behind the crime. Connecting information on profits, partners and payments from different Member States will contribute to a more complete insight into the network(s) involved.

The key activity of facilitators is managing and coordinating the resources and their partners. The business of THB requires professional services like legal and financial advice, knowledge of legal systems, taking advantage of bottlenecks and vulnerabilities in legal processes, as well as differentiating between countries, in order to use the most beneficial one for criminal activities. False or falsified documents are a key resource. Apprehending drivers and other partners barely disrupts the business model of trafficking. For every driver there are ten others.

Social Media is a key instrument for criminal groups to build relations with potential customers and convince potential victims that the journey is worth it. Facilitators provide their services using local contact persons. Contact persons are often from the same ethnic or linguistic background as the victims. Criminal organisations try to benefit from economies of scale and use their expertise and network not only to smuggle people, but also for THB.

Increased use of Joint Investigation Teams (JITs) for a simple exchange of evidence, better coordination of criminal investigations and proceedings as well as enabling more efficient, affordable and speedier justice. JITs are the starting point for cross-border exchange of evidence and information, speeding up criminal investigations and criminal proceedings. The prosecutor has “his hands free”, avoiding obstacles like national bureaucracy to gain and distribute evidence through the JIT Agreement, replacing all other formal requirements.

Financial transactions are seldom flagged as suspicious transaction reports (STRs) on initial suspicion of THB, but on suspicion of other crimes. Money itself can only be traced to certain crimes if transferred in a conspicuous way, so often, financial crimes come to mind before a relation to THB is found.



Main recommendations

- Evidentiary difficulties, identification of victims and cases, the multilateral dimension of THB, lack of knowledge and experience in identifying and investigating cases of THB and the problematic recovery of assets are obstacles to overcome in the future and, thus, should be top priorities to tackle.
- Apply the Financial Action Task Force (FATF) operational framework on financial investigations and implement FATF guidance on financial investigations in Member State's operations against THB and share information using Europol.
- Regulate informal financial and banking services to increase control and transparency in order to obstruct and follow criminal processes, as well as make the use of cash more difficult for criminals.
- Investigate how organisations involved in THB obtain the necessary financial services, who offers those services and what these services generally entail.
- The freezing and confiscation of assets should take place as soon as the investigation begins.
- More and better information about rights and legal possibilities for the victims should be given and awareness should be raised in the police and justice communities about the necessity of remedies for the victims. All actors in the proceedings (police, prosecutors, lawyers and NGOs) should be involved in this process.



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

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