



Οικονομική Διερεύνηση της Εμπορίας Ανθρώπων

Θεσσαλονίκη 14-15 Ιουλίου

EXCELLENCE IN
EUROPEAN LAW¹

Ομιλητές

Tarana Baghirova, Επισκέπτης Αξιωματικός, Γραφείο Ειδικού Αντιπροσώπου και Συντονιστή Στην Αντιμετώπιση της Εμπορίας Ανθρώπων, Οργανισμός Για την Ασφάλεια και τη Συνεργασία στην Ευρώπη (OSCE), Βιέννη

Joske Berends, Στρατηγικός Αναλυτής, Ολλανδική Μονάδα Χρηματοοικονομικών Πληροφοριών (ΜΧΠ), Χάγη

Stawomir Buczma, Αποσπασμένος Εθνικός Εμπειρογνώμονας, Γραμματεία Δικτύου ΚΟΕ, Eurojust, Χάγη

Daniela Buruiană, Εθνικό μέλος για τη Ρουμανία, Πρόεδρος της ομάδας για την καταπολέμηση της εμπορίας ανθρώπων, Eurojust, Χάγη

Μιλτιάδης Χατζηγεωργίου, Αντιπρόεδρος, Ανώτατο Πολιτικό και Ποινικό Δικαστήριο της Ελλάδος, Αθήνα

Ramin Farinpour, Ανώτερος Δικηγόρος, Τμήμα Ευρωπαϊκού Ποινικού Δικαίου, ERA, Τρίερ

George Virgil Gavrilă, Εισαγγελέας, Υπηρεσία Διεθνούς Συνεργασίας, Διεύθυνση Διερεύνησης Οργανωμένου Εγκλήματος και Τρομοκρατίας (DIICOT), Βουκουρέστι

Suzanne Hoff, Διεθνής Συντονίστρια, La Strada International, Άμστερνταμ

Dickon Johnstone, Διευθύνων Σύμβουλος, ΘΕΜΙΣ, Πρόεδρος του Τομέα Χρηματοοικονομικών, Ομάδα Εκπαίδευσης για θέματα Σύγχρονης Δουλείας στο Ηνωμένο Βασίλειο

Natalja Kivleniece, Επικεφαλής Επιθεωρητής, Γραφείο Ανάκτησης Περιουσιακών Στοιχείων (ARO) και Μονάδα Ανάλυσης Πληροφοριών, Τμήμα Εγκληματικών

Πληροφοριών, Κεντρικό Τμήμα Εγκληματικής Αστυνομίας, Κρατική Αστυνομία, Ρίγα

Michael Nagl, Senior Manager FIU, Outreach and Investigations για την Επιβολή του Νόμου (Κεντρική Ευρώπη), Western Union, Βιέννη

Diana Petrova, Αναπληρώτρια Προϊσταμένη, Μονάδα Καταπολέμησης της Νομιμοποίησης Εσόδων από παράνομες δραστηριότητες, Τμήμα Δίωξης Οικονομικού

Εγκλήματος, Τμήμα Κεντρικής Εγκληματικής Αστυνομίας, Κρατική Αστυνομία, Ρίγα

Lora von Ploetz, Επικεφαλής της Μονάδας Παγκόσμιου Οικονομικού Εγκλήματος, Commerzbank, Φρανκφούρτη

Evelyn Probst, Επικεφαλής του Κέντρου Παρέμβασης για Θύματα Εμπορίας Γυναίκων και Κοριτσιών, LEFÖ (Πληροφόρηση, εκπαίδευση και υποστήριξη για γυναίκες μετανάστριες), Βιέννη

Álvaro Rodríguez Gaya, Επικεφαλής επιχειρησιακού συντονισμού, Ευρωπαϊκό Κέντρο κατά της Παράνομης Διακίνησης Μεταναστών (EMSC), Ευαρολ, Χάγη (διαδικτυακή)

Mariyan Sabev, Συντονιστής Επικοινωνιών, Κέντρο για τη Μελέτη της Δημοκρατίας (CSD), Σόφια

Giorgia Spiri, Εισαγγελέας, Ειδική Διεύθυνση Εμπορίας Ανθρώπων και Μετανάστευσης, Εισαγγελία, Παλέρμο



Με τη στήριξη του Ταμείου Εσωτερικής Ασφάλειας της Ευρωπαϊκής Ένωσης - Police 2014-2020

Βασικά θέματα

- Οικονομικές έρευνες, ΚΟΕ, εντολές ανάκτησης περιουσιακών στοιχείων και δήμευσης
- Συνεργασία μεταξύ του δικαστικού σώματος, των αρχών επιβολής του νόμου, των ΜΧΠ και των παρόχων χρηματοοικονομικών υπηρεσιών
- Συγκέντρωση αποδεικτικών στοιχείων και αποζημίωση θυμάτων

Γλώσσες
Αγγλικά, Ελληνικά
(Ταυτόχρονη διερμηνεία)

Αριθμός εκδήλωσης
322DT101f

Διοργανωτές
ERA (Ramin Farinpour) σε συνεργασία με την Ελληνική Εθνική Σχολή Δικαστών (ESDI), τον Οργανισμό για την Ασφάλεια και τη Συνεργασία στην Ευρώπη (OSCE), τη Western Union, τη Ρουμανική Διεύθυνση Διερεύνησης Οργανωμένου Εγκλήματος και Τρομοκρατίας (DIICOT), La Strada International και LEFÖ



WesternUnion WU



Οικονομική Διερεύνηση της Εμπορίας Ανθρώπων

Πέμπτη, 14 Ιουλίου 2022

08:30 Προσέλευση και εγγραφές συμμετεχόντων

09:00 **Καλωσόρισμα και εισαγωγή**
Μιλτιάδης Χατζηγεωργίου, Ramin Farinpour

I. ΦΤΙΑΧΝΟΝΤΑΣ ΤΟ ΣΚΗΝΙΚΟ: ΑΚΟΛΟΥΘΩΝΤΑΣ ΤΑ ΧΡΗΜΑΤΑ

Πρόεδρος: Ramin Farinpour

09:10 **Κατανόηση του εύρους και της φύσης των παράνομων χρηματοοικονομικών ροών και του τρόπου διερεύνησής τους: γεγονότα και αριθμοί**

- Εμπόδια στις επιτυχείς οικονομικές έρευνες
- Καλές και πολλά υποσχόμενες πρακτικές
- Οδηγίες για οικονομικές έρευνες

Tarana Baghirova

09:45 **Αποκάλυψη της πολυπλοκότητας των ροών παράνομων κεφαλαίων και των θυμάτων της εργασίας διακίνηση: το έργο FLOW**

- Πώς να αποκαλυφθεί η εργασιακή εκμετάλλευση και σωματεμπορία: επιτυχείς έρευνες και συνεργασία μεταξύ των αρχών επιβολής του νόμου, των επιθεωρήσεων εργασίας και του ιδιωτικού τομέα
- Εργαλεία για τις επιχειρήσεις για τον τερματισμό της εμπορίας ανθρώπων σε τοπικές αλυσίδες εφοδιασμού εργασίας

Mariyan Sabev

10:30 Συζήτηση

10:45 Διάλειμμα για καφέ

II. Ο ΡΟΛΟΣ ΤΩΝ ΧΡΗΜΑΤΟΟΙΚΟΝΟΜΙΚΩΝ ΙΔΡΥΜΑΤΩΝ

Πρόεδρος: Ramin Farinpour

11:15 **Βήματα που πρέπει να λάβει μια τράπεζα για να αποκαλύψει και να αντιμετωπίσει ύποπτες οικονομικά συναλλαγές**

- Τυπολογίες
- Κόκκινες σημαίες/δείκτες THB (συμπεριφορά, γνώση του πελάτη σας (KYC) και συναλλαγές), αναφορές ύποπτων συναλλαγών (STR)
- Αποφυγή κινδύνου, επανένταξη επιζώντων

Lora von Ploetz

11:45 **Αποτελεσματική συνεργασία με τις αρχές και άλλους φορείς σε σχέση με Την διαταραχή των χρηματοοικονομικών ροών εμπορίας ανθρώπων**

Michael Nagl

12:15 Συζήτηση

12:30 Γεύμα

III. Ο ΡΟΛΟΣ ΤΗΣ FIU ΚΑΙ ΤΗΣ ΕΠΙΒΟΛΗΣ ΤΟΥ ΝΟΜΟΥ

Πρόεδρος: Tarana Baghirova

13:30 **Ο ρόλος και οι ευθύνες μιας ΜΧΠ**

- Ανάλυση και εντοπισμός ύποπτων χρηματοοικονομικών ροών και αναφορών ύποπτων συναλλαγών (STR), υποβολή εκθέσεων από υπόχρεες οντότητες
- Πρόσβαση και αναζήτηση στοιχείων τραπεζικού λογαριασμού και άλλων πηγών παράνομων συναλλαγών
- Ανταλλαγή πληροφοριών με τις αρμόδιες αρχές και άλλες ΜΧΠ

Joske Berends

14:00 **Διωκτικές οικονομικές έρευνες ΘΒ**

- Πληροφοριακά και ερευνητικά εργαλεία
- Εντοπισμός και ανίχνευση προϊόντων εγκλήματος, συλλογή αποδεικτικών στοιχείων
- Συνεργασία με άλλες αρμόδιες (διασυνοριακές) αρχές

Diana Petrova, Natalja Kivleniece

14:30 Συζήτηση

14:45 **Το έργο και η βοήθεια της Ευροπολ για τη διερεύνηση και την αντιμετώπιση της εμπορίας ανθρώπων χρηματοδότηση και παρακολούθηση των χρηματοοικονομικών ροών και κερδών της**

- Αξιολόγηση της τρέχουσας κατάστασης των γνώσεων των χρηματοοικονομικών δραστηριοτήτων εμπορίας ανθρώπων μοντέλο και παρακολούθηση διαφόρων τρόπων λειτουργίας σε σχέση με τα έσοδα του
- Οικονομικές έρευνες και ανάκτηση περιουσιακών στοιχείων, Κοινές Ομάδες Έρευνας (ΚΟΕ)

Álvaro Rodríguez Gaya

15:30 Συζήτηση

15:45 Διάλειμμα για καφέ

Αντικειμενικός Σκοπός

Αυτό το δεύτερο σεμινάριο από μια σειρά τριών που συγχρηματοδοτείται από την Ευρωπαϊκή Επιτροπή θα επικεντρωθεί στη διατάραξη του χρηματοοικονομικού επιχειρηματικού μοντέλου της εμπορίας ανθρώπων, ακολουθώντας τα χρήματα και ξεμπλέξιμο της επιχειρηματικής αλυσίδας. Η αμοιβαία αναγνώριση των εντολών δήμησης θα διαδραματίσει κεντρικό ρόλο στο σεμινάριο, όπως και οι εργασίες στον τομέα της Ευροπολ και της Eurojust για να βοηθήσουν τα κράτη μέλη να τηρήσουν αυτές τις εντολές, επίσης στο πλαίσιο των Κοινών Ομάδων Έρευνας (ΚΟΕ). Θα ακολουθήσει μια πιο προσεκτική ματιά στην αστυνομική και δικαστική συνεργασία σε οικονομικές έρευνες για την εμπορία ανθρώπων και κατάσχεση περιουσιακών στοιχείων, συμπεριλαμβανομένων των δεικτών κόκκινης σημαίας σε διάφορους τομείς, όπως οι επιχειρήσεις παροχής χρημάτων.

Επιπλέον, θα εξεταστούν τα επίπεδα συνεργασίας μεταξύ αυτών των παραγόντων και των παρόχων χρηματοοικονομικών υπηρεσιών και των ΜΧΠ, καθώς και η ενίσχυση της αποζημίωσης των θυμάτων. Θα αναλυθεί η συγκέντρωση αποδεικτικών στοιχείων για την αύξηση των διώξεων και των καταδικαστικών αποφάσεων, ιδίως στο πλαίσιο της ποινικής ευθύνης φυσικών και νομικών προσώπων. Τα εργαστήρια θα αποτελέσουν μέρος του σεμιναρίου.

Ποιος πρέπει να παρευρεθεί;

Δικαστές, εισαγγελείς, αξιωματικοί επιβολής του νόμου, οικονομικοί ερευνητές, υπάλληλοι συμμόρφωσης, κοινωνία των πολιτών/ΜΚΟ από επιλέξιμα κράτη μέλη της ΕΕ (η Δανία δεν συμμετέχει στο Ταμείο Εσωτερικής Ασφάλειας – Police 2014-2020) και επιλέξιμες υποψήφιας χώρες (Αλβανία και Μαυροβούνιο).

Τόπος συναντήσεως

Εθνική Σχολή Δικαστών Ελλάδος (ΕΣΔΙ) Ικάρων 22, Δήμος Καλαμαριάς Θεσσαλονίκη, Ελλάδα

Κόστος συμμετοχής και επιστροφή εξόδων

Κόστος συμμετοχής: 120€, με έγγραφα, γεύματα και κοινό δείπνο. Τα έξοδα ταξιδιού έως και 300€ θα επιστραφούν από την ERA με την επίδειξη των πρωτότυπων αποδείξεων, εισιτηρίων, καρτών επιβίβασης ή τιμολογίων μετά το σεμινάριο.

Δύο διανυκτερεύσεις σε ξενοδοχείο έως 130€/διανυκτέρευση θα επιστραφούν από την ERA με την παραλαβή του αρχικού τιμολογίου.

IV. ΤΑΥΤΟΧΡΟΝΑ ΕΡΓΑΣΤΗΡΙΑ

- 16:15
- **Συμπράξεις δημόσιου-ιδιωτικού τομέα για την καταπολέμηση της χρηματοδότησης της εμπορίας ανθρώπων, ο ρόλος των χρηματοπιστωτικών ιδρυμάτων και τα τεχνολογικά εργαλεία που θα τους βοηθήσουν στον εντοπισμό των κινδύνων εμπορίας ανθρώπων**
Dickon Johnstone, Michael Nagl, Lora von Ploetz
 - **Συνεργασία επιβολής του νόμου, δικαστικής και ΜΧΠ σε οικονομικές έρευνες για την εμπορία ανθρώπων**
Joske Berends, Diana Petrova, Giorgia Spiri
 - **Ρύθμιση και διαχείριση ΚΟΕ**
Sławomir Buczma, George Virgil Gavrilă
 - **Δήμευση των εσόδων εμπορίας εμπορίου, συνδρομή και αποζημίωση θυμάτων**
Suzanne Hoff, Natalja Kivleniece, Evelyn Probst
- 18:15 Τέλος πρώτης μέρας
- 20:00 Δείπνο

Παρασκευή, 15 Ιουλίου 2022

- 09:30 Αναφορές ομάδων εργασίας

V. Ο ΡΟΛΟΣ ΤΟΥ ΔΙΚΑΣΤΙΚΟΥ ΣΩΜΑΤΟΣ ΚΑΙ ΤΑ ΓΡΑΦΕΙΑ ΑΝΑΚΤΗΣΗΣ ΠΕΡΙΟΥΣΙΩΝ

Πρόεδρος: Ramin Farinpour

- 09:45 **Ο ρόλος και οι αρμοδιότητες του δικαστικού σώματος στις οικονομικές έρευνες για εμπορία ανθρώπων**
- Εξασφάλιση αποδεικτικών στοιχείων στο δικαστήριο, ποινική ευθύνη φυσικών και νομικών προσώπων
 - Διαταγές δέσμευσης και κατάσχεσης
 - Διασυνοριακή συνεργασία και ΚΟΕ
 - Αποζημίωση θυμάτων
- Giorgia Spiri*
- 10:15 **Πως ένα γραφείο ανάκτησης περιουσιακών στοιχείων μπορεί να συνεισφέρει αποτελεσματικά στην οικονομική εμπορία ανθρώπων έρευνες και εξασφάλιση αποζημίωσης των θυμάτων**
- Ταυτοποίηση και ιχνηλάτηση, κατάψυξη και κατάσχεση
 - Διαχείριση παγωμένων και κατασχεθέντων περιουσιακών στοιχείων, αποζημίωση θυμάτων
 - Εθνική και διασυνοριακή συνεργασία
- Natalja Kivleniece, Diana Petrova*
- 10:45 Συζήτηση
- 11:00 Διάλειμμα για καφέ
- 11:30 **Το έργο και η βοήθεια της Eurojust σε σχέση με οικονομικές έρευνες για την εμπορία ανθρώπων, τη δέσμευση και κατάσχεση περιουσιακών στοιχείων**
- Κοινές Ομάδες Έρευνας (ΚΟΕ)
- Daniela Buruiană*
- 12:15 Συζήτηση

VI. ΑΠΟΖΗΜΙΩΣΗ

Πρόεδρος: Ramin Farinpour

- 12:30 **Διασφάλιση της πρόσβασης των θυμάτων στην αποζημίωση**
- Πρόσβαση σύμφωνα με τη νομοθεσία της ΕΕ
 - Διαδικασίες λήψης αποζημίωσης
 - Βέλτιστες πρακτικές και μελλοντική πορεία
- Suzanne Hoff, Evelyn Probst*
- 13:15 Συζήτηση
- 13:30 Λήξη σεμιναρίου

Για ενημερώσεις προγραμμάτων: www.era.int
Το πρόγραμμα μπορεί να υπόκειται σε τροποποιήσεις.

Άτομα για επικοινωνία



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CPD

Τα προγράμματα της ERA πληρούν τις τυπικές απαιτήσεις για αναγνώριση ως Συνεχιζόμενη Επαγγελματική Ανάπτυξη (CPD). Αυτό το συμβάν αντιστοιχεί σε **11 ώρες CPD**.



Με την στήριξη του Ταμείου Εσωτερικής Ασφάλειας της Ευρωπαϊκής Ένωσης - Police 2014-2020

Το περιεχόμενο του παρόντος προγράμματος αντικατοπτρίζει μόνο την άποψη της ERA και η Ευρωπαϊκή Επιτροπή δεν ευθύνεται για οποιαδήποτε χρήση των πληροφοριών που περιέχει.

Κάντε αίτηση ηλεκτρονικά για αυτό το σεμινάριο:
www.era.int/?131172&en

Κάντε αίτηση ηλεκτρονικά

Οικονομική Διερεύνηση της Εμπορίας Ανθρώπων

Θεσσαλονίκη, 14-15 Ιουλίου 2022 / Αριθμός εκδήλωσης: 322DT101f



Όροι και προϋποθέσεις συμμετοχής

Επιλογή

1. Η συμμετοχή είναι ανοιχτή σε δικαστές, εισαγγελείς, αξιωματικούς επιβολής του νόμου, οικονομικούς ερευνητές, αξιωματικούς συμμόρφωσης, κοινωνία των πολιτών/ΜΚΟ από επιλέξιμα κράτη μέλη της ΕΕ (η Δανία δεν συμμετέχει στο Ταμείο Εσωτερικής Ασφάλειας – Αστυνομία 2014-2020) και υποψήφιες χώρες (Αλβανία και Μαυροβούνιο).
2. Ο αριθμός των διαθέσιμων θέσεων είναι περιορισμένος (70 θέσεις). Η συμμετοχή θα υπόκειται σε διαδικασία επιλογής.
3. Οι αιτήσεις πρέπει να υποβληθούν έως τις **31 Μαΐου 2022**.
4. Θα σταλεί απάντηση σε κάθε αιτούντα μετά τη λήξη της προθεσμίας. Η συμμετοχή υπόκειται σε διαδικασία επιλογής.

Σας συμβουλεύουμε να μην κάνετε κράτηση για κανένα ταξίδι ή ξενοδοχείο πριν λάβετε την επιβεβαίωσή μας.

Τέλος εγγραφής

5. 120 €, με έγγραφα, γεύματα και κοινό δείπνο

Έξοδα ταξιδιού

6. Τα έξοδα ταξιδιού έως και 300€ μπορούν να επιστραφούν από την EPA με την παραλαβή των πρωτότυπων αποδείξεων, εισπηριών, καρτών επιβίβασης, τιμολογίων μετά το σεμινάριο. Για όσους ταξιδεύουν λιγότερα από 100 χλμ στη Θεσσαλονίκη, επιστρέφονται έξοδα μετακίνησης έως και 150 ευρώ.
Οι συμμετέχοντες καλούνται να κάνουν κράτηση για το δικό τους ταξίδι. Οι συμμετέχοντες ενημερώνονται για την υποχρέωση να χρησιμοποιούν τον πιο οικονομικό τρόπο μεταφοράς που είναι διαθέσιμο και να διαβάζουν προσεκτικά το φύλλο πληροφοριών επιστροφής εξόδων ταξιδιού.

Κατάλυμα

7. Δύο διανυκτερεύσεις σε μονόκλινο δωμάτιο έως 130€ ανά διανυκτέρευση μπορούν να επιστραφούν από την EPA με την παραλαβή των πρωτότυπων αποδείξεων και τιμολογίων μετά το σεμινάριο, εάν πρέπει να ταξιδέψουν περισσότερα από 100 χιλιόμετρα στη Θεσσαλονίκη.

Άλλες υπηρεσίες

8. Ένα γεύμα, τα ποτά που καταναλώνονται στα διαλείμματα για καφέ και τα έγγραφα του σεμιναρίου προσφέρονται από την EPA. Περιλαμβάνεται επίσης ένα κοινό δείπνο.

Συμμετοχή

9. Η συμμετοχή σε όλο το σεμινάριο είναι απαραίτητη και η παρουσία σας θα καταγραφεί.
10. Μια λίστα συμμετεχόντων, συμπεριλαμβανομένης της διεύθυνσης κάθε συμμετέχοντα, θα είναι διαθέσιμη σε όλους τους συμμετέχοντες, εκτός εάν η ERA λάβει γραπτή αντίρρηση από τον συμμετέχοντα το αργότερο μία εβδομάδα πριν από την έναρξη της εκδήλωσης.
11. Η διεύθυνση του συμμετέχοντος και άλλες σχετικές πληροφορίες θα αποθηκευτούν στη βάση δεδομένων της ERA προκειμένου να παρέχονται πληροφορίες σχετικά με μελλοντικές εκδηλώσεις, δημοσιεύσεις ή/και άλλες εξελίξεις στην περιοχή ενδιαφέροντος του συμμετέχοντος, εκτός εάν ο συμμετέχων δηλώσει ότι δεν επιθυμεί η ERA να το κάνει.
12. Στο τέλος του σεμιναρίου θα δοθεί βεβαίωση παρακολούθησης.

Κάντε αίτηση ηλεκτρονικά για το σεμινάριο “Οικονομική Διερεύνηση της Εμπορίας Ανθρώπων”:

www.era.int/?131172&en

Τόπος συνάντησης
Εθνική Σχολή Δικαστών Ελλάδος (ΕΣΔΙ)
Ικάρων 22, Δήμος Καλαμαριάς
Θεσσαλονίκη, Ελλάδα

Γλώσσες
Αγγλικά, Ελληνικά
(Ταυτόχρονη διερμηνεία)

Άτομο για επικοινωνία

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Understanding the scope and nature of illicit financial flows and how to investigate them: facts and figures

Tarana Baghirova, Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings



1

OSCE findings -emerging trends in THB

Reported by States as under investigation and/or in the judicial process:

- (1) THB for **forced criminality** (47% -> 63%)
- (2) THB for **forced begging** (47% -> 59%)
- (3) NEW: THB cases involving production of **pornography, live cams, live remote sexual abuse** (56%)
- (4) THB for **sham marriage** (23% -> 39%)
- (6) 31% had THB cases involving **people with disabilities**, and 20% more noted unconfirmed reports

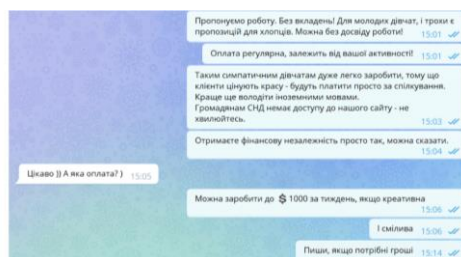
LOWEST:

- recruitment of foreign fighters
- recruitment of children associated with armed forces

2

Ukraine

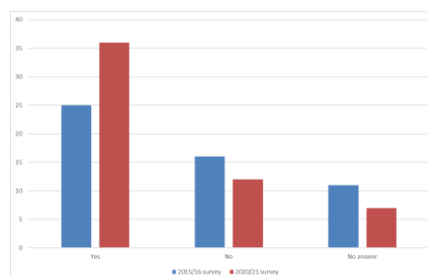
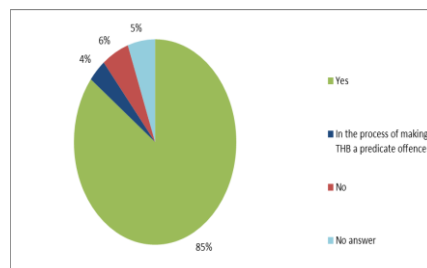
- Across Europe, a significant spike in online searches using terms related to **Ukrainian pornography**
- Since the start of the war, global search traffic for Ukrainian porn **increased 600%**
- Searches for “Ukrainian escorts” **increased 200%**
- As a result, **spiking demand for sexual access to Ukrainian women**



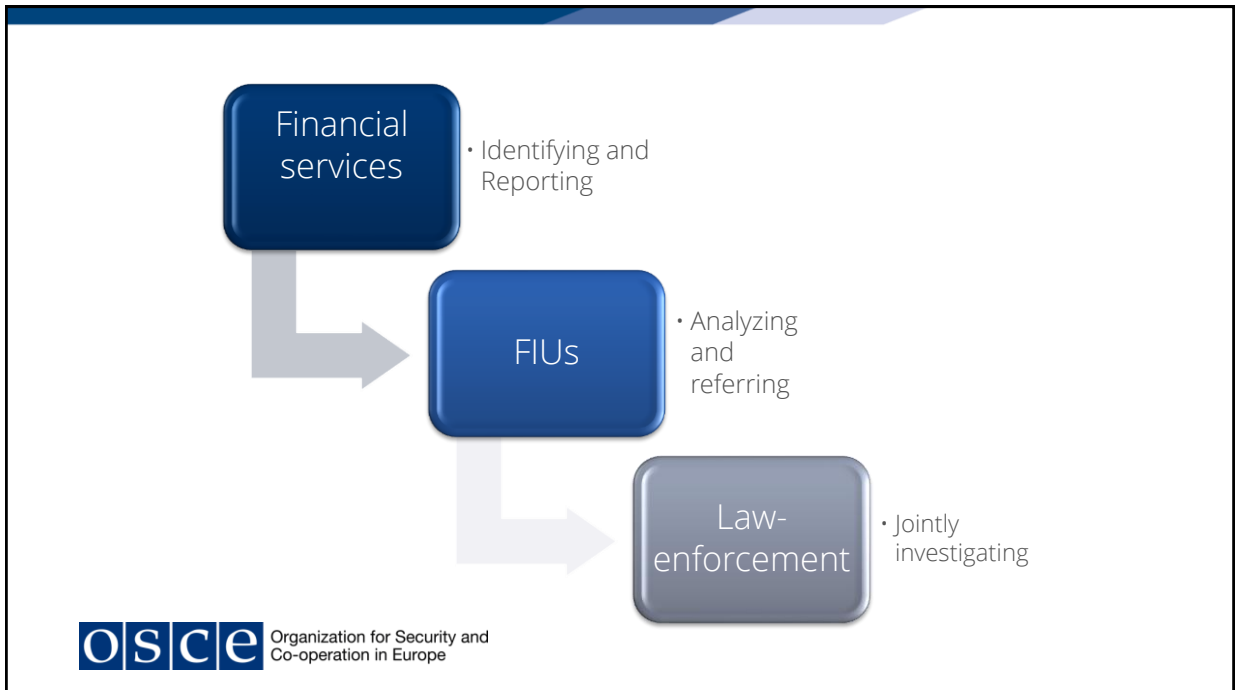
3

OSCE findings

- Progress by pS in the use of indicators of financial crime to identify THB - 85% of pS list THB as a predicate offence
- Only **18 pS confirmed that financial investigation staff received training** on how to investigate THB offences
- 36 countries (65%) reported that red flag indicators that can trigger suspicious transaction reports include indicators relating to THB/forced labour. This represents a notable increase from 25 countries (48%) in 2015/16. The number of countries with no such indicators and no plans to introduce them fell from 16 to 7.
- **44 pS** have laws specifying that confiscated **assets were to be returned to the government's general fund**, with **30 pS** also using funds to **compensate victims**. Less common was the use of funds for victims support activities, to support investigating units, or to fund other counter-THB activities







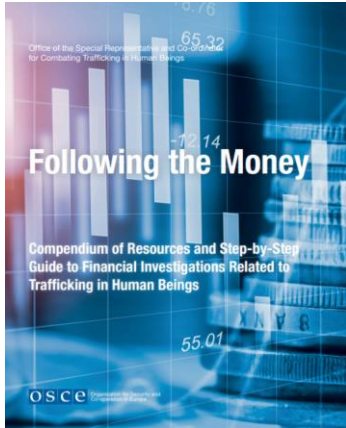
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5

Primary Objective

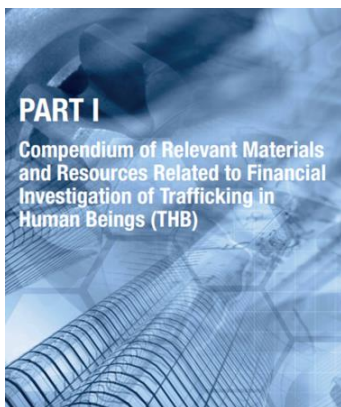
-  Create awareness among practitioners and policy makers about the value of financial investigations and the need to incorporate them into anti-THB response systems;
-  Summarize and analyze many of the most prominent publications (reports, studies, etc.) on financial transaction indicators of THB;
-  Synthesize and condense the most common financial transaction indicators into one document for financial investigators and institutions to enhance their efforts in this arena;
-  Provide guidance for financial intelligence units (FIUs), law enforcement agencies (LEAs), financial institutions, as well as public and private entities, which will assist in enhancing their abilities to follow, track and report financial flows related to THB.



OSCE Organization for Security and Co-operation in Europe

6

Compendium

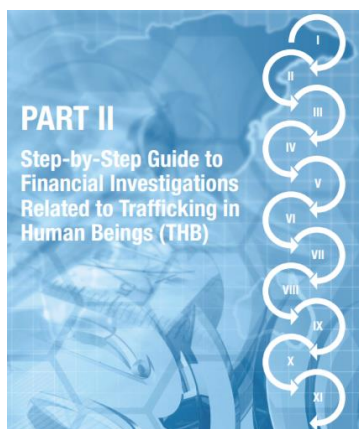


OSCE Organization for Security and Co-operation in Europe

- First compendium to focus on financial investigations relating to Trafficking in Human Beings (THB.)
- Publishers captured include;
 - Intergovernmental Organizations and
 - Agencies;
 - Independent National Financial Intelligence
 - Units (FIUs) and;
 - Civil Society, Non-Governmental Organizations (NGOs.)
- By the numbers (Section 4.1)
 - Publishers from **five continents**.
 - Publication dates ranging from **2005 to 2019**.
 - Approximately **68 percent** of all indicators identified were deemed to be **duplicates**.
 - The majority of indicators focused on **sexual exploitation**.

7

11 Steps



OSCE Organization for Security and Co-operation in Europe

	Foundational
	Step 1: Centralize Oversight Step 2: Define Roles and Responsibilities Step 3: Access Appropriate Investigatory Resources
	Operational
	Step 4: Evaluate the Investigation for THB Activity Step 5: Scope the Investigation and Identify Target Subjects Step 6: Identify and Leverage Indicators and Red Flags Step 7: Report Suspicious Behaviour Step 8: De-Risk Relationships Step 9: Extract Intelligence from Completed (and Proven) THB Investigations
	Communal
	Step 10: Coordinate with External Partners (Public/Private Partnerships) Step 11: Financial Access – Banking Survivors of THB

8

Financial Institutions

Operational Steps

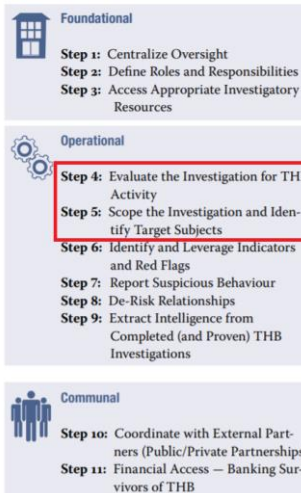


Step 4:
Evaluate the investigation
for THB activity



Step 5:
Scope the investigation and
identify target subjects

OSCE Organization for Security and
Co-operation in Europe



9

Financial Institutions



Step 4:
Evaluate the investigation
for THB activity

OSCE Organization for Security and
Co-operation in Europe

b. Historical adverse media (negative news) searches

The easiest way to identify if a suspected trafficker has an account at a financial institution is to leverage media publications that identify individuals arrested or charged with THB offences. In reviewing these types of publications one may be able to detect connected financial activity, as well as connected parties, by simply conducting an internal search for accounts or wire transfer activity associated to those named in the article. Additionally, from an internal perspective, the intelligence gathered from these accounts in terms of typologies or red flags observed will prove extremely valuable. As stated above, although simplistic in approach, this strategy could yield very high quality cases and intelligence given the added benefit of suspected THB being confirmed by a third party, typically law enforcement.

10

Red-flag Indicators



Act Now and Initiate



Thank you!
Tarana.Baghirova@osce.org



osce.org/secretariat/trafficking



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

Uncovering the complexities of flows of illicit funds and victims of labour trafficking: The FLOW project

Mariyan K. Sabev
Center for the Study of Democracy
Thessaloniki, 14 July 2022

THB for purposes of labour exploitation: the context

No extra pay for overtime,
shifts or weekend work

Pressure related to
working conditions

Withholding pay

Overlong working hours

Underpayment

Sexual violence or
the threat thereof

**Forbidding
social
interaction**

Unreasonable or unlawful recruitment fees

Confiscation of ID

Restriction of
movement

Unreasonable transport fees

Physical violence or the threat thereof

Always keep an eye out for the specifics...

- Exploitation in legitimate industry vs. exploitation in criminal markets;
- Single victim (e.g. domestic servitude) vs multiple victims exploitation (e.g. construction, agriculture);

N.B. Traffickers in labour THB may be involved only in the recruitment and transportation, but not in the exploitation phase

ACT (What is done)

- Recruitment,
- Transportation,
- Transfer,
- Harboring, or
- Receipt of persons.

MEANS (How it is done)

- Threat or use of force,
- Coercion,
- Abduction,
- Fraud,
- Deception,
- Abuse of power or vulnerability, or
- Giving payments or benefits to a person in control of the victim.

PURPOSE (Why it is done)

- Exploitation, which includes exploiting the prostitution of others,
- Sexual exploitation,
- Forced labour,
- Slavery or similar practices, and
- The removal of organs.

...and do your best to follow the money

- Labour exploitation is a **low-risk, high gain** form of corporate crime motivated by profit-making;
- Legal structures are used to **hide grey and illegal activities**;
- Tackling labour exploitation is hindered by **insufficient regulation**, resources & monitoring;
- ML investigations focus on the **proceeds of crime** and not on the **investments and financial transactions** related to the criminal activities. **HOWEVER**, criminal financing: 1) Takes place before and during the commission of the crime; 2) Links all actors in a given criminal operation; 3) Often mixes licit and illicit financial flows, when legitimate business structures are used.



Ministry of the Interior
Republic of Latvia



This project was funded by
the European Union's
Internal Security Fund – Police

About FLOW

Consortium:

European Institute for Crime Prevention and Control (Finland)
Center for the Study of Democracy (Bulgaria)
Ministry of the Interior (Latvia)
University of Tartu (Estonia)

Major outputs:



Objective:

Raising the awareness on business models of THB for purposes of labour exploitation



Flows of illicit funds and victims of human trafficking: uncovering the complexities

5-11

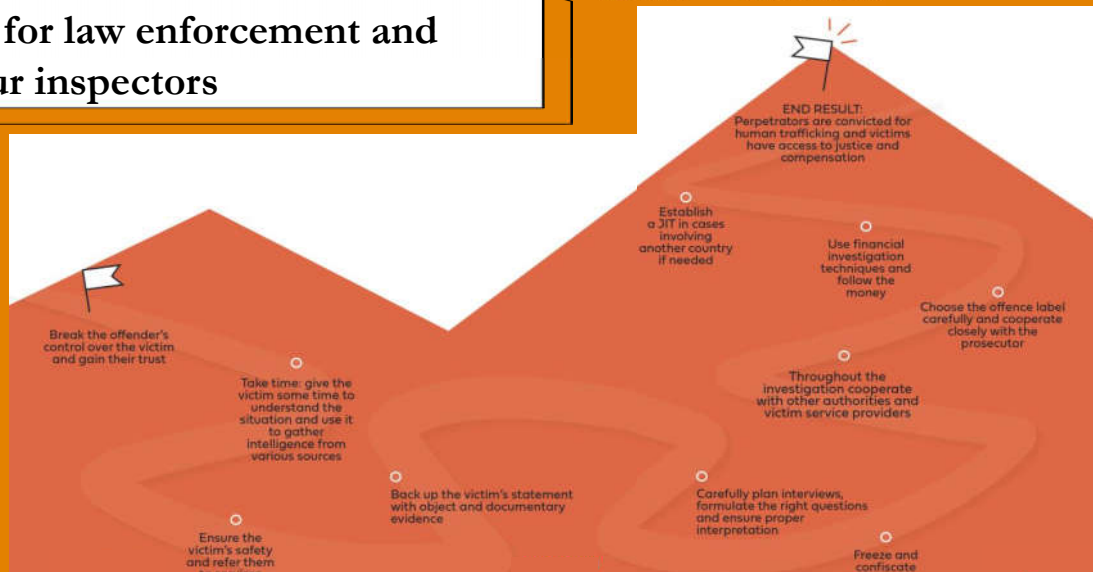


Ministry of the Interior
Republic of Latvia



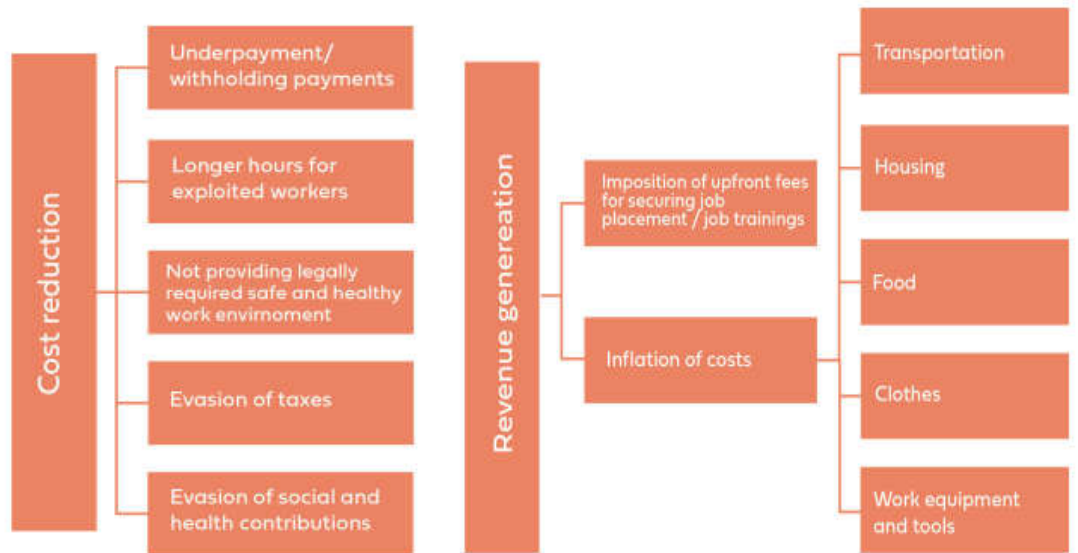
This project was funded by
the European Union's
Internal Security Fund – Police

Investigation tool for law enforcement and checklist for labour inspectors

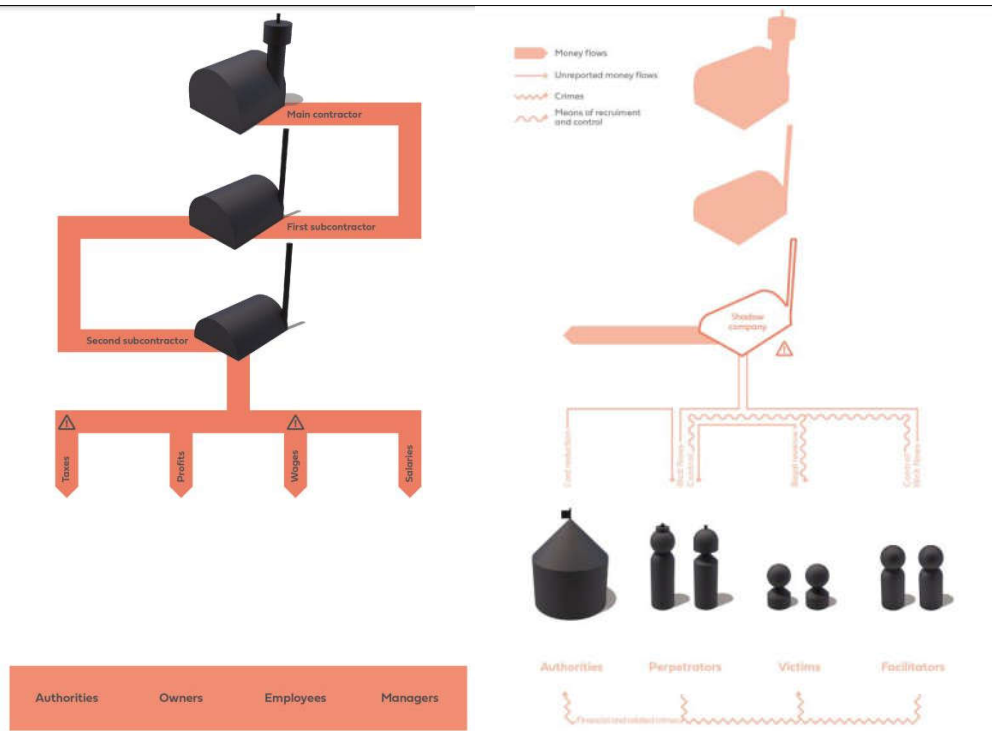


Flows of illicit funds and victims of human trafficking: uncovering the complexities

Business models



Financial flows



Labour exploitation related crimes

Economic
crime

Document
offenses

Benefit
fraud

Tax, social
and health-
care dues
evasion

Money
laundering

Online card
fraud

Bribery

Extortion

Labour law
violations

Work safety
violations

Fraud

Charging ille-
gal recruit-
ment fees

Typology of tax and social security evasion

Non-payment of
labour costs

Reduced cost of labour

Tax evasion

Overcharging for
additional “services” –
accommodation, food,
internet access, etc.

Debt bondage

A Toolkit for prevention of labour exploitation and trafficking



Risk Assessment Tool

Take the first step of due diligence and pinpoint the areas where the risks of exploitation are the highest. Includes an easy-to-use checklist for mapping risks.



Contract Tool

Include permanent clauses in the contracts with subcontractors and other partners that are intended to clarify the obligations and requirements of the contractual partners. Includes four steps for putting policies in writing.



Workplace Assessment Tool

Monitor contractors' and subcontractors' operation through conducting inspections of working conditions on jobsites. Includes guidance for planning and conducting assessment along with a list of questions for discussions with migrant workers to uncover risk factors that make workers vulnerable for exploitation and trafficking.



Strategy Tool

Define a clear company strategy on the prevention of exploitation and trafficking, and include it in internal guidelines and corporate policies. Includes nine recommendations for value-driven action.



Screening Tool

Get to know your partners, seek to verify that they act responsibly and are not engaged in abusive or criminal practices. Includes a list of questions for discussions with potential business partner.



Takeaways & recommendations

- 1) Systematic collection of financial data -> parallel financial investigations
- 2) Differentiated approach towards different OCGs: raising costs and risks for traffickers
- 3) Improving border & visa control -> Nigerian OCGs
- 4) Administrative measures -> Eastern European OCGs
- 5) Enhancing international cooperation in criminal matters -> China, Africa, Latin America
- 7) Re-thinking existing legal framework
- 8) Criminalization of the sex buyer
- 9) Ban on internet advertising of sex services



Thank you for your attention!

[Mariyan K. Sabev](mailto:mariyan.sabev@csd.bg)

mariyan.sabev@csd.bg

www.csd.bg

FLOW

Flows of illicit funds and victims of human trafficking: uncovering the complexities

HUMAN TRAFFICKING - INVESTIGATION APPROACH

Lora von Ploetz Head of Global Financial Crime Unit

July 2022



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

1

HUMAN TRAFFICKING - OVERVIEW

What is human trafficking?

- Palermo Protocol to the UN Convention against transnational organized crime and EU Directive 2011/36 define this crime as:

“the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”

Three categories of human trafficking:

- Sexual exploitation (forced prostitution, pimping)
- Forced labor (workplace exploitation or domestic servitude)
- Removal of organs

How big are the criminal proceeds?

- According to the International Labor Organization, human trafficking is estimated to generate revenues of US \$150-US\$99 billion from sexual exploitation, US \$34 billion from construction, manufacturing, mining & utilities, US \$9 billion from agriculture, forestry & fishing, US \$8 billion from forced labor by domestic workers & US \$840 million - US \$1.7 billion from illegal organ trading.

How many people are affected?

- Over 40.3 million victims

What are the trigger factors?

- Pull factors - a number of factors which make some countries more attractive for human trafficking than others (employment opportunities, foreign diaspora community, etc.)
- Push factors - a number of social and economic conditions which influence the actions of both victims and exploiters and facilitate the occurrence of human trafficking (unemployment, lack of education, social inequality, gender discrimination, etc.)
- Facilitating factors - Social tolerance or a lack of public awareness can create a more permissive environment for certain crimes (discrimination, political circumstances, etc.)

What are the major challenges in detecting, investigating and prosecuting ML from the trafficking of human beings?

- Limited international co-operation
- Lack of awareness or concern
- The difficulty to detect funds

2

REGULATORY EXPECTATIONS AND STANDARDS

International Standards

Financial Action Task Force

- Report on Financial Flows from Human Trafficking (July 2018)

Organization for Security and Co-operation in Europe

- Follow the Money Compendium on HT-related financial investigations (October 2019)

UN Office on Drugs and Crime

- Global Report on Trafficking in Persons (2018)

EU Law

EU Parliament

- Passed in March 2021 a resolution calling on the European Commission to tackle inter alia human rights abuses in the supply chains of EU businesses
- Published proposal for a draft directive that includes environmental and governance risks, unlike the German DD Act, while the possible imposition of sanctions goes beyond the French vigilance Law

European Commission

- Forthcoming legislative proposal for a directive on sustainable corporate governance and due diligence expected in 2021

Germany

Transition to “all-crimes” approach in fighting ML

- Expanding the scope of §§ 261 StGB (ML offence) to include ill-gotten proceeds from all criminal acts

Punishable HT offences in Germany:

- §§ 232 StGB (human trafficking); §§ 232a StGB (forced prostitution); §§ 232b StGB (forced labour); §§ 181a StGB (pimping); §§ 180a StGB (exploitation of prostitutes); §§ 233a StGB (exploitation involving deprivation of liberty); §§ 236 (child trafficking)

BMF National Risk Assessment

- Among the offences classified as the greatest ML threat
- HT to gain importance over long term in Germany

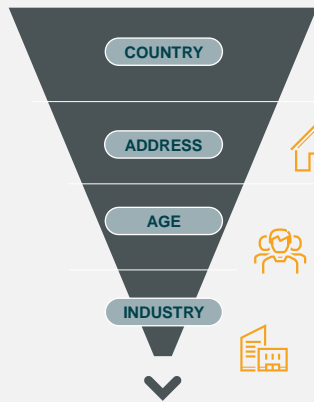
Due Diligence Act (Sorgfaltspflichtengesetz) on protection of human rights in the supply chain

- to implement substantial new DD policies and procedures focused on the company's own business environment and (in)direct suppliers
- According to the explanatory memorandum, financial services may be part of the supply chain. Possible necessity of human rights due diligence check by the lender
- Status: official government draft which now enters the parliamentary procedure

3

METHODOLOGY: DATA SELECTION – VICTIM’S PERSPECTIVE

SELECTION OF NON FI CUSTOMERS



- According to the German Federal Police (BKA, 2020), most common nationalities among the victims are: **Bulgaria, Romania, Hungary**. These are “preferred” nationalities due to freedom of movement and absence of requirement for work permits related to EU citizens. (Since 2

- Data was extracted based on nationality, place of birth or tax residence in the above three countries, incl. Ukraine and Moldova.



- Results were refined by applying the criterion “**more than 4 active Clients registered on the same address.**” (based on strategic confidential intelligence provided by Europol and open source information, often victims are residing in the same house/flat (overcrowded housing units)).

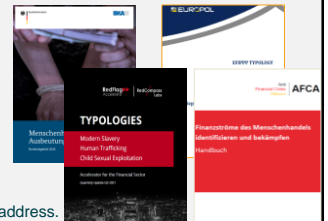


- Client data was further refined according to **age (20-40 years)** based on indicators from open sources and statistics by the German Federal Police on the most common age of victims.



- **High risk industries** for human trafficking (meat industry....)
- Risk-based review of clients receiving payments from such industries was performed.
- Additional risk-based review of top 15 groups with highest number of residents at one address.

REVIEW SAMPLE



MAIN SOURCES

Bundeskriminalamt (BKA), Bundeslagebild Menschenhandel und Ausbeutung 2020, RedFlag Accelerator- Typologies (Q3, 2021) Europol Financial Intelligence Public Private Partnership (EFIPPP), Trafficking in Human Beings (Sept. 2020)

4

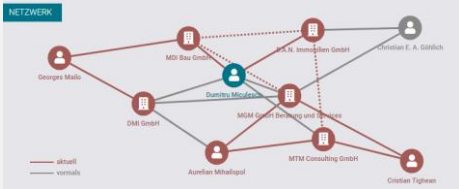
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CASE STUDY: THE LARGEST "EXPORTER" OF ROMANIANS IN GERMAN SLAUGHTERHOUSES



Dumitru Miculescu - a Romanian businessman and former PEP has been providing manpower to slaughterhouses in Germany since more than 15 years. Using a network of subcontracting companies, he has been facilitating Romanian workers' employment in the meat processing sector.

According to media reports, he exploited loopholes in German labour law by controlling a number of companies in the meat-processing, housing and recruitment sectors. Thus, he could recruit thousands of Romanian workers in Germany in exchange for dire living conditions, low wages and exploitation.



In 2011 Miculescu was convicted on corruption charges in his home country.

Following the outbreak of COVID-19 in Germany's largest meat-packing plant – Tönnies – public attention was drawn to the shocking living and working conditions of the so called "contracted" workers from Bulgaria and Romania at the factory.

According to reports, the companies, controlled by Miculescu (MGM, MTM, MDS, MDI, DMI, DAN, DAS) provided manpower to the meat-packing plant. Workers were promised the minimum wage of € 9.35 per hour, however, the price for a shared accommodation (around €200) was to be deducted from their monthly salary. Often they had to pay other ancillary fees to the agency (i.e. transport, agency fees).

As a result of public scrutiny and legislative initiatives, as of **January 1, 2021**, slaughterhouses in Germany are no longer allowed to work with subcontractors.



<https://www.dw.com/ro/daniela-reim-%C3%AEn-cazul-domnului-miculescu-%C5%9FI-al-firmelor-mtm-gmbh-%C5%9FI-mgm-gmbh-de-la-abatoare-s-a-mers-mult-mai-departe/a-57071869>
<https://www.ft.com/content/7b77ec15-7384-42d0-9dad-76c4b710872b>

CASE STUDY: THE LARGEST "EXPORTER" OF ROMANIANS IN GERMAN SLAUGHTERHOUSES: FINDINGS



Individuals (Possible Victims)

High number of individuals have provided the **same contact address**, at which companies in Gütersloh, NRW are registered. The individuals often share the same nationality (Romanian, Hungarian, Bulgarian).

Apart from address, no other contact details had been provided. Accounts had been opened in the **same Branch**, often by same Relationship Managers.



Companies (Subcontractors)

The companies are controlled by Dumitru Miculescu. Some are **registered as recruiting companies in Romania** and only have an address in Germany.

The companies were acting as subcontractors. Thus, possibly avoiding German labour regulations.



Transactional Activity

The Romanian businessman receives multiple payments per month **from different companies** under the purpose of payment "salary".

More than 80% of the salary is **withdrawn cash** within the same or following day.

Small transactions (100€ – 500€) with unverifiable business purpose: "Cadou" (Present), "Bani" (Money), "Scaunel" (Chair), Names of individuals

MULTIPLE SALARY PAYMENTS

CASH WITHDRAWALS



83194967/00	EUR	1,331,00	39	97261	22,00	13	22,00
/00	EUR	1,330,00	56	97139	23,00	13	22,00
/00	EUR	1,230,00	39	97261	27,00	13	27,00
/00	EUR	1,249,00	56	97139	30,00	13	27,00
/00	EUR	8,50	03	97198	30,00	13	30,00
/00	EUR	8,00	03	97258	30,00	13	30,00
/00	EUR	1,249,00	39	97261	25,10	13	25,10
/00	EUR	1,249,00	56	97139	28,10	13	25,10
/00	EUR	1,100,00	39	97261	26,11	13	26,11
/00	EUR	1,100,00	56	97139	27,11	13	26,11
/00	EUR	3,00	03	97198	29,11	13	30,11
/00	EUR	544,00	39	97261	23,12	13	23,12
/00	EUR	540,00	56	97139	24,12	13	23,12
/00	EUR	3,00	03	97198	31,12	13	31,12
/00	EUR	8,05	03	97198	31,12	13	31,12



FIU – the Netherlands

‘The Power of Financial Intelligence in combating human trafficking’

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

1



FIU – the Netherlands

- Autonomous and independent government body
- Organisationally part of the Netherlands Police
- Approximately 90 FTEs
- Unusual Transactions (UTR) system

2

Unusual Transactions

Objective indicators – reporting is mandatory

- Transactions reported to the police or Public Prosecution Service
- Transactions exceeding a threshold amount

Subjective indicators – at the discretion of the reporting entity

- A transaction for which the entity has reason to believe that it might be related to money laundering or terrorism financing

3

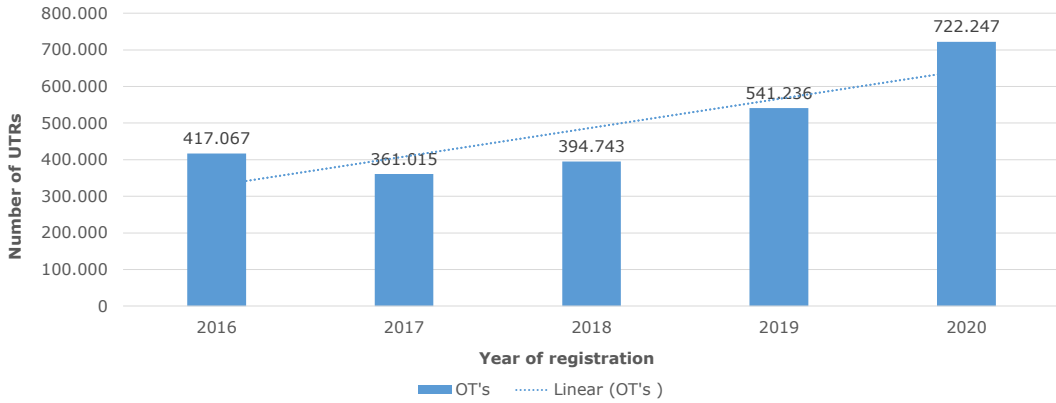
29 Reporting Groups

- Accountants
- Lawyers
- Banks
- Tax advisors
- Investment entities
- Investment firms
- Life insurance brokers
- Dealers or brokers in high-value goods
- Professional or commercial providers of custodian wallets
- Professional or commercial providers of services for the exchange between virtual currencies and fiduciary currencies
- Payment service broker
- Payment service provider
- Natural or legal persons that put their address at another's disposal (domicile providers)
- Electronic money entities
- Legal service providers
- Dealers in goods
- Art dealers
- Undertaking for collective investment in transferable securities
- Entities that are not banks, but carry out banking activities
- Life insurers
- Civil-law notaries
- Real estate agents
- Pawn shops
- Casinos
- Valuers
- Trust offices
- Safe custody services
- Money exchange entities
- Providers of remote gaming services

4



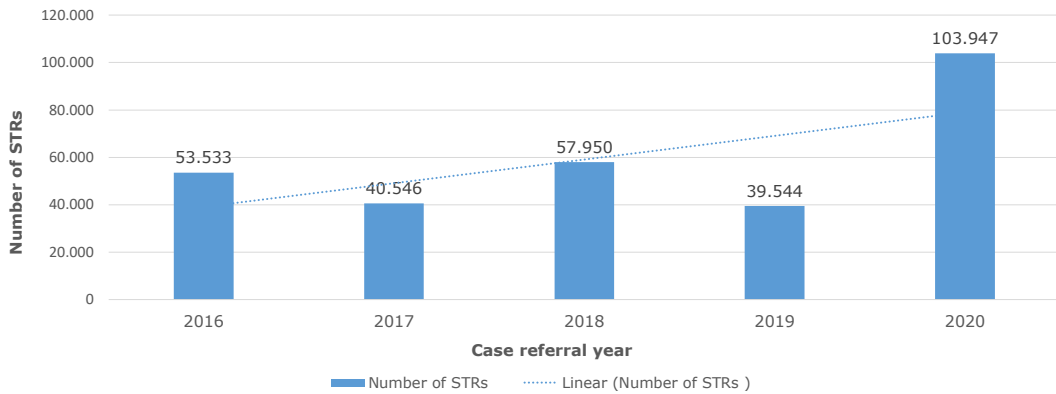
Unusual Transactions



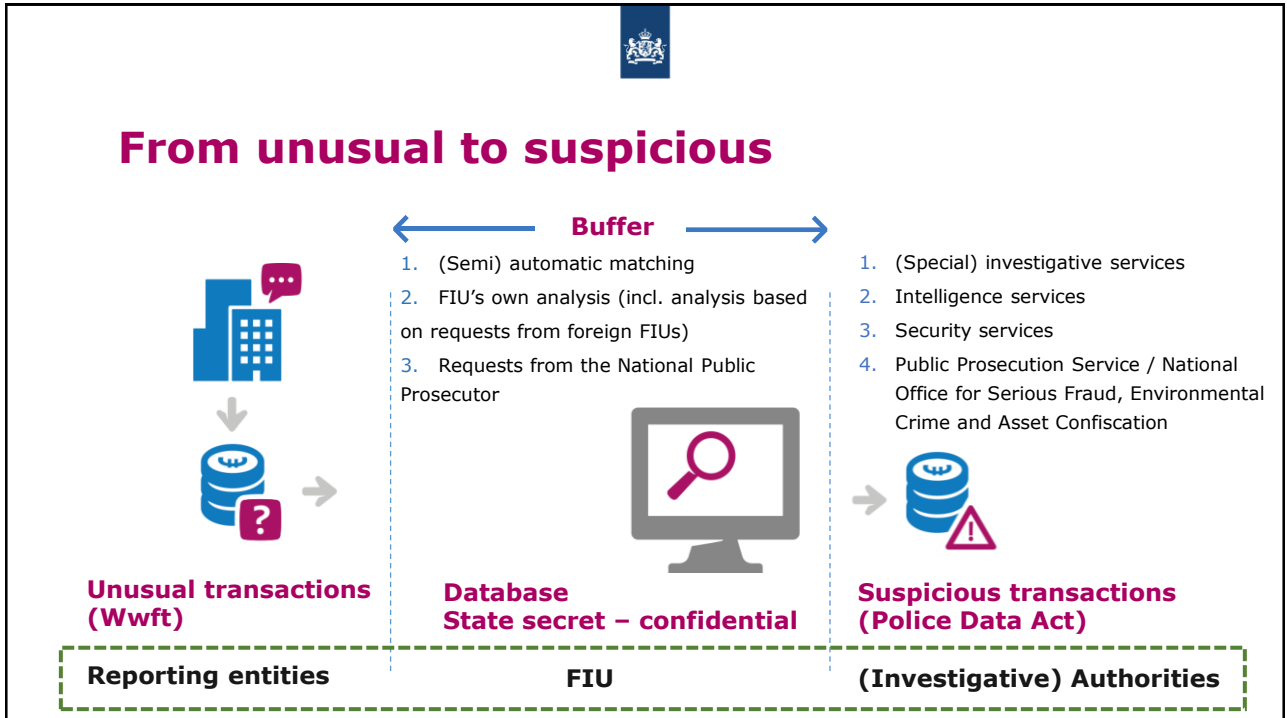
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Suspicious Transactions



6



7



- Additional reported transactions
- Requests to other FIUs
- Police information
- (Half)open source information
- Request to reporting entities (Art 17 Wwft)

8



Value of financial intelligence

- Insight into transferred amounts and financial constructions (Confiscation proceedings)
- Timeline and location of subjects (incl. IP-addresses, video images)
- Insight in networks: victims, perpetrators, facilitators

9



Trends, Phenomena and Themes

- FIU – the Netherlands shares trends and phenomena, which can eventually lead to targeted reports by institutions and preventive measures
- We perform daily queries on current data
- Themes: Money laundering, terrorism financing, corruption, human trafficking, drugs, fraud, etc.

10



Human trafficking

- Constantly increasing our knowledge
- Sexual exploitation – National police
-Fieldlab
- Labour exploitation – Netherlands Labour Authority
-Public Private Partnership using the Fintel Alliance method

11



Sexual exploitation

- Eastern European, (Latin American)
- Shift from money transfers to bank transactions
- Cash deposits or small (€50-150) incoming wire transfers (from male subjects)
- Money flows towards country of origin and/or a male subject
- Frequent payments to erotic advertisement websites
- Etc.

12



Labour exploitation

- (South) Eastern European, Asian
- Low-skilled work – temporary employment agencies
- Salary payment followed by cash withdrawals or transfer to third party
- No regular payments
- Multiple employees registered at one address
- Signs of salary payments in cash
- Etc.

13



Labour exploitation - Fintel Alliance

- Cooperation between FIU-the Netherlands and 4 largest Dutch banks: ABN-Amro, ING, Rabobank and Volksbank.
- Bilateral information sharing between these banks
- Within the Money Laundering and Terrorist Financing Act-domain, banks and the FIU work together to move towards more effective prevention, detection and intervention.
- Bank employees subjected to an (additional) screening

14



Labour exploitation - Fintel Alliance

1. Information/knowledge sharing (red flags / indicators)
2. Development queries within banks
3. Fintel Alliance:
Bilateral information sharing between banks and cooperation with FIU.
4. Analysis unusual transactions at FIU
5. Provide Netherlands Labour Authority with new cases, including feedback loop

15



16

Law enforcement financial investigations of THB



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

1



DISCUSSION POINTS

- Intelligence and investigatory tools
- Identifying and tracing proceeds of crime, gathering evidence
- Cooperation with other competent (cross-border) authorities

2

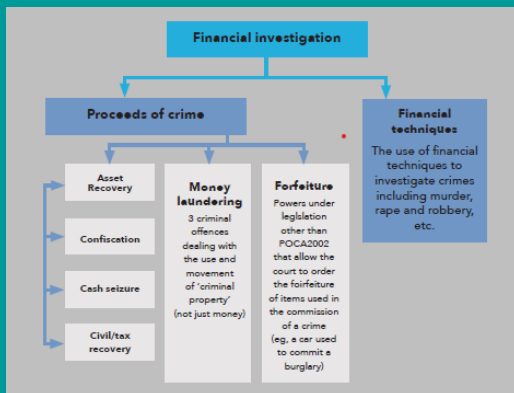
The challenges of countering human trafficking

Digital era's impact	online recruitment and exploitation of victims/Online Child Exploitation websites of fake employment agencies	the ability to recruit victims without face-to-face Interaction 'cryptoprofiles'	Social media platforms as virtual catalogues by traffickers to identify new victims and develop grooming strategies	forced criminality where individuals are exploited by organized criminal groups and forced to commit crimes like the production, transport and selling of drugs
Covid 19 impact	a pandemic of vulnerability	cooperation was either at a minimum level or suspended	the increased levels of domestic violence	justice systems were limiting services

3

Financial Investigation

Financial investigation of THB



- Tracing money flows
- Transferring funds /Techniques
- Tracing and seizing assets in country of origin
- Investigation (Commercial structures/OCG/enablers)
- Calculation of criminal profits
- Establish compensation for victims
- Investigating an Organised Crime Group (OCG)
- Locating criminal profits in country of origin
- Identify victims of human trafficking

4

Stages of Financial Investigation		
<p>1 identification</p> <ul style="list-style-type: none"> - Reactive - proactive 	<p>2 investigation</p> <ul style="list-style-type: none"> - Case strategy/investigation plan - Sources of financial information - analyses of money flow - calculation of the proceeds of crime - Investigation/ possible directions - intelligence activities (wiretapping, surveillance, undercover operations) - Money laundering in THB - 4.10 International tools 	<p>3 litigation</p> <ul style="list-style-type: none"> - Jurisdiction - recovery of international proceeds of crime (ARO, freezing order, Non-conviction based confiscation/conviction based confiscation)

5

Business matrix /Key points

OSTERWALDER'S BUSINESS MODEL CANVAS				
Key Partners	Key Activities	Value Proposition	Customer Relationships	Customer Segments (niche/target)
	Key Resources		Channels of Distribution, Sales and Communication	
Costs		Sources and amounts of Revenue		

Building an understanding of criminal business processes and their cash flow enables the identification of criminals' vulnerabilities;

These vulnerabilities represent options and options for further action (detect, deter, disrupt or divert);

This approach offers a strategic basis for law enforcement for decision-making and resource allocation.

TWO MAIN PRACTICAL GOALS: 1. Analytical 2. Descriptive

6

Stand-alone THB ML cases

1

2

Procedure

In rem

in personam

Burden of proof

on the person who does not agree with the presumption of the criminal origin of the property.

on the investigator

Standard of proof

the property is likely to have a criminal rather than a legal origin.

Beyond all reasonable doubt

7

Priorities of international THB investigation



International



Technological



Scientific

8




POLICE COOPERATION

JUDICIAL COOPERATION

TBC - 2020

9







INTERPOL

POLICE LIAISON OFFICER

EGMONT GROUP
OF FINANCIAL INTELLIGENCE UNITS

Polaris

10



EUROPEAN JUDICIAL NETWORK (EJN)

Eurojust cooperation with Third States



Cooperation agreements

Liaison Prosecutors stationed at Eurojust

Contact points
52 third States comprise Eurojust's judicial contact point network

© 11/12/2019 www.eurojust.eu



11

parallel investigations




Transfer of proceeding

Join investigation team




Information exchange and crosscheck

Search, freezing, seizure of assets




Transfer of evidence, persons

12

CHALLENGES/OBSTACLES



Strategic planning and management



lack of knowledge and (positive/negative) experience
your interests first!



Jurisdiction issues






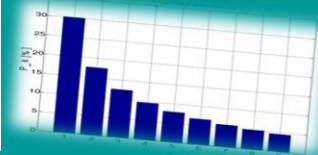
Double criminality



13

Financial analytical methods to prove the criminal origin of property

SUMMARY OF OFFICIAL FACTS	METHODS BASED ON EXPERT COMPETENCE	ECONOMIC-MATHEMATICAL METHODS
Matching & comparison	Principles or cases-based	Financial analysis
Accounting methods	"Red flags"	Mathematical models*
Cash flow analysis	"Fraud triangle" *	Business analysis*
Net worth	Expert assessments*	Benford's law* * in the adaptation phase

14

CASE STUDY

15



Diana Petrova
The Anti-Money Laundering Unit
The Economic Crime Enforcement Department

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16

The Europol logo is displayed in a white circle on the left side of the image. It features a stylized 'E' icon followed by the word 'EUROPOL' in a bold, blue, sans-serif font.

EUROPOL

Following the money flow in THB cases

14th of July 2022

Europol Unclassified - Basic Protection Level

EUROPOL SUPPORT

SIENA

Secure Information Exchange
Network Application



Operational Support



Analytical Support



Strategic Impact
(SOCTA)

Analysis Project Phoenix – Europol’s project dedicated to THB

- The AP was established in June 2007 and it is composed of a specialised team of specialists and analysts.
- It has a dedicated database (suspects, adult and underage victims, contacts, witnesses, associates, means of transportation, communication, financial data...)
- Member States (MS) and 11 third countries are associated with the AP.
- Focus on all forms of exploitation and associated crimes:
 - Sexual and labour exploitation;
 - Child trafficking;
 - Parallel financial investigations;
 - Internet enabled THB;
 - Chinese THB;
 - Nigerian THB;

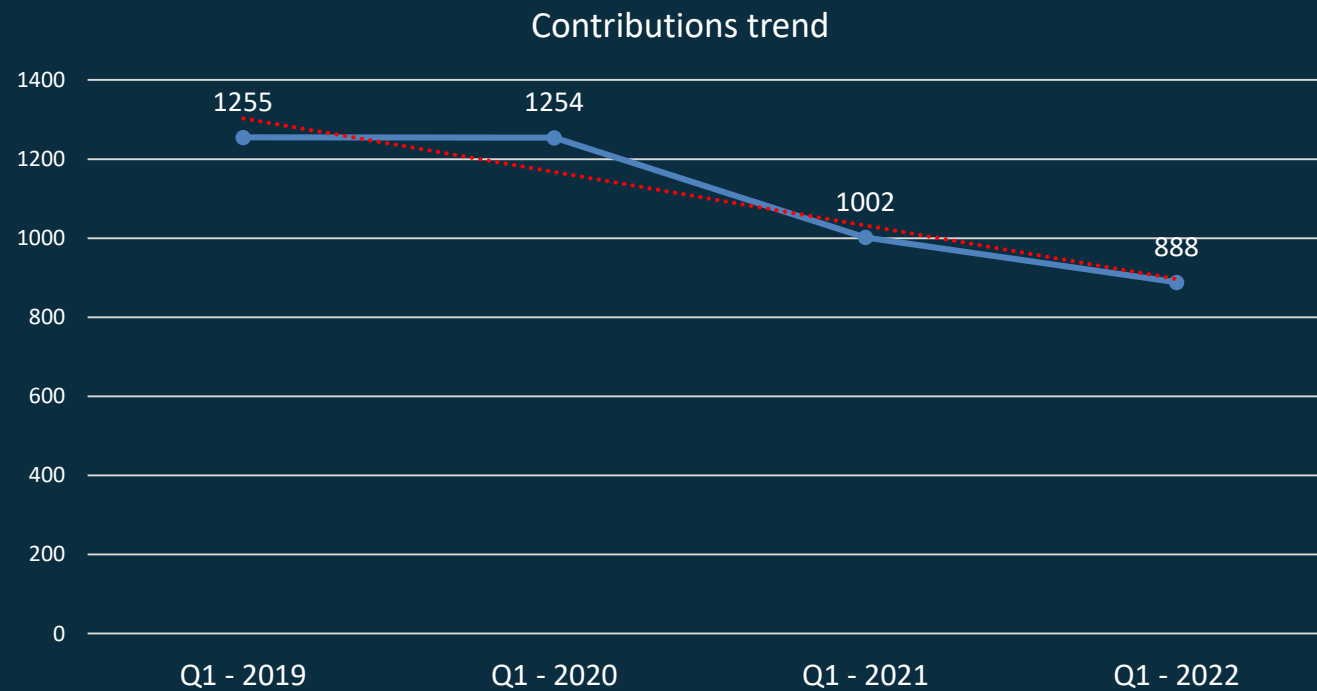
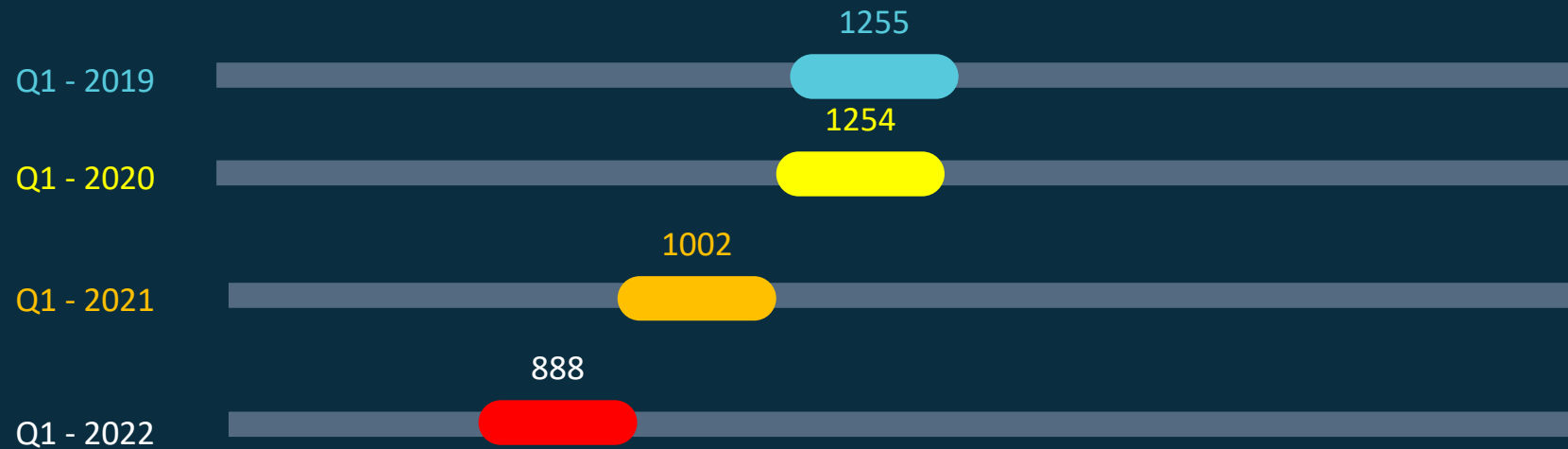


-
- The team provides analytical and operational support to high-profile cases
 - It develops the knowledge of the THB situation in the EU
 - Supports the EMPACT THB project

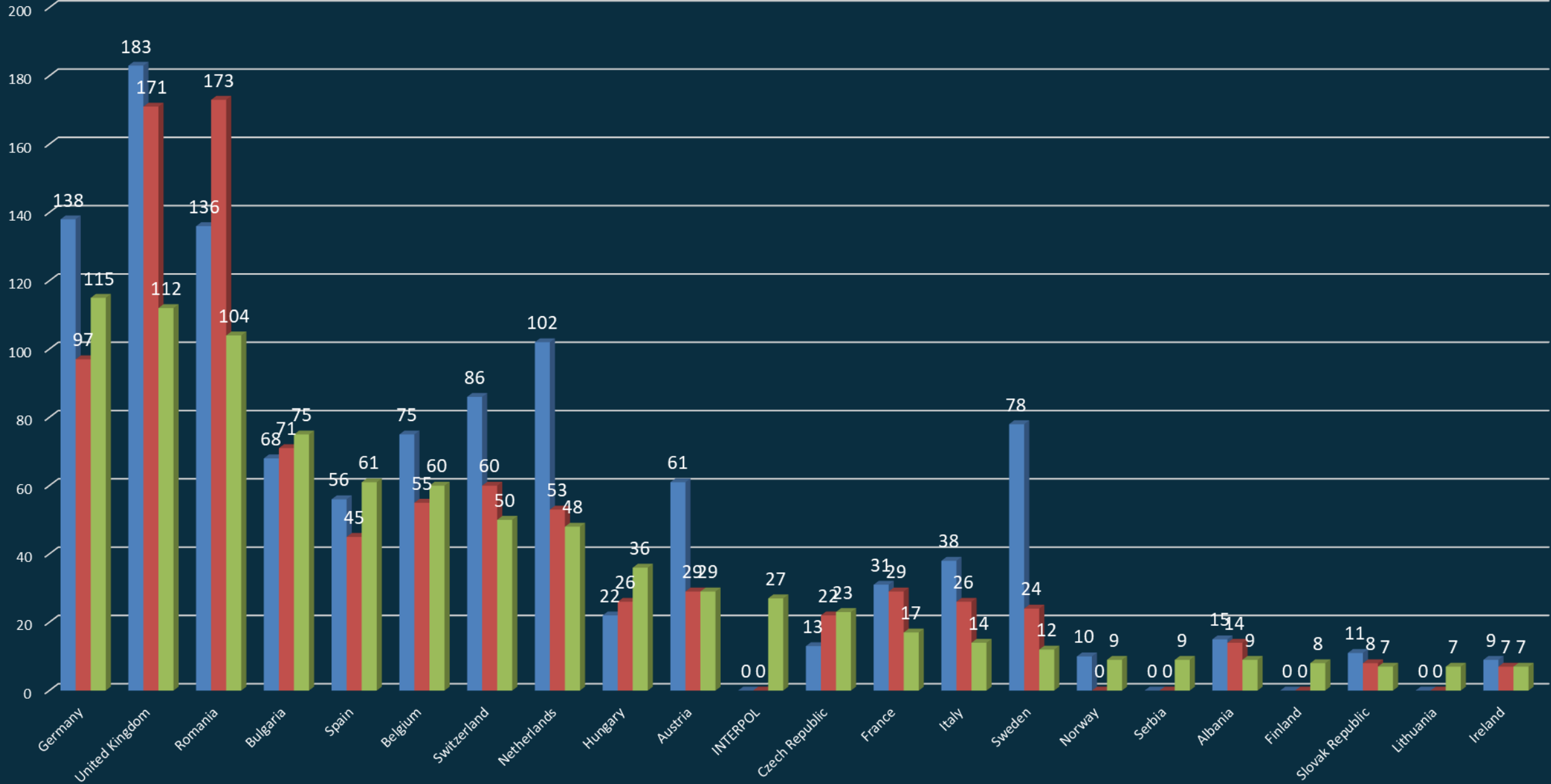
Trafficking in Human Beings in the EU

- 70% of both victims and suspects are EU nationals.
- The most reported form of exploitation remains for sexual purposes, followed by labour exploitation.
- While physical violence and coercion are decreasing, deception and emotional abuse are more commonly used to lure the victims and to force them into exploitation.
- The organised crime groups that manage the trafficking and the exploitation are becoming more and more sophisticated and involved in poly-criminality (document fraud, money laundering, drug trafficking and distribution...)
- Online THB is becoming more apparent.

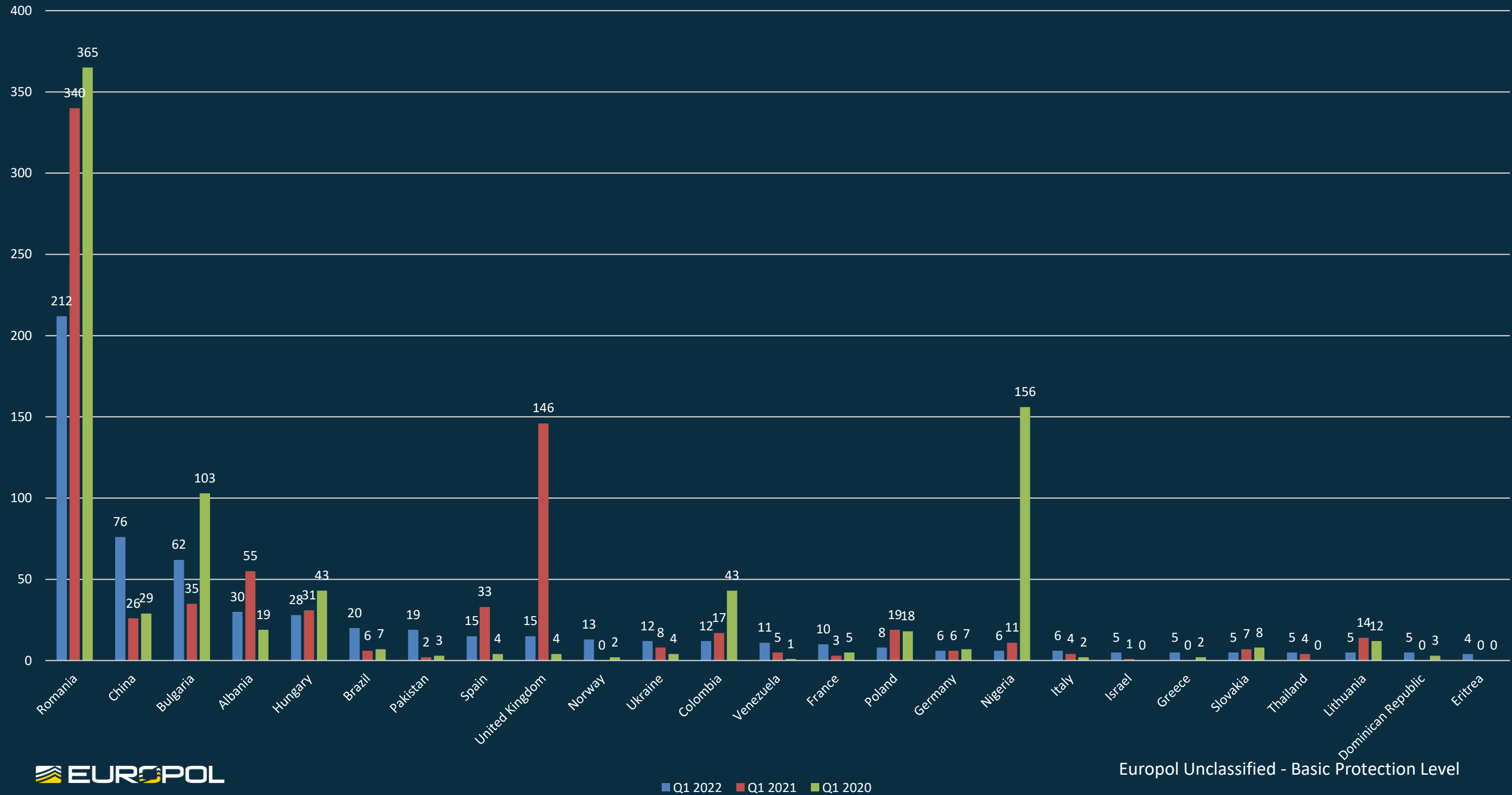
Number of THB related contributions



TOP CONTRIBUTORS Q1 2022-2020

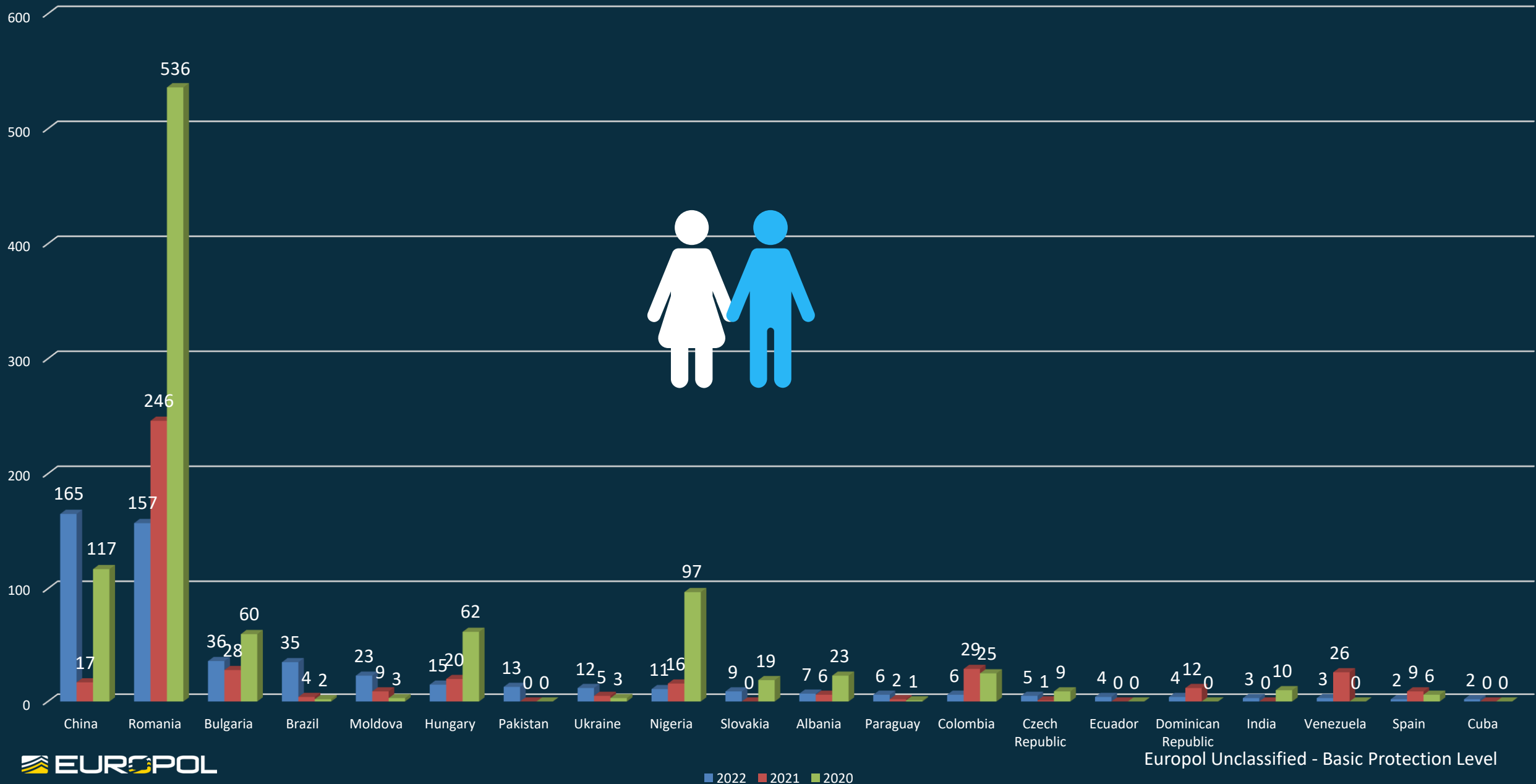
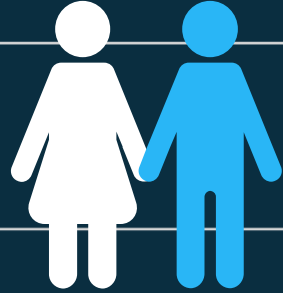


Top 25 suspects nationalities Q1 2022-2020

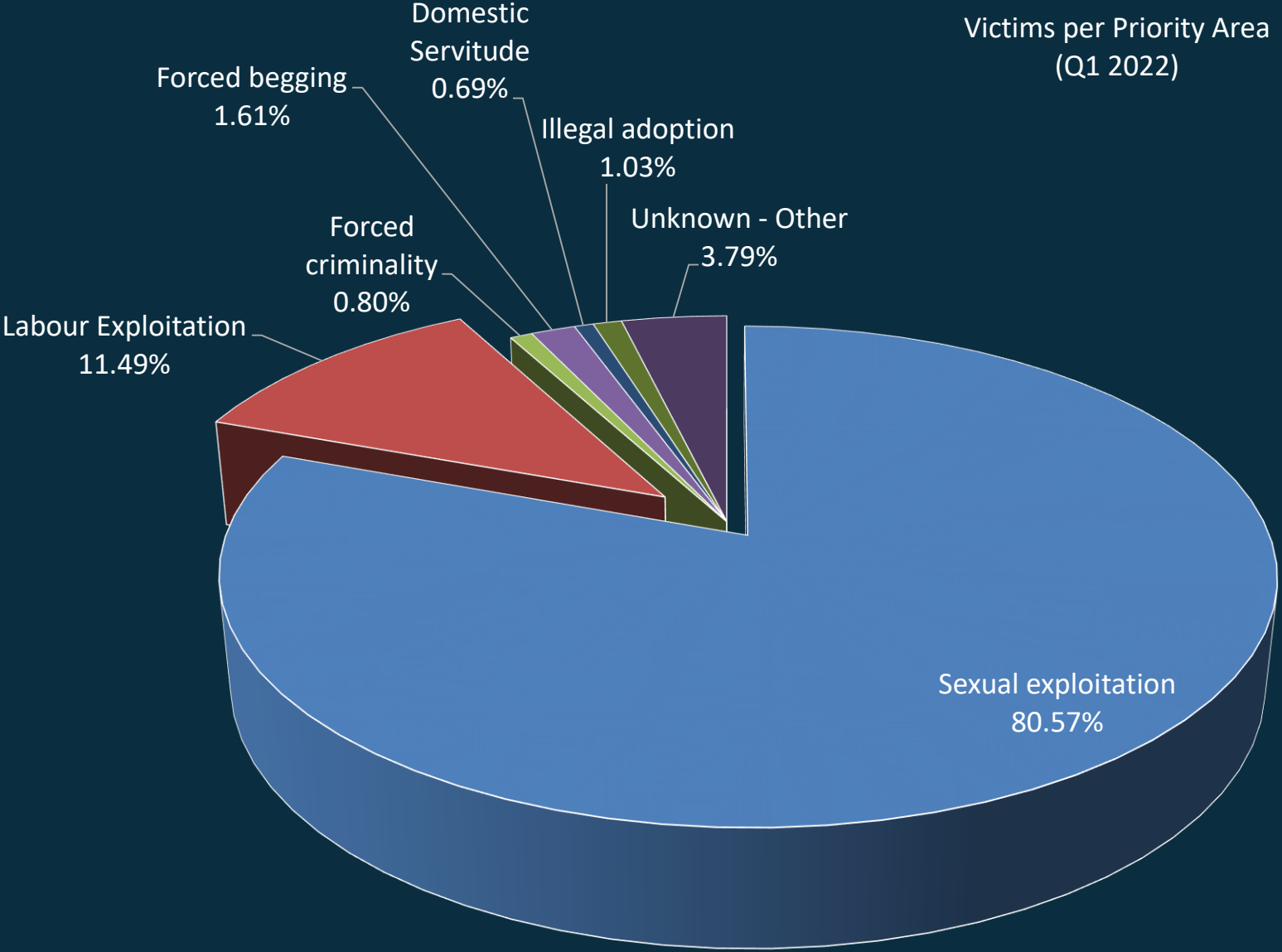


Reported victims Q1 2022-2021

Top 20 nationalities



Victims per Priority Area
(Q1 2022)



Why do criminals commit crime?

- ❑ To finance and extend illicit activities
- ❑ Enjoy a lifestyle beyond their logical possibilities
- ❑ To build wealth

Organised crime is nothing but a well-organised underground business with functions similar to legal companies.



Prices and influencing factors

- ❑ Distance
- ❑ Transport
- ❑ Method
- ❑ Number of trafficked people
- ❑ Nationality
- ❑ Additional services
- ❑ Discounts/debts
- ❑ Refunds for damages



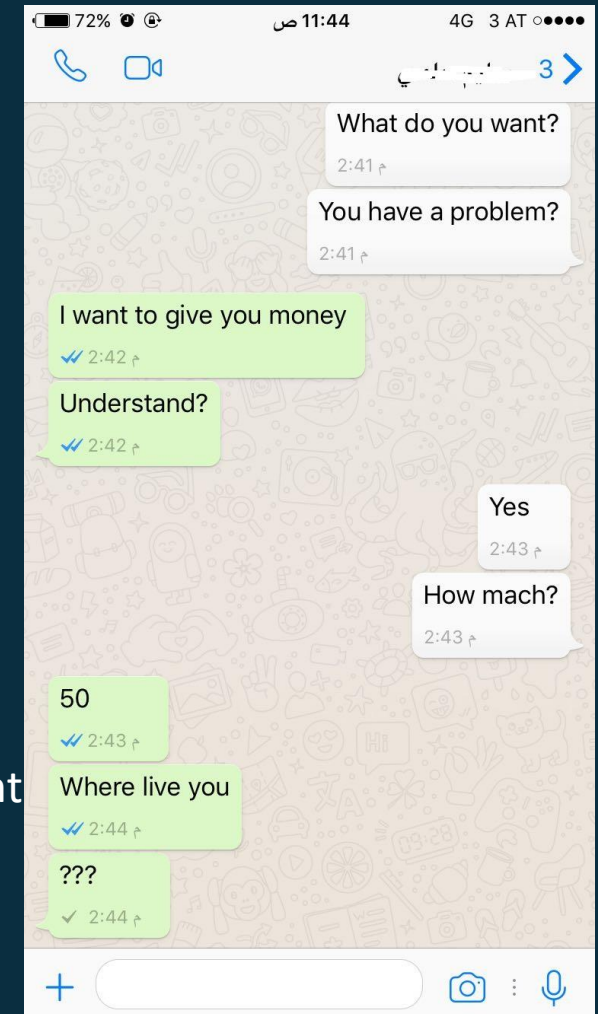
Pay attention to...

- ❑ Financial profiling (household!)
- ❑ Cross border transactions/cash seizures/cash declarations
- ❑ Phone extractions
- ❑ Wiretappings
- ❑ Surveillance
- ❑ Notes/documents/prepaid cards etc. during (house) searches
- ❑ Computer extractions
- ❑ MVTs transactions and agents used
- ❑ Any links to other countries
- ❑ Social network
- ❑ Cash intensive businesses, export import, construction businesses, etc.



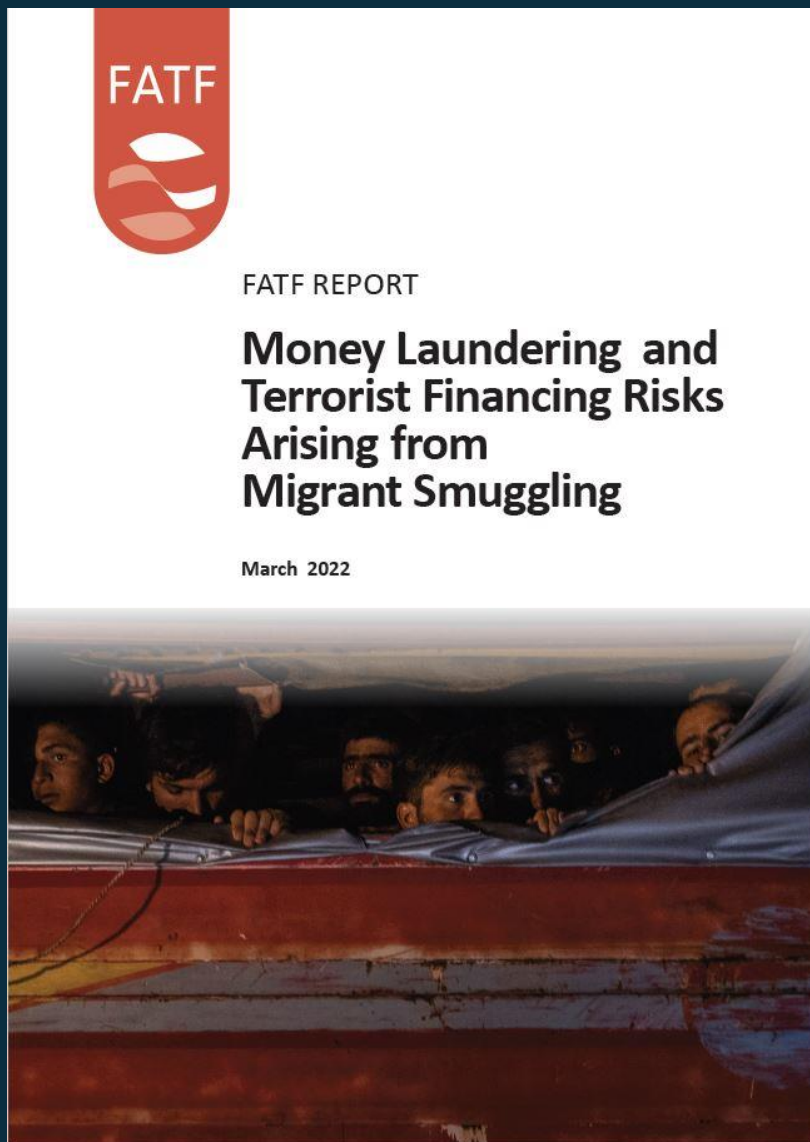
Look for...

- ❑ numerous transactions with money remittance companies and online payment services companies
- ❑ cash withdrawals and money transfers through payment institutions
- ❑ bank account reflects a significant deposit activity, in cash and checks
- ❑ beneficiary countries of these transactions are countries known for hawala
- ❑ transactions with businesses with no apparent link to the other business
- ❑ large transactions are not recorded
- ❑ large volumes of transactions are received from one customer
- ❑ high turnover in account of low income earner
- ❑ bulk cash shipments/ physical movements of cash daily
- ❑ cash couriers travelling to jurisdictions known for hawala
- ❑ transactions that have no commercial or economic sense for a personal/business account
- ❑ cash intensive businesses
- ❑ remittances to a different province or country of prior residence or citizenship
- ❑ abnormal payments to hotels, apartments and other accommodation/travel services



FATF guidelines

<https://www.fatf-gafi.org/publications/methodsandtrends/documents/migrant-smuggling.html>



The report identifies the most common methods to transfer and launder the proceeds of migrant smuggling, from hawala, integration of proceeds into legitimate business such as shops, travel agencies and transport companies, and the increasing use of professional money launderers.

The FATF calls on countries to proactively follow the money linked to migrant smuggling. Strengthening institutional, international and regional cooperation is an important step. There should be particular focus on supporting countries directly affected by migrant smuggling.



ALEFA

Association of Law Enforcement Forensic Accountants

**TRAFFICKING IN HUMAN BEINGS (THB)
FINANCIAL INVESTIGATION HANDBOOK**



Co-funded by the Internal Security
fund of the European Union

ALEFA REPORT

December 2018

Human trafficking is big business and earns estimated profits of \$150 billion a year for traffickers².

Financial gain is the main incentive for most serious and organized crime networks, and stripping them of their proceeds is the most effective way to dismantle them. Yet, according to Europol, only 1.2 per cent of illicit proceeds are confiscated in the European Union, leaving 98.8 per cent at the disposal of criminals.

THB as one of the most profitable crimes

THB is the third largest source of income for the organised crime groups after drug and arms trafficking (UN GIFT).

Useful tool:

to identify the supporting financial structures of OCGs,
to disrupt THB networks and
to confiscate THB proceeds



Financial investigation – money laundering

- ✓ Challenging to estimate the overall profits derived from THB
- ✓ Laundering of criminal proceeds is a major activity for THB OCGs
- ✓ Challenging to follow the way of the money (smurfing, false documents, movement of cash, legal business structures, Informal Value Transfer Systems, new payment methods, high value goods and real estate)



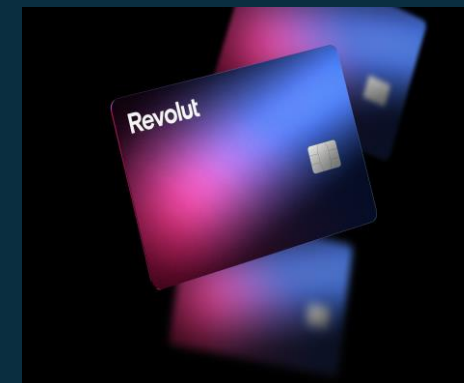
Despite the global prevalence of more sophisticated types of money transfer, in THB, cash is still king.

Money Service Businesses (MBS) – MoneyGram, WU, Hawala, Revolut

Most widely used modus operandi



- Efficient use of smurfing techniques
- Senders: Criminal associates, victims and contacts
- Recipients: family members or low-level criminals
- Transaction based vs account based (banking industry)
- Intelligence gap: Placement in the banking sector in the country of origin



Cash couriers

- Illegal income generated in cash
- Absence of physical border controls in Schengen area
- Use of victims to transfer or move criminal proceeds electronically or physically
- Opportunity: Cash needs to be converted to local currency



Abuse of legal business structures

- Traffickers operate across both licit and illicit economies
- Entertainment sector, but also in sectors like restaurant and catering, retail and small businesses, production and trade, construction, vehicle rent and retail and recruitment agencies
- Used as a legitimate source of income



Identifying different types of assets for recovery

When profiling criminal assets for freezing, seizing, or confiscation, have you considered the following types of assets:

Tangible Assets

These are tangible real world assets that have a physical existence. These assets can be physically seized and will require physical management to secure them. They include:

- Buildings
- Land
- Vehicles
- Cash
- Jewellery



Intangible assets

These assets don't physically have existence but are generally recognised as an asset of a person. They usually have some legal status before the courts. They can include:

- Bank accounts
- Credit cards/stored value cards
- Licences
- Patents
- Trademarks
- Rights in property (eg a lease)
- Companies
- Intellectual property
- Share certificates



Virtual assets

These assets do not physically exist and have no direct connection with the real world. They include:

- Crypto-currencies (eg Bitcoin)
- Digital wallets
- Assets in computer games
- Digital information
- Online gambling accounts (eg Poker)
- Websites
- Domains
- Databases
- Passwords
- Online business

The asset may exist solely in digital world and may require the use of passwords to control the asset. They can however be converted into cash or some other value and be used to purchase items.



How many do you normally investigate?

Designed by: Criminal Assets Bureau, Ireland (2014)

ML/AR in THB investigations



Overall understanding:

- ✓ Illegal proceeds laundered with little use of experts
- ✓ There are no THB specific money laundering techniques
Victims and extended family members are used in ML activities
- ✓ OCGs sent cash/invest illegal profits in the country of origin
Legal Business Structures (cash intensive business) and real estate are used for money laundering
- ✓ Unexplained wealth is clearly visible

Europol support: Role of AP Sustrans

AP Sustrans is Europol's initiative regarding the fight against Money Laundering

- Sustrans offers horizontal support to other commodity based APs
- Sustrans collects:
- Suspicious Transaction/ Activity Reports filled by FIUs,
- reports on cash detections (usually from Customs) and
- Supports on-going money laundering investigations

The Digitalisation of THB: Financial Advantages

- Even though the methods of recruitment and exploitation have shifted online, the criminal profits are still predominantly made in **cash**, which is moved via money services business (**MSB**), such as MoneyGram or Western Union.
- Only a few, more technologically advanced traffickers, have been using new methods to gather and manage their incomes.
- **Digital wallets and Fintech**: provide virtual banking services and access to virtual currencies.
- Very few traffickers have been operating with **cryptocurrencies** to date. However, the emergence of members with a crypto-profile, including mixers, traders, exchangers are pointing at a crime-as-a-service business model.

EMPACT THB Operational Action Plan 2022

Strategic Goal 4:

Criminal Finances, Money Laundering and Asset Recovery

Objective:

Combat the criminal use of financial structures including money laundering, facilitate asset recovery and confiscate proceeds of crime, disrupt criminal infiltration by involving specialised financial investigators, where relevant, as part of investigations in the EU crime priorities, and develop a culture of asset recovery through training and financial intelligence sharing.



Harnessing Internet and Modern Technologies to Tackle THB

- If it is true that technology offers multiple benefits to criminal networks, it also provides law enforcement with tools to investigate and find leads.



- Investigators are dedicated to find ways to trace criminals' digital footprints with the purpose to use them in judicial proceedings.
- **Digital footprints:** law enforcement detect identities, structures of the organized crime groups, locations, roles and criminal assets.



- Investigators can extract **digital evidence** from:
- Financial transactions made by the criminals;
- Uploaded content;
- Online advertisements.

Challenges/limitations

- Extensive use of cash/cash couriers/intra EU travel
- Lifestyle style money laundering
- ML investigations should be launched from the early steps of the investigation
- Coordinated efforts between involved countries (persons, timing, etc.)

OPERATION WEBMASTER 2019



EUROPOL



THIS SITE HAS BEEN SEIZED

Since 26/3/2019

This web page has been seized pursuant to a Spanish judicial warrant by Torre Vieja Investigating Court No. 4, by virtue of pre-trial proceeding 274/16 and executed by Cuerpo Nacional de Policía (Spain), in collaboration with Eurojust and Europol, due to an investigation combating Human Trafficking and Money Laundering.

- In cooperation with 15 countries, Europol, Eurojust
- 6 arrests
- 16 websites shutdowns
- Multiple seizures of cash and luxury goods
- Bank accounts were frozen in 12 different countries

Cooperation with Third Parties and Private Sector

Cooperation with Private Sector

- **Cooperation** between law enforcement agencies and the private sector is key in the fight against THB
- **Counterparts:** NGOs, financial institutions, internet service providers etc.
- **Private actors** have a **unique knowledge of their industry** which put them in a key position to gather intelligence and to develop innovative measures to prevent and counter attempts of criminal exploitation.
- **Victim detection:** civil society, including NGOs, have an **important and complementary role in victim detection and rescue**, and can lead to the **early detection** and identification of victims and the initiation of **proactive investigations**.

EUROPOL Amended Regulation 2022/991

Cooperation with Private Parties

To support Member States in cooperating with private parties where those private parties hold information relevant for preventing and combating serious crime and terrorism, ***Europol should be able to receive personal data from private parties*** and, ***in specific cases where necessary and proportionate, exchange personal data with private parties****. (Art. 32)

* In accordance with Regulation (EU) 2016/794, ***in certain cases and subject to conditions, it can be necessary and proportionate for Europol to transfer personal data to private parties*** which are not established within the Union ***or in a third country*** which is the subject of an adequacy decision or with which an international agreement or a cooperation agreement has been concluded, or where appropriate safeguards with regard to the protection of personal data are not provided for in a legally binding instrument or Europol has not concluded that appropriate safeguards exist. ***In such cases, the transfer should be subject to prior authorisation by the Executive Director.***



Recommendations

- All THB cases should involve a financial investigation, but only the more complex cases are likely to require the input of a forensic accountant.
- Financial investigation should be used not only for asset tracing, but for the purpose of identifying evidence, detecting criminal networks and determining the scale of criminality.
- It is imperative to pro-actively seek financial information at the earliest possible opportunity in all THB investigations.
- Consider preemptive actions, such as developing THB casework from available financial intelligence.
- Use the Business Model Canvas, or a similar tool to consider all key angles to THB investigations.
- Consider whether the financial evidence gathered may constitute an additional money-laundering charge, particularly if there is a cross-border element to transfers.
- Do not be put off investigating businesses. Discuss the matter with a forensic accountant who will be able to provide advice.
- For cross-border THB cases, consider setting up a Joint Investigation Team (JIT), which greatly facilitates international cooperation. Contact EUROPOL and EUROJUST who will facilitate the JIT process.
- Engage with EUROPOL and EUROJUST when deciding which country/ countries in which to litigate.
- Where the Defence instructs a forensic accountant, do the same!
- Use the ALEFA network for advice.
- Use the Asset Recovery Offices (ARO) and Camden Asset Recovery Inter-agency Network (CARIN) to assist in identification and recovery of international proceeds of crime.
- Once a case is complete, it is often "out of sight, out of mind", however there are always lessons which can be learned. Disseminate the key aspects of your THB case to EUROPOL, they can analyse the scenario further, disseminate appropriate methodologies and identify themes more widely.

Thank you for your attention
Any questions?



Europol, AP Phoenix



www.europol.europa.eu



AGENDA

Date and time	15 July 2022 at 10.00h
Place	EUROJUST, Johan de Wittlaan 9, 2517 JR The Hague, Netherlands
Chair:	National Member for Romania at EUROJUST
Participants:	Sweden, North Macedonia and EUROPOL
Subject:	Case FORCED LABOUR
Timetable	<ol style="list-style-type: none">1. Opening and welcome remarks2. Case description by ROMANIA3. Case description by NORTH MACEDONIA4. Case description by SWEDEN5. Comments by EUROPOL6. Discussion on the way forward – round table discussion on the future cooperation needs (MLA/EIO vs JIT)8. Final remarks and conclusions



Workshop: JIT Forced Labour

INSTRUCTION SHEET

You are divided into 3 sub-groups playing for the different States involved in the case: **Sweden, North Macedonia and Romania.**

You have received the following:

1. the instruction sheet (this one that you are reading now)
2. one Factsheet with the events that happened in your group country
3. an invitation to a coordination meeting at Eurojust.

You should prepare yourselves to attend **the coordination meeting at Eurojust.**

You are requested to provide a presentation on the state of play of the case in the country you represent during the coordination meeting.

You should also **assess and plan** how you would like to **move this sensitive case forward.** What kind of cooperation would you like to see? How you think about initiating/joining a JIT. You should discuss and agree the position of your country. **You will be given 30 minutes to prepare yourself.**

For the coordination meeting each country will send **two representatives**, one from judiciary (prosecutor, investigative judge) and one from the law enforcement. You have to nominate these two representatives.

Representatives will report on behalf of the group during the coordination meeting. The duration of the coordination meeting will be around 60 minutes.

You will have 10 minutes for a presentation on the state of play (**5 minutes each of the two**) and 15 minutes for the discussion to agree on the future actions and possible setting up of a JIT.



Workshop: Northern Republic of Macedonia

1 Background

You are working as a **prosecutor** at the Public State Prosecutor's Office in Skopje, and a **senior police officer** at the National Police in Skopje.

In a criminal investigation started up in January 2022, you are investigating *Bruce Lee*, who lives in Skopje and is suspected of trafficking in human beings (THB). *Bruce Lee* is locally known for recruiting people from poor families to work abroad in agriculture. Your investigation has revealed information making *Bruce Lee* a suspect of, but the evidence is only circumstantial. It is evident that he possesses more assets and they have not been earned by means of legal employment.

Following up on *Bruce Lee* financial situation more in depth you learn he has several accounts in three different banks and seems to be involved in extensive financial activities with several fairly large transactions in and out from his different accounts every month, many to or from abroad (Romania and Sweden). The total amounts are several times exceeding his limited monthly salary from the car rental company and clearly indicates some kind of ongoing business-like activity. His account statements show financial contacts receiving and sending money with financial actors as Western Union, CC-Bill, PayPal and MoneyBookers (the last being some kind of internet banks).

Your covert telephone and data interception has been ongoing for a few months. They show intensive text messages exchange with phone numbers registered in Romania and Sweden. You are now all frustrated and conclude you need to find evidence abroad and get help to follow up on the links to other countries in order to find the evidence there (the need for international cooperation can be frustrating and upsetting).

2. Communication to Romania

In April 2022 the North Macedonian National Police at Skopje via the national Europol desks sent information to Romania informing about an ongoing investigation on trafficking in human beings (THB). They also requested assistance to check up on details as exchange of intelligence information. In this communication it was also asked for possible interest to start up an investigation in Romania (RO). You as a police officer at the specialised THB Team summarised the information as follow:

In Skopje, a criminal investigation has started up in January 2022 investigating Bruce Lee, living in Skopje, suspected of trafficking in human beings (THB). He is locally known for recruiting people from poor families to work abroad. Bruce Lee is suspected of providing incorrect or false information about a destination country and the type of employment. Hence, victims who believe to work legally in the destination country, are kept apprehended in farms conducting forced labour. This activity is ongoing.

Wiretapping of Bruce Lee's data communication -as well as analyses of received financial transactions - have led the North Macedonian police to a woman, Pamela Anderson in Sweden. Analyses of Bruce Lee's

bank accounts reveal he has in last years received at least 500 000 Euro from Pamela Anderson and the financial transactions are still ongoing. Bruce Lee transferred also 100 000 euro to Elvis Presley, a Romanian citizen.

3. Invitation to a coordination meeting at Eurojust

A few weeks after your first contact with Romania (via assistance of the Romanian Desk at Eurojust) the North Macedonian Liaison Prosecutor at Eurojust contacted your prosecutor. Romania would like to invite you to a coordination meeting at Eurojust on the 15 July 2022 in The Hague; also, representatives from Sweden (SE) will be invited. You immediately decided you are willing to go as you also had identified the urgent need for cooperation, but this was all new to you.

Your Liaison Prosecutor at Eurojust explained to you about such a coordination meeting.

The Romania desk at Eurojust then officially invited national authorities from Sweden and North Macedonia and the Europol Analysis Phoenix - to a coordination meeting at Eurojust in The Hague on the 15 July 2022.

Today is the Coordination meeting at Eurojust. Your Liaison Prosecutor has explained to you about what is expected in such a coordination meeting and you have been requested to give a “state of play-presentation” of your ongoing investigation including your future needs and plans. The aim of the meeting is to discuss how to proceed on these criminal investigations in the different countries, identify needs and areas for cooperation etc. You have been asked to consider if establishing a JIT could be a useful tool for future cooperation.

You should now prepare yourself for the meeting. Good luck!



Workshop: SWEDEN

You are working as **police officers** at the THB Team at the Swedish National Police in Stockholm, Sweden (SE), and **prosecutors** at the Prosecution Office in Stockholm.

1. Background

A few weeks ago, the Prosecution Office in Stockholm received an urgent European Investigation Order (EIO) from the Prosecution Office in Bucharest (DIICOT) and you were tasked to support the execution.

In the EIO received from Romania you are informed and requested as follows:

You are provided the details of the bank account used by members of the organized criminal group identified in Romania and requested to identify the account holder in Sweden. You are also requested to provide the bank statements for this bank account for the time period of January 2021 until present. In addition, you have been asked to follow up on the criminal register of the account holder and to identify if this person runs any agriculture-related business.

The EIO request is urgent as a large number of men and women are at risk for ongoing labour exploitation and possibly deprived of liberty in farms, why RO also suggests you to start up your own criminal investigation.

2. Execution of the EIO

The Swedish prosecutor in contact with the bank in Stockholm was informed the account holder is a woman called Pamela Anderson and the financial transactions to *Bruce Lee* in North Macedonia and to an unknown person in Romania were also confirmed.

Looking for Pamela's whereabouts the Swedish police inform that her address is with her husband and a sister at their mother's house in Stockholm. Following up with the tax authorities she seems to be fulltime working in agriculture in a farm located 20 km from Stockholm.

3. Investigation

Being explained about the complexity of Pamela's financial involvement in wiring money to Romania and North Macedonia, the SE prosecutor decided to request an in-depth financial investigation to be started. The investigation should be performed by FIPO (The SE financial police). All Swedish banks, Western Union, and known financial internet operators as CCBill, MonyerBookers, and PayPal etc. should be contacted. It should also aim at locating any financial gains as houses/apartments; cars etc., which possible later could be requested, confiscated.

4. Invitation to a coordination meeting at Eurojust

A couple of weeks later the Swedish prosecutor was contacted by SE National desk at Eurojust following up on the execution of the EIO. The SE desk at Eurojust had contacted them to follow up on the EIO, but also to inform you that Romania would like to invite you to a coordination meeting at Eurojust on the 15 July 2022 in The Hague, also representatives from North Macedonia would be invited. Your National Member at Eurojust explained to you about such a coordination meeting and it was agreed also SE should accept the invitation.

The Romanian desk at Eurojust then officially invited national authorities from Romania, Sweden, North Macedonia and the Europol Analyses Project Phoenix - to a coordination meeting at Eurojust in The Hague on the 15 July 2022 **(see the Agenda)**.

Tomorrow is the Coordination meeting at Eurojust. Your National Member has explained to you about what is expected in such a coordination meeting and you have been requested to give a “state of play-presentation” of your findings in SE related to the EIO. The aim of the meeting is to discuss how to proceed on these criminal investigations in the different countries, identify needs and areas for cooperation etc. You have been asked to consider if you are willing to open the investigation and if establishing a JIT could be a useful tool for future cooperation.

You should now prepare yourselves for the meeting! Good luck!



Workshop: ROMANIA

1 Background

The North Macedonian National Police in Skopje sent information to the specialised THB Team at the National Police in Bucharest, Romania (RO). In April 2022 the Romanian Police contacted the Prosecution Office in Bucharest (DIICOT) and a senior public prosecutor was asked to review that information.

You are now the **Romanian National police THB team** and the Romanian **prosecutor** at the Prosecution Office in Romania.

2 North Macedonian part

In April 2022 the North Macedonian National Police at Skopje via the national Europol desk sent information to Romania informing about an ongoing investigation on trafficking in human beings (THB). They also requested assistance to check up on details as exchange of intelligence information. In this communication there was also asked for possible interest to start up an investigation in Romania (RO). You as a police officer at the specialised THB Team summarised the received information as follow:

In Skopje, a criminal investigation has started up in January 2022 investigating Bruce Lee, living in Skopje, suspected of trafficking in human beings (THB). Bruce Lee is locally known for recruiting people from poor families to work abroad. He is suspected of providing incorrect or false information about a destination country and the type of employment. As such, victims who believe to work legally in the destination country, are kept apprehended in farms conducting forced labour. This activity is ongoing.

Wiretapping of Bruce Lee's data communication - as well as analyses of received financial transactions - have led the North Macedonian police to a woman, Pamela Anderson in Sweden. Analyses of Bruce Lee's bank accounts reveal he has in last years received at least 500 000 Euro from Pamela and the financial transactions are still ongoing. Bruce Lee transferred also 100 000 euro to Elvis Presley, a Romanian citizen.

The North Macedonian police asked for your assistance to locate and identify the suspected Elvis Presley in Romania

3 Romanian part

Following some intelligence work, you identified Elvis Presley running a transport company. Based on the information received, the prosecutor had started up an investigation and ordered the local police in charge of the investigation to contact all Romanian banks to collect bank information and account details of Elvis Presley's accounts. Checking the received information from Elvis' bank account, his financial interactions with Bruce Lee in North Macedonia were immediately confirmed.

The Romanian police also registered several reports submitted by relatives of Romanian citizens who were recruited and transported to Sweden to work legally in agriculture. After a few weeks of departure, the contact with them stopped. From a few text messages received it seems that they are kept

apprehended in farms conducting forced labour. Transport to Sweden was organised by a company run by Elvis.

4 Swedish part

The Romanian prosecutor sent an EIO to Sweden to ask for banking information on Pamela Anderson in Sweden (SE). The investigative measures requested through the EIO were: to check the identity and contact details of the account holder; a bank statement from 2021 until present; a request for the police to check if the account holder had any record of involvement of THB or similar in the past; and to identify if he works in agriculture. The EIO outlined the background for the suspicion of Pamela Anderson as being involved in THB scheme and suggested SE to start up their own investigation.

5 Decisions

Assessing the so far gathered information the Romanian prosecutor concluded:

- Being explained the complexity of Elvis financial activities, the RO prosecutor decided to request an in-depth financial investigation to be started. All Romanian banks, Western Union, and known financial internet operators as CCBill, MonyerBookers, and PayPal etc. should be contacted. It should also aim at locating any financial gains as houses/apartments; cars etc., which possible later could be requested, confiscated.
- The RO prosecutor decided to contact the RO Eurojust desk to request a coordination meeting at Eurojust. It was agreed representatives from North Macedonia and Sweden should be requested to attend, as well as Europol.

6 Invitation to a coordination meeting at Eurojust

Following the agreement, the Romanian desk at Eurojust and Europol were contacted and the meeting was agreed to be held on 15 July 2022.

The Romanian desk officially invited national authorities from Sweden, North Macedonia, Romania and the Europol Analysis Phoenix - to a coordination meeting at Eurojust in The Hague on 15 July 2022 inviting the prosecutors in charge in each country and their investigators, to discuss how to proceed on the criminal investigations and how to share information (**see the Agenda**).

Tomorrow is the Coordination meeting at Eurojust. Your National Member has explained to you about what is expected in such a coordination meeting and you have been requested to give a “state of play-presentation” of your ongoing RO investigation including your future needs and plans. The aim of the meeting is to discuss how to proceed on these criminal investigations in the different countries, identify needs and areas for cooperation etc. You have been asked to consider if establishing a JIT could be a useful tool for future cooperation.

***You should now prepare yourselves for the meeting!
Good luck!***



THEMIS
INNOVATION | INSIGHT | INTELLIGENCE


Public-private partnerships in
countering THB financing, the role
of financial institutions and
technological tools to assist them in
identifying risks

PROVIDING INNOVATIVE SOLUTIONS THAT FIGHT
FINANCIAL CRIME



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

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



THEMIS

AGENDA


- Welcome & Introductions
- Is THB a financial crime and what are the potential links with the financial sector?
- How can effective PPPs drive intelligence sharing, knowledge and awareness?
- What can we learn from FIs about the global nature of THB?
- How can banks work with FIUs to detect and report suspicions of THB?
- Case studies and examples: Digital tools to help both the public and private sector in the fight against THB
- What more do we need to see from a whole system response?
- Conclusions and key takeaways

2






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3



An Agenda for Action Across the Financial Services Sector



Key Risk

While there are some notable examples of financial institutions championing MSMT across their organisations, many continue to face mounting pressure to do more to help prevent and reduce MSMT.

LEGAL RISK

Many countries and jurisdictions have introduced legislation to combat modern slavery and human trafficking. MSMT is a global issue, and financial institutions are increasingly being held accountable for their actions, and for the actions of their supply chain.

REGULATORY RISK

MSMT has particular relevance to financial institutions and their supply chains, which are often global in nature. This has led to increased regulatory scrutiny and reporting requirements.

REPUTATIONAL RISK

Human and labour exploitation in financial institutions and their supply chains has become a major reputational risk. This has led to increased scrutiny and reporting requirements.

CUSTOMER RISK

Increasing customer expectations for ethical and responsible banking practices, and the growing awareness of human exploitation and human trafficking, are driving demand for more ethical and responsible banking practices.

FINANCIAL RISK

MSMT has the potential to cause financial loss to financial institutions and their supply chains, through increased regulatory scrutiny and reporting requirements.

GOVERNANCE

Financial institutions and their supply chains are increasingly being held accountable for their actions, and for the actions of their supply chain.

Key Messages

We are calling on senior leaders to take a clear approach to MSMT in the following areas:

TOINE AT THE TOP

Senior leaders should champion MSMT across the organisation, and ensure that it is embedded in the organisation's culture and values.

DETECT AND DISRUPT

MSMT is a global issue, and financial institutions are increasingly being held accountable for their actions, and for the actions of their supply chain.

MONITOR AND REPORT

Financial institutions and their supply chains should be held accountable for their actions, and for the actions of their supply chain.

Responsibilities in action

MSMT is a global issue, and financial institutions are increasingly being held accountable for their actions, and for the actions of their supply chain.

What is responsible for driving action?

MSMT is a global issue, and financial institutions are increasingly being held accountable for their actions, and for the actions of their supply chain.



Many institutions questioned whether they had any links to MSMT

4

What are the potential links with the financial sector?

CULTURE AND STRATEGY			
Engage and educate senior management and design a strategy that addresses modern slavery risks across our operational functions			
MONITOR & REPORT	DETECT & DISRUPT	INVEST & ENGAGE	EMPOWER & SUPPORT
Monitoring your own business and reporting on your control environment	Detecting the proceeds of crime linked to MSHT	Investing and lending responsibly to mitigate MSHT risk	Supporting survivors and engaging your team to support victims of MSHT
<p>Do you have links to modern slavery through your own business? Are you doing the appropriate due diligence on your own customers, staff and supply chains to make sure they are not involved in MSHT?</p> <p>Are you compliant with reporting requirements?</p>	<p>Are illicit proceeds of MSHT flowing through your financial networks? Are your staff equipped to identify and investigate suspicious activity and engage with law enforcement on MSHT?</p>	<p>Do you have any indirect links to MSHT through your lending or investment portfolios? Is your organisation strong enough to withhold funds where suspected links exist? How are modern slavery risks factored into ESG decisions and due-diligence processes?</p>	<p>Can you support financial inclusion and help survivors rebuild their lives? What are you doing to raise awareness and promote staff volunteering?</p>

5

Free to access digital training - launched March 2022

Access the training at <https://themisknowledge.com/>

6

TBH as a trans-national serious & organised crime



RETURN TO THE MENU



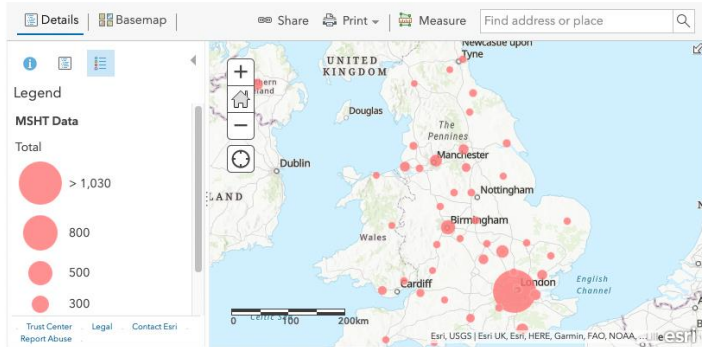
MODERN SLAVERY IN THE UK



MODERN SLAVERY INCIDENTS IN THE UK

ArcGIS ▾ MSHT Map Q3 2021

Open in Map Viewer Modify Map Sign In



USE THE CONTROLS ON THE MAP ABOVE TO FIND OUT HOW MANY CASES HAVE BEEN REFERRED TO THE NATIONAL REFERRAL MECHANISM IN THE LAST QUARTER

Continue

7



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AUSTRAC's Fintel Alliance, an intelligence driven Public Private Partnership (PPP) established in early 2017, developed a project combatting child sexual exploitation with the following objectives:

- increase the resilience of the financial industry through fact sheets and indicators papers
- support law enforcement investigations, increase combatting live distance child abuse
- protect vulnerable members of the community through education, disruption and prevention

Methodology of the study:



10

As to the *modus operandi* of criminal actors, the model describes a common set of practices, where an offender typically engages a facilitator online, who will receive payments in small amounts from the offender. In addition to the *modus operandi*, there are certain environmental factors that create the conditions for this crime to emerge, and these factors include:

- internet access
- poverty or difficult financial position
- reliable money remittance or financial institutions
- limited knowledge of offending

Financial indicators pointing at CSE:

- small transaction amounts (\$15 - \$500)
- frequency of payments (multiple payments on 1 or consecutive day(s))
- offenders difficult to profile (unlikely family or work links)
- facilitators can be male or female, sometimes no direct links with offenders
- due to the opportunistic nature, there is no patterns identified in the timing of payments
- reason for payments

A key outcome of the project was the production of an indicator papers resulting in 945% increase in reporting SMRs related to child exploitation.

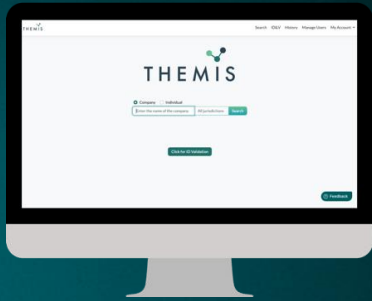
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CSE – “Live-distance Child Abuse”

TRIGGERS	TRENDS
<ul style="list-style-type: none"> • School closures • Lack of social interaction in person • Intensive use of social media and new technologies (encrypted messaging services and dark web platforms) • Deepening economic crisis • Travel restrictions prevented offender from travelling and so they have shifted their focus to the exchange of child sexual abuse materials (CSAM) online 	<ul style="list-style-type: none"> • Significant increases in activity relating to CSA and exploitation on both the surface web and dark web during the COVID-19 lockdown period. • The use of child sexual abuse materials remains higher than at pre- COVID-19 levels. • The total number of referrals from NCMEC (National Center for Missing and Exploited Children) to Europol is an indicator of the amount of CSAM distributed on the surface web. During the first lockdown (March-April), this indicator was as twice as high for Germany in comparison to 2019. • The new lockdown measures re-instated throughout the EU Member States from the end of last year might further sustain this rise in the spread of CSAM and related referrals.
RED FLAGS	
<ul style="list-style-type: none"> • Suggestive or sexual comments in the transaction communication • Transfers to high-risk countries • Numerous payments to various online chat software • Transactions involving small amounts of money • Multiple payments on a single day 	

12

Digital tools to help both the public and private sector in the fight against THB



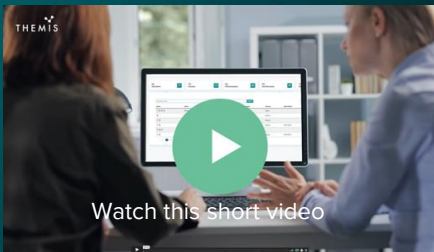
Monitor Search IDEV History My Account

30/51 Alerts / Total Clients 30/51 Sanctions 15/24 Political Exposure 2/6 Law Enforcement 1/9 Adverse Media

Type client name Search + Add Client ↓ Import Clients

Status	Name	Country	Date of Birth	Action
🚩	А. Дзінця Анастольвіч Мінолап	Belarus	1974-12-28	...
🚩	А. Аліхер Уханов	United Kingdom	1953-09-09	...
🚩	А. Дзінці Івановіч	Russia	1977-07-08	...
🚩	А. Сяргей Ніколаевіч Грыбак	Belarus	1977-05-11	...
🚩	А. Валод Іванавіч Іванова	Russia	1966-11-02	...
🚩	А. Валеры Іванавіч Янушэвіч	Belarus		...

Veronika Valeriyeвна Vlasova
 Gender: Female
 Date of birth: 1966-11-02
 Nationalities: Russia
 Address: Бессарава Барысавіча Энцэва (Original Script Name: [Blurred])
 View Occurrence Profiles Launch Investigation Feedback



Watch this short video

www.crime.financial/themis-search

13

Screening clients, suppliers and 3rd parties against MSHT conviction data



Search IDEV History Manage Users My Account

Juliana Chodakiewicz
 Date of birth: Jan 1 1990 12:00AM
 Gender: Female
 Nationality: Poland
 Jurisdiction:
 Address:
 Crime Type: MSHT
 Conviction Date: 05/07/2019 (reported)
 Court: Birmingham Crown Court
 Sentence: 5.3 years
 Refresh Checks

Layout: Clustered Hide Inactives

Operator Fort

- Marek Chowanec
- Natalia Zmuda
- Marek Brzezinski
- Jan Pawal Sadowski
- Wojciech Nowakowski
- Ignacy Brzezinski
- Julianna Chodakiewicz
- Justyna Patrzewska
- Trudy Harding
- Workforce Staffing Ltd
- Paul David Alekna
- Joe John Alekna
- Nichola Grogan

Law Enforcement
 Law enforcement has been reported against Julianna Chodakiewicz.

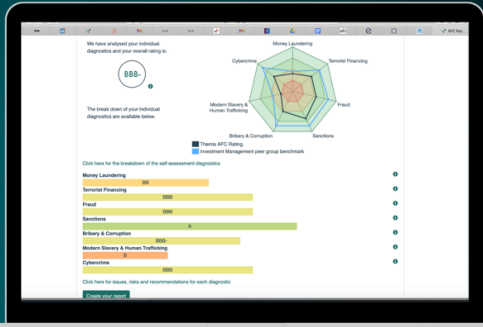
Articles
<https://www.cps.gov.uk/west-midlands/news/secures-convictions-largest-ever-modern-slavery-prosecution>
 Date collected: 2019-07-15
 Subject to law enforcement action by the Crown Prosecution Service.

Operation Fort
 Ongoing Investigation Run By West Midlands Police Into The Largest Modern Slavery Network Ever To Be Uncovered In The UK. The Operation Led To The Conviction Of Eight Members Of The Network On 5 July 2019 And The Identification Of 92 Victims. According To Investigators, The Group Targeted Up To 400 Vulnerable Victims In Poland, Luring Them To The UK With The Promise Of Well-Paid Jobs And Accommodation In The Birmingham Area. On Arrival, The Victims Were Forced To Live In Squalor, Work Long Hours, Were Denied Medical Treatments And Paid As Little As £20 Per Week. It Is Estimated The Group Made More Than £2m Between 2012 And 2017.

Workforce Staffing Ltd Trudy Harding

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Understanding your downstream risk: challenging your suppliers and 3rd parties about their MSHT controls with a digital Risk Assessment



6. Modern Slavery & Human Trafficking

The modern slavery diagnostic will provide you a rating on your anti-modern slavery control maturity. The control maturity assesses if controls are in place for managing modern slavery threats.

- Does your company publish a Modern Slavery Statement or equivalent?
 - Don't Know
 - Yes
 - No
 - Not applicable
- Is an enterprise-wide modern slavery and human trafficking risk assessment carried out?
 - Don't Know
 - Yes
 - No
 - Not applicable
- Is modern slavery and human trafficking considered as a predicate crime for money laundering in your organisation?
 - Don't Know
 - Yes
 - No
 - Not applicable
- How much of a focus is there on monitoring payments to employment and recruitment agencies?

Modern slavery and human trafficking typologies would normally include use of labour and recruitment agencies.

 - Don't Know
 - None
 - A small amount
 - A medium amount

www.crime.financial/innovation

15

A digital repository of tools and resources: The Anti Slavery Hub



Logos for Independent Anti-Slavery Commissioner, THE MODERN SLAVERY, [A/B], unseen, RedFlag Accelerator, and THEMIS.

PREVENTING
MODERN SLAVERY &
HUMAN
TRAFFICKING

TRAINING


WEBINARS |
PODCASTS | MEDIA

MODERN SLAVERY
IN THE UK


TOOLS & GUIDANCE


www.crime.financial/msht


16




Any questions?





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17



Conclusion and Takeaways

18





Financial Investigation of Trafficking in Human Beings

The role and the responsibilities of the judiciary in THB financial investigations
Thessaloniki, 14-15 July 2022
GIORGIA SPIRI -Special Human Trade and Immigration Directorate, Public Prosecution
Office, Palermo



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

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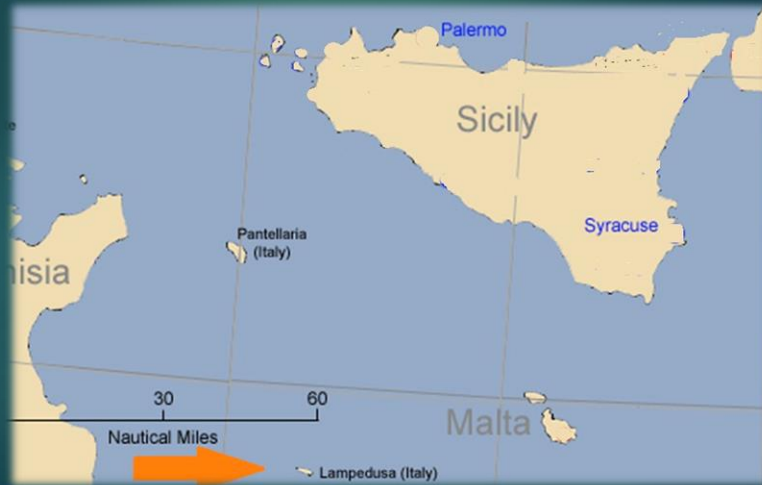
The Lampedusa case: a turning point?

- ▶ On 3 October 2013 an overcrowded fishing boat caught fire, capsized and sank near the shore of the tiny rocky Italian island of Lampedusa off the North African coast
- ▶ 368 persons died, mostly Eritreans and Somalis, 155 survived
- ▶ The captain of the boat, a Tunisian man (Ben El Salam), was immediately arrested because indicated as the “skipper” by some survivors (convicted to 18 years)



2

Muhidin / Ben Salem case: Lampedusa horror



3



After Lampedusa: the Italian Job the national response

Creation of a specialized group of Prosecutors inside the Special Directorate for Mafia Crimes in the Prosecutor's Office of Palermo

Investigations on the criminal networks

Adoption of investigative protocols with directives for the different LEAs

Mafia/O.C. cases approach (double track system):

- extensive use of wiretappings/ telematic interceptions

- investigative interviews with inmates

- support of central investigation services of Police

- Application of legislation for O.C. "turncoats" ("first smuggling supergrass")

- protective measures/benefits for witnesses/survivors (art. 18 Immigration act)

- Focus on financial profile – indictment for use of Hawala method

4

THE DISTINCTION BETWEEN SMUGGLING AND TRAFFICKING

- ▶ The most relevant and specific supra-national source of law regarding the trafficking in and smuggling of human beings is the United Nations Convention against Transnational Organized Crime of Palermo (12 – 15 of December 2000) and its two Additional Protocols (29 of September 2003)
- ▶ **SMUGGLING OF MIGRANTS:** *"the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident"*.
- ▶ **TRAFFICKING IN HUMAN BEINGS:** *"the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs"*.

5

Smuggling/Trafficking:

- ▶ Schematically, smuggling of migrants and trafficking in human beings differ for:
 - a **more aggressive behaviour** of the traffickers which exploits, through the instrument of physical and psychological violence, vulnerable people and act in different phases: recruitment, management, intensive exploitation of persons being transported;
 - for the **temporal element**, since in smuggling the relationship between the migrant and the criminal subject is generally exhausted in the time strictly necessary for the transport, while in trafficking it does not have a predetermined duration and usually tends to be particularly long (for example, in case of debt in which the relationship is extinguished only with the return of the debt – debt bondage) or even indefinitely (for example in cases of abduction, kidnapping or deception);
 - for the concern of the "**commodity**" in trafficking cases, the care that it arrives intact at its destination, this is why judicial experience shows that, on the contrary, the smugglers often, once cashed their price, force the victims to take risky voyages (as happens frequently between the African and Italian coasts) that can also lead to death.

For these reasons, there is no greater objective ferociousness of the trafficking crimes, which usually involve high levels of violence and injuries, because often the smuggling crimes have the largest number of deaths due to the indifference of the traffickers for the good outcome of the trip.

6

NATIONAL LEGISLATION IN THE FIELD OF SMUGGLING AND TRAFFICKING

- ▶ **art. 416, comma 6, c.p.:** a criminal association aimed at committing the crimes of smuggling and trafficking of migrants
- ▶ **art. 12 D. Lgs. 25 luglio 1998, n. 286** (Testo Unico dell'Immigrazione): SMUGGLING of migrants
- ▶ **Art. 600 c.p.:** reduction into slavery
- ▶ **art. 601 c.p.:** TRAFFICKING in human beings
- ▶ **art. 613 bis c.p.:** TORTURE - introduced by law 110/2017, implementing the UN Convention against torture signed in New York on 10.12.1984
- ▶ **art. 630 c.p.:** KIDNAPPING FOR THE PURPOSE OF EXTORTION
- ▶ **art. 61 bis c.p.:** aggravating circumstance of transnationality

7

peculiarity of the double track

- ▶ **art. 51 c. 3 bis c.p.p.,** for the crimes referred to in **art. 416 c. 6 and 7,** carried out for the purpose of committing some of the crimes referred to in **art. 12 T.U.I., 600, 601, 630** of the criminal code, the functions of public prosecutor are attributed to the public prosecutor's office at the court of the capital of the district in which the competent judge is based. With regard to these crimes, the so-called "double track" of organized crime of the mafia type has been extended, based on the following peculiarities:
 - ▶ attribution to the competence of the District Anti-Mafia Directorate and coordination of the National Anti-Mafia Directorate;
 - ▶ extension of the maximum duration of preliminary investigations to two years pursuant to art. 407, paragraph 2, a), nr. 7 and 7 bis c.p.p. ;
 - ▶ extension of the duration of the preliminary investigations without notifying the suspect and the injured person pursuant to art. 406, paragraph 5 bis c.p.p. ;
 - ▶ forecast, in place of the circumstantial gravity required for the authorization of wiretapping operations by art. 267, paragraph 1 c.p.p., of the mere circumstantial sufficiency pursuant to art. 9 of the law 11 August 2003 n. 228;
 - ▶ possibility of carrying out telephone interception operations in places of private residence pursuant to art. 614 c.p. even if the criminal activity is not taking place there pursuant to art. 13 of the decree law 13 May 1991 n. 152, derogation from art. 266, paragraph 2 c.p.p.;
 - ▶ extension to forty days of the duration of interception operations, notwithstanding the ordinary 15 days provided for by art. 267, paragraph 3 c.p.p.;
 - ▶ Possibility of activating the computer sensor (trojan) on a portable electronic device, also with an emergency decree of the Public Prosecutor (Article 266 c.2, 267 c.2bis c.p.p.).

8

INVESTIGATIVE TOOLS

- ▶ **SPECIALIZATION:** due to the experience acquired in the sector, a specialized work group denominated "Traffic and clandestine immigration" has been instituted at the Office of the Public Prosecutor of Palermo
- ▶ **INVESTIGATIVE PROTOCOL:** is a result of the consolidation of certain tested investigative practices and has the purpose of overcoming the numerous critical issues and problems which have emerged during the judicial experience;
- ▶ **EXCHANGE OF INFORMATION:** as rapid and effective as possible among all parties involved, to enable immediate dissemination and sharing of data, including internationally, and to facilitate procedures for identifying and tracing responsible parties
- ▶ **INTERNATIONAL COOPERATION:** criminal investigations have revealed the need for a continuous and, at the same time, flexible international cooperation due to the transnational dimension of the phenomenon and of the organisations

9

INVESTIGATIVE TOOLS

- ▶ **Photographic and audiovisual documentation** of the boat on which the migrants were on board must be carried out immediately to determine its structural conditions and capacity.
- ▶ **Photo-identification and immediate examination of all the migrants who landed,** of the victims of smuggling and of the potential victims of trafficking, with the help of interpreters and cultural mediators who are required to offer the necessary assistance in carrying out the investigative acts.
- ▶ If corpses of migrants are discovered on the rescued ships it will be necessary to proceed, in a timely manner, to confer the assignments for the execution of the relative **autopsy**
- ▶ Is also important to carry out **technical and computer consultancies** on any mobile phones found on board the rescued boat or in the possession of some of the rescued people, which must be seized

10

After Lampedusa the follow-up of the investigation

The statements of survivors on their logistic supports in Europe and their contacts in the departure and transit countries

The gathering of relevant information in the material found after the shipwreck (analysis of smartphone, tablets, social networks documents)

The use of traditional investigation tools together with wiretappings (even on international lines with the **routing technique** which doesn't require a rogatory - it is possible to intercept, without resorting to letters rogatory, the conversations that transit through the telephone "bridges" that route telephone calls to the national territory)

Use of intelligence information as inputs

Lack of judicial/police cooperation in the departure countries

Initial skepticism for judicial/police cooperation in destination countries

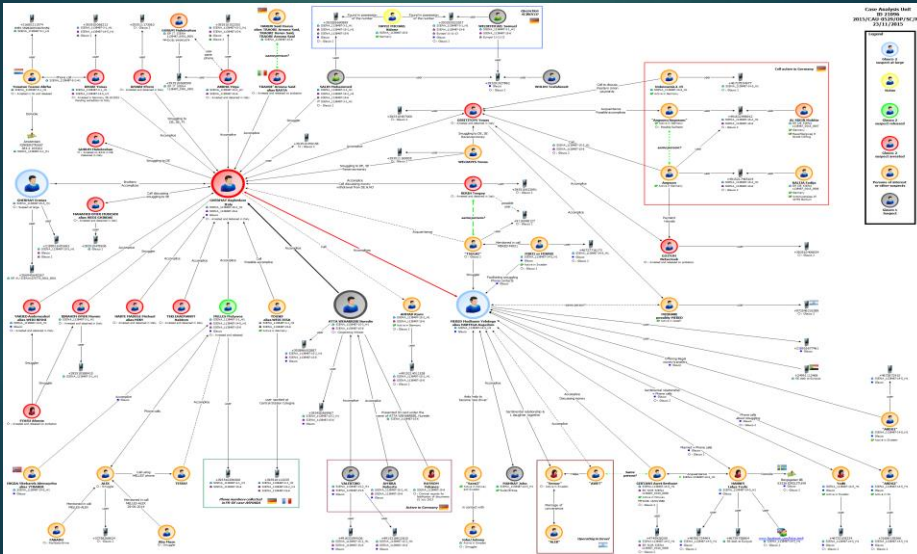
11

THE CONTINUATION OF THE INVESTIGATION

- ▶ If the first objective of investigations into smuggling and trafficking is to identify and arrest the smugglers, the final aim is to identify the other members of the association who act in a synergic and well established way in Italy and abroad: firstly, by kidnapping the migrants and holding them in detention centres until they receive the agreed price for the journey; then, by managing their arrival in our country, and after that, by possibly managing their subsequent exploitation in illegal work or prostitution
- ▶ WIRETAPPING: migrants sometimes provide useful telephone numbers for investigative purposes:
 - phone number of the trafficker;
 - utilities of the people to be contacted once they arrive in Italy
- ▶ analysis of facebook profiles
- ▶ UNDERCOVER ACTIVITIES **art. 9 L. 146/2006**
- ▶ issuance of arrest warrant and subsequent request for validation and application of precautionary measures

12

Glauco 1- 2 networks obtained thanks to telephone records



13

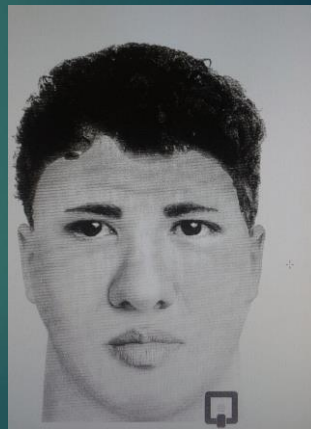
«Operation Glauco»: identification of the two main smugglers operating in Libya and Sudan

Intercept on 31 October 2013 Ermias (Libia) – John Mahray (Sudan)

John: when you organize a trip to Italy you must respect a number of factors because as an organizer you are the person responsible for the fate of «what» you are transporting and your bad behaviour can affect the business of other persons:

- The boats should not leave if the sea is not good;
 - You must be able to deal with the complaints of the migrants;
 - If necessary you must beat them when you are hosting them before leaving («it is good for you as well for them»)
 - Explain them all the risks;
 - Put two persons each 50 migrants to transfer the migrants to the small boats to the «mother-boat»;
 - Collect the money in advance
- «If you respect the rules and they die it means it was their fate»
It is important you learn through your mistakes and next time the travel will be luckier.*

Ermias: it was their fault; they should have called for help when they were at open sea and not wait last minute burning a blanket and causing the shipwreck....



14

Lampedusa case

The description of the kidnapping – tortures – rapes – killing of the survivors:

"They forced us to watch our men being tortured with various methods including batons, electric shocks to the feet. Whoever rebelled was tied up,"

"We were forced to pay up to \$3,500 (2,600 euros) for our freedom and onward journey to the Libyan coast and we paid again in Libya for the boat to Italy.

"The women who could not pay were assaulted,"

"I was raped by three men. They threw me on the ground, held me down and poured fuel on my head. It burnt my hair, then my face, then my eyes. Then the three of them raped me without protection. After a quarter of an hour I was beaten and taken back to the house."

"All the women in that centre were raped by Somalis and Libyans. It was like a concentration camp."

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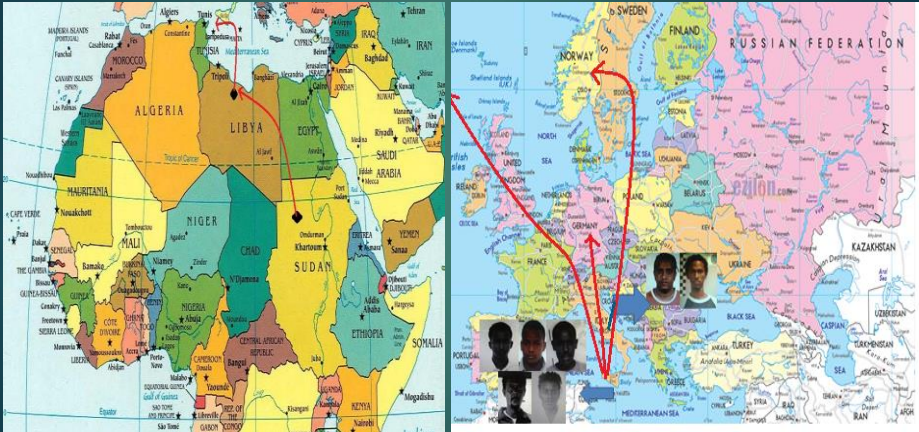
After Lampedusa: the international approach

STRENGTHEN THE INTERNATIONAL COOPERATION

- Eurojust Coordination meetings and "Action day"
- Delivery of relevant data to Europol
- Bilateral meetings for quick exchange of information in the Eurojust framework and with extra-EU countries too
- Providing evidentiary material to foreign Judicial Authorities and Start of national investigations
- Creation of template-case (tactical meeting at Eurojust)
- Signature of ad hoc protocols and memorandum of understanding/use of new UNODC Liaison Magistrate (Nigeria/ Ethiopia/ Eritrea)
- Project THALASSA EU countries / ICC / African countries : JT under art. 19 UNTOC
- "Attempted Cooperation" with Origin/transit countries through "reserved" channels (intelligence?)

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«Operation Glauco»:
organization for the reception of migrants and their
displacement abroad (North Europe - USA)



17

THE SMUGGLING ROUTE



18

THE COOPERATION WITH PALERMO BASED PUBLIC PROSECUTOR'S OFFICE ON «GLAUCO 3» OPERATION

THE CRIMINAL SCENARIO

- IN JULY 2016 38 PEOPLE – ERITREAN AND ETHIOPIAN CITIZENS – WERE INDICTED FOR FACILITATING ILLEGAL IMMIGRATION AND/OR PROVIDING ILLEGAL FINANCIAL ASSISTANCE TO THE MIGRANTS (SO CALLED «GLAUCO 3» OPERATION). THERE IS EVIDENCE THAT THESE INDIVIDUALS WOULD BE MEMBERS OF A CRIMINAL ORGANIZATION BASED IN ROME AND PALERMO WITH CONNECTIONS ABROAD (ERITREA, ETHIOPIA, SUDAN, LYBIA, DUBAI AND NORTHERN EUROPE STATES ETC.)
- ACCORDING TO WHAT SAID BY A TURNCOAT COLLABORATOR OF JUSTICE, AN IMPORTANT MEMBER OF THE ITALIAN ORGANIZATION WAS A «HAWALA» BROKER WHO EVERY WEEK DELIVERED ABOUT 300.000 EURO TO THE HEAD OF THE CRIMINAL ASSOCIATION AT HIS SHOP CLOSE TO ROME CENTRAL RAILWAY STATION
- ON 13 JUNE 2016, IN THAT SHOP STATE POLICE MADE AN IMPORTANT SEIZURE OF CASH FOR 526.000 EURO AND 25.000 USD

19

«Glaucos» - Indictment

TRANSNATIONAL CRIMINAL CONSPIRACY AIMED AT AIDING AND ABETTING ILLEGAL IMMIGRATION FROM AFRICA TO EUROPE

►for the crime as per Art. 416 paragraphs 1, 2, 3 and 6 of the Penal Code and Art. 4 of Law 146/2006, for having associated together and with other persons in the process of being identified, in order to commit a number of crimes of abetment (assistance) of clandestine (unauthorized) immigration (Art. 12 paragraph 1, paragraph 3 letters a), b), c), d) and e), paragraph 3bis, paragraph 3ter letter b of Leg. Dec. 286/1998) and of trafficking in human beings (art. 601 Penal Code) and against persons, public order and public bona fides

►operating in African territory between Central Africa (Ethiopia, Sudan, Eritrea) and Libya, in the role of heads and promoters of the association, making provision for and organizing first the overland route of the migrants (on some occasions also "acquiring" groups of migrants from other criminal associations operating in Africa who had earlier abducted them) to enable them to reach the Mediterranean coasts where they managed the places for their concentration, also policed by armed guards, in the vicinity of Zwarah and of Tripoli, from where they afterwards organized, for payment, the sea crossings to Sicily and also put the migrants in contact with their agents in Italian territory so as to organize their reception in Sicily or their escape from the reception centres after which they helped them, against further payment, to reach the countries of northern Europe identified as their final target by the migrants

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«Glauco» Indictment

ANTI - MONEY LAUNDERING VIOLATIONS (USE OF HAWALA METHOD)

► for the crime Art. 81 paragraph 2, and 110 c.p., Art. 5 paragraph 3 of Leg. Dec. 153/97 (in relation to Art. of Law 52/96 and Art. 3 of Leg. Dec. 374/99) and Art. 132 of Leg. Dec. 385/93 and Art. 4 of Law 146/2006 for having, in complicity together and with a number of actions in execution of a single criminal plan, without any authorization and without being entered on the requisite lists, registers and rolls foreseen by law, illegally carried on vis-à-vis the public activities of financial intermediation and in particular performed activities of illegal receipt of savings, and if illegal intermediation of monetary exchange, through the system termed "hawala", that is enabling third parties, against payment of commissions, to transfer funds abroad and to Italy, by means of fiduciary relations of compensative type with foreign correspondents who made provision to pay to the receiver situated in various African countries – including Eritrea, Sudan and Ethiopia – a sum equivalent to that handed over in Italy, namely for the sender to have an equivalent sum to be paid to the receiver situated in Italy, thus without going through the banking and financial channels and evading the legal provisions regulating such operations; With the aggravating circumstance as per Art. 4 of Law 146 of having committed the fact availing themselves of the contribution of an organized criminal group engaged in criminal activities in more than one State.

21



22



«one of the main reasons of the exceptional danger of O.C. is their wealth but, at the same time, the richness is their real Achilles heel because big money movements leave behind big trails: follow the tracks and you will find *Cosa Nostra*» (Giovanni Falcone).

23

The attack to criminal assets

The “new frontier” of fighting organized crime: Why?

- ▶ Strategically: “one of the main reasons of the exceptional danger of O.C. is their wealth but, at the same time, the richness is their real Achilles heel because big money movements leave behind big trails: follow the tracks and you will find *Cosa Nostra*” (Giovanni Falcone)
- ▶ Economically: protection of the rules of the market economy against the entry into business of individuals who can use illicit capitals seriously altering the base conditions for free competition and locking up development of competition
- ▶ Judicially: Identification of people who are not official internal members of O.C. but support them externally through economic and professional activities
- ▶ Different typologies of confiscation:
 - ▶ Traditional discretionary confiscation of profits, products, costs of the crime
 - ▶ Expanded confiscation
 - ▶ Separation of proceedings against the property from the personal proceedings (Preventive measures proceedings)
 - ▶ The sanctions against the property for their destination as criminal penalty

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Criminal confiscations

- ▶ **240 penal code:** In the case of conviction, the judge can order the confiscation of the things that served or were destined to commit the crime, and of the things that are the product or the profit of the crime. **It's a security measure.**
- ▶ **322 ter penal code:** confiscation by equivalent. It concerns goods not related to the crime that have a value equivalent to the price or profit of the crime. **It's a criminal sanction.** it is applied in the absence of the pertinence link and when it is impossible to carry out direct confiscation, that is to find the proceeds of the crime within the assets of the offender.
- ▶ **240 bis penal code:** extended confiscation for serious crimes. It concerns money, goods or other benefits of which the convict cannot justify the origin and of which, even through an intermediary natural or legal person, he is the owner or has the availability of any value disproportionate to his declared income. **It's a preventive measure** similar to the one provided by **Art. 24 Legislative Decree 159/2011** (so-called Anti-Mafia Code), with the purpose of removing from the economic circuit goods that have an illicit origin, avoiding the accumulation of economic resources in the hands of criminal associations.

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VICTIM'S COMPENSATION

- ▶ **L. 228/03: art. 12** established the fund for anti-trafficking measures to finance assistance and social integration programs in favor of the victims as well as the other social protection purposes referred to in art. 18 d.Lgs. 286/98;
- ▶ **Art. 13** has established a special assistance program for the victims of the crimes of enslavement and human trafficking, in order to ensure adequate housing, food and health care conditions;
- ▶ **D.Lgs 24/14** has implemented **Directive 2011/36 / EU**: providing for **art. 11** the possibility of granting a residence permit for humanitarian reasons to victims of trafficking, even independently of their collaboration with the justice system;
- ▶ **to art. 6** the right to compensation for victims of trafficking (determining the amount of compensation for each victim at 1500 euros; the request for compensation must be forwarded to the Presidency of the Council of Ministers within one year from the final judgment of the sentence or from the end of the the proceeding if the perpetrator of the offense remained intact.
- ▶ the fund is fed with the sums allocated by **art. 18 of Legislative Decree 286/98** as well as with the proceeds of the confiscations ordered following a conviction for crimes referred to in **art. 416 c.6, 600, 601, 602 c.p.** and **art. 12 of Legislative Decree 286/98.**

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Financial/Economic Investigations

- ▶ One of the most important aspects concerns the **asset aggression**, also in the light of the frequent use by traffickers of money movements not traceable because of the use of cash and the **method Hawala** which involves: reduced costs; lack bank charges and capacity to operate in places where there are no banks; reduced risks at various levels. That called Hawala, widely used for the transfer of money from one country to another, constitutes an illegal bank payment system, historically developed in some areas of Africa, of Latin America and of Asia, based on trust between the various actors involved in it. It meets the needs of irregular and usually foreign nationals migrants who do not wish to resort to legal banking channels, involving identification and denoted by traceability procedures, to send part of the money to family or people otherwise close the country of origin or receive it from them. In this cases we have proceeded to charge the traffickers because without authorization and without being registered in special lists, registers and roles required by law, they **exercised abusively towards the public activities a financial intermediation**, especially activities held by abusive collection and illegal brokerage in monetary exchange, through the system known as "hawala" or allowing third parties, against payment of fees, the transfer of funds abroad and in Italy, through fiduciary relationships compensating type with foreign correspondents, which provided to deliver to the recipient site in various African countries - including Eritrea, Sudan, and Ethiopia - a sum equivalent delivered in Italy, or to receive from the sender a sum equivalent to be delivered to the recipient site in Italy, without going through banking and financial channels and in circumvention of the law governing such procedure.

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THE HAWALA SYSTEM

Monitoring of people involved in the smuggling of migrants and in the circulation of money through the method called

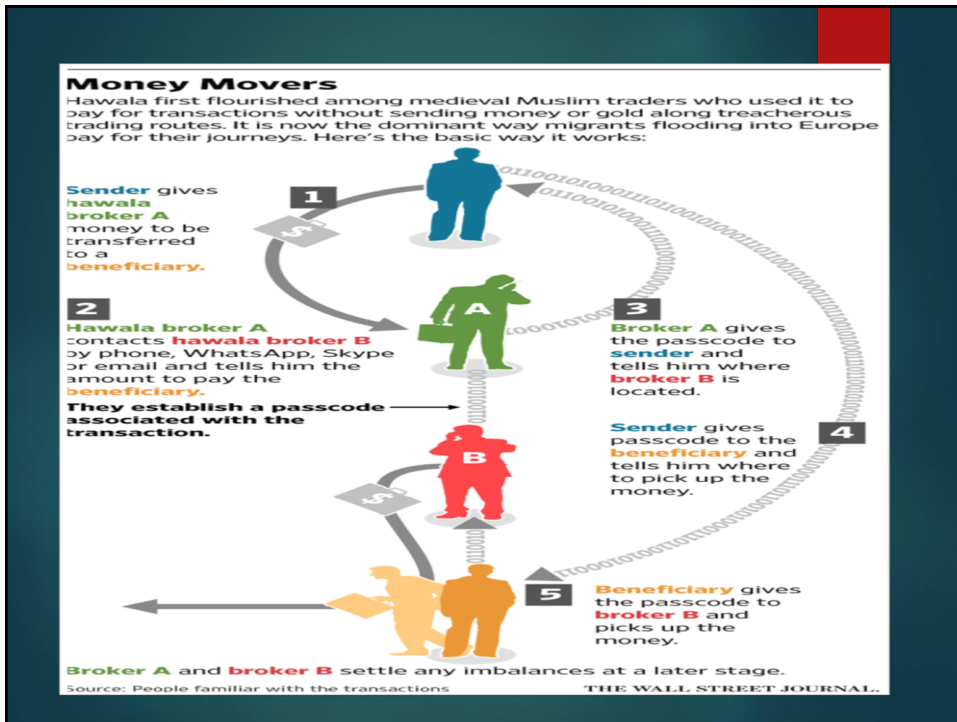
Hawala, in Arabic, simply means "transfer" and is a system that developed in the Middle East during the Middle Ages and then spread to South Asia and parts of Africa.

Hawala is therefore an **informal money transfer system**, based on **trust**, in which private individuals agree with other private individuals. The surcharge on the transaction - i.e. the money that is retained by the hawaladar - is generally higher than that required by the companies legally involved in such cash transfer activities. But in these cases, of course, the interest of the traffickers and migrants themselves to keep the movement of money hidden, so as not to be attacked by the high taxes imposed by the governments of their countries of origin, prevails.

For these reasons hawala has been for years the system used by African migrants to send money to their countries of origin and the system that has recently become more and more important to finance the migrants' journey.

In fact, **hawala is a perfect system to finance illegal activities such as human trafficking**: it is informal, leaves no traces and is therefore almost impossible for the authorities to control.

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The Hawala System

The so-called hawala method is divided into several phases that follow one another over time.

In the initial phase, the person interested in moving money between two distant places hands over the money to a first hawaladar, who provides a code to the client who, in turn, reports it to the final recipient of the money.

The first hawaladar then contacts a **second hawaladar**, his partner, who is at the place where the money will be collected.

At that point, at any time, **the recipient of the transfer can reach the second hawaladar**, show him/her the code and withdraw the corresponding money. Or, the initial customer can call the second hawaladar directly and unlock the transaction in favour of a third person such as, for example, a human trafficker.

without a real transfer of money between the two hawaladars

Everything happens, who then settle their debts.

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HAWALA SYSTEM

- ▶ Essentially, the hawala system allows funds to be rapidly and conveniently transferred usually with a commission much lower than the one applied by banks. Furthermore, the system creates the possibility of reaching remote geographical areas where traditional banks do not operate or where there are armed conflicts or situations of political instability, and, above all, the system allows the total anonymity of transactions, guaranteed by the lack of obligation to identify customers and to record the transactions.
- ▶ The conduct of the hawala intermediaries, consisting in having "*continuously offered to the public and to an unspecified number of people, the service of collecting money and exchanging currency, as well as the management of the subsequent transfer abroad*", falls under **Article 131 ter of the [Italian] Consolidated Law on Banking**. In fact, it constitutes an abusive provision of payment services, in the form of money remittance, systematically carried out for an indefinite number of recipients, without the authorisations provided for in Article 114 novies and outside the exception provided for in Article 114-sexies of Legislative Decree No. 385/93.

31

Operations GLAUCO

GLAUCO I - Shipwreck occurred on 3.10.2013 in Lampedusa: Operation GLAUCO launched. 366 migrants lost their lives sailing on a boat.

The captain of the boat responsible for the disaster and some of the traffickers active in Libya in organizing migrants journeys to the Italian coasts were identified and arrested.

Further investigations: 12 people under arrest, considered contacts in Italy of the Libyan criminal association.

GLAUCO II - Investigations launched in May 2014: reconstruction of the organizational structure of a dangerous transnational criminal network, composed of 24 subjects, mainly Eritreans and Ethiopians, facilitators of the illegal immigration of several hundred migrants, drawing huge economic profits.

GLAUCO III - The outcome of the investigation, led to the execution, in the provinces of Rome, Viterbo, Agrigento, Palermo, Catania, Trapani, Milan, Lecco, Macerata and Genoa, of 23 arrests of suspects of crime held responsible, in various capacities, of offences of conspiracy to commit crimes, aiding illegal immigration, illegal financial intermediation, money laundering, fraud against the State, as well as conspiracy aimed at international drug trafficking and drug dealing, aggravated by the transnational nature of the criminal association

GLAUCO IV "HAWALANET" - The investigation starts from the monitoring of people involved in the smuggling of migrants and in the circulation of money through the method called Hawala: some of the sums that they have moved would do Reference to fugitive

From the interceptions existence of a **Hawaladar network** operating on the Italian territory (in particular Udine, Milan and Rome), which, besides violating the T.U.B. rules for illegal financial intermediation, were connected with the smuggling of migrants coming from Africa.

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ORGANIZATIVE PROTOCOLS FOR FINANCIAL INVESTIGATION

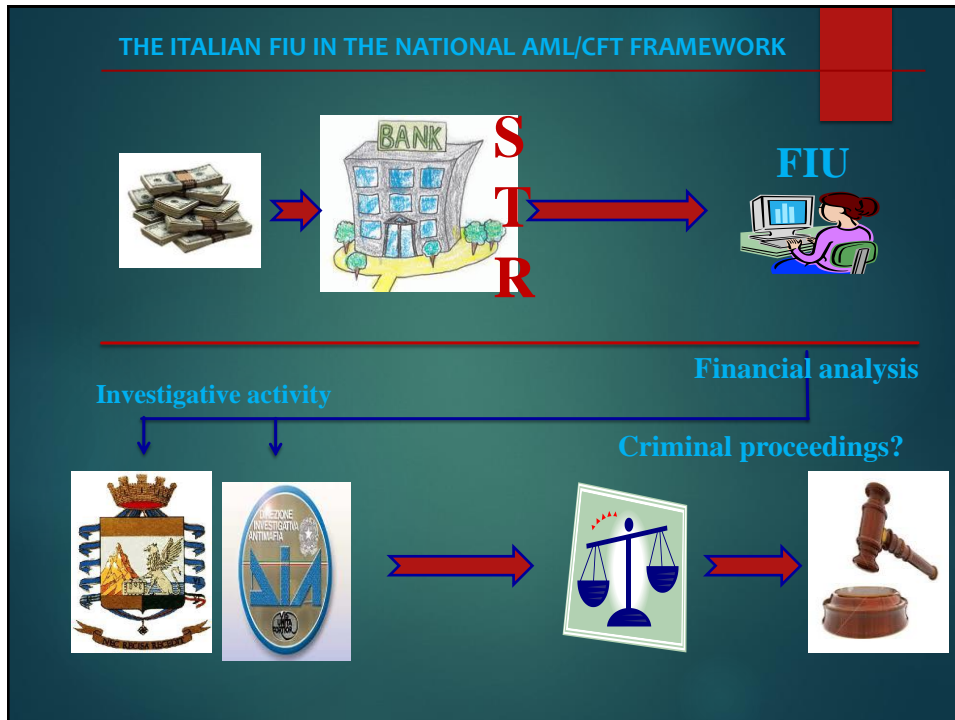
- Creation of specialized groups inside the OTP
- Automatic mechanisms for the start of the proceedings
- Creation of administrative and judiciary police structure to support the prosecutors work
- Coordination between the different authorities in charge for starting the proceedings for seizure/confiscation

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COOPERATION WITH THE ITALIAN FIU

- ▶ The FIU is an important stake holder established at the Bank of Italy and performs its tasks in full independence and autonomy.
- ▶ It provides information to the judicial authority. It is very useful for obtaining a rapid exchange of information also with other countries of the European Union prior to the future probative acquisition through letters of rogatory.
- ▶ The FIU shall avail of human, technical and financial resources and capital goods of the Bank of Italy in accordance with principles of economic, proportional, efficient and effective management.
- ▶ An annual report is transmitted to the Parliament together with a report by the Bank of Italy on the financial means and the resources assigned to the FIU. It provides a useful tool for cross checking data. It also periodically sends a suspect transaction report to the prosecutor's office (STR).
- ▶ The Financial Intelligence-Information Unit is an «administrative» institution.

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THE COOPERATION FIU/ JUDICIAL AUTHORITIES

The Italian system is based on the cooperation between reporting entities, FIU and law enforcement agencies.

- A special cooperation between FIU and the investigative bodies is foreseen by the law and starts on the base of a case-by-case approach following a decision of a Public Prosecutor.
- Legal framework LEGISLATIVE DECREE N. 231/2007 (Cooperation with judicial authorities) ART. 9, co. 10
- "The FIU and the investigative bodies shall cooperate to facilitate identification of every circumstance involving facts or situations in order to prevent the use of the financial system and the economy for money laundering or terrorist financing. To this end, the investigative bodies may provide information to the FIU."
- Analysis of financial flows concerning a predicate offense for money laundering.
- Public Prosecutor's Office provides FIU with criminal information about the investigated case.
- Time-consuming
 - Providing financial expertise to prosecutor's office is a very time-consuming activity because the FIU final report can be used as an evidence by the Public Prosecutor (not in case of technical reports concerning STRs)
 - Financial scenario analysis
- It is essential to do a preventive evaluation of the advantages of the cooperation, making a financial scenario analysis and keeping in mind the potential intelligence contribution coming from the FIU

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THE ILLICIT PROCEEDS OF HUMAN SMUGGLING: THE FINANCIAL SCENARIO ANALYSIS

- ▶ Human smuggling is financed by the migrants' relatives/friends, mostly living abroad.
- ▶ They pay the traffickers mainly by cash through the well known «hawala system» or sending money through Money Transfer Service Providers (MTSP), carrying out many transfers of small amount.
- ▶ In case of payments through MTSPs the traffickers do not receive the payments directly, but they use a large network of partners that collect the payments coming from the migrants' relatives and deliver the money usually by cash but sometimes reloading payment cards.
- ▶ Profits for the traffickers are given by those payments net of the management costs.

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THE ILLICIT PROCEEDS OF HUMAN SMUGGLING

- ▶ FIU potential contribution to criminal investigations:
 - ▶ Searching RADAR (FIU in-house STRs data base) to find out financial and personal connections;
 - ▶ Requesting additional information to the reporting entities
- ▶ The challenge:
 - ▶ Tracing the payments and the network of people involved in the «business»
 - ▶ Finding out financial outflows from Italy and possible connections with Italian criminal organizations
- ▶ The main questions:
 - ▶ - Are the huge profits of the «business» laundered through the Italian/foreign legal financial system?
 - ▶ - If not, how does cash move from Italy to abroad?

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A PRACTICAL CASE (1)

- ▶ Monitored all the bank accounts held by the suspects in the Glauco case and the money transfers ordered by them in the years 2015-2016

- ▶ Found out 39 STRs referring to:
 - ▶ the indicted people
 - ▶ others detected as counterparts of these ones
 - ▶ people having a counterpart in common with a) or b)
- ▶ All the STRs were sent by MTSPs and the transfers were carried out between January 2013 and September 2016

- ▶ With reference to the money transfers carried out from 2015 to 2016 at the «monitored agency»

- ▶ Analysis

- ▶ more than 13.000 orders («send») for about 9.000.000 Euro - mostly «cash to account» - performed through the MTSP «A»

- ▶ about 74.000 orders («send») performed through the MTSP «B» for more than 22.000.000 Euro - all «cash to cash»

- ▶- Monitored more than 4.000 transactions carried out by the indicted people at Poste Italiane since 2006 and 36 «PostePay» payments cards held by them

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A PRACTICAL CASE (2)

1) THE FINANCE OF ILLEGAL IMMIGRATION

THE MEMBERS OF THE CRIMINAL ASSOCIATION RECEIVE DIRECTLY JUST A FEW PAYMENTS FROM RELATIVES/FRIENDS OF MIGRANTS

From January 2013 to September 2016, all the 38 indicted people received n° 236 money transfers from abroad for about 110.000 Euro - mainly coming from USA, Norway, Israel and Germany - through different MTSPs. In the same period they sent money abroad for a small amount.

THE STRs ANALYSIS CONFIRMS THE HYPOTHESIS THAT A NETWORK OF COLLECTORS IS THE RECIPIENT OF THE MONEY COMING FROM ABROAD

From January 2013 to September 2016, citizens resident in Italy other than the indicted people - mainly Eritreans or Ethiopians - received money transfers from abroad for a total amount of about 350.000 Euro. Also in this case the transfers from Italy to abroad were not significant. More in detail a total amount of about 200.000 Euro was transferred to Rome from abroad.

THE TOP 10 COUNTRIES FOR TOTAL AMOUNT OF ORDERS TO ITALY ARE: USA, GERMANY, UNITED KINGDOM, NORWAY, FRANCE, SWEDEN, SWITZERLANDS, NETHERLANDS, ISRAEL AND CANADA.

2) THE MONEY COLLECTOR PROFILE

Many Eritrean people resident in Italy collect money in favour of their fellow-countrymen and allegedly deliver it to the traffickers. In most cases it is very likely that this activity was done for free.

Just a few ones carry out this activity in a spread and continuous way getting a fee for that.

Found out just n° 4 people, all Eritreans, receiving each one from abroad in one year - mainly in Rome - a lot of money transfers of small amount for a total between 15.000 Euro and 20.000 Euro.

One of them worked as a volunteer at a reception center for migrants in Rome. He was reported for his economic profile not consistent with his declared occupation (employee). As a matter of fact on 02.06.2015 he liquidated his financial assets for about 55.000 Euro.

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A PRACTICAL CASE (3)

►3) THE MONITORING OF THE MT ORDERS

►AN ATTEMPT TO FIND OUT WHERE THE ILLICIT PROCEEDS OF HUMAN SMUGGLING HAVE BEEN LAUNDERED

At the «monitored agency»

- the «send» orders carried out from 2015 to 2016 do not have significant counterpart countries such as Eritrea, Ethiopia, Israel, Lybia and UAE where human smuggling profits should have been laundered (according to what said by a collaborator of justice)

- mostly "cash to account" money transfers were sent to India for a total amount of about 9.500.000 Euro

4) CONNECTIONS WITH OTHER PEOPLE

Through the postepay cards found out connections with

- n° 2 Eritrean citizens who had already been reported who reloaded PostePay cards owned by one of the indicted people

- an Eritrean person who works in a North Italy based company providing services of car hire with driver;

- an Italian lawyer who received many recharges of Postepay cards and was reported several times

- an Italian manager and partner of a passenger transport company in financial difficulties who made two recharges of PostePay card within a period of 15 minutes before/after a recharge carried out by one of the indicted people at the same tobacco shop.

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THE OLDEST IT'S ALWAYS THE NEWEST: the experience of investigation on HAWALA SYSTEM

TRAFFICKERS SEEMS NOT USING FINANCIAL CHANNELS

BOOSTERED: THEIR NETWORK

TOOLS: TRUST, EFFICIENCY AND VIOLENCE.

► The "other face"

► LAW ENFORCEMENT FOR FIGHTING SMUGGLERS NEED:

- BOOTS ON THE GROUNDS
- FLEXIBLE, INFORMAL CHANNEL OF COLLABORATION
- INFORMATIONS EXCHANGE

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MAIN ISSUES

- ▶ The delay on starting financial investigations
- ▶ Lack of information from abroad
- ▶ A few informal ties with law enforcements involved
- ▶ Not evidence/ feedback from foreign countries involved (origin)

HUGE AMOUNT (too much?) OF INFORMATION COMING OUT FROM:

- ▶ wiretappings gathered by national and international phone calls, live interceptions
- ▶ monitoring web contacts, skype and whatsapp communication
- ▶ pinpointing local communities
- ▶ Not sufficient resources for managing information in the old way and losing of many relevant info/evidence
- ▶ Network Analysis: built the criminal network (example of Glauco cases)
- ▶ Qualitative analysis software: enhance knowledge of O.C. Smugglers

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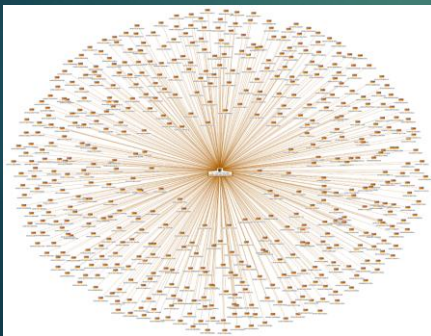
«Thalassa Project»

It's a joint team created under art. 19 UNTOC between ICC, Europol, Italy, Holland, Great Britain.

A new investigative approach for international cooperation

Focus: bring the key players to justice

Philosophy: proactive, modern and generous cooperation in order to identify and tackle the concrete day-to-day obstacles to international cooperation and investigations - increase the understanding of the *modus operandi* of the criminal network's infrastructure as well as knowledge on the main actors.



- Meetings between Prosecutors and investigators;
 - guidelines drafted and procedures adjusted;
- numerous discussions to identify expectations;
- obstacles of all sorts have thus been identified;
 - information exchanges;
 - interviews, vlogs, intercepts;
 - reports, profiles and analyses.

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Art. 19 UNTOC: Joint Investigations

- ▶ States Parties shall consider concluding bilateral or multilateral agreements or arrangements whereby, in relation to matters that are the subject of investigations, prosecutions or judicial proceedings in one or more States, the competent authorities concerned may establish joint investigative bodies. In the absence of such agreements or arrangements, joint investigations may be undertaken by agreement on a case-by-case basis. The States Parties involved shall ensure that the sovereignty of the State Party in whose territory such investigation is to take place is fully respected.

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Threats – difficulties

- full identification of key players for the purpose of international arrest warrants;
- identification of witnesses willing and able to testify against the main smugglers;
- sufficient, concrete, real-time picture of the perpetrators to track them and create opportunities to get them arrested and extradited;
- developing working relations with countries where the main smugglers reside and invest in order to be able to collaborate in a fruitful way to make arrests, find evidence and seize assets;
- preventing unnecessary overlap & gaps in activities, including issues that complicate a real common analysis of data;
- obtaining a sufficient clear picture of the 'international crime' aspects of the criminal activities (nexus to armed conflict, state policy etc.).

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THB/SoM: an international perspective?

Might human trafficking be considered a crime against humanity?

Art. 7 Rome Statute (ICC) includes a list of acts that when committed as part of a **widespread or systematic attack directed against any civilian population**, with knowledge of the attack, will constitute a crime against humanity.

(a) Murder; (b) Extermination; (c) **Enslavement**; (d) Deportation or forcible transfer of population; (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; (f) **Torture**; (g) Rape, **sexual slavery, enforced prostitution**, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender; (i) Enforced disappearance of persons; (j) The crime of apartheid; (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health...".

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Trafficking, slavery, smuggling: could they be crimes against humanity?

Enslavement: exercise of powers attaching to the right of ownership (including bartering or a similar deprivation of liberty) even in the course of trafficking, especially of women and children (ICC crime as CAH)

ICTY CASE LAW (KURANAC ET AL.)

psychological control, deception or coercion in relation to consent.

▶ Widespread or systematic attack against civilians pursuant to a state or organizational policy to commit such an attack;

▶ "Enslavement" does not really capture what trafficking and smuggling entail.

▶ ICTY Trial Chamber accepted, in relation to the trafficking of women in wartime, that enslavement may occur **even when the victims still keep a certain freedom of movement but the situation in which they find themselves leaves them with no real choice of escape with the prospect of conducting an independent life.**

▶ Although the judgment of the ICTY was rendered in relation to wartime, for the ICTY has jurisdiction over crimes against humanity only if occurred during times of war in the territory of the former Yugoslavia, the view expressed by the ICTY on enslavement should serve as a **precedent for similar cases brought in a peacetime context.**

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«Ali's Ghetto» R.G.N.R. 3930/2017

- ▶ 5.3.2017 landing in Lampedusa;
- ▶ 6.3.2017 in the Hot Spot some migrants tried to attack one of them: "Fanti";
- ▶ Executed by the agents described the prison where they were kidnapped before embarking on the journey to Italy: "Ali's Ghetto";
- ▶ 14.3.2017 arrest of a suspect of crime against Fanti was issued;
- ▶ 9.6.2017 in Isola Capo Rizzuto some migrants recognize Rambo as one of the torturers of the Ghetto di Ali;
- ▶ 18.6.2017 a crime suspect was issued against Rambo;
- ▶ 5.10.2017 evidentiary incident;
- ▶ 5.10.2017 request for immediate judgment;
- ▶ 18.12.2018 Shortened judgment - Sentence of life imprisonment for both defendants - confirmed on appeal.

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Migrants statements:

- ▶ Personally, I was fiercely tortured by FANTI, a Ghanaian, who holds the position of deputy head of the prison, and was second to the Libyan boss ALI'. The aforementioned FANTI then embarked on my own boat and arrived, too, here in Lampedusa. Another who beat me assiduously was this Koudous from Nigeria. There was another, this Nigerian jailer RAMBO who, even if he did not beat me, proceeded to torture other migrants. The tortures to which I have been subjected are innumerable. For example: I was tortured with live electric cables. On this occasion they made me put my feet on the ground, where they had previously poured water. Then they proceeded to turn on the electric current to release the voltage on me. I suffered very violent electric shocks. This happened about twice a week. Other times, they beat me, in various parts of the body, with tubes. Sometimes they tied my arms and then hung me in the air, to beat me repeatedly and violently. None of us dared to react. It was a climate of total terror. Once they smashed my head with the butt of their rifle. Most of the violence I have suffered can be traced back to the aforementioned FANTI, the Ghanaian. Once, I got to see that RAMBO, the Nigerian, killed, after having gagged and tortured him for a long time, a Nigerian migrant who was there with us. Also, I got to hear that women were frequently raped by jailers.

50

Foto from Ali's Ghetto:




51

Danke schön
 Merci!
 Bedankt!
 Dekuji!
 Ευχαριστώ!
 Grazie!
 Obrigado!
 Thank you!
 iGracias!
 Vala!
 Tak!

giorgia.spiri@giustizia.it

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State Police
Republic of Latvia

Asset Recovery Office contribution to financial investigations




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

Natalja Kivleniece
ARO Latvia



1




State Police
Republic of Latvia

The essence of Asset Recovery Office

Facilitation of the **tracing and identification** of proceeds of crime and other crime related property which may become the object of a freezing, seizure or confiscation order made by a competent judicial authority in the course of criminal or, as far as possible under the national law of the Member State concerned, civil proceedings.

COUNCIL DECISION 2007/845/JHA
concerning cooperation between
Asset Recovery Offices of the Member States
in the field of tracing and identification
of proceeds from, or other property related to,
crime



2



Location of assets



3

3



Information that could be obtained by ARO

- Bank Accounts
- Real Estate
- Companies
- Vehicles
- Boats
- Aircrafts
- Other Assets
- Tax Revenue
- Other information of interest

4

4



Process of information obtaining

- COUNCIL FRAMEWORK DECISION 2006/960/JHA on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union
- DIRECTIVE (EU) 2019/1153 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA

5

5



Information Exchange Channels



up to RESTRICTED



INTERPOL

Basic Protection Level

6

6



Time limits

For countries which transposed 2006/960/JHA:

- 8 hours
- 7 days
- 14 days

No deadlines set for other countries!



7

7



National and cross-border cooperation

- support to national investigations
- international cooperation coordination in the field of asset tracing
- participation in JITs

Crime doesn't pay



8

8





EUROJUST

**EUROJUST' S WORK AND ASSISTANCE IN RELATION TO THB FINANCIAL INVESTIGATIONS,
FREEZING AND CONFISCATION OF ASSETS/JITS**

Prosecutor Daniela Buruiana

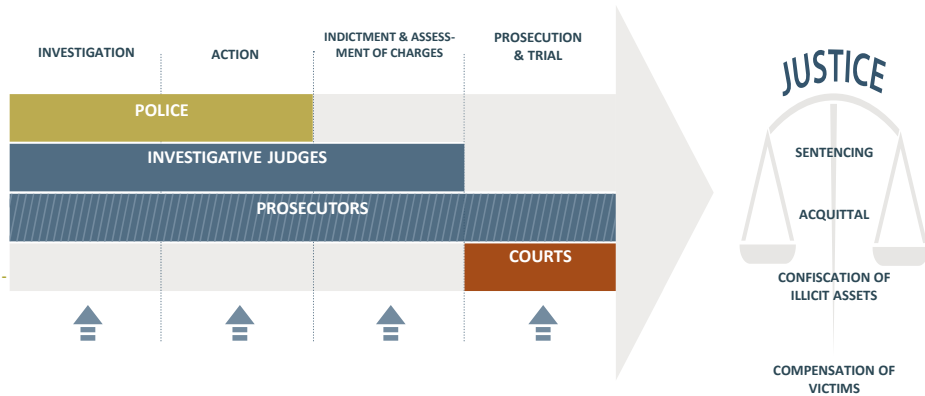
**National Member for Romania at Eurojust
Chair of the Anti-Trafficking Team**



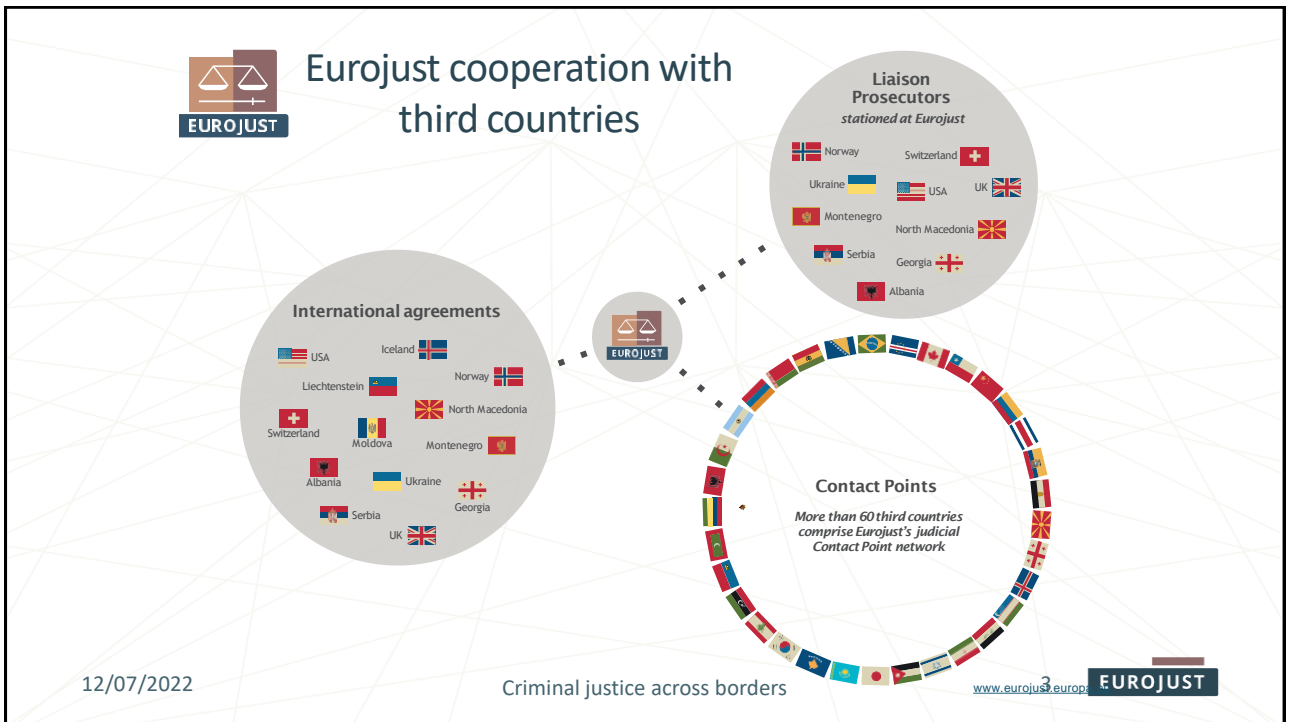
With financial support from the European Union's Internal Security
Fund—Police 2014-2020

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Eurojust Mission: Criminal justice across borders
by supporting and facilitating judicial cooperation
and coordination between judicial authorities



2



3

THB/The current landscape

- ▶ **THB** – serious crime, often **committed by highly organised criminal groups** involving severe exploitation and violations of fundamental rights of victims around the world
- ▶ **Very lucrative crime generating substantive profits for traffickers**
- ▶ **Vulnerable victims** (mostly women but also men and children, taken from their home country , deprived of their ID's cards or not knowing the language etc.)
- ▶ Purpose of exploitation: sexual exploitation(63%), labour exploitation(19%),others
- ▶ **Increased use of the online environment**
- ▶ **Transnational side of the THB - different jurisdictions/legal frameworks** involved (countries of origin, transit, exploitation), evidence spread among different jurisdictions
- ▶ **Judicial cooperation** is crucial in order to obtain evidence which can be accepted in courts

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EUROJUST

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THB investigations/prosecutions

- ▶ Identification and victim protection
- ▶ **Financial investigations/follow the money**
- ▶ Effective cooperation/coordination and commitment of all the involved countries
- ▶ **Evidence gathering processes**

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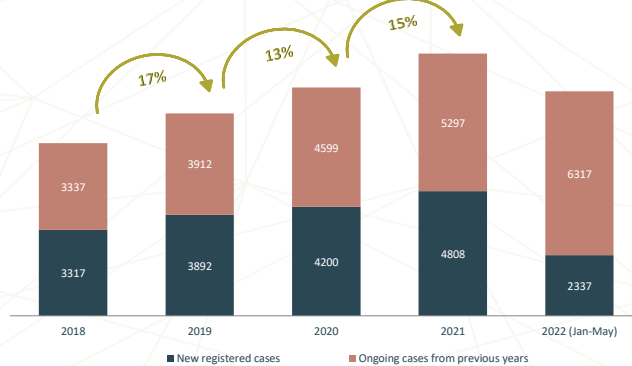
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Workload



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Main Crimes Types (2020 – 31 May 2022)

Crime	Cases			CM			CC			JITs		
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
Migrant smuggling	99	170	65	21	25	18	2	0	1	12	12	11
THB	163	141	56	56	46	30	2	3	4	50	46	35
Terrorism	69	80	24	12	9	15	0	0	0	7	9	6
Cybercrime	174	188	60	45	67	12	1	5	0	21	16	11
Corruption	93	113	34	8	13	6	0	0	1	7	11	10
Drug trafficking	562	869	497	87	107	58	4	1	2	50	48	42
Environmental crime	20	21	8	6	11	4	0	1	0	6	6	6
Money-laundering	605	649	301	101	115	63	7	5	4	71	61	50
Swindling and fraud	1270	1454	719	91	111	62	8	11	1	72	73	61

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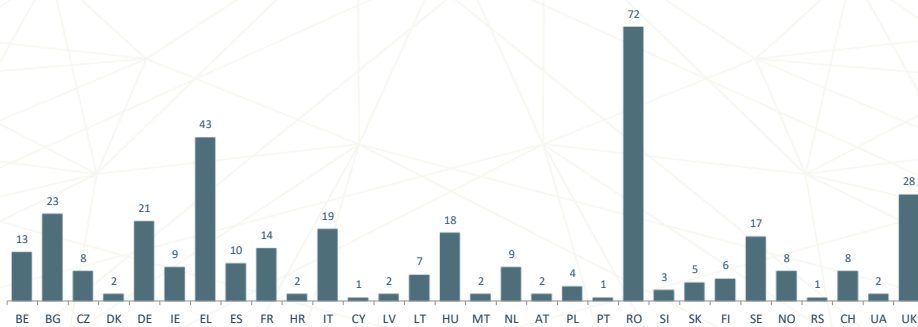
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Requesting countries (Member states and Liaison Prosecutors)



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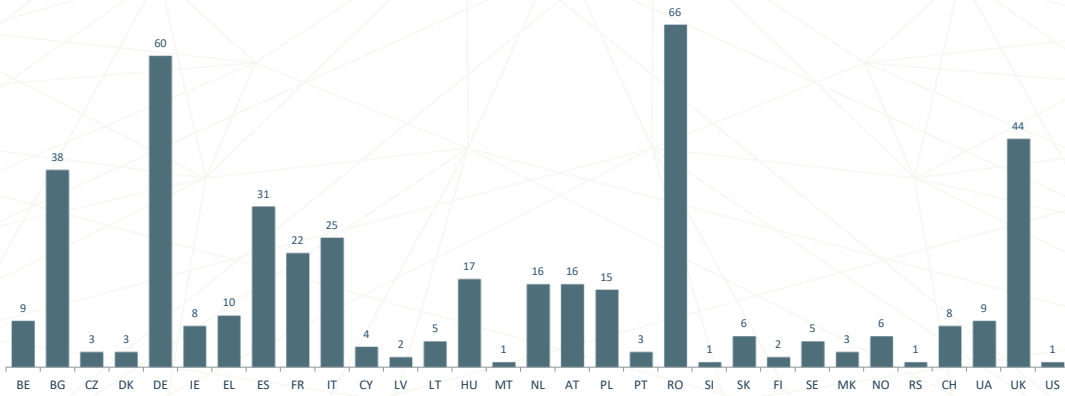
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Requested Countries (Member states and Liaison Prosecutors)



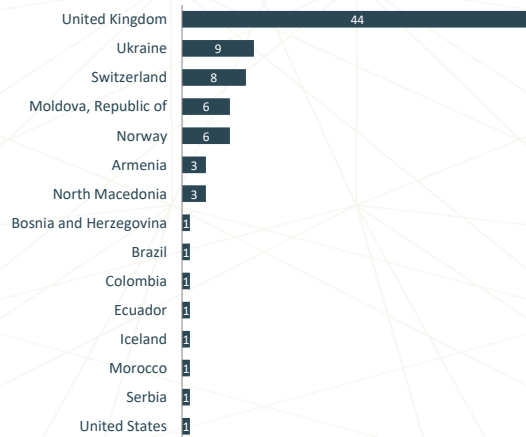
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Requested Third Countries



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EUROJUST

Eurojust support to THB Financial Investigations and Asset Recovery

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Eurojust support/tools

- ▶ Supports competent authorities to build strong THB cases (smooth gathering of evidence/swift execution of judicial cooperation tools/coordinating with 3rd jurisdictions etc)
- ▶ Assists competent authorities to effectively **recover criminal assets** and to contribute to the fight against human trafficking.
- ▶ **Tools** : coordination meetings
coordination centers
JITs



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Complexity

- ▶ law enforcement, financial investigators, investigating magistrates, prosecutors, judges, lawyers, asset managers, victims, *bona/mala fide* parties...



- ▶ investigations, asset tracing, criminal confiscation, non-conviction based confiscation, civil actions, international cooperation, asset management, asset return, asset sharing, victim compensation ...

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Challenges to International Cooperation

- ▶ Coordination and collaboration with domestic agencies and ministries in multiple jurisdictions with different legal systems and procedures
- ▶ Complexity and variety of international instruments
- ▶ Different views of interpretation on terms and international instruments
- ▶ Civil - Common Law Jurisdictions
- ▶ Civil - Criminal Model
- ▶ Concern about exchange of information for civil enquiries
- ▶ Recognition and enforcement of civil confiscation orders
- ▶ Limitations on Disclosure
- ▶ Admissibility of Evidence
- ▶ Security and Data Protection
- ▶ Special invest. techniques + skills to “follow the money” beyond borders
- ▶ Ability to act quickly to avoid dissipation of the assets
- ▶ Questions regarding asset sharing ...

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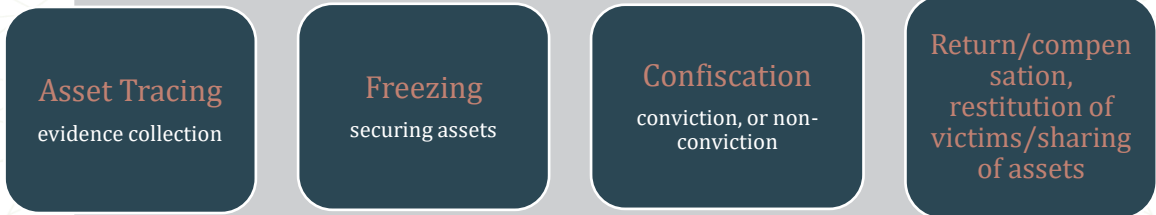
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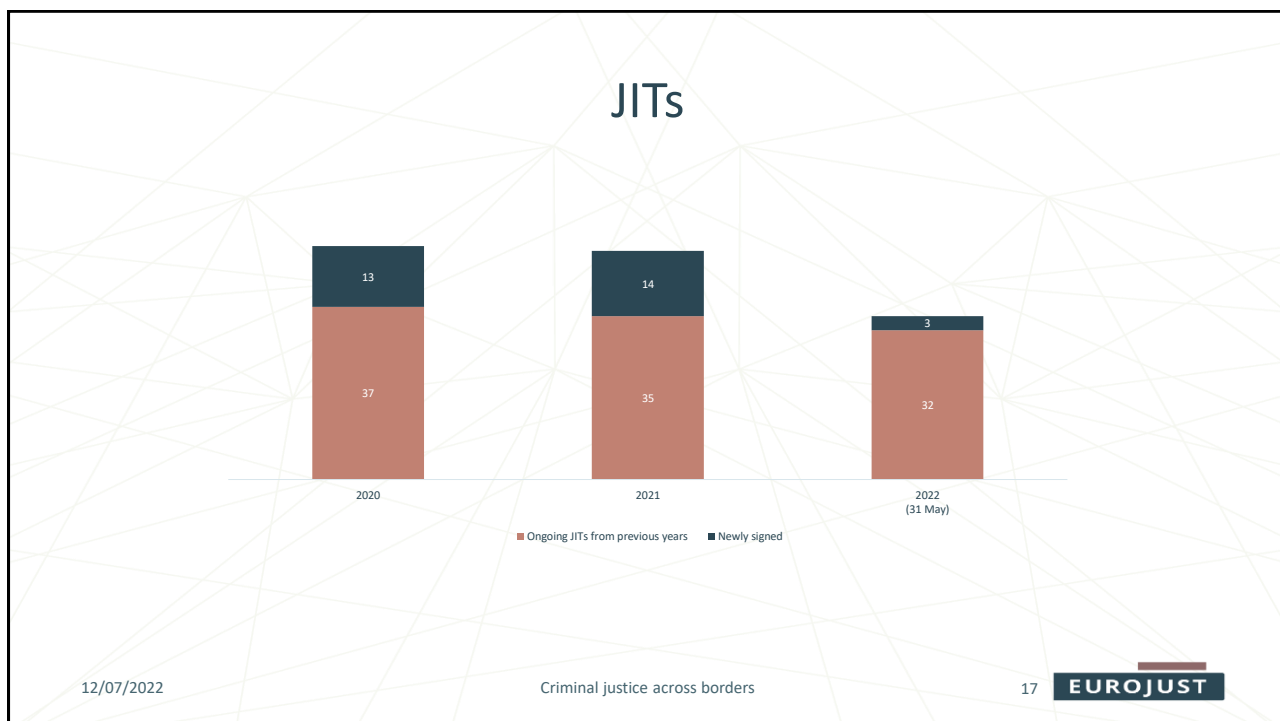
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International cooperation is essential



Joint Investigation Teams (JIT)





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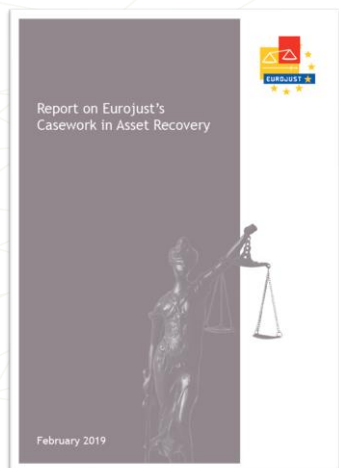
Financial investigations and JITs in THB

- ▶ **Added value of including financial investigations and asset freezing as **purpose of a JIT****
 - Have a clear picture **how** the MS network operates and **where**
 - To find out **who is the main leader and victims**, the headquarter,..
 - Victims' testimonies may not bring the investigators to the leader(s) of the MS networks, **but financial investigations do**
 - Secure strong **evidence** in court
 - **Freeze** the proceeds from trafficking in view of confiscation
 - Secure compensation /restitution claims for **victims**
 - **Reduce** future criminal activity

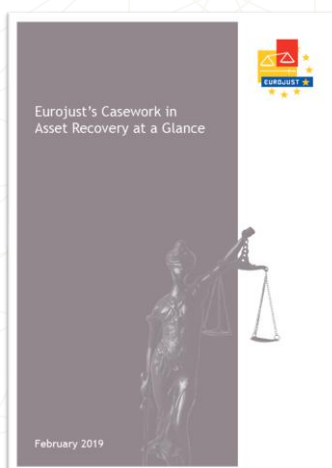
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Report Eurojust casework in Asset Recovery



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Criminal justice across borders

- ▶ Overview legal/practical issues
- ▶ Support provided by Eurojust throughout whole asset recovery process
- ▶ Main judicial cooperation instruments used
- ▶ Best practice
- ▶ 2014-March 2018
- ▶ *At a Glance* (abbreviated version)

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Judicial cooperation instruments and tools

- ▶ **Asset Tracing**
 - Mostly EIO (except DK and IE); 2001 Protocol to 2000 MLA Convention; 1959 MLA Convention (incl. protocols at times); 1990 CoE Convention on Laundering, Search, Seizure and Confiscation, followed by 1990 CISA, bilateral agreements, UNCAC, UNTOC, principle of reciprocity.
- ▶ **Asset Freezing**
 - Currently, Regulation 2018/1805 on mutual recognition of freezing and confiscation orders (except for DK and IE where Framework Decision of 2003 on freezing orders is still in place)
- ▶ **Asset Confiscation and Disposal**
 - Currently, Regulation 2018/1805 on mutual recognition of freezing and confiscation orders (except for DK and IE where Framework Decision of 2006 on confiscation is still in place)

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

- ▶ Replaced the provisions of FD 2003 on freezing orders re freezing of property, and FD 2006 on confiscation orders as from **19 Dec. 2020**.
- ▶ **Main features:**
- ▶ A **single regulation** covering freezing and confiscation orders, **directly applicable in the EU**. It is intended to resolve the issues linked to the implementation of the existing instruments.
- ▶ The general principle of **mutual recognition**, *i.e.*, that all judicial decisions in criminal matters taken in one EU country will normally be directly recognised and enforced by another member state. The regulation only sets out a limited number of grounds for non-recognition and non-execution.
- ▶ A **wide scope of types of confiscation in criminal matters**, such as value based confiscation, non-conviction based confiscation, including certain systems of preventive confiscation provided that there is a link to a criminal offence.
- ▶ Standard certificates and procedures.
- ▶ A **deadline of 45 days** for the recognition of a confiscation order and in urgent case a deadline of 48 hours for the recognition and a further 48 hours for the execution of freezing orders. Those limits can be postponed under strict conditions detailed in the regulation.
- ▶ Provisions to ensure that **victims' rights to compensation and restitution** are respected in cross-border cases.

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Asset Tracing

- **identifying the appropriate** corresponding competent national authority;
- concluding such an enquiry **prior** to seeking assistance;
- using **specialised forensic accountants** to both assist in the investigation of the financial information and serve as potential expert testimony,
- a **multi-disciplinary approach** to asset tracing at EU level, especially in larger cases, combining the skills of specialist authorities in the Member States;
- raising awareness among national practitioners on the statutory responsibilities of the **Asset Recovery Offices (AROs)** and **Financial Intelligence Units (FIUs)**;
- requesting a **full investigation** by the Asset Recovery Offices; and
- including a **financial investigation** as an objective in **all joint investigation team agreements**.

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Freezing and Confiscation

- **early consultation** between the competent authorities in the countries involved to avoid difficulties caused by the differences in national approaches to the Regulation;
- a **comprehensive understanding** of the breadth and limitations of EU and international legal instruments as a necessary guide to the correct choice of instrument, for instance, when seeking recognition of a freezing order or if the assets sought to be frozen are both criminal proceeds and evidence;
- **anticipating** questions relative to the rights of third parties;
- instigating a **parallel investigation** or setting up a **joint investigation team** when the information contained in a freezing order or Letter of Request may identify criminality in the executing/requested State; and
- **understanding the distinctions in the ultimate confiscation instrument to be applied**, e.g. value-based, extended confiscation, non-conviction-based and unexplained wealth orders.

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Asset disposal

- **anticipating** potential causes for delay to **avoid unnecessary loss of value**, such as early clarification of whether the assets were confiscated as a proceed of crime, which may be sold, or as evidence, which may not be sold;
- **anticipating** requirements such as provisions for compensation, compliance with notice provisions and potential appointment of a judicial administrator for a company (liquidator), all of which can be burdensome and create delays;
- considering, if possible, the **early sale of assets** to avoid both loss in value and high management costs; and
- **reassessing the value of a confiscation order** to take into account the ultimate realisation value of a sold property, as difficulties often occur due to significant differences between the estimated value and the value realised.

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Eurojust's added value

- the **coordination** of a joint investigative strategy and intelligence activities;
- **provides advice and clarification in relation to practical , legal and formal requirements** between issuing/requesting and executing/requested authorities;
- the **ability to harmonise and resolve** contrasting views of the effect and requirements of EU and international legal instruments;
- providing a **channel of communication** between the concerned Member States and third States through Liaison Prosecutors at Eurojust and Eurojust contact points;
- the **coordination of the transmission and execution** of EIOs and LoRs, freezing and confiscation certificates between competent authorities in complex cases and ongoing parallel investigations;
- the assistance in **drafting** EIOs and LoRs and freezing and confiscation certificates;
- **advice** on the requirements for official translations;
- the potential for an ongoing case review, including **links between parallel investigations**; and
- the **ability to augment mutual trust between investigators and prosecutors**.

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Example of freezing during JAD (1/2)

- ▶ Eurojust assisted in the coordination of a joint action day (JAD) in the countries involved through its **coordination centre at Eurojust**, during which **various freezing orders in different countries**, among others, were simultaneously executed, and during which requests/orders were promptly supplemented, as needed.
- ▶ Eurojust's support with regard to the freezing of assets **during a coordination centre at Eurojust**, in that case, included:
 - **In the course of the searches**, bank transfers appeared to have been made to two other MSs and a third State in amounts totalling approximately EUR 3 million;
 - This situation led to a **new LoR** being issued by one of the involved MSs **during the coordination centre by the prosecutor of that MS (MS A) attending the coordination centre** to the third State seeking the freezing of the money, and certificates being issued to MS B and MS C in relation to the identified bank accounts;
 - Eurojust also confirmed to the prosecutor of MS A attending the coordination centre the **language requirements** for MS B and MS C as executing MSs in the framework of the execution of freezing orders, *i.e.* the languages accepted in these MSs;

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Example of freezing during JAD (2/2)

- Eurojust assisted with the **translation** of the certificates into the languages of the executing States;
- The translated certificates and the respective national freezing order (not translated due to urgency) were **transmitted via Eurojust** (also via FIUs) to the executing MSs;
- **Subsequent transmission of additional information by the prosecutor of MS A attending the coordination centre** to MS B, **via Eurojust**, regarding the role of one of the main suspects in the OCG, his link to the bank accounts in question, and confirmation that a freezing order from MS A had been issued;
- Authorities from MS B informed the relevant parties, via Eurojust, that the freezing order from MS A would be executed **the next day** and that the translated freezing order accompanying the already translated certificate **was required without delay**; and
- A total of approximately **EUR 3 million was frozen** in execution of two freezing orders and of an LoR to a third State **issued during the coordination centre by the prosecutor attending the coordination centre**.

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Eurojust THB case example “Lover boy”

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The case

The facts

- ▶ OCG trafficking women and girls for the purpose of sexual exploitation (2015-2019) using the “ **Lover Boy** ” method
- ▶ 13 victims and 13 perpetrators = all Romanian nationals. Some victims under 18.
- ▶ Recruitment = in Romania
- ▶ Exploitation = mainly in France.
- ▶ Estimated profit 1,2 million EUR.
- ▶ 2 operational meetings at Europol...

Parallel investigations

- ▶ **In Romania (2016)**
 - Human trafficking
 - OCG
- ▶ **In France (2018)**
 - Human trafficking
 - Trafficking of children
 - OCG
 - Aggravated pimping
 - Aggravated money laundering

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Need for judicial cooperation

Issues

- ▶ Eurojust approached in 2019 to support **coordination and judicial cooperation**
- ▶ Parallel proceedings and **risk of conflict of jurisdictions** = same persons and same facts
- ▶ **Urgency to arrest OCG and save victims**
- ▶ Transmission of **urgent EIOs**
- ▶ **Cross-border tracing, freezing and confiscation**



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Eurojust's support

- ▶ **March 2019 – 1st meeting at Eurojust**
 - exchange info and coordinate
 - decision to enter JIT (duration of 6 months) with Eurojust as participant
 - **Financial investigations and freezing as one main JIT aim**
- ▶ **May 2019 – 2nd meeting at Eurojust**
 - prosecutorial strategy agreed (FR centralises proceedings)
 - Europol participates the JIT
 - decision for (urgent) action day
- ▶ **June 2019 – action day supported by Eurojust**
 - Arrests, searches, **freezing**, victims saved
- ▶ **November 2019 – 3rd meeting at Eurojust**
 - **Discussion on the proceeds of crime (vehicles seized on action day)**

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Specific objective and purpose of JIT

(2022/C 44/02)

MODEL AGREEMENT ON THE ESTABLISHMENT OF A JOINT INVESTIGATION TEAM

In accordance with:

[Please indicate here the applicable legal basis, which may be taken from – but not limited to – the instruments listed below:

— Article 13 of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 (*);

— Council Framework Decision of 13 June 2002 on joint investigation teams (1);

OBJECTIVES AND PURPOSE OF THE JIT:

The purpose of the JIT is to collect evidence and share relevant information, identify perpetrators and, where appropriate, interrupt their activities and use the evidence collected for the purposes of prosecution and **seizure for confiscation of the proceeds of crime in I**

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Sexual abuse network stopped with Eurojust's support

14 June 2019 | PRESS RELEASE

The Hague, 14 June 2019

The French and Romanian authorities, in close cooperation with Eurojust and Europol, dismantled an organised group (OCG) involved in the trafficking of 13 female victims for the purpose of sexual exploitation. Eurojust actively supported the joint action day, which led to the arrest of 13 suspects, including one of the main leaders of the OCG, and 15 house searches. Coordinated by Eurojust, the national authorities seized 2 luxury cars, 14 mobile phones and 18 SIM cards, as well as 2 computers, jewelry and cash. The estimated total value of the criminal proceeds is €1.2 million. Eurojust facilitated the issuing of European Arrest Warrants by the French authorities, which were executed in Romania, Germany and Italy. Eurojust helped to resolve another case of sexual abuse last week.

In the last three years, women and girls recruited from Romania were victimised by alleged boyfriends and sexually exploited in France and several other EU Member States. The members of the OCG, most of whom are repeat offenders, are accused of having committed the crimes of trafficking in human beings for the purpose of sexual exploitation, participation in a criminal organisation, as well as pimping and money laundering.

The Specialised Jurisdiction (JIRS) of Rennes and the Craiova Territorial Office of the Directorate for the Investigation of Organised Crime and Terrorism (DIICOT) initiated parallel national investigations into the OCG. To avoid potential conflicts of jurisdiction, Eurojust held two coordination meetings to exchange crucial information on the case and agree on a clear prosecutorial strategy. Eurojust also helped the national authorities by swiftly executing mutual legal assistance (MLA) requests between various Member States and actively following up on their execution. National authorities from Hungary and Slovakia were involved in the search of one of the suspects, enabling the Italian authorities to arrest him.



To advance the national investigations, a joint investigation team (JIT) was set up, which was financially and logistically supported by Eurojust. Europol participated in the JIT, providing

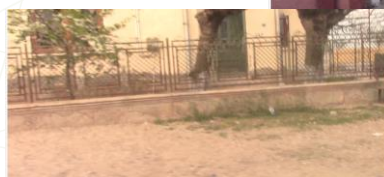
Proceeds of crime

Suspects used profits for their own pleasure, mostly to acquire luxury goods (houses and cars) and to gamble

- Real estate /Houses
- Money Gram + Western Union
- Cash transfers
- Europol assessment to estimate

Seized on the action day in RO:

- 2 luxury vehicles
- Cash (handed over to FR)



The court in France – judgment of June 2021

- ▶ All 13 suspects found guilty as charged
- ▶ The court ordered:
 - **Prison sentences** - ranging from 10 years (leader) to 6 months
 - **Confiscation** of the seized assets, including the vehicles

JUGEMENT CORRECTIONNEL

A l'audience publique du Tribunal Correctionnel de [REDACTED] qui s'est tenue du QUATORZE au VINGT-TROIS JUIN DEUX MILLE VINGT ET UN,

Composé de :

Thank you for your attention !
Questions?



La Strada International (LSI)
European NGO Platform against trafficking in human beings

Ensuring victims' access to compensation



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

1



La Strada International (LSI)
European NGO Platform against trafficking in human beings

La Strada International

- EU NGO Platform comprising 30 members in 24 European countries
- International secretariat based in Amsterdam, The Netherlands
- 9 priority focuses; including access to justice including compensation
- Promotion of compensation: COMP.Act 2009-2012, Justice at Last 2017-2019

2



La Strada International (LSI)
European NGO Platform against trafficking in human beings

Compensation

- Compensation has a restorative, preventative and punitive function
- Right to effective remedy/compensation embedded in (inter) national law
- Need for access to compensation well supported; acknowledged that a functioning compensation system benefits everyone
- Lacking adequate implementation and remaining challenges
- Limited successful compensation claims in Europe

3



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European NGO Platform against trafficking in human beings

UN Convention against TOC (2000)

- Art 14.2: Requires States Parties to **give priority consideration to returning confiscated proceeds of crime or property** to a requesting State Party for **compensation of victims**.
- Art. 25.2: Requires States Parties to **establish appropriate procedures** to provide access to compensation and restitution for trafficked persons.
- Art. 25.3: Requires States Parties to enable the views and **concerns of trafficked persons to be presented and considered at appropriate stages of criminal proceedings** against offenders, in a manner that is non- prejudicial to the rights of the defence.

4



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UN Trafficking Protocol (2000)

- Art. 6.2: Each State Party shall ensure that **information on relevant court and administrative proceedings is provided** to trafficked persons.
- Art. 6.6: Each State Party shall ensure that its **domestic legal system contains measures** that offer trafficked persons **the possibility of obtaining compensation for damage suffered**.

5



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European NGO Platform against trafficking in human beings

CoE Convention on Action against THB

- Art. 15.3: Each State Party shall provide, in its internal law, for **the right of trafficked persons to compensation** from the perpetrators.
- Art. 15.4: Each State Party shall **adopt such legislative or other measures** as may be necessary to **guarantee compensation for trafficked persons**, in accordance with the conditions under its internal law, for instance through **the establishment of a fund** for TPs' compensation or measures/programmes aimed at social assistance and social integration of trafficked persons (*assets funding*)
- Paragraphs 1 & 2 States Parties obliged to ensure **access to information** on relevant judicial and administrative proceedings (15.1), and provide for **right to legal assistance** and to **free legal aid** (15.2).

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European NGO Platform against trafficking in human beings

European Convention on Compensation of Violent Crimes (ETS no. 116)

- Art. 2.1 envisages **State funded compensation scheme** which, at a minimum, covers **nationals and permanent residents** who are victims of **“serious bodily injury or impairment of health** directly attributable to intentional crime of violence”.
- Compensation should **be available even where the offender is not prosecuted or punished** (Art. 2.2), and should cover at a minimum **loss of earnings, medical, hospital and funeral costs, and maintenance for dependants** (Art. 4).
- Art. 8 allows limitations, e.g. a claimant can be denied compensation if s/he is deemed to have “provoked” the crime or when s/he has an unrelated criminal record.

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European NGO Platform against trafficking in human beings

CoE VAW (Istanbul) Convention

- Art 30.1 Parties shall take the necessary legislative or other measures to **ensure that victims have the right to claim compensation from perpetrators** for any of the offences established in accordance with this Convention.
- Adequate State compensation shall be awarded to those **who have sustained serious bodily injury or impairment of health**, to the extent that the damage is not covered by other sources such as the perpetrator, insurance or State-funded health and social provisions.
- Measures taken pursuant to paragraph 2 shall ensure the **granting of compensation within a reasonable time**.

8



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European NGO Platform against trafficking in human beings

Relevant EU Law

- Compensation directive 2004
- Employers sanctions directive 2009
- THB Directive 2011, Art. 11, 12 & 17 & THB Strategy 2021 - 2025
- Victim Rights Directive 2012 & Victims Rights Strategy
- Seasonal workers directive 2014
- Directive on the freezing and confiscation of instrumentalities and proceeds of crime 2014

9



La Strada International (LSI)
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EU THB Directive (2011/36/EU)

- Art. 12.2: Member States shall ensure that trafficked persons have access without delay to legal counselling, and, in accordance with the role of trafficked persons in the relevant justice system, to legal representation, including for the purpose of claiming compensation. Legal counselling and legal aid shall be free of charge where the trafficked person does not have sufficient financial resources.
- Art. 17: Member States shall ensure that trafficked persons have access to existing schemes of compensation
- Art. 11 establishes the trafficked person's right to assistance and support before, during and after criminal proceeding.

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Victim Rights Directive (2012)

- Art 1 - rights apply to all people who fall victim to crime in Europe **without discrimination of any kind**, including respect to residence status
- Chapter II deals with **provision of information and support to trafficked persons; right to understand and to be understood** (Art. 3); the right to **receive information ... legal advice or compensation** (Art.4); the right to support (Art. 8-9), the right to interpretation and translation (Art.7).
- the **right to be heard** (Art. 10), the **right to legal aid** (Art. 13) **right to a review of a decision not to prosecute**.
- Art. 16 **right to obtain a decision** on compensation from offender in course of criminal proceedings, within reasonable time. MS to **promote measures to encourage offenders** to provide adequate compensation

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Relevant ILO legislation

- Labour Conventions no. 29 (1930) and 105 (1957)
- Guidelines on Human Trafficking and Forced Labour Exploitation
- Protection of Wages, no 95
- Conventions on migrant workers (no. 97 and 143)
- Private Employment Agencies, no 181
- ILO International Covenant on Social, Economic and Cultural Rights, Article 7
- Domestic Workers Convention (no 189) 2011
- Violence and Harassment Convention, no 190 (2019)

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'Compensation' Rights

- To be informed (about legal rights and compensation & procedures)
- To receive information on relevant judicial and administrative proceedings in a language the trafficked person understands
- To be understood and to be heard
- To receive legal assistance and legal aid (free of charge where the trafficked persons does not have sufficient financial resources – and before, during, after criminal proceedings) & legal representation
- To claim & have access to compensation – also when offender is not prosecuted
- Right to review decision not to prosecute & right to obtain a decision

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Other relevant victims rights

- Access to appropriate and secure accommodation
- Access to emergency medical treatment
- Right to a reflection and recovery period & temporary residence permit
- Right to remain in the country for the duration of proceedings
- Protection of private life and identity: Victims' personal data cannot be made public and can only be stored for specific lawful purposes
- Protection during investigations and court proceedings: protection from potential retaliation or intimidation by the traffickers
- Repatriation and return with due regard for victim's rights, safety and dignity; status of any related legal proceedings to be considered

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States' responsibility:

- To have procedures, (legislative) measures, programmes/legal system in place to ensure access compensation
- To provide access to both material and non-material damages
- Guarantee access to compensation including access to (state) compensation fund
- Granting of compensation within reasonable time

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Non-material damages

- Abuse and offences committed against the individual (i.e., physical, or mental harm, including pain, suffering and emotional distress)
- Lost opportunities, including education and loss of earnings potential
- Harm to the reputation or dignity of the individual, including harm that is likely to continue in the future (e.g., as a result of stigmatisation);

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Material damages

- Costs of medical, physical, psychological, or psychiatric treatment required by the trafficked person.
- Costs of physical and occupational therapy or rehabilitation
- Lost income and due wages according to national law and regulations on wages.
- Legal fees and other costs or expenses related to the trafficked person's participation in criminal proceedings.
- Costs of necessary transportation, temporary childcare, and temporary housing for the trafficked person.
- Future lost incomes due to loss of earning capacity.

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Challenges

- Lack of awareness among police and judicial system
- Lack of access to legal aid & inadequate information to victims
- Postponement of trials & long duration of criminal and civil proceedings
- Return or deportation of victims (before verdict is reached)
- Lack of means to ensure a compensation order is executed
- Perpetrators not found or prosecuted; assets moved abroad/bankrupt
- Lack of access to compensation funds/compensation funds not available
- Lack of adequate cross border cooperation
- Difficulties calculation damages & quantifying different forms of harm

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Recommendations

- Specialization (and establishments of networks) of legal professionals to assist and represent trafficked persons in proceedings to claim compensation.
- Involve lawyers from multiple fields of specialization e.g. criminal and civil matters, immigration, employment issues.
- Promote promising practices on compensation and seek to adapt them to the national context.
- Encourage criminal courts to use their possibility to order ex officio, as part of the sentence, an ancillary financial penalty on the trafficker to compensate the victim, in cases where compensation was not claimed by the victim him/herself.

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Recommendations II

- Encourage the Judiciary to motivate their decisions concerning victims' compensation claims, including with regard to the amount and type of damages awarded
- Encourage the Criminal Justice Actors, including the Judiciary to develop criteria for the calculation of damages when dealing with trafficking cases to ensure the principles of legal equality and certainty.
- Promote the Dutch model of state advance payment of compensation (awarded in criminal proceedings) as a tool to improve victims' access to an effective remedy
- Increase capacity to identify, trace, seize and confiscate proceeds of crime (financial investigations) at an early stage of the investigation to secure evidence and availability of funds for compensation

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Recommendations III

- Remove eligibility criteria barriers for victims' access to compensation funds
- Provide victims in cross-border situations with access to specialised legal services as soon as possible (essential to have one specialized lawyer that would continue to accompany the victim throughout the proceedings)
- Exchange and cross-sectoral & cross-border cooperation in compensation cases to improve and harmonize procedures
- Invest in training and capacity building of criminal justice practitioners, Foster information sharing and mutual learning between judges, prosecutors, lawyers and victim support organizations within and across jurisdictions on compensation issues.

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More information

- www.lastradainternational.org
- www.justiceatlast.eu
- sh@lastradainternational.org

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Ensuring victims' access to compensation

EVELYN PROBST
 HEAD OF LEFÖ – INTERVENTIONSSTELLE FÜR BETROFFENE DES FRAUENHANDELS
 14.07-15.07.2022, THESSALONIKI



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

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- 
 Human Trafficking is a **severe violation** of human rights.
- 
 Its purpose is **gaining profit** via Violation of Human Rights.
- 
 The States' **obligation** is to protect human Rights and to enable **access to compensation**.



2



LEFÖ-IBF is a **recognised victim protection organization** according to §25 Abs 3 PSA, that, with a mandate from the Ministry of the Interior and the Federal Chancellery of the Republic of Austria – section Women and Equality, offers its services **in the entirety of Austria**. Mandated by the Ministry of Justice LEFÖ-IBF offers trafficked women and girls psychosocial and legal victim assistance services.



IBF: provides direct support to trafficked women and girls, monitors the trafficking situation in Austria and lobbies for accessing rights for all presumed trafficked persons.



Networking nationally and internationally: for the protection of the rights of trafficked women and girls, **member of GAATW and La Strada NGO Platform**, including data protection and human rights violation.



3

LEFÖ - IBF



Unconditional support



Knowledge and awareness about trafficking



Online outreach for early identification and vulnerable groups



Information for self-identification



Counselling



Legal information



Assistance for detainees pending deportation in cases of suspected trafficking in women



4

Ласкаво просимо до Австрії! Залишайтеся у безпеці.

ПОСВІДЧЕННЯ ОСОБИ ТА ПАСПОРТ НАЛЕЖАТЬ ТІЛЬКИ ВАМ

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

НІ, ЗНАЧИТЬ НІ

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

ПРОЖИВАННЯ БЕЗКОШТОВНЕ

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

ЯКЩО ВИ МАНДРУЄТЕ ДАЛІ

Підорож безкоштовно. Пропонують заїзти, НУО або самоорганізовані групи чи авіаквитки. Вам не потрібно платити, ви не повинні нічого компенсувати.

Сховайте гроші, яку ви носите з собою. Навчіть у кількох мовах: «Привітання», що будь-яка сума або багаж, який ви перевозите, можливо, в якийсь момент доведеться заглянути.

Розділені копії важливих паспортних номерів, будь-яких авіаквиток, банківських карт, записів телефонних номерів та дані про кредитні картки.

КОЛИ ХТОСЬ ПРОПОНУЄ ВАМ РОБОТУ

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

Welcome to Austria! Stay safe.

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

NO MEANS NO

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

IF YOU'RE TRAVELING FURTHER

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

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

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

YOUR ID & PASSPORT BELONG TO YOU

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

ACCOMMODATION IS FREE

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

WHEN YOU ARE OFFERED A JOB

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

[A2 Poster]
Part of IBF's nation-wide prevention campaign against human trafficking - in relation to the heightened risk faced by people fleeing the war in Ukraine.

Відчуваєте загрозу чи небезпеку? Запишіться з нами:

0304317989598
@ibfiefos.at
https://ibfos.at/
www.facebook.com/ibfiefos1985

In Auftrag von:
Bundesministerium Inneres
Bundeskanzleramt




Feel threatened or in danger? Contact us:

0304317989598
@ibfiefos.at
https://ibfos.at/
www.facebook.com/ibfiefos1985


In Auftrag von:
Bundesministerium Inneres
Bundeskanzleramt

5

Provision of support during investigations and judicial proceedings

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







Confidential – Anonymous – Free of Charge



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Provision of support during investigations and judicial proceedings

Based on the criminal procedural code:

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



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Provision of support during investigations and judicial proceedings

Social inclusion: Mentoring program



Support in seeking employment and accommodation

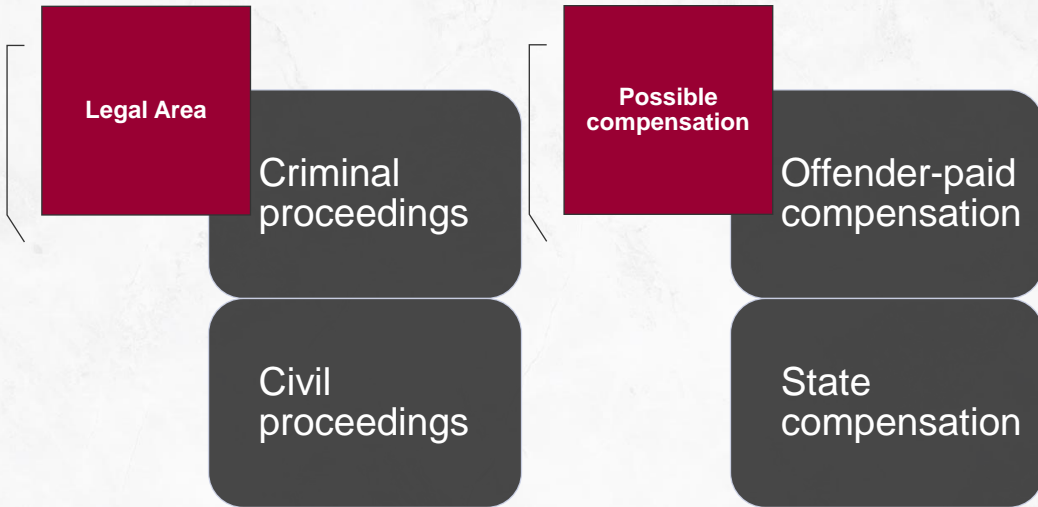


Apartments for independent living with initial psychosocial assistance



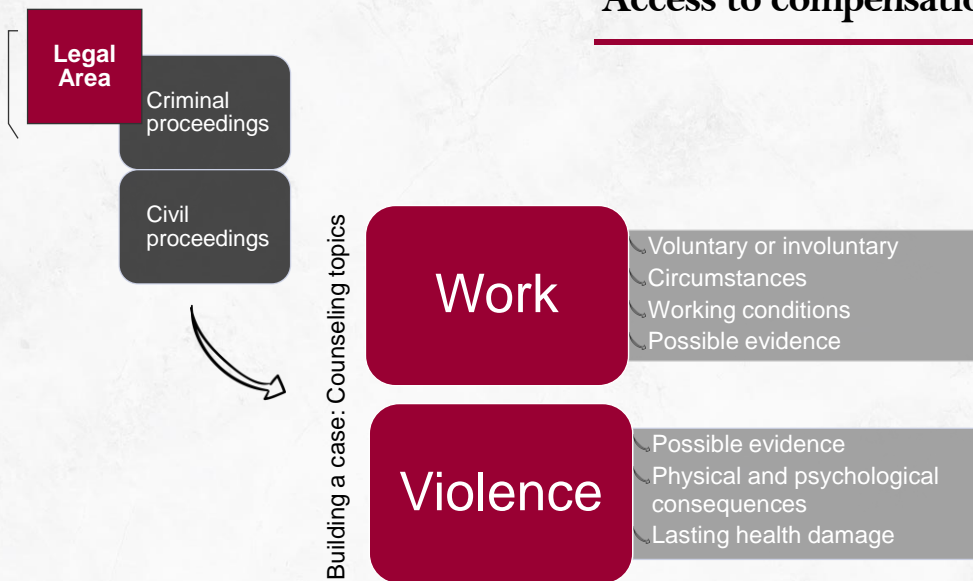
8

Access to compensation: Austria



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Access to compensation: Austria



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Access to compensation: Austria

Possible compensation

Offender-paid compensation

- Renumeration, unpaid wages
- Compensation for pain and suffering

State compensation

- Assistance under the victims of crime act



Finanzielle Ansprüche der Betroffenen von Menschenhandel

[A3 Poster] Information on financial claims of trafficked persons in Austria.

Mögliche Beweise

- Psychologisches Gutachten
- Zeuginnen/Kolleginnen
- Zahlungsbelege
- SMS, E-Mails, Telefonkontakte (Einzelverbindungs nachweis)
- Ärztliches Attest

Arbeitsbedingungen

- An welchem Arbeitsort wurde gearbeitet?
- Wie waren die Arbeitszeiten/war die Arbeitsdauer?
- Welche Arbeiten wurden verrichtet?
- Wie viel Lohn wurde gezahlt?
- Was wurde vereinbart?
- Gab es einen schriftlichen Arbeitsvertrag?
- Wie viele Kundinnen wurden täglich bedient (z. B. bei Prostitution)?
- Etc.

Folgeerscheinungen

- Welche Beschwerden/Krankheiten liegen bzw. lagen vor?
- Gab es Krankenhausaufenthalte?
- Ist Psychotherapie notwendig?

Arbeitsrecht

- Freiwilige oder unfreiwillige Arbeit (z.B.):
 - In der Sexindustrie
 - In der Gastronomie
 - Im Baugewerbe
 - Im Privathaushalt
- Umstände (z. B.):
 - Wenig oder kein Lohn
 - Keine Krankenversicherung
 - Kein Arbeitsschutz
 - Keine freie Zeit

Gewalt

- Folgen (z. B.):
 - Trauma
 - Sexuell übertragbare Krankheiten
 - Allgemeine Krankheiten
 - Angstzustände / Depression

Arbeitsrecht
Für Personen ohne freien Zugang zum Arbeitsmarkt gilt das Ausländerbeschäftigungsgesetz. Vereinfachtes Verfahren bis zu einem Betrag von 75.000 €

Strafrecht
Juristische und psychosoziale Prozessbegleitung (PB)
Das Opfer schließt sich dem Verfahren als Privatbeteiligte an. (Adhäsionsverfahren: Möglichkeit, im Strafverfahren zivilrechtliche Ansprüche geltend zu machen.)
Vorteil: Der Zivilrechtsweg muss nicht zwingend beschritten werden. Kein Kostenrisiko für Opfer.

Zivilrecht
Psychosoziale Prozessbegleitung, aber keine juristische PB möglich (stattdessen: Verfahrenshilfe) Beurteilung insgesamt: Nachteil von Schadensersatzansprüchen im Zivilverfahren im Vergleich zu Adhäsionsverfahren ist, dass die Opfer bzw. Betroffenen das Risiko der Prozesskosten tragen.

Staatliche Entschädigung
Verbrechensopfergesetz (VOG)
1. Antragsverfahren ohne Kostenrisiko
2. Anzeile ausreichend

Landesgerichte
Als "Arbeits- und Sozialgerichte" in Wien Arbeits- und Sozialgericht (Beratung durch die Arbeiterkammer und Gewerkschaften)

Ermittlungsverfahren
Staatsanwaltschaft
Strafgericht
Landesgerichte für Strafsachen

Exekution
Keine PB (Bezirksgericht)

Im Zivilverfahren: Schadensersatzrecht
Bezirksgericht
Bei Streitgegenstand über 15.000 € **Landesgericht**
Zwang zur rechtsanwaltlichen Vertretung ab 5.000 €

Sozialministeriumservice

MÖGLICHE ENTSCHÄDIGUNG
Entgelt, Sonderzahlungen wie Urlaubszuschuss oder Weihnachtsermünerationen oder Überstunden, Meldung Sozialversicherungsträger

Gleich wie im Zivilverfahren:
- Vermögensschaden: z.B. Verdienstentgang, Aufwendungen (z.B. Heilungskosten), entgangener Gewinn
- Ideeller Schaden: Schmerzensgeld als Ersatz für körperliche und seelische Schmerzen, z.B. Trauerschmerzensgeld

Gleich wie im Strafverfahren:
- Vermögensschaden: z.B. Verdienstentgang, Aufwendungen (z.B. Heilungskosten), entgangener Gewinn
- Ideeller Schaden: Schmerzensgeld als Ersatz für körperliche und seelische Schmerzen, z.B. Trauerschmerzensgeld

Hilfsleistungen: Ersatz des Verdienstentgangs, Heilfürsorge, Orthopädische Versorgung, Rehabilitation (medizinisch, z.B. Therapie, beruflich, sozial), Pflege- und Blindenzulage, Pauschalentschädigung für Schmerzensgeld

Bei Ausreise der Betroffenen vor oder nach Gerichtsverfahren:
Auch bei Ausreise bleiben Ansprüche bestehen. Diese können auch aus dem Herkunftsland geltend gemacht werden.

Vor Ausreise:

- Vollmachten für Rechtsanwältinnen bzw. Beratungsstelle einholen
- Kontakt zu Betroffenen im Herkunftsland gewährleisten
- Kontakt zu einer Beratungsstelle im Herkunftsland herstellen

Rechtliche Hinweise:

- Frühstmöglich Entschädigung / Lohn ansprechen (z. T. sehr kurze rechtliche Fristen)

Rechtliche Hinweise:

- Alle Klientinnen können Ansprüche haben: Zeuginnen, Nicht-Zeuginnen, Ausgeraute, Undokumentierte.

Rechtliche Hinweise:

- Die unterschiedlichen rechtlichen Wege können kombiniert werden
- Ggf. Kontakt zu mehreren Anwältinnen herstellen
- Anwältinnen voneinander unterstützen



Good practice

- ↪ Freezing of assets at the start of any investigation
- ↪ Information of rights on compensation at early stage
- ↪ Legal representation from the start on
- ↪ Including questions on financial issues into the police interview
- ↪ Public prosecutors responsibility for including compensation into the court procedure
- ↪ Development of advices for prosecutors and police: forms for calculation



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Thank you for your attention!
Any questions?

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📷 [lefoe_ibf](https://instagram.com/lefoe_ibf)

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