

Situation Report

Trafficking in human beings in the EU

This Europol product is descriptive and oriented towards explaining the current crime situation providing an overview of all relevant factors (OCGs, criminal markets, and geographical dimension).

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Key findings

Trafficking in human beings (THB) in the EU is predominantly a European affair.

- ◇ 70% of the identified victims and suspects in the EU are EU nationals.
- ◇ Victims and suspects generally share nationality, ethnic ties and sometimes kinship links.
- ◇ Mobility and rotation of victims are key features within this criminal market. Austria is a crucial transit country, especially for victims originating from Central Eastern Europe. Italy, Spain and the United Kingdom are key entry points for non-EU victims.

A vast majority of the criminal groups active in THB are capable of controlling the entire process of trafficking, from the recruitment of victims to the reinvestment of the criminal proceeds.

- ◇ While most traffickers are male, female suspects are also involved in low-ranking tasks. Nigerian criminal networks form an exception where women play a central role in the exploitation process.
- ◇ The typical structure of criminal groups engaged in THB consists of loose networks linked by kinship or ethnic ties.
- ◇ Criminal proceeds are primarily sent back to their country of origin.

Human trafficking for the purpose of sexual exploitation is the most reported form of THB in the EU.

- ◇ Most reported victims are female EU nationals from Central and Eastern Europe.
- ◇ Non-EU victims mainly originate from Albania, Brazil, China, Nigeria, and Vietnam.
- ◇ EU victims usually use genuine documents, while non-EU victims use forged or look-alike documents.
- ◇ Deception is commonly used to lure potential victims, including the 'lover boy' method.

Human trafficking for the purpose of labour exploitation is increasingly being investigated.

- ◇ Most reported victims are male EU nationals originating from Bulgaria, the Czech Republic, Estonia, Poland, Romania, and Slovakia.
- ◇ The majority of non-EU victims come from countries bordering the EU (i.e. Albania, Moldova, Morocco, Russia, Turkey, and Ukraine) and to a lesser extent from China, India, Iraq, Pakistan, the Philippines, Sri Lanka and Vietnam.
- ◇ The exploitation tends to take place in labour intensive and/or under-regulated industries such as the agricultural sector, the construction industry and hotel/restaurant/catering businesses.
- ◇ Trafficked workers use legitimate identification documents and often have legitimate permits which expire over time.

Other forms of THB identified in the EU are for the purposes of forced begging, forced criminality and forced sham marriage.

- ◇ Traffickers involved in forced criminality (i.e. 'smash and grab' theft, purse snatching, metal theft, pick pocketing and fraud, drug production and drug trafficking) and begging deliberately target vulnerable groups.
- ◇ Women have been forced to engage in marriages of convenience, in order to provide the legal right of stay to non-EU (third-country) nationals.

Future expectations

- ◇ Current trends in sexual and labour exploitation are expected to increase.
- ◇ The current migration crisis occurring in North Africa and the Middle East will have a major impact on trafficking in human beings.
- ◇ It is possible that attempts to gain legitimate residency will result in more forced marriages of convenience.

1. Trafficking in human beings

1.1. Defining trafficking in human beings

- ◊ The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) and the EU Directive 2011/36/EU on Preventing and Combating Trafficking in Human Beings and Protecting its Victims defines the crime of trafficking in human beings.
- ◊ Victims of trafficking in human beings are always in a position of vulnerability, meaning a person has no real or acceptable alternative but to submit to the abuse.
- ◊ The consent of the victim, whether intended or actual, is irrelevant for the prosecution of those suspected of human trafficking.
- ◊ When a child is the victim of trafficking in human beings, the crime is recognised even if none of the means specified in the EU Directive 2011/36 was used.

Trafficking in human beings (THB) is a serious crime and an abuse of an individual's fundamental rights and dignity. It involves the exploitation of vulnerable persons traded by criminals as commodities for the sole purpose of economic gain. This crime often has a transnational character; it comprises victims of all genders and age and, due to its nature, is often hard to discover and investigate.

Human trafficking is a major problem in the EU and a priority for MS law enforcement agencies. Consistent action against human traffickers at the European level started with the adoption of a common framework in 2002, when the Council of Europe provided the official definition of the crime of THB, describing it as *'a serious violation of fundamental human rights and human dignity and involves ruthless practices such as the abuse and deception of vulnerable persons, as well as the use of violence, threats, debt bondage and coercion'*¹.

In 2011, EU Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims² and replacing

the former Council Decision, adopted a broader definition given by the United Nations' Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which supplemented the UN Convention against Transnational Organized Crime (2000).

Article 3 of the UN Protocol, better known as the Palermo Protocol, defines THB as: ***'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 and benefits to achieve the consent of a person, having control over another person, for the purpose of exploitation'***. The main change that the Palermo Protocol brought was that the crime of THB would be recognised prior to the actual exploitation, and that a person could be considered a victim of THB if subjected to at least one of the actions mentioned and by one of the means specified³.

¹ European Union: Council of European Union, Council Framework Decision 2002/629 on Combating Trafficking in Human Beings, 2002/629/JHA, 19 July 2002.

² European Union: Council of the European Union, Directive 2011/36/EU of the European Parliament and of the Council of 5th April 2011 on preventing and combating trafficking in human beings and protecting its victims and replacing Council Framework Decision 2002/629/JHA, 15 April 2011.

³ Explanatory Report of the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197)

The Council of Europe later expanded the list of means used to lure victims to include the *'abduction of women for sexual exploitation, enticement of children for use in paedophile or prostitution rings, violence by pimps to keep the prostitutes under their thumb, taking advantage of an adolescent's or adult's vulnerability, whether or not resulting from sexual assault, or abusing the economic insecurity or poverty of an adult hoping to better their own or their family's lot.'*⁴

⁴ Ibid 3

⁵ Council of the Baltic States, *Children trafficked for exploitation in begging and criminality*, 2013.

The purposes behind trafficking in persons are varied. The Palermo Protocol enumerated several forms of exploitation, though not limiting them, giving legislators the possibility to include other forms. Therefore, the crime of THB *'shall include, at a minimum, the exploitation of prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or removal of organs.'* The Directive 2011/36/EU moreover specified particular forms of exploitation for the purpose of forced criminality (Art. 2.3), such as *'pickpocketing, shoplifting, drug trafficking and other similar activities which are subject to penalties and imply financial gain.'*

Trafficking in human beings always involves the exploitation of a vulnerable individual. Article 2 of the Directive 2011/36/EU explains that *'a position of vulnerability means a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved.'* In the Explanatory Report, the Council of Europe points out that such vulnerability *'might be of any kind, whether physical, psychological, emotional, family-related, social or economic. The situation might, for example, involve insecurity or illegality of the victim's administrative*

status, economic dependence or fragile health. In short, the exploitation can be any state of hardship in which a human being is impelled to accept being exploited.'

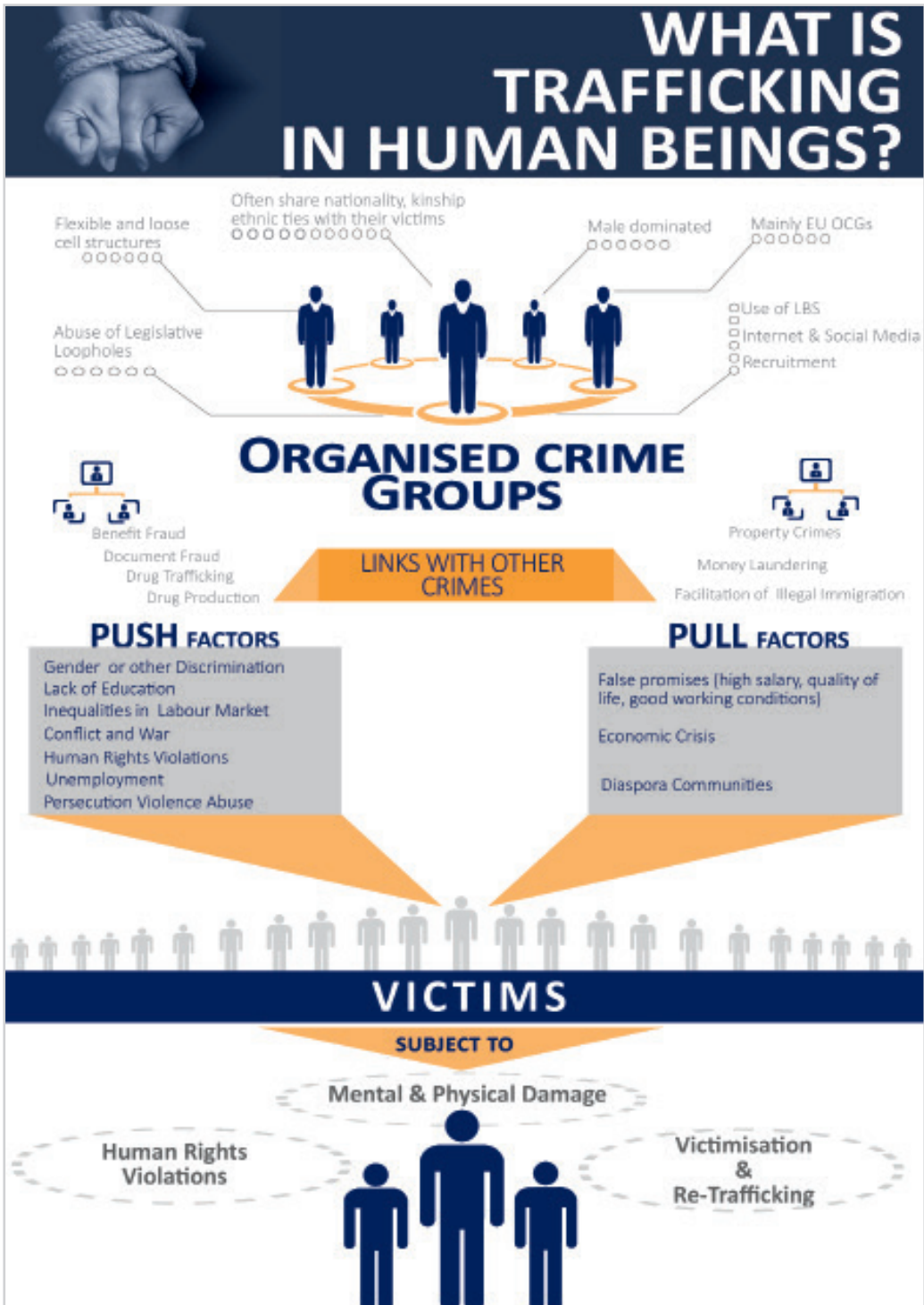
Exploitative situations are hard to discover due to their clandestine nature and because of the difficulty of recognising the abuse. Although a victim of trafficking might be aware of being involved in an exploitative situation, Directive 2011/36/EU specifies that *'the consent of a victim of trafficking in human beings to the exploitation, whether intended or actual, shall be irrelevant where any of the means [...] has been used.'* Article 8 of the EU Directive 2011/36 recommends Member States' competent authorities not to prosecute or impose penalties on victims, *'despite their involvement in criminal activities which they have been compelled to commit as a direct consequence [of the exploitation].'*

Children are the most vulnerable category among victims of trafficking, and particular attention has been paid to them in both the Palermo Protocol and the EU Directive. When the crime of THB involves a child, *'[the child] is to be regarded as a victim even if none of the means specified (...) has been used.'* Unfortunately, there is a lack of consensus on how to evaluate child exploitation, especially when the exploitative act is not considered as violent or abusive by the children themselves.

Moreover, there is no consensus on whether separate databases should be created for minor and adult victims, or if minors should be recorded along with the adults in a single database. Therefore, an agreed understanding of the phenomenon of child exploitation and on how to identify it in practice remains a challenge that needs development at both the national and the European levels⁵.

Although human smuggling and human trafficking share similar patterns, they are differentiated by precise legal distinctions. The crime of migrant smuggling, also known as facilitation of illegal immigration (FII), is a crime that violates national and international border-related laws. On the contrary, THB is a crime against the person because it violates their fundamental human rights. Even if both offences entail the transportation of humans, FII always requires the illegal crossing of national borders while THB might occur within the same national territory.

Another crucial legal distinction between the two offences revolves around the concept of consent. The migrants' consent to be transported and their bond with the smugglers ends once the migrants have reached their destination. A victim of human trafficking might have consented to their transportation to a new destination; however, this initial consent becomes legally irrelevant as the trafficker starts using threats, coercion, deception or fraud in order to exploit the victim. Europol defines "trafficking" as linked to THB and "smuggling" to facilitation of illegal immigration.



The key features of the crime of THB are illustrated in the model above, Europol, 2015.

1.2. Overall scale of THB in Europe

- ◊ During 2013 and 2014, Europol registered 8 037 suspects of THB and 7 500 victims/potential victims⁶.
- ◊ The majority of victims (71%) and suspects (70%) were EU nationals.
- ◊ Intra-EU trafficking is on the rise.

The extent of THB within the EU is hard to assess. Human exploitation can be hidden behind other criminal offences, such as prostitution, irregular migration, property crime or even labour disputes. Victims are often exploited in multiple ways or may be involved in other illicit activities, resulting in cases of THB not being investigated or recorded as human trafficking. Moreover, differences in national legal definitions of THB hinder the comparison and assessment of common trends and patterns across the EU.

In the past decade, MS law enforcement authorities have witnessed a considerable increase in intra-EU trafficking.

During 2013-2014, the number of victims and suspects reported to Europol has

increased. Europol's team dedicated to THB received a total of 5 909 contributions. In 2013, 3 910 suspects and 3 315 victims were registered, while in 2014 the number of suspects rose to 4 127 and the number of victims reached 4 185. No distinctive trend in this variation of data was recognised as linked to any particular fact. A possible reason could be that Europol is increasingly being addressed by MS law enforcement for the provision of operational support during cross-border THB investigations.

The majority of THB victims (71%) registered in Europol's database in 2014 were EU citizens, and 29% were non-EU.

⁶ 'Victims/potential victims' will be referred to as 'victims' in the rest of this document.

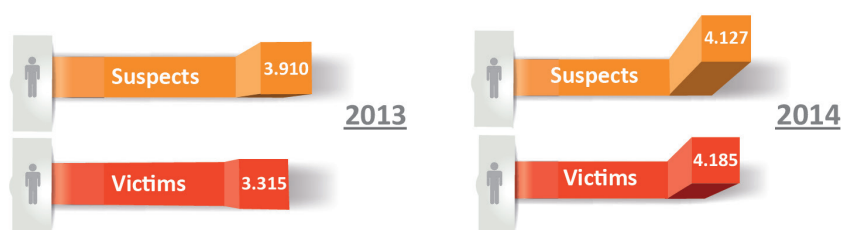


Figure 1. Victims and Suspects registered by Europol in 2013 and 2014*
*Based on Member States' contributions

2. Push & Pull factors

2.1. Push factors

- ◊ Social and economic circumstances in countries of origin, also known as push factors, influence victims and exploiters and facilitate the perpetration of THB.
- ◊ Potential victims of THB experience adverse personal circumstances, lack of education, high levels of unemployment and low living standards, gender discrimination or inequalities in the labour market; they may experience human rights violations and abusive situations or be fleeing from conflict zones.

There are a number of social and economic conditions which influence the actions of both victims and exploiters and facilitate the occurrence of THB. Among these, several push factors are found in the local environment of victims and traffickers, since they often share the same national and cultural background⁷. Traffickers encourage the victims to undertake hazardous initiatives, often based on promises of a better life.

Victims of trafficking are always vulnerable individuals. Although each case has its own dynamic and specific characteristics, persons targeted by traffickers are usually living in [adverse personal circumstances](#). Recruiters generally use these complicated conditions to manipulate victims.

Victims may be experiencing [family problems](#), [a lack of employment opportunities or lack of education](#); others may face [gender \(or other\) discrimination or inequality in the labour market](#). In certain cases, they may be exposed to [violent and abusive situations](#), and others may experience systematic [human rights violations](#).

Trafficked children are likely to be exposed

to [domestic violence](#) and/or may have a very [low family income](#). In some cases of child trafficking, the victim's family plays an active role: children are sold or traded to strangers or to other relatives, who take charge of their exploitation across the EU, forcing them to be sexually abused, to become beggars or burglars and keeping them deprived of food or using psychological coercion.

In some cases, victims of human trafficking may be [fleeing war zones](#) or [conflict areas](#). Due in part to the confusion between the definitions of human smuggling and human trafficking, the identification of victims of THB originating from war zones and conflict areas is still problematic.

⁷ UNODC, Global Report on Trafficking in Persons, United Nations publication, Sales No. E.14.V.10, 2014.

2.2. Pull factors

The most common pull factors include:

- ◊ General high living standards and employment opportunities;
- ◊ The increased demand for cheap labour services due to the economic crisis;
- ◊ Foreign diaspora communities established across the EU;
- ◊ Differences between MS legislation.

There are a number of factors which make some countries more attractive for human trafficking than others. For example, traffickers often refer to the [high living standards](#) and [quality of life](#) that characterise some Western MS, the numerous [employment opportunities](#), the [high salaries](#) and [good working conditions](#).

There are several other factors that have the power to influence the behaviour of both victims and criminals. These factors define the societal, legal, political and economic context of the destination countries of THB victims, and may serve as pull factors.

As a result of the economic crisis, there is an [increased demand for cheap labour services](#). Although consumers create the demand for products and services, including commercial sex, domestic work and personal care, only a few of them are aware of the contractual obligations and working conditions⁸ of the employees. For example, in countries where prostitution is legal and regulated, it is possible that sex work is affected by the demand for cheap labour.

The numerous foreign [diaspora communities established across the EU](#) serve as hotspots for migrants, where they can find kinship and ethnic networks, shared language and customs with fellow

nationals⁹. The presence of these foreign communities in almost all EU cities provides logistical support to foreign criminals involved in THB who often make use of these locations, especially during the transportation and harbouring of their victims.

⁸ OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Ending Exploitation. Ensuring that Businesses do not Contribute to Trafficking in Human Beings: Duties of the States and the Private Sector, Occasional Paper Series no.7, 2014.

⁹ Europol, Serious and Organised Crime Threat Assessment, 2013.

2.3. Facilitating factors

THB is heavily facilitated by external factors including:

- ◊ Social tolerance;
- ◊ Lack of harmonised legislation across the EU;
- ◊ High profits vs. low risks;
- ◊ Global development of online infrastructures.

Social tolerance or a lack of public awareness can create a more permissive environment for certain crimes¹⁰. In the context of THB, a general tolerance towards exploitative conditions – in particular when it concerns foreign workers – may facilitate the perpetration of such crimes and increase the likelihood of exploitation by criminals.

Differences between the legislation of MS greatly facilitate the activities of organised crime groups involved in THB. Through the abuse of legislative loopholes and of differences among national legislation, criminals can identify, react to and even anticipate new opportunities for crime. Legal channels are especially abused by human traffickers to arrange the entry of their victims into the EU; forced marriages between EU victims and non-EU migrants are arranged in order to legalise their stay. The Common European Asylum System (CEAS), meant for people fleeing persecution or serious harm, is abused by human traffickers who make victims apply in order to freely move within the Schengen area during the assessment period. Furthermore, whenever a more extensive definition of THB is adopted in a MS, criminals rapidly shift their activities to countries where more permissive legislation is still in place. As previously mentioned, there are MS where prostitution is legal, making it much easier for traffickers who wish to use a legal environment in order to

exploit their victims.

Organised crime groups engaged in THB calculate the risks, rewards and effort involved, both in absolute terms and in comparison with other activities¹¹. One of the reasons for the large number of persons trafficked and exploited in the EU is the extremely high profits involved, against relatively limited risks. Human traffickers constantly try to **optimise profits against the operating risks and costs**. While cost reduction primarily affects the living conditions of victims – who may be deprived of food or be kept in extremely poor conditions – the main risk for criminals is from detection by law enforcement, a threat that is countered by a number of means illustrated in the following chapter on OCGs.

The **global development of online infrastructures** has made the Internet a crucial tool for human traffickers, and it is likely to become more significant in the future. Online interaction facilitates several aspects of human trafficking and exploitation: targeting of potential victims; access to personal data; arrangement of logistics and transportation; recruitment through social media, chat forums and other websites; advertisement of victims; their exploitation and surveillance. On the other hand, both victims and traffickers leave permanent digital traces on the Internet which can support law enforcement investigations.

¹⁰ Europol, Serious and Organised Crime Threat Assessment, 2013.

¹¹ ILO International Labour Organisation, Human Trafficking in Europe: an Economic Perspective, Working Paper No.3, by G. Van Liemt, 2004.

3. Criminal networks involved in THB

- ◊ The most threatening OCGs are those capable of controlling the entire process of trafficking.
- ◊ The typical structure of criminal groups active in THB consists of loose networks linked by family kinship or ethnic ties.
- ◊ The majority of traffickers are male; women are involved mainly in low-ranking tasks.
- ◊ In 2014, 69% of suspects registered at Europol were EU nationals from Bulgaria, Hungary, Romania and Slovakia. Chinese and Nigerian groups are also considerably active in Europe.
- ◊ Nigerian networks are proficient in the use of fraudulent visas or genuine/look-alike/ stolen passports, and often abuse the asylum system.
- ◊ Chinese networks are proficient in the production of falsified travel documents and frequently exploit the tourist visa regime.
- ◊ Bulgarian, Czech Hungarian, Romanian, and Slovakian criminal networks have hierarchical yet flexible structures, and use a degree of physical coercion towards their victims. Cases of collaboration between these groups have been found.

One of the most threatening aspects of THB is that it displays an increasing level of modernisation, to the point of becoming a corporate business. The offenders show a growing competence and professionalisation, and marketing is used for the 'products' and 'services' and tools such as the Internet and other communication devices are utilised extensively.

There are several common patterns of behaviour characterising the OCGs involved in THB. By analysing the characteristics of these OCGs, law enforcement can gain a deeper understanding of their profiles, resources and vulnerabilities. By looking at the most often occurring dynamics and trends, they can intervene where major vulnerabilities have been detected.

Human trafficking can be conducted

by individual criminals with limited organisation in place, especially when the victims are few and are exploited locally¹². However, when the trafficking involves transfers between continents, it needs careful planning, a sophisticated level of organisation and the engagement of several individuals (often located in different sites and with different tasks).

The most threatening OCGs are generally those capable of governing the entire process of trafficking, from the recruitment of victims to the reinvestment of the criminal proceeds. These groups are relatively small (up to 15 persons) but have the ability to simultaneously handle numerous victims and to move them around between different sites of exploitation, having established logistical bases and contacts in source, transit and destination countries.

¹² UNODC, Global Report on Trafficking in Persons, United Nations publication, Sales No. E.14.V.10, 2014.

3.1. General findings

Human traffickers usually target their fellow nationals. Recruitment is generally carried out in the country of origin of both the exploiter and victim, while the exploitation itself often occurs in several foreign countries. Ethno-linguistic similarities between trafficker and victims facilitate the recruitment phase, while traffickers in a foreign country often require connections with the local criminal environment.

¹³ Europol, The Financial Business Model, Assessing the Current State of Knowledge, 2015.

¹⁴ UNODC, Global Report on Trafficking in Persons, United Nations publication, Sales No. E.14.V.10, 2014.

¹⁵ Europol, Serious and Organised Crime Threat Assessment, 2013.

The typical organisational structure of the criminal groups involved in THB consists of loose networks linked by kinship or ethnicity with interchangeable roles amongst members. Their flexibility and adaptability is shown by their presence in several countries and by their rotation of victims through different countries. These groups are able to adapt to changing circumstances and quickly respond to new opportunities, shifting their operations to other countries upon detection by law enforcement or if they consider the exploitation to be more profitable elsewhere. The loose structure of the criminal networks thwarts detection, especially of the leaders, even when an operational cell is identified and prosecuted.

There is no systematic structure regarding the allocation of tasks among OCG members. Nevertheless, in smaller groups members tend to participate in all steps of the THB operation with each member responsible for certain victims. In larger groups, the leaders can be located both in the country of origin and the country of exploitation, from where they monitor operations and collect the proceeds. Members staying in the country of origin are usually responsible for receiving the money on behalf of the OCG leaders and organising the recruitment¹³.

In 2013, Europol registered 504 female suspects and 570 in 2014, one sixth of the total amount of male suspects. It is worth noting that women suspects might also have been victims of trafficking who were later prosecuted as collaborators, or they might have been identified as members of the criminal network. Although these figures have to be treated with caution, engagement of female exploiters is especially frequent when it involves close interaction or familial links with victims. The majority of identified female suspects were playing the role of recruiters in the country of origin, money collectors, supervisors of younger victims, managing the victims' air travel or the online advertisement of their services. These low-ranking tasks often result in women traffickers running a higher risk of detection by law enforcement. This tendency is observed in all groups to varying degrees. However, female involvement in THB seems higher for criminal networks from Africa (Nigerian criminal networks use women that play crucial roles in the trafficking cycle) and Central Asia¹⁴, where women tend to be more directly engaged in the trafficking of young girls.

Considering the significant degree of planning and organisation required for inter-continental human trafficking, especially when numerous victims are handled simultaneously, it is likely that the trafficking process is the core activity of an OCG. However, this crime is linked to a wide range of other offences which often support the exploitation (e.g. facilitation of illegal immigration, document fraud, asylum abuse, money laundering) or are carried out by the same victims, such as drug production and trafficking, extortion, property crimes and benefit fraud¹⁵. Occasionally, shared trafficking channels or links with local criminal networks are utilised, which can lead to further criminal collaboration.

OCGs involved in THB frequently abuse legitimate business structures (LBS). Criminals may own businesses outright, secretly infiltrate and use LBS to conceal their illicit activities, or may even persuade executives and employees to collaborate through bribes or threats¹⁶. Criminal networks often use LBS as shell companies. Travel, fashion and dance agencies may function as intermediaries between traffickers and victims during the recruitment phase; hotels, massage parlours, nail bars, sauna clubs and cafés may provide cover for prostitution activities.

Joint Operation targeting a Pakistani Organised Crime Group

A joint operation coordinated by Europol, involving 365 officers from the Spanish Guardia Civil and Polish Border Agency, resulted in the arrest of several members of a Pakistani OCG, involved in facilitation of illegal immigration. The migrants from Pakistan paid €14,000 for transportation across the Mediterranean Sea into the EU.

The OCG forced migrants into working in a network of restaurants across Spain to repay their debts for travel and forged identity documents. This OCG was in close contact with another OCG based in Poland, which ran a network of businesses used to obtain fraudulent work and residence permits.

Profits from the exploitation were re-invested in new restaurants or sent to Pakistan via wire transfers.

A common feature of all OCGs involved in THB is that they regularly move their criminal proceeds back to their countries

of origin, via wire transfers using Money Service Businesses (MSBs) or overland when it concerns cash. The money is generally transferred in small amounts to several recipients (either family members or low-level criminals) in order to blur the links between group members and to avoid suspicion¹⁷. Criminals often use victims' identities to open bank accounts, to register bogus companies, to rent private apartments or to pay bills. In most cases, criminal groups use LBS and shell companies to invest in real estate and undertake financial investments in their countries of origin to launder the money generated by the exploitation. This method increases the likelihood that the leaders of the criminal networks remain distanced from the exploitation sites, and they usually remain in their own country.

The physical movement of cash across borders is another common method of laundering the criminal proceeds. Cash couriers are generally used to carry large amounts of money across borders, either overland (e.g. concealed in vehicle parts) or by air. One increasingly observed trend is the use of victims of THB to transfer or move criminal proceeds electronically or physically on behalf of OCG members. This is done through coercion, where they are forced to carry out money transfers or through employment scams where victims believe they are working for legitimate companies.

Human traffickers implement a series of countermeasures which aim to reduce the risk of detection by law enforcement authorities. Some of the most common measures applied are:

¹⁶ Europol, Serious and Organised Crime Threat Assessment, 2013.

¹⁷ Europol, The THB Financial Business Model, Assessing the Current State of Knowledge, 2015.

- ◇ the frequent change of vehicles;
- ◇ the use of cash;
- ◇ forcing victims to apply for asylum in transit countries;
- ◇ forcing victims to tell false stories to police in case of detection;
- ◇ the rotation of victims, and the movement of the criminal proceeds, among different countries before they are sent back to their country of origin;
- ◇ the use of guards and digital surveillance systems;
- ◇ physical and psychological violence towards victims; and
- ◇ the use of fraudulent identity documents.

¹⁸ Eurostat, Trafficking in Human Beings, Statistical Working Paper, 2014.

3.2. Origin of organised crime groups

Cases contributed to Europol between 2013 and 2014 show that the majority of criminals involved in THB are EU nationals (70%). In 2013 and 2014, 8037 suspects were contributed to Europol. A vast majority of the suspects originated from Bulgaria, Hungary, Nigeria and Romania. Other suspects were originating from Brazil, China, the Czech Republic, Latvia, Lithuania, Poland, Russia, and Slovakia.

Austria, Belgium, France, Germany, Greece, Italy, the Netherlands, Spain, Switzerland,¹⁸ and the United Kingdom are the most targeted countries by human traffickers, due to high demand for cheap sexual and labour services in these countries. THB also occurs within the same national borders – though less frequently – and one country can be origin, transit or destination for different flows of THB victims. For example, Hungary is a destination country for Asian victims and the origin country for national victims trafficked to the Western MS.

3.3. Features of organised crime groups

During 2013-2014, Europol worked on several priority areas representing the most threatening organised crime groups active in THB in Europe: Bulgarian, Chinese, Czech, Hungarian, Nigerian, Romanian, and Slovakian criminal networks. These OCGs were mainly involved in THB for the purpose of sexual exploitation, labour exploitation and child trafficking. All groups were suspected of trafficking mainly from their countries of origin to Central and Western MS. The picture presented is not wholly representative as findings are based on investigations shared with Europol.

Chinese networks are known to be active in THB in many MS, but the real scale of this

phenomenon is still unknown due to the state of isolation in which Chinese diaspora communities tend to live. Chinese OCGs appear to be highly structured, containing several cells tasked with different trafficking phases (e.g. as recruiters, arranging passports and visas for the potential victims; harbouring cells, located within the Chinese diaspora in Europe; or as exploiters, carers, or drivers). They are particularly proficient in the production of falsified travel documents in order to facilitate the trafficking. Nevertheless, they also use genuine or look-alike documents¹⁹. The different phases of trafficking are often carried out by individual cells, which can make it problematic to investigate whether separate cells are part of the same OCG. Chinese criminal networks involved in THB may simultaneously conduct facilitation of illegal immigration, fraud and money laundering.

¹⁹ Europol, Trafficking in Human Beings in the European Union, Knowledge Product, 2011.

Joint Action to tackle Chinese human trafficking network (Spring 2015)

More than 1 154 persons, mainly women and men from China, were checked on 288 locations in Austria, Cyprus, Slovenia and Switzerland, during an international operation supported by Europol that involved 455 police officers. Twenty-six offenders were arrested and 14 potential victims of trafficking were identified. During the operation, restaurants, places of prostitution and major international airports were checked. The objective of the operation was to identify people trafficked from China and to enhance the intelligence picture of the organised crime groups and human traffickers involved. After being recruited in their own countries, the victims were trafficked to Europe and sent to brothels, massage parlours, nail studios and restaurants, facilitated by forged identity documents.

Nigerian networks involved in THB are usually composed of cellular structures, through which they are able to operate independently while using an extensive network of personal contacts across the EU. They are particularly proficient in using fraudulent educational, business and tourism visas or genuine/look-alike/stolen passports, and often abuse the asylum system to facilitate their victims' entry into the EU.

Nigerian women (often called madams or mamans) also play important roles in the exploitation process, and some of them supervise the entire trafficking process. These madams are commonly former victims of trafficking who engage in exploitation for economic gain; they manage victims' movements, debts and other logistical tasks, sometimes supported by a male driver and/or a warden. African victims often do not perceive themselves as

exploited but rather as migrants who must repay their transportation and harbouring costs; they are prone to support or form an alliance with their offenders. This often results in victims being reluctant to cooperate with law enforcement. Nigerian networks involved in THB are usually not active in other types of crime.

Criminal networks of Roma ethnicity²⁰ are extremely mobile. Young women and minors of this group are especially vulnerable to exploitation and trafficking, which is sometimes arranged by their own families. This happens quite frequently in cases of child trafficking, where parents and close relatives are part of the recruitment circle²¹. Destination countries for trafficked minors from Roma communities are mainly the United Kingdom and France, where they are subjected to sexual exploitation, labour exploitation, forced begging, petty crimes, and to a lesser extent the systematic defrauding of the social security and welfare benefit systems. The perpetration of property crimes is the main activity and source of income. Women and minors are mainly engaged in street crimes such as pick pocketing, bag-snatching and shoplifting in crowded and tourist areas, while men are in charge of the logistical and organisational management of the criminal activities (e.g. document forging, recruitment of new members, trade of high value vehicles and management of belongings).

Bulgarian, Czech, Hungarian, Romanian, and Slovakian OCGs have many characteristics in common. They have hierarchical structures with strict divisions of tasks and operate with small and mobile groups of victims controlled by few members. They frequently make use of the Internet to arrange appointments with clients through escort websites. These

criminal groups often use physical violence, threats and coercion against their victims, who experience severe physical and psychological dependence.

The OCGs are mainly involved in sexual exploitation, although recently reported cases have seen criminal networks trafficking persons across the EU for the purpose of labour exploitation, forced begging (involving disabled victims), forced sham marriages between EU victims and third-country nationals and to a lesser extent, benefit fraud. Cases of Slovakian and Hungarian OCGs cooperating to abuse welfare systems via false applications for social benefits have also been recently reported to Europol.

Cases registered at Europol have seen Hungarian, Bulgarian and Romanian groups simultaneously working in several MS, often choosing Austria as a transit country on the way to Western MS. Hungarian networks have been discovered to be active near airports, most likely for logistical purposes.

²⁰ European Commission: "The Roma people are Europe's largest ethnic minority. Roma is the term commonly used in EU policy documents and discussions, although it encompasses diverse groups that include names like Roma, Gypsies, Travellers, Manouches, Ashkali, Sinti and Boyash." http://ec.europa.eu/justice/discrimination/roma/index_en.htm.

²¹ Council of the Baltic States, Children trafficked for exploitation in begging and criminality, 2013.

4. The exploitation

THB comprises several different types of exploitative situations. The most commonly reported form of exploitation by MS to Europol is sexual exploitation, followed by labour exploitation. The other forms of human trafficking that were detected in the EU are the following:

- ◇ THB for the purpose of forced begging;
- ◇ THB for the purpose of forced criminality, mainly property crimes, drug trafficking; and,
- ◇ THB for the purpose of forced sham marriages, mainly to obtain residence, social and work benefits.

During 2013-2014, Europol received nearly 6 000 contributions on OCGs involved in THB. Of these, 90% concerned THB for sexual exploitation, 5.6% concerned cases of labour exploitation, 1.9% was on forced sham marriages and 0.3% was on forced criminality and begging. Among all contributions, 1.9% involved trafficked minors, most of whom were young girls forced into prostitution and children forced to beg and commit property crimes.

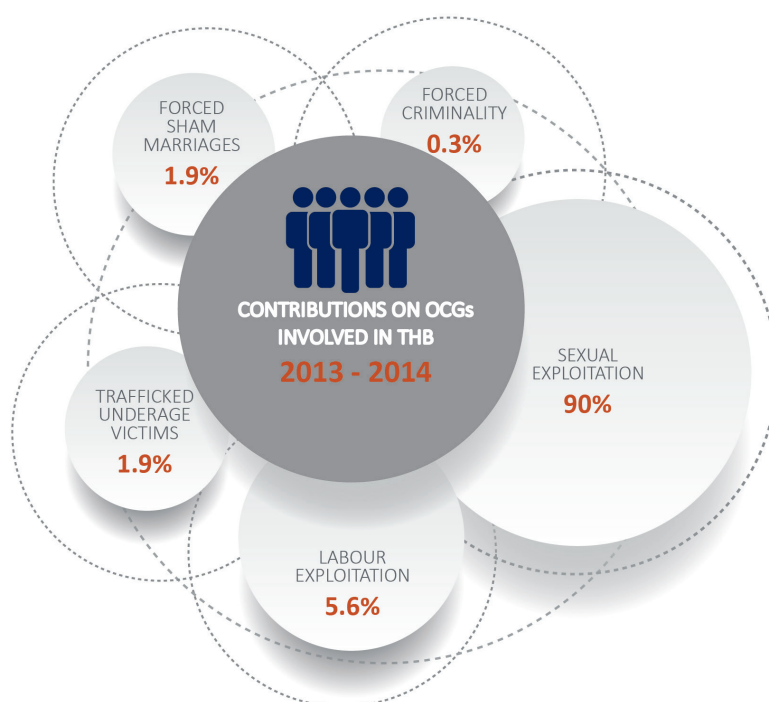


Figure 2. Contributions on OCGs involved in THB (Europol 2013-2014)

4.1. Sexual exploitation

- ◇ Sexual exploitation is the most frequently reported form of THB in Europe.
- ◇ The majority of victims of THB for sexual exploitation registered at Europol are EU nationals from Central and Eastern Europe.
- ◇ Austria is a transit country for victims coming from Central and Eastern Europe. Italy, Spain and the United Kingdom are transit countries for non-EU victims.
- ◇ EU victims use genuine documents, while non-EU victims mainly use forged or look-alike identity documents.
- ◇ The use of deception is common for recruitment purposes. The 'lover boy' method is used particularly in cases of underage victims.
- ◇ The use of violence is decreasing, while the use of soft coercion methods is increasing.
- ◇ The rotation of victims is common, as well as their exploitation in other criminal activities.

Although increasing efforts are made by MS law enforcement to tackle sexual exploitation, there is still a high demand for sexual services within all MS.

Trafficking in human beings for sexual exploitation is a gender-specific phenomenon, as the vast majority of victims are women. Contributions to Europol from MS law enforcement authorities in 2013 consisted of a total of 427 victims of THB for sexual exploitation, of which 92% were adults and 8% were minors. In 2014, 570

decrease in underage victims reported in 2014 was not due to any particular reason.



Figure 4. Sexual Exploitation: age breakdown of registered victims (Europol)

Although it is difficult to identify trafficking routes constantly in use, during 2010-2012 a prevalence of intra-EU trafficking was detected, with the most recurrent victim nationalities being Bulgarian, Dutch, Hungarian, Polish and Romanian²².

In 2013-2014, the largest number of victims registered at Europol also originated from the EU, in particular from Bulgaria, Hungary, Romania, and Slovakia. Lithuania

²² Eurostat, Trafficking in Human Beings, Statistical Working Paper, 2014.

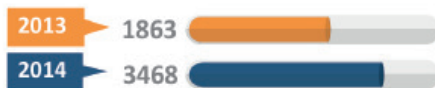


Figure 3. Contributions received by Europol on Sexual Exploitation

victims of sexual exploitation were identified by Europol; of this number, 95% were adult victims and 5% were underage. The slight

was recently added to the most common countries of origin for victims of sexual exploitation.

Trafficking for sexual exploitation most frequently flows from east to west, as victims from Central and Eastern Europe are exploited either in their countries of origin or trafficked to Western MS. Although the majority of victims of sexual exploitation originate from the European MS, a considerable number of identified victims are non-EU nationals (these are mainly from Albania, Brazil, China, Nigeria²³, and Vietnam, which demonstrates the transnational dimension of this criminal phenomenon). In these cases, traffickers usually provide victims with counterfeit documents in order to conceal their real identity and to enable entry to the EU, either with fraudulently obtained visas or as asylum seekers. In some cases, victims are placed in refugee shelters following their asylum application, from where they suddenly disappear and are transferred to other MS by their traffickers.

In Western Europe, the MS most targeted as destinations for victims of sexual exploitation are Austria, Belgium, France, Germany, Greece, Italy, the Netherlands, Spain and the United Kingdom. EU victims tend to be trafficked using their own travel documents, which eliminates the risk of exposure and detection and saves traffickers the cost of obtaining forged documents. However, false documents are still used in cases of trafficked minors.

Member States situated at the borders of the EU – mainly Italy, Portugal, Spain, and the United Kingdom – often serve as entry points for non-EU victims, who are dispatched as commodities to different locations in Europe. Several cases of victims trafficked to Western countries, previously detected in Austria, were reported to Europol. This shows the likelihood of Austria functioning as a transit

point for victims originating from Central and Eastern Europe (especially Bulgaria, Hungary and Romania) who are later transferred to other destinations. This is due, in part, to Austria's central European geographic location.

Europe's major airports are known to be entry hubs, especially for victims originating from Asia, Africa and the Americas, though smaller airports and low-cost airlines are also used for intra-EU trafficking. Victims often use airline tickets purchased by their traffickers²⁴ or by other members of the OCG. Since exploiters are aware of the presence of law enforcement and customs, they choose airports which they perceive as having fewer controls. Once law enforcement authorities respond to trafficking by increasing those controls, OCGs rapidly move elsewhere.

4.1.1. Modi operandi

Recruitment usually begins in the country of origin, where victims are deceived, persuaded and abducted. The most common means through which vulnerable people become victims of trafficking is deception, typically by false promises of employment, good working conditions, perhaps even free housing and a good salary. In addition, the 'lover boy' method is also frequently used by traffickers in order to manipulate their victims. In these cases, victims get emotionally attached to their exploiters, who then propose to travel abroad or even get married²⁵. Victims of this type are usually minors, but there have been cases of adults.

Traffickers usually share links with the territory in which they operate, and originate from the same ethnic community or even share family ties with their victims. This ethno-linguistic aspect is crucial, especially where the trafficking of minors is concerned²⁶. The recruitment and transportation of victims is usually arranged by their fellow

²³ Europol reported Nigeria as the second most frequent nationality of victims of sexual exploitation (18% of the total) in 2013.

²⁴ Europol, Trafficking in Human Beings in the European Union, 2011.

²⁵ Ibid 24

²⁶ UNODC, Global Report on Trafficking in Persons, United Nations publication, Sales No. E.14.V.10, 2014.

nationals. The final exploiters may be either local or foreign citizens²⁷.

In cases of non-EU victims, traffickers often persuade them to request a residence permit or apply for asylum in a transit country on arrival in the EU, which enables them to move within the Schengen area and to easily reach the locations where they will be exploited. A case recently reported to Europol involved Nigerian women trafficked using their own identity documents or look-alike documents, and travelling across the EU with Spanish and Italian residence and working permits.

²⁷ Ibid 26.

²⁸ Europol, Trafficking in Human Beings and the Internet, Intelligence Notification 15/2014, 2014.

²⁹ Ibid 28.

Once in the destination country, victims are forced into prostitution. They work for many hours a day and most of their earnings are collected by their exploiters, though they may receive a very small salary in order to fulfil their basic needs. In many cases, victims are forced to repay the cost of their transportation and accommodation to their exploiters, and are kept in debt bondage for indefinite periods. Usually, the profits from the exploitation are sent back to the country of origin of the exploiters via different channels, mainly wire transfers or by cash couriers. When victims are transferring the money, they may do it under supervision by their exploiters. Victims can be also deployed as cash mules.

If victims are abused within the 'dark market', for example in countries where prostitution is illegal, their services are advertised through local newspapers or word of mouth, or via social media and dedicated escort and/or dating websites. In cases of child sexual exploitation, the advertisement of victims via social media is increasing, allowing offenders to easily access their personal data and to recruit potential victims, to share abusive material and to exchange information on destinations where it is easier to abuse minors. Occasionally, exploiters arrange

appointments by telephone with potential clients or even issue 'membership cards' for clients²⁸.

Victims are made highly dependent on the members of the criminal organisation: receiving threats and subjected to coercion, through physical, psychological and/or financial threats²⁹. In cases of African victims, exploiters use voodoo rituals to make them more compliant with the abuse. However, the majority of victims are kept under control without violence. This is done through 'soft methods' of psychological intimidation, which reduce public attention and the chance of detection by law enforcement. Some

Severe sentences for criminal gang behind forced prostitution in the UK (July 2014)

In July 2014, 5 people were found guilty of being part of an organised crime group involved in trafficking more than 100 women from Hungary into the UK. The criminal group had a hierarchical structure and was composed of Hungarian and British nationals. Women from Hungary were recruited through adverts on the Internet while applying to what they believed were administrative, cleaning and babysitting jobs. Victims were then flown to London where they were forced into prostitution across the city. Their passports were retained and their earnings were collected by the criminal group, and victims were controlled with threats of violence and intimidation, including threatening to harm their families or tell their families they were prostitutes. The gang managed the victims from a make-shift call centre and used over 40 mobile phones to organise bookings on a commercial scale. Each phone had details of the victim's working names, fees and brothels locations taped to it.

cases involve the use of digital surveillance systems (e.g. geo-location services provided by social media), through which exploiters monitor victims' activities while remaining distanced from the sites of the exploitation. This provides an advantage to the offenders, who tend to operate from afar and thus reduce the risk of being detected by law enforcement.

Occasionally, victims are denied access to telephone contact, to prevent any other relationship except for the one with their exploiters. Traffickers also frequently transfer their victims from one city to another to maximise profits and/or to trade them with other exploiters. This rotation of victims (which also occurs across different countries) not only serves to 'refresh' the supply and avoid detection, but also prevents victims from establishing relationships with clients, outreach workers or social services. A number of cases reported to Europol of victims of sexual exploitation from Eastern Europe demonstrate that victims were first transferred to Austria, where they were

forced into starting a prostitution career – exploiting the legal status of the prostitution industry – and later relocated to other MS, assigned to other cells of the same criminal network. In another case, Nigerian networks expanded geographically to several cities in Sweden, where they would advertise their activities and provide services for a few days, before moving on to a new destination.

Victims of trafficking for sexual exploitation are also forced to perform a range of criminal activities such as committing property crimes (e.g. 'smash and grab' raids, burglaries, thefts), begging, trafficking and selling drugs, sham marriages, forced labour and benefit fraud.

4.2. Labour exploitation

- ◊ Labour exploitation is increasingly being investigated by law enforcement in the EU, leading to a rise in the number of identified victims.
- ◊ The majority of victims are male EU nationals from Bulgaria, the Czech Republic, Estonia, Poland, Romania, and Slovakia.
- ◊ Victims are lured through word of mouth and online advertisements, posted on social media and on specific websites (e.g. online recruitment agencies).
- ◊ Trafficked workers mainly use legal documents to enter the country and often have legal permits which expire with time.
- ◊ The use of LBS is common for both recruitment (e.g. false job agencies) and exploitation purposes (e.g. bogus companies, bank accounts).
- ◊ Traffickers frequently open and control bank accounts under their victims' names.

Labour exploitation is the second most common form of THB in the EU after sexual exploitation. As already defined in 1930 by the ILO Forced Labour Convention, labour exploitation comprises *'all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.'* Accordingly, the crime of labour exploitation involves practices such as slavery or those similar to slavery, debt bondage and servitude.

Labour exploitation in the EU is a recurrent and increasing phenomenon, mainly due to the high demand for low cost services by producers and consumers which can be found in most MS. The abuse takes place in a multifaceted way, and workers' rights and human dignity are ignored in favour of earning maximum profit. Labour exploitation mainly occurs in less regulated industries, such as the agriculture (especially seasonal harvesting) and construction sectors, hotel/catering businesses and in retail. Moreover, the transportation sector, the cleaning industry and textile and manufacturing industries may also have businesses that abuse victims of labour exploitation. Servitude and treatment similar to slavery also take place within the domestic environment, where the rights of maids and housekeepers are frequently infringed. Victims of THB for the purpose of labour exploitation are very difficult to identify since this form of crime is less visible and evident than others; it concerns individuals who may not be aware they are being exploited. Adult males between the ages of 20-50 are the principal target for labour exploitation.



Figure 5. Contributions received by Europol on Labour Exploitation

In 2013, Europol received 142 contributions by MS law enforcement concerning cases of THB for the purpose of labour exploitation, while in 2014 it received 190 contributions.

Between 2013 and 2014, the majority of victims of labour exploitation reported to Europol were citizens of EU MS from Central and Eastern Europe: mainly from Bulgaria, Poland, and Romania, followed by Slovakia, the Czech Republic and Estonia. In contrast with sexual exploitation, a larger percentage of identified trafficked workers were non-EU citizens, in particular from countries bordering the EU such as Albania, Moldova, Morocco, Russia, Turkey, and Ukraine. Furthermore, victims from Asia – China, India, Sri Lanka, Pakistan, the Philippines and Vietnam – and from the Middle East (i.e. Iraq) were also identified. The main flows of trafficked workers are directed mostly towards Austria, France, Italy, Greece, the Netherlands, Spain, Portugal, Switzerland and the United Kingdom.

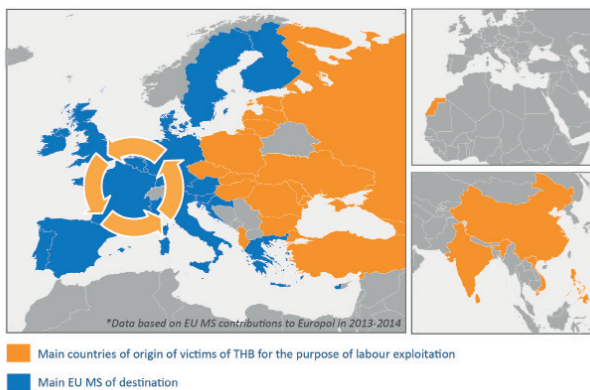


Figure 6. Main countries of origin of victims of THB for labour exploitation



4.2.1. Modi operandi

Profits from labour exploitation are produced not only through the work done by victims but also through a system of debt bondage. Similar to other forms of THB, victims are usually recruited within their country of origin by their own nationals using ethnic and kinship ties. In some cases, victims voluntarily leave their countries of origin, supported by their desire to improve their living standards and hoping to gain better wages. Once in the destination country, they may be approached by fellow nationals who orchestrate their exploitation.

The use of deception is a common feature in the recruitment process for labour exploitation. Victims are lured through newspapers, word of mouth and local employment agencies (especially in third countries), as well as through online adverts posted on specific websites and social media. The Internet advertises well-paid jobs which often do not require any qualifications or previous experience. Some cases involve fashion, dance and travel businesses functioning as intermediaries during the recruitment and transportation phases.

Male workers exploited in supply chains are often recruited in groups, and when a victim responds to an advertisement or is approached by a recruiter, they will be encouraged to convince friends and family to join the group. Agents, usually fellow nationals of the victims, act as intermediaries between them and the labour supply agents in the country of destination. They often ask for employment fees.

As the majority of victims of labour exploitation are trafficked within the EU, land transportation is most commonly used. In cases of non-EU victims, traffickers provide them with false documents and sometimes even bogus work contracts to

help them pass the border-crossing checks. However, trafficked workers mainly use legal documents to enter the country and often possess legal permits, although they are likely to become irregular over time as their permits expire - which exposes them to further vulnerability.

Victims are charged the cost of their transportation and other 'employment fees' by exploiters in order to be able to work. Sometimes, no employment has been arranged upon their arrival, and victims are kept in captivity and in extremely poor or inhumane conditions. Additional fees and deductions are usually applied on their already scarce wages, placing the exploited workers in further debt and a more precarious state of dependence from which

Police dismantle criminal gang exploiting vulnerable people through forced labour (April 2015)

Europol supported British and Slovak law enforcement in dismantling a large criminal network suspected of trafficking adults and children to the UK for exploitation in forced labour and social benefit fraud. The victims, originating from Slovakia, were recruited with false promises of well-paid jobs and subsequently trafficked to several British cities, where they were exploited. UK authorities initiated an investigation after receiving intelligence on an extensive labour exploitation network from the Human Anti-Trafficking Unit of the Slovak National Department for Combating Illegal Immigration. The initial enquiry led to 10 linked investigations in different areas of the UK. Europol provided support throughout the entire investigation and during the action day. Support from Europol and the Slovak authorities was assessed as critical to the success of this operation.

it is very hard to escape. Standard features of labour exploitation are extremely long hours for a very low or no salary, limited nutrition – with food costs sometimes deducted from their salary – and poor health conditions.

Once victims fall in the hands of traffickers, their passports are taken, impeding their requests for support from the police, embassies or consulates. Sometimes, exploiters will blackmail their non-EU victims by threatening to report them to the police as irregular migrants; they will voluntarily stay away from law enforcement fearing deportation back to their country of citizenship before they are able to pay off their debt to the traffickers. Workers originating from Asia, Africa and Latin America are sometimes not fully aware of the employment standards and workers' rights in the EU and may not even recognise the exploitative nature of their conditions³⁰. In a case of domestic servitude supported by Europol, victims from Vietnam and the Philippines were forced to undergo thorough medical examinations and indefinite trial periods without receiving any salary, and had to work many hours a day without breaks.

The use of physical violence is uncommon; victims are frequently subjected to verbal manipulation, psychological pressure and threats instead. In a similar manner to victims of sexual exploitation, victims of labour exploitation are often forced to conduct illegal activities alongside the labour exploitation (e.g. carrying counterfeit documents); some are employed in illegal business activities (e.g. cannabis cultivation), and sometimes traffickers use victims' documents in order to obtain social benefits. To conceal their identity, traffickers frequently open and control bank accounts in the victims' names, which are also used to take out loans and make purchase agreements. Victims can also be registered as directors of bogus

companies, which are used by the traffickers to launder their proceeds.

The rotation of victims between several countries also occurs in THB for the purpose of labour exploitation, although to a lesser extent than in THB for the purpose of sexual exploitation. However, the exploitative situation is limited in time and victims return to their countries of origin or start a new life at the end of their exploitation (especially in the case of seasonal workers). The employment period normally only leaves time for victims to extinguish their debt with traffickers and recruiters, after which they are encouraged to go back to their country of origin or to move away from the site of exploitation. Isolation from society that victims experience during the exploitation increases their risk of re-victimisation³¹.

4.3. Other forms of THB

The most recurrent forms of THB (after sexual exploitation and labour exploitation) that take place in the EU are THB for the purpose of forced criminality (e.g. theft, robbery, burglary, illegal adoption of children, drug

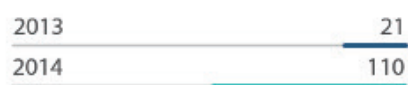


Figure 7. Contributions received by Europol on other forms of THB

production and trafficking), THB for the purpose of forced street begging and THB for the purpose of forced sham marriage.

Cases registered by Europol and other EU agencies confirm that trafficking routes similar to those used for sexual and labour exploitation are utilised in these types of THB. Victims of exploitation for forced criminality and begging are trafficked mainly from Eastern and Central MS to Western Europe. Within Europol's database, the majority of

³⁰ Europol, Trafficking in Human Beings in the European Union, Knowledge Product, 2011.

³¹ Re-victimisation means that the victim of abuse of crime has a statistically higher tendency to be victimised again.

victims forced into sham marriages were moved to the United Kingdom, Denmark (where most cases are treated as irregular migration) and the Netherlands. Other reported cases of THB for the purposes of sham marriages occurred in Germany where this offence is not yet recognised as a THB crime. The majority of cases of forced

begging and forced criminality registered in 2013-2014 by Europol's team dedicated to THB involved children of Roma origin, who were trafficked through several EU countries (predominantly to the United Kingdom and France).

4.3.1. Forced criminality

♦ The most common forms of criminality are linked to property crimes, drugs production and drugs trafficking.

♦ Victims of forced criminality are predominantly minors.

Trafficking in human beings for the purpose of forced criminality and street begging usually involves the same victims. Although some cases feature adult victims, human traffickers target predominantly underage victims – both male and female – for exploitation, as well as for the production and trade of pornographic material³².

Victims exploited for the purpose of criminality are forced to perform a wide range of unlawful activities, which may be carried out in support of their own exploitation (e.g. they may work as supervisors of other victims, as cash couriers and so on). The majority of victims trafficked for this purpose are forced to carry out pick pocketing, shoplifting, 'smash and grab' thefts, metal thefts, burglaries, benefit and welfare fraud, cannabis cultivation and drug trafficking.

Trafficking victims exploited in forced criminality and begging are often identified as suspects and convicted for criminal offences related to the illicit activity they were conducting under coercion. This misinterpretation not only leads to the contravention of Article 8 of the EU Directive 2011/36, which recommends non-punishment provisions for victims of THB,

Criminal group behind forced prostitution and property crimes dismantled (April 2014)

A joint operation between Belgium, Romania, United Kingdom and Italy have dismantled a mafia-type organised crime group of Romanian nationals who were actively trafficking young Romanian women to Italy to exploit them through forced prostitution. The victims were recruited in Romania and then transferred to Italy to be exploited in the sex industry. Prostitution was practised on the streets, in houses and hotels, and advertised on dedicated escort websites and newspapers, with rates and places of work dictated by the organisation's leaders. The victims were forced to commit a wide range of property crimes beside their sexual exploitation. The investigation has revealed that the criminal network was systematically using mafia-style methods involving violence, intimidation, extortion and assaults, to control the prostitution business. Europol actively supported the operation and provided analytical support including facilitation of information exchange, analysis, organisation of operational meetings, and deployment of mobile office and real-time cross-checks of data during the action day.

³² UNODC, Global Report on Trafficking in Persons, United Nations publication, Sales No. E.14.V.10, 2014.

but also to consequent low reporting on these crimes, thereby obscuring the real scale of the phenomenon.

In general, victims exploited for the purpose of conducting criminal actions are often engaged in activities that require a low level of expertise and which involve the risk of detection by law enforcement. Victims

exploited in cannabis cultivation live in precarious conditions and experience food deprivation, often without being able to leave the production site. Victims used for pick pocketing operate in well-frequented or prosperous areas or in front of shopping centres, and may be instructed on which item they should steal from people (by purse snatching or pick pocketing) or from shops.

4.3.2. Forced begging

- ◊ Human traffickers mainly target young victims. Adults with physical and psychological disabilities are targeted in particular for forced street begging.
- ◊ When the victims are minors, recruitment often takes place following a voluntary offer made by the victim's family to the traffickers.
- ◊ Mobility is a significant feature of THB for the purpose of forced begging, with frequent victim rotation among cities and countries.
- ◊ Trafficked minors usually travel on genuine passports of non-related adults, especially via land routes.

Human traffickers often target young victims for their exploitation through forced begging, although adults are also recruited and used for street begging (sometimes on their own or along with children). In some cases, victims of THB for the purpose of forced begging are particularly vulnerable individuals with physical and/or psychological disabilities.

As with other forms of THB, ethnic and cultural links are used by traffickers who mainly target their fellow nationals. In the case of minors, recruitment often takes place following a request from the victim's family to the traffickers. This is sometimes shown by authorising documents signed off by the parents of the victim, found in the hands of traffickers³³. In other cases, a monetary transaction between the traffickers and the family may serve as an 'act of sale' of the child to the exploiters.

A lower level of coercion is required for trafficked children than for adult victims, as minors are automatically dependent on adult traffickers. Children usually cannot escape, and often feel forced to perform any kind of request due to the pressure by the exploiters, their community and family. A number of cases suggest that children exploited in forced begging repeatedly have contact with law enforcement while they are travelling with their traffickers³⁴. Trafficked minors usually travel on genuine passports of non-related adults. Due to the fact that children resemble each other, photographs showing a different child may not be spotted when checked by border police. Mobility is a significant characteristic of this type of THB. Minors are often moved from one country to another in small groups³⁵ to avoid excessive attention by authorities. Once a child is approached either by social services or the police, they are rapidly relocated to another country³⁶.

³³ Council of the Baltic States, Children trafficked for exploitation in begging and criminality, 2013.

³⁴ Ibid 33.

³⁵ Ibid 32.

³⁶ Europol, Trafficking in Human Beings in the European Union, 2011.

4.3.3. Forced sham marriage

- ◊ Legislative differences among Member States misrepresent the real scale of the phenomenon.
- ◊ Human trafficking for the purpose of forced sham marriages targets mostly girls or young women.
- ◊ Victims originate from Eastern European countries (mainly Czech, Hungarian, Latvian, Polish, Romanian, and Slovakian) and are forced to marry mainly Asian men (Pakistanis and Indians).

Recently, Europol reported on several investigations regarding OCGs arranging marriages of convenience or sham marriages. In most cases these marriages serve to legalise the stay of an irregular migrant in the EU, and are likely to be identified as facilitation of illegal immigration. However, recent evidence shows that some cases of marriages of convenience can be qualified as THB.

Trafficking in human beings for the purpose of sham marriages most commonly targets girls or young women³⁷. In the EU, the most common victims are female EU citizens mostly originating from Eastern MS such as the Czech Republic, Hungary, Latvia, Poland, Romania, and Slovakia –, who are trafficked to Western MS and forced to marry Asian men, typically Pakistanis and Indians³⁸.

Cases of victims of marriages of convenience have been detected in Cyprus, Ireland, the Netherlands, Sweden and the United Kingdom. The lack of harmonisation of EU legislation regarding the crime of sham marriage, as well as legislative loopholes and differences among MS, result in misrepresentation of the real scale of the crime area.

Recruiters are often victims' fellow nationals or sometimes citizens of the country of

destination. In the recruitment phase, deception is a significant factor. Victims are typically lured by false promises of a well-paid job in the country of destination. In some cases, victims acknowledge that the purpose of their journey is to arrange a sham wedding with a third-country national, and they may know the price of the arrangement beforehand and communicate with their future groom via phone or video calls.

Human trafficking gang jailed (April 2014)

A criminal gang led by Hungarian and Pakistani nationals was jailed following a UK investigation supported by Europol. The ringleaders were a Hungarian and a Pakistani citizen, who were trafficking young women into the UK through the port of Dover. Once on the British soil, the women were forced to take part in sham marriages to Pakistani men. They all were unaware as to what they would endure when they arrived to UK. Europol supported this cross-border operation from the start by facilitating the information exchange and the development of international links, as well as organising an operational meeting in Hungary for the competent authorities.

³⁷ UNODC, Global Report on Trafficking in Persons, United Nations publication, Sales No. E.14.V.10, 2014.

³⁸ Europol, Marriages of Convenience: A link between facilitation of illegal immigration and THB, Early Warning Notification 2014/08, 2014.

Generally, the third-country national – usually male – who requests the sham marriage, buys his spouse from a ‘broker’ and covers all expenses related to the provision of this ‘service’: tickets, accommodation and a service fee. However, sometimes victims are forced to pay off the costs of their transportation to the traffickers.

In some cases, victims are kidnapped and brought to the country of destination against their will. Although certain victims might be aware of the intended sham marriage, they may not be aware of the risk of exploitation afterwards. Traffickers may keep victims’ documents and hold them in captivity and isolation, or they may be abused by their new husbands or forced into prostitution. Victims may not only be sexually abused, but can also be forced to conduct other criminal activities and/or to beg.

The identification and prosecution of victims of THB for the purpose of sham marriage is a challenge for both law enforcement and prosecutors. The brides may, at first, be willing to enter into a marriage; however, when the conditions change they may be lured with false pretences or forced to finalise the union. In some cases, victims have provided false testimony in order to escape prosecution for a marriage of convenience which they originally consented to. Whenever possible, investigators should try to clarify whether the bride’s status was that of an accomplice or a victim.

4.3.4. Benefit fraud

THB for the purpose of benefit fraud is often perpetrated together with labour or sexual exploitation. Cases supported by Europol show a modus operandi linking labour exploitation and benefit fraud. The OCG provides counterfeit identity documents and pays the travel expenses for the victims. Travel methods are usually road/ferry or low-

cost airlines. Frequently, OCGs will be linked to employment agencies owned by nationals of the country of destination, who provide the contracts for the work carried out by victims of labour exploitation.

Upon arrival, the genuine identification documents of the victims are taken by the OCG in order to prevent them from escaping. The victims are housed in poor conditions and they are forced to work without the necessary time for rest and recovery. They are also forced to hand over their earnings to the perpetrators under the threat of violence. The proceeds of crime are significant, as the suspects combine their gain from the labour or sexual exploitation with the benefit fraud.

Victims are made to open bank accounts, over which they do not have control, and money is withdrawn by the traffickers. The members of the OCG later use the workers’ identities to submit fraudulent social benefit claims and take advantage of tax credits and/or child benefits, especially exploiting those MS where the benefits system is particularly developed.

In some cases, victims are lured only for the purpose of committing social and child benefit fraud. The victims stay in the country for 3 to 4 days and then leave their ID documents, bank documentation, bank cards and other items with the OCG who empty their bank account. Once the benefits expire, the OCG renews them on the victim’s behalf. The OCG maintains control over their passports and bank accounts and launder the proceeds of crime, usually by sending it back to the country of origin in cash or via wire transfers. In one case, an OCG recruited victims and made them request loans. Initially, small amounts of money were taken and repaid to the bank in order to avoid suspicion. Then, a large amount of money was taken from the bank and not paid back.

OCGs defraud welfare systems by recruiting families with many children. The OCG transports the children to another country where, with the help of accomplices, they submit the necessary documents to obtain social benefits. In some cases, only the children's documentation was taken by the exploiters (instead of the children themselves) in order to obtain social benefits. The exploiters keep most of the social benefits; only a small percentage of the money is given to the person for whom the social benefits are requested.

5. The effect of THB

- ◊ THB harms human dignity and physical and psychological integrity. It first and foremost affects the victims of trafficking, but it also has a vast impact on society overall.
- ◊ Especially in case of underage victims, the risk of re-victimisation and re-trafficking is high. Victims often lack information about their rights and how to effectively exercise them.
- ◊ Human traffickers generate billions of euros in profit every year³⁹. Prosecution and detention of suspects and prevention and awareness programmes also have a significant economic impact.
- ◊ The quality of products and services is affected by the cheap and unregulated system in which labour exploitation occurs.

Trafficking in human beings is one of the most detrimental crimes against persons, as it harms human dignity and the physical and psychological integrity of victims, which are indispensable rights protected by the Charter of Fundamental Rights of the European Union. The EU Charter also forbids other gross human rights violations linked to THB, such as conditions of servitude and forced labour, as well as torture and inhumane or degrading treatment or punishment; it also reaffirms the prohibition of employment of children below the school leaving age, as well as the right for everyone to access health care, social security and assistance.

The crime of THB involves violence, abuse and trauma, which often accompany victims from the beginning to the end of their exploitation. Vulnerable individuals, who were deceived through false promises may suffer further victimisation once the exploitation ends. Victims of trafficking may feel unable to return to their relatives, fearing their disapproval or misunderstanding. During their exploitation, victims run a high risk of being exposed to severe physical and/or psychological violence, and even death. In the worst cases, poor living conditions, food deprivation and not undergoing

regular health checks not only increase the possibility of contracting serious illnesses without receiving the proper medicine, but also the risk to public health in general.

The risk of re-victimisation and re-trafficking is very high in the case of child victims. The European Commission recently asked the EU Agency for Fundamental Rights to produce an overview of national protection systems across the EU to develop a best practice model on the role of guardians and/or representatives of child victims of trafficking, while MS have been called to strengthen their national child protection systems and all measures that ensure the best interests of minor victims are met⁴⁰.

Victims often lack information about their rights and on how to effectively exercise them. This problem has been identified as one of the main issues related to the implementation of Directive 2011/36/EU. To further increase the range of tools and means dedicated to increasing the awareness of victims, the European Commission pledged in 2013 to create a clear, user-friendly collection of information regarding the rights that victims of THB have under EU law.

³⁹ European Parliament Directorate General for Internal Policies Policy Department C: Citizens' Rights and Constitutional Affairs Special Committee on Organised Crime, Corruption and Money Laundering "The economic, financial and social impacts of organised crime in the EU" A study (2013).

⁴⁰ These policy fields are Children's rights, Criminal Justice, Civil Justice, Asylum and Integration, Health and Justice.

6. Combating THB: The EU legal and political commitment

- ◊ The EU Serious and Organised Crime Policy Cycle started in 2013 to ensure cooperation between MS law enforcement authorities, EU institutions, EU agencies and relevant third parties in the fight against serious international and organised crime. THB is one of the nine priorities of the current policy cycle.
- ◊ Europol is assigned to provide support to cross-border and high-level investigations and analytical and operational assistance as well as administrative and logistical support during coordinated actions.
- ◊ Europol's operational project dealing with THB was launched in 2007 within the Serious and Organised Crime (SOC) Operations Department.
- ◊ The EU Strategy towards the eradication of the crime of Trafficking in Human Beings 2012-2016 has been established to support the transposition of the EU Directive 2011/36 into the MS legislation and to set up a harmonised approach to achieving this.

Europe is a region of origin, transit and destination for victims of trafficking and exploitation. In order to tackle this crime, the European Union has pledged a strong commitment at the European level. To achieve the full eradication of THB, Member States are encouraged to adopt a comprehensive legal and policy framework and to undertake strategic and consistent actions. Europol assists all MS law enforcement authorities, third countries and neighbouring regions in the implementation of coordinated investigative responses against the most threatening OCGs active in the EU.

6.1. The role of Europol

Europol functions as a centre of expertise for strategic and operational intelligence and as an information hub for criminal data concerning the most threatening OCGs active in the EU.

Europol provides operational support to MS law enforcement authorities. The EU

Strategy 2012-2016 outlined specific tools through which Europol can assist MS' investigative activities and persecution of traffickers. These include the enhancing of the intelligence picture on criminal phenomena and the training of specific law enforcement units and experts.

Europol's operational project dealing with THB was opened in June 2007, with the purpose of supporting MS competent authorities in preventing and combating all forms of criminality within Europol's mandate associated with THB. The crimes investigated with the strategic and operational support of Europol concern OCGs engaged in THB in at least two Member States of the European Union, as well as any associated criminal activity within Europol's mandate discovered in the course of investigation and carried out by the criminal networks in the MS concerned.

Twenty-five MS currently participate in Europol's THB project.

In 2014, Europol’s THB dedicated team accepted and processed 3 820 contributions from MS law enforcement, an increase of 65% compared to the previous year, when it received 2 520 contributions.

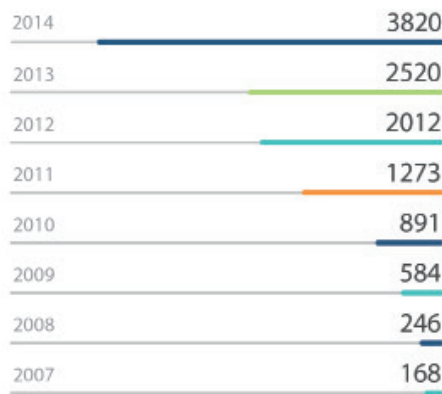


Figure 8. Yearly Contributions by MS to Europol’s THB project.

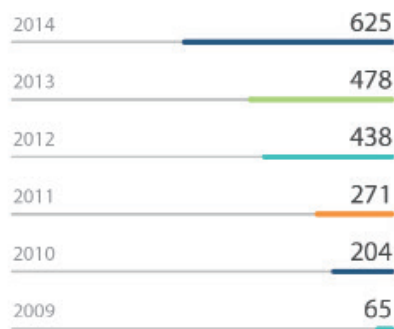


Figure 9. Cases submitted by MS to Europol’s THB project

6.2. The EU policy and legislative framework against THB

Member States are called upon to tackle the criminal phenomenon together with third countries and neighbouring regions. A series of legislative and policy tools have been established to achieve this.

Following the recommendation of the Organised Crime Threat Assessment for the EU (OCTA, 2011), the European Commission implemented a two-year pilot EU policy cycle. During this pilot, one of the priority areas was THB. THB was supported by a European Multi Disciplinary Platform Against Criminal Threats (EMPACT) in 2011-2013. This EMPACT Program encouraged Member States to participate in joint, multidisciplinary operational actions to combat organised criminals involved in the trafficking of human beings.

Further to the recommendations of the Serious and Organised Crime Threat Assessment for the EU (SOCTA, 2013), THB was again highlighted as a priority threat area, and was allocated an EMPACT program for a further four years (2013-2017).

In 2009, the [Global Approach to Migration and Mobility](#)⁴¹ and the [Action Oriented Paper \(AOP\) on strengthening the EU external dimension against trafficking in human beings](#)⁴² stressed the importance of cooperating with third partners among origin, transit and destination countries. The more recent [2015 EU Agenda on Migration](#) provides Member States with a comprehensive set of tools to manage migration issues and THB in the immediate, medium and long term.

[EU Directive 2004/81/EC](#) issued by the European Council regulates the granting of a temporary residence permit to third-country nationals who are victims of THB cooperating

⁴¹ European Union: Communication from the Commission to the European Parliament, The European Economic and Social Committee and the Committee of the Regions, The Global Approach to Migration and Mobility /*COM/2011/0743final*/.

⁴² European Union: Council of the European Union, Implementing the Strategy for the External Dimension of Justice and Home Affairs: Global Freedom, Security and Justice, Action-Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings; Towards Global EU Action against Trafficking in Human Beings, 11450/5/09, 19 November 2009.

with the [authorities in their investigation and prosecution of the alleged traffickers](#). The legal and policy framework to address THB at the EU level was established in 2011 by [Directive 2011/36/EU on preventing and combating THB and protecting its victims](#)⁴³. This document comprehensively describes the criminal phenomenon of THB, adopting the official definition of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which supplemented the 2000 UN Convention against Transnational Organized Crime.

In 2012, an additional [Directive 2012/29/EU](#) established [minimum standards regarding the rights, support and protection of victims of crime](#), increasing the rights which victims of trafficking can benefit from and which were not specified in the Directive 2011/36/EU.

The Commission recommended the [implementation of the EU Directive 2011/36/EU within Member States' national legislation by 6 April 2013](#)⁴⁴. In 2014, twenty-five MS had fully implemented the Directive within their national laws, except for Belgium, which has transposed the Directive only partially; Germany, which has pledged to incorporate the law before the end of the current legislative term; and Denmark, which decided not to participate in the implementation of the Directive. The incorporation of Directive 2011/36/EU into the national legislation is currently being analysed and reviewed by the Commission.

In 2012, a common [EU Strategy towards the eradication of the crime of Trafficking in Human Beings 2012-2016](#)⁴⁵ was launched to support the implementation of the EU Directive 2011/36 and to set up a harmonised approach in realising this.

An [EU Anti-Trafficking Coordinator \(EU ATC\)](#) has been appointed by the Commission to provide strategic policy orientation, to ensure consistent and coordinated planning among MS and third parties, as well as to monitor the implementation of the EU Strategy.

The EU Strategy 2012-2016 identified [five priorities](#) to focus on to address the crime of THB in a consistent manner:

1. [Identifying, protecting and assisting victims of trafficking](#) through the establishment of national and transnational referral mechanisms, the improvement of the identification of victims, the protection of child victims of trafficking and the provision of information to the victims on their rights;
2. [Stepping up the prevention of trafficking in human beings](#) by understanding and reducing demand, by promoting the establishment of a private sector platform, and by implementing awareness raising activities and prevention programmes;
3. [Increasing prosecution of traffickers](#) through the establishment of national multidisciplinary law enforcement units, the furthering of financial investigations, the increase of cross-border policing and judicial cooperation and cooperation beyond borders;
4. [Enhancing coordination and cooperation among key actors and policy coherence](#) by strengthening the EU network of national rapporteurs or equivalent mechanisms, coordinating EU external policy activities, promoting the establishment of a civil society platform, reviewing projects funded by the EU, strengthening the fundamental rights in anti-trafficking policy and related actions, and coordinating training needs in a multidisciplinary context⁴⁶.

⁴³ European Union: Council of the European Union, Directive 2011/36/EU of the European Parliament and of the Council of 5th April 2011 on preventing and combating trafficking in human beings and protecting its victims and replacing Council Framework Decision 2002/629/JHA, 15 April 2011.

⁴⁴ Except for Denmark, which does not participate in the implementation of the Directive.

⁴⁵ European Union: European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions. The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016, 19 June 2012, Com (2012) 296 final.

⁴⁶ Ibid 45.

5. **Increasing knowledge of and an effective response to emerging concerns related to all forms of THB** by developing an EU-wide system for data collection, increasing knowledge relating to the gender dimension of trafficking and vulnerable groups, understanding online recruitment and targeting labour exploitation.

In order to implement the abovementioned priorities, the Commission encourages a concerted effort by MS, the European External Action Service (EEAS), EU institutions, EU agencies, international organisations, third countries, civil society organisations and the private sector. A database containing all legal instruments, initiatives, projects and interested parties dealing with THB has also been created. Furthermore, an extensive funding framework has been set up to promote quantitative and qualitative research projects, to increase the exchange of valuable knowledge and to improve the quality of data collection.

The third priority of the EU Strategy 2012-2016 encourages MS law enforcement to improve investigations and prosecution of human traffickers through the creation of national multidisciplinary law enforcement units working on human trafficking. Those units should function as contact points for all EU agencies, especially for Europol, and should provide information to their Europol national unit (ENU) for further distribution to the relevant law enforcement authorities. Those national units are required to work on all forms of THB, to improve their data collection and the exchange of information and of intelligence.

7. Conclusions

7.1. The main challenges for policing

To effectively function as a centre of expertise for strategic and operational intelligence, Europol relies on the information provided by the Member States. [Europol's capabilities should be promoted among MS law enforcement authorities](#), in order to increase information sharing with Europol so that links can be made between investigations in different Member States and a broader intelligence picture on the most threatening OCGs active in the EU can be drawn.

[Data collection on child trafficking should be based on a common definition](#) of this crime phenomenon. Some MS consider child trafficking a separate form of exploitation and others include child victims with adults hindering the possibility of creating a comprehensive intelligence picture and of defining the best investigative responses at the EU level. Furthermore, EU law enforcement and especially border authorities are encouraged to [improve data collection on minors travelling with non-related adults](#), as they are particularly vulnerable to victimisation and trafficking.

Since most of the OCGs active in human trafficking transfer their criminal proceeds to their country of origin, often via wire transfers, [more attention should be given to the financial aspect of THB](#). Financial investigations should be promoted between the countries of destination of victims and the countries of origin of the suspects, in order to determine the money flows.

As the Internet is progressively becoming an essential tool in many stages of the

exploitation process, [EU law enforcement authorities are encouraged to increase online monitoring activities](#) on social media, online job agencies and escort forums and sex chats, where potential exploitative circumstances can be spotted and the victimisation of vulnerable individuals can be prevented.

FACTSHEET COMBATING THB

EUROPOL'S TOOLS

Focal Point Phoenix

EMPACT priority

Europol Information System (EIS)

Internet Referral Unit (IRU)

CARIN Network (proceeds of crime)

EU MEMBER STATES

National Investigations

International Investigations

EU POLICY LEGISLATIVE FRAMEWORK

2013- 2017	EMPACT Priority
2011	EU Directive 2011/36/EU on preventing and combatting THB and protecting its victims
2012- 2016	EU Strategy towards the eradication of the crime of Trafficking in Human Beings 2012-2016 Com (2012) 296 final

- ▼ Identify, protect and assist victims of human trafficking
- ▼ Stepping up the prevention of trafficking in human beings
- ▼ Increasing prosecution of traffickers
- ▼ Enhance coordination and cooperation among key actors and policy coherence
- ▼ Increase knowledge of and an effective response to emerging concerns related to all forms of trafficking in human being

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