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- OUTCOME REPORT

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Delegations will find attached Eurojust Strategic Meeting on Trafficking in Human Beings  
- Outcome Report.

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Encl.: Eurojust Strategic Meeting on Trafficking in Human Beings  
- Outcome Report



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# **EUROJUST STRATEGIC MEETING ON TRAFFICKING IN HUMAN BEINGS**

*The Hague 26-27 April 2012*

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## **OUTCOME REPORT**



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## **1. Introduction and background to the strategic meeting**

The Eurojust strategic meeting on trafficking in human beings took place on 26-27 April 2012 at Eurojust. The meeting was organised in the framework of the strategic project entitled *Eurojust Action against Trafficking in Human Beings* (hereinafter “the Eurojust project”) initiated in January 2012 by the Eurojust Trafficking and Related Crimes Team. The goal of the meeting was to present the preliminary findings of the Eurojust project regarding the seemingly small number of investigations/prosecutions of trafficking in human beings (THB) cases in the European Union, and to identify possible ways to increase their number and the effectiveness of judicial cooperation in the fight against THB, with the support of Eurojust. The meeting combined practical presentations with in-depth discussions in five workshops.

A total of 76 participants, including the European Anti-Trafficking Coordinator, the President of the Council of Europe’s Group of Experts on Action against THB (GRETA), national THB experts, as well as representatives from the European Commission, Europol, CEPOL, Frontex and Eurojust, attended the meeting.

## **2. Opening session and welcoming speeches**

Opening remarks were made by **Ms Michèle Coninsx, President-Elect of Eurojust and National Member for Belgium, and Mr Ola Laurell, National Member for Sweden and Chair of the Eurojust Trafficking and Related Crimes Team**.

*Ms Coninsx* stated that coordination of efforts between the Member States and with third States is crucial in the fight against THB. All States could consider establishing an action plan similar to the one Eurojust will present on the basis of its project. The efforts of Member States as well as EU institutions, agencies and bodies should concentrate on the collection of reliable and comparable data on THB to prepare for a more concerted strategy to fight this crime. THB is a profitable crime; financial returns are high relative to the effort required. A successful way to attack and dismantle organised criminal groups involved in THB is to “follow the money” by, for instance, tracing, freezing and confiscating the criminals’ assets. To do so, while properly tackling every aspect connected to THB, all Member States, EU institutions, agencies and bodies need to effectively cooperate to facilitate an enhanced number of THB prosecutions and to secure convictions of the traffickers. The new Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims replacing Council Framework Decision 2002/629/JHA (hereinafter “the Directive”), which must be transposed by 6 April 2013, will surely facilitate this task. Finally, the role of administrative authorities in combating this form of organised crime should not be underestimated.



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*Mr Laurell* presented the objective and scope of the Eurojust project. The trigger for this project was the decrease in the number of THB cases registered in Eurojust's Case Management System since 2004, from which one could infer that Eurojust is not used to its fullest extent. Mr Laurell noted that the vast majority of Eurojust THB cases consist of bilateral rather than multilateral cases. This situation may indicate that THB cases are not properly addressed at national level to include the whole chain of actors operating in the source, transit, and destination countries. Another consideration was the lack of proper statistics at national level on the investigation and prosecution of THB crimes. The number of Member State investigations and prosecutions is disproportionate to the number of victims reported by several EU and international authoritative sources. The Commission Group of Experts on THB shared this view. These considerations are in stark contrast to efforts taken by the European Union, including those involving EU funding, invested for the fight against this crime, since 2005.

### **3. First session**

#### **Keynote speech by Ms Myria Vassiliadou, European Anti-Trafficking Coordinator, European Commission**

*Ms Vassiliadou* stressed the importance of transnational cooperation and the role of Eurojust in the fight against THB, a heinous violation of human rights, subjecting its victims to extreme duress. THB victims can be exploited for forced begging, forced labour, domestic servitude, removal of organs, etc. Therefore, one needs to go beyond the stereotype of trafficking for sexual exploitation.

Ms Vassiliadou called for a common action in tackling all activities pertaining to THB, from the prevention of crime and protection of victims , to successful prosecution of traffickers. A common action will be facilitated by the new Directive once the Member States have transposed its provisions into national law. The Directive is a good instrument, human rights-centred and gender-specific. It contains robust provisions on penalties and a common definition of the crime. It provides for effective investigation and prosecution of traffickers, the non-prosecution or non-application of penalties to victims and a comprehensive set of provisions on victims' rights.

The Commission is working on an EU Integrated Strategy against THB for the next five years with the goal of expanding on issues that are not or are insufficiently covered by the Directive. This Strategy will also strive to increase the number of investigations and prosecutions in THB cases with the support of Eurojust and Europol, and to focus on so-called "internal THB" (trafficking of EU citizens), a phenomenon that seems to be on the rise. It will ensure that assistance is provided to victims in cross-border situations, and



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provide for a strong partnership amongst law enforcement, judicial and health authorities, labour unions and social services providers. Knowledge and appropriate training on the entire THB phenomenon for all officials likely to investigate this crime and come into contact with THB victims are crucial. Training also serves to avoid THB cases going undetected, unpunished or confused with other crimes (*in primis* smuggling).

The Anti-Trafficking Coordinator also referred to the significant amounts of money spent on projects addressing THB while the number of victims is still growing and the number of investigations and prosecutions of human traffickers in the European Union remains small. To this end, the Commission is currently considering a review of all projects funded by the European Union to plan for a more coordinated approach. Ms Vassiliadou welcomed the Eurojust project and stressed that issues such as evidence from financial investigations, cooperation amongst Member States, and the assistance of Eurojust and Europol are crucial to effectively fight THB cases. The outcome of this meeting and of the Eurojust project will assist in increasing the number of prosecutions of human traffickers.

Ms Vassiliadou expressed her interest in the future action plan that could be presented by Eurojust on the occasion of the 6th Anti-Trafficking Day in October 2012. The Anti-Trafficking Coordinator concluded by emphasizing the importance of the commitment of the EU JHA agencies in addressing THB in a coordinated, coherent and comprehensive manner, as expressed by the Joint Statement signed on the occasion of the 5<sup>th</sup> Anti-Trafficking Day held on 18 October 2011.

### **Presentation of the preliminary results of the Strategic Project *Eurojust Action against Trafficking in Human Beings***

*Mr Lukáš Starý, National Member for the Czech Republic, and Mr Jesús Pena, Case Analyst at Eurojust,* introduced the main preliminary findings of the Eurojust project. The project involves an analysis of the replies to a questionnaire addressed to national authorities on obstacles to the investigation and prosecution of THB cases, and an analysis of the Eurojust THB cases registered between 2008 and 2010 in which (at least) a coordination meeting was held. Preliminary analysis of the replies shows seven main difficulties in investigating and prosecuting THB cases most commonly faced by the national authorities:

1. Difficulties encountered in the identification of THB victims, and/or THB cases;
2. Difficulties in obtaining evidence;
3. Frequent reliance solely on victims' testimony, disregarding other sources of evidence (which could hamper a successful prosecution);
4. Legislation issues (substantive and procedural law);
5. Standards of evidence required to successfully prosecute THB cases;
6. Lack of experience and lack of specialised knowledge on THB; and



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7. The multilateral dimension of THB cases, which is seen as too burdensome by national authorities.

These issues formed the basis for discussions in the five workshops of the strategic meeting. The Eurojust project final report will take into account the conclusions made during the strategic meeting and will include an action plan.

### **Presentation of a Eurojust THB case example**

*Ms Sylvie Petit-Leclair, National Member for France*, presented the Eurojust THB case “*Mer noire*” illustrating the type of support Eurojust can offer to national authorities, particularly when a case is referred to Eurojust at a preliminary stage.

The investigation in this case was initiated in October 2010 when police in Lyon began monitoring a group of prostitutes from Bulgaria. One of the prostitutes was in a relationship with the Bulgarian leader of a criminal network, and she was collecting money on his behalf. The investigation uncovered that the proceeds of crime were laundered and sent via Western Union to Belgium and Bulgaria. In Bulgaria, restaurants were used to launder the money. The criminal network was extremely mobile; victims were smuggled to different Member States, and placed under the supervision of local “lieutenants”.

During the first coordination meeting organised by Eurojust in April 2012 at the request of the French authorities, a general agreement was reached to set up a JIT between Bulgaria and France, with the participation of Eurojust and Europol, to better coordinate the financial investigation of the case (*i.e.* money laundering). Legal advice and financial support to the JIT were provided by Eurojust. The JIT participants exchanged crucial information for the benefit of the ongoing investigations. To trigger a parallel investigation into money laundering, Eurojust facilitated the transmission of data of the French proceedings to the competent Bulgarian prosecutors. At a later stage, Belgium expressed an interest in joining the JIT as they intended to start an investigation on the Belgian criminal branch. Eurojust and Europol continue to cooperate extensively in this case. In a growing number of situations, Eurojust’s contribution to the facilitation of the flow of information to Europol has proved useful. Eurojust is also involved in Europol’s Analysis Work Files (AWF Phoenix).

### **4. Second session**

#### **Presentation of the preliminary findings of the European Commission data collection project on Trafficking in Human Beings**

*Mr Gert Bogaerts, Policy Officer, DG Home Affairs, European Commission*, presented the preliminary results of the THB data collection project initiated last year by the Commission.



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The final results, set out by the Commission and Eurostat, will be available in autumn 2012. The starting point of the project was the difficulty in retrieving reliable and comparable data on THB, due to a number of factors, including the different definitions of THB at national level, and diverse registration mechanisms in the Member States. A questionnaire was sent out in September 2011 to all Member States, potential candidate countries, and EFTA countries. All EU Member States, plus Lichtenstein, Norway, Switzerland, Croatia, Turkey and Serbia, replied. The goal of the project is to collect and analyse data pertaining to victims, suspected traffickers, and the number of prosecutions and convictions for THB. These indicators have been used to cover the whole chain of detecting, prosecuting and sentencing traffickers in human beings.

### **Obligations to investigate, prosecute and cooperate under the Council of Europe Anti-Trafficking Convention. The main findings of the GRETA**

*Mr Nicolas Le Coz, President of the Group of Experts on Action against Trafficking in Human Beings (GRETA), Council of Europe, made a presentation on the Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”), in force since 2008 and the results of the main findings of GRETA in the framework of the monitoring of its implementation by the Parties. The Convention establishes a common definition of THB at national level, and provides for a core obligation to effectively investigate and prosecute this crime, and identify, protect and compensate the victims. The importance of providing training to law enforcement officials, prosecution services and judges is stressed by the Convention and supported by GRETA, the “guardian” of the Convention. Nevertheless, few countries appear to be providing training to judges, as such training may sometimes be perceived by some judges as a threat to their independence. The President of GRETA referred to the “Magna Charta of Judges” adopted by the Consultative Council of European Judges in 2010 which considers that “initial and in-service training is a right and a duty for judges”. Mr Le Coz stressed that specialisations does not mean that a “THB Unit” should be created in each State. Existing units can easily support the fight against THB, provided that they are properly and regularly trained and specialised. Mr Le Coz further stressed that all stakeholders must be coordinated, as required by the Convention, and must cooperate with NGOs, given their close contact with victims. The crucial role of special investigative techniques in fighting THB was also underlined, as well as the importance of the confiscation of criminal assets, bearing in mind that identification and seizure of criminal assets must be done at the stage of the criminal investigation. Mr Le Coz also stressed that GRETA considers Eurojust and Europol important tools for the Member States to improve the prosecution of traffickers and the mutual legal assistance, according to the Convention. Stronger cooperation between GRETA and these EU bodies was also advocated.*

### **Europol’s experience in dealing with THB cases**



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*Ms Angelika Molnár, Project Manager of AWF Phoenix, Europol*, presented the latest trends, statistics, and a case study illustrating the support Europol can provide to national authorities in THB cases. It was mentioned that sometimes some national authorities still confuse the crimes of THB and smuggling of immigrants. Swift support can be ensured through a direct exchange of information between Europol and national authorities via a secure computerised system that is available 24/7. The collected information is analysed and re-distributed to national authorities in the form of usable information packages.

In presenting emerging trends in THB, Ms Molnár explained that the European Union is used as a destination by organised criminal groups predominately from China, Vietnam, Nigeria and South America. Trafficking routes are difficult to trace due to constant changes in entry points and transits. Within the European Union, victims of THB mostly originate from Eastern Europe (Romania, Bulgaria, Czech Republic, Slovak Republic and Hungary). Criminal networks originating in these Member States utilise a widespread contact network in the European Union and have a high level of control over the victims. The exploitation of these victims usually takes place under a fictitious legal set-up, as they normally enter the target EU countries legally. Victims are trafficked for employment in agriculture, construction, the food industry and domestic work. The prevailing form of exploitation is commercial sexual exploitation, which is also expanding to involuntary labour and forced illegal activities (*e.g.* theft, pickpocketing, organised begging, cannabis cultivation, marriages of convenience and illegal adoption). In these circumstances, distinguishing victims from perpetrators can be difficult.

Very high profits are generated in connection with THB. Revenues are regularly returned to the countries of origin using legal banking systems such as Western Union. Alternative remittance systems are also increasingly used. The importance of following the money flow was stressed, as it provides strong evidence in court. THB is chiefly a transnational crime; therefore, investigating and prosecuting authorities must go beyond national borders. The important assistance Eurojust and Europol can provide was also stressed. Finally, reference was made to the small number of THB cases reported last year to Europol, a number which is roughly in line with the percentage reported by Eurojust. This number is quite small, given that THB statistics might be “polluted” by cases of immigrant smuggling. Europol, like Eurojust, is continuously working on this front to raise awareness at national level.

## **5. Third session**

### **Gathering evidence in THB cases**

*Mr Warner ten Kate, National Public Prosecutor for Trafficking in Human Beings, the Netherlands*, presented the types of investigative techniques employed by the Dutch authorities to gather evidence in THB cases. These can be categorised as: “classic” methods,



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“in between” methods and “new and innovative” methods. Classic methods include: victim statements, interviews, suspect observation (including the recording of confidential conversations), and searches (the prosecutor can order a search, provided that authorisation is given).

However, classic methods alone are nowadays not sufficient to effectively prosecute THB crimes. For example, victim statements are useful, but if victims later change/withdraw their statements, the case is severely put at risk, as judges find that a proper assessment of whether a victim has been forced or not (by traffickers) to change/withdraw a statement is difficult to make. The “in between” investigation techniques refer to the use of undercover investigations and infiltrators that could bring added value. However, these techniques may carry a *caveat*. Under Dutch jurisprudence, the infiltrator, usually a police officer, may not induce the suspect to commit criminal offences other than those they intended to commit. Other forms of infiltration used in THB cases are: pseudo-purchase (to collect evidence against the sellers, including sexual products), and pseudo-sale (to see who is purchasing services), front store operations (*e.g.* an infiltrator running a brothel that will serve as facilitator), back store operations (the same as above but located in the prosecuting country), controlled delivery (*e.g.* illegal shipments moved from one place to another under supervision of competent authorities), controlled pass (which deals with controlling rather than seizing shipments).

These operations, however, do pose two problems: 1) the unlawful situation continues, to the detriment of the victims; and 2) they are not always easy to conduct. For instance, a front store costs a lot of money, and it is a long-lasting operation. For these reasons, recourse to other “new and innovative” investigation techniques is necessary. These techniques are normally used to investigate and prosecute other crimes, *e.g.* cybercrime. A recent case concerned the shutting down of an escort agency website that was associated with THB ([www.Suzana.com](http://www.Suzana.com)). All website clients received a message that the agency was associated with THB. As a consequence, many of the clients contacted the police to deny having used the agency and also provided useful information.

Two anti-THB operations carried out in The Hague and Eindhoven were also presented. The red light districts were closed down for one evening to allow law enforcement authorities, social services, NGOs and lawyers to talk to prostitutes and check their licenses. They were taken to the City Hall, a safe environment, and were given the opportunity to escape a possible THB situation. For such operations, cooperation between private and public partners is crucial. Social media must also be involved. In the reported case, Facebook and Twitter were used to raise awareness and collect information. Reference was also made to the phenomenon of prostitution taking place in hotels, in which law enforcement authorities relied on professional actresses to act as prostitutes. They were visited by police officers acting as customers. The goal of these procedures was to monitor hotel staff and their



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possible involvement in THB. Recently, hotel receptionists have been trained to recognise signs of THB.

A 2006 Dutch THB case was also presented to illustrate the benefit of involving expert witnesses and civilian “court experts” to obtain strong evidence and successfully prosecute a THB criminal network using Nigerian victims. The traffickers had used voodoo and other local beliefs to force the women into prostitution. A voodoo priest was used to break the vicious circle and allow victims to freely testify against their abusers. An expert victim was also employed: she had once been a prostitute from Nigeria and thus could provide a more objective description of the situation faced by these victims. Cooperation with other involved states, including Italy and Nigeria, was considered fruitful, as it contributed greatly to the dismantling of the criminal network. The important role played by Eurojust in this case, also in connection with the setting up of a JIT, was highlighted.

*Mr Paul Notenboom, Deputy Director, Criminal Assets Deprivation Bureau of the Prosecution Service, the Netherlands, gave a presentation on the importance and advantages of financial investigations in THB cases. The presentation started with a reminder. Al Capone - known for having allegedly committed murder, money laundering, bribery, and other organised crime-related activities - was convicted for tax evasion. Any criminal investigation’s objectives should be to cause damage to the perpetrator, to prevent others from committing the same crime, and to make sure that the criminal network does not continue. Criminal networks should not be allowed to remain in possession of their illegally gained assets. Ultimately, deprivation of assets is the best way to ensure that any criminal network does not continue to operate. In addition, by stopping the criminal network’s activities, victims are not victimised again and compensation can commence.*

Mr Notenboom stressed that financial investigations should be run in parallel to criminal investigations, and start at the beginning, if not before, criminal investigations are initiated. Financial investigations are crucial for securing strong evidence in court, and for having a clear picture of how the network is organised, the identity of the leader (normally the higher earner), where the headquarters is located, etc. Investigators and prosecutors need to know how these criminal “entrepreneurs” work. In fact, the leader is rarely the one who abuses, or transfers the victims to other locations. In many cases, the leader is a person victims do not even see or know. For this reason, victims’ testimonies do not bring the investigators to the “Al Capones” of these networks, but financial investigations do.

By looking at THB as an enterprise, investigations can start with greater ease, and coercive measures can be implemented on the basis of solid indictments. At the end of the presentation, a reference was made to the so-called “barrier model” developed by the Dutch authorities to prevent and disrupt the businesses and markets of human trafficking. The model identifies illicit actors (service providers) and illicit activities at each critical phase of



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trafficking (entrance into the country, housing, identification of victim, work and finance stages) and seeks to involve relevant stakeholders that are in a position to construct barriers at each of these trafficking stages. Barriers could take the form of regular controls, screening of paperwork of passengers, removal of licenses, etc., all of which actions could increase the risks of identification of human traffickers and their costs. This model can lead, for example, to the removal of a driving license or a permit from a taxi driver if proof exists that the taxi was used for transporting victims to be exploited, or to the removal of a permit to rent a house used as a brothel if the brothel employed THB victims as prostitutes. In a recent THB case, the barrier model was used to obtain a comprehensive picture of both the criminal acts committed and the acts that were not illegal but served to facilitate the criminal network activities.

## 6. Fourth session

### **Improving the Prosecutorial Response to Trafficking in Human Beings**

*Mr Glynn Rankin, Independent Anti-trafficking Specialist, UK*, pointed out the necessity of raising awareness at all levels on how to identify human trafficking cases. This awareness is particularly important considering the increase in “internal trafficking” (trafficking of EU citizens) and the many types of trafficking that have appeared (*e.g.* forced labour, exploitation in cannabis farms, benefit fraud or domestic servitude). Furthermore, Mr Rankin presented difficulties in addressing human trafficking. The different types of trafficking demand constant updates on the trends, routes, and forms of trafficking and, subsequently, knowledge by the individuals involved in investigations and prosecutions in how to use such information.

Moreover, gathering solid evidence is a challenge closely related to building victims’ trust, as many times victims are reluctant to testify, mainly due to fear or psychological problems. Videoconferencing has been used in this regard with mixed results, as the focus might not necessarily have been on the victim’s perspective, but rather on the judges’ timetable. Another difficulty relates to tracing the proceeds of crime when located abroad. Jurisdictional issues might also arise. In the UK, the default position is that the prosecution should be taking place in the UK. That position, however, might not be in the victim’s best interest, particularly when the best evidence may be found in another jurisdiction.

Possible solutions were also presented by Mr Rankin. Early consultation in every case is essential. Specialist teams may be a resource but should be carefully used, as they may concentrate the knowledge in specific regions of the country. Training for specialised law enforcement and judicial authorities is needed, along with a basic knowledge for all prosecutors and investigators. Mr Rankin also stressed that prosecutors should be obliged to “think trafficking” and develop increased awareness and an understanding of victims. The



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result of investigations could be improved by an increased use of JITs. Prosecutors must work with source countries and, therefore, bilateral agreements, secondment of liaison officers/magistrates in such countries, study visits and mentoring should be considered. As trafficking is by nature a cross-border crime, awareness must be raised of the added value of using international and European coordination and cooperation platforms such as Eurojust, Europol, Interpol, Southeast European Law Enforcement Center (SELEC) and EU Border Assistance Mission to Moldova and Ukraine (EUBAM). Furthermore, Mr Rankin referred to the importance of early initiation of financial investigations in THB cases to confiscate the proceeds from trafficking. This initiation would not only reduce future criminal activity, but could be a monetary incentive for investigation and prosecution, especially in the current times of austerity.

## **7. Fifth session - Workshop conclusions**

### **Workshop 1: Testimonies of victims and witnesses – vital evidence in THB cases**

Obtaining and relying on evidence from victims and witnesses in THB cases has been identified by the Eurojust project as the main obstacle to a successful prosecution of THB encountered by the national authorities. Participants agreed that THB cases are difficult to prove due to their hidden and complex nature. Victims' statements represent crucial evidence; however, a victim is often unwilling, fearful or unable to testify. Judges will be unlikely to convict a trafficker without a statement from the victim, especially in the Member States where the victim's testimony in court is mandatory. Solutions for securing victims' testimonies were identified by the participants, including assistance, support and protection measures for victims (*e.g.* reflection period, residence permit, assistance programmes, legal counselling, witness protection programmes, cooperation with other countries in protecting the family of victims/witnesses). On the other hand, a victim's statement is not sufficient alone to secure conviction of traffickers and, therefore, it needs to be supported by other evidence.

Another concern was related to the fact that victims may depart to unknown destinations after giving a statement during pre-trial investigation, or may change/refute their testimony in court. In these cases, some participants proposed a good practice for securing the statement given by the victim during the pre-trial investigation. The practice refers to the victim's hearing by a judge, in the presence of the defence lawyer, before the trial. Nevertheless, participants agreed that this practice should be used carefully, as in many Member States the traffickers must be notified of a victim's hearing, which notification would in turn make the traffickers aware of an ongoing police investigation. The hearing of the victim should, therefore, be organised at the right moment, both not too early (as this might prevent a disruption of the whole criminal chain) and not too late (as this might create the risk that the victim will leave the country before the statement is taken before the judge). Furthermore,



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participants agreed that any change or withdrawal of a victim's testimony should be investigated whenever this evidence constitutes the main available evidence, in order to inquire whether pressure has been placed on the victim/victim's family. Practice shows that a change or withdrawal of a victim's testimony does not prevent the conviction of traffickers as, for example, police officers could be heard in court as witnesses. Participants discussed the situation of THB victims who have been forced to commit unlawful activities (e.g. pickpocketing, transporting of illegal drugs). Solutions should be found to create a secure and confident environment, so that victims will be willing to testify without fear of being incriminated for the illegal acts they have committed. Assistance from NGOs and the private sector is beneficial, especially if involved from the very early stage of investigations.

One other area of concern relates to situations where victims/witnesses return to their countries of origin during the criminal proceedings. In such cases, cooperation with source countries might prove difficult when attempting to obtain evidence from victims/witnesses. Videoconference links have been used successfully, as well as Eurojust (e.g. by organising coordination meetings and providing financial support to JITs). Many of the problems discussed during the workshop have been addressed by the international legal instruments, including the THB Directive, the Council of Europe Anti-Trafficking Convention, offering solutions and providing for harmonisation.

## **Workshop 2: Gathering evidence, other than testimonies of victims and witnesses, to secure conviction of traffickers and confiscation of their assets**

Difficulties appear often when gathering and corroborating evidence in THB cases. Victims' testimonies must be supported by other evidence. Participants discussed the importance of ensuring that victims feel safe when giving testimony. In this context, the use of videoconferencing from a safe location, so that the witness does not need to physically confront the suspect, was discussed. Problems occur when victims share benefits with the traffickers/exploiters, as they are not likely to testify because they often do not see themselves as victims. A good practice concerning evidence gathering is the use of wire tapping, to obtain remittance transaction codes (e.g. using Western Union) in order to identify financial flows and other persons involved. The "barrier model" was seen as a method to overcome these difficulties. Participants discussed the problem of admissibility of evidence and concluded that a free evaluation of evidence in court, instead of strict rules, would facilitate a successful prosecution in THB cases. Participants also noted that in THB cases for the purpose of sexual exploitation, customers may provide quality evidence through their testimony as witnesses. Thus, avoiding the criminalisation of customers' behaviour may



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result in good evidence. In cases involving a number of Member States, Eurojust should be used to facilitate cooperation.

Participants generally agreed that financial investigations are one of the most important tools to effectively fight THB. Member States should consider having a financial investigative department within their prosecution services to ensure that financial investigations can run in parallel with serious criminal investigations, thus allowing investigating services to focus primarily on the criminal aspect. The need for a cultural change in the attitude towards financial investigations and prosecutions, seen as secondary to criminal investigations, was widely recognised. In this respect, specialised training for police, prosecutors and judges on how to conduct a financial investigation in a THB case was deemed necessary.

The opportunity to shift the burden of proof in relation to the financial assets of THB suspects was discussed. Sharing information with administrative authorities could be beneficial in preventing the reinvestment of criminal proceeds in legal businesses (e.g. to revoke a permit to establish a business when the applicant is/has been the subject of a criminal investigation). Participants further considered the options available when evidence is insufficient for a THB prosecution.

Proposals were made for prosecuting crime(s) other than THB. Participants agreed that such an approach should be considered on a case-by-case basis, bearing in mind that cooperating victims are significantly affected whenever cases do not reach a conviction. Hence the probability of success should be thoroughly assessed before starting any procedure where victims provide testimony. Securing civil compensation claims for victims when suspects' illegally obtained assets have been confiscated should be considered at national level. Participants concluded that JITs are very useful tools for international cooperation as they contribute to establishing mutual trust amongst the authorities involved for the benefit of the entire investigation/prosecution. However, JITs should be set up only when necessary, not solely because funding is provided by Eurojust or the Commission.

### **Workshop 3: Towards a better identification of THB victims and cases**

To improve the identification of THB victims and cases, a THB specialisation was deemed necessary, albeit insufficient, simply because not all those who encounter victims can be specially trained. Guidelines and information could also substitute for training. Specialisation should be placed within different units, such as the police, investigating units, border guards, social workers, etc., to enable the correct and immediate detection of a THB situation. Clear and simple routines/procedures should be set up to ensure that the concern raised (e.g. that a person is a victim of THB) is followed up professionally by competent experts to reduce the risk of failure to identify a THB situation. Specialists were seen as useful as they can provide basic information and establish good routines for the handling of cases that are referred to



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them. The creation of matrices (*i.e.* profiles/indicators) to identify possible victims was also considered. Matrices can be useful, as the experience gained in one country could be used in another. They should cover all forms of exploitation. Routine updates of information contained in these matrices are necessary. The presence of experts within the police facilitates a proactive identification of THB victims. Reference was made to the Dutch example of training hotel staff to recognise THB victims. Investigators and prosecutors should routinely evaluate THB cases they had dealt with to identify success factors and lessons learnt.

#### **Workshop 4: Enhancing knowledge and experience in THB cases**

Participants recognized that police officers do not always correctly identify a THB case as such. This may be due to lack of knowledge about the *modus operandi* and complexity of THB cases. It was also acknowledged that information on THB is insufficient and victims may be identified as criminals as a result. Lack of resources was also identified as an obstacle for the proper investigation of THB cases. Generally, there is a gap between the political proclamation and the possibilities at national level to investigate and prosecute. Participants agreed that more training is essential, especially for police officers, as they are the first to meet victims and they have to identify them as such. Training for judges and prosecutors is also important; however, the level of training must be high. It should be interactive, with the presence of experts, focused on case studies, latest trends and phenomena (*e.g.* voodoo religion used to influence victims) and cultural issues. Practise makes perfect; thus the competent authorities should be encouraged to investigate and acquire experience. NGOs should join the training with law enforcement and judiciary since they have expertise as well (they are often the first ones who meet the victims – even before the victims report the crime to police). Interactive forms of training should become more usual (E-learning, E-library, IT-Cloud, Guidelines, Action Cards, Central knowledge database, academic articles and publication of convictions etc...)

THB indicators and profiles of traffickers were also seen as useful tools facilitating recognition of a THB case. Participation in Eurojust coordination meetings and in JITs could substantially improve international judicial cooperation, make the investigation more efficient and generally enhance knowledge on THB cases. The added value of the involvement of Eurojust in THB cases and, in particular, the advantages that coordination meetings could bring (*e.g.* simultaneous translation and direct contacts between the authorities involved) was highlighted. A positive experience with Eurojust intervention will naturally encourage practitioners to contact this organization again in future. Some formalities required for setting up a JIT were mentioned as rather cumbersome. As to the role of Eurojust in THB training activities at national level, participants recognized that Eurojust is not a training center/network such as EJTN and CEPOL. Participants called for regular practitioner's meetings on THB platform where judicial authorities can meet and share experiences in THB cases.



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## Workshop 5: Improving cross-border cooperation in THB cases

Participants agreed with the preliminary findings of the Eurojust project, recognising that THB cases are more difficult to investigate than others due to their complex multidimensional aspect, characterised not only by the number of States involved, but also by other factors, *e.g.* THB victims may be suspects in other Member States for other (lesser) crimes. Moreover, differences in national legislation could hamper the investigation of multilateral cases, including THB. For instance, to set up a JIT, one Member State might require information (*e.g.* a file number) from another State which the latter is not in a position to provide. In other instances, double criminality is required to proceed with freezing, seizing and confiscating assets. Furthermore, financial information from banks has proven difficult to obtain, which may in turn hamper the start of an investigation. At the same time, uncertainty regarding the definition of THB persists. Some Member States have insisted that their Supreme Courts provide a definition of trafficking to have consistency at least at national level. Participants also agreed that THB investigations require time and resources. Time constraints, lack of additional resources and difficulties in cooperation with certain countries can also lead to a lack of investigation of further detected links.

Participants suggested improving transnational cooperation by encouraging the tracing and sharing of assets confiscated from the traffickers. As an incentive, participants suggested that (portions of) the confiscated assets should be made available to the investigative unit that secured the confiscation. To improve cooperation within and outside the European Union, participants also suggested using standardised templates as far as possible, improving the use of JITs, and considering the establishment of a network of THB prosecutors (or using the existing networks to share experiences among THB prosecutors). National guidelines to prosecutorial units should always include a reminder that national authorities must inform their Eurojust National Member of complex THB cases in accordance with Article 13(6)(a) of the revised Eurojust Decision. Naturally, this input must be followed by an immediate response from Eurojust on links detected in other countries.

Participants also stressed that Eurojust's feedback to the authorities that first provided the information is crucial, pursuant to Article 13(a) of the revised Eurojust Decision. Eurojust should also play a more proactive role in this regard, and encourage national authorities to go beyond their national borders by sharing good practices, and raising awareness of the added value that can be brought by Eurojust and Europol. At the same time, Eurojust should collect feedback from national authorities in cases in which assistance has been provided (lessons learnt), and carry out strategic analysis on the basis of information on convictions for THB at EU level. Participants also discussed the usefulness of involving the private sector and NGOs in the investigation and prosecution of THB cases (tax evasion, etc.). Administrative



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information could be useful as evidence or could serve to gather additional evidence. NGOs were also considered crucial in providing assistance to victims.

## 7. **Closing remarks**

The conclusions of the seminar were summarised by Mr Laurell. He mentioned that “international cooperation is not an option but an obligation”. The Member States must work together and also involve the relevant agencies, especially Eurojust and Europol, in their efforts to combat THB. A very efficient way to fight THB is to conduct financial investigations in each case and follow the money trail. The leaders of the criminal networks could then be identified, their illegally acquired assets confiscated, and THB stopped. JITs have proved to be a very useful cooperation tool, and an excellent platform for determining optimal investigation and prosecution strategies, and should be increasingly used in THB cases, whenever suitable. Eurojust could assist not only by providing funding for the JIT activities, but also in identifying suitable cases for JITs, by ensuring the efficiency and operational capacity of JITs and by participating in JITs (by providing, for example, legal advice on the JIT agreements, experience gained in JITs, and analytical support). Mr Laurell concluded by stressing that the time has come to identify and apply new ways to prove the existence of human trafficking by using all types of evidence in support of victims and witness testimony to ensure that exploiters are effectively prosecuted and convicted.

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