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Subject: Implementation of the Eurojust Action Plan against THB 2012-2016
- Mid-term report

Delegations will find attached the "Implementation of the Eurojust Action Plan against THB 2012-2016 - Mid-term report".

Implementation of the Eurojust Action Plan against THB 2012- 2016

Mid-term report

November 2014

Table of Contents

Introduction.....	4
1. Exchange of information in THB cases (<i>Priority One</i>)	6
1.1. Information on THB cases based on Article 13 of the Eurojust Decision	6
1.2. Coordination meetings and coordination centres at Eurojust.....	7
1.3. Europol's involvement in THB cases registered at Eurojust	10
2. Investigations, prosecution of THB cases and judicial cooperation in this area (<i>Priority Two</i>)	12
2.1. Overview of THB cases registered at Eurojust	12
2.2. Best practice and obstacles in judicial cooperation in THB cases	15
2.3. JITs on THB supported by Eurojust.....	21
Conclusions	25
2.4. Feedback on Eurojust intervention in THB cases.....	25
3. Training and expertise in THB (<i>Priority Three</i>)	27
3.1. Eurojust's participation in training sessions on THB	27
3.2. Specialised THB units within prosecution services.....	27
4. Cooperation with third States (<i>Priority Four</i>)	29
4.1. The involvement of third States in THB cases	29
4.2. Eurojust contact points in third States.....	30
4.3. Cooperation agreements between Eurojust and third States	30
5. Multidisciplinary approaches to combat THB (<i>Priority Five</i>)	31
5.1. Promotion of the multidisciplinary approach to THB, as complementary to judicial approaches.....	31
5.2. Support to national multidisciplinary law enforcement units on human trafficking.....	33
6. Financial investigations and asset recovery in THB cases (<i>Priority Six</i>)	34
6.1. Eurojust's support	34
6.2. The outcome of Eurojust's intervention.....	36
7. Other relevant activities	37
7.1. The involvement of Eurojust in the EMPACT on THB	37
7.2. The activities of Eurojust's THB Contact Point.....	37
8. Conclusions and recommendations for future actions (2014-2016)	39
Annex I – Overview of the mid-term implementation of the strategic targets of the Eurojust Action Plan against THB 2012-2016.....	42
Annex II – THB projects, meetings and conferences attended by Eurojust (2012-2013)	44
Annex III – Methodology and case analysis template	49
Acknowledgements	52

Introduction

Purpose This report presents the mid-term evaluation of the implementation of the *Eurojust action plan against trafficking in human beings 2012-2016* (the “action plan”). It reviews Eurojust’s work in the fight against trafficking in human beings (“THB”) during the first two years of the action plan (i.e. 2012-2013, the “reporting period”). The THB Project Team appointed by the Trafficking and Related Crimes Team has carried out the evaluation and drafted this report.

Scope The findings of this report are based primarily on the analysis of 25 selected THB cases dealt with by Eurojust (“analysis of casework”). In 24 of the 25 selected cases, at least one coordination meeting was held during the reporting period. In one of the 25 selected cases, no coordination meeting was organised at Eurojust, but a joint investigation team (JIT) was set up during the reporting period. All statistics presented in this report have been generated from Eurojust’s Case Management System in the period of June-July 2014. The methodology used by the THB Project Team in carrying out the analysis of casework is presented in Annex III of the report.

This report is structured into eight sections. Sections 1-6 describe the implementation of the action plan in its six priority areas, as summarized below:

- Structure**
1. Enhancing information exchange;
 2. Increasing the number of detections, investigations and prosecutions in THB cases and enhancing judicial cooperation in this area;
 3. Training and expertise in THB cases;
 4. Increased cooperation with third States in THB cases;
 5. Multidisciplinary approaches to combat THB;
 6. Disrupting criminal money flows and asset recovery in THB cases.

Each of the first six sections focuses on the level of implementation of the relevant strategic targets mentioned in the action plan.

Section 7 presents other relevant Eurojust activities in the fight against THB during the reporting period, such as the involvement of Eurojust in the Operational Action Plans (OAPs) for the EU crime priority “THB” and the activities of the Eurojust THB Contact Point. Section 8 summarizes the main conclusions and recommendations of the THB Project Team for a successful implementation of the action plan by the end of 2016. Annex I contains a table with the overview of the mid-term implementation of the action plan. Annex II lists the projects, meetings and conferences in which Eurojust participated during the reporting period. Annex III presents the methodology used by the THB Project Team.

The action plan is in force until the end of 2016. The THB Project Team will continue to monitor its implementation and will carry out a final evaluation of its results. A final evaluation report on the implementation of the action plan will be released in 2017.

Next steps

1. Exchange of information in THB cases (*Priority One*)

1.1. Information on THB cases based on Article 13 of the Eurojust Decision

Strategic targets

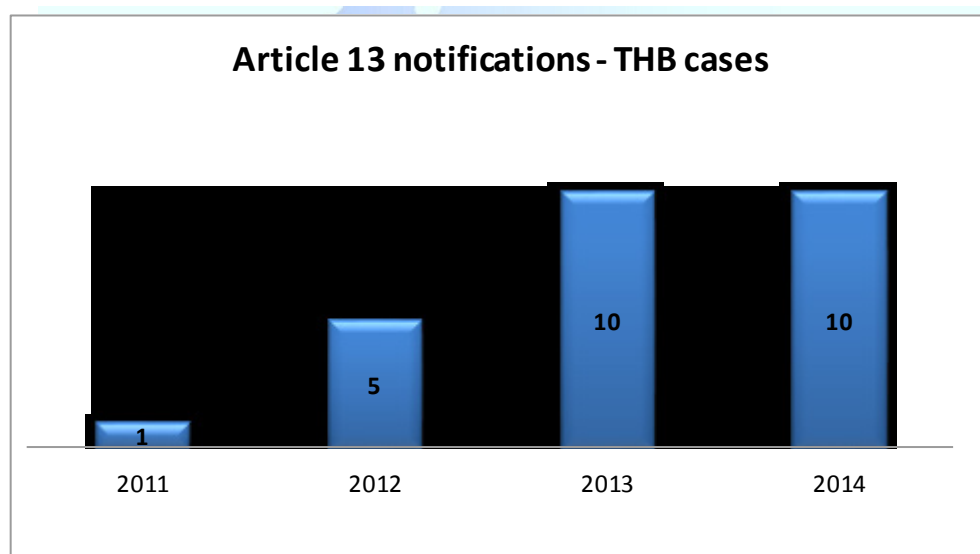
This sub-section deals with the implementation of the following strategic targets of the action plan:

- ❖ *Increased number of serious THB cross-border cases sent by the Member States to Eurojust on the basis of Article 13 of the Eurojust Decision;*
- ❖ *Feedback and links identified by Eurojust and communicated to the Member States in a timely fashion.*

Implementation

With the adoption of the Eurojust Council Decision in 2009, a reporting obligation for the Member States to Eurojust was introduced. Article 13 of the Eurojust Decision lists a set of specific circumstances in which the Member States are obligated to report a minimum level of information to Eurojust in a structured manner.

In the three-years since the deadline for the transposition of the Eurojust Decision (4 June 2011) to June 2014, only 26 notifications were received in relation to THB cases, representing approximately 6% of the total number of Article 13 notifications received by Eurojust. Ten of these 26 notifications were registered as operational cases at Eurojust, and one was received in relation to a case analysed by the THB Project Team.



National Desks at Eurojust can import Article 13 notification forms into the Eurojust Case Management System (CMS) and verify the existence of links with the information already stored in the CMS.

Conclusions

Although there has been a small increase in Article 13 notifications during the reporting period (2012-2013), the total number of Article 13 notifications in THB cases remains extremely low.

Systematic and timely feedback to the Member States, including on the possible links identified by Eurojust on the basis of Article 13 notifications, may encourage the referral of more Article 13 notifications by national authorities.

1.2. Coordination meetings and coordination centres at Eurojust

Strategic targets

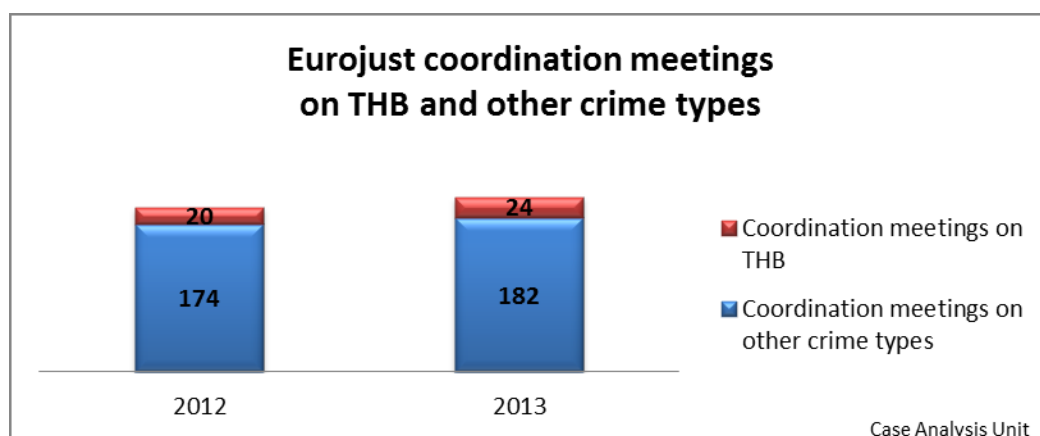
This section deals with the implementation of the following strategic target of the action plan: *The quantity and quality of Eurojust coordination meetings and coordination centres in THB cases increase.*

Implementation

This chapter provides a brief overview of Eurojust coordination meetings and coordination centres on THB cases during the reporting period. The findings are based on the analysis of data extracted from relevant case files in THB cases where a coordination meeting or coordination centre was organised, or a JIT was set up. It also provides information on Level II meetings.

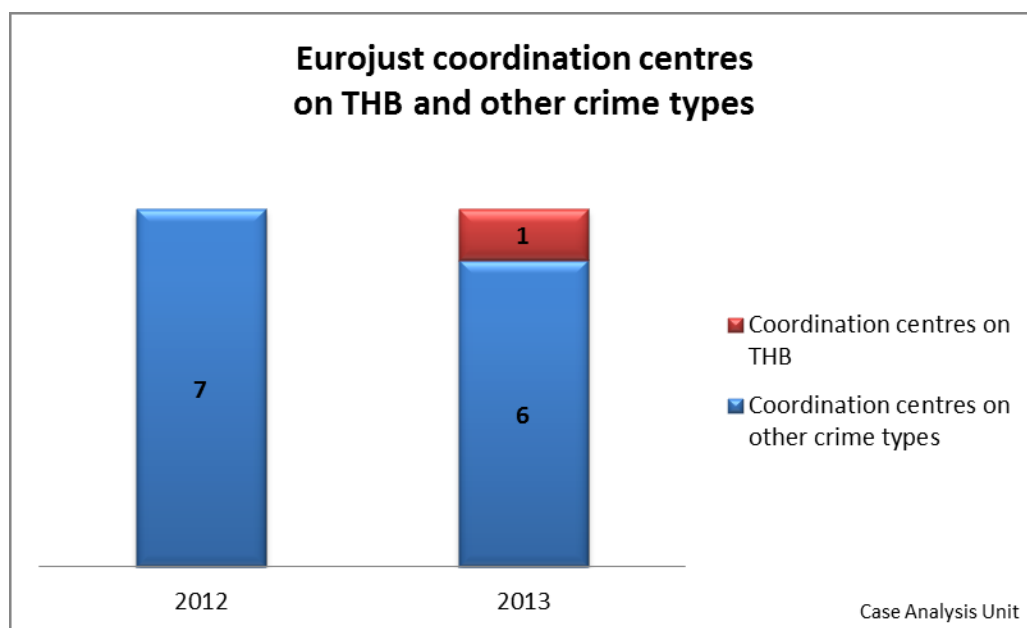
Number of coordination meetings and coordination centres on THB cases

During the reporting period, Eurojust held a total of 400 coordination meetings, 44 of which were dedicated to THB cases, representing 11% of the total number of coordination meetings at Eurojust. The 44 above-mentioned coordination meetings involved 24 THB cases.



Also, during the reporting period, Eurojust organised 14 coordination centres, one of which was dedicated to a THB case. Coordination centres are relatively new

Eurojust tools, being organised only since the beginning of 2011.



Level II meetings in THB cases

According to the information available on THB cases analysed by the THB Project Team, Level II meetings between the National Desks at Eurojust were held in 11 (44%) THB cases. Level II meetings dealt with, in particular, the preparation of a JIT (in at least eight cases from at least 11). Furthermore, Level II meetings often served the general preparation of a coordination meeting and/or a coordination centre (seven of 11). On a few occasions, a Level II meeting was held to exchange preliminary information and to identify related investigations and/or countries and the relevant competent authorities, or to clarify Europol's involvement. Occasionally, issues on European Arrest Warrants (EAWs), arrests or temporary surrender were discussed in Level II meetings.

Information exchange and preparatory requests prior to a coordination meeting

In at least 15 cases, information was exchanged prior to the coordination meeting, including information in relation to a foreseen JIT (see also the section on Level II meetings above) or the identification of a competent authority.

Preparatory requests prior to coordination meetings were sent in at least 12 analysed cases. Most often, they were made to comment on a draft JIT agreement and, secondly, to verify the existence of or the state of play of parallel investigations.

Preliminary case note

THB cases with a coordination meeting, coordination centre or a JIT were supported by a (preliminary) case note prepared by the Case Analysis Unit in four of the 25 analysed cases.

Participation in coordination meetings

With the exception of one case, all involved countries attended the coordination meetings that were analysed. Furthermore, external participants (national authorities) represented all delegations in the coordination meetings related to 20 cases, and only four cases had coordination meetings where not all delegations included external participants.

Outcome of coordination meetings

According to the information available in the THB cases analysed by the THB Project Team, a joint strategy (for coordinated action or joint investigation) was agreed in coordination meetings connected to 17 (68%) cases. A JIT was set up in 12 (48%) cases. The secure and/or spontaneous exchange of information was discussed in nine (36%) cases, stages of investigations and related operational needs (state of play) were identified in nine (36%) cases, future actions (timing and modalities) agreed on in at least 5 (20%) cases, and decisions on proceeding with parallel investigations were taken in at least 3 (12%) cases. In some cases, the coordination meetings successfully discussed the following topics: *ne bis in idem* issues and transfer of proceedings, the issuing and execution of EAWs and letters of request (LoRs), initiation of investigations in another country or links to a country not previously involved. As a result of a coordination meeting, mutual legal assistance requests (MLAs) and/or EAWs were sped up in 14 (56%) cases.

Follow up

The agreed recommendations of coordination meetings were followed up in at least 15 (60%) cases. In these cases, it is clearly recorded that the JITs agreed on were established, LoRs executed, or further information exchange took place in the agreed (organised or spontaneous) manner.

Eurojust's action plan against THB for 2012-2016 foresees promoting and enhancing the use of coordination meetings and coordination centres as venues to exchange information. To this end, a strategic target was set to increase the quantity and quality of coordination meetings and coordination centres at Eurojust in THB cases.

Due to data retention policies and time limits for storage of personal data in the CMS, some cases could be analysed only partially. Therefore, some of the questions remained unanswered and, as a consequence, the analysis provides only an approximate image. National Desks, therefore, are encouraged to share more information on the general nature of their casework to facilitate future analytical approaches.

Conclusions

In the reporting period, the percentage of coordination meetings dealing with THB cases increased to 11% compared to 9% in the previous four years (2008-2011). The 44 coordination meetings held during the reporting period involved 24 cases. In the previous four years (2008-2011), 35 cases were dealt with in 49 coordination meetings. Thus, the ratio of coordination meetings per case increased. This can be understood as a sign of Eurojust dealing, on average, with

more complex THB cases in coordination meetings that require greater coordinated effort.

Level II meetings dealt with, in particular, the preparation of JIT agreements/the setting up of JITs (in at least eight cases out of at least 11). This indicates that the cooperation of the involved countries often reached a relatively high level with a clear idea of the way forward at an early stage. The coordination meetings in these cases were used to set and finalise the formal framework for further cooperation.

Despite the relatively low number, the four case notes prepared by CAU include a wide range of approaches from summaries to a cross-match report on suspects for links and an analysis report on financial transactions.

The strategic target to increase the quantity and quality of coordination meetings at Eurojust was achieved in the reporting period. Further efforts and monitoring are needed to see whether this result will be a long-term tendency valid for the entire timeframe of the action plan. The strategic target to increase the number of coordination centres will be monitored. A comparison between the number of coordination centres in THB cases during the reporting period and the number of coordination centres in the years prior to the reporting period cannot be made because this tool was introduced only in 2011.

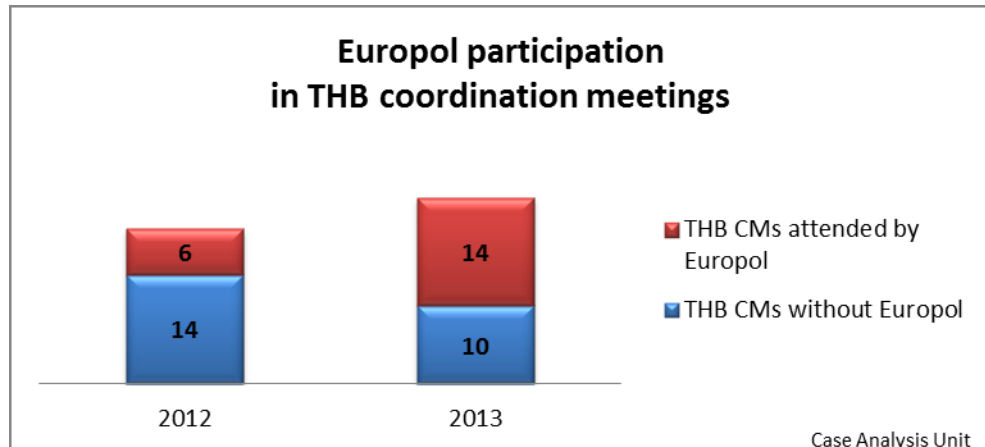
1.3. Europol's involvement in THB cases registered at Eurojust

Strategic targets This section deals with the implementation of the following strategic target of the action plan: *The number of Eurojust's THB cases and THB coordination meetings where Europol is invited to participate increases.*

Implementation This chapter provides a brief overview of THB cases with Europol's involvement and of coordination meetings on THB attended by Europol. The findings are based on data extracted from the case files analysed by the THB Project Team.

Involvement

Europol was involved in at least 16 of the analysed 25 cases. It is unclear in how many cases a related operational meeting took place at Europol, as only information on two operational meetings was available, and Eurojust participation was confirmed for only one of the two operational meetings. In 14 cases no information on possible operational meetings at Europol was in the case file. Regarding its participation in Eurojust coordination meetings, Europol participated in a total of 20 coordination meetings on THB cases in the reporting period. Some cases of greater complexity were dealt with in more than one coordination meeting and, therefore, these 20 coordination meetings related to 15 THB cases out of 24. Europol was represented either by a Focal Point (11 cases) or at least one National Liaison Bureau (11 cases). In eight of these cases, both a Focal Point and a National Liaison Bureau were present in the coordination meeting. Europol also participated in the only coordination centre on a THB case organised by Eurojust.



Contribution

In coordination meetings related to four THB cases, Europol contributed with explanations on their operational objectives and activities, as well as the related possible operational analytical and technical support. In coordination meetings on seven Eurojust THB cases, Europol analysed information gathered during investigations by making cross-match reports on targeted criminals and by identifying related parallel investigations in other Member States.

Conclusions

Eurojust's action plan against THB for 2012-2016 foresees promoting the participation of Europol in all THB cases and all coordination meetings in THB cases. To this end, Europol's analytical contribution should be more actively pursued as a basis for the coordination of efforts and the opening of parallel investigations, where appropriate. As a basis for this, the action plan set the goal of increasing the number of Eurojust's THB cases and THB coordination meetings where Europol is invited to participate.

In the reporting period, the percentage of THB cases involving Europol increased slightly: from 65.5% (19 cases out of 29) in the previous four years (2008-2011) to 68% (17 cases out of 25). Within the reporting period, Europol's participation in coordination meetings was significantly higher in 2013 than 2012. Progress has therefore been registered in relation to the implementation of the strategic target to increase the number of Eurojust's THB cases and coordination meetings where Europol is involved.

2. Investigations, prosecution of THB cases and judicial cooperation in this area (*Priority Two*)

2.1. Overview of THB cases registered at Eurojust

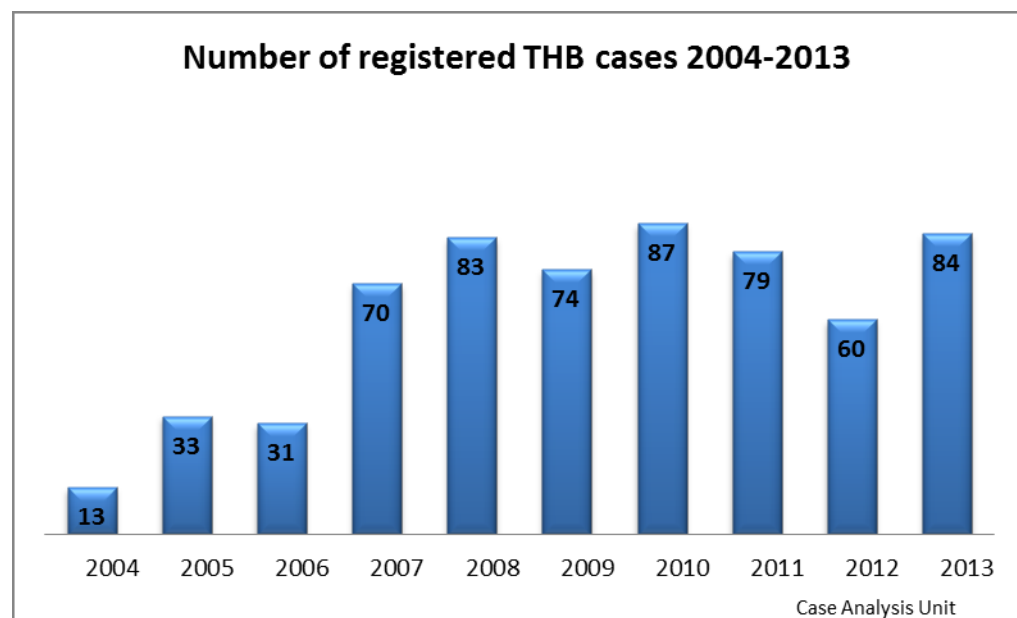
Strategic targets This section deals with the implementation of the following strategic targets of the action plan:

- ❖ *The number of THB cases registered at Eurojust increases.*
- ❖ *The number of multilateral THB cases compared to the total number of THB cases registered at Eurojust increases.*

Implementation This Chapter provides a brief overview of THB cases registered at Eurojust during the reporting period. The findings are based on quantitative data extracted from the CMS.

Number of registered THB cases

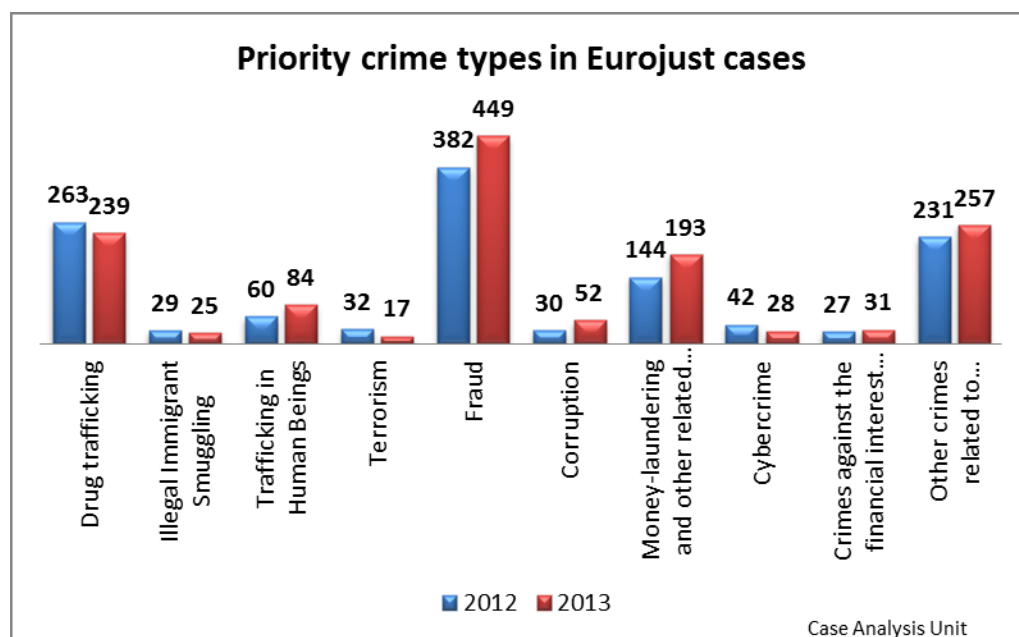
The number of THB cases at Eurojust remained stable in the last few years, but in 2013 (with 84 registered cases) increased by 40% over 2012 (60 registered cases).



Distribution of crime types

During the reporting period, a total of 3 109 cases were registered at Eurojust. As shown the chart below, THB is fifth in the number of cases (with 144 cases representing 4.6 % of all cases) compared with other crime types. The number one crime type remains fraud, followed by drug trafficking, other crimes related to

organised crime and money laundering.



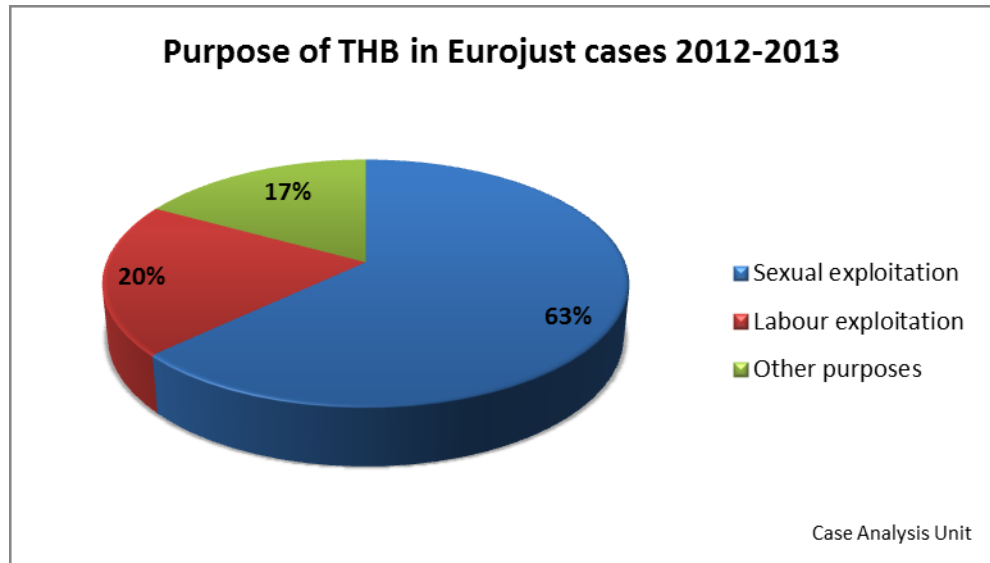
Purpose of THB

As shown in the chart below, sexual exploitation is the main category of THB in Eurojust cases. In the CMS, 63% of all THB cases opened in 2012 and 2013 were marked as THB for sexual exploitation purposes, and 20% dealt with THB for labour exploitation. Compared with the previous four years, the figures for THB for sexual exploitation remain the same, while an increase has been recorded in THB cases for labour exploitation (from 12% in the last four years to 20% in the reporting period).

The sub-category ‘THB for other purposes’ registered 17% of cases. Most of these cases are THB cases in which the National Desk at Eurojust registering the case has not received specific information on the purpose of THB from the home authority. However, analysis of the relevant cases revealed that the majority of these THB cases are for sexual/labour exploitation purposes. Among the remaining cases, some dealt with THB for begging purposes or for theft and/or robberies (especially by minors). One case dealt with the trafficking of pregnant women with the purpose of selling their babies. Another case concerned THB with the purpose of arranging sham marriages with citizens of third States.

This sub-category is also used because often in the beginning of an investigation it is unclear whether a case qualifies as THB or illegal immigration. For this reason, out of the initial 30 THB cases which the THB Project Team analysed, five cases were later identified as illegal immigration and were therefore not considered for this report.

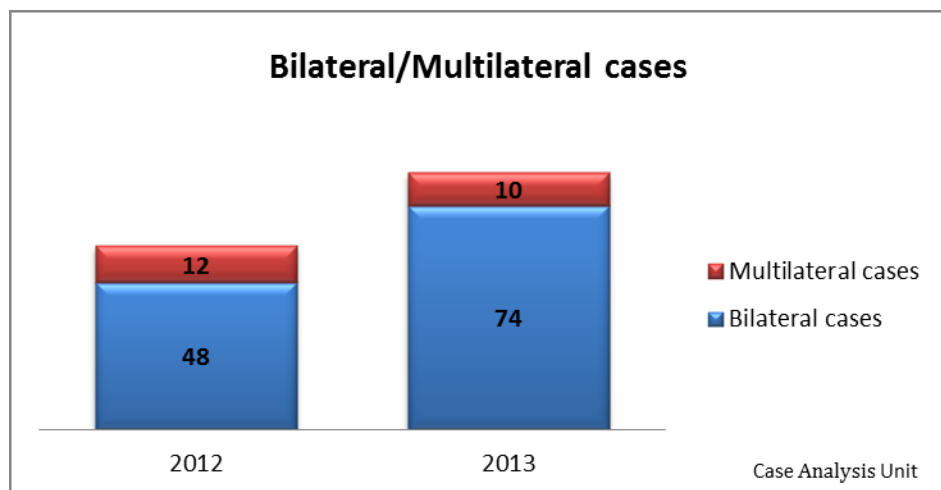
The THB Project Team encourages all National Desks to continuously update the CMS if additional information emerges on the crime type.



Proportion of multilateral/bilateral cases

One of the strategic targets is to increase the number of multilateral THB cases registered at Eurojust. Unfortunately, this target has not been achieved, with just 20% of multilateral cases in 2012 (12 of 60 registered THB cases) and even fewer multilateral cases in 2013 with 11.9 % (10 of 84 registered THB cases). With regard to the cases analysed by the THB Project Team, one should note that seven (28%) of the 25 THB cases are multilateral cases.

These figures show that the use of coordination meetings at Eurojust facilitates judicial cooperation among involved countries and enables the complex multilateral dimension of THB cases to be addressed.



[THB Project page on the Eurojust website](http://www.eurojust.europa.eu/Practitioners/operational/THB/Pages/THB-project.aspx)¹

¹ <http://www.eurojust.europa.eu/Practitioners/operational/THB/Pages/THB-project.aspx>

A THB Project page was created in April 2014 on the Eurojust website, which is also accessible via the homepage of the website. It contains links and references to:

- the EU crime priorities for 2014-2017,
- the website of the EU Anti-Trafficking Coordinator,
- the Joint Statement on THB of the Heads of the JHA Agencies,
- the report and action plan of Eurojust's THB strategic project,
- the report of Eurojust's THB strategic meeting (2012),
- the EU Strategy against THB,
- the Eurojust THB Newsletter (2010),
- Eurojust THB statistics,
- Eurojust press releases on THB, and
- the email/contact details of the THB Project Team.

Conferences and meetings on THB

The Annex presents an overview of conferences and meetings on THB in which Eurojust representatives participated during the reporting period.

Conclusions

The number of THB cases registered at Eurojust in 2013 increased by 40 per cent over 2012. It remains to be seen whether this increase represents a trend for the following years. It is challenging to retrieve appropriate statistics on THB cases, because they are sometimes marked as illegal immigration cases in the CMS (or *vice versa*). Therefore, National Desks are encouraged to continuously update their entries in the CMS as soon as they receive additional information on the crime type, but also on involved Member States, third States and other third parties (in particular, Europol). The strategic target to increase the number of multilateral THB cases compared to the total number of THB cases registered at Eurojust was not achieved during the reporting period. It is important that Eurojust encourages national authorities to refer more cases to Eurojust, in particular, multilateral cases, with a view to better detecting the entire chain of trafficking in origin, transit and destination countries active in THB.

2.2. Best practice and obstacles in judicial cooperation in THB cases

Strategic targets

Enhanced judicial cooperation in THB cases represents one of the main priority areas of the action plan. This section presents difficulties encountered in judicial cooperation in the 25 THB cases analysed by the THB Project Team, as well as best practice identified in this area.

Implementation

The Final Report of the Strategic Project on *Eurojust's action against trafficking in human beings*, published in October 2012, described in detail five of the most significant difficulties that national judicial authorities encounter in investigating, prosecuting and cooperating with foreign judicial authorities in THB cases. The analysis of casework shows that these difficulties, in particular, evidentiary difficulties, continue to create problems in practice. A summary of the main problems encountered and best practice found by the THB Project Team is listed below. Eurojust's role in facilitating this best practice, and in preventing and/or resolving obstacles in judicial cooperation, is also highlighted.

Difficulties and best practice in obtaining evidence from THB victims

Statements from THB victims are an essential means of evidence in THB cases and are heavily relied upon in criminal proceedings. In more than half of the THB cases analysed, obtaining evidence from victims proved challenging for several reasons, including:

- Victims and/or their families were *threatened* by the traffickers. This factor may affect the reliability of victims' statements or cause the changing or withdrawal of the victims' testimonies. In one case, involving Germany and Bulgaria, this resulted, among others, in a very mild sentence for the trafficker. As best practice, in another case involving Spain and Bulgaria, and to ensure strong evidence from victims, the authorities met at Eurojust and agreed on a witness protection programme in respect of several victims, including a minor. This programme was thereafter successfully implemented and allowed investigators from Spain to obtain and successfully use statements from protected victims located in Bulgaria.
- *Victims and their location* could not be easily *identified*. This difficulty appears in many of the cases analysed. The location and identification of victims, their motivation to testify and their protection were discussed in several cases at Eurojust.
- Victims could not be approached by the competent authorities due to fear that this would *alarm the traffickers*. In one case, involving Germany and Bulgaria, the suspects became aware of the ongoing THB investigation and threatened the victims. As a result of a meeting organised by Eurojust at very short notice, authorities from the Member States involved had the possibility to discuss and find last minute solutions to ensure the safety of victims and plan concerted action regarding the arrest of suspects and carrying out house searches.
- The use of *special investigative techniques*, including infiltration of the organised crime group (OCG), electronic interception and cross-border surveillance, was

discussed in several cases at Eurojust as possible solutions for the identification and protection of victims. In some of these cases, these investigative techniques proved successful. In others, challenges have been encountered, particularly regarding the execution of undercover operations. For example, in one case, the authorities from the two countries involved, Estonia and Luxembourg, discussed the possibility of deploying undercover agents at the nightclub where victims were allegedly trafficked. In the end, this covert operation was not agreed. The authorities involved feared that provocation would likely be raised by the defence, as the extent to which the undercover agent might be accused of provoking the commission of the criminal offence could not be ascertained.

- *Language barriers and difficulties in understanding the victim's life environment and mentality.* In one case, involving Bulgaria and Germany, victims' statements were taken in the presence of a fellow countryman who had been specially trained to deal with vulnerable victims and witnesses. This helped put the victims at ease and helped the officers to gain the victims' trust so that they felt able to give a full and complete account of what happened. In another case, involving also Bulgaria and Germany, a JIT was identified as the best instrument for removing language barriers, offering the possibility to obtain greater knowledge of the victims' environment and mentality.

Other evidence-related issues

The analysis of casework also showed other evidentiary difficulties encountered by national authorities and, sometimes, best practice in addressing evidence-related issues. These difficulties and best practice include:

- *Difficulties in proving the offence of money laundering linked to THB.* In one case involving Bulgaria and the Netherlands, it was initially agreed at Eurojust that one country would investigate the offence of the THB and another country the offence of money laundering linked to the THB. However, during a coordination meeting at Eurojust, it came to light that difficulties had been encountered in relation to securing convictions for money laundering in the absence of evidence of the underlying predicate offence. A solution was found in a subsequent coordination meeting at Eurojust, where the authorities agreed to transfer the criminal proceedings from the country that initially investigated the money laundering offences to the other country that had in place legal mechanisms that allowed the prosecution of money laundering without the need to prove the predicate offence.
- *Difficulties in gathering sufficient evidence to prosecute THB.* In a case involving Estonia, Greece and Luxembourg, authorities could not gather sufficient evidence to obtain a conviction for THB, but only for the offence of aiding prostitution. In another case involving Bulgaria and Germany, however, despite the fact that sufficient evidence was gathered to prosecute for "lesser" crimes than THB (*i.e.* tax crimes), the national authorities involved went further into the investigations and collected more evidence to prosecute and secure convictions for THB.
- *Delays in obtaining evidence from other jurisdictions.* Many of the cases analysed

were complex cases, involving two or more jurisdictions, requiring extensive exchanges of information and execution of multiple MLA requests. Eurojust has facilitated judicial cooperation in these cases, by assisting national authorities in ensuring that evidence is timely obtained and translated, when necessary, and is admissible in court. Nevertheless, in a case involving Estonia, Greece and Luxembourg, delays could not be avoided due to the amount of documentary evidence sought in a very short timeframe, leading to only a small part of the documents being translated in time for the trial.

- *Further use of evidence gathered in a THB case.* In a case involving the UK and Romania, the national authorities involved agreed during a coordination meeting at Eurojust that evidence gathered for the purpose of one THB case could be used as “*bad character evidence*” in later trials.

Ne bis in idem, prevention of conflicts of jurisdiction and transfer of criminal proceedings

Several cases involved discussion and, sometimes, agreements reached at Eurojust regarding the best-placed jurisdiction to prosecute THB. These agreements allowed the prevention of conflicts of jurisdiction, and, in some cases, the possibility to assess which Member State was in a better position to prosecute money laundering linked to THB or to ensure the protection of victims (from traffickers or from media attention) during the trial.

In one case, following a coordination meeting the Eurojust National Member for Spain sent a recommendation to the Spanish Prosecutor General to accept that Spanish national authorities were in a better position to undertake the investigation from the Bulgarian national authorities and to subsequently prosecute the THB case in Spain. Based on this recommendation and on the provisions of Spanish law implementing the Eurojust Decision, the Spanish Prosecutor General issued a decree ordering the prosecutor of the Spanish investigation to prosecute the THB case. At that coordination meeting it was also agreed that the Spanish authorities would take over the Bulgarian criminal proceedings. The Bilateral Agreement between Bulgaria and Spain for mutual protection and exchange of classified information was used as the legal basis for the transfer.

The execution of EAWs

The analysis of casework shows that several THB cases involved requests for the execution of EAWs. Most of these requests were successfully executed with support from Eurojust, including in the context of a coordination centre. In several cases, Eurojust assisted in clarifying the legal requirements in different Member States regarding the execution of EAWs. For example, it clarified that the executing Member State must receive hard copies of both the original and the translated EAW, as required by the national law of that State.² Nevertheless, in one case problems were

²

In this context, Council Decision No 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) aims to address problems regarding the legal requirements of some of the Member States to receive in hard copy the original of the EAW and the original of its translated copy. At the end of the

encountered in the execution of three EAWs due to differences in the legal systems of the Member States concerning substantive criminal law and the principle of mutual recognition. Germany was the executing Member State in this case. In a coordination meeting at Eurojust, the German authorities specified that the crime indicated in the three EAW forms was “participation in a criminal organisation” which, according to German law, is not a crime in itself. In these circumstances, the German authorities could not execute the EAWs, and requested the issuing Member State to amend the EAW forms by indicating the actual crime committed by the OCG as a basis for the arrest of the suspects. The issuing Member State was of a different opinion, indicating that the EAW is a mutual recognition instrument, that participation in a criminal organisation is one of the listed crimes in Article 2(2) of the Framework Decision on the EAW and, therefore, the German authorities should execute the EAWs without verifying double criminality. Consequently, Eurojust was asked by the authorities involved to analyse this problem and propose solutions. This case is ongoing.

In another case involving France and Bulgaria, Eurojust’s advice helped to ensure that the guarantees requested by Bulgaria, the executing Member State, for the execution of an EAW against one of its nationals, were given. A temporary surrender was agreed at Eurojust under the condition that the person subject to the EAW, after being heard, is returned to Bulgaria to serve the custodial sentence passed against him in France, the issuing Member State. With Eurojust’s assistance, it was clarified and agreed that the costs of return to the executing Member State shall be borne by the issuing Member State.

Other judicial cooperation issues and the assistance of Eurojust

In addition, the analysis of casework shows that Eurojust’s support in THB cases included:

- Exchange of information at coordination meetings at Eurojust, including spontaneous exchange of information. This allowed the identification of the stage of investigation in the countries involved, links between investigations or the need to extend the cases towards other countries and to initiate investigations in other countries to prosecute the entire chain of trafficking;
- Eurojust’s support for setting up JITs, including financial support granted by Eurojust. For more information, see section 2.3 below;
- Coordination centres that allowed coordinated arrests, searches and seizures. For example, in one case involving France and Bulgaria, a coordination centre successfully facilitated the simultaneous execution of more than 24 house searches, seven arrest warrants and the organisation of a large number of hearings in the two Member States during a common action day;
- Eurojust’s support in facilitating and speeding up the execution of LORs and in clarifying legal requirements in the Member States;

transitional period for the implementation of SIS II (9 April 2016), all alerts shall be accompanied by the entering in the SIS II of the copy of the original EAW; a translated copy of the EAW in one or more of the official languages of the institutions of the Union may be entered or not. The Czech Desk at Eurojust has registered an operational topic related to EAWs and the implementation of SIS II in the Member States.

- The identification and use of a good practice derived from Eurojust cases of illegal immigration. This practice consisted of the following: (i) Eurojust was tasked by national authorities to draft and regularly update an analysis report of the financial transactions of the suspects; and (ii) Europol was tasked by national authorities to draft and regularly update an analysis report of telephone data; these reports were cross checked and led to useful findings;
- In several cases, authorities discussed at Eurojust and encouraged the analysis of intelligence gathered at national level by Europol's Focal Point Phoenix.

Conclusions

The analysis of casework shows that judicial cooperation obstacles have been encountered in most of the cases analysed by the THB Project Team. These obstacles relate mainly to the gathering and admissibility of evidence, in particular the evidence collected from THB victims. Eurojust has played an important role in assisting the national authorities to prevent and overcome most of these obstacles. Some are a result of the differences between the substantive and procedural criminal law of the Member States. An overview of the legislation of the Member States in the area of fighting THB is available on the Commission's website at:

http://ec.europa.eu/anti-trafficking/legislation-and-case-law_en

Moreover, in 2013 Eurostat published the first working paper at the EU level on statistics on trafficking in human beings in Europe, including data for the years 2008, 2009 and 2010. This first working paper can be accessed at:

http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/2013/docs/20130415_thb_stats_report_en.pdf

A second working paper on statistics on trafficking in human beings in Europe was published by Eurostat in 2014, containing data for the years 2010, 2011 and 2012. This second working paper can be accessed at:

http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/docs/20141017_working_paper_on_statistics_on_trafficking_in_human_beings_en.pdf

2.3. JITs on THB supported by Eurojust

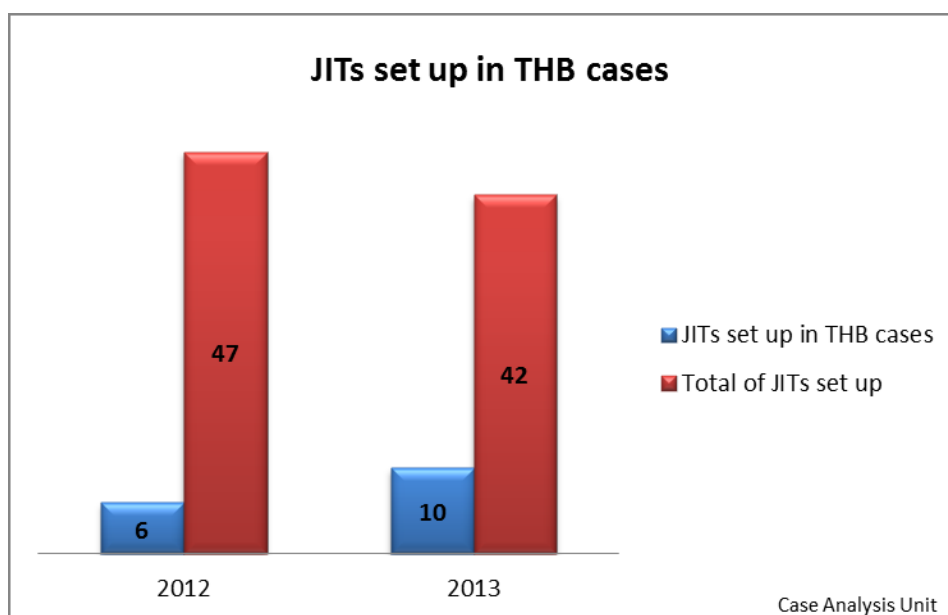
Strategic targets This section deals with the implementation of the following strategic targets of the action plan:

- ❖ *The number of JITs in THB cases supported by Eurojust increases.*
- ❖ *Report on the results of the work of JITs in THB cases referred to Eurojust.*

Implementation

Number of JITs

In 2012, six JITs were set up in THB cases registered at Eurojust (out of a total of 47 JITs set up with support from Eurojust in 2012). Of 42 JITs set up in 2013, 10 dealt with THB. The percentage of JITs set up in THB cases has therefore increased from 13% in 2012 to 24% in 2013.



The percentage of JITs set up in THB cases increases significantly when focusing on the cases analysed by the THB Project Team. A JIT was set up in 16 of the 25 (64%) analysed cases. In four of the remaining nine cases, consideration was given to setting-up a JIT, but in the end it was decided not to establish one.

All JITs except one (involving three Member States) were set up bilaterally

between Member States on the basis of the 2000 MLA Convention and the 2002 Framework Decision on JITs. None of the JITs included a third State.

JITs funding

All analysed JITs received Eurojust funding. The JITs received between one and five positive award decisions. In 2012, 15 applications for funding concerning six JITs in THB cases were submitted to Eurojust, of which all were awarded. In 2013, 14 applications for funding were submitted in connection with eight JITs in THB cases, all of which received a positive award decision.

In the first half of 2014, nine JITs made a total of 17 applications for JITs funding. Of these, 15 applications received a positive award decision. Of the awarded funds, 49% was spent on translation, 26% on interpretation, 14% on accommodation and 11% on covering travel costs.

Article 13 (5) of the revised Eurojust Decision - Report on the results of the work of JITs

One of the actions in the Eurojust Action Plan against trafficking in human beings 2012-2016 is to encourage Member States to communicate to Eurojust the setting up of JITs and the results of the work of JITs in THB cases, in accordance with Article 13 (5) of the Eurojust Decision. Eurojust was informed of these cases, having been involved in the process of setting up the JITs in THB cases.

However, when it comes to being informed of the results of the work of JITs in THB cases, the situation is more complex. In two of the 16 analysed JITs, Eurojust was informed of the results of the work in the form of a JIT debrief meeting that took place at Eurojust.. Nine JITs are still ongoing and it is therefore too early to make an assessment of the results. Concerning the other JITs, there was no information in the file on the results of the work of the JITs.

In one case, in which the JIT is still ongoing, the JIT agreement contains a specific section entitled *Internal evaluation*. This section provides that, after a period of six months from the date of signing the JIT, the JIT parties will evaluate progress in the implementation of the JIT. Moreover, this section provides that a meeting may be organized at the end of the JIT to evaluate the results of the work of the JIT. It is to be decided whether Eurojust will be involved in the evaluation.

Analysis of JITs in THB cases

The analysis shows that JITs are increasingly seen as an efficient judicial cooperation tool; the Chapter below provides an overview of the added value

of setting up a JIT and the role of Eurojust as identified in the cases analysed.

Added value of JITs

By far the most frequently highlighted added value is that JITs enable fast contacts and speedy decision-making, good cooperation and quick and continuous sharing of information. In one case, shortly before the action day, the suspects acted unexpectedly: since the JIT parties already had a discussion on jurisdiction issues and had agreed on joint tactics and strategy, the involved authorities could adapt very quickly to the changing circumstances and agree that one JIT member could prosecute the suspects first. There was no conflict and there were no misunderstandings. Collaboration and strategic planning was very beneficial.

JITs facilitate the possibility for investigations at national level to reach the international level. Thanks to efficient cooperation, including the exchange of live data, monitoring and anticipating the actions of the suspects, it is possible to more effectively dismantle OCGs. JITs contributed to the extension of the scope of investigation and an increase in operational capacity.

As a consequence of the setting up of a JIT, no MLA requests are needed to acquire evidence and translation/interpretation issues are resolved. A JIT enables active participation at investigative measures conducted in the JIT member countries (such as hearing of witnesses/suspects in close cooperation, which enables the removal of language barriers and provides a possibility to obtain better knowledge of the environment and mentality of the victims). This also allowed for witnesses to receive better care. In THB cases, it is very important to react and investigate in a swift manner to ensure security for the victims.

Legal requirements are clarified (e.g. for admissibility of evidence, disclosure and confidentiality issues, exchange of information with third parties), which also leads to a better mutual understanding of each other's legal system. In some JIT agreements it was clarified that if a need arises to address a LoR to a country that is not member of the JIT, the requesting country (which is part of the JIT) will ask the requested country to authorise the sharing of the information obtained as a result of the execution of the LoR with the countries that are a member of the JIT.

The setting up of a JIT enables agreements to be reached between the JIT members on where to prosecute, facilitates taking coordinated and joint measures and to decide upon a media strategy. Another important consequence of a JIT is the establishment of valuable contacts between national authorities and an increase in mutual trust.

In one case, the JIT led to the increase of cyber capabilities and cyber tactics

to deal with THB (web scratching tools for image comparison were developed to detect THB victims that are moved all over Europe; a project looked at the *modus operandi* of recruiting the victims - data was captured from websites that advertised for sex workers).

Support provided by Eurojust

The project findings show that Eurojust plays a very important role in supporting JITs. Eurojust facilitated discussions on the suitability of setting up a JIT and the scope/objectives of a JIT, especially during Level II meetings (between the National Desks at Eurojust) and coordination meetings. Coordination meetings also offered a platform for the signing of the JIT agreement by all parties and the planning of JIT activities.

Eurojust has also assisted in drafting JIT agreements, OAPs and/or appendices on the participation of Eurojust and Europol. Eurojust has provided clarification concerning legal requirements and advice on special provisions contained in JIT agreements (concerning disclosure of information, confidentiality issues, the exchange of evidence gathered by a Member State until the JIT was signed, relations and the possible exchange of information with third parties). In two cases, Eurojust organised JIT evaluation meetings. Eurojust has also contributed to the establishment of JITs by advising and raising awareness on the funding possibilities for JIT activities.

With regard to JIT funding provided by Eurojust, it was noted in one case that the JIT members deemed the JIT funding application format to be cumbersome. The rules for funding applications, time frames/time slots and available funding were confusing and caused difficulties. Especially with a fast-moving OCG, it would be very difficult to foresee what travel would need to be made and what documents (to be translated) will arise in the coming months.

The percentage of JITs set up in THB cases has increased from 13% in 2012 to 24% in 2013. Eurojust has provided support to all JITs by facilitating the setting up and functioning of the JIT and by providing JIT funding.

The Member States are encouraged to report on the results of the work of JITs in THB cases referred to Eurojust. The organisation of JIT debriefings should be promoted.

Conclusions

2.4. Feedback on Eurojust intervention in THB cases

Strategic targets This section deals with the implementation of the following strategic target of the action plan: *Feedback on the outcome of Eurojust's intervention in THB cases received and evaluated.*

Implementation The analysis of casework shows that only in three (12%) of 25 THB cases analysed by the THB Project Team, Eurojust has received information on the final outcome of cases registered at Eurojust (*i.e.* copy of the final court decision or details regarding it). This relatively small percentage can be explained by several factors: (i) 18 (72%) of 25 THB cases analysed are still pending at Eurojust, which implies that the criminal proceedings in these 18 cases are still ongoing at national level and, therefore, a final outcome is not yet known; (ii) seven (28%) of 25 THB cases analysed are closed at Eurojust, as an intervention from Eurojust in these cases is no longer required. This does not imply that these cases have all been finalised at national level. THB cases facilitated by Eurojust are typically complex and require a considerable period of time, sometimes several years, until a final judicial decision is taken and can be communicated to Eurojust; and (iii) according to the Eurojust Decision, there is no obligation for national authorities to inform Eurojust on the outcome of cases facilitated by Eurojust.

Moreover, information on the outcome of the three THB cases which was communicated to Eurojust was related only to the investigation in the Member State which registered the case at Eurojust; very little information could be found

on the outcome of the investigations in the other Member States involved in these three cases.

Having said that, Eurojust considers it important to receive feedback from the national authorities as to how the case evolves and whether the assistance of Eurojust has brought added value. This would allow Eurojust to evaluate its intervention and increase the effectiveness of the cross-border action.

Conclusions

To improve the assistance of Eurojust in THB cases, more information from national authorities on whether Eurojust's assistance brought added value would be beneficial and should be evaluated by Eurojust.

3. Training and expertise in THB (*Priority Three*)

3.1. Eurojust's participation in training sessions on THB

Strategic targets This section deals with the implementation of the following strategic target of the action plan: *Eurojust participates in training sessions on THB.*

Implementation When evaluating Eurojust's participation in training sessions, more than quantity, quality and other elements are important. Therefore, contrary to some other priorities laid down by the action plan, it would be rather misleading to compare - with the previous period (2008-2011) - statistics concerning Eurojust's involvement in training. Other factors have been considered in this Chapter: quality, systematic nature, number and audience composition, geographical distribution of the training sessions, among other things. In addition, Eurojust was involved in long-term activities, including a project on *The introduction of the requirements for establishing Joint Investigation Teams (JIT) to fight trafficking in human beings in the South-Eastern Europe (JIT THB)*, a follow-up project on *Use of JITs to fight THB in the Western Balkans at local level*, and a CEPOL project to develop an online learning module on THB. Eurojust's experience was shared primarily among Member States, but also in other parts of Europe and in one Asian country, Thailand.

Conclusions Annex II to this Report provides a more detailed picture of Eurojust's involvement in training sessions. Although some of the projects listed are not primarily aimed at education, they have been included in view of their educational nature. Therefore, the EMPACT project on THB has also been included. It has to be mentioned that interventions delivered by the National Desks were not included in this list.

Based on the information and arguments expressed above, it can be concluded that the strategic target *participation in training sessions on THB* has been achieved. In terms of audience, it should be also noted, however, that prosecutors and judges did not belong to the most often-represented trainees.

3.2. Specialised THB units within prosecution services

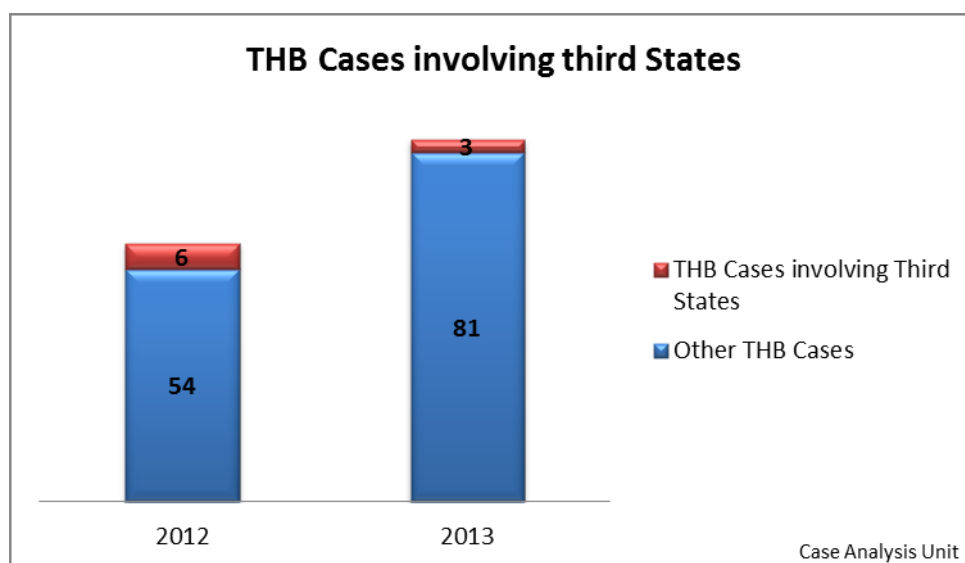
Strategic targets	This section deals with the implementation of the following strategic target of the action plan: <i>Contacts are established with the national authorities whenever requested for the setting up of specialised units within prosecution services.</i>
Implementation	The THB Project Team is not aware of any request for the setting up of specialized THB units within prosecution services that has been sent by national authorities to Eurojust.
Conclusions	Since no such request was noted, Eurojust has nothing to report. The implementation of this target depends on the needs of domestic authorities.

4. Cooperation with third States (*Priority Four*)

4.1. The involvement of third States in THB cases

Strategic targets This section deals with the implementation of the following strategic target of the action plan: *The number of Eurojust's THB cases and THB coordination meetings attended by third States increases.*

Implementation In 2012, six THB cases involving third States were registered at Eurojust. In 2013, three such cases were registered. Only one coordination meeting involving a third State was organized. This means that just 6.25 % of all THB cases in this two-year period involved third States.



The following third States were involved in THB cases registered at Eurojust during the reporting period: Switzerland (four cases), Turkey and Ukraine (two cases), and Albania, Bosnia and Herzegovina, Croatia, Norway, Russia (all these countries with just one case).³³

³³ One case registered at Eurojust might involve several countries.

Conclusions

In the four-year period considered in the first report (i.e. from 2008 to 2011), a total of 26 THB cases involving third States were registered at Eurojust. During the present reporting period, consisting of only two years, the number of cases involving third States is lower, i.e. nine. Nevertheless, numbers on cases involving third States are too small to deduce any conclusions or trends. In addition, a proper assessment will be carried out in the final report in 2017.

Regarding the role of Eurojust and third States, apart from promoting contact points in third States, Eurojust has very limited possibilities to influence the referral of such cases. This strategic target will continue to be pursued, as it has not yet been achieved during the reporting period.

4.2. Eurojust contact points in third States

Strategic targets

This section deals with the implementation of the following strategic target of the action plan: *The number of Eurojust's contact points in third States increases.*

Implementation

In 2012 and 2013, no new Eurojust contact point in a third State was set up.

The appointment of Eurojust contact points in third States follows operational needs. In this respect, there was no need to appoint a Eurojust contact point in the third States involved in THB cases, as one (or more) existed already. Also, during the period 2008-2011, almost all THB cases with third States involved third States that already had a Eurojust contact point. Only in one case with Nigeria and one with Iraq was a contact point not established. Eurojust's casework in the field of THB involving third States shows that, in general, and with few exceptions, Eurojust contact points exist in most of the third States that are usually involved in Eurojust THB cases. The question remains, however, of whether setting up contact points in other third States would not generate relevant cases.

Conclusions

It is rather difficult to predict whether the existence of Eurojust contact points in additional third States (e.g. in China, Nigeria, etc.) would generate a greater number of cases involving those States. Nevertheless, further extension of Eurojust contacts in third States might contribute at least to higher awareness of Eurojust and hypothetically contribute to better cooperation. This strategic target will be further pursued, as it has not yet been achieved during the reporting period.

4.3. Cooperation agreements between Eurojust and third States

Strategic targets This section deals with the implementation of the following strategic target of the action plan: *The number of cooperation agreements with third States increases.*

Implementation Until 2012, Eurojust signed five cooperation agreements, namely with the Kingdom of Norway, the Republic of Iceland, the United States of America, Switzerland and the former Yugoslav Republic of Macedonia. In the reporting period, Eurojust signed a cooperation agreement with the Principality of Liechtenstein (it came into force on 19 November 2013). Negotiations with the Republic of Moldova progressed significantly during the reporting period and a cooperation agreement was finally signed on 10 July 2014. Cooperation agreement negotiations are pending with other countries.

Conclusions The strategic target to increase the number of cooperation agreements has been achieved.

5. Multidisciplinary approaches to combat THB (Priority Five)

5.1. Promotion of the multidisciplinary approach to THB, as complementary to judicial approaches

Strategic targets This sub-section deals with the implementation of the following strategic target of the action plan: *Whenever appropriate, Eurojust should encourage Member States to use multidisciplinary approaches in THB cases and include this point in the agenda of coordination meetings.*

Implementation During the reporting period, Eurojust has participated in several initiatives to promote a multidisciplinary approach among Member States in fighting organised crime, including THB.

On 11 and 12 March 2012, together with the Danish Presidency of the EU and the Danish Director of Public Prosecutions, Eurojust organised a strategic seminar entitled *A Multidisciplinary Approach to Organised Crime: Administrative Measures, Judicial Follow-up, and the Role of Eurojust*. Moving from the assumption that an effective fight against organised crime requires an integrated approach, not only among judicial and law enforcement agencies, but also with administrative authorities and private parties, the seminar focused on specific crime areas - including THB - in which such integrated support should be strengthened. The seminar also addressed horizontal issues, such as asset recovery, including non-conviction-based confiscation, information exchange, the gathering and admissibility of evidence and the protection of procedural rights which, if not properly addressed, can become challenges to a successful

multidisciplinary approach. During the seminar, several practitioners highlighted that in THB cases regular contact with NGOs and private entities has proven very useful, as NGOs sometimes had more and better information on victims than the police or prosecution services and were crucial in helping authorities obtain evidence from victims and witnesses in THB cases. In this context, and also in light of some examples provided by Eurojust National Members of their successful case-related experience with administrative authorities and private stakeholders, participants discussed the advantages and disadvantages of involving private entities and NGOs in Eurojust's strategic and operational work.

Since 2012, Eurojust has participated as an observer in the meetings of the Informal Network of Contact Persons on the Administrative Approach to Prevent and Fight Organised Crime, to ensure that the judicial dimension of the multidisciplinary approach is taken into account in the work of the Network. Additionally, in 2013 Eurojust was asked to provide an input to the first Work Programme of the Informal Network which included, as one of its priorities, THB as a crime type which, by its very nature, would benefit from a multidisciplinary approach.

Eurojust continues to participate in the CARIN network in the field of asset recovery and in Europol's Platform of Experts.

Between 16 and 18 April 2013, Eurojust participated in the conference entitled ***Putting Rantsev into practice on strengthening multidisciplinary operational cooperation to fight against trafficking in human beings***, jointly organised by the Netherlands, Cyprus and Poland. During the presentation given in one of the workshops, the Eurojust representative highlighted Eurojust's role in facilitating judicial cooperation in THB cases (as the vast majority of THB cases are cross-border) and the possibility of establishing JITs in THB cases with the support (both operational and financial) of Eurojust.

From the analysis of the 25 selected THB cases, it seems that in the vast majority of them, the possibility of encouraging Member States to use multidisciplinary approaches in THB cases and including this point in the agenda of coordination meetings was either not considered or not followed up. However, it should be noticed that in one case at least, an administrative authority (the Dutch Criminal Assets Deprivation Bureau) was invited to participate in a coordination meeting. Furthermore, in another case involving, among others, Belgium and the Netherlands, the Belgian authorities reported to have built multidisciplinary partnerships with NGOs active in the field of victim protection, while the Dutch police mentioned as working partners a number of administrative authorities, including the National and Regional Centres for Information and Expertise (RIEC-IRC), the Expertise Centre for Human Trafficking and Human Smuggling (EMM), municipalities, immigration police, tax authorities, the Fiscal Information and Investigation Service (FIO-ECD) and the Social Security Intelligence and Investigation Service (SIOD).

Conclusions From the information available it appears that, even though Eurojust participates in several initiatives to promote a multidisciplinary approach to THB cases (such as conferences, seminars, expert groups, etc.) and has involved other authorities and stakeholders in at least in two of the cases analysed by the THB Project Team, additional efforts could be made as far as operational work is concerned.

From the analysis of Eurojust casework, the Project Team found that in the vast majority of cases the possibility of encouraging Member States to use multidisciplinary approaches in THB cases and to include this point in the agenda of coordination meetings was either not considered or not followed up.

5.2. Support to national multidisciplinary law enforcement units on human trafficking

Strategic targets This sub-section deals with the implementation of the following strategic target of the action plan: *Contacts should be established and support shall be provided to the national multidisciplinary law enforcement units on human trafficking.*

Implementation The implementation of this strategic target is dependent on requests for assistance sent to Eurojust by national multidisciplinary law enforcement units on human trafficking. The establishment of such units were called for by the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016. During the reporting period, no requests for support were received at Eurojust from national multidisciplinary law enforcement units on human trafficking.

Conclusions If requests for assistance are sent to Eurojust by national multidisciplinary law enforcement units on human trafficking, Eurojust will provide the necessary assistance in accordance with its mandate.

6. Financial investigations and asset recovery in THB cases (*Priority Six*)

6.1. Eurojust's support

Strategic targets

This section deals with the implementation of the following strategic targets of the action plan:

- ❖ *Whenever appropriate, Eurojust should promote the use of financial investigations in THB cases and include this point in the agenda of coordination meetings.*
- ❖ *Whenever appropriate, Eurojust should encourage the Member States to analyse asset recovery possibilities and include this point in the agenda of coordination meetings.*

Implementation

The cases analysed show that Eurojust is increasingly encouraging national authorities to include financial investigations and asset recovery in the agenda of coordination meetings in THB cases. The analysis shows that in 18 (72%) of 25 THB cases, the national authorities discussed financial investigations and/or asset recovery matters. This shows that, with the support of Eurojust, national authorities are investing considerable time and effort in following the money trail and in locating, seizing, confiscating and repatriating the proceeds of crime. National authorities are aware of the advantages of initiating financial investigations in THB cases, as the victims' testimonies and other evidence are often not sufficient to secure convictions and/or do not reveal the composition of the entire trafficking chain. Financial investigations secure strong evidence; they may bring the investigators to the main suspects and may lead to seizure and confiscation of assets, ensuring that criminal networks are deprived of the means to continue to perpetrate their crimes.

Eurojust's assistance

Eurojust's coordination meetings, coordination centres and/or JITs supported by Eurojust constitute important tools in the hands of the national authorities for addressing the use of financial investigations and asset recovery procedures in THB cases.

The *coordination meetings* at Eurojust in the 18 THB cases analysed facilitated discussions and, where appropriate, actions related to:

- Identification, seizure and confiscation of suspects' properties and the return of the proceeds of crime from one Member State to another. For

example, in one case, a coordination meeting at Eurojust assisted the German and Bulgarian authorities to exchange information about the seizure and storage costs of a luxury car in Germany belonging to a person convicted in Bulgaria. In a subsequent coordination meeting at Eurojust, an agreement was reached on the sale of the car in Germany and the return to Bulgaria of the money obtained from such sale;

- Exchange of information regarding relevant legislation and requirements in the Member States;
- Sharing of information regarding the results of monitoring money transfers across borders as THB is a cash-intensive crime. In this respect, the analysis of casework shows that Western Union is often used by suspects to transfer the proceeds of THB. In one case, the financial investigation via Western Union and Global Cash revealed the identity of one of the suspected traffickers;
- Investigation of money laundering offences. For example, in one case, the Dutch and Bulgarian authorities agreed at Eurojust on a strategy that involved the investigation of THB in the Netherlands and the investigation of money laundering in Bulgaria. This strategy was agreed taking into consideration the relevant provisions of Bulgarian and Dutch legislation: while Bulgarian law requires an indictment before any freezing of assets could be ordered, Dutch legislation permits the freezing and confiscation of assets even in the absence of an indictment when the assets belong to straw men.

Furthermore, in one THB case a coordination centre was facilitated by Eurojust to coordinate simultaneous searches and seizures in several Member States during a common action day. Eurojust's coordination centre supported the seizure of large quantities of illegal assets, including mobile phones, laptops, money and Western Union transfer receipts belonging to the suspected traffickers. Subsequently, a French court ordered the confiscation of these illegal assets.

JITs have been also used by national authorities to assist their common efforts to seize and confiscate the proceeds of THB. The analysis of casework shows that five JIT agreements contain objectives related not only to the investigation of THB, but also to financial investigations and the confiscation of assets. For example, one JIT agreement was signed with the specific objectives "to locate and trace the money flows which are proceeds from crime, to identify the profits gained by the organised criminal group and to proceed with their seizure and confiscation". Another JIT agreement went further and set as a specific objective "the financial compensation of the victims as a result of the freezing, seizure and confiscation of the illegally obtained assets".

Financial investigations and asset recovery procedures in Eurojust THB cases have been used to a large extent during the reporting period. This is very much in accordance with the strategic targets of the action plan. Eurojust is committed to continuing to promote the use of financial investigations and confiscation procedures in THB cases and to encourage national authorities to refer more asset

Conclusions

recovery cases to Eurojust.

6.2. The outcome of Eurojust's intervention

Strategic targets This section deals with the implementation of the following strategic target of the action plan: *Outcome of Eurojust's interventions in confiscation procedures in THB cases received and evaluated.*

Implementation The analysis of casework shows that Eurojust received information regarding the outcome of the asset recovery procedures discussed at or facilitated by Eurojust in only two (11%) of 18 asset recovery cases analysed. As already indicated in section 2.4, this can be explained by several factors: (i) 14 (78%) of 18 asset recovery cases analysed are still pending (or open) at Eurojust, which implies that a final judicial decision regarding the outcome of asset recovery procedures has not been reached at national level; (ii) four (22%) of 18 asset recovery cases analysed are closed at Eurojust, as an intervention from Eurojust in these cases is no longer required. This does not imply that these cases have all been finalised at national level. THB cases facilitated by Eurojust are typically complex and require a considerable period of time, sometimes several years, until a final judicial decision is taken, including on the confiscation of assets; and (iii) according to the Eurojust Decision, there is no obligation for national authorities to inform Eurojust of the outcome of asset recovery procedures discussed at or facilitated by Eurojust.

Nevertheless, Eurojust considers it important to receive feedback from the national authorities as to how the case evolves and whether the intervention of Eurojust has assisted the freezing, confiscation and/or return of assets. This would allow Eurojust to evaluate its intervention and the effectiveness of cross-border action.

Conclusions To improve the support of Eurojust in asset recovery procedures, Eurojust shall continue to encourage Member States to send more information on whether the intervention of Eurojust has assisted the freezing, confiscation and/or return of assets. The information received should be evaluated by Eurojust.

7. Other relevant activities

7.1. The involvement of Eurojust in the EMPACT on THB

Eurojust was represented at the European Multidisciplinary Platform Against Criminal Threats (EMPACT) meetings on THB. The importance of investigation and prosecution was clearly reflected in the strategic goals of the 2011-2013 EU policy cycle. As a positive operational development, a case was initiated by the Netherlands within this EMPACT project.

THB has again been considered by the Council as among the EU priorities for the fight against serious and organized crime between 2014 and 2017. In July 2013, Eurojust actively participated in the drafting sessions for the setting of MASP strategic objectives on THB. In October 2013, Eurojust contributed to the development of the 2014 Operational Action Plan (OAP) on "THB". In this context, Eurojust was associated with the operational activities of the sub-projects ETUTU (identifying Nigerian THB victims and obtaining intelligence from them) and Chinese THB (targeting Chinese criminality linked to THB). For more information about these two sub-projects, please refer to Annex II.

In 2014, Eurojust actively participated in all three EMPACT THB meetings (four including the OAP 2015 drafting session in October 2014) and the THB expert meeting that took place at Europol on 4 and 5 June 2014. A presentation was given by the Eurojust representative at the EMPACT THB meeting on 22 April 2014 to inform the participants of *Eurojust's activities in the fight against THB in 2014*. Eurojust provided statistics on THB cases (general figures, coordination meetings, JITs supported by Eurojust) dealt with at Eurojust in the first eight months of 2014 and input on the OAP 2015.

Furthermore, Eurojust will be presented at the HOTT Symposium taking place at Europol on 21 November 2014 on Combating Trafficking in Human Beings for the Purpose of Organ Removal and the HOTT project's Writers' Conference on 20 November 2014.

7.2. The activities of Eurojust's THB Contact Point

To ensure a properly integrated and multi-disciplinary approach to THB, in October 2011, on the occasion of the 5th EU Anti-Trafficking Day, Eurojust, together with Europol, CEPOL (the European Police College), EASO (the European Asylum Support Office), EIGE (the European Institute for Gender Equality), FRA (the European Union Agency for Fundamental Rights) and Frontex (the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union), signed a **Joint Statement of the Heads of the EU Justice and Home Affairs Agencies** (Joint Statement). This Joint Statement ensures that JHA agencies address THB in a coordinated, coherent and multidisciplinary manner, also taking into account their respective mandates and competencies.

To ensure the proper implementation of the Joint Statement, JHA agencies have appointed THB Contact Points. At Eurojust, a National Member who is already part of the Trafficking and Related Crimes Team has been acting as THB Contact Point since 2011. The Contact Point represents Eurojust in EU and other relevant *fora* and ensures improved communication between Eurojust and EU institutions, agencies and bodies, intergovernmental organisations and NGOs active in the field of THB.

The Eurojust THB Contact Point meets regularly (on average, three times per year) with the other THB Contact Points of the JHA agencies and representatives of the Office of the EU Anti-Trafficking Coordinator to discuss common joint priorities and activities at expert level.

A first report on the implementation of the Joint Statement was presented in October 2012 on the occasion of the 6th Anti-Trafficking Day, highlighting the joint and individual actions of the JHA agencies in the area of THB.

On 17 October 2014, on the occasion of the 8th EU Anti-Trafficking Day, the European Commission published the *Mid-term report on the Implementation of the EU Strategy towards the eradication of Trafficking in Human Beings 2012-2016* ("EU Strategy"), which can be accessed here: http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/docs/20141017_mid-term_report_on_the_2012-2016_eu_strategy_on_trafficking_in_human_beings_en.pdf

This report contains an Annex that includes a Report on Joint Actions in the field of Trafficking in Human Beings that six of the JHA agencies (CEPOL, EASO, Europol, Eurojust, FRA and Frontex) have developed from October 2012 to October 2014 following the Joint Statement. Following agreement between these agencies, a document that complements the *Report on Joint Actions in the field of THB* was published on the webpages of the agencies. The document lists the main actions developed individually by the agencies in the field of THB between October 2012 and October 2014. One example of such joint action is the CEPOL Module on THB that was produced with the support of Frontex, Europol, Eurojust, FRA and EIGE and launched on CEPOL's website at the end of March 2013.

The next meeting of the THB Contact Points of the JHA agencies will take place at the beginning of 2015.

8. Conclusions and recommendations for future actions (2014-2016)

The main conclusions and recommendations of the report are:

1. The number of THB cases registered at Eurojust in 2013 increased by 40% over 2012. This means that Eurojust is being increasingly used by national authorities to assist with THB cases in accordance with the action plan:

- Eurojust shall continue to encourage national authorities to refer THB cases to Eurojust, in particular multilateral cases, in accordance with its mandate.
- National Desks are encouraged to update data in the CMS with respect to THB cases as soon as they receive additional information on (i) the change at national level of the crime type; and (ii) the involved Member States, third States and other parties (in particular Europol).
- Eurojust shall continue to encourage the national authorities to provide feedback as to how the case evolves and whether the assistance of Eurojust has brought added value. The information received should be evaluated by Eurojust.

2. Eurojust coordination meetings continue to be a powerful tool; their number per case ratio increased during the reporting period:

- The THB Project Team shall continue to analyse during the remaining reporting period of 2014-2016, THB cases with coordination meetings with a view to assessing their preparation, conduct, follow up and added value.
- The National Desks are encouraged to store more information on the general nature of their casework to facilitate future analytical approaches.

3. Evidence-related problems, especially the obtaining of evidence from victims, continue to remain the main obstacles in prosecuting THB cases and in judicial cooperation in these cases:

- The THB Project Team shall continue to analyse Eurojust's casework in the area of THB and identify best practice and judicial obstacles to better assist national authorities in dealing with THB cases.
- Eurojust shall address the problems identified in relation to victims and witness hearings at its strategic seminar on THB on 16 and 17 April 2015.

4. The total number of Article 13 notifications in THB cases remains very low.

- Eurojust shall continue to encourage the national authorities to send Article 13 notifications to Eurojust
- Eurojust shall send, where appropriate, feedback and links to the Member States.

5. *Europol's participation in coordination meetings was significantly higher in 2013 than 2012.*

- Eurojust shall continue to encourage the national authorities to involve Europol in THB cases registered at Eurojust.
- National Desks are encouraged to clearly record Europol's involvement and participation in Eurojust cases and coordination meetings, as well as the participation of Eurojust representatives in operational meetings at Europol.

6. *The percentage of JITs set up in THB cases has increased from 13% in 2012 to 24% in 2013.*

Eurojust provided support in all JITs by facilitating the setting up/functioning of the JIT and by providing JIT funding:

- Eurojust shall continue to support and coordinate JITs.
- Eurojust shall continue to encourage the national authorities to report on the results of the work of JITs in THB cases referred to Eurojust.
- The organisation of JIT debriefings at Eurojust should be promoted.

7. *Eurojust has participated in several training sessions on THB*

- Decisions as to which seminar should be attended by Eurojust will have to be carefully considered.

8. *The number of Eurojust cases with the involvement of third States is relatively small.*

- Eurojust shall continue to encourage the national authorities to involve third States in THB cases.

9. Financial investigations and asset recovery in THB cases registered at Eurojust have been used to a large extent during the reporting period:

- Eurojust shall continue to promote the use of financial investigations and confiscation procedures in THB cases and to encourage national authorities to refer more asset recovery cases to Eurojust.
- Eurojust shall continue to encourage the national authorities to send more information on whether the intervention of Eurojust has assisted the freezing, confiscation and/or the return of assets. The information received should be evaluated by Eurojust.

Annex I - Overview of the mid-term implementation of the strategic targets of the Eurojust Action Plan against THB 2012-2016

PRIORITIES	STRATEGIC TARGETS	Progress made
		Yes/Partially/No
1. Enhancing information exchange to obtain a better intelligence picture at EU level in the field of THB.	Amount of Article 13 information sent by MSs increases. Feedback and links identified by Eurojust and communicated to the MSs.	Yes
	The quantity and quality of coordination meetings and coordination centres at Eurojust increase in THB cases.	Partially
	Number of Eurojust's THB cases and coordination meetings where Europol is invited to participate increases.	Partially
2. Increasing the number of detections, joint investigations and prosecutions in THB cases and enhancing judicial cooperation in this area.	Number of THB cases registered at Eurojust increases.	Partially
	The number of multilateral THB cases compared to the total number of THB cases increases.	No
	Enhanced judicial cooperation in THB cases facilitated by Eurojust.	Partially
	The number of JITs in THB cases supported by Eurojust increases.	Partially
	Feedback on the outcome of Eurojust's intervention received and evaluated.	Yes
3. Improving coordination mechanisms, in particular for training, expertise and operational activities.	Eurojust participates in training sessions on THB.	Yes
	Contacts are established with the national authorities whenever support in establishing specialised THB units within prosecution services is requested.	No
4. Increased cooperation with third States in THB	Number of THB cases and coordination meetings in THB cases attended by third States increases.	No
	Number of Eurojust contact points in third States increases.	No

cases.	Number of cooperation agreements increases.	
5. Using alternative approaches to combat human trafficking, such as multidisciplinary approaches.	Whenever appropriate, Eurojust should encourage Member States to use multidisciplinary approaches in THB cases and include this point in the agenda of coordination meetings.	
	Contacts established with the national multidisciplinary law enforcement units on human trafficking and support provided.	
6. Disrupting criminal money flows and asset recovery in THB cases.	Whenever appropriate, Eurojust should encourage Member States to analyse asset recovery possibilities and include this point in the agenda of coordination meetings.	
	Outcome of Eurojust's interventions in confiscation procedures in THB cases received and evaluated.	

Annex II - THB projects, meetings and conferences attended by Eurojust (2012-2013)

2012
PROJECTS:
EMPACT Project on THB <p>The European Multidisciplinary Platform Against Criminal Threats (EMPACT) is a multilateral cooperation platform that addresses the EU crime priorities adopted by the Council of the EU. Eurojust has participated in the EMPACT on THB, contributing to the drafting of the Multi-Annual Strategic Plan (MASP) on THB and the implementation and monitoring of the Operational Action Plan (OAP) on THB.</p>
Project FIDUCIA (New European Crimes and Trust-Based Policy) <p>Project FIDUCIA focuses on the dynamics and structure of organised crime groups dealing with trafficking (of drugs and/or persons), their methods of payment and trust mechanisms. Cooperation between Eurojust and Oxford University was approved by the College on 5 October 2010.</p>
Trafficking in Human Beings - Training for border guards <p>In 2011, Frontex launched a three-year project to develop specialised training on THB for border guards within the European Union and Schengen Associated Countries. On 3 May 2011, Eurojust confirmed its contribution to this project by participating in workshops and contributing to the development of the common training curriculum.</p>
CEPOL project to develop an online learning module on THB

Eurojust has contributed to the project modules on THB investigations and cooperation.

Project on *The introduction of the requirements for establishing Joint Investigation Teams (JIT) to fight trafficking in human beings in South-Eastern Europe (JIT THB)*

This project is led by Bulgaria and Slovenia to develop and facilitate coordination and cooperation and to strengthen mutual trust among national authorities in tackling THB, as well as to develop and promote best practice with a view to protecting THB victims. On 31 May 2011, Eurojust confirmed its participation in this project. Eurojust attended the project conferences and provided lectures during the five workshops of the project.

MEETINGS and CONFERENCES:

2 February	Meeting in Brussels of the THB Project Team with representatives of DG HOME of the European Commission
2-3 February	Presentation in Brussels at the meeting of the Informal Network of National Rapporteurs and Equivalent Mechanisms on THB
8 February	AWF Phoenix and AWF Copper operational meetings at Europol
9-10 February	Seminar <i>Towards a European approach to judicial training on THB</i> organised in Amsterdam by the Dutch Training Institute for Prosecutors and Judges.
15 February	Meeting of AWF Phoenix and the Action Plan against THB at Europol
15 March	Dialogue meeting on <i>Preventing and Combating Trafficking in Human Beings – the Swedish and German Experiences</i> , organised by the Swedish Institute in Berlin
24 April	First expert group meeting of the Payoke/ISEC Project in Antwerp, Belgium, entitle <i>Joint Effort of Police and Health Authorities in the EU Member States and third Countries to Combat and Prevent THB and Protect and Assist Victims of Trafficking</i> ,
26-27 April	Eurojust strategic meeting on THB, the Hague
17 May	Ministerial conference in Brdo on the project to establish JITs to fight THB in South Eastern Europe
13-14 June	Seminar entitled <i>Migration Management: Sharing Experiences between Europe and Thailand</i> , organised in Bangkok by the European External Action Service and

	the Government of Thailand
14-15 June	ERA conference in Trier entitled <i>Latest developments in EU Action on Human Trafficking</i>
25-26 June	Third expert group meeting expert group meeting of the Payoke/ISEC Project <i>Joint Effort of Police and Health Authorities in the EU Member States and third Countries to Combat and Prevent THB and Protect and Assist Victims of Trafficking</i> in The Hague
10 September	Meeting in Brussels of the THB contact points of the JHA Agencies
20 September	CEPOL online seminar <i>Prevention and Fight Against THB: the EU response</i>
24-25 September	Journalists' seminar in Brussels entitled <i>THB and EU Coverage</i>
18 October	European Anti-trafficking day in Brussels
25-26 October	Conference in Rome entitled <i>Towards a European approach to judicial training on THB - The victim</i>
19-22 November	ICMPD training in Budapest on THB for labour exploitation
28 November	7 th EU-CELAC High Level meeting in Brussels on Migration
3 December	UN Informal Working Group in Brussels on THB
6-7 December	Meeting of the UNODC Commission in Vienna on Crime Prevention and Criminal Justice
6-7 December	4 th coordination meeting of the EMPACT THB OAP project at Europol
6-7 December	ERA Seminar in Vienna on THB

2013
PROJECTS:
Project FIDUCIA

<p>EMPACT Project on THB</p> <p>Eurojust representatives attended several MASP meetings in June and July 2013 to contribute to the establishment of the strategic objectives for the crime priorities 2014-2017, including THB. These strategic objectives were developed into activities within the framework of the OAP on THB.</p>	
<p>EMPACT sub-project <i>ETUTU</i></p> <p>Eurojust participated as associate partner in the EMPACT Trafficking in Human Beings operational sub-project <i>ETUTU</i>. The project focuses on Nigerian THB and is led by the German Federal Criminal Police (BKA). It aims to improve European cooperation in the field of "Nigerian THB" and, above all, facilitate direct contact between the investigating agencies. The College of Eurojust approved the associate partnership of Eurojust to the <i>ETUTU</i> sub-project on 12 September 2013.</p>	
<p>EMPACT sub-project <i>Chinese THB</i></p> <p>Eurojust participated as associate partner in the EMPACT Trafficking in Human Beings sub-project <i>Chinese THB</i>. The project focuses on Chinese THB and is led by the National Police of the Netherlands. The College of Eurojust approved the participation of Eurojust as associate partner in the EMPACT Trafficking in Human Beings sub-project <i>Chinese wall</i> on 30 October 2013.</p>	
<p>Project <i>Use of JITs to fight THB in the Western Balkans at local the level</i></p> <p>This is a second phase of the JIT THB project. On 26 September 2013, Eurojust confirmed its participation in the project to the Slovenian Ministry of Interior. Meetings attended within the framework of the project:</p> <ul style="list-style-type: none"> - Kick-off Conference of the Project, 22-24 October 2013, Sofia - 1st workshop related to the project, 10-12 December 2013, Slovenia. 	
<p>MEETINGS and CONFERENCES:</p>	
<p>18 February</p>	<p>Meeting in Brussels of the THB contact points of the JHA Agencies</p>

6 March	Presentation of the Trafficking in Persons Platform of IAP at Eurojust
7 March	13 th IAP European Regional Conference on Gender Justice in The Hague
15 March	European Criminal Law Academic Network Workshop in Brussels on THB
25 March	Training of the National Institute of Justice in Bulgaria <i>The case Law of Eurojust in the fight against THB</i>
8-9 April	Training of judges under the project <i>Improvement of practices and increasing the capacity of international legal cooperation on cases at Bulgarian Courts</i>
9 April	Visit of Ms Vassiliadou, the EU-Anti-trafficking Coordinator, to Eurojust
9-12 April	CEPOL course <i>EU approach to THB</i> in Stockholm
16-18 April	Seminar in Amsterdam, <i>Strengthening multidisciplinary operational cooperation to fight trafficking in human beings</i>
13 May	Meeting in Brussels of the THB contact points of the JHA Agencies
10-11 October	EU-Thailand Roundtable in Bangkok on Trafficking in Human Beings
17 October	Network of experts in THB meeting in Brussels
18 October	EU Anti Trafficking day in Vilnius
21 October	Event of the Task Force on <i>Combating Human Trafficking: Joining Forces against THB</i> on the occasion of the EU-Anti-Trafficking-Day in Vienna
29 October- 1 November	<i>The Missing: An Agenda for the Future</i> , international conference of The International Commission on Missing Persons (ICMP) in The Hague (preparatory round table on 21 June 2013)
30-31 October	Seminar at the OSCE in Vienna on irregular migrant smuggling and human trafficking
6-8 November	UNODC: 5th session Working Group in Vienna Trafficking in Persons
18 November	Meeting in Brussels of the THB contact points of the JHA Agencies
2-3 December	Workshop at Nuffield College in Oxford on Trafficking and Related Crimes (<i>Part of the FIDUCIA project</i>)

Annex III - Methodology and case analysis template

Methodology The THB Project Team carried out the following activities:

- *Identification of the main research questions:* questions agreed by the THB Project Team to collect information on cases in a systematic way following the strategic targets of the action plan.
- *Preparation of a case analysis template:* the template brought together all research questions and is presented below.
- *Selection of THB cases for analysis:* 25 THB cases registered at Eurojust in which at least one coordination meeting was held during the reporting period and/or in which a JIT was set up during this period.
- *Collection of available documents for the THB cases analysed:* minutes of the meetings, presentations, case evaluation forms, JIT agreements, outcome of coordination centres, etc.
- *Analysis of THB cases based on the case analysis template and drafting of case analysis reports.*
- *Consolidation of the replies to the research questions:* a matrix was produced by the THB Project Team to allow an overview of all case analysis reports.
- *Drafting the mid-term evaluation report* on the implementation of the Eurojust Action Plan against THB 2012-2016.

Case Analysis Template

The research questions contained by the case analysis template are structured according to the priority areas of the action plan, namely:

Priority One – Exchange of information

1.1. Notification on Article 13 of the Eurojust Decision sent in the case?

1. Is the case under analysis a result of the Article 13 notification?
2. Was there any feedback/links provided by Eurojust as a result of the notification?

1.2. Quality of coordination meetings (CM)/coordination centres (CC)

1. Did a Level II meeting take place prior to the CM?
2. Information exchange/preparatory requests prior to CM:
 - a. Was there an exchange of information prior to the CM?
 - b. Were preparatory

requests addressed to the involved countries prior to the CM?

3. Was there a preliminary case note by CAU?
4. Was a joint strategy (coordinated action or joint investigation) agreed at the CM?
5. MLA/EAWS sped up?
6. Are there conclusions to the meeting?
7. Meeting minutes.
8. Follow up/outcome:
 - a. Were the conclusions of the CM followed up?
 - b. Is the judgment known?
 - c. Was there a press release in this case?
 - d. If yes, is Eurojust mentioned in the press release?
9. Is there a Eurojust (written) opinion/advice about conflict of jurisdiction?
10. Was a coordination centre set up?
11. Did a videoconference take place during the CM?
12. Was the Eurojust Case Evaluation Form completed?
13. Attendance at the CM:
 - a. Did all involved countries attend the CM?
 - b. Were external participants present for all delegations?

1.3. Europol involvement

1. Did an operational meeting at Europol take place in connection with this case?
2. Did Europol participate at a CM at Eurojust?

Priority Two – Investigations, prosecutions and judicial cooperation

2.1. Bilateral/Multilateral case

1. Is this a multilateral case?
2. Was the case extended to other countries (origin/transit/destination) as a result of the CM/Eurojust (EJ) assistance?

2.2. Joint investigation teams

1. Was a JIT set up in this case?
2. Did the JIT receive Eurojust funding?

3. Did EJ give advice regarding the suitability of setting up the JIT?
4. Did EJ give advice and information on, for example:
 - differing formal requirements for setting up the JIT
 - differences in legal systems with regard to rules on gathering and admissibility of evidence
 - disclosure of information
 - time limits for data retention
 - conflicts of jurisdiction
 - transfer of proceedings
 - involving other Member States or third States as JIT members
 - other, please specify.
5. Did Eurojust give advice on drafting/extending the JIT agreement and Operational Action Plan?
6. Did Eurojust provide coordination on action days?
7. Did Eurojust support the JIT via coordination meetings?
8. Did Eurojust provide support for the evaluation of the JIT?

2.3. Financial investigations (e.g. location, identification, tracing of money flows)

1. Was the issue of financial investigations discussed at Eurojust?
2. Were financial investigations conducted with support from Eurojust?

2.4. Judicial cooperation

1. Were issues in judicial cooperation discussed?

If YES, please specify which issues, e.g.:

- Difficulties in identifying the THB victims
- Reliance only on victims' testimonies, lack of other sources of evidence
- Gathering/admissibility of evidence, in particular with regard to victims and witness testimony
- Cross-border special investigative techniques used (e.g. controlled delivery of persons, undercover agents, interceptions, infiltration, cybercrime investigations etc.)?
- Use of expert witnesses (e.g. voodoo priest)
- Protection of witnesses

- Witnesses with hidden identity
- Complex case due to its multilateral dimension
- Lack of specialised knowledge of THB
- Legislative problems
- Others, please specify.

Priority Four – Cooperation with third States

Are third States involved in this case?

1. If YES, please specify third State contribution:
2. If NO, please specify reasons for not involving third State:
 - No request towards third State
 - Budget constraints
 - Lack of agreement
 - Others, please specify.

Priority Five – Multidisciplinary approach

Which innovative/alternative ways were used to tackle organized crime?

Priority Six – Asset recovery

1. Was asset recovery discussed at Eurojust?

If YES, please specify which asset recovery procedures were discussed, e.g. tracing, freezing, confiscation, sharing, return of proceeds of THB.
2. Did asset recovery take place?
 - What was the role of Eurojust, for example, to assist in reaching an agreement for sharing/return of the assets?
 - What was the outcome of the asset recovery process?
 - Is this outcome known at Eurojust?

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