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TRACE-ing Human Trafficking: Project Findings

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PREFACE

BACKGROUND
Human trafficking is one of the largest criminal enterprises in the world. It is a multi-billion-dollar crime of global scale. This is because human trafficking as a criminal enterprise continues to evolve as a high profit-low risk business for perpetrators and challenges policy makers, law enforcement agencies and civil society organisations working to prevent and combat human trafficking and assist trafficked persons. The TRACE project aims to support these three target groups by assessing and consolidating information about traffickers and trafficked persons, the wider criminal enterprise and its modus operandi, and the role of technology, as well as current and future trends. Understanding the crime within the broader context of the human trafficking enterprise can assist these three target groups in their efforts to effectively disrupt the human trafficking activities now and in the future.

SCOPE
Whilst human trafficking for the purpose of sexual exploitation continues to garner much attention in the anti-trafficking community, awareness of human trafficking for other forms of exploitation, such as labour exploitation, begging and forced criminal activity, is increasing. Moreover, the need for a more harmonised national, local and international anti-trafficking approach has gained momentum.

Human trafficking as a criminal enterprise comprises a number of distinct, yet overlapping aspects, many of which need to be better understood in order to administer appropriate responses to disrupt the enterprise at various points throughout the trafficking and exploitation processes. The TRACE project provides findings and recommendations based on the EU funded TRACE project that covered the following aspects:

- Understanding human trafficking as a criminal enterprise in terms of:
  - the implementation of the 2012-2016 EU Strategy towards the Eradication of Trafficking in Human Beings by EU Member States and Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (EU Trafficking Directive);
  - the way in which populous media frame human trafficking;
  - the outcome of a macro analysis situating human trafficking in the wider criminal industry;
  - the outcome of a micro analysis of the perpetrators’ treatment of trafficked persons.
- The current and future trends in
- modus operandi of traffickers, including travel routes to and within Europe;
- The profiles of traffickers;
- Use of technology related to human trafficking as a criminal enterprise, including:
  - technologies that are or can be used by traffickers to facilitate human trafficking;
  - technologies that are or can be used to prevent and combat human trafficking.
- The social, political and economic environment in which the business of human trafficking thrives.

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TARGET AUDIENCE
This TRACE report targets three key stakeholders: policy makers, law enforcement agencies, and civil society organisations who work to disrupt, combat and prevent human trafficking or provide services to trafficked persons. It examines various aspects of the criminal enterprise in order to provide the stakeholders with up to date information, on what and how social, political and economic factors facilitate the human trafficking enterprise; how to identify and assist trafficked persons and prevent other persons from being trafficked; and ultimately provide recommendations for ways in which different aspects of the criminal enterprise can be addressed to effectively combat and prevent incidents of human trafficking. The findings and recommendations build on the existing knowledge and data and take the current state of the art as the starting point. This allowed us to provide a more complete overview and makes this report useful reading for all those who are interested in trafficking in human beings and who want to have a concise but thorough insight in how it works, including the role of various actors involved in trafficking in human beings.

METHODOLOGY
The information, findings and recommendations presented in this report are based on in-depth research in the areas outlined above, as well as empirical evidence gathered throughout the duration of the TRACE project that examined human trafficking as a criminal enterprise. The TRACE project research was rooted in case study countries which included: Romania, Cyprus, Bulgaria, the Netherland, Sweden and to a lesser extent the United Kingdom and Poland. As such many examples are from these countries. The use of case study countries ensured the representation of all forms of human trafficking in the TRACE project. The findings from this research provide practical insights into whether a number of societal issues have an impact on human trafficking, not only for the purpose of sexual exploitation, but also as incidents of other forms of human trafficking become increasingly acknowledged. The depth of knowledge and evidence analysed serve to inform policy recommendations and conclusions as to current, emerging and future trends in the human trafficking enterprise in Europe.

During the course of the project six expert workshops were convened, which were attended by policy makers, civil society representatives, legal experts, non-governmental organisations (NGOS), academics, law enforcement agencies, and others who assist trafficked persons or work together with known or convicted traffickers, as well as experts from international organisations. Experts commented on findings and recommendations from the research as well as forecasted future trends, and provided additional practical insight to contextualise research findings within human trafficking as a criminal enterprise.

READING GUIDE
This report is the culmination of research, fieldwork and other collaborative activities focused on the aspects of human trafficking as a criminal enterprise identified above. Each chapter includes a number of relevant findings in relation to the current trends as documented and observed, as well as forecasted trends in relation to human trafficking as a criminal enterprise. A number of recommendations for policy makers, law enforcement agencies and civil society organisations have been developed as a result of this work and are presented in Chapter 8. The key findings and recommendations have also been published in April 2016 in the form of a handbook called TRACE-ing Human Trafficking: Handbook for Policy Makers, Law Enforcement Agencies and Civil Society Organisations. This report and the handbook use similar structures and can be read in conjunction; the handbook focuses more on the key findings and recommendations while this report provides further background information. In both publications, “trafficked persons” refers to victims or survivors of human trafficking.
Chapters 1 to 4 define the parameters of the business of human trafficking and the environment in which the human trafficking enterprise thrives. This includes the driving forces of human trafficking (Chapter 1), the legal challenges that have to be addressed to disrupt the human trafficking enterprise (Chapter 2), the trafficked persons (Chapter 3), and the modus operandi of human trafficking (Chapter 4).

Chapter 5 delves into the characteristics of traffickers. It addresses demographics, types of traffickers (including trafficked persons who became traffickers), their motives and incentives, and their characteristics and personality, as well as the importance of childhood, family and the environment.

Chapter 6 deals with the role of technology in human trafficking. It identifies technologies, including the internet, applications and software, which are used by traffickers and will continue to be used in the future to support their human trafficking businesses. It also briefly discusses the role of technology in combating and preventing human trafficking.

Chapter 7 forecasts future trends in human trafficking. It looks in particular at the recent increase in the number of migrants, including asylum seekers, attempting to enter Europe and the role of the media.

Finally, Chapter 8 provides a list of ten key recommendations for disrupting human trafficking as a criminal enterprise. Targeted recommendations are also included at the end of each chapter. They can inform current and future strategies in the area as they take into account the many elements that enable and support the business of human trafficking in contemporary society. To avoid repetition the relevant key recommendations are not repeated at the end of each chapter. For a full overview of all recommendations the reader should consult the recommendations at the end of each chapter in conjunction with Chapter 8.

This TRACE report is based on previous TRACE deliverables that are available in full on the TRACE website: http://trace-project.eu/. Where relevant, references are made to specific deliverables. For more detailed information, we refer the reader to the deliverables (see Appendix).
1 THE DRIVING FORCES OF HUMAN TRAFFICKING

1.1 HUMAN TRAFFICKING AS A BUSINESS MODEL

Trafficking is best understood as a business operating as an ordered system of social networks and institutions. The business is becoming increasingly global in scope as advances in transport and communications, and links to international organised crime, make it easier to operate across regions and continents....The business is remarkably responsive to change and seems always to remain one or several steps ahead of those seeking to control it...Relative to the ability of governments to control them, traffickers demonstrate greater flexibility, organisation and speed of response.1

Human trafficking is a high profit - low risk venture. In order to determine the cost-benefit ratio of human trafficking as a criminal enterprise, human traffickers will determine factors such as the extent to which the human trafficking business will provide sizable monetary gains in comparison with the risk of apprehension and prosecution.

Yet, in addition to these business considerations, there needs to be an identifiable supply of persons to be trafficked. Moreover, the magnification of push-pull forces (see section 1.2 on driving forces) in light of the globalisation and significant geo-political changes of the 1990s that opened up borders and new labour markets has fueled the human trafficking enterprise to the detriment of human beings who are perceived as a commodity.

In addition to those who provide the supply and demand of human trafficking, it is also necessary to consider the intermediaries who facilitate the link between supply and demand in increasingly global labour markets. Very often these intermediary agents, who form part of the criminal network, also present themselves as a legitimate business with close ties to both the formal and informal economy in destination countries.2 An example of such an intermediary is a private recruitment agent in countries where there is a lack of adequate regulations and capacity to monitor the activities of private recruiters.3 The capacity for the private recruiter to operate illicitly without regulation will impact upon the cost-benefit analysis of the trafficking networks and ultimately the very high level of profits that human traffickers can expect. Indeed, groups that have no prior history of involvement in human trafficking have moved into this activity because of significant profits.4 Turning to the scale and magnitude of the enterprise, human trafficking ‘is considered to be a diverse international business, with a vast budget, providing hundreds of thousands of jobs world-wide, and managed by a set of individuals and institutions, each of which has an interest in how the business develops.’5

On a global scale, data collected by the ILO for the 2012 Global Estimate of Forced Labour gave the most accurate account of the financial impact of forced labour by region. All calculations are made using 2006 as a reference year. The ILO regards human trafficking as a form of forced labour6 and the estimate represents an aggregation of regional figures of profits for three forms of forced labour, namely forced labour exploitation outside domestic work,

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3 Ibid, p. 17.
forced domestic work and forced sexual exploitation. These forms concern 18.7 million victims out of the 20.9 million people estimated to be in forced labour in 2012 (excluding victims of state-imposed forced labour). It is estimated that the total illegal profits obtained from the use of forced labour worldwide amount to US$150.2 billion per year. More than one third of the profits – US$51.2 billion – are made in forced labour exploitation, including nearly US$8 billion generated in domestic work by employers who use threats and coercion to pay no or low wages.

In Bulgaria for example, human trafficking is an organised international criminal enterprise following recognition that it is ‘a source of huge profits for the criminal organizations. Entering this activity does not require large upfront investments from the criminals, but guarantees large profits, which in combination with the social and economic situation in the country favours the epidemic development of the problem in the country and make it a huge source of funds for the Bulgarian organised crime.’9 For example, ‘the [Bulgarian] National Investigation Service reports that a girl can provide income between 12,000 and 18,000 euros net per month, and six girls are sufficient to ensure the income of 1 million euros per year’10 for human traffickers.

Human traffickers are adept at amending their practices and responding to changes either in the business market or in the legislative and regulatory initiatives designed to combat human trafficking. A sudden change in the demand for exploitative practices (for instance in post-conflict situations) provides human traffickers with an opportunity to address the demand by securing a supply of trafficked persons. Furthermore, the impact of the global economic crisis has led to a rise in the demand for cheap labour, therefore, requiring a response from criminal organisations who exploit vulnerable workers and migrant workers taking advantage of their precarious situation isolation due to a lack of a social network, and lack of access to information to inform them of their labour rights. Therefore, policies seeking to combat human trafficking should not only focus exclusively on the enactment of optimal legislation but also on the enforcement of anti-trafficking law and strengthening the prosecution and conviction of offenders using a victim centered approach, which respects and protects trafficked persons’ human rights.12

**Demand**

Trafficking in persons is increasingly seen as an economic process, characterised by supply and demand, an illicit market, where destination countries are characterising the demand for cheap labour and services (including sexual services) and where origin countries are completing the economic picture of the process with the people’s desire of a better life, or of supporting the family’s income or other the accomplishment of personal desires. Similar desires drive internal trafficking, which means human trafficking within the borders of one country. Trafficked persons are seen as goods, which could be sold or used again and again, and are seen as a continuous source of profit for the criminal groups.

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The research showed that traffickers identify the demand and take advantage of those who are seeking a better way of life, by supplying the market. On the one hand there is high demand on the labour market for persons carrying out activities that citizens of a destination country don’t want to take up and, on the other hand, there is the availability of persons who need employment and offer - or are forced - to work for a lower amount of money, below the minimum level guaranteed by legislation. The same may hold true for nationals.

One of the key priorities in the context of human trafficking is prevention of the crime. However, efforts in relation to prevention often focus on demand. The EU Trafficking Directive promulgates the criminalisation of the use of services provided by trafficked persons, where the receiver knows that the persons are victims of exploitation, as one of the principal means of demand reduction. Article 19 of the EU Trafficking Directive establishes that in order to reduce demand Member States can criminalise the use of services provided by trafficked persons, where the receiver knows that the persons are victims of exploitation. The current approach by some EU Member States, is the criminalisation of the use or provision of sexual services. Following Article 23 of the Trafficking Directive, an assessment of such an approach (originally due to be published by 6 April 2016), commissioned by the European Commission, will determine the impact of such existing national law that focuses upon the criminalisation of the use of services. The TRACE research found that overall, many EU State practices/measures are not fully engaged with the issue of reducing demand, although a number of good practices were identified. TRACE further recommends that more alternative ways of reducing demand should be considered, for instance through the introduction of certificates or quality labels that guarantee fair working conditions (e.g. Fairtrade products, the UTZ certified label).

1.2 **The Driving Forces of Human Trafficking**

There are a number of well-known push factors that have been identified as being the main root causes for individuals to become victims of human trafficking (see figure 1 below). The *EU Strategy towards the Eradication of Trafficking in Human Beings (2012 – 2016)* lists a number of social, political and economic root causes, including, poverty, institutional deficiencies, gender inequality and violence against women, conflict and post-conflict situations, lack of social integration, lack of employment opportunities, lack of (access to) education and discrimination. These root causes can be characterised as the more classical driving forces of human trafficking. Insights from various disciplines (including anthropology and psychology) have noted that root causes or vulnerability factors are more complex and also relate to, for instance, a person’s characteristics (e.g. risk taking behavior, thrill seeker) or a person’s specific circumstances.13

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Factors facilitating the market of the human trafficking business

There are a number of factors that facilitate the promulgation of the market in the human trafficking business. For instance, the research found that globalisation and a free market economy has led to a pursuit of profit to the detriment of those who become ensnared in cheap and exploitative labour, resulting in many goods and services being provided at a low cost, thus satisfying the demands of the market. Also, the liberalisation of the labour market has provided traffickers with new avenues of “business”, permitting them to be more flexible when choosing their marketplace.

A trend that was identified throughout the research was the ability of the human traffickers to take advantage of legislative and policy deficiencies and loopholes, making it possible for them to evade and impede investigations and increase earnings. Traffickers operate across both licit and illicit economies, especially in cases of labour exploitation. For instance, the traffickers have the ability to take advantage of the deficiencies of the legislation and policies in the country of destination (exploiting the trafficked persons in activities socially or legally tolerated, such as forced begging). Similarly, when the demand for cheap labour is met with a workforce willing to work in the informal economy, it becomes more difficult to qualify such situations as exploitation and subsequently human trafficking for the purposes of exploitation. For example the incidence of labour migration of Romanians searching for jobs in the informal economy was highlighted as a permanent risk factor for human trafficking from Romania, with 78% of adult trafficked persons being exploited mainly in construction, agriculture or in other economic sectors known for black work or grey labour markets.

A more recent adverse impact of globalisation has been the global economic crisis, where the austerity measures imposed by States leads to an increase in demand for cheap labour, deterioration of economic conditions, and fewer State authorities to regulate the labour market.
Taking into account the increasing migrant flows experienced by Europe, the research has found that restrictive migration policies and the demand for cheap labour facilitate the demand for traffickers and smugglers, thus increasing the vulnerability of migrants, including asylum seekers, to becoming exploited. The restrictive migratory policies seek to limit an influx of migrants, despite the significant migration pressure from developing nations in Asia, Africa and Latin America, and the growing demand for workers in the service sector and other low-skilled sectors.

There is a relationship between current and future trends in restrictive migration policies and human trafficking. Restrictive measures fail to limit and prevent illegal migration and result, instead, in more people seeking irregular migration routes to enter and stay in a chosen destination country. This in turn can fuel demand for the services of smugglers, who might also operate as/become traffickers and exploit them. Moreover, tight border controls also prevent asylum seekers from entering destination countries legally, and with the current volume of asylum seekers, the business of smuggling has grown in line with the demand.

**Concluding remarks**

In order to tackle the human trafficking business effectively a continued effort needs to be made to address the under-representation of measures on the prevention of human trafficking. In particular, the TRACE research has found that the existing political and legal measures are insufficient because they underestimate the extent to which root causes need to be addressed. This may be due to a lack of political will to engage with the driving forces behind the human trafficking business.

1.3 **OVERLAP BETWEEN TRAFFICKERS AND TRAFFICKED PERSONS**

The TRACE research demonstrated that a crucial aspect of the root causes of human trafficking is that they do not occur in isolation. They are interconnected and do not apply only to the trafficked persons but also to the traffickers.

When determining the incentives of the traffickers themselves, it seems that the overall objective of improving personal living conditions is very much the same for traffickers and for trafficked persons. Indeed, many of the root causes that are identified above also push persons to engage in the business of human trafficking. For the traffickers, this often translates into a rewarding criminal enterprise, as human trafficking is a low risk - high gain venture, whereas for the trafficked persons, this often leads to heightened precarity. Another factor that demonstrates the interconnectedness of the trafficked persons and traffickers in terms of their socio-economic background, is that trafficked persons and traffickers very often originate from the same social environment, and as such are socially connected, whether this is by means of traditional social networks or through more modern technological driven forms of connectivity.

However, susceptibility to becoming involved in the human trafficking business, in addition to the above external driving forces, is also due to a number of internal (psychological) factors. An individual’s propensity towards becoming a trafficker or a trafficked person may well be based upon:

i) **Regarding both traffickers and trafficked persons**: their personality (risk-seeking, adventurous), state of mind and behaviour; and
ii) Regarding trafficked persons in particular: a (psychological) response to a trigger event (death of the main breadwinner or illness of a family member creating an acute need for money).\textsuperscript{14}

Moreover, these internal (psychological) factors, as demonstrated in interviews with convicted traffickers, conducted by the TRACE project, indicate a connection with lived trauma. This trauma may be related to domestic violence, sexual violence or loss and deprivation. It is the combination of external and internal factors that makes the basis of the crime of trafficking in human beings.

There are three ways in which traffickers and trafficked persons may be interconnected:

1) traffickers and trafficked persons share the same socio-economic background (including being related or in a relationship);
2) some trafficked persons become involved in the trafficking (see Chapter 5);
3) trafficked persons may be forced to carry out criminal activities against their will for the benefit of the traffickers (the non-punishment principle is relevant here).

1.4 AWARENESS-RAISING

Both the national EU Member States studied and the European Commission (EC) (especially through the funding of projects) show a great variety in activities undertaken to address human trafficking such as, awareness raising through films, introduction of quality labels in agriculture, criminalisation of the use of services of victims of crimes, etc. It is difficult to compare these measures taken, but the common denominator seems to be that they are diverse and target potential victims, the general public and professionals and that they are aimed at different types of exploitation, but still with an emphasis on sexual exploitation. Accordingly, it has been suggested to expand the target group for prevention work beyond the conventional ones, for example by including tourists visiting resort locations, border town residents, language schools and school administrators.

Although there seem to be some valuable initiatives involving the private sector, information on all relevant activities and on their effectiveness is difficult to obtain in most countries. Nevertheless, the TRACE research found that there is some evidence to suggest that these initiatives sometimes overlap and/or compete with each other, for instance, between quality labels.\textsuperscript{15} Such initiatives are often territorially limited to one State, which is problematic given the free movement of services, workers and goods in the EU and the globalised (labour) market. Thus the prevention of human trafficking requires thorough collaboration and coordination at national, regional and international levels, which appears to be lacking at the moment.

In some countries there is an overreliance on private sector self-regulatory activities and initiatives, which leads to an increased diffusion of the activities and lack of coherence.

\textsuperscript{14} See also Van Waas, L., Rijken, C., Gramatikov, M., & Brennan, D., Research the Nexus Between Statelessness and Human Trafficking: the example of Thailand, Wolf Legal Publishers, 2015, pp. 105-107 and pp. 159-162.

\textsuperscript{15} Desk research carried out for Work Package 1 found that several initiatives have been implemented by the private sector in the Netherlands, such as the Fair Produce label for the mushroom sector and the international quality label for the agricultural sector established by GlobalG.A.P. (Global G.A.P. Risk Assessment on Social Practice), available at: http://www.globalgap.org/uk_en/what-we-do/globalg.a.p.-certification/globalg.a.p.-00001/GRASP/ [last accessed 29 April 2016].
Accordingly, user-friendly guidelines for companies and recruitment agencies could be introduced which clarify the national law on labour exploitation and their legal obligations towards workers, particularly in sectors at risk of being involved (intentionally or unintentionally) in labour exploitation, such as agriculture, construction and domestic work. It has also been noted that awareness should be raised among the general public about ethical consumerism and understanding the supply chain, so as to empower consumers in disrupting human trafficking.

1.5 Recommendations

General recommendations

- The key priority in the fight against human trafficking is a reduction of demand for cheap and exploitative labour including sexual services at the European level, including through an analysis of the patterns of supply and demand.
- States should evaluate the legal measures that have been taken to criminalise the sexual services provided by women and men or their use by clients with the aim to prevent human trafficking, to determine the extent to which such an approach has had a positive impact, and to see if it can be applied outside the sex industry.
- In order to effectively tackle the human trafficking business, a continued effort needs to be made to address the under-representation of measures on the prevention of human trafficking, including engaging with and addressing its internal and external root causes and trigger events.
- Enforcement agencies should be able to conduct financial investigations and to identify and confiscate the proceeds of crime.
- Further research to explore the overlap between traffickers and trafficked persons is needed.

Awareness-raising

- The co-existence of numerous initiatives and activities leads to an increased diffusion of the activities and lack of coherence. Accordingly, collaboration and coordination at national, regional and international levels is required to avoid overlap and competition between different initiatives.
- Awareness raising campaigns and other activities to prevent human trafficking should target children and especially those at risk of being trafficked such as children from broken families, unaccompanied migrant minors and children with limited intellectual capacities.
- The message should be customised through different conduits in order to reach the targeted audience. Audiences are diverse (language, age, cultural, political, socio-economic, education, etc.), requiring the message to also be tailored in response to the target audience. Social media channels and other modern digital methods (e.g., multimedia art) can be used to communicate with youth and young adults.
- The public is the eyes and ears of the community. There is an increasing need to involve the general public in the fight against human trafficking, for instance by setting up public hotlines or reporting systems for the public, and remaining socially aware of activities taking place around them.
2 LEGAL CHALLENGES

One of the first goals of the TRACE project was to provide a state of the art understanding of human trafficking in the context of the European Union (EU) and to identify the main obstacles and challenges. This chapter provides a review of the implementation of the EU strategy on human trafficking by EU members. Accordingly, it will not specifically address human trafficking as a criminal enterprise, but will show the legal and policy framework in which these enterprises operate.

In the EU, human trafficking is noted as one of the most serious criminal offences that constitutes a violation against human rights and is considered a modern form of slavery. The EU has established an impressive legal and policy framework to combat human trafficking of which the 2011/36/EU Directive on trafficking in human beings and the EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016) are the most important. Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities is also relevant here.

The EU Trafficking Directive has a much broader scope than the EU Trafficking Framework Decision that it replaces, for it includes victim protection and prevention of human trafficking in parallel to its criminalisation. In addition, and based on the EU Trafficking Directive, the strategy has identified five priority areas; identifying, protecting and assisting victims of trafficking, prevention of trafficking, increase prosecution, enhanced coordination and cooperation and increase knowledge of and effective responses to human trafficking.

This Chapter presents the findings of an assessment of the strategy and the EU Trafficking Directive, as well as the analysis of the implementation of the EU Trafficking Directive in five countries (Cyprus, the Netherlands, Poland, Romania and the UK) based on the mid-term evaluation of the strategy, the numerous reports and (academic) articles on human trafficking within the EU and the GRETA country reports. TRACE findings show that despite the attention at both the EU and national levels to address and combat human trafficking, a number of issues remain problematic. Below these issues are summarised under: definition, identification, prosecution, corporate liability, compensation and the non-punishment principle.

2.1 DEFINITION

The definition in Article 2 of the EU Trafficking Directive is based on the definition in the Palermo Protocol and reads as follows:

*Offences concerning trafficking in human beings*

1. Member States shall take the necessary measures to ensure that the following intentional acts are punishable: The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control

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over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

2. A position of vulnerability means a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved.

3. Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs.

4. The consent of a victim of trafficking in human beings to the exploitation, whether intended or actual, shall be irrelevant where any of the means set forth in paragraph 1 has been used.

5. When the conduct referred to in paragraph 1 involves a child, it shall be a punishable offence of trafficking in human beings even if none of the means set forth in paragraph 1 has been used.

6. For the purpose of this Directive, ‘child’ shall mean any person below 18 years of age.

Thus the human trafficking offence consists of an act (of recruitment) through the use of a means, with the aim of exploitation. The “exploitation” element of human trafficking is interpreted broadly. EU law does not define exploitation as such, although it provides descriptions of what practices (at a minimum) are considered as exploitation (sexual exploitation, forced labour and removal of organs, forced begging and forced criminality). This approach hampers the prosecution process since it is not always clear which practices can be labeled and thus prosecuted as exploitation.

The diversity in implementation and interpretation of the human trafficking definition as described in the overall assessment of the EU legal and policy framework is clearly reflected in the country reviews, regardless of the limited number of countries researched. Differences exist on the separate criminalisation of related phenomena such as forced labour and slavery, and the implementation of the means. Some states have a very broad understanding of the term means, which considerably enlarges the scope of the definition. Some EU Member States have separately criminalised slavery, forced labour and/or similar practices, while others have criminalised human trafficking as defined in the Palermo Protocol and EU Trafficking Directive. This leads to the following difficulties:

1) the measures to enhance the fight against human trafficking are not per se applicable in the context of the stand-alone crimes of slavery or forced labour if these are criminalised separately; and

2) persons subjected to forced labour or other forms of exploitation are not necessarily victims of human trafficking and can thus be excluded from victim protection and assistance specifically set up for trafficked persons such as adopted in the EU Trafficking Directive.
### 2.2 Identification

Many problems remain in relation to identification, assistance and support. Because the identification of trafficked persons as well as trafficking cases is a crucial first step for protecting the rights of trafficked persons and for the commencement of criminal investigations it is of utmost importance that there is a continuing effort to improve the identification of trafficked persons and cases. Again clarity on the definition of human trafficking is needed for taking this crucial first step.

In all the countries studied by TRACE, victims have to be granted a temporary residence permit for a reflection period, in which they can make a decision on filing complaints against the perpetrators, while being allowed to recover and escape the influence of the perpetrators and being informed on their rights as a victim. The recovery and reflection period is in itself not conditional on cooperation with the investigative or prosecution authorities. Yet there is still concern on the unconditional access to the reflection period as well as the duration thereof. The TRACE project noted that the reflection period is not automatically given for a minimum of 30 days in all countries.

There is a continuing need for front-line staff and different actors who might come into contact with trafficked persons to be trained on human trafficking. If provided with knowledge and the right tools a wide variety of actors and stakeholders can be instrumental in improving the identification of trafficked persons and preventing human trafficking.

### 2.3 Prosecution

It seems that in all countries a long list of units, institutions and NGOs are involved in combating human trafficking and providing assistance and support to trafficked persons. Coordinating mechanisms are in place in all countries either through a National Action Plan, a National Rapporteur or a similar mechanism. Due to a well-developed EU legal framework on criminal cooperation, including direct communication between law enforcement authorities, structures for exchange of information, the work of Europol and Eurojust and the possibility to establish joint investigation teams (JITs), intensive and frequent cooperation is in place with other countries in all reporting states. However, the prosecution of traffickers is still often challenging. The most important problem seems to be the (self) identification of the trafficked persons. Such identification is a crucial first step, because trafficked persons rarely disclose their experiences to authorities and self-identify as victims, or because others do not see the signals of human trafficking, an unknown number of crimes stays hidden. Secondly, improvement of the specialisation of professionals would improve the effectiveness of the criminal system. Lastly, the fact that the trafficked person does not always want to cooperate due to different reasons such as fear of retaliation on the part of the trafficker or lack of trust in the police and the judicial system may hinder effective prosecutions.

As many different actors can come across indicators of human trafficking, it is important that information from those actors is exchanged for effective identification and prosecution. Law enforcement cooperation with a country and between countries (e.g. through Europol and Eurojust) is crucial for effective prosecution but opportunities are not employed to their full potential.
2.4 CORPORATE LIABILITY

Legislation and policies do not yet sufficiently address human trafficking in the corporate world and legal economy. So far, there is no binding European provision that forces the private sector to take responsibility. When the research was carried out there were only few cases of national policy/legislation regarding corporate responsibility to prevent human trafficking.

Prosecutions of corporations are rare. In each country examined (Cyprus, the Netherlands, Poland, Romania and the United Kingdom), there seems to be a legal basis for punishing corporations, but in practice, examples are hard to find. In Romania, three companies have received a final sentence for the crime of human trafficking (including minors).18 One of them, which conducted activities under the umbrella of a massage salon, received a fine of 25,000 lei and the judgment of closing down the company. One could be tempted to take the rarity of corporate prosecution as a failure in prosecution. However, seeing that in the Romanian cases of corporate prosecution, fines rather than imprisonment were the main modality of punishment, one might argue that convictions of individual persons – in which other types of sentences can be imposed – might be preferred over corporate prosecutions from a victimological and criminal justice perspective.19

2.5 COMPENSATION

Compensation for trafficked persons is provided for in the national laws in all EU Member States. Different modalities are present that allow trafficked persons to claim damages. Generally, there are three pathways: (1) as part of the criminal procedure, (2) as a (separate) civil procedure, (3) via a state compensation fund.

However, there seems to be a difference between the law in the books and the law in practice. Indeed, it is still difficult for trafficked persons to receive compensation either during criminal procedures or in separate private legal actions. Procedures are complicated and often take a long time and furthermore, in the case of private actions, are expensive. The study of the GRETA reports reveal that possibilities are limited and only exceptionally successful cases are mentioned as also reflected in research conducted in various countries within the framework of the Comp.ACT project (2009-2012). Recognising trafficked persons’ rights and promoting restorative justice provides an environment in which a trafficked person may be more willing to help authorities in disrupting the crime.

2.6 NON-PUNISHMENT PRINCIPLE

Despite Article 8 of the EU Trafficking Directive which prescribes the non-prosecution or non-application of penalties to the victim, trafficked persons continue to be prosecuted or penalised for crimes committed as a result of having been trafficked. Problematically, the scope of this provision is unclear and its implementation is left to a great extent to the discretion of EU Member States. Early identification of trafficked persons is crucial for the correct application of the non-punishment principle, as this will protect them from prosecution or punishment.

18 According to the Superior Council of Magistracy’s (RO) statistics, in TRACE, D1.1 A review of the implementation of the EU strategy on human trafficking by EU members, November 2014, p. 68.
The application of Article 8 will continue to be difficult, particularly in light of an increasing number of new forms of abuse, coupled with a lack of clarity as to whether or not they qualify as forms of exploitation that amount to human trafficking. This is especially the case with incidents of trafficking for forced criminality. Moreover, in cases where exploitative practices are criminalised separately, questions may arise regarding the extent to which victims of these practices are entitled to protection from prosecution and penalisation.

2.7 CONDITIONAL PROTECTION

Another problem that remains is the unconditional access to support and assistance: in many EU Member States there is no unconditional support for trafficked persons. Article 11(3) of the EU Trafficking Directive states that assistance and support to victims of human trafficking cannot be made conditional on the victim’s willingness to cooperate in the criminal procedure, at least during the reflection period. This importantly limits the discretionary powers of the Member States to grant assistance and support only if the victim cooperates with the authorities in criminal proceedings. Yet, it is still suggested that in some Member States, support and assistance is made conditional to cooperation in criminal procedures.

There are however three important limitations to this provision. First, it should be read in conjunction with Recital 18 from which it can be drawn that unconditional access for those who remain in a Member State without the required documentation can be limited to the reflection period only. For those staying legally on the territory such limitation is not permitted. Second, the last phrase of Article 11(3) states that unconditional access is without prejudice to Directive 2004/81 or similar national rules. In short, Directive 2004/81 grants a temporary residence permit to third country nationals who are a victim of human trafficking and who cooperate with the authorities. This means that on the basis of this directive trafficking victims can only access support and assistance provided if they cooperate with the authorities and that it is limited to the duration of criminal proceedings only. Third, unconditional access to assistance and support presupposes that this can be completely separated from residence status. In practice such unconditional access remains illusionary for those who do not receive a residence permit which can be made conditional to cooperation (Directive 2004/81 and Article 14 Council of Europe Convention on Action against Human Trafficking). This means that indirectly the assistance and support will also be made conditional to the cooperation since assistance and support will not be granted if the person does not have a residence permit and stays irregularly in the country.

2.8 RECOMMENDATIONS

- States should establish clear, transparent and proportional regulation of labour providers; scale up inspections of working conditions, especially in sectors prone to exploitation; and promote decent working conditions.
- States should establish ethical public procurement and other appropriate due diligence measures to prevent risks of labour exploitation by their contractors and subcontractors.
- Businesses should establish proper due diligence processes, including systems for monitoring, for self-reporting and for financial reporting, to manage, address and account for risks of human trafficking in their operations, which may lead to criminal
prosecution, serious damage to their business reputation and loss of earnings.

- Whilst acknowledging that all trafficked persons should receive protection, one should also recognise the need for a criminal provision to be minimalistic and clear, in order to harmonise which practices amount to human trafficking.
- It is necessary to expand the target groups for awareness raising and training so as to include health workers, landlords, unemployment services, banks and social workers for example, and to customise the training in order to reach the specifically targeted audience.
- Criminal investigations against corporations together with the increase of supply chain transparency should become a key priority. This should not prevent individual perpetrators from being prosecuted.
- States need to ensure that trafficked persons are not only entitled to receive compensation but also that the system to obtain it is accessible to them.
- Specific legislation and policy is required to ensure that trafficked persons are not detained, prosecuted or punished for their involvement in unlawful activities they have been compelled to commit as a consequence of their situation as trafficked persons. Furthermore, public officials who are likely to come into contact with trafficked persons should be trained to identify trafficked persons and receive guidance on the application of the non-punishment provision.
- The application of the legal framework needs improvement in relation to human trafficking. Effectiveness of the criminal system may be assured through: i) better use of Europol, Eurojust and Joint Investigation Teams; ii) increased specialisation of law enforcement professionals; and (iii) expedite international information exchange.
- Structural change can be brought about within the criminal justice system through sustainable and customised human trafficking training programmes aimed at law enforcement officers, legal professionals, and most notably the judiciary. Such trainings should address specific topics or be tailored to specific groups and based on the level of awareness and expertise of the targeted audience.
- There is a need to address issues of witness protection, which could well be hampered by legal professional privilege if victims are dealt with as criminals. This might require processes for witness immunity in a trafficking context.
3 THE TRAFFICKED PERSONS

3.1 FACTS AND FIGURES

Global and European statistics
Despite the difficulty in accurately determining the scale of the issue, it is evident that thousands of people are being trafficked within, to and from Europe every year. It was estimated in 2012, that globally 20.9 million people were victim of forced labour worldwide at any given time, of which 22% victims of forced sexual exploitation and 68% of forced labour in economic activities. Eurostat reported 30,146 registered (presumed) victims between 2010 and 2012, as reported by EU Member States.

The profile of trafficked persons
TRACE research conducted in different EU Member States confirms that trafficked persons are not a homogenous group. Women, men and children of different age, and different nationalities, are trafficked for different forms of exploitation in different countries of destination, as well as in countries of origin. From the reported trafficked persons by EU Member States, 80% was female. Of those, 16% were minors and 36% were aged 18-24. It was further reported that 69% were victims of sexual exploitation, 19% victims of forced labour and 12% of other forms of exploitation. TRACE research confirmed that the majority of registered (presumed) trafficked persons in the different EU Member States were exploited for sexual exploitation and the majority were young women. However, there are differences per country.

Countries of origin
The top five countries of citizenship of identified trafficked persons from within the EU are Romania, Bulgaria, the Netherlands, Hungary, and Poland, while the top five countries of citizenship of the identified trafficked persons from non-EU countries are Nigeria, Brazil, China, Vietnam, and Russia. At a national level, EU Member States report many different countries of origin or destination. The 2014 UNODC Global Report on Trafficking in Persons reveals that between 2010 and 2012, trafficked persons with 152 different citizenships were identified in 124 countries across the globe. Trafficked persons and perpetrators often come from the same region. Traffickers operating within the borders of the European Union commonly originate from other EU Member States. 65% of the registered trafficked persons in Europe come from EU Member States. Trafficked persons are often recruited within or from another region or country than where they are exploited.

3.2 THE ROLE OF CO-ETHNIC COMMUNITIES

Hypothetical scenario based on real cases

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A group of young adults have been told about job opportunities in the agricultural sector by an acquaintance living in a European country that is not their country of origin. They face significant hurdles finding employment in their own country of origin due to high unemployment rates and an unstable job market. A family friend has recommended that they pursue the job opportunity offered by the acquaintance who is already settled in the country of destination and can arrange for their transportation to work and accommodation. Upon arrival, they find that the working conditions are not as expected and they have been told that their travel documents will be retained and that they must pay the costs of the travel before they can keep any of the money earned. The group trust the family friend and agree to this, as the wages are much higher than any job opportunity they have in the country of origin. The group find themselves accommodated amongst others who are from their own country of origin and remain relatively isolated from the rest of the local community in the country of destination. They do not have very good language skills and rely upon the family acquaintance to translate for them when opening bank accounts and completing other administrative tasks. Members of the group have shown valid identification and have a right of entry to the European nation where they reside. Language barriers prevents local police, social workers and other public officials with whom they come into contact from being able to identify any indicators of human trafficking.

This scenario illustrates that there is a relationship between the presence of co-ethnic communities in the countries of destination, on one hand, and occurrence of human trafficking from the home country, on the other. For instance, in the case of Romania, a connection was noted between the main destination countries and the presence of large Romanian communities there and trafficking flows detected towards these countries. This was also true of the situation in Cyprus, where recruiters reside in the home country and collaborate with members of co-ethnic communities in the destination country. This situation was also confirmed by participants in the TRACE workshop who had experienced the same in relation to Bulgaria and the UK, where in the north - west (City of Bolton) there was a large Hungarian population. Hiring employees with the same ethnic origin may be motivated by a sense of trust as well as by practical considerations. For example, in Sweden the bulk of the seasonal workers-berry pickers come from the same district in Thailand. Villagers saw that it was possible to earn a substantial income from berry-picking in Sweden and followed their fellow nationals. In recent years mainly the recruitment of berry-pickers goes through agencies, which nonetheless is connected to the initial system based on social networks.

The above scenario and the TRACE findings also suggest that the presence of co-ethnic communities established in the country of destination means that control can be exerted over new members of this community who end up being exploited in forced labour or petty crime. However, these findings do not deny the possibility that the presence of an established co-ethnic community in the country of destination may also limit the risk of trafficking, as the community will be able to assist and facilitate the arrival of an individual in the country of destination and in their search for employment.

It is clear that the socio-economic factors identified by TRACE are of significant relevance

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25 TRACE Workshop, The Traffickers, 10 June 2015, Brussels, Belgium.
when it comes to the presence of co-ethnic communities. This is shown in the above scenario, which suggests the need for effective implementation of policy and legal frameworks that are aimed at supporting social and economic inclusion, by fostering gender equality and non-discrimination in the labour market and by dismantling societal patriarchal and stereotypical attitudes. To achieve this and to improve the understanding of co-ethnic communities, it will therefore be necessary to intervene in the communities where the traffickers and trafficked persons originate, and to develop working relationships with members of those communities.

3.3 Vulnerability

Characteristics of trafficked persons and their exploitation: the specific circumstances of each trafficked person define their level of vulnerability.

A huge variety is reported in terms of the form of exploitation trafficked persons have endured and the length of the exploitation. Generally, trafficked persons are vulnerable to exploitation because they are living under precarious socio-economic and emotional conditions.26 Trafficked persons can be nationals of the country where exploitation take place, or transported there and reside legally or undocumented. Certain groups are more vulnerable than others, and certain circumstances render persons particularly vulnerable.

Educational background and other factors influencing levels of vulnerability

- In general, persons with a lower education are more vulnerable to human trafficking. Although not all trafficked persons are uneducated27 there seems to be a strong correlation between levels of education and vulnerability to human trafficking.
- Family background can play a role, as well as external factors and pressures.
- Age, or specific living situations, e.g. being an unemployed single mother with dependants, being an orphan, or mentally disabled, and a mother of a child with limited intellectual capacities), or being minor, can make persons more vulnerable. Other factors reported to influence the vulnerability of a person in a country, including legal status and related to that, dependency on the employer. They have to put up with poor working conditions, squalid accommodation, and sometimes not being paid for months.28 The vulnerable situation of the trafficked persons is also related to their health (physical and psychological) and the fact that they do not speak the language.

Gender inequality

Inequality between men and women in countries can make women especially vulnerable to exploitation. This is related to the following root causes:29
- violence against women;30
- the feminisation of poverty;
- reinforced patriarchal relationships; and

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gender stereotyping and discrimination on the labour market are major root causes.

Socio-economic factors in the country of origin related to gender include:
- level of emancipation and position of women and children in households and society generally;
- level of care and support for people with mental difficulties; and
- level of social welfare.\(^\text{31}\)

**Exploitation**
Nevertheless, it must be stressed that vulnerability is not what causes human trafficking, but, rather, the fact that someone decides to exploit a vulnerable person. Accordingly, human trafficking cannot be prevented only by addressing the behaviour of the trafficked persons.

*Further, it is important to keep in mind that people are trafficked not because they are vulnerable, but because someone decides to exploit them. In recognising that victims’ behaviours are not the cause of trafficking, it also follows that addressing their behaviours exclusively cannot fully solve the problem. Thus, while it may be fruitful to target potential at-risk groups and individuals with the aim of strengthening their options and decisions, this will not be effective in preventing all cases of trafficking. Changing the behaviour of trafficking victims and those at-risk is only one part of the solution to trafficking prevention.*\(^\text{32}\)

**Vulnerability of specific groups**
In all countries where TRACE research was conducted women, in particular migrant women and children were identified as a vulnerable group. In Bulgaria pregnant women were reported to be at risk of human trafficking, for the purpose of selling their babies. A stalled gender wage gap, as well as an increase in women's part-time and informal sector work, push women into poorly-paid jobs and long-term and hidden unemployment, which makes women vulnerable to becoming trafficked for the purposes of exploitation.\(^\text{33}\)

**Children**
Available evidence suggests that certain groups of children are particularly exposed to the risk of human trafficking for begging and forced criminality.\(^\text{34}\) The number of unaccompanied children seeking asylum in Europe has been steadily increasing since 2010, reaching 4% of the total number of asylum applicants in 2014.\(^\text{35}\) Although national data are scattered, there is evidence that significant numbers of these children go missing from asylum centers or other reception facilities and are at risk of abuse and trafficking for multiple purposes (i.e. sexual, physical.

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\(^{31}\) Respondent online survey - care coordinator for the region of The Hague, February 2015, TRACE, D5.1 Report on how external factors such as socio, political and economic factors, or interaction with other criminal industries shape the phenomenon of trafficking, March 2015, p. 28.


\(^{35}\) In 2014 there were a total of 24,075 unaccompanied children in 2014, of which 86% boys and 14% girls European Migration Network, Policies, practices and data on unaccompanied minors in the EU Member States and Norway, Synthesis Report, May 2015, available at: http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/emn_study_2014_uams_0.pdf [last accessed 26 April 2016].
labour, begging, criminality etc.). 36 Children who have been trafficked are brought to the UK for many purposes, including sexual exploitation, domestic servitude, benefit fraud, cannabis farming and forced criminality such as street begging, pick pocketing and shoplifting. 37

Disabled persons
From TRACE research on Romania and Bulgaria it became evident that disabled persons are vulnerable to exploitation for forced begging.

Migrants
Migrants may be vulnerable, in particular undocumented migrants and temporary migrant workers. A growing number of smuggled migrants are in a situation of social economic and linguistic vulnerability, and find themselves compelled to accept exploitative working conditions. Migrants often work in the vulnerable labour sectors. Different vulnerable labour sectors were mentioned, in line with ILO findings; including domestic and care work, sex industry, agriculture, construction.

(Migrant) persons involved in prostitution
Desk research conducted showed that the profile of migrant women involved in prostitution has changed considerably in Europe during the last two decades, with more Eastern European and former Soviet women represented. Persons involved in prostitution are one of the long-standing categories of people to be at risk of human trafficking, as they are often invisible, unprotected, excluded and disempowered. 38 The punitive laws and regulations, stigmatising public attitudes and institutionalised practices make it difficult for persons in prostitution to access protection and support. It is suggested that the criminalisation of prostitution increases stigmatisation of the people involved in prostitution, increases the risk of exploitation, and hinders efforts to safeguard persons trafficked for sexual exploitation. 39 A 2010 report of Project Acumen 40 estimated that out of 17,000 migrant women involved in off-street prostitution in England and Wales, 2,600 were trafficked and a further 9,200 could be vulnerable to trafficking. 41

(Migrant) domestic workers
Domestic servitude affects predominantly women and girls and is very difficult to detect because it occurs out of sight in private households where workers are physically and socially

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40 Project Acumen is a wide-ranging study led by the Regional Intelligence Unit for the South West in the UK. Its goal is to measure the extent of trafficking and the techniques used by traffickers in England and Wales (2010 Project ACUMEN Report)

isolated with limited opportunities to escape or report their exploitation. Moreover, specific immigration visa regimes tying a worker to a particular employer, and the frequent involvement of unscrupulous recruitment agencies often heighten workers vulnerability to trafficking for domestic servitude and to other forms of abuse and gender-based violence. In the UK, domestic servitude is reportedly higher in diplomatic households compared to private households.  

**Vulnerability of ethnic minorities**

Ethnic discrimination is a contributing factor to a low level of social networking for trafficked persons, making them therefore more vulnerable to the recruiter’s attention and affection. In Bulgaria, data received regarding the background of trafficked persons suggests that there is a strong connection between ethnicity and trafficking for sexual exploitation. Roma are often identified as a group at risk of being trafficked. According to (Swedish) police investigations and anecdotal evidence, a growing number of the Roma beggars in Sweden, for instance the elderly, youth, and persons with disabilities are victims of human trafficking for forced labour. Roma children from Romania and Bulgaria are often victims of forced begging. In Romania, a number of socio-economic and demographic factors are contributing to a higher risk of being trafficked for Roma children, such as: the great mobility of Roma families; high birth rate, a higher rate of school absenteeism and school-drop out as compared to the average Romanian population and poverty. It was further stressed that Roma are stigmatised in their societies, and therefore have become more vulnerable to human trafficking.  

**Asylum seekers and refugees**

Asylum seekers fleeing conditions of political instability or armed conflict are also vulnerable to human trafficking in transit or in the country of destination due to increased exposure to factors such as unemployment, debt and trauma. It is expected that the number of persons seeking asylum in Europe will increase further. Some of these people are in a very vulnerable position and face serious risk of exploitation, especially during the time their asylum applications are considered and in cases when their asylum applications are rejected. Refugees, who have obtained residency documents, may also be in a vulnerable position when it comes to exploitation, due to difficulties finding employment because of language barriers, non-recognition of their credentials or discrimination.  

**National groups**

Although migrants are seen as more vulnerable, in some places, nationals of the country where the exploitation occurs are particularly vulnerable such as in the case of the Netherlands, where Dutch trafficked persons form a vulnerable group, as they are not monitored like foreign

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42 Domestic work is a feminised sector of employment characterised by precarious, undervalued and invisible occupation, often-migrant labour. The ILO estimates that women represent 83% of the 52.6 million employed in domestic work. In Europe about 5% of these workers are excluded from national labour legislation, ILO, *Snapshot –ILO in Action: domestic workers*, 2013.  
46 TRACe, *D5.1 Report on how external factors such as socio, political and economic factors, or interaction with other criminal industries shape the phenomenon of trafficking*, March 2015, p. 33.  
47 TRACe, *D6.1 Effective policies and projects for combating human trafficking in Europe*, March 2015, p.16.
trafficked persons, which put them in an extra-vulnerable position.\textsuperscript{48} Also girls and young women from ethnic minorities and with disabilities are expected to be particularly at risk of exploitation in forced and sham marriages.

### 3.4 Recommendations

- Overall, there is a need to develop systems offering long-term support to meet the specific needs of all trafficked persons, including those of these more recently identified forms of trafficking and to support their reintegration into the society.
- All public authorities, in particular labour inspectorates, law enforcement and immigration, should prioritise the protection of rights of trafficked persons over questions of public order and immigration control. In addition, trafficked persons should be given unconditional access to support, and to safe pathways to regularise their status and change employer in case of abuse.
- More efforts and resources are needed to provide legal aid to trafficked persons, and to enable trade unions and NGOs to put forward claims for compensation on behalf of exploited workers.
- There is a need for law enforcement agencies, policy makers and NGOs to understand co-ethnic communities and develop a working relationship with them. Local actors should be trained to map local human trafficking situations in order to identify populations at risk and relevant locations where exploitation and human trafficking are likely to occur.
- Outreach activities should be implemented in order to support and engage with ethnic communities and to build trust.

4 THE MODUS OPERANDI OF HUMAN TRAFFICKING

The findings in this Chapter are based on desk studies in six countries: Bulgaria, Cyprus, Latvia, the Netherlands, Romania and Sweden. Based on these studies the following, more general, picture can be drawn.

For each type of exploitation there exists a variety of forms of criminal organisation. There is no clear correlation between forms of exploitation and the level of organisation of a human trafficking group: for each type of exploitation traffickers can operate either as part of a more or less organised criminal group or on their own. Most traffickers are low-level criminals acting alone or in small groups rather than as part of a large, organised crime syndicate.

At the recruitment stage, traffickers deceive trafficked persons by offering them various employment positions, which are sometimes tailored to the skills or the profession and education of the targeted person. The majority of trafficked persons are recruited by local persons, by acquaintances or friends, including female persons. Persons are recruited both in countries of origin, or in the country of destination when they themselves have decided to travel abroad to find employment. Different locations are used to recruit persons, either directly in person or indirectly, online via social media, through advertisements in printed media or posted in different locations, or through other recently recruited persons (the so-called “snowball effect”). Those recruited are often forced to decide and leave quickly.

In case of trafficking for sexual exploitation the activities of transportation and accommodation tend to be more planned and organised than for others forms of exploitation. Depending on the distance to be travelled, persons are transported to their destination mostly by road or by air. It further seems that those having a legal possibility to enter, cross the border of the transit and destination countries legally, with their own documents. Persons trafficked for sexual exploitation seem more often accompanied (by a friend, acquaintance, recruiter or trafficker) than those trafficked for other forms. Coercion during the transportation seems by far the exception rather than the rule.

As for the last phase, the exploitation phase, a noticed difference concerning recruiters and exploiters is the gender of exploiters. Techniques of control of trafficked persons include; threat or use of force, other forms of coercion, abduction, fraud, deception, abuse of power, giving or receiving payments or benefits and physical and psychological violence. It seems that in comparison with the other phases, force is used the most in this phase, but still also in this phase, other means to control trafficked persons seem to be used more frequently.

4.1 USE OF LURING AND COERCION BY TRAFFICKERS

Recruitment can take place anywhere. Traffickers may meet their victims in clubs, on the streets, or via advertisements. In quite a number of cases the traffickers admitted to knowing the trafficked person but denied any exploitation or intent to exploit.

Interview subjects conceded that traffickers often adopt a manipulative tactic, treating the “would-be victim” with care and sensitivity. Once the trafficked person is in a situation of exploitation the traffickers than “reveal his/her true character”.
4.2 The Recruitment Phase

Recruitment method and means used
According the definition of human trafficking, reflected in international and national legislation, recruitment can take place by means such as, threat, force, coercion, abduction, fraud, deception, abuse of power or abuse of vulnerability. It seems however from the desk studies conducted that usually non-violent methods are used for recruitment. Analyses of Dutch investigations showed that violence or aggressive methods are rarely used in the recruitment of trafficked persons. Human traffickers more often seem to exert pressure by abusing a trafficked person’s vulnerable economic, psychological or social position and making her/him feel dependent on the perpetrator. Notably, violence or the threat of violence is frequently used more during the exploitation phase of human trafficking, than in the recruitment phase.\(^\text{49}\)

Recruiters deceive rather than coerce the prospective victim into situations of dependency. Deception relates to the nature of the work and the working conditions or about who will receive the earnings, also frequently deception is used with regard to friendship or a loving relationship. The recruiter tries to gain the trust of a person and to establish a friendly or an intimate relationship with the trafficked person. Further in order to impress the trafficked persons at the first contact, recruiters often present a false image of their welfare. Traffickers do not hesitate to give big presents to trafficked persons\(^\text{50}\) or potential family members in order to contact and gain their trust. An analysis of cases on sexual exploitation of underage trafficked persons in Romania reveals cases where the recruiters deceive parents or legal representatives to give their consent for minors to leave Romania.\(^\text{51}\)


Deception about work and work conditions

As said, recruiters use various methods to deceive trafficked persons. The most commonly used recruitment strategy is the false promises regarding employment abroad. If the trafficker has not met the trafficked person before the recruitment phase, the trafficker usually approaches the trafficked person directly with a job offer. The trafficker is likely to use tools such as a false brochure to make the job look real. Alternatively, the would-be trafficked persons contact the trafficker or fake labour agency themselves for a job offer (after finding out about the job opportunity through an advertisement or a friend). The recruiter provides false promises of a better life in other countries and draws an attractive picture of the type of work on offer, the working conditions and the salary. Persons are offered various professional positions, which are sometimes tailored to the skills or the profession and education of the targeted person. In Bulgaria recruiters offer employment for masseurs, dancers, female companions or babysitters. In Latvia, deception is usually observed in cases where the recruited person is vulnerable, does not have full awareness of the situation, may have either a mental illness or limited reasoning ability, is socially marginalised, lacks social skills, and exhibited almost unconditional trust in strangers. Adult trafficked persons in Romania were mostly approached with ‘job offers’ in construction, home-care, caretaking for elderly, house cleaning or housekeeping or agriculture (orange-picking, olive harvesting). Also offers for bartender, waiter and entertainer were offered, as well as positions in the sex industry.

Trafficked persons’ consent

Although persons might agree (consent) to engage in prostitution or in criminal activity, the person being recruited is unaware that the purpose for which s/he is being recruited is exploitation, neither are they informed about the conditions of the work offer and that they will end up in forced prostitution, forced labour or another exploitative situation. Moreover, as reflected in international and national legislation, the consent of a victim of trafficking in human beings to the exploitation is irrelevant when threat, use of force or other forms of coercion, or other means are used. In Bulgaria, the legislation specifies that consent is irrelevant even in the absence of threat of coercion.

Abuse of vulnerability

Recruiters use (or rather abuse) trafficked persons’ vulnerable economic, psychological or social position. They take advantage of their low standards of living, or their poor education. In Bulgaria, socio-economic factors; poverty, poor living standards and the increasing unemployment are the main drives for people to leave the country and to look for ways to support their families abroad.

Most often, recruiters are ‘fine observers’52 who detect individuals with financial or emotional issues and manipulate them, in order to accept offers for travelling abroad to work (usually in prostitution schemes). For recruitment purposes, recruiters focus on persons in distress; so that, due to financial needs, the large amounts of money promised by recruiters are the sole elements considered by the trafficked persons when analysing the ‘offer’ of going abroad – no other information, such as the name of the employing company, the working and accommodation conditions, the existence of a contract are of interest to the trafficked person, compared to the opportunity of such significant earnings.53

53 National Agency against Trafficking in Persons Trafficking in Persons begging-Romania study-, Delta Cart Educational Press Pitești, 2013, p. 46.
Lover boy method
A popular method for recruitment for sexual exploitation is the so-called “lover boy” method. In order to convince the person, a recruiter tries to establish a friendly or an intimate relationship with the trafficked person. Criminals deceive by feigning a romantic interest and entering into a relationship with the trafficked person in order to gain her trust. Often the offender pretends that he is in love with the trafficked person.\(^{54}\) He promises to take care of the trafficked person and promises that they are to have a good and prosperous life together and takes advantage of the emotional dependency of the trafficked person. As the ‘relationship’ develops, the offender manipulates and/or coerces the trafficked person into sexual exploitation, from which he obtains the profits. Very often the trafficker marries the trafficked person and the latter feels obliged to work for her husband.\(^{55}\) The girlfriend is subjugated to him on the basis of their relationship.\(^{56}\) Because of the dependency, she is not likely to leave the exploitative situation easily.

Generally, the trafficker is male and the trafficked person female. Often the trafficker gradually cajoles her into travelling abroad. He arranges the travel and even pays for her passport.\(^{57}\)

Relationship of the trafficked person with the recruiter
Often the persons recruited, are directly approached by persons, instead of via other means, like (social) media or advertisements. In Romania this was the case for 265 identified cases in 2009 (780 total identified Romanian trafficked persons), 437 in 2010 (1240 in total), 454 in 2011 (1154 in total), 489 in 2012 (1048 in total) and 420\(^{58}\) in 2013 (1041\(^{59}\) in total)

Alternatively, trafficked persons themselves contact exploiters in directly, in Cyprus this happens via newspaper advertisements (6%) or online postings (2%).

Further, the trafficked persons often know their recruiter. Findings of the desk research conducted in the four countries reveal that the majority of trafficked persons are recruited by acquaintances or friends. In the Netherlands for example the recruiter was often known by the trafficked person and when the latter was Dutch it was common that they were closely affiliated to the trafficker. In Latvia, victims often report that a friend proposed the job that turned out to be exploitation. This was confirmed by the other countries. In Romania, in 43.4%\(^{60}\) of the cases of forced begging recorded and studied, the recruiter was a friend or acquaintance of the trafficked person. Romania further identified cases where recruiters were neighbours or siblings of the trafficked persons. In Cyprus, most recruitment related with trafficking for sexual exploitation is done in countries of origin, via friends (36%) who offer to help women in need to make out a living, followed by agents (18%) and acquaintances (15%).

Less frequently, trafficked persons are recruited through family members or close relatives. Cyprus reports that to a lesser extent, recruiters appear to be individuals who are closely connected to trafficked persons, such as boyfriends (4%), relatives (4%), and husbands (1%).

Cyprus further reports that in cases of human trafficking for labour exploitation of persons


\(^{55}\) Interview with the Coordinator of a Crisis Center for victims of trafficking and domestic violence in Sofia, 11.12.2014.


\(^{58}\) Data based on available indicator from SIMEV – indicator measuring the method used by trafficker in the recruitment.

\(^{59}\) Official statistics regarding identified Romanian trafficked persons, internally or in transnational trafficking.

\(^{60}\) National Agency against Trafficking in Persons Trafficking in persons for begging-Romania study, Delta Cart Educational Press, Pitesti, Romania, 2013, p.42.
from third countries, it seems that recruiting is more casual, involving friends and relatives. Usually, recruiters construct their reputation by the word of mouth and potential trafficked persons contact them and ask to find them jobs abroad. Bulgaria noted that (minor) trafficked persons with a Roma background trafficked for forced begging or criminal activity, including petty theft, are more often recruited via relatives.

According to Romanian experts in the field of anti-trafficking, interviewed for a study on forced begging, in cases where the trafficked persons had no relation with the recruiter (neither family ties nor friendship), they were lured into a vicious cycle, where the recruiter offered “friendship”. The recruiter introduces him/herself as a ‘benevolent person providing unconditional support’, thus easily fooling and deceiving the trafficked persons and consequently, this impersonal relation turns into a friendship.

Location of recruitment
The recruitment often takes place in the country of origin, but there are also cases in which persons are recruited once they have left their home country, or in the country of transfer or destination. Recruitment of trafficked persons can take place at various locations and by word of mouth. If recruitment takes place in the Netherlands, this often takes place in the hospitality sector, in restaurants and bars, or nightclubs and in and around schools or in prostitution zones. Also, Romania confirmed that recruiters target educational institutions for recruiting young trafficked persons, who are then sexually exploited both, inside and outside the country. This was one of the conclusions of a 2009 study regarding the recruitment of minors/children for human trafficking, irrespective of the form of exploitation. The interviewed experts declared that schools and places around schools could be a hot spot/area for recruitment of children in trafficking.

Recruitment via (social) media
An important method used for recruiting persons for exploitation, identified in all six countries studied is the internet and (social) media. Trafficked persons are recruited through online and offline media, including advertisement by fictitious labour agencies. In Bulgaria a common way to reach potential trafficked persons is through false online job offers. Trafficked persons contact “phantom” recruitment agencies themselves. They are promised high wages, good working conditions and decent accommodation. The use of technology in human trafficking is further discussed in Chapter 6 of this report.

Those that offer the job and prepare the trafficked persons often put them into a pressing situation in which they have to make a quick decision in order not to miss what seems like a unique opportunity. Most of the time, the departure of the trafficked person to the destination (country) takes place in a relatively short time after agreeing to the ‘offer’. TRACE research found that a person in Romania travels within the maximum of a few days, and during this time, the trafficked persons are drawn into closer relations with the recruiters and permanently persuaded.

As a result of the free travel policies within the EU, people might also decide to emigrate and look for a job abroad by themselves without using the services of a recruitment agency or even

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61 National Agency against Trafficking in Persons Trafficking in Persons for begging-Romania study, Delta Cart Educational Press, Pitesti, 2013, data was collected also from interviews with experts in the anti-trafficking field in Romania.
62 Traffickers/Recruiters who contact minors even by spending time around the educational buildings was one of the findings of the study exploring the recruitment of the minors into trafficking, Gentiana. L. & Tamas, A., Trafficking in Children in Romania-Study on the Recruiting Process, Alpha Media Print, Bucharest, 2009.
a recruiter or facilitator. The fact that they do not have a working permit and limited access to legal employment in the destination country, makes them vulnerable to abuse and can fall prey to traffickers, who recruit and exploit them in the country of destination.

**Indebting during recruitment phase**
Within Europe, trafficked persons, in particular victims of sexual exploitation, often do not pay any money to recruiters before they leave the country. In some instances (in Cyprus in 22% of the studied cases), they are however tricked into making payments to recruiters who promise them employment with high earnings.

**4.3 THE TRANSPORTATION PHASE**

**Travel to country of destination**
The means used to transport trafficked persons are very country-specific. In the Nordic and Baltic countries ferries are often used, whereas in the case of Cyprus trafficked persons more often travel by air or land routes. In the case of Romanians and Bulgarians land routes are especially used. Persons (to be) trafficked for sexual exploitation; with shorter travel distances within Europe and persons trafficked for labour exploitation usually travel by road, by private or rented cars, minibuses or are transported with international bus lines. Romania reports that trafficked persons are generally transported in cars of traffickers or their families or friends (or vehicles are rented), while planes are not frequently used. During the trip, trafficked persons can be sold from one trafficker to another, without them knowing it, and transported without a precise destination. In the field of trafficking for sexual exploitation, the activities of transportation and accommodation tend to be more planned and organised than other forms of exploitation. Information about the costs, especially for travel and accommodation, can be hidden or misleading in order to create circumstances that will allow debt-bondage during the exploitation phase.

**Legal or illegal entry**
While many persons globally exploited in the sex industry, ‘are transported illicitly, smuggled in secretly or upon bribing coastal and border guards when crossing borders, there is also a great number of migrant women who enter destination countries legally’.

In the absence of common European information, it seems that for Europe, those having a legal possibility to enter, cross the border of the transit and destination countries legally, with their own documents. Since 2007, when Bulgaria and Romania joined the EU, and visas were no longer required, nationals of these countries can now enter legally with their own documents.

**The journey – travelling alone or accompanied**
In cases of trafficking for sexual exploitation, in general ‘recruiters’ in the country or origin, or persons from the country of destination, seem to accompany trafficked persons to their journey, as confirmed by findings in Cyprus, Bulgaria and Romania.

Victims of labour exploitation or other forms of human trafficking are predominantly travelling alone, according available statistics in Cyprus, and only in rare instances (5%) do recruiters accompany them to the country of destination. Also Bulgaria and Romania report that persons trafficked for labour exploitation often travel alone with their own documents and are seldom

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accompanied by a person involved in the trafficking network. However, also victims of labour trafficking can be accompanied by a friend or acquaintance, or by a recruiter or trafficker.

**Use of force or coercion during transport**
Coercion during the transportation seems to be by far the exception rather than the rule. As trafficked persons in the majority of the cases, enter into trafficking schemes upon deceit, the trips they make to abroad are consensual and apparently, the application of force or threats is not necessary. They are unaware of what awaits them at the destination country, thus exhibit no resistance or hesitation to travel.

4.4 **THE EXPLOITATION PHASE**

**Exploitative situation**
In nearly all cases identified, initially promised working conditions differ considerably from reality. Trafficked persons work and live in appalling conditions, have their documents withheld and receive wages much lower than the minimum wage in the destination country. One of the modus operandi used by the traffickers is to make use of legal establishments to channel human trafficking. A rather new trend in modus operandi with regard to labour exploitation in the Netherlands is the emergence of apparently legal employment practices which in reality are used to by-pass regulations so that the competitive position of the employer improves or the employees do not receive minimum standards (for example minimum payment). In 2013, the labour inspection counted 582 employers who did not offer minimum wages and minimum vacation benefits, a serious increase since 2012. Examples of the techniques used to by-pass the regulations are: granting minimum wages on paper, but not actually paying them, or paying the wages, but using a large share of the wages as expense allowance (rather than real salary). By-pass regulations are most common in the agricultural sector. The agricultural sector is an important sector in the Netherlands, responsible for a large share in the Dutch export products. The market, however, is under pressure. This could be a reason that employers try to find ways to improve the competitive position, even if this violates human rights. By-pass mechanisms can be found in the recruitment and employment (e.g. through employment agencies, pay rolling, or secondment), labour conditions and in non-labour related conditions such as accommodation and health insurance.

**Sexual exploitation**
Often the location for sexual exploitation relates to the specificities of the country of destination. For example, Romania reports that persons trafficked within the country or trafficked to Italy, is often exploited on the street or in private flats, while in the Netherlands exploitation takes place mainly in the form of window prostitution or in clubs and brothels. Romania registered cases of sexual exploitation on the street, in clubs, in private homes, in hotels or in brothels or for pornography.

In Cyprus, the most common place of exploitation is a private house or an apartment, followed by pubs and cabarets (brothels). Since 2009, when the artist visa was cancelled, the places where sexual exploitation takes place have changed. Traffickers have moved their illegal activities from legally established entities to clandestine venues, such as houses and apartments. This impedes the detection of human trafficking, as police cannot monitor private entities with the same ease as public venues, which previously comprised the majority of spaces that hosted sexual exploitation.
Exploitation related to forced begging

Romania reported cases where trafficked persons were insufficiently fed and forced to handover all money to the traffickers and humiliated and abused whenever they failed to obey the traffickers. Men, in particular minors, forced to beg or to conduct criminal activities are forced to spend many hours on the street. Dutch findings reveal they work 8-10 hours to 14-16 hours per day on the street, which is confirmed by Romania findings, which noted 8-18 hours a day.  

A further modus operandi relies on making the trafficked persons seem more vulnerable than they are, so as to arouse pity in passing by individuals. For example, disability can be faked, in one of the cases studied for the purpose of this report the trafficked persons were given crutches and instructed on how to twist their limbs in order to look like they were crippled. Romanian trafficked persons were further placed with written messages (even written by the traffickers) in the language of the country of destination with various messages intended to generate public pity, or various texts written on cardboard, stating that the trafficked person was distressed or removed from Romania based on ethnic reasons etc.

Generally, the areas where traffickers place trafficked persons who are forced to beg, as reported by Bulgaria and Romania, are crowded places with a high level of pedestrian traffic, such as store or supermarket entrances, outside schools, churches, train stations, parking places, parks, at important intersections in large cities, tourist areas etc.

Labour exploitation

As for labour exploitation, the ILO identified the most frequent sectors for forced labour in Europe, namely domestic work; agriculture, construction, manufacturing and entertainment are among the sectors most concerned.  

In the Netherlands, it is acknowledged that some labour sectors have an intrinsic risk for labour exploitation or that they suffer from an economic climate that encourages the creation of situations, which lead to exploitation. The Dutch National Rapporteur mentions the mushroom-growing, toilet-cleaning, transport and shipping industry. The latter is a rather new form of exploitation in the Netherlands, which is characterised by underpayment, very long working days and dependency on the employer. Known cases involve trafficked persons from the Philippines and Ukraine.

Controlling trafficked persons during the exploitation phase

At this phase, the traffickers reveal their real intentions and begin to treat trafficked persons in harsh and coercive ways. The exploitation stage involves most of the coercion and violence. As in the recruitment phase, traffickers can abuse the vulnerable position of a person; this complex form of coercion is included in the UN Palermo Protocol and refers to the situation ‘in which the person involved has no real and acceptable alternative but to submit to the abuse involved’.  

Traffickers also use other ways to control trafficked persons:

- **Deception and psychological violence.** Often traffickers use psychological violence

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by threatening the trafficked person with the fact that she/he is undocumented in the destination country and the police will detain her/him. Traffickers try to convince trafficked persons that the police are corrupt and they will end up in a situation far worse if they turn to the authorities.

- **Intimidation and threats.** Another leverage used by traffickers to influence a trafficked person is by intimidating her/him that her/his friends and family will find out that she/he has been a prostitute and she/he will be stigmatised in the community, either by threatening to harm their family, including their children, and friends.

- **Debt bonding.** The exploitation phase usually starts with creating a situation of financial debt. The trafficker may for instance have paid for travel costs for the prospective trafficked person. Later on, other costs may be added. The trafficker pays for accommodation, buys clothes, gives pocket money and covers other costs, including costs for food and cigarettes. The trafficked person is then told to have built up a debt, which he or she is not able to pay back, and therefore is forced into prostitution, labour or begging and or forced to conduct other illegal activities.

- **Restriction of movement and surveillance.** Trafficked persons are also restricted in their movement. Often identity documents are being withheld.

- **Physical violence.** The worst examples of subduing trafficked persons involved physical abuse (i.e., beating and injuring trafficked persons) or, less commonly, rape.

- **Abuse of the position of vulnerability.** Again, similarly to the recruitment phase, the vulnerable condition of trafficked persons in the countries of destination is exploited by the traffickers in order to ensure the trafficked persons’ obedience and in order to make higher profits. The vulnerable condition of the trafficked persons is related to the fact that they do not speak the language.

### 4.5 Recommendations

**Prevention**

- Countries of origin and destination should develop initiatives for dissemination of information on safe and legal migration opportunities, such as through TV, radio, and social media (e.g. via Facebook, Twitter and travel applications), as well as through outreach at places of departure and arrival (e.g. at train and bus stations, seaports and airports, or when signing in to the public Wi-Fi). Such dissemination efforts could be organised in cooperation with NGOs, trade unions and businesses. The disseminated material should include information about the rights of trafficked persons and labour rights, as well as contact information and phone numbers of places where persons could call and ask further advice or assistance.

- In particular, young persons (16-24 years) can benefit from guidance on taking precautions before travelling abroad. It has been suggested that they should be informed to leave a copy of their passport with a trusted person and to inform them about their itinerary to reach the destination country for instance. In addition, providing contact information at destination and collecting contacts of consular offices and organisations that might provide help have been suggested as useful tips.

- Increased awareness about the reality of labour environments and conditions, including minimum wage in European countries, can assist individuals to assess the credibility and reliability of offers of employment. Therefore, more detailed and up to date content must be disseminated as part of any awareness raising campaign.
Greater attention must be paid to the use of social media sites by traffickers as a recruitment tool, including advertisements by (possibly fictitious) labour agencies. Nevertheless, it remains important that prevention campaigns pay attention to the fact that persons are also directly recruited and not only via online offers and advertisements. More attention for recruitment places is needed too. Further, increased awareness is needed, that persons should not necessarily trust a close friend or relative, but should check (employment) offers carefully beforehand. This ought to be coupled with greater investment in education and awareness raising so that potentially vulnerable persons are aware of other options for employment.

Law enforcement and border agencies
- An increase in awareness among border control authorities and greater cooperation with stakeholders at locations outside of airports, such as embassy staff, is vital to addressing human trafficking issues.
- Law enforcement authorities are required to better focus their investigations on the totality of the environment and circumstances in which human trafficking takes place. This includes examining all parties involved and whether they were individuals operating alone or part of a larger criminal group, and/or the illegality of the related circumstances and processes involved.
- Greater cooperation is needed between the different groups and organisations active against human trafficking, in particular those involved in identifying labour exploitation.
- Specialised training and tailor made assistance is also needed for cases of human trafficking for labour exploitation.
- All labour sectors, including informal labour sectors, should be monitored and relevant actors of these sectors involved. It is important that labour inspection and law enforcement not only control the legal enterprise, but also watch out for exploitation in the illegal circuit and unregulated sectors. One way of achieving this could be through the implementation of certification programmes that also foresee monitoring of non-compliance by members.
- Monitoring compliance with labour laws via labour inspection agencies and authorities needs to increase. Further, the private sector should be more involved in the prevention and combating of human trafficking. Control mechanisms should be set up to monitor businesses compliance with labour standards and human rights, and governments should provide incentives for companies that comply, while enacting sanctions for businesses that do not respect human rights.

Policy makers
- Misuse of Au Pair and Artist visa systems should not be solved by abolishing such regimes, but rather by reforming visa regimes in order to enhance the possibilities for circular migration.
- There is a need for greater investment in education and awareness raising so that potentially vulnerable persons are aware of other options for employment.
- The private sector should be more involved in the prevention and combating of human trafficking. Control mechanisms should be set up to monitor business’ compliance with labour standards and human rights, and governments should provide incentives for companies, which comply, while enacting sanctions for businesses who do not respect human rights.
EU Member States should encourage businesses, especially private employment agencies that recruit, hire or employ migrant workers, to commit to ethical standards of recruitment (e.g. the Dhaka Principles for Migration with Dignity\textsuperscript{68}) and to make sure no fees are charged from the job seekers in the first place.

5 THE TRAFFICKERS

TRACE collected information on 334 traffickers from: 160 court and police files in Romania, the Netherlands, Bulgaria, England and Wales, and Cyprus; 101 traffickers (through either interviews or questionnaires); and from professional experts, trafficked persons, lawyers and social workers (through 50 interviews). Accordingly, the data presented here concerns people who have been convicted of human trafficking as analysed in the file study carried out by TRACE. The term “traffickers” refers to individuals who have been involved in exploitation, facilitation and/or recruitment.

Figure 3: Methodology used in Work Package 3

5.1 DEMOGRAPHICS

The literature review highlighted that most traffickers are male, this was confirmed by our research where 280 out 334 (83.8%) were male, as well as it was confirmed by most professionals we included in the research.

The age of the traffickers ranges from teenagers to 70+, although both age categories at the end side are exceptions. The majority of traffickers (174; 52.1%) were 36 or older, whilst 104 (31.1%) were between 26-35 years old.

The nationality and cultural background of the traffickers differ per country; in Romania and Bulgaria traffickers originate mainly from within the country. In the Netherlands there is more diversity among nationality and cultural background. People from Surinam, Antillean, Turkish and Moroccan descent are highly present, together with people from eastern European countries and Dutch traffickers. A few traffickers have a double nationality. However, we have to be cautious in generalising our results regarding nationality of traffickers as we were only able to carry out research in a limited number of EU Member States, and it is unsurprising that those were the corresponding nationalities that dominated the statistics.
The majority (188; 56.3%) of traffickers were either married or in a relationship, only 58 (17.3%) were single. Moreover, the majority (226 out of the 334; 67.7%) had children. From the research we noted that family bonds are very strong and in some cases, family is involved in the trafficking. In some families for example, family (in particular the mother) can be involved in the trafficking by collecting or keeping the money. The mother is “worshipped” and in return, mothers are very protective towards their children.

In general, traffickers do not attain high levels of education; the table below presents the aggregate results.

<table>
<thead>
<tr>
<th>Primary</th>
<th>Secondary Low</th>
<th>Finished Secondary</th>
<th>Vocational</th>
<th>University</th>
<th>None</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
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<td>74</td>
<td>40</td>
<td>65</td>
<td>10</td>
<td>41</td>
<td>39</td>
</tr>
<tr>
<td>(19.4%)</td>
<td>(22.2%)</td>
<td>(12%)</td>
<td>(19.4%)</td>
<td>(3%)</td>
<td>(12.3%)</td>
<td>(11.7%)</td>
</tr>
</tbody>
</table>

*Table 1: Level of education for all traffickers considered*

Poor school performance seems to be an important factor that contributed to becoming involved in crime. Furthermore, some boys learnt that being popular gives you power as others get scared of you, already early in school. In our research we came across ten (3%) traffickers (out of 334 cases) who had a University education. However notwithstanding lack of education they are street smart and aware of the various laws.

Unemployment rates among traffickers are generally high, although some consider their trafficking acts a legitimate business and some have had low income jobs others have been unemployed prior to their criminal activities. Common amongst Dutch cases is that the traffickers receive social security funds.

Traffickers are outgoing persons, they socialise a lot with individuals of the same ethnicity, are socially active, and follow cultural events, although their social life is functional to the human trafficking. In addition they have an active “weekend life”, whereby they go out to clubs or other social events. It was further suggested that traffickers frequently internet cafes and places of worship of their religion, as these venues attract a great portion of members of co-ethnic communities, and this very fact gives them the opportunity to meet more people and become aware of new possibilities.

Respondents argued that the traffickers on the whole enjoy a healthy life, both physically and mentally. In the file study psychological health problems were reported in only 31 (9.3%) cases while there were no such problems in 114 (34.1%) of the cases. Of the remaining 56.6% of the traffickers it remained unknown whether they had psychological health problems. No reliable information was obtained from the research with the traffickers.

It seems that alcohol addiction and abuse is low among traffickers. Although drug use is reported in some cases (e.g. cocaine or cannabis), on the whole drug addiction does not seem to be a major problem for most traffickers. Committing the crime of trafficking requires the traffickers to be alert 24/7; this could be the reason why few are addicted to alcohol or drugs. The research carried out in Romania also revealed that drug addiction was one of the reasons for continuing to be involved in human trafficking because traffickers constantly needed money to buy drugs.
5.2 Female Traffickers

According to the literature review carried out by TRACE, although the majority of the traffickers were found to be male, differences among countries of origin exist. In the Netherlands, among the Nigerian and Bulgarian, higher rates of 42% and 30% female traffickers were found and among the Turkish traffickers a lower rate of only 3% was found.\footnote{Dutch National Rapporteur on Trafficking in Human Beings, Mensenhandel - zevende rapportage van de Nationaal Rapporteur, Den Haag, 2009, p.369.} Especially when looking into the Nigerian traffickers, mainly Nigerian girls and women are represented in the numbers. This goes not only for the Netherlands but it is also noticed in other Western countries, specifically Italy and the US.\footnote{Ibid., p. 389.} One factor that makes the Nigerian human trafficking distinct, besides the striking high number of female offenders and the voodoo ritual that is often used, is the debt that victims need to pay and the related opportunities to ‘make career’ as a victim in becoming a madam themselves. In this way, Nigerian victims often become perpetrators.\footnote{Ibid.}

Some of the experts interviewed as part of TRACE stated that female traffickers are sometimes former trafficked persons. The literature review also noted that female traffickers often have been or still are victims of trafficking in human beings. However, as the number of respondents addressing this issue was too small and the information they could provide was too little, TRACE found that it is not possible to make a firm conclusion without more targeted research.

Other research has found that data regarding offenders convicted for trafficking offences in the UK reveals three themes relating to women’s involvement in trafficking activity:\footnote{Broad, R., “A Vile and Violent Thing”: Female Traffickers and the Criminal Justice Response, (2015) British Journal of Criminology, 55, 1058–1075, p. 1058 & 1063.}

1) women perform specific, lower level roles in trafficking, such as ‘minding’ or transporting trafficked persons. These frequently involved more contact with the trafficked person, which therefore increased the likelihood of their identification as offenders;

2) experiences of exploitation form the basis of some women’s involvement in the trafficking activity;

3) convicted female traffickers are frequently involved in intimate relationships with male traffickers, which often facilitates their pathways into offending further.

The UNODC has likewise highlighted that:

Countries in Eastern Europe and Central Asia report very high rates of female participation in trafficking in persons related crimes — above 50 per cent — with peaks above 70 per cent in the Southern Caucasus. This high rate is constant for the whole period and is similar to what was reported in the Global Report on Trafficking in Persons of 2009. Most victims in the region are women trafficked for sexual exploitation, which is the form of trafficking in which female traffickers are particularly involved. However, the high rate of female involvement cannot be explained by the profile of the victims alone. A law enforcement focus largely limited to lower-ranking segments of the trafficking network — where women are more likely to be found — could be another explanatory factor, though additional
5.3 **TYPES OF TRAFFICKERS**

Based on the research it carried out, the TRACE project divided traffickers into the following sub-groups. The first type of traffickers includes those who are born in a criminal environment, including that of human trafficking. Here crime is considered to be natural and even rational way of life that provides status as well as a source of income. Delinquent acts are thought of as essentially pleasurable or beneficial to the offender. Here several learning theories are relevant. First of all, Sutherland’s differential association theory which states our individual behaviour is influenced by the norms that are present around. Our interactions with others are vital to learning and imitation of values and attitudes. Criminal behaviour is therefore learned through association with others.

The second type of traffickers consists of those who we call players/loverboys, often between 20 and 40 years old. These men know how to manipulate women or girls and fake a ‘romantic’ relationship with the trafficked person, in order to control and influence them. They are on the margins of society, feel socially excluded and go into trafficking in order to have a better life and find that trafficking is lucrative. They are characterised as arrogant, rude with a lack of empathy, selfish, calculating, intimidating and aggressive. They have a lack of or defective and disturbed morality. But they are also considered as charming, street-smart, and sociable. Professionals call them narcissistic.

The third category consists of those who accidentally (or unintentionally) become involved in the crime. For example, a man in the Netherlands who falls in love with a woman involved in prostitution and accommodates her whilst also accepting money for rent or living expenses. If the woman then turns out to be a minor, the man can be prosecuted for human trafficking. Employers who cross the line of decent employment can also in some instances be classified as traffickers. Accidental traffickers can especially arise if States interpret elements of the offence of human trafficking broadly or if the borderlines of the definition are unclear.

Last, some traffickers are from poor and/or vulnerable backgrounds who become involved in human trafficking in order to have a better life and find that trafficking is lucrative.

5.4 **MOTIVES AND INCENTIVES**

Persuasive attempts to understand organised crime are rooted in the economic analysis of the

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76 At the same time, it must be noted that in many countries trafficking related crimes are often prosecuted under other offences, because of lack of awareness and case law and because of problems in the definition of trafficking. See e.g. National Rapporteur on Trafficking in Human Beings, *Assessment of the current state of action against human trafficking and of the fulfilment in criminal proceedings of the rights of victims of human trafficking subjected to sexual exploitation*, Report 2014; Ollus, N, Jokinen, A. & Joutsen, M. (eds.), *Exploitation of Migrant Workers in Finland, Sweden, Estonia and Lithuania: Uncovering the links between recruitment, irregular employment practices and labour trafficking*, HEUNI Publication Series No. 75, Helsinki, 2013. Moreover, a number of actual victims of trafficking continue to be prosecuted for offences they have committed as a direct consequence of being trafficked. E.g. Anti-Trafficking Monitoring Group, *In the Dock - Examining the UK’s Criminal Justice Response to Trafficking*, 2013; OSCE, *Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking*, OSCE, 2013.
organisations and their players. As such for a better understanding of the incentives associated with participating in the business of human trafficking we can borrow from those models that teach us that economic incentives matter for people’s decisions as to whether to engage in crime or not. Based on rational choice theories we can assume that financial gain and the pursuit of profit are the primary incentives for engaging in the crime. Indeed, our research proved this: money was a dominant key factor for committing the crime.

Moreover, it appeared that the money was easier and faster to earn than in other crimes. The notion of financial gain corresponds to the perception of human trafficking as a low-risk high-gain venture, a feature which was noted in the Romanian case files, where the majority of the traffickers (around 70%) appreciated the substantial financial side of human trafficking to be a good reason to start and even continue in perpetrating.

Traffickers are often in need of money because they are unemployed, in debt, and (potentially due to lack of education) have little opportunities to participate in the legal employment sector. In addition, the file study conducted in the Netherlands revealed that some 50% of the traffickers was in debt and that at least one forth is reliant on social welfare. Together with the finding that a significant number of traffickers is involved for the money human trafficking can generate, suggests that a weak financial position plays a role for traffickers to step in committing the crime of human trafficking. They need money to live a good/better life. Human trafficking is like any other business; traffickers weigh the costs and benefits and invest (time and money) in a potential lucrative product.

In addition, reputation and the wish of being successful within the scene (which increases if you are convicted) is important. Some are addicted to the way of life in the criminal scene, with lots of action and kicks. A Dutch trafficker stated for example: ‘I have seen the whole world. America, Dubai, I have been everywhere. My passport is filled with stamps. I have had piles of money, millions. I have had a chateau in Tunisia, with a view on the seaside, palm trees and seven bedrooms...To sniff coke, have sex and have fun. That does something to you as a male’.77

TRACE research noted a distinction between those who want to live a ‘better’ life (in terms of money and social economic position) and those who grew up in criminality and who were pulled in by family, friends or partners. The network theory can explain that individuals enter the crime of human trafficking because of the environment that they surround themselves with. That environment can relate to school, family and peer clusters. For a noticeable proportion of traffickers, there is a substantial history of prior contact with the business of human trafficking through friends of family. Crimes tend to persist across areas where previously the crime was active, so one can become involved in the crime of human trafficking due to peer group or neighbourhood effects. In addition, children can follow their parents and other family members into the network of human trafficking.

Moreover, the network perspective on organised crime provides a useful framework for understanding the role of human traffickers within the trafficking business. At the micro level we can distinguish members of criminal groups with different roles, knowledge and skills, which in turn apply to one or more of the stages in the business process. Generally, criminal networks include organisers, unskilled workers, specialists and facilitators, and financiers:78

• **Organisers** are the individuals who have organising skills, the necessary contacts within the broader criminal network, and a (violent) reputation that prevents them from being ‘ripped off’ by other criminals. Organisers can therefore be considered to be the key persons within a criminal group.

• **Unskilled workers** are the most common within a criminal group. Their role is to execute the simple handwork, such as transporting goods or persons, applying violence and doing installation work, depending on what the illegal activity requires.

• **Specialists and facilitators** are the skilled workers, who may also be subcontracted instead of ‘employed’. Facilitators may be responsible for carrying out complex parts of the illegal activities, such as the forging of documents or passports. Trained chemists may for instance be necessary to manufacture synthetic drugs. They may also be tasked with legal activities, such as the manager of a transport company who organises a licit shipment in which illegal goods can be hidden. They may also be legal advisors or ‘consiglieri’.

• If the organisers do not have money to invest, they may use **financers**. In some cases this concerns reputed criminals who have themselves retired from active criminal activity.

The enjoyment of power was also a response given by the respondents; amongst men especially the motivation may be to prove masculinity or a macho status. It was also highlighted that in some cases the crime was committed, to amongst other things, satisfy their own sexual needs.

Another motive includes wanting to do something good and to help the women and girls, and then they are tricked into the trafficking. Furthermore, the low chances of getting caught also seems to be taken into account by the traffickers.

Finally, trafficker’s reasons for engaging in this particular crime can also be explained by the **neutralisation techniques** as some individuals can find justifications for the actions. In our empirical research we noted four forms of neutralisation: denial or responsibility, denial of injury and appeal to higher cultural loyalties. They thus justify their crime by convincing themselves that the trafficked persons agreed to the situation and that they are helping people for example. One trafficker stated for example: *I don’t think I’m guilty of trafficking in people just because I travelled with the person to Barcelona and that’s why I’m guilty because we were having an affair and she robbed me and filed a complaint against me.*  

5.5 **Characteristics and Personality**

As noted above, traffickers are outgoing persons, they socialise a lot with individuals of the same ethnicity, are socially active, and follow cultural events. As trafficking is a crime not easily performed alone and the trafficker needs accomplices, social networks are often crime related. Family is often important to play this role. It seems traffickers’ social lives mainly developed around people involved in trafficking or other criminal activities. Many individuals around the traffickers (family and friends) know about the criminal activities. Further, traffickers mainly have relationships of mutual interest and their social contacts are functional.

Despite having a social life related to their criminal activities, traffickers are often considered

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79 BUL - questionnaire 3.3 (trafficker), TRACE, D3.1: Report on the features and incentives of traffickers and on the social interactions among them, June 2015, p. 43.
by others to be narcissists or anti-social persons who instrumentally use physical and emotional abuse. They lack empathy and do not show remorse, guilt or regret. Similarities with descriptions of narcissists or anti-social personality are prominent and traffickers are often labelled as such by experts and the environment. They use power and violence instrumentally, both physically and emotionally.

There is a disparity between how society views the traffickers, and how they view themselves. By trafficked persons, experts and social environment, the following characteristics were given of the offenders:

| Arrogant / rude / inhumane / manipulative / street-smart / soft spoken / sly / ruthless / addicted to power / charming / sociable / selfish / calculating / refined / self-confident / aggressive / intimidating / lack of or defective and disturbed morality / strong sexual drive |

Traffickers themselves gave the following characteristics:

| Creative personality / honest / fair / strict and orderly / communicative / positive / conscientious / naïve / a good man / helpful / respectful / trustworthy / intelligence / sense of humour / a man of principle |

There is a relationship between crime susceptibility and a trafficker’s personality/psychology. A number of the traffickers have a defective conscience, lack any empathy and have (traits of) anti-social and narcissistic personality. It is believed that in some cases psychological care during detention is helpful to prevent them from recidivism. However, before such treatment can be provided it would be helpful to have psychological diagnostics available for persons suspected of trafficking. Furthermore, it was found that earlier interventions can potentially contribute to prevention of trafficking. In many cases the traffickers’ psychological development was affected by events in early adolescence, influencing their (criminal) behaviour.

Based on these findings a hypothesis could be that psychological care needs to be adjusted to the care receiver. Of the three groups of traffickers identified (those who become a trafficker accidentally, the manipulative trafficker and those traffickers who are born in a criminal environment), those born in a criminal environment then might seem to have the highest chances of successful treatment. Those becoming a trafficker more accidentally might not need psychological care because the risk of recidivism is low. More research is required on the effectiveness of therapy for traffickers during detention in order to prevent recidivism.

At an expert validation workshop, some stakeholders viewed examination and production of a full mental assessment as extremely relevant for further prevention of trafficking in human beings. In first instance, it does not seem to contribute to prosecution, but it helps us in understanding the crime, which is helpful to investigation. Moreover, it helps judges and law enforcement to understand the impact of the trafficker’s behaviour on the victim. Others viewed

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80 TRACE Workshop: The Traffickers, 10 June 2015, Brussels, Belgium.
it as detrimental to prosecution as such a psychological examination might provide a way to hold the offender unaccountable to the crime or at least mitigate the circumstances. A psychological statement of the victim however was viewed to be of assistance in understanding the process of how a victim was trafficked.

Differentiation might not only help to identify the right treatment for the traffickers or intervene in an earlier stage but also can such diagnostics be helpful to further understand the impact of the trafficker’s behaviour on the trafficked person. Finland has good experiences with the hearing of psychologists or other experts during criminal procedures.

In view of trafficker’s personality characteristics, including their lack of empathy, tendency towards narcissistic, anti-social, and manipulative behaviour, these characteristics suggest a particular tendency towards becoming involved in human trafficking. Accordingly, psychological diagnostics of traffickers can be helpful to understand the effect traffickers have on victims Intervention during detention or earlier in adolescence could be of help for them to stay away from these criminal practices. However, the fact that some traffickers are less susceptible to psychological interventions than other types of traffickers should not be neglected. In addition, the TRACE project found that some convicted traffickers were able to continue their business and to control the trafficked persons during their detention.

5.6 **The Importance of Childhood, Family and the Environment**

The way children are raised has an impact on the rest of their development throughout their lifetime. From the literature review carried out by the TRACE project it was found that issues such as poor health, lack of money, domestic violence and low level of education impacted upon the traffickers’ background. Lack of a stable family or lack of emotional attention are also possible factors to drive someone towards criminality. For some people, additional factors, such as a criminal family, push them to cross the line.

A Dutch trafficker stated: ‘The fact that I have been (sexually) abused explains a lot, but I don’t want to hide behind others’ faults. I have made mistakes, with men and women.’

In the file study as well as the expert interview analysis it was found that traffickers are closer to particular family members, whether it is a paternal/maternal figure or their partners. On the one hand they say they have a good relationship with their parents and grandparents, and are very close to their family members and remain so. On the other hand, there is a group of trafficker that come from broken and violent families, or criminal families, although that was not an overwhelming majority. These traffickers are raised with criminality and violence and easily enter the scene and use violence themselves. However, even within such families close ties with one or some of the family members do exist and relatively often with the mother, as in some cases she may have been subjected to similar incidences of violence.

Criminal parents set an example and teach some of the needed skills through their coping styles,

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such as hardening by saying: do not cry because it is a sign of weakness. More generally, it seems that human trafficking is either fully supported and the family takes advantages of the situation (human trafficking is undertaken as a ‘family business’) or the human trafficking is fully ignored. There seems to be less in between.

Interestingly, following the interviews with traffickers the background and childhood of the traffickers differ between the countries; in the Netherlands nearly 60% were raised in “disturbed” families while in Romania this was around 7,5% and Bulgaria it was 6%. TRACE used the phraseology of “disturbed” families to encompass single parents (where the parent is struggling and/or has abusive partners), parents who are not really present in the child’s life due to addictions and/or a criminal life, orphaned children and violence. The file study uncovered similar findings; in Romania nearly 60% had a positive relationship with the family, only 15% of the family relations were qualified as dysfunctional, in the Netherlands some 40% reported a dysfunctional relationship with one or both of the parents, while some 35% was positive about the relation with the parents. For example, one trafficker noted that he was raised more by the criminals on the streets and the lyrics of rappers than by his own father. Another stated ‘My parents passed away. I grew up in an unhealthy family environment.’

As was learned from the childhood and social background of the traffickers, some traffickers are born in criminal environment and take over the business from father/parents/family. Being a child of a trafficker is therefore considered one of the risk factors of becoming a trafficker. Often, these traffickers already were in contact with support agencies early in life. These should be made aware of the effects on the psychological development of the disruptive environments these (potential) traffickers are raised in in order to intervene in an earlier stage. Indeed, there are only few options to intervene in families of traffickers and to take preventive measures vis-a-vis children of traffickers to protect them from harm. Only in case there are concrete indications that a child of a trafficker experiences negative effects of the behaviour of the trafficker intervention (although limited and under strict conditions) is possible.

Furthermore, it seems as if processes of exclusion are present in traffickers’ lives, which makes them prone to looking for other ways and options to live a life. For example, traffickers were unable to keep up at school, did not get any diploma’s and therefore no regular work, which makes them vulnerable to other (illegal) ways to earn a living and be involved in networks of people in the same position without a regular position in society.

Traffickers have often experienced situations of exclusion e.g. at school, from society. As was revealed in the research and especially in Romania and Bulgaria there are certain areas and communities that are well known as the home-communities of traffickers (as well as trafficked persons). We learned from the data collection that in many cases the social contacts and social lives of the traffickers consist of criminal contacts and accomplices in the trafficking. Following from this information it would be helpful and effective to also look into the network of traffickers once he or she is being caught, although the options are again limited for law enforcement to do so.

The general feeling is that such communities are very difficult to access due to the massive distrust they have against authorities. It is therefore essential to work with someone who is a national and part of that community, who the people will trust and with whom they will talk.

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83 BUL - questionnaire 2.1 (trafficker), TRACE, D3.1: Report on the features and incentives of traffickers and on the social interactions among them, June 2015, p. 43.
Once a trafficked person comes forward, often a snowball effect of others willing to come forward is achieved. It was emphasised that cultural workers and mediators are essential in this.

Increased attention should be paid to such communities. To that end, it can be useful to involve multidisciplinary groups working at the grass-roots level, in order to try to provide outreach to these communities. For instance, prevention initiatives amongst young people who have already committed minor crimes have already proven to be successful.

Traffickers have often pronounced that they felt excluded, could not find a job, did not finish school and could not participate in ‘the real world’. Roma are specifically vulnerable to undertaking criminal activities as well as to becoming a victim of such activities. Cultural mediators and experts can help law enforcement to better understand cultural and ethnical aspects in situations of trafficking.

Roma are often identified as a group at risk of being trafficked as well as being involved in human trafficking as traffickers. Regardless the many recommendations and interventions to improve the situation of minorities and especially that of Roma, it remains an issue of concern.

5.7 **RECOMMENDATIONS**

- Traffickers often operate in small and loose networks and rely on family, friends and local communities. A policy response strategy ought to draw on the mantra that ‘crimes start and stop in the community’. Officials should establish working relationships with communities where traffickers are known to operate in order to collect intelligence but also to engage in preventive work.

- Acknowledging that traffickers live and ‘work’ amongst us, it is beneficial that responses adopt a multilateral approach. In other words, the various persons who can come into contact with traffickers and/or trafficked persons need to be trained to recognise the signs of human trafficking. Such persons can include landlords, midwives and other medical staff, teachers, and local council workers.

- Traffickers are often a product of a set of circumstances that contributed to their choice of lifestyle and choice of crime. In order to give meaning to such an approach, consideration needs to be given to the trafficker’s children including considering options of intervention in the family and out of house placements.

- There is a clear need for early prevention. However, this raises important social questions that require further research for policy making, such as what prevention methods should be utilised, whether investing significant resources in early childhood crime prevention is enough, and whether we should consider the involvement of social service agencies, and if so under what parameters. It is recommended that policy makers engage in a dialogue with relevant stakeholders (social services, schools, children’s rights NGOs, local authorities, health services) so as to determine a best practice approach and whether that may lead to an increase in health access points where trained professionals can identify persons involved in the sex industry who have been trafficked for example. Educational measures taken via health education programmes that promote bodily rights may also be integral to tackling this problem.

- Acknowledging that traffickers become involved in the crime for different reasons, it is recommended that they are treated in a way that recognises their unique issues, preferably
through well-designed diversion programmes. Restoration and punishment programmes for traffickers should be tailored to their specific characteristics, crime, problems and lifestyles. This requires the expansion of the use of psychoanalysis on traffickers as part of the pre-sentencing report.
6 THE ROLE OF TECHNOLOGY IN HUMAN TRAFFICKING

N.B. Although this scenario is fabricated, it is based on a number of real cases as found in the UNODC database. It is used to illustrate the role of technology in facilitating, preventing and combating human trafficking.

X and Y and other individuals were charged with the offence of human trafficking having sexually exploited a number of minors, including J. They were convicted.

X met J in an online public chat room; records show that on the day of the meeting X suggested they chat in a private messenger. X told J that he was lonely and was looking for a friend. J said she also felt lonely, as she did not have any friends at school. Online conversations from X’s computer show that X and J chatted online for two weeks before he suggested they meet up. In between online chats X would also send text messages to J. X met the J in a public place where he took her for some food, and subsequently to a hotel room. When the girl expressed concern, X said he would show their conversations to her school and parents, which would result in her being in trouble. The girl eventually agreed.

In the room was also Y. X fixed J’s hair and told J how to pose. X then took nude photos of J on his phone. X also ordered J to dance and sing on top of the bed while Y filmed this on his camera.

The images and video were shared with other individuals via e-mail. The images were also used as currency to gain access to child pornography sites.

Eventually J told her mother about what happened, who subsequently went to the police. The police launched an investigation and decided to examine the mobile phone of J with her and her mother’s agreement, and also put in place a telephone wiretapping device.

Thanks to the telephone tapping, the police listened to conversations and were able to gather evidence. The police found that X and Y were working in an organised manner and were part of a larger group. The police intercepted incriminating e-mails and during the search of X’s home found a hard drive containing over 300 photos of minors. The evidence was used in court.

In court to prevent further harm being done to J, J was allowed to give her key evidence by a recorded interview and any further evidence by live video link.

As a reaction to what happened to her daughter, the mother, in partnership with a civil society organisation, created an online campaign about the dangers of online grooming. The campaign, in the form of a website, includes: informative leaflets, explanatory videos about how grooming takes place and how to recognise signs (also available on YouTube), and an online forum were persons can engage in dialogue. The positive response from the public inspired the activists to create an online petition to the government to put in place stronger regulations.

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### Key technologies used

- Chat room
- SMS messaging
- Camera phone
- Camera
- Telephone tapping
- E-mail interception software
- Video link
- Online campaign
- Online Petition
6.1 TECHNOLOGY-FACILITATED TRAFFICKING

By **technology**, we refer to:

*information and communication technologies, particularly those constituting digital and networked environments. Technologies that allow users to exchange digital information over networks include the Internet, online social networks, and mobile phones. Digital and networked technologies alter the flow of information between people and thus impact social interactions, practices, and behaviour.*

By **technology-facilitated trafficking**, we refer to: 

* [...] the social and technical ecosystem wherein individuals use information and communication technologies to engage in human trafficking and related behaviors*.

Technology that facilitates human trafficking includes: applications, software and hardware, some of which are set out in the table below:

<table>
<thead>
<tr>
<th>Applications and software</th>
<th>Hardware</th>
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<tbody>
<tr>
<td>Adult entertainment sites</td>
<td>Camera and video technologies and associated outputs</td>
</tr>
<tr>
<td>Advertising and classifieds</td>
<td>Desktop, laptop and tablets</td>
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<tr>
<td>Applications</td>
<td>Scanners</td>
</tr>
<tr>
<td>Computer games</td>
<td>Television</td>
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<td>Dark-web</td>
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<td>E-mail</td>
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<td>Online dating sites</td>
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<td>Peer to peer networks (P2P)</td>
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<tr>
<td>Social Networking Sites (SNS)</td>
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**Table 2: Taxonomy of technologies used in human trafficking**

**Notable findings on the role of technology in facilitating the business of human trafficking:**

- Technology can be used to facilitate the business of human trafficking by enabling traffickers to recruit and exploit persons for the purpose of human trafficking. It is a means of facilitating types of trafficking in human beings when human beings utilise it for this end.

- Technology can be used by an individual/s to support the conduct of the crime as it enables the facilitation of key stages in the trafficking process, such as recruitment and exploitation, as well as enabling the facilitation of communication and travel arrangements.

- Many technologies work together and should be not be viewed in isolation from one another – e.g. interaction between hardware such as tablets and telephones and associated video and image material and use of social networking sites.

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85 Ibid., p. 10.
A range of existing and emerging technologies play a significant role in facilitating trafficking of human beings. Technologies and their application within the business of trafficking will continue to evolve. The Internet, both the surface web and the dark web, remain an important source for recruitment and exploitation of trafficked persons, particularly on the context of trafficking for the purpose of sexual exploitation. However, the extent to which each layer of the web is used to facilitate trafficking is not known. It is important to note that the role of technology in facilitating human trafficking is thought to differ across different types of trafficking in human beings. Technology-facilitated trafficking in human beings is not about technology, it is about human behaviour and human interaction with technology.

6.2 KEY EXAMPLES OF APPLICATIONS AND SOFTWARE THAT CAN PLAY A ROLE IN FACILITATING HUMAN TRAFFICKING

Use of Technology to Facilitate Recruitment and Exploitation - Illustrative case

The 2013 case of an English man, who set up a fictitious business via a website illustrates how the web can help offenders and facilitate THB. The offender, was convicted for voyeurism and another of trafficking after tricking an 18-year-old student into travelling to a rented flat in Milton Keynes, where he filmed her with four secret cameras dressing up as a schoolgirl and posing for photographs before having sex with her. The person was recruited via a website that the offender had specifically created for recruiting women. The website, posed as a scholarship scheme and supposedly offered money in return for meetings with a sponsor.

Today, there exists great potential for traffickers to use a vast number of technologies (hardware, apps and software) to play a role in facilitating the business of human trafficking by supporting the business of trafficking by enabling: ease of recruitment, ease of control by the trafficker/s over trafficked persons, ease of transactions etc.

The Internet is the ideal channel through which a trafficker can recruit; advertise; sell and exploit individuals because it:

- provides anonymity to some extent (especially with the use of proxy servers or hacked computers), or at least the ‘sense’ of anonymity;
- eliminates geographical distance;
- enables two-way communication in exchange for money, i.e. the business transactions can all take place online;
- enables offenders to commit large scale offences with minimal personal risk.

86 All examples of technologies used in the facilitation of trafficking can be found in TRACE Deliverable 4.2: briefing paper for law enforcement, policy makers and civil society organisations.

1. Adult entertainment websites

**What**: In the context of human trafficking, they are websites that contain sexually explicit or graphic material designed for adult viewing. The TRACE project focused on adult entertainment websites that (i) offer the possibility of viewing pictures/videos (so called online pornography) and/or (ii) the possibility to order a particular sexually related service.

**Examples**: Poland: Roksa.pl[^88] (for adults with pictures and adverts for escorts and erotic encounters); Britain: Adultwork.com[^89] (multi-purpose adult website with, amongst many other services: webcam viewings, chat services, picture, blogs and ability to advertise/order escort services).

**Potential use by traffickers**: Pornographic images/videos on the websites as specific advertising for their “products.”[^90]

**Why traffickers use adult websites**: (i) provide a means of marketing, delivering and exploiting individuals all within a reach of a few clicks; (ii) allows a trafficking business to pose as a legitimate business, such as an escort agency; (iii) the trafficker does not feature on the site nor does the trafficker have to meet the clients; and (iv) can blackmail trafficked persons into cooperation by threatening to release nude photos of them online, or post them where friends and family members can see them.[^91]

2. Advertising and classifieds

**What**: Short texts advertising a general or specialised product or service placed on popular online advertising services and sites. Whilst not all classified sites exist to facilitate trafficking in human beings, other websites host advertisements specifically for this purpose and target both males and females. It is noted that mobile phones play an important role as many websites have developed mobile applications to make it easy to post, view and respond to advertisements.[^92]

**Examples**: Backpage.com,[^93] Craigslist[^94] and Gumtree.[^95] Advertisements placed on more specialised websites, including employment sites, marriage agency sites, dating clubs,[^96] and escort service sites (e.g., MyRedBook, VerifiedPlaymates, and www.hotspotsofnevada.com).[^97]

**Potential use by traffickers**: (i) to facilitate the recruitment of trafficked persons (advertisements offering employment opportunities (e.g., for waitresses, models, or au

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[^92]: Research indicates, as part of the wider advances in access to and reliance on mobile phones, the majority of phone numbers listed in sex advertisements are mobile or Internet service providers (also see Section 3.2 of this report) Latonero, M., Musto, J., Boyd, Z., & Boyle, E., *The Rise of Mobile and the Diffusion of Technology-Facilitated Trafficking*, University of Southern California Annenberg: Center on Communication Leadership and Policy, December 2012. This also represents the interaction between applications and hardware and the assisted facilitation of human trafficking.
pairs) that may appeal to (young) people, mainly women;\(^98\) (ii) advertising trafficked persons’ services once they have been recruited; as well as (iii) in facilitating the trade of trafficked persons between perpetrators, thereby enabling the “secondary recruitment” of trafficked persons.\(^99\)

3. **Online dating websites**

*What:* Various media reports and blogs\(^100\) suggest online dating can be a tool for recruitment.\(^101\)

*Potential use by traffickers:* Predominantly for recruitment under the guise of establishing a romantic relationship with the prospective trafficked person.

*Why traffickers use online dating websites:* (i) easy way to access people who may already be vulnerable due to loneliness, isolation, etc.; (ii) individual’s vulnerability becomes visible to a trafficker and provides a way to make attractive promises.

4. **Applications**

*What:* Apps are not a stand-alone technology as they are a technology facilitating the use of other technologies (e.g., social networking sites). Apps are developed independent of a website or other tools.

*Example:* Instagram is a mobile social networking service for the sharing of photos and videos. It is commonly used via its app, and has been used by perpetrators of human trafficking to approach and recruit trafficked persons;\(^102\) Skype is commonly used via its app that is considered a convenient method in the recruitment and trafficking of people.\(^103\)

*Why traffickers use Apps:* Apps allow perpetrators of human trafficking to engage with quick and flexible ways to recruit and monitor trafficked persons. The use of skype for conversations is more difficult to trace for law enforcement.

5. **Social networking sites**

*What:* Online community that allows people, through a built-up profile, to meet, communicate, keep in touch, share pictures and videos with other community members with whom a connection is shared. The social network structure includes having a profile, friends and groups. Some social networks also allow users to personalise their profile using widgets or to create their own blog entries.\(^104\)

*Example/s:* Facebook, Instagram, Twitter and You Tube. In Latvia, for example, recruitment most often takes place via social network websites, such as draugiem.lv or facebook.com, where with one click an unknown person becomes ‘approved’ as a friend.

*Potential use by traffickers:* Particularly useful in recruitment. One trafficker who

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\(^{98}\) Ibid.


\(^{101}\) TRACE, D4.1 Report on the role of current and emerging technologies in human trafficking, October 2015, p. 23.


completed a questionnaire during the TRACE project acknowledged that Facebook is a useful means for looking up girls, chatting to them as part of recruitment/befriending, and/or publicising the service they provide.105

Why traffickers use SNS: (i) provide a platform for sharing details of our everyday life and the opportunity to display emotion publicly, which makes it easy to observe and approach a potential trafficked person who shows signs of being in a vulnerable emotional state; and (ii) although interaction on the Internet may be between people of different generations, trust can be established very quickly.106

6. Dark Web

What: it contains the layer of content beneath the more widely publicly accessible layer of the Internet.

Example: Black Death website107 that is accompanied by a pictures of a girl, bound and gagged and suspended from chains fixed to a ceiling. The caption accompanying the photographs contained the information set out in the text box below:108

Potential use by traffickers: (i) obtain fraudulent identity documents crucial to transferring trafficked persons to ‘buyers’; (ii) facilitate means of exchanging money/bitcoin or digital forms of payment; and (iii) users’ identities are encrypted and anonymised (n.b., That crawler tools used by law enforcements raise privacy and data protection concerns and are not yet used on a wide scale). Feedback at a TRACE workshop suggests that the dark web is not used as much as would be expected because traffickers use the surface layer of the web without too much detection.

Why trafficker use the Dark Web: (i) it provides an almost impenetrable platform for traffickers to perform aspects of their business with limited risk of detection; and (ii) perpetrators and the details of their transactions remain anonymous due to the implementation of encryption tools, and because the content is not referenced by general search indexes (Google and Yahoo etc.).

7. Email

What: Enables the exchange of digital messages between people.

Example: Any email service provider, e.g. Hotmail, Gmail, Yahoo

Potential use by traffickers: (i) provided some clients of the sex industry with a means of paying for access to pornographic material or engage in online prostitution via the

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106 TRACE, D1.3 A report concerning the macro and micro analyses of human trafficking, November 2014.
107 This website had changed its location on the Web in the time between TRACE researchers finding a link to it and the time of writing this report. This website and other similar websites often change their location on the Dark Web to avoid detection.
Internet;\(^{109}\) (ii) to sign up to other applications and sites used in the running of their trafficking business;

**Why traffickers use email:** (i) without an e-mail address (whether bogus or real) traffickers are unable to utilise applications on the web such as social networking sites, advertisement and classifies sites and other forms of web-based services; (ii) assists with the recruitment of trafficked persons via its interaction with other applications; and (iii) e-mail provides a form of communication for traffickers, potential clients and others to communicate and formulate ‘business arrangements’ with one another and is therefore a key tool in the facilitation and exploitation of trafficked persons.\(^{110}\)

8. **Online forums**

*What:* A virtual meeting place for the exchange of information, opinions, reviews etc.

*Example:* Anti-trafficking activists have developed a phrase to describe these forums as “john boards”. In brief “john boards” are websites where individuals can rate women/men, brothels, sites and discuss their experiences online. In the US eroticmp.com\(^{111}\) and theeroticreview.com\(^{112}\) are as some of the leading sites for reviews.\(^{113}\) In Europe similar sites exist where users describe the service they received in detail including by whom and where the service was provided and sometimes the age of the service provider.

*Potential use by traffickers:* Promote and perform reviews, discussions and recommendations of sexual services. This is not too dissimilar to other markets where consumers read reviews online before purchasing a good.

*Why traffickers use online forums:* Easy and free way to promote their business and the services of trafficked persons.

9. **Peer-to-peer (P2P) networks**

*What:* Consist of ‘distributed systems in which nodes of equal roles and capabilities exchange information and services directly with each other’.\(^{114}\)

*Example:* Skype, Napster, Bit Torrent

*Potential use by traffickers:* Sharing of media files containing pornographic images and films.\(^{115}\)

*Why traffickers use P2P networks:* (i) P2Ps enable ease of sharing of large volumes of data by “distributing the main costs (disk space for storing the files and bandwidth for transferring them) across the peers in the network”\(^{116}\); (ii) P2P networks are a useful tool for requesting and sharing or transmitting files including images, text files, and video content across devices; (iii) file sharing is no longer restricted to P2P, but is also facilitated by the many forms of cloud based services; (iv) P2P networks form decentralised systems, meaning that there is no central server through which all communications pass, there are

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\(^{116}\) Ibid.
no transmission logs. This means that transmissions of data are untraceable, which makes it attractive for perpetrators of human trafficking.\textsuperscript{117}

6.3 \textbf{Additional Findings on Traffickers’ Use of Technology}

- Traffickers use basic technology that is easily available – they use technology predominantly to communicate. However, traffickers use technology in such a way that the police cannot use it against them. For example, they use pre-paid phones and regularly change sim cards. In addition they use accounts such as Gmail as it is hard for Police to get access to accounts.\textsuperscript{118}
- Disproportionate attention in research paid to the use of technology to facilitate instances of trafficking for the purposes of sexual exploitation, although likely to occur in the instance of domestic servitude and other labour situations.
- Due to technical advances, such as location tracking, and the openness of many SNS, it is possible for traffickers to gain a wide pool of data on trafficked persons. This includes information as to their whereabouts after they have escaped the trafficking situation.
- Technologies (e.g. large social media data sets and bitcoin) may provide opportunities for traffickers to facilitate human trafficking.

6.4 \textbf{The Role of Technology in Combating and Preventing Human Trafficking}

This section details the various technologies that have been identified as playing a role in helping to combat human trafficking. Within this study, combating human trafficking includes actions taken as a reactive to human trafficking. Although the EU Trafficking Directive does not define combating, the Directive suggests that human trafficking has already occurred and therefore needs criminal justice/enforcement response. Various technologies have been identified as playing a role in helping to combat and prevent human trafficking. A number of relevant key findings include:

- Technologies that can potentially assist in combatting human trafficking range from online databases, to collaborative tools for understanding human trafficking and to aid in the (overall) fight against human trafficking.
- Human trafficking is a vast crime with many players and social networks. Moreover, combating human trafficking and assisting trafficked persons generates a mass of information. Through technological solutions – such as databases and big data analysis tools – this information can be stored, organised and analysed in an efficient and helpful manner.
- Money is a constant element in the business of human trafficking. Financial monitoring along the entire process is an important tool for interruption the flow of moneys in this context. It would also help with the timely seizure of the perpetrator’s assets, and increase the likelihood that the trafficked person would be able to recover the due compensation. It


\textsuperscript{118} TRACE, D4.1 Report on the role of current and emerging technologies in human trafficking, October 2015, p. 29.
is also important to disrupt illicit financial flows that sustain organised crime as a business, as once money enters the legal financial markets, its origins are harder to trace, leaving the crime cycle to perpetuate.

- Initiatives aimed at preventing human trafficking through technology target the time period before the acts have occurred, and seek to lessen the risk for potential trafficked persons. Such initiatives involve the use of the Internet and other web-based technologies to provide education and training activities, such as information and awareness-raising campaigns, research, training of officials. There also exists a potential for technological tools in the prevention of human trafficking through exposing and monitoring human trafficking.
- Technology gives communities social empowerment. Through online petitions, on-line training courses, education videos and games every member of the public has the opportunity to become involved in preventing human trafficking.
- Whilst technologies provide the opportunities to assist in preventing and combatting human trafficking, it is uncertain whether, generally speaking, trafficked persons are aware of assistance provided via these technologies and whether they can access them.
- In using technology to prevent and combat human trafficking all relevant stakeholders needs to consider data protection and privacy concerns.

### 6.5 RECOMMENDATIONS

**Law enforcement personnel should:**

- develop partnerships with social networking sites providers and other industry representatives to begin a dialogue on best methods for combating and preventing human trafficking;
- improve tools that can help facilitate the ease of anonymously reporting suspected cases of human trafficking on websites and social media, by means of anonymous notification through the use of applications, websites and/or hotlines for example.

**Policy makers should:**

- engage in co-operation with other EU Member States in order to exchange experiences on legislation, best practices and measures to use big data and technology in the fight against human trafficking;
- encourage the close monitoring of online job advertisement sites (either by law enforcement or civil society bodies), in particular in industries where forced labour is known to occur;
- encourage online dating websites to provide information on staying safe online;
- adopt a legal provision for the prevention of exploitation on adult entertainment websites (e.g. prohibiting any registered sex offender from accessing commercial social networking sites where there may be children);
- not disconnect thinking about technology in the fight against human trafficking from discourses on data protection and privacy.

**Civil society organisations should:**

- make use of social networking sites which are accessible to (potential) trafficked persons in order to disseminate relevant information. This could include publicising campaigns on social networking sites such as Facebook, or uploading explanatory videos that disseminate
information to (potential) trafficked persons on matters such as employment rights and regulations or where to seek help;

- develop training for staff on how technology can be used against trafficked persons, including teaching trafficked persons about the importance of online privacy;
- teach trafficked persons the extent to which social networking sites technologies can be used to their advantage or against them;
- raise awareness of a climate of zero tolerance for the exploitation of any individual on the web. In this regard the news media, campaigns, online petitions, social media campaigns, workshops and other means can be used to ensure that the public is made aware of the responsibility that comes with using the Internet.
7 FUTURE TRENDS IN HUMAN TRAFFICKING

This Chapter identifies a number of emerging issues of concern, which are likely to impact the European human trafficking situation and the implementation of anti-trafficking policies and laws. It is forecasted that human trafficking will continue to diversify and that criminals will develop new forms and methods of human trafficking in response to different global, social, economic and political situations, developments and trends. New and emerging trends in human trafficking in the EU that have been identified by TRACE include:

- an increase of trafficked persons among the migrant population;
- forced begging and forced criminal activities such as organised property crime (e.g. shoplifting, pickpocketing, ATM thefts, and burglaries), drug production and distribution;
- trafficking for the purpose of exploitation through benefit fraud, identity fraud, credit fraud and insurance fraud;
- trafficking for forced and sham marriages in which traffickers recruit women from Eastern Europe (including the Baltic countries) with the promise of well-paid jobs in Western Europe and use deception or force to convince them to conclude sham marriages with third country nationals and exploit the women sexually as well as for domestic servitude.

7.1 INCREASED MIGRATION TO EUROPE

The number of displaced people in the world and the migrant flows into the European Union, including asylum seekers, economic migrants and other, have increased exponentially over the last several years, particularly during 2014 and 2015. The number of people who filed asylum claims anywhere in the world in 2014 was 1.8 million,119 with Germany receiving the highest number of applications of the EU Member States.120 According to Eurostat, the 28 EU Member States received 336,015 asylum applications in 2012; 432,055 in 2013 and 626,710 in 2014; and 66,500 claims per month for the first 6 months of 2015. Examining migrant flows without differentiating among status or motivation to leave the home country reveals also a steep growth trend. According to the EU’s border agency Frontex, quoted by Deutche Welle, around 340,000 migrants were detected at the EU borders during the first half of 2015, compared to 280,000 for the whole of 2014.121 Relevantly, these figures only represent cases where smuggling was either not an option or unsuccessfully attempted; the actual current migrant flows into the EU are likely greater. According to the International Organisation for Migration (IOM), in total there were 1,046,599 arrivals to Europe in 2015, of which 1,011,712 were arrivals by sea, and 3,770 migrants died or went missing in the Mediterranean and Aegean Sea in 2015,122 while 174,395 new arrivals (including 170,905 arrivals by sea) were registered between 1 January and 31 March 2016, with 713 fatalities registered during the same period.123 These numbers indicate that smugglers play an important role.

120 Ibid.
Taking into account the increase in the number of smuggled migrants is important for understanding the trends in human trafficking because, given the desperate situation in which hundreds of thousands of people find themselves, they can put themselves in the hands of the smugglers, who may subject them to extortion, violence and threats. Thus, the first and direct link between trafficking and smuggling is that the smuggler can turn into a trafficker during or after the journey, taking advantage of the desperation and extreme vulnerability of the migrant. Moreover, recent research has shown that during their journey migrants become victims of trafficking in addition to the suffering and trauma they have experienced in their home country.\textsuperscript{124} It is also estimated that restrictive migration policies and the demand for cheap labour in the service sector and other low-skilled sectors increase the vulnerability of migrants to exploitation.

\textit{Migrant smuggling is an illicit market and as such consumers ultimately have little protection from exploitation. This increased risk of human rights abuses, threats to life and vulnerabilities for smuggled migrants, increases the risk of trafficking in human beings (THB). Essentially, where the migrants are especially vulnerable, they can move from being a client for a smuggling service to being vulnerable to human trafficking. Circumstances can change for different legs of the journey with vulnerability increasing as the journey progresses when migrants’ resources are depleted and risks of detection increase. For example, some migrants report on abuse, rape, torture and deprivation during their journey to Europe. There are also reports of migrants being abducted by smugglers for ransom to be paid by their families or migrants who are persecuted for religious reasons. Those that try to earn money for their journey in a transit country are often exploited by their “employers”.}\textsuperscript{125}

Among the key distinctions between the concepts of human trafficking and human smuggling are first, that smuggling ends at the destination and trafficking does not, and second, that trafficking involves exploitation, while smuggling does not. This theoretical distinction is, however, challenged by the observed reality. An Interpol statement highlights this: ‘[i]n principle, the relationship between smuggler and migrant ends once the individual arrives in the new country. However, there is evidence that people smugglers continue to exploit illegal migrants, through threats and demands for additional fees.’\textsuperscript{126} Further, the ‘illegal status [of smuggled persons] puts them at the mercy of their smugglers, who often force the migrants to work for years in the illegal labour market to pay off the debts incurred as a result of their transportation.’\textsuperscript{127}

Undocumented migrants have limited capacity to claim labour rights and to challenge other abuses, even if they are entitled to these rights. According to the European Union Agency for Fundamental Rights (FRA), victims of labour exploitation, who are undocumented migrants, are often reluctant to pursue their legal rights as a victim and to report the exploitation to police, out of ‘fear of arrest,


 detention and deportation or expulsion.\textsuperscript{128} Hence, in industries that rely on migrant labour, there is greater number of violations of labour standards and safety.\textsuperscript{129}

More generally, the following trends have been observed:

- Increasing evidence suggests that the smuggling of migrants is often interwoven with human trafficking as a growing number of migrants turn to the services of smugglers to illegally enter the EU and smugglers seem to use increasingly exploitative practices. The lines between smuggling and human trafficking are becoming increasingly blurred.
- Smugglers’ syndicates have begun offering packages which, in addition to illegal entry, include facilitating or providing exploitative work opportunities to pay back the travel debt or to obtain forged documents for residence permits.\textsuperscript{130}
- The presence of hundreds of thousands of people, including large numbers of women and children, seeking every opportunity to enter the EU and being stranded in border areas and camps increases the risk of abuse, exploitation and human trafficking, especially among vulnerable groups.
- An increasing number of unaccompanied minors are being detected in destination countries. There is evidence that a significant number of these children go missing from asylum centres and are at risk of abuse and human trafficking for multiple purposes (sexual, labour, begging, criminality etc.).\textsuperscript{131}

It is expected that the number of persons seeking asylum in Europe will increase further. Some of these people are in a very vulnerable position and face serious risks of exploitation, especially during the time that their asylum applications are considered and in cases where their asylum applications are rejected. The authorities will face challenges in identifying such cases because of a lack of training and resources. Traffickers and smugglers will seize the opportunity to increase their criminal business and exploit people’s desperation; the risk of abuse and exploitation will likely increase further. At the same time larger groups of persons become undocumented and become vulnerable to human trafficking.

### 7.2 Look to the Future

Other key findings include:

- In the sex industry sector, the trends that may affect human trafficking include increased involvement of migrants in prostitution; increased use of the Internet in promotion of prostitution and evolving attitudes towards prostitution.

\textsuperscript{131} See for instance the interview of Brian Donald, Europol’s chief of staff, in the Observer where he stated that At least 10,000 unaccompanied child refugees have disappeared after arriving in Europe, available at: http://www.theguardian.com/world/2016/jan/30/fears-for-missing-child-refugees [last accessed 12 April 2016].
Money laundering is the *de facto* financial side of the crime of human trafficking; we can expect that money launderers will be employing new and increasingly complex approaches in response to legislation and policy combating money laundering.

There does not appear to be a direct relationship between drug trafficking and human trafficking, however, some pertinent emerging issues to consider is the application of the non-punishment principle to trafficked persons, used as drug mules, as well as drug use among trafficked persons.

Given the very low rate of detection and criminal prosecution of traffickers in Europe and worldwide, it is expected that new forms of human trafficking will continue to emerge in the future.

With regard to the limited opportunities for entering the EU legally, it is expected that trafficking for sham marriages may be increasingly used not only to facilitate irregular migration into the EU but also to benefit from the exploitation of trafficked persons in forced prostitution, domestic servitude and forced labour.

Traffic for labour exploitation is likely to continue to be one of the most prevalent forms of exploitation because of the on-going economic crisis in the EU and the widespread impunity for human trafficking.

As the number of trafficked persons of other new forms of exploitation continues to increase in Europe, it can be expected that institutions at the European level, international organisations and States will introduce new instruments specifically targeting emerging forms of human trafficking and that assistance programmes will be diversified to address various groups. A harmonised approach to all forms of human trafficking should be supported. In addition, stakeholders should scrutinise new forms of abuse and determine if they classify as exploitation.

Current policies continue to exclude certain groups. As exclusion has been identified as a key ground for becoming involved in human trafficking either as a trafficker or as a trafficked person, human trafficking is likely to continue to take place.

Criminalisation of migration and related law enforcement policies can reinforce negative stereotypes against migrants who are considered criminals and detained merely because of their irregular situation. Such policies are also counterproductive as regards prevention of human trafficking since they play into the hands of traffickers who can exercise even more control on their victims because of their fear of arrest and expulsion. Likewise, labour migration policies that tie the worker’s residence and work permit to a single employer increase the dependency of the workers on their employer and their vulnerability to abuse. Accordingly, EU Member States should review their policies, laws and regulations especially in the field of law enforcement as well as migration, labour and business practices to foster coherence of action, avoid the risk of compromising the protection of human rights and ensure that they do not unintentionally contribute to human trafficking.

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7.3 **The Role of the Media**

Over the last decennium, there has been quite a lot of attention from the media on the issue of human trafficking. The media is recognised as an important stakeholder to address human trafficking, both for informing the general public and all relevant stakeholders, but also for awareness raising and prevention of exploitation of risk groups for human trafficking. Nevertheless, unbalanced media coverage on human trafficking can also create false perceptions on the issue, which can result in wrong actions, and might damage the interests of trafficked persons as opposed to supporting them. Indeed, (inadequate) media information and facts can have a negative impact on the level of support and the measures taken to fight human trafficking. Particularly in the context of the current migration situation the role of mass media cannot be ignored.

**Focus on sexual exploitation and stereotyping by focusing on victim stories**

TRACE research\(^{134}\) confirmed earlier findings that the media reports in particular on sexual exploitation, and conflates human trafficking with prostitution. This dominant focus for sexual exploitation as a form of human trafficking could be a result of the fact that that this type of trafficking is most reported and investigated. Another reason might be that “sex sells” and is newsworthiness. Ultimately, newspapers are commercial organisations and editors print articles that they hope will sell papers.

Many other forms of human trafficking remain underreported, in particular trafficking for the purpose of organ harvesting. The reason for this could be that, the majority of organ harvesting cases are a one off and thus low in scale; from the perspective of the media this could be un-newsworthy. Another possible explanation is that trafficked persons may not come to the attention of the media; they may manage to escape without being ‘noticed’ and do not wish to prosecute those responsible and will instead return to country of origin.

The research also confirmed earlier stakeholders’ findings, that the focus of the media is often put on sensationalised victim stories, focusing on the human aspect of human trafficking. In the tabloid style press a heavy reliance was observed on sensational stories, focusing on the female victim and described where, by whom and how she was sexually exploited as well as the arrest/trial of the perpetrators, with a common thread of high level of detail about anything that may shock or outrage the reader. Rarely in any of the three countries examined by TRACE (United Kingdom, Cyprus and Poland) did the story or subsequent articles follow up on what happened to the trafficked person nor was there much discussion of the fundamental rights that were violated or why human trafficking is so prevalent.

NGOs have also frequently reported that media often uses stereotypical, sexualised images to portray trafficked persons, instead of focusing on the social and economic conditions that enable human trafficking and exploitation. Much of what the press reported on did not acknowledge that the problem of human trafficking does not begin with the traffickers but with the conditions that

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\(^{134}\) TRACE conducted a review of the way in which, human trafficking is framed within the news media - incorporating case studies from the United Kingdom, Cyprus and Poland. Tacking stock of press articles over the course of the years 2010 – 2014 the report summarises the findings and answers three central questions: (i) How does the news media frame human trafficking? (ii) Is there much discourse on European policy and legislation? (iii) What perception of human trafficking is the public likely to retain? To answer these questions 212 articles from ten newspapers were analysed.
push the trafficked persons to migrate under circumstances that make them vulnerable.\textsuperscript{135} TRACE findings show that articles exploring the social issues and complex underlying problems of human trafficking were few and far between. While the case study of Cyprus did not show this, the British and Polish media also framed human trafficking as a matter, or result of immigration.

**Human trafficking in particular portrayed within the criminal frame**

Human trafficking was further often portrayed within the criminal frame. Predominantly reporting on arrests and court cases, the papers build an image that the problem of human trafficking is only caused by organised criminal networks. In turn this creates a potentially harmful image that the appropriate solution is just to focus on law enforcement responses.

**Lack of media discourse on European policy and legislation**

The explicit mention of the EU, in any context (whether legal or policy related), was scarce. One reason for this could be that unlike academic writers, who publish in specialised journals with an expert audience, press reporters angle their work towards the general public and often publish what they believe may sell. Moreover, there was little criticism of Government policies and legislation. For example, the articles concerning arrests or prosecutions often wrongly suggest that Europe is effectively prosecuting trafficking cases. However, existing data on human trafficking prosecutions show that that many of the cases are in fact not prosecuted.

**Harm of (inadequate) media information and facts**

In general the high attention of the media for the topic can have a positive effect on raising awareness of the fact that human trafficking is a prominent issue in Europe. Concern should be raised about media reports, which provide information or report statistics, which are not based on factual or reliable data and attention should be given to making sure media reports reflect the realities of the crime so as not to create false images of the trafficked persons and traffickers, which in turn can have an impact on the level of support and the measures taken to fight human trafficking. There have been several occasions that actions were taken by politicians and policy makers, based on media news, which was not evidence based. Further there have been occasions that media reports harmed the privacy and data protection of trafficked persons.

However, media exposure has been instrumental in keeping the issue of human trafficking in the political agenda among decision-makers and policy-makers at the government level. As the media has an important role to play in forming public opinion, it is recommended that journalists conduct sound research on the topic and acknowledge when information cannot be proven, or when there are no precise figures available. NGOs and other stakeholders developed numerous trainings and training tools for media representatives. Counter trafficking stakeholders, should utilise the media to maintain the issue on the public agenda and influence public opinion. Further, as communication via social media has exploded in recent years, and traffickers use social media for recruiting trafficked persons, new media channels should be further used as a public education tool. Member States should develop initiatives for dissemination of information on safe and legal migration opportunities, as well as through outreach at places of departure and arrival (e.g. at train and bus stations, seaports and airports). In particular, social media channels and other modern digital

methods (e.g., multimedia art) should be employed to communicate with youth and young adults.

7.4 RECOMMENDATIONS

Recently identified forms of trafficking

- **Forced begging and forced criminality**: Targeted prevention measures should be developed to address these forms of trafficking, including by establishing outreach services with mobile units and cultural mediators to work with vulnerable populations, especially children, referring them to support, and promoting reintegration into school. Furthermore, child victims should be provided with independent legal guardians and social welfare services regardless of their status. Authorities should also be trained on good practices in determining the best interests of the child.

- **Sham and forced marriages**: It would be important to increase awareness of law enforcement, prosecutors, judges, teachers, health, social and other professionals, about these forms of trafficking and to develop targeted policies to empower vulnerable women and girls and to address gender-discrimination and other root causes of such practices.

- Overall, there is a need for developing systems offering long-term support to meet the specific needs of all trafficked persons, including those of these more recently identified forms of trafficking and to support their reintegration into the society.

- States should establish clear, transparent and proportional regulation of labour providers and should scale up inspections of working conditions especially in sectors prone to exploitation.

- States should lead by example and establish ethical public procurement and other appropriate due diligence measures to prevent risks of labour exploitation by their contractors and subcontractors.

- It would be important to raise public awareness about domestic servitude/ exploitation of domestic workers and develop ways to allow inspection authorities to monitor work in private households. In addition, awareness raising should also target domestic workers to inform them on their rights and where to seek help if problems occur.

- States should ratify the 2014 Protocol to the 1930 ILO Forced Labour Convention, and the ILO Domestic Workers Convention No 189.

Migration to Europe

- It is recommended to raise awareness of law enforcement officials and prosecutors about the increasing linkages between smugglers and traffickers, and the vulnerabilities of smuggled migrants to abuse and exploitation.

- Consider the possibility to extend temporary residence rights to smuggled persons, as envisioned in Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.

- It is recommended to build the capacities of frontline asylum officials in identifying and referring to support trafficked persons whom they may encounter in the asylum procedure. Information should also be provided to asylum seekers about their rights, including labour rights, and where to seek help in case problems occur.
• State authorities should establish better migration management systems, including more legal labour migration channels and humanitarian corridors for asylum seekers to reduce the opportunities for criminal business to abuse and exploit people.

• It is important to strengthen child protection services and to train police, immigration, asylum and child protection officials regarding the risk of abuse and exploitation for unaccompanied children. Furthermore, pilot programmes providing protected reception and specialised support to unaccompanied children who are suspected to have been trafficked should be developed in partnership with child welfare authorities, NGOs and law enforcement agencies.

• EU Member States may see a more effective tackling of issues that enable human trafficking by adopting a more holistic approach to anti-trafficking policy. If human trafficking is viewed more widely as a human rights issue, policies adopted by EU can seek to:
  - Increase the opportunities for third country nationals entering the EU for employment purposes;
  - Economically support the initiatives of peripheral countries to eliminate violence against women and children;
  - Implement programmes that encourage the protection (and social integration) of irregular immigrants.

The role of the media
• Counter-trafficking stakeholders should use the media to maintain the issue on the public agenda and influence public opinion. Further, as communication via social media has exploded in recent years, and traffickers use social media for recruiting, new media channels should be further used as a public education tool.

• Guidelines should be disseminated to journalists about their role in potentially preventing human trafficking coupled with encouragement to engage in responsible and comprehensive reporting.
8  KEY RECOMMENDATIONS

1. In order to disrupt the human trafficking enterprise, increased efforts are needed by all EU Member States to enhance investigation and prosecution of traffickers and to invest resources in the use of modern technology to collect more comprehensive evidence of the crime and to combat human trafficking.

2. Targeted responses should be developed to address all forms of human trafficking, including new and emerging forms of human trafficking, by establishing outreach services with mobile units and cultural mediators to work with vulnerable populations, especially children and members of co-ethnic communities, referring them to support, and promoting reintegration into school.

3. There is a need to develop systems offering long-term support to meet the specific needs of all trafficked persons and to support their reintegration into society. The support systems in place should be quick to respond, predictable and clear, but also adaptable, flexible and comprehensive.

4. Specific legislation and policy, and crucially implementation thereof, is required to ensure that trafficked persons are not detained, prosecuted or punished for their involvement in unlawful activities which they have been compelled to undertake as a consequence of their situation as trafficked persons. Furthermore, public officials who are likely to come into contact with trafficked persons should be trained to identify trafficked persons and should receive guidance on the application of the non-punishment provision.

5. More attention should be paid to the role of technology in facilitating and preventing human trafficking. Social media channels and other modern digital methods should be better monitored and used to communicate with groups at risk so as to mainstream the message into the public dialogue of the desired target group.

6. Acknowledging that traffickers become involved in the crime for different reasons, it is recommended that they are treated in a way that recognises their unique issues, preferably through well-designed diversion programmes. Restoration and punishment programmes for traffickers should always be tailored to their specific characteristics, crime, problems and lifestyles to prevent recidivism. This requires the expansion of the use of psychoanalysis on traffickers as part of the pre-sentencing report.

7. EU Member States should ensure that their policies, laws and regulations on law enforcement, migration, labour and business practices that may have an impact on human trafficking are tuned, consistent and coherent. They should avoid the risk of compromising the protection of human rights and ensure that they do not unintentionally facilitate human trafficking. All public authorities, in particular labour inspectorates, law enforcement and immigration authorities, should prioritise the protection of the rights of trafficked persons over questions of public order and immigration control. Policies should be based on a human rights based approach. States should ensure that public tenders do not lead to the use of forced labour.
8. EU Member States should standardise national procedures for the identification and protection of asylum seekers who may be have been trafficked, particularly among unaccompanied minors. Initiatives for dissemination of information on safe and legal migration opportunities, as well as through outreach at places of departure and arrival (e.g. at train and bus stations, seaports and airports), should be developed further.

9. Awareness raising should be targeted at groups at risk of being trafficked and a variety of different professional groups, as well as the private sector. All the information provided should be accurate and practically oriented. It should educate society and practitioners in understanding and recognising various forms of exploitation and to intervene and refer affected persons to appropriate support.

10. A victim-centred approach should be maintained in the interaction between trafficked persons and the criminal justice system. Irrespective of whether trafficked persons choose to participate in legal proceedings, they have the right to unconditional social and legal support, and their safety and wellbeing should be guaranteed at all times.
APPENDIX: KEY TRACE DELIVERABLES

All previous TRACE deliverables are available in full on the TRACE website: [http://trace-project.eu/](http://trace-project.eu/). They can be accessed by clicking on the links below.

| Chapter 1 | • D1.1 A review of the implementation of the EU strategy on human trafficking by EU members *(November 2014)*  
• D5.1 Report on how external factors such as socio, political and economic factors, or interaction with other criminal industries shape the phenomenon of trafficking *(March 2015)*  
• D6.1 Effective policies and projects for combating human trafficking in Europe *(March 2015)* |
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| Chapter 3 | • D1.1 A review of the implementation of the EU strategy on human trafficking by EU members *(November 2014)*  
• D2.1 Report on the relevant aspects of the trafficking act (geographical routes and modus operandi) and on its possible evolutions in response to law enforcement *(February 2015)*  
• D6.2 Future trends in human trafficking in Europe *(December 2015)* |
| Chapter 4 | • D1.3 A report concerning the macro and micro analyses of human trafficking *(November 2014)*  
• D2.1 Report on the relevant aspects of the trafficking act (geographical routes and modus operandi) and on its possible evolutions in response to law enforcement *(February 2015)* |
| Chapter 5 | • D1.3 A report concerning the macro and micro analyses of human trafficking *(November 2014)*  
• D3.1: Report on the features and incentives of traffickers and on the social interactions among them *(June 2015)*  
• D3.2: Briefing papers for law enforcement agencies, policy-makers and civil society organisations on the lessons learned *(June 2015)* |
| Chapter 6 | • D4.1 Report on the role of current and emerging technologies in human trafficking *(October 2015)*  
• D4.2 Briefing papers for law enforcement agencies, policy-makers and civil society organisations on the role of technology in human trafficking *(October 2015)* |
| Chapter 7 | • D1.2 Review of the media framing of human trafficking *(September 2014)* |
- D5.2 A report on how future socio-economic, political and criminal industry trends might impact human trafficking in Europe *(November 2015)*
- D6.2 Future trends in human trafficking in Europe *(December 2015)*

Chapter 8

- D6.2 Future trends in human trafficking in Europe *(December 2015)*