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Subject: Handbook on trafficking in human beings - indicators for investigating police forces

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At the Law Enforcement Working Party (LEWP) meeting of 12 September 2014, the Italian Presidency presented a proposal in relation to combating trafficking in human beings (THB), including a questionnaire (doc. 11181/14), which was also discussed during the LEWP meeting of 6-7 November 2014.

Based on the Member States' replies to the aforementioned questionnaire, the Presidency prepared the Handbook on trafficking in human beings - indicators for investigating police forces, which was discussed at the LEWP meetings of 3 December 2014 and 19 February 2015. The Handbook was then submitted to delegations for approval under the written silent procedure, which ended on 30 March 2015. A few minor technical suggestions were made during the written procedure, which were incorporated in the **final version of the Handbook, set out in the Annex, which is now considered to be approved by the LEWP.**

This initiative is consistent with the results achieved so far in the framework of other European initiatives on THB, which represent fundamental points of reference and an essential source of information on the phenomenon. The aim was to draw up an updated list of indicators on trafficking, focusing on the investigative and law enforcement profiles and offering specific indicators for the perpetrators of trafficking.

The main beneficiaries of the Handbook are police investigators, for whom it is meant to provide an in-depth examination of the phenomenon and of the current best practices adopted by Member States, with the ultimate aim of ensuring more effective countermeasures, while not forgetting the best practices adopted for the protection of the victims.

The Handbook set out in the Annex includes an up-to-date analysis of the phenomenon of THB in Member States and a revised list of indicators of trafficking (with reference to the outcome of the recent *Euro TrafGuID project: development of common guidelines and procedures for the identification of victims of trafficking*). The indicators are classified in relation to the type of exploitation and include new indicators of perpetrators of trafficking, similarly divided, and an overview of existing police offices, investigative tools, national action plans and current forms of international police cooperation adopted by Member States for preventing and combating of THB.

Finally, the document includes a number of remarks based on the analysis of the questionnaires.

Handbook on trafficking
in human beings -
indicators for the investigating police forces

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A. Foreword

The current dimensions of human trafficking are a consequence of the constant interest taken by transnational criminal syndicates in organising and managing human trade and trafficking, which is continually growing, due to mankind's continuous search for better living conditions.

The *modi operandi* of such criminal organisations are so complex that huge investigative resources and maximum cooperation between the countries involved are necessary. In most cases, the exploiter of human beings belongs to a transnational criminal network formed by groups of people or individuals with different specialisations, each ensuring the success of a different phase of the exploitation path.

As a consequence, activities aimed at preventing and suppressing such a phenomenon are and must be updated constantly in order to cope with the manifold expressions of a criminal reality which, in almost all cases, is transnational by nature and continuously evolving.

From that perspective, the proactive and multi-agency approach of cooperation between the various institutional/non-institutional actors who are likely to come into contact with victims of trafficking has often proved decisive.

Therefore, the police forces – which in all Member States now participate in this integrated, multi-agency network aimed at preventing and fighting human trafficking and protecting victims of trafficking or serious exploitation – also need to be able to define the person as a victim of trafficking – i.e. a victim of criminal conduct (trafficking in persons) that entails recruitment, continuous subjection and exploitation for various purposes - in order also to conduct investigative activity to identify trafficking organisers, especially when no significant elements emerge from the statements made by the aggrieved party to identify him/her as a victim.

The procedures for the identification of potential trafficking victims, which were created in the field by a synergistic blend of police intelligence - some acquired through international cooperation - and information supplied by the NGOs which provide assistance to victims, are therefore fundamental in identifying possible trafficking victims. They are also useful to ensure the correct application of the protection and assistance measures provided by law for those who fall prey to human traffickers. Investigation activities by specialised police services can also be developed.

This means that the fight against human trafficking can be enhanced by the already known and widespread indicators of trafficking victims and indicators of traffickers. They are regarded as a checklist to help investigators manage a specific case, by distinguishing trafficking in human beings from other criminal phenomena such as migrant smuggling, where the target of the criminal activity is the illegal transfer of migrants from one State to another – as well as to activate procedures to combat serious crime.

With regard to the indicators of traffickers too, case studies can be recorded that are common to the various types of exploitation, on the one hand, and specific to each of them on the other.

B. The criminal offence of human trafficking in primary international legislation

In order to establish if a person is a victim of trafficking it is first necessary to confirm the legal definition of that offence.

The common legal basis of reference for defining and investigating trafficking in human beings can be found in the following:

- 1) Convention implementing the Schengen Agreement of 14 June 1985, which envisages the possibility of performing cross-border surveillance for the offence of trafficking in human beings;
- 2) Council Decision of 6 April 2009 (2009/371/JHA) establishing European Police Office (Europol), which specifies trafficking in human beings as one of serious crime for which Europol is competent;
- 3) Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (Palermo, 12-15 December 2000), Article 3 of which provides a definition of trafficking in persons;
- 4) Council of Europe Convention on Action against trafficking in human beings (Warsaw, 16 May 2005), which provides the same definition of "trafficking in persons" as laid down in the aforementioned Protocol¹;
- 5) Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, Article 2 of which contains a definition of "trafficking in human beings" (under Article 3 it also mentions incitement, aiding and abetting, or attempting to commit an offence referred to in Article 2 as punishable offences). In this case too, the definition contained in the aforementioned Protocol on human trafficking supplementing the UN Palermo Convention was used by including exploitation for "committing illicit activities"; this means that subjects who are apparently criminal offenders may also find themselves in a state of continuous subjection and be coerced to commit crimes and be exploited for this purpose.

Respective provisions of the aforementioned legal acts are set out in detail in Annex 1.

¹ The Group of Experts of the Council of Europe on Action against Trafficking in human beings (GRETA) has early interpreted the definition of trafficking for the purpose of forced labour as enshrined into the Anti-Trafficking Convention as covering also the exploitation of begging as well as the exploitation of criminal activities. Consequently, the criminalisation of such forms of trafficking is an obligation under the Convention.

In the light of the aforementioned international legislation, the three different aspects listed below must be present in order to constitute an offence of human trafficking:

1. activities: recruitment, transportation, transfer, harbouring and reception of persons;
2. means: 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 other benefits to obtain the consent of a person having control over another person;
3. aims: the following exploitation of the person: 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.

In the absence of even one of those aspects, an offence of human trafficking cannot be established².

The definition of "trafficking in human beings" allows a clear legal distinction to be made from the "smuggling of migrants", as referred to in Article 3 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime (Palermo, 12-15 December 2000).

In this case, punishment is envisaged for aiding and abetting irregular immigration, i.e. conduct aimed at illegally introducing consenting irregular migrants into a state, which may also be effected by means of many illegal activities aimed at transporting and procuring illegal entry, through more or less structured forms of association, which may be of a transnational type, generally for profit or other advantages.

FOOD FOR THOUGHT

In fact, the distinction between *smuggling* and *trafficking* is sometimes very subtle; a correct assessment is therefore crucial in order to activate the most incisive investigative tools, as envisaged in the case of trafficking.

Based on investigative and judicial experience, aspects of violence and exploitation of the person which could lead one to regard a specific case as a trafficking case can also be found in *smuggling*. In fact, at the root there may exist an enslavement relationship, established at the moment when the migrant took upon himself a debt towards the trafficker who arranged the illegal transfer for him.

If the migrant (or his/her family or acquaintances), is unable to pay, he submits himself to the criminal organisation which transferred him or to the organisation at the destination, thereby also laying himself open to forms of exploitation to pay off his debt.

² The only exception is envisaged for child victims, in relation to whom Article 3(c) of the Palermo Protocol excludes the necessity to prove, as a basic fact constituting the criminal conduct, recourse to the means mentioned in paragraph (a) of the same provision.

C. Background for preparing the Handbook

The drafting of this Handbook is mostly based on Member States' contributions to the questionnaire set out in document 11181/14.

The Group of Experts of the Council of Europe on Action against Trafficking in Human Beings (GRETA), the monitoring mechanism of the implementation of the Council of Europe Convention on action against trafficking in human beings, drew up country reports on the outcomes of the evaluations conducted in 35 Council of Europe countries, parties to the Anti-Trafficking Convention, with 22 Member States among them, that also represent an important source of information.

The Handbook also takes account of what has been implemented thus far within the framework of the European projects focusing on human trafficking, which constitute fundamental reference points for the analysis of a criminal phenomenon that is made even more complex by its transnational character, in order to improve the prevention activities and countermeasures conducted by police forces.

In particular, the following projects have been taken into account:

- *Project: Establishment of a network and joint training courses for police officers, NGOs and international organisations to counter human trafficking to EU Member States from EU candidate countries and neighbouring States after the enlargement*
This project included four phases from 2004 to 2009, with the IOM (International Organisation for Migration) as project coordinator, under the AGIS European Programme, and led to the establishment, after various international meetings, of a network of police forces, civil society, international organisations and experts from 13 countries (including non-EU countries);
- *Project: Transnational and intersectoral action for combating trafficking for serious labour exploitation. Identification and assistance of victims – FREED*
Developed under the 2007 ISEC Programme "Prevention of and fight against crime - Action Grants 2007" between 2008 and 2010 and involving four Member States, this programme was implemented in partnership with the International Labour Organisation (ILO) and focused on labour exploitation;
- *Project: AGIRE. Austria, Greece, Italy and Romania. Acting for stronger private-public partnerships in the field of identification and support of child victims and at risk of trafficking in Europe*
This project was implemented under the 2007 ISEC Programme and focused on trafficking in child victims.

As far as the most recent European projects are concerned, mention should be made of the *Euro TrafGuID project: Development of common guidelines and procedures for the identification of victims of trafficking*. It was funded by the European Commission within the ISEC Programme 2010 "Prevention of and fight against crime" and involved 6 Member States. In 2013, it made available a comprehensive list of good practices and indicators for the identification of victims of trafficking.

Annex 2 contains a summary of the above-mentioned European projects concerning trafficking in human beings.

Finally, Commission Communication on the European Union Strategy towards eradication of trafficking in human beings 2012-2016 of June 2012³, should also be taken into account. It is a practical tool for identifying the needs and challenges of the Union in the perspective of respect for human rights and gender equality. In this connection, strengthening procedures for identifying, protecting and assisting victims of trafficking, particularly minors, is one of the priorities. The mid-term report, prepared by the Commission in October 2014⁴, takes stock of how the EU Strategy has been implemented, from early 2012 to the third quarter of 2014.

This strategy, adopted in 2012, identifies five priorities on which the EU should focus in order to address the issue of trafficking in human beings:

- A. identifying, protecting and assisting victims of trafficking
- B. stepping up the prevention of trafficking in human beings
- C. increased prosecution of traffickers
- D. enhanced coordination and cooperation among key actors and policy coherence
- E. increased knowledge of and effective response to emerging concerns relating to all forms of trafficking in human beings.

The mid-term report sets out the progress made on the Strategy's aforementioned four key priorities. Progress made in relation to the fifth priority (increased knowledge of and effective response to emerging concerns relating to all forms of THB) is covered under each of the key priorities.

The major initiatives taken since 2012 to implement the EU 2012-2016 Strategy to Eradicate Trafficking in Human Beings are listed below: they are focused on the police intervention with regard to awareness, prevention, fight against THB phenomenon and to its relevant indicators as well. The list below is structured according to the Strategy's action priorities.

PRIORITY A: IDENTIFYING, PROTECTING AND ASSISTING VICTIMS OF TRAFFICKING

Among the twelve initiatives under this priority, the most significant activities are the following:

- A study on fundamental rights within the framework of the activities carried out by the Border Police Forces at EU airports, developed by the European Union Agency for Fundamental Rights – FRA, with support from FRONTEX, to improve the border police operators' tools to identify potential THB victims (findings presented in March 2014)⁵;
- Analysis of difficulties encountered in identifying THB victims and by Member States in carrying out actions to ensure that THB victims are assisted and protected. The analysis has been carried out by Eurojust within the framework of its own strategy against THB (the main findings and recommendations were presented to the Standing Committee on Operational Cooperation on Internal Security (COSI), on 11 February 2013)⁶. The project is still in progress;

³ http://ec.europa.eu/dgs/home-affairs/e-library/docs/thb_strategy/thb_strategy_en.pdf

⁴ http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/docs/20141017_mid-term_report_on_the_2012-2016_eu_strategy_on_trafficking_in_human_beings_en.pdf

⁵ The findings are published on the European Union Agency for Fundamental Rights' website.

⁶ [http://www.eurojust.europa.eu/doclibrary/Eurojustframework/Casework/Eurojust - action against trafficking in human beings \(October 2012\)/THB-report-2012-10-18-EN.pdf](http://www.eurojust.europa.eu/doclibrary/Eurojustframework/Casework/Eurojust_-_action_against_trafficking_in_human_beings_(October_2012)/THB-report-2012-10-18-EN.pdf).

- “Handbook on THB Risk Profiles” to be used by border control and other law enforcement authorities, drawn up by FRONTEX in cooperation with Europol and Eurojust. It is a permanent project and will be updated every year;
- Training modules on interviewing unaccompanied children, potential victims of THB, and on their safe return to avoid their re-trafficking, were drawn up and published in December 2013 by the European Asylum Support Office (EASO) within the framework of the Action Plan on Unaccompanied Minors (2010-2014), with the support of the Commission and FRA.
- “Guardianship for children deprived of parental care – A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking”⁷, a joint publication of the Commission and the European Union Agency for Fundamental Rights of June 2014. The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016, in fact, shows that effective guardianship systems for children victims of trafficking are key to preventing abuse, neglect and exploitation, yet at the same time as roles, qualifications and competences of guardians vary from one Member State to another. This handbook, therefore, provides guidance on the practices of the guardianship for children and recommendations to Member States on strengthening their guardianship systems, setting forth the core principles, fundamental design and management of such systems. By promoting the standardisation of guardianship practice, it aims to improve conditions for children under guardianship and promote respect for their fundamental rights.

PRIORITY B: STEPPING UP THE PREVENTION OF TRAFFICKING IN HUMAN BEINGS

Among the three initiatives under this priority, the most pertinent activity is the one presented by The European Police College (CEPOL): in 2013 CEPOL organised a webinar on Member States’ best practices in THB prevention, involving a presentation by a FRONTEX expert on the early identification of victims and perpetrators, profiling, collecting intelligence, inter-agency cooperation and training.

PRIORITY C: INCREASED PROSECUTION OF TRAFFICKERS

Among the seven initiatives under this priority, the most significant activities in this context are the following:

- The activities to implement the Operational Action Plans (OAP) on THB, within the framework of the 2011-2013 and the 2014-2017 EU Policy Cycles⁸;
- The FRONTEX handbook on best practices aiming at identifying and dismantling crime organisations involved in THB.

⁷ http://ec.europa.eu/dgs/home-affairs/e-library/docs/guardianship_for_children/guardianship_for_children_deprived_of_parental_care_en.pdf and http://fra.europa.eu/sites/default/files/fra-2014-guardianship-children_en_0.pdf

⁸ 15358/10.

PRIORITY D: ENHANCED COORDINATION, COOPERATION AND POLICY COHERENCE

Among the six initiatives under this priority, the most significant activities are the following:

- In 2014, ten officials took part in CEPOL's European Police Exchange Programme under which law enforcement officers in different countries visit each other, exchange good practices on THB and learn about THB policing in different Member States;
- The FRONTEX training manual on THB is focused on the role of first and second line officers in combating THB and was developed by FRONTEX in 2014 and translated into all EU languages;
- The training modules for interviewing vulnerable persons" including THB victims, have been updated by the European Asylum Support Office (EASO), with the support of the Commission. In particular, the vulnerability indicators are enhanced together with the ability to identify potential THB victims in order to improve the skills of the operators dealing with asylum seekers.

PRIORITY E: INCREASED KNOWLEDGE OF AND EFFECTIVE RESPONSE TO EMERGING CONCERNS

RELATING TO ALL FORMS OF TRAFFICKING IN HUMAN BEINGS

Among the five initiatives the CEPOL's webinar on OAPs linked to the THB, including a presentation on labour exploitation, is particularly relevant.

The objectives of this Handbook are:

- updating to 2014 of indicators of victims of trafficking contained in the two manuals *Guidelines for the first-level identification of victims of trafficking in Europe* and *Practical tool for the first-level identification of victims of trafficking*, drawn up on the basis of the types of exploitation (sex, labour, illegal activities and begging), in the framework of the already mentioned *Euro TrafGuID project*, when necessary, in relation to the profile of this criminal phenomenon in various Member States. The focus was shifted from the first-level identification of victims of trafficking, carried out by any operator, and not only by police officers, to the phase immediately following the first contact when, once the envisaged social protection measures for the alleged trafficked person have been adopted, it is necessary to involve police staff with specific investigation capacity to obtain evidence of an actual condition of victim of trafficking and to detect the criminal network involved;
- focus on the investigative aspects which are the responsibility of the police forces. The main beneficiaries are police investigators, who will be able to use more thorough knowledge of the phenomenon, the diverse criminal modi operandi and the good practices applied in the Member States for victim protection and for investigation, to the benefit of their investigative activities and with a view to more effective counteraction;
- draw up a list of indicators concerning the perpetrators of trafficking, as an added value of the initiative to be shared among the Member States. They ~~are to~~ can be used by the investigation units, with the aim of improving counteraction and allowing the subsequent starting of the procedural tools pertaining to the fight against serious offences.

Last but not least, a survey was made concerning the current organisation of the police structures and investigation tools existing in individual Member States to prevent and suppress trafficking in human beings, as well as collecting suggestions to improve the necessary international police cooperation.

The method used to update the general overview of the system of trafficking indicators used by the law enforcement agencies in the Member States to carry out investigations on individuals and organisations involved in this crime, regardless of the type of exploitation perpetrated, was the filling out of a questionnaire subdivided according to the following main themes:

- a) victims of trafficking: main origin (nationality), identification procedures, protection systems;
- b) criminal perpetrators of trafficking: nationalities, relevant modi operandi, and investigative best practices which can make possible the identification of indicators also in this field;
- c) specialised police investigation units: existence, organisation, staff training;
- d) special investigation tools: existence, use in the investigations on trafficking;
- e) national action plans against trafficking in human beings;
- f) police cooperation with the third countries of origin of traffickers and trafficked people: existence of cooperation agreements, suggestions to enhance cooperation.

The outcome of the questionnaire is summarised in this Handbook.

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In order to give a statistical overview of the phenomenon of trafficking within Member States, the following data (referred to year 2012) are reported in the Eurostat statistical working paper⁹, concerning both victims and traffickers, with a breakdown by citizenship (the 10 most recurring) and number of prosecuted and convicted traffickers in the Member States.

VICTIMS OF THB DISAGGREGATED BY GENDER AND FORM OF EXPLOITATION - 2012

TOTAL NUMBER	male	female	unknown	
10.998⁽¹⁾	2.529	7.765	704	SUB TOTAL⁽²⁾
sexual exploitation	165	6.110	227	6.502
labour exploitation	1.361	489	133	1.983
other exploitation	944	1020	312	2.276

⁽¹⁾ Number of identified (4.443) and presumed victims (6.555). The total number is not consistent with the sub-total, because some victims could be submitted to more than one form of exploitation.

⁽²⁾ For the sub-total too, data are related to identified and presumed victims.

VICTIMS OF THB IN THE EU BY CITIZENSHIP (THE 10 MOST RECURRING) AND GENDER

⁽¹⁾ - 2012

CITIZENSHIP	TOTAL NUMBER	% of total victims in the country (5.369)	male	female
Romania	1.951	36,3%	462	1.404
Bulgaria	1.177	21,9%	117	1.044
Hungary	436	8,1%	20	415
Netherland	428	7,9%	9	419
Poland	428	7,9%	182 ⁽²⁾	155
Latvia	171	3,1%	14	49
Slovakia	147	2,7%	55	71
Germany	144	2,6%	9	135
France	144	2,6%	6	138
Lithuania	108	2%	61 ⁽²⁾	43

⁽¹⁾ Total reflects the number of victims including gender unknown.

⁽²⁾ Figures related to Poland and Lithuania highlight a prevalence of male victims, in contrast with data registered for other nationalities.

⁹ Eurostat Statistical working papers - Trafficking in human beings (ISSN 2315-0807) – 2015 Edition.

NUMBER OF SUSPECTED TRAFFICKERS BY GENDER AND FORM OF EXPLOITATION - 2012

TOTAL NUMBER	male	female
4.017	2.776	930
Form of exploitation		
sexual exploitation	66%	
labour exploitation	27%	
other exploitation	7%	

NUMBER OF SUSPECTED TRAFFICKERS IN THE EU BY CITIZENSHIP (THE 10 MOST RECURRING) AND GENDER⁽¹⁾ – 2012

CITIZENSHIP	TOTAL NUMBER	% of total victims in the country (1.770)	male	female
Romania	398	22,4%	246	143
Bulgaria	397	22,4%	198	65
Belgium	294	16,6%	225	69
Germany	250	14,1%	200	49
Estonia	87	4,9%	// ⁽²⁾	// ⁽²⁾
Hungary	63	3,5%	51	12
Greece	50	2,8%	36	12
Spain	43	2,4%	34	9
Latvia	24	1,3%	11	13 ⁽³⁾
Italy	23	1,2%	15	8

⁽¹⁾ Total reflects the number of suspected traffickers (including gender unknown).

⁽²⁾ Data not available.

⁽³⁾ It's a singular prevalence of female traffickers.

NUMBER OF PROSECUTED AND CONVICTED TRAFFICKERS IN THE MEMBER STATES
(THE 10 MOST RECURRING) – 2012

MEMBER STATES	Total number of prosecuted traffickers		MEMBER STATES	Total number of convicted traffickers (1)
Romania	864		Romania	427
Bulgaria	265		Germany	128
Belgium	224		Netherlands	123
France	212		Bulgaria	105
Netherlands	148		Belgium	48
Hungary	119		Cyprus	36
Italy	54		Greece	34
Austria	44		United Kingdom	32
Portugal	16		Italy	30
Slovakia	14		Latvia	19

(1) Not all Member States provided data. Moreover, in some Member States the statistical data about number of acquitted persons are summarised from data from lists of court cases.

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J. Conclusions and best practices to be implemented

Conclusions based on the answers provided by the Member States:

- With regard to the organisational structures of police forces and the investigative tools to combat trafficking in human beings, all Member States have special professional structures based on ad hoc investigative units consisting of trained police officers who generally carry out traditional investigations strengthened by various financial and asset-related investigations to detect criminal activities;
- Almost all Member States have their special national action plans to combat trafficking in human beings and their police forces play a proactive role in implementing these plans;
- Most trafficked victims are from Eastern Europe, Nigeria and China, and they are identified by means of standardised procedures with subsequent referral to and involvement in protection and assistance programmes, some managed by NGOs;
- The exploiters come from the their victims' countries: they are members of criminal groups operating in different ways, depending on the form of exploitation and on the members' nationalities;
- The international police cooperation already developed and in operation is considered a fundamental tool to improve the fight against this transnational phenomenon.

In the light of the above, it is possible to formulate the following best practices to be implemented:

1. setting up a central special investigative unit as a national contact point responsible for coordinating informative and operational activities, supporting local police offices;
2. implementing a national law enforcement information system to manage information concerning the criminal phenomenon of trafficking in human beings;
3. encouraging the preparation of national action plans to combat human trafficking;
4. harmonising investigative tools of the Member States;
5. promoting bilateral police cooperation agreements between Member States and third countries of origin and destination of victims;
6. strengthening the agreements with other key actors in preventing and combating trafficking in human beings, with a view to raising awareness and knowledge of this phenomenon and improving counter-activities;
7. implementing and constantly updating special law-enforcement training activities in the Member States, especially training in relation to identification of victims.

Main international legislation on the criminal offence of trafficking in human beings

- Convention implementing the Schengen Agreement of 14 June 1985
 - Reference to cross-border surveillance and "trafficking in human beings"

Article 40

1. Officers of one of the Contracting Parties who, as part of a criminal investigation, are keeping under surveillance in their country a person who is presumed to have participated in an extraditable criminal offence shall be authorised to continue their surveillance in the territory of another Contracting Party where the latter has authorised cross-border surveillance in response to a request for assistance made in advance. Conditions may be attached to the authorisation.
(...)

7. The surveillance referred to in paragraph 2 may only be carried out where one of the following criminal offences is involved:
(...)
- **trafficking in human beings,**
(...)

- Council Decision of 6 April 2009 establishing the European Police Office (Europol) (2009/371/JHA).
 - Trafficking in human beings as a form of serious crime falling within Europol's competence

Article 4 Competence

1. Europol's competence shall cover organised crime, terrorism and other forms of serious crime as listed in the **Annex** affecting two or more Member States in such a way as to require a common approach by the Member States owing to the scale, significance and consequences of the offences.

Annex

List of other forms of serious crime which Europol is competent to deal with in accordance with Article 4(1):

- (...)
- **trafficking in human beings**

- Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organised crime (Palermo, 12-15 December 2000)

- Definition of "trafficking in persons"

Article 3 Use of terms

For the purposes of this Protocol:

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

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article.

(d) "Child" shall mean any person under eighteen years of age.

- Protocol against the smuggling of migrants by land, air and sea, supplementing the United Nations Convention against transnational organised crime (Palermo, 12-15 December 2000)

- Definition of "smuggling of migrants" (Article 3)

Article 3 Use of terms

For the purposes of this Protocol:

(a) "Smuggling of migrants" shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident;

(b) "Illegal entry" shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State;

(...)

- Council of Europe Convention on Action against Trafficking in Human Beings (Warsaw, 16 May 2005)

- Definition of "trafficking in human beings"

Article 4 Definitions

For the purposes of this Convention:

- a) "Trafficking in human beings" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- b) The consent of a victim of "trafficking in human beings" to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in human beings" even if this does not involve any of the means set forth in subparagraph (a) of this article;
- d) "Child" shall mean any person under eighteen years of age;
- e) "Victim" shall mean any natural person who is subject to trafficking in human beings as defined in this article.

- Directive 2011/36/EU of the European Parliament and the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA
 - Definition of "trafficking in human beings" (Article 2) and incitement, aiding and abetting, and attempt to commit a criminal offence of trafficking in human beings" (Article 3)

Article 2 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 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.

Article 3 Incitement, aiding and abetting, and attempt

Member States shall take the necessary measures to ensure that inciting, aiding and abetting or attempting to commit an offence referred to in Article 2 is punishable.

The most recent European projects on trafficking in human beings

- Project on the *creation of a network of and delivery of joint training for law enforcement officials, NGOs and International Organisations on the fight against trafficking in human beings towards the EU Member States from the candidate countries and the neighbouring States of the EU following the EU enlargement*

The project was implemented in four phases from 2004 to 2009, in cooperation with the IOM (International Organisation for Migration) in its capacity as coordinator of the project, in the framework of the European AGIS Programme (later converted into ISEC Programme). By holding various international meetings, this project has made possible the creation of a network consisting of police forces, society, international organisations and experts from 13 countries, including some non-EU countries (Albania, Belgium, Bulgaria, Greece, Hungary, France, Italy, Romania, as well as Turkey, Ukraine, Russian Federation, Moldova and Belarus).

The significance and validity of this project was recognised by the European Commission, which funded it four times, thus allowing useful operational and analytical insights to be gained phase after phase.

During the first phase, which was started in Italy in July 2004 by the *Servizio Centrale Operativo* of the Italian National Police thanks to the 2003 AGIS Programme, three training sessions took place (in Italy, Albania and France respectively¹⁰). They focused on topics such as criteria and methods for victim identification, witness protection and cooperation between police forces and Non-Governmental Organisations; the target group included representatives of police forces, judicial authorities and NGOs involved in the fight against trafficking in human beings. At the end, a final document on best practices and two AGIS manuals on best practices for trainees and trainers were produced. They were intended for the training of national groups and were used for the training of law enforcement officials tasked with countering this serious crime.

During the second phase, which took place in 2006 and was funded in the framework of the 2005 AGIS Programme, three international training meetings¹¹ were held, with a view to putting these manuals to the test, thus creating multidisciplinary teams of trainers between police forces and NGOs tasked with providing assistance to the victims of trafficking.

¹⁰ Training sessions took place in Rome (September 2004), Tirana (November 2004) and Paris (December 2004).

¹¹ Italy, Greece, Romania and Turkey attended the meeting held in June 2006 in Athens.

The third phase started in March 2007 with a project on the strengthening of a network and delivery of joint training for law enforcement officials, NGOs and international organisations on the fight against trafficking in human beings towards the EU Member States from the candidate countries and the new neighbouring countries of the EU. There were 12 participating countries, including Member States, EU candidate countries and third countries. In this context, a seminar took place in May 2007. The teaching method was based on the analysis of case studies by the various working groups involved and on the discussion of the relevant outcome with some magistrates who had been invited for the purpose. The final conference of the project, held in December 2007 in Brussels, presented the outcome of national seminars. These were based on the positive testing of an integrated approach and joint training of law enforcement officials /NGOs, being well aware that victims of trafficking can make a significant contribution to investigations if they are duly encouraged.

The fourth phase started in November 2008, with the Italian Ministry of the Interior as a project partner. It was partially funded by the Central Directorate of Criminal Police¹². This phase aimed to deliver multidisciplinary training to counter trafficking in human beings, with an update of the relevant manual. The national training session was held in Rome in May 2009.

- Project on *transnational and intersectoral action for combating trafficking for serious labour exploitation. Identification and assistance of victims – FREED.*

The project was developed in the framework of the 2007 ISEC Programme "Prevention of and fight against crime – Action Grants 2007" between 2008 and 2010, and involved four Member States: Italy, Poland, Portugal and Romania.

This project was carried out in partnership with ILO (International Labor Organization). In Italy the Special Unit for Labour Protection of the *Carabinieri* Corps has participated in the project because of the specific powers assigned by the law on labour exploitation.

Its aim was to strengthen cooperation between law enforcement officials and labour inspectorates to counter quasi-slavery labour exploitation by enhancing the skills of all those involved in various ways with the fight against trafficking. In particular, special attention was attached to the role played by labour inspectorates in combating trafficking for serious labour exploitation, consistently with the ILO guidelines.

¹² Multi-agency representative for the National Group of Trainers.

The project was innovative in that, for the first time, it actively involved other labour market bodies that until then had played a marginal role in combating trafficking.

Reliable data collection resulted in a better assessment of the impact that this criminal phenomenon has both in the various national contexts and on the economic sectors that are most exposed to labour exploitation.

This project was specifically aimed at:

- 1) Increasing awareness of the phenomenon among the main stakeholders of the various economic sectors;
- 2) Enhancing practical inspection skills needed to monitor economic sectors and workplaces where victims of trafficking are more likely to be found;
- 3) Activating an effective transnational cooperation mechanism between the labour inspection focal points and police forces in countries of origin and destination of the victims of trafficking;
- 4) Creating a sustainable national network between public administration, local welfare services, trade unions, labour inspectorates, NGOs, specialised police forces and magistrates. This network should be created in each partner country and serve a two-fold purpose, i.e. to develop shared indicators for the identification of trafficked and exploited victims, and implement specific social protection measures intended for the victims of forced labour;
- 5) Raising awareness of national political leaders so as to enhance victim protection standards.

The outcome of the project has been the translation and adaptation of the ILO manual for labour inspector training as well as the publication of an operational guide, i.e. a *vademecum* for law-enforcement officials.

As to the issue of trafficking for serious labour exploitation and quasi-slavery labour, ten local seminars have been held. These seminars aimed not only to promote a multi-agency approach but also to enhance the training and awareness of all the actors involved in the network, so as to provide a more effective response both in combatting trafficking and providing assistance and protection to victims.

Finally, a national assessment seminar was held. It focused on a comparison of results provided by training seminars. Later, a final international conference was organised to circulate the research final document, a digest of the research findings and the above mentioned "Training Manual for Labour Inspectors and Law Enforcement Officials".

- *Project AGIRE. Austria, Greece, Italy and Romania. Acting for stronger private-public partnerships in the field of identification and support of child victims and at risk of trafficking in Europe*

This project covered the period between August 2008 and December 2010 and was funded in the framework of the 2007 ISEC Programme. Participants included Austria, Greece, Italy and Romania, in partnership with “Save the Children” as project leader. In Italy it was realised by the *Servizio Centrale Operativo* of the Italian National Police.

The project dealt with a specific aspect of trafficking in persons, i.e. under-age victims. It aimed to strengthen prevention of and fight against child trafficking by developing forms of cooperation between public and private actors, best practices to identify and support child victims or at risk of trafficking and serious exploitation in Europe, especially in the Member States involved in this initiative.

Based on the rights of children, a method was developed so as to identify criteria needed to recognize child victims of THB and serious exploitation, i.e. indicators. This method also allowed specific subjective profiles to be developed in order to monitor the criminal phenomenon and common solutions, i.e. best practices, to be defined. These best practices are to be adopted for the first assessment for victim identification purposes and the first "taking into care" of victims; they also entail an active involvement of other local actors.

Training manuals based on shared methods have been drawn up. In a similar way, standard operational procedures have been adapted to the various partner countries with a view to developing best practices for identification, support, assistance and protection of child victims.

The final conference was held in December 2010.

- *Euro TrafGuID project: Development of common guidelines and procedures for the identification of victims of trafficking.*

Funded by the European Commission in the framework of the 2010 ISEC Programme on prevention and the fight against crime and coordinated by France in cooperation with Bulgaria, Greece, the Netherlands, Romania and Spain, this project aimed to strengthen and harmonise methods and procedures for the identification of the victims of trafficking as well as spreading best practices.

The relevant activities included interviews with institutional and non-institutional actors conducted in 2012. Their focus was a specific aspect of the criminal phenomenon, i.e. how trafficking victims can be recognised by operators who are not specialised in combating this criminal phenomenon when they first come into contact with them.

This led to develop shared guidelines and procedures for first-level victim identification. They are intended for institutional and non-institutional actors who first may come into contact with the potential victims, i.e. law enforcement officials, health care institution staff, voluntary organisations or other bodies that interact with these victims for institutional reasons.

Results were summarised in the following 4 guides that were presented in September 2013 during the final conference held in Brussels:

- Best practices for the trafficking victim identification;
- Guidelines and indicators to identify victims of trafficking for sexual exploitation purposes";
- Guidelines and indicators to identify victims of trafficking for labour exploitation purposes";
- Guidelines and indicators to identify victims of trafficking for exploitation purposes in illicit activities".

These manuals provide a valuable list of best practices that help to define "indicators" and are calibrated for meeting the needs of non-specialised operators who first come into contact with victims.

Last but not least, in June 2012 the project was specifically included by the European Commission in the "THB victim identification" priority for the 2012-2016 EU strategy for the THB eradication.