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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 has been revised by the IT delegation taking into account the Member States' and Commission's comments at the LEWP meetings of 3 December 2014 and 19 February 2015, as well as their subsequent written suggestions. The revised Handbook is set out in the Annex with modified and new parts indicated with underlining and the deleted parts marked in strikethrough.

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 is 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.

The LEWP is invited to approve the Handbook on trafficking in human beings - indicators for investigating police forces, set out in the Annex.

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: sexual, labour, coerced activity begging, illegal activities, organ removal, 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 reports on the outcomes of the evaluations conducted on 21 Member States, 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.

D. Trafficking in human beings in Member States

~~Almost all Member States~~ Several Member States reported to have standardised procedures for the identification of trafficked victims. Such procedures include the list of indicators, the specific guidelines, information material concerning management and referral of trafficked victims, as well as some references to cooperation with NGOs operating in this sector.

In particular, in Denmark, within these procedures, if there is a possible trafficking victim, institutions (including the police), NGOs and any person can contact the Danish Centre against Human Trafficking (CMM). ~~CMM, in addition to identification interviews, provides counseling and support to the suspected victim of trafficking in human beings, evaluates together with the police, based on indicators, if the person is trafficked. CMM provides counselling and support to the suspected victim of trafficking in human beings and conducts identification interviews with the potential victims. The identification interviews, together with other relevant information, serve as a basis for the final determination of whether a person is in a fact a victim of trafficking.~~

In some Member States⁹, such procedures are provided for by the *National Referral Mechanism*, in other Member States they are established by the competent judicial authorities' directives¹⁰.

In Hungary, the Regulation for the Identification of the Victims of Trafficking in Human Beings, issued by special government decree, came into force in 2013.

Only a few Member States¹¹ do not have national provisions including standardised procedures for the identification of trafficked victims.

National programmes for trafficked victims' protection and assistance are in force in all Member States, and NGOs are entrusted with the assistance activities.

In some Member States¹², victims are provided with temporary residence permits, generally restricted to the duration of criminal proceedings and to victims' cooperation with the judicial authority.

⁹ Bulgaria, Croatia, Latvia, Romania, United Kingdom.

¹⁰ Austria and Belgium.

¹¹ Germany, Greece, Ireland, Italy, Portugal, Sweden.

¹² Cyprus, Croatia, Denmark, Germany, Greece, Italy, Latvia, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Hungary.

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 paper¹³, 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.

¹³ Eurostat Statistical working papers - Trafficking in human beings 2014 (ISSN 2315-0807).

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%	196	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	804		Romania	427
Bulgaria	264		Germany	128
Belgium	224		Netherlands	123
France	212		Bulgaria	105
Netherlands	148		Belgium	48
Hungary	119		Cyprus	36
Austria	43		Greece	34
Portugal	16		United Kingdom	32
Cyprus	16		Latvia	19
Spain ⁽²⁾	13		Poland	18

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

⁽²⁾ *Ex equo* with Slovakia.

As to the analysis of the current phenomenon of trafficking in human beings, having considered the results of the latest Europol Report¹⁴, the answers to the questionnaire show that in most cases trafficking in human beings originates from situations of economic difficulties providing the breeding ground for criminal organisations belonging to transnational networks that is generally organised in the form of different cells in several countries involved in such criminal chains. Each criminal organisation deals with the main stages of the crime (recruitment, transfer and exploitation in the destination place).

Among the modi operandi used by the criminal organisations, the internet and social networks are increasingly used to recruit potential trafficked persons, to procure clients/employers, and to maintain communication between traffickers without any risk of being intercepted¹⁵. However, traditional modes of people recruitment are still effective, through newspaper advertisements, local employment agencies, personal contacts with family or friends.

¹⁴ Knowledge Product "Trafficking in Human Beings" EDOC#723527V4 June 1, 2014 (AWF SOC – FP "Phoenix").

¹⁵ This is reported by Austria, Bulgaria, United Kingdom, Hungary and Europol.

Trafficking of human beings for purposes of sexual exploitation predominates in all Member States, where the majority of victims are young women, even underage girls, forced into indoor prostitution. The most frequent techniques used by criminal organisations to avoid police checks are their high mobility even towards neighbouring countries, ad hoc logistic and organisational support, as well as particularly severe controls.

Most sexually exploited victims come from East European countries (Romania and Bulgaria) and from Nigeria; numbers of victims from Central and Southern America are increasing. In some Member States figures for victims from Thailand and Vietnam are quite significant¹⁶. Albanian victims, who represented a high percentage of sexually exploited victims until a few years ago, are still being identified in some Member States¹⁷.

Nowadays, the most common methods used in human trafficking for purposes of sexual exploitation are based, on the one hand, on the instrumental emotional relationship between the victim and the recruiter and, on the other hand, on deception by means of false promises of legal and well-paid jobs.

In recent years, there has been an increasing trend to recruit young women that are informed prior to departure that they will be involved in prostitution; as a matter of fact, on their arrival in the country of destination the initial terms of their agreement are not complied with and the victims are exploited and subject to violence and threats, strictly controlled by the traffickers at their indoor or outdoor working places, and paid wages much lower than those previously agreed upon or even not paid at all. Furthermore, Poland has reported the activities of "service agencies" providing escorts.

Hungary points out direct relationships between traffickers and victims' families enabling the perpetrators to obtain their trust and willingness by means of psychological conditioning and by offering money and gifts that prove to be useful for the subsequent recruitment.

Furthermore, as to sexual exploitation, the United Kingdom reports the presence of men recruiting young women coming from their own country, even particularly vulnerable, underage girls comprised, subject to their control also since they force them to use drugs and alcohol. Recruitment of particularly vulnerable and fragile women is reported by other Member States too.

Methods of managing sexual exploitation vary according to the nationality of the criminal groups involved.

¹⁶ Belgium, Denmark, Estonia (where most of the victims are Vietnamese nationals), Finland and United Kingdom. United Kingdom reported a rise in the number of Thai victims, mainly in exploitation for prostitution, in the 2012-2013 period.

¹⁷ Belgium, Italy and United Kingdom.

Some Member States have reported a continuing increase in the number of "massage parlours" run by Chinese nationals as front businesses to exploit women coming from China, who are also victims of human trafficking. In comparison with the past, a new trend in this sector consists in the fact that now the Chinese brothels are accessible to non-Chinese clients too.

FOOD FOR THOUGHT

In Italy's experience, at the time of their departure, Chinese young women are more aware of their future work than women from other countries. The publication of newspaper and magazine advertisements inviting clients to massage parlours or ad hoc call centres represent the means used to get in touch with clients.

Considering the criminal objectives of the Chinese criminal organisations involved in this trafficking activity, it should be stressed that allegedly, the Chinese community is not interested in street prostitution, since it prefers not to be noticed. Instead, small flats in quiet buildings are rented by the organisation, false identity documents or ID documents in the name of persons not involved in the household management, are used to sign rental contracts. Once access is obtained to the rented premises and the availability of girls with forged documents established, newspaper advertisements, in most cases advertising Oriental massages, are published. Actually, massages are not excluded, but they are a front activity enabling the girls to offer several kinds of sexual favours upon the client's request. In every house, an older trustworthy woman, who is a prostitute as well, is generally in charge of explaining how the girls must behave with clients and which information can or cannot be given over the phone to avoid police interventions.

Generally, Nigerian victims¹⁸ are sexually exploited and controlled through magic religious rituals (juju), intimidation and violence.

¹⁸ Reported in Belgium, Finland, France, Ireland, Italy, Luxembourg, Netherlands, Portugal, United Kingdom, Czech Republic, Spain.

FOOD FOR THOUGHT

In Italy, Nigerian women are recruited in their country of origin by means of false job proposals or of the explicit perspective of working as prostitutes to pay their travel debts; they are handed over to one or more trusted members of the criminal organisation, who are responsible for their transfer and surveillance; they intimidate them by means that can even include violence. They travel by plane and use forged documents or take trains or buses if they come from other European countries. Sometimes they walk across the desert or travel by different types of transport, they pass through Morocco or Libya and then they arrive by boat to Spain or land on the Sicilian coasts. They often stay some days or months in some of the towns on the route.

The *madam* or *maman* is involved in this modus operandi: she plays an important role within the criminal organisation since she is responsible for recruiting girls in Nigeria on behalf of the organisation and pays victims' travel expenses in advance. In this way, the madam can completely manage the girls, obtain higher profits and plays the role of sponsor. The *madams*, who are often former trafficked victims, have the task of controlling girls, sometimes supported by their partners, and/or their male criminal fellows, as well as of ~~initiating them into~~ involving them in prostitution by using psychological and moral coercion methods, by seizing victims' ID documents, segregating them in premises managed by the organisation and using continuous magic-esoteric rituals to keep control and power over the exploited girls.

Usually, the link between the exploiter and the exploited victim is represented by the debt contracted by the victim when recruited, and is reinforced by the victim's fear of possible retaliation against her relatives in Nigeria.

Among the operating methods, Portugal has reported that traffickers abuse the asylum system to disguise trafficking in young women to be exploited as prostitutes; furthermore, they provide their victims with forged documents portraying them as their relatives; they take business-class flights and stay in expensive hotels to elude police controls. Usually, when traffickers travel together with their victims, they hold victims ID documents and try to speak for them in case of police checks.

Besides women representing the main target of traffickers and exploiters, some cases of male prostitution are reported, including minors and mainly involving outdoor prostitution.

Trafficking of human beings for labour exploitation purposes has always been a less evident phenomenon, difficult to identify, but recently it has been steadily increasing, probably because of both heightened awareness of investigative offices and the more rigorous multiagency approach.

The migration of these trafficked victims almost always starts when they voluntarily decide to leave their country in order to improve their own and their families' living conditions. In general, families and friends already living in Europe are the victims' formal or informal links, along with employers in touch with them or whose name has been obtained by the victims before their departure from their country, and ordinary or temporary employment agencies or web sites advertising job offers in the Member States. However, victims are not aware of the real living and working conditions in the places of destination.

The main factor in trafficked victims' vulnerability, regardless of their legal status in the country of destination, is the travel expense debts that must be paid to the financier or the facilitator. This is one of the more frequent *modi operandi*, often accompanied by violation of fundamental rights of workers and of the relevant legislation (imposition of harsh living and working conditions, wages lower than previously agreed and provided for by the law, no wages, heavy, harmful or dangerous duties disregarding security and healthcare rules), gender-based discrimination and/or sexual violence.

It is important to point out the presence of some special illegal intermediaries¹⁹ dealing with recruiting victims and transfers from the meeting point – usually where they live – to the place of work and vice versa. Furthermore, there are also people, operating both autonomously and within an association, dealing with victims accommodation (often in very bad health and hygiene conditions) and other logistical needs.

Sometimes, victims are forced to pay money to obtain the employer's job offer or to obtain a work permit²⁰.

Slovakia has reported a particular organisational method used by Slovak nationals to exploit labour²¹: generally they are of Roma origins and have settled abroad (mainly in the United Kingdom) thanks to their contacts with some employment agencies located in different countries – owned by Slovak or Pakistani nationals – they manage victims' transfers and accommodation in countries of destination where trafficked people are exploited in various work activities; the exploiters hold victims' ID documents, open bank accounts in their name and have complete access to them.

The United Kingdom and France have pointed out cases of forced labour exploitation of alcohol and drug addicts and persons with mental health problems.

¹⁹ In Italy they are called "caporali".

²⁰ Italy, Spain and Sweden.

²¹ This emerges also from United Kingdom answers.

FOOD FOR THOUGHT

On the basis of criminal investigations conducted and intelligence centralised by the Central Office for fighting against illegal labour (OCLTI), France established a typology of serious forms of labour exploitation, including both trafficking in human beings offenses for the purpose of labour exploitation and conditions of working, accommodation and wages incompatible with human dignity:

Type 1: Exploitation of several victims from the same community or diaspora for the purpose of labour exploitation within clandestine textile workshops, construction sector or other production activities;

Type 2: Domestic slavery occurring among the same diaspora reproducing conditions of exploitation already existing in the country of origin of the perpetrators and the victims;

Type 3: Abuse of physical or psychological disability of isolated victims who are exploited as general help maid ("à tout faire") by socially integrated national citizens;

Type 4: Serious exploitation of labour force following a fraud in relation to European posted workers²².

Types 1 and 2 generally have an international dimension, with sometimes a second Member State involved.

Type 4 systematically has a European dimension: victims are often nationals from East and South European Member States or sometimes come from third-countries, including South Americans.

²² European 'posted worker` means a worker who, for a limited period, carries out his work in the territory of a Member State other than the State in which he normally works. This category does not include migrant workers going to another Member State to seek work and be employed there. To guarantee that the rights and working conditions of a posted worker are protected throughout the Union, the EU law has established a core of mandatory rules regarding the terms and conditions of employment to be applied to an employee posted to work in another Member State: "the Posting of Workers Directive" (Directive 96/71/EC, OJ L 18, 21.01.1997, p. 1).

The majority of the identified victims are men coming from Eastern Europe²³, Africa²⁴, Asia²⁵ and Latin America²⁶, although there are different male/female proportions according to country of origin.

The sectors most affected are agriculture and livestock, where workers from Poland, Bulgaria, Romania, other far Eastern European countries and Africa are illegally employed, while the presence of Pakistani and Indian workers is increasing; Eastern European nationals are exploited in the construction sector, while Chinese employers and workers are mainly involved in the textile and manufacturing sectors, where Indian and Pakistani victims²⁷ are also exploited; victims mainly from Brazil, Morocco, China, Bulgaria and Nepal are exploited in the catering sector.

The United Kingdom has reported a predominance for the last three years of some members of the UK traveller community illegally involved in human trafficking aimed at forced labour exploitation within the specific sector of block paving and tarmacking.

As to domestic work (care workers and home care workers), people from Eastern Europe, Asia and Southern America are the main groups exploited. Particular forms of exploitation of domestic work have been reported as so-called "domestic slavery" in some diplomatic and consular offices. In this context, Austria has reported cases of Asian, Middle Eastern and African perpetrators.

FOOD FOR THOUGHT

The domestic work sector is the most difficult to investigate because of the high level of privacy protection due to the right of inviolability of the home²⁸ and the protection of the extraterritoriality of diplomatic premises.

²³ In particular, Poland turns out to be the country of origin of victims exploited in Belgium, Lithuania, Italy, Malta, Poland, United Kingdom, Sweden.

²⁴ In particular, they come from northern and sub-Saharan Africa.

²⁵ In particular, victims from India, Pakistan and/or Thailand are reported in Belgium, Cyprus, Denmark, Italy, the United Kingdom and Spain.

²⁶ In particular, they come from Dominican Republic and Colombia.

²⁷ In Belgium.

²⁸ The right of inviolability of the home is enshrined in the Convention for the Protection of Human Rights and Fundamental Freedoms (Article 8: Right to respect for private and family life: "1. Everyone has the right to respect for his private and family life, his home and his correspondence.") and in the Charter of fundamental rights of the European Union (Article 7: Respect for private and family life: "Everyone has the right to respect for his or her private and family life, home and communications.").

Some cases of trafficking in human beings aimed at arranging fictitious²⁹ and sometimes forced³⁰ marriages have been reported. As regards fictitious marriages or marriages of convenience, in Slovakia the intermediaries are Slovakian nationals, generally of Roma origins, legally staying in one of the Member States (mainly in the United Kingdom), who recruit Slovak nationals, most of them women (sometimes sexually exploited women), to arrange marriages with third-country nationals (from Asia and Africa), in order to legalise their presence in the EU.

Some cases of trafficking in human beings to obtain social benefits (social security and welfare benefits), so-called welfare frauds, have been reported³¹.

Almost all Member States have reported cases of trafficking in human beings, even of children often belonging to Roma communities or coming from Eastern Europe, for the purpose of their exploitation in forced begging³² and/or illegal activities (mainly thefts and drug distribution).

According to Slovakian reports concerning forced begging exploitation perpetrated by Slovak nationals, they use threats of violence or actual violence against persons living in extreme poverty, homeless or disabled people to travel to other Member States (as Germany, Austria or Italy) where they are forced to beg and to hand them the proceeds.

The modus operandi indicated by Lithuania with regard to the recruitment of minors exploited in criminal activities is particularly significant: victims are lured by promises of foreign holidays and the opportunity to earn money.

According to Romania, evidence collection is very difficult with regard to begging exploitation, since the alleged victims (minors and adults) are mainly members of Roma communities and integral parts of an "extended family" involved in this specific activity. As a matter of fact, Roma communities consider begging activity a means of subsistence for their families and deem it very different from the exploitation, carried out by criminal groups, of victims against their will by means of forced begging.

²⁹ Belgium, Latvia, Slovakia.

³⁰ Czech Republic and Slovakia.

³¹ Reported in France, Ireland, Poland and United Kingdom.

³² With regard to forced begging reference can be made to a project "Strengthening the fight against forced begging: a multidisciplinary approach" carried out by Austria, Belgium, France and Romania.

Bulgaria pointed out some cases of exploitation of pregnant women with a view to selling their new-borns and cases of human trafficking with the purpose of trading organs, which have not been reported by other Member States.

The traffickers almost always are members of criminal organisations and have generally already committed other crimes. Several Member States³³ have ascertained connections with local criminals. According to Bulgaria, when Bulgarian nationals are involved, together with people from Member States of destination (such Germany, Austria, Poland), different operational competences and roles are assigned: Bulgarian traffickers manage victim recruitment and transfers, the others deal with exploiting victims.

As to gender distribution, Romania has indicated an increase in the number of female traffickers at the recruitment stage, in comparison with their presence in the exploitation activities.

In many Member States, traffickers in human beings are from the same countries where the victims come from. In particular, Bulgaria has pointed out traffickers from the Roma community who are involved in trafficking aimed at sexual exploitation.

As far as traffickers' characteristics are concerned, the Bulgarian data are particularly interesting: traffickers have often already been involved in various criminal activities and may maintain close relationships with other criminals; they are wealthy although they do not have legal income. If they are women, they have been involved in prostitution.

They often travel to foreign countries, in particular to those of destination, together with their young victims. The illegal profits – sums of money (hard currency), jewellery, expensive products (luxury cars) – may be moved from one country to another by the traffickers themselves, by victims, or by trusted drivers. Some criminal groups reinvest their illegal profits in gold and jewellery that can be easily moved and used to show off wealth and to lure new victims.

Romania, as well, has indicated that traffickers tend to show off wealth; they have a good level of education and excellent organisational skills; they know and use mental manipulation techniques and other traditional violent methods to control their victims.

³³ Bulgaria, Croatia, Estonia, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Poland, Portugal, Czech Republic, Slovakia, Slovenia, Spain and Hungary.

E. Indicators of trafficking

In addition to understanding whether and how the phenomenon of trafficking in human beings has changed in the Member States, trafficking indicators were reviewed, starting with those concerning victims of trafficking, already analysed by the previous European projects on this matter.

Such indicators are complemented by the new list of indicators of perpetrators of trafficking, which constitutes the added value of this initiative.

Both sets of indicators (those relating to the victims and those relating to the perpetrators) are subdivided into:

- One list of indicators common to all types of exploitation;
- One specific list for each type of exploitation (sex, labour, other).

The indicators of both lists (victims and perpetrators) are:

- Italicised when they relate to investigations (not referable to the phase of first-level identification of victims of trafficking);
- Put in a box when they are newly emerged.

E.1 INDICATORS OF VICTIMS OF TRAFFICKING IN HUMAN BEINGS

The answers to the questionnaire confirmed the topical character of some indicators of victims of trafficking identified in previous European projects in this field, in particular the most recent *Euro TrafGuID project*, but also contained proposals for new indicators or differently oriented ones.

- Indicators of victims of trafficking common to all forms of exploitation
 - ✓ Needy condition for various reasons (economic, family, discrimination)
 - ✓ Deception about working and/or living conditions
 - ✓ Specific methods of transport and arrival (in group and without knowing each other, following pre-established routes, having different reference persons in the various phases, etc.)
 - ✓ Subjugation to traffickers (for trust, fear of threats and/or physical or psychological violence)
 - ✓ Deprivation of self-determination capacity (in terms of movement, working conditions and hours, choice of accommodation, interpersonal relations, ability to turn to authorities, etc.)
 - ✓ Isolation as regards communication (taking away/deprivation of means of communication)
 - ✓ Unavailability of identity documents (due to lack/deprivation) or availability of forged documents
 - ✓ Total or partial withholding of the money earned (debt bondage)
 - ✓ Reticence and/or inconsistent/contradictory statements
 - ✓ Vulnerability and exploitation linked to irregular presence on the national territory concerned
 - ✓ Vulnerability through not knowing the language and the laws of the country of destination
 - ✓ Vulnerability and exploitation following threats of retaliation against the victim's relatives, also in the event of reporting to the authorities
 - ✓ False statements of legal age to avoid measures to protect minors
 - ✓ *Missing-person cases, homicides*

•Indicators of victims of trafficking for sexual exploitation

- ✓Trauma
- ✓Cultural conditioning
- ✓Isolation, uprooting
- ✓Being convinced of being unable to abandon prostitution for various personal or social reasons
- ✓Impossibility of avoiding prostitution even if in unfavourable physical conditions (pregnancy, illness, unprotected sex)
- ✓Existence of a loving relationship with the trafficker
- ✓Recurring reports of minors prostituting themselves
- ✓Availability of counterfeit documents proving the existence of (fictitious) kinship relations between victims and traffickers
- ✓Forced marriages and marriages of convenience with citizens of the destination States³⁴.

•Indicators of victims of trafficking for labour exploitation

- ✓Large number of immigrants in the place of accommodation
 - ✓Large numbers living at the place of work
 - ✓Obligation to lodge in a given place
 - ✓Deprivation of freedom of movement throughout the working day, with impossibility of leaving the work place
 - ✓Continuous monitoring during the working day (also through video-surveillance systems) and leisure time
 - ✓Impossibility of exercising fundamental freedoms, including trade-union freedoms, in the workplace, and of benefiting from the envisaged welfare and social security guarantees
 - ✓Not knowing the identity of employers/guards and knowing only their fictitious names
 - ✓Frequent transfers in the national territory
 - ✓Legal and economic working conditions considerably below the minimum standards laid down by legal contractual rules
 - ✓Forced labour in seriously unsafe/unhealthy places, impossible/difficult access to health services
 - ✓Impossibility of choosing an employer and negotiating working conditions and wages
 - ✓Partial deprivation of wages (due to unreasonable deductions, failure to comply with collective agreements, payment of the "debt bondage")
 - ✓Acceptance of work arrangements enforced by means of violence, threat or intimidation
 - ✓Possible punishment at work, including the use of violence
 - ✓Possible (sexual or non-sexual) violence for the purpose of subjugation and control
 - ✓Fictitious possession of bank accounts which are used by the traffickers
 - ✓Obligation to pay the employer or pay for work permit to get the job
- DOMESTIC WORK
- ✓Servitude condition
 - ✓Forced cohabitation
 - ✓Forced activities other than work (sex)

³⁴ The reference to the indicator concerning forced marriages and marriages of convenience with citizens of the destination States has been included because this kind of marriages could be intended not only for irregular migration, but also for the unaware exploitation of immigrants for various purposes (sexual, labour exploitation, etc).

- Indicators of victim of trafficking for other types of exploitation (begging, perpetration of criminal activities, trafficking in organs)

- ✓Daily forced employment in criminal activities (bag-snatching, pickpocketing, burglary, vehicle theft, shoplifting, drug pushing) for several hours during the day
- ✓Forced hospitalisation
- ✓Forced cohabitation, sometimes also paying
- ✓Impossibility of living and moving autonomously
- ✓Presence of a "controller"
- ✓Forced begging for several hours each day, inter alia to pay the debt bondage for the travel
- ✓Vulnerability due to disability or other psychological or physical condition of inferiority (for instance, pregnancy) for the purpose of begging
- ✓Vulnerability for being a member of a minority for the purpose of begging and/or perpetrating illegal activities
- ✓Reports of non-compliance with compulsory education laws for under-age victims
- ✓Recurring reports of minors involved in begging and/or illegal activities
- ✓Illegal international adoption of foreign minors
- ✓Extreme poverty or conditions of need

E.2 INDICATORS FOR THE IDENTIFICATION OF PERPETRATORS OF THE CRIME OF HUMAN TRAFFICKING

This is the innovative part of the present Handbook, since previous European projects mainly concentrated on victims of trafficking.

This issue is not always well examined, as far as can be inferred from the questionnaire responses. This is partly justified by the fact that such indicators generally result from investigation work aimed at identifying the criminals involved in this illegal activity.

Some of these indicators, however, are already extractable from the indicators of victims of trafficking, interpreted from the trafficker's point of view.

FOOD FOR THOUGHT

Whilst supporting and protecting the victims, it is desirable that at the same time increased efforts be deployed by Member States to investigate as thoroughly as possible the criminal networks involved in trafficking in human beings, especially by using the tools offered by international police cooperation.

This will improve, inter alia for investigation purposes, the knowledge and monitoring of the subjects and criminal organisations engaged in this transnational crime, thus making it possible to combat the phenomenon more effectively.

•Indicators of perpetrator of the crime of trafficking in human beings common to all forms of exploitation

- ✓Recruitment, transport and use of physical and/or psychological violence, threat and intimidation
- ✓Recruitment with misleading promises of better working and/or life conditions
- ✓Recruitment of children by paying sums of money to their parents
- ✓Management of administrative and/or logistical and/or working aspects (confiscation of identification documents, provision of falsified documents, finding housing, searching of criminal connections in other countries, planning route, transfer and transport patterns across states and arrival in the country of destination, determining and controlling the working conditions)
- ✓Preventive indoctrination of victims, including how to behave with law enforcement authorities
- ✓Control/prevention of victims' movements and communications (taking away/depriving the means of communication)
- ✓Organising into criminal "cells" sometimes of different nationalities, with specific expertise in each phase of trafficking
- ✓Transfer of the victim to other criminal groups (for or without payment)
- ✓Membership of traffickers in family-run criminal groups
- ✓Total or partial withholding of the victim's earnings for "debt bondage" or as a result of extortion
- ✓Threats of retaliation against the victim's family, including in the event of reporting to the authorities
- ✓Violence against victims for punishment (sexual assault, kidnapping, injuries, homicides)
- ✓Management of remittances abroad
- ✓Corruption
- ✓Statement of false relationships for custody of child victims

•Indicators of perpetrator of the crime of trafficking in human beings for the purposes of sexual exploitation

- ✓Management of prostitution working hours
- ✓Coercion into prostitution using cultural pressures
- ✓(Sexual/non-sexual) violence against victims for the purpose of subjection and control
- ✓Total control of earnings
- ✓Sentimental bond with the victim instrumental to the exploitation
- ✓Impeding the possibility of repatriation and of resorting to police authorities or care services
- ✓Recruitment of victims regularised through forced marriages and marriages of convenience
- ✓Use of the internet and social networks to recruit victims and procure customers
- ✓Intimidating power of the association bond
- ✓Control of victims, including through the administration of drugs and alcohol
- ✓Use of the internet /social networks to maintain open lines of communications among traffickers to escape interception
- ✓Procurement of forged documents attesting to (fictitious) family relationships between victims and traffickers

- Indicators of perpetrator of the crime of trafficking in human beings for the purposes of labour exploitation

Relating to the trafficker:

- ✓ Allocation of workers to employers and negotiations on working conditions and wages
- ✓ Enslavement of victims in their work place: they are constantly monitored by a video surveillance system
- ✓ Use of violence, threats and intimidation to impose illegal working conditions, to control and sanction
- ✓ Wages are subject to illegitimate partial deductions
- ✓ The identity of employers/supervisors is hidden
- ✓ Supervision of the victims' leisure time
- ✓ Impeding the possibility of repatriation and of resorting to police authorities or care services
- ✓ Handling of bank accounts forcibly opened in the name of victims to gain economic, tax, welfare and pension benefits due to workers

Relating to the employer:

- ✓ Work organisation and employment of workers by using violence, threats, intimidation
 - ✓ Coerced labour in seriously unsafe/unhealthy places
 - ✓ Steady recourse to intermediaries or unlawful supply of labour
 - ✓ General tolerance of illegal labour recruiters or guards in the work place
 - ✓ Wages below the legal minimum and serious violation of labour laws and of social insurance and accident prevention legislation
 - ✓ Prevalence of illegal workers
 - ✓ Management of work supply such as "fast fashion workers" under extremely competitive conditions
 - ✓ Use of "employment agencies" to recruit seasonal workers, with job postings (with board and lodging) on the web which, in fact, turn out to have much lower standards than those advertised
 - ✓ Seasonal jobs offers resulting in regularisation through residence permits paid by the employee, which allow access to the whole Schengen area labour market
- DOMESTIC WORK
- ✓ Servitude conditions
 - ✓ Forced cohabitation
 - ✓ Request for non-work (sexual) related activities

•Indicators of perpetrator of the crime of trafficking in human beings for the purposes of other types of exploitation (begging, coercion into criminal activities, trafficking in organs)

- ✓Management of places and conditions of use
- ✓Management of accommodation facilities
- ✓Management of assignment to "controllers"
- ✓Administrative management
- ✓Partition of the territory
- ✓Continuous control of the victims, including through violence, threats and intimidation
- ✓Selection of victims in relation to their criminal use
- ✓Management of illegal international adoptions of foreign children
- ✓Exploitation of children in order to obtain public subsidies
- ✓Exploitation of disabled people also in other Member States

F. Specialised investigative police offices

Considering the investigative approach adopted after the first intervention, the replies to the questionnaire show that in the majority of Member States³⁵ investigations into human trafficking are conducted by specialised units set up within the law enforcement central offices with a general competence.

The Member States where there are not *ad hoc* units working on trafficking in human beings, the specific investigative activity is carried out by the offices dedicated to countering organised crime activities or by special units within the immigration bureaus (Netherlands, Poland, Portugal, Denmark, which has a central office dedicated to combating human trafficking and smuggling).

In Belgium, Bulgaria, Cyprus, France, Greece, Hungary, Ireland, Poland, Portugal and the United Kingdom central specialised law enforcement offices are exclusively dedicated to combating human trafficking.

In the majority of Member States at local level there are *ad hoc* police units responsible for this kind of investigation.

It is worth mentioning the following organisations:

- United Kingdom Human Trafficking Centre – UKHTC, within the National Crime Agency, which is also a Competent Authority within the UK’s National Referral Mechanism;
- The Trafficking Human Beings Central Unit in Belgium, which is a key actor for the Victim Referral Mechanism of the Ministers and is a point of contact in cases of international cooperation and assisted return;
- Two Anti-trafficking Central Units and twelve Anti-trafficking Teams located in Greece. The Anti-trafficking Department within the Hellenic Police Headquarters is responsible for strategic coordination, cooperation and support for all the local Services;
- In France different central offices of criminal police belonging to the National Police or the National Gendarmerie are competent, depending on the form of exploitation: the Central Office for Repression of Trafficking in Human Beings (OCRTEH) for any form of sexual exploitation, the Central Office for Combating Illegal Labour (OCLTI) for any slavery, servitude, forced labour or working/living conditions against human dignity and the Central Office for Combatting Crimes against the Environment and Public Health (OCLAESP) for any crime of trafficking for the purpose of organ removal;
- In Spain the Central Unit Against Trafficking in Human Beings and Forgeries is the Focal Point coordinating regional branches and also has the aim of supranational coordination in related matters. Receiving, transmitting, gathering and elaborating intelligence are the main purposes of UCRICF as well.

In all Member States relevant training courses dedicated to trafficking in human beings are attended by police operators, both from the central specialised units and from other offices dealing with organised crime.

³⁵ 17 Member States.

This kind of training is also carried out with the support of EU agencies and international organisations (such as CEPOL, IOM and ILO), often involving high-ranking officials as well as police operators.

Alongside the most common training activities, refresher courses are constantly set up, including for the provision of specific qualifications (e.g. for interviewing victims).

Some Member States put an emphasis on the tasks of labour inspectors, and give them in-depth training, some focused on investigative requirements. The specific investigative aim, in fact, is not commonly pursued by labour agency officials, e.g. in Italy only a police agency is responsible for investigative activities and for inspections in the field of work as well (*Carabinieri per la Tutela del Lavoro*).

G. Special investigative tools

In general, investigations into human trafficking envisage the use of investigative techniques and tools to combat organised crime and serious crimes, as well as special operations and undercover activities.

The latter, however, are not adopted in ~~Finland~~, Malta, Slovakia and Sweden.

In all Member States financial and asset-related investigations are also conducted at various levels of in-depth analysis. In some Member States it is a mandatory activity, and it is often carried out by specialised teams whose task is to find documents useful for financial investigations (e.g. during domicile searches), which support the investigators of trafficking in human beings.

In some Member States, seizure of illicit proceeds is provided for. In particular, in the Netherlands, in line with Directive 2011/36/EU, investigators can seize and subsequently sell the illicitly acquired assets and proceeds of organised crime groups in order to compensate victims of trafficking in human beings.

Not all Member States use wire-tapping and communication interception. According to the results of the questionnaire, they are not used in Belgium, Estonia, Latvia, Lithuania or Malta, while Cyprus reports the strict conditions that must be met to apply these investigative tools, which are not commonly used.

Only Slovakia, Spain and Germany stressed the presence of "joint investigative teams", supported by several EU initiatives.

H. National action plans against trafficking in human beings

Almost all Member States have adopted ad hoc national action plans (except Germany, Latvia, Lithuania, ~~Spain~~ and Sweden; in Italy it is still under development).

Some Member States which do not have ad hoc national action plans (Germany, Latvia, Lithuania and Spain) include trafficking in human beings in more general crime-fighting plans.

In Sweden human trafficking is addressed neither in a specific nor in a more general plan.

Law enforcement agencies responsible for countering this phenomenon play an active role both with regard to the planning, drawing up and updating of the action plans and related strategic lines, and to the implementation of the relevant operational activities.

Usually the Action Plan involves coordination of prevention and combating the phenomenon (included international cooperation) and protection of victims, with a distributed, multi-agency approach, with allocation of individual tasks to the various entities involved, staff training, collection of data relating to the phenomenon, and analytical assessment of the results.

In most cases the National Action Plan is issued by central governmental bodies, in which cabinet or the relevant ministries, and law-enforcement services are *de jure* members on the permanent consultation boards.

In most Member States a National Coordinator is provided for (e.g. Cyprus, where the Minister for the Interior has that role). In other Member States the central governmental body responsible for the matter is also the national coordinator and contact point.

I. Police cooperation with third countries of origin of traffickers and trafficked victims

Most Member States have signed police cooperation agreements with third countries of origin of victims and traffickers, with the exception of Bulgaria, Estonia, ~~Finland~~, Hungary, Latvia, Luxembourg, Poland, Slovakia, and Slovenia ~~and Sweden~~.

The most frequent cooperating third countries include: Nigeria, China, Western Balkan countries, far Eastern European countries (especially Moldova, Ukraine and Belarus), while there is a particular cooperation between Lithuania and Japan.

Cooperation agreements with third countries emerging as countries of origin of traffickers in human beings (India, Pakistan, Vietnam, Thailand) were not reported, except Sweden, which has a cooperation agreement with Thailand.

Many Member States suggested enhancing cooperation between Member States and third countries of origin of victims and traffickers by both increasing police bilateral cooperation agreements and seconding liaison officers.

Moreover, a frequent remark is that it would be advisable to carry out programmes of training and exchanging good practices in order to raise awareness and train operators in third countries of origin and transit of trafficking in human beings.

Bulgaria highlights the need for law enforcement agencies to use linguistic/cultural mediators, some of which may be found through NGOs; this is in fact a well-known procedure and often an essential condition in the framework of activity against trafficking in human beings, especially in an approach focused on victims.

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 (Belgium, Bulgaria, Greece, France, Italy, Hungary, Romania, as well as Turkey, Ukraine, Russian Federation, Moldova, Belarus, and Albania).

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 respectively³⁶). 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 meetings³⁷ 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.

³⁶ Training sessions took place in Rome (September 2004), Tirana (November 2004) and Paris (December 2004).

³⁷ Italy, Greece, Turkey and Romania 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 Police³⁸. 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, Portugal, Romania and Poland.

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.

³⁸ 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 Italy, Austria, Greece 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 Spain, the Netherlands, Greece, Romania and Bulgaria, 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.