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1. Introduction

Trafficking in Human Beings (THB) is a growing area of criminality in terms of number of victims, volume of illicit profits generated, trans-national dimension and links with other areas of criminality. It poses one of the most dangerous threats in the Member States of the European Union (EU). United States authorities estimate THB the third largest source of profit for organised crime after drug and arm trafficking.

THB tends to be a trans-national crime, with most of the victims originating in one country and then exploited in others. This is important in order to understand that international co-operation is a key factor to prevent and combat the phenomenon. Any initiative undertaken at a national level only is destined to have a limited impact against criminals.

The role of the law enforcement agencies in the first place and the Non-governmental organisations (NGOs) has been crucial for the recognition of the problem, which at the beginning tended to be underestimated. Intelligence gathered during investigations on THB and the experience gathered by the NGOs assisting victims on the streets, revealed the growing involvement of criminal groups in this area of crime.

The negative impact of this form of crime on the society is thus no longer ignored and more and increasingly research, discussions, and ongoing social programmes are stimulating even political authorities to face the phenomenon both at a national and international level.

This is the reason why this issue is debated in many international fora. In addition to this, the European Union is becoming a major destination market for victims of THB. This has forced the Member States to propose actions at a European Level, through the Commission, the Council and Europol.

In December 1996 the Europol mandate was extended in order to include THB. In addition, from 1 January 1999, the Europol mandate of THB was extended also to include the production, sale and distribution of child pornography material.

Other issues related to THB which are not still included into the Europol mandate, will be briefly dealt with in this report, because they are closely related in their dynamics and character to the criminal area described in the first part of the definition in the Europol Convention.

The aim of this report is to provide the relevant authorities in Member States with a vision of the general situation of this phenomenon at an EU level, in order to have a common informative tool to be used for prevention and combat against this phenomenon.

Despite all efforts the impact of THB in the Member States has remained considerable and further forms of action have to be identified and adopted.

2. The phenomenon of THB

Some general aspects of THB need to be addressed before entering into the analysis concerning routes, modus operandi, criminals and victims as reported in the contributions received. The examination of these issues is needed because they have a direct impact on law enforcement activities.

2.1 THB as a crime

This report is not meant to enter into details about legal issues, however it is necessary to highlight issues that turn out to be weak points in the fight against THB.

The perception of what is Trafficking in Human Beings is different amongst the many parties who are involved in studying, preventing and contrasting the phenomenon, both at a national and international level.

The reaction to criminal activities in this area of crime has resulted in different international agreements and national legislation frameworks. As a consequence different International Conventions, Memoranda of Understanding, national laws and regulations for one or more aspects of THB are in place, but the phenomenon is still not regarded as a whole.

Thus a first problem is linked to the definition of which criminal activities should fall in the area of THB. It is a given fact that THB is a complex criminal activity, being formed by a sequence of acts which are linked together by the final aim of exploiting a person against his/her will.

The majority of the Member States do not have specific legislation on THB, although different legislation proposals are currently in discussion in various Member States. Currently only Belgium, The Netherlands and Germany have specific legislation in place. In other Member States the criminal acts that are phases of THB, are addressed as different crime categories, mostly falling in the area of crimes facilitating illicit immigration, of sexual exploitation or related to the use of violence, arms and threats or forgery of documents (see more in detail chapter 5.2.2.). The criminal activities described in each of these crimes differ from country to country and the possible penalties are not homogeneous.

The result is that when confronted with THB cases, Public Prosecutor Offices in most Member States have to use a combination of charges that make the penalties applicable unsure, and creating further possibilities for criminals to appeal. The prosecution also has to prove each element of each of the various crimes applicable to the case. The existence of a specific THB offence would streamline prosecution procedures.

In addition to variety of crimes, which cover most of the aspects of THB, many national penal codes have low penalties that do not constitute a sufficient deterrent for traffickers.

An exception to the low penalty that traffickers risk in case of prosecution is represented by the penal code in Germany, where the crime of THB was recently included with penalties that can reach up to 15 years imprisonment.

The lack of a harmonised approach to a legislative crime definition of THB also affects the level of priority given by the prosecution system and by law enforcement to fight the phenomenon. It cannot be denied that more resources tend to be allocated in the repression of the most dangerous forms of crimes and that one of the criteria used to define the level of danger is the level of penalty stipulated by the penal code.

This situation creates ideal conditions for criminals who can adopt so-called *forum shopping*, exploiting differences in legislation for risk reduction and optimisation of profits.

In addition to that, the differences in the penal and procedural codes of Member States are a major obstacle to law enforcement and judicial international co-operation.

It is therefore imperative to continue the ongoing discussions and to define a common approach in order to harmonise legislative frameworks at a European Union level, considering the crime of THB as a whole and with appropriate penalties.

Some of the origin countries for victims of THB exploited in the Member States, have criminalised THB. For example Hungary amended its Criminal Code in March 1999. Lithuania also has a criminal offence with imprisonment ranging from 4 to 12 years, in Poland penalties for THB range from 1 to 10 years imprisonment. This represents a positive factor for the judicial and law enforcement co-operation, and such legal developments in the source countries for THB victims should be encouraged by the EU.

2.2 The need for an EU common approach

In order to tackle the phenomenon of THB, it is essential to understand its scope.

Recent law enforcement experience within Member States in the last few years led to a clearer conceptual distinction between the crime area of Smuggling of illicit immigrants (Illicit Immigration) and THB.

It is now commonly accepted that the distinctive factor between the two is given by the fact that for THB:

- the final aim of the criminal acts is the exploitation of a person;
- it happens against the will of the person exploited;
- the person trafficked is not the buyer of a service offered by an organisation who can assist in entering and stay in a foreign country, but a victim of an organisation who aims at forcing the will to satisfy the demand of a market such as prostitution or cheap labour.

This distinction is well reflected in the annex to the Europol Convention, where definitions are given in order to define the criminal mandated areas, in the annex to art. 2¹.

A fundamental problem is to define the purpose for which a person is exploited, in order to protect categories of victims. A debate is ongoing in several international fora whether to limit the scope of THB to sexual exploitation only or to extend it to other kinds of exploitation such as the various forms of forced labour².

The Belgian penal code adopted a very wide concept of exploitation, extending the repression to any form of exploitation even outside the area of sex. This approach appears to be more suitable to fight the phenomenon of THB, because a strong repressive policy at a EU level only contrasting sexual exploitation would lead international criminal networks to be more

¹ In the annex to the Europol Convention Trafficking in Human Beings is defined. It states: "traffic in human beings means subjection of a person to the real and illegal sway of other persons by using violence or menaces or by abuse of authority or intrigue with a view to the exploitation of prostitution, forms of sexual exploitation and assault of minors or trade in abandoned children." As from 1 January 1999 the definition was supplemented with the following text: "These forms of exploitation also include the production, sale or distribution of child-pornography material."

- "illegal immigrant smuggling" means activities intended deliberately to facilitate, for financial gain, the entry into, residence or employment in the territory of the Member States of the European Union, contrary to the rules and conditions applicable in the Member States;

² See for example the Protocol of the United Nations Convention against Transnational Organized Crime, signed in Palermo in December 2000 by the EU Commission.

and more active in the other forms of exploitation of human beings. The conditions of people exploited, such as those forced to work in clandestine laboratories, often have the same characteristics of slavery in the same way as prostitution, and for this reason needs to be dealt in a similar fashion.

Another issue that appears crucial is to define to which extent THB is linked to evident coercion. Law enforcement knows very well the distinction between forced and voluntary prostitution, being a classic issue in Court for cases related to the exploitation of prostitutes. Self-determination and coercion are two opposite sides, and when the first is in place no forms of exploitation can be claimed.

However, in between these two limits, criminals have adopted many ways of reducing or annihilating the will of the persons exploited, which are not often visible to law enforcement and even not perceived as such by the victims themselves.

These modus operandi will be described in chapter 4.2. of this report. What is important to stress here is that, any preventive and repressive approach should not only consider the use of coercion through violence and threat. Other more subtle forms of influence on the capacity of self-determination such as deceit, abuse of authority, debt bondage and other forms of pressure against free agreement need to be addressed.

This is the trend that can be found in The Hague Ministerial Declaration on European Guidelines for Effective Measures to Prevent and Combat Trafficking in Women for the Purpose of Sexual Exploitation held on 24 and 26 April 1997³, and in the Europol Convention.

The general adoption of this principle into penal codes of the MS, would result in a dramatic change in the fight of THB. When the criminal conduct for the crimes related to THB would expressively include even the other forms of pressure against self-determination, prosecution would be easier for different reasons.

Firstly, evidence gathering would not be limited only to violence or intimidation, but could be widened to other forms of influence, leaving fewer opportunities for criminals to conceal these offences.

Secondly, the stigmatisation of the criminal conduct by the penal code, would make the law enforcement action more sensitive in investigating cases where exploitation of persons is obtained through deceitful means. It would also help the law enforcement personnel to recognise that many foreign women working in the prostitution markets of the MS are to be considered victims of a crime rather than voluntary prostitutes.

Thirdly it would make international co-operation possible also for the above-mentioned cases, with particular reference to the prosecution of the organisers of the trafficking, in the countries of origin of victims.

Another issue worth of mention is whether the trans-national cross border is an essential component of the crime of THB. In other words: is it necessary that women or minors originate from another country in order to be considered as victims of the phenomenon of THB? If a minor is abducted from his/her family and then forced to sexual exploitation or begging in another part of the same country, should he/she be considered a victim of the crime

³ “For the purpose of this The Hague Declaration trafficking in women relates to any behaviour which facilitates the legal entry into, transit through, residence in or exit from the territory of a country; of women for the purpose of gainful sexual exploitation by means of coercion, in particular violence or threats, or deceit, abuse of authority or other pressure which is such that the person has no real and acceptable choice but to submit to the pressure of abuse involved.”

of THB or only be protected by the provisions stipulated for the crimes against exploitation of prostitution?

The problem also covers the cases in which women are lured from third states, being available to pay the travel and having regular documents, falling later on in the hands of criminals who force them to prostitution with threat or violence. A debate on the introduction of a common criminal provision at an EU level should possibly also take into account this issue.

The existence of a common THB crime in Member States would dramatically enhance the gathering of statistical data at the EU level, creating the pre-condition for a better knowledge of the phenomenon. It would also facilitate the use of police databases and the exchange of police and judicial case related information amongst all the Member States.

The European Parliament, adopting the report by the Belgian Patsy Sorensen on the Commission's Communication "For further actions in the fight against trafficking in women" recommended in May 2000 a common EU approach. The EU common policy should be based on the drawing up of a legal framework, the implementation of a law and prevention measures, and aimed at prosecuting and punishing guilty parties and protecting and helping Victims.

The European Parliament stated that a clear and harmonised definition of the notion of trafficking is a precondition to an effective campaign. The Commission was urged to extend its proposals to the THB in general (so as to include the trafficking in men and children), including those originating in EU Member States.

This principle is also reflected in the "International Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children," which is a part of the UN Convention Against Transnational Organized Crime, still in the negotiation phase. It gives in fact a definition of THB which covers forced labour⁴.

While the criminal approach is unitary, the law enforcement and judicial and legislative approach in the Member States still tends to be fragmented. These aspects will be better highlighted in the following chapters, with special focus on THB for sexual exploitation, particularly in chapter 6.

2.3 The phases of THB

The need to adopt a common criminal provision against the crime of THB as a whole, becomes clear when the different phases of THB are taken into account.

The following chart shows the different phases of THB, the details about the modus operandi of each of them will be dealt in chapter 4.

The criminals active in THB commence activity with the recruitment of victims. They then arrange their transportation into the destination countries, committing several illicit activities partly overlapping with the activities of smugglers of illicit immigrants. However, traffickers do not stop with assisting the entrance into one country of the EU. Their final aim is to derive

⁴ According to the Protocol, trafficking in persons means the recruitment, transportation, transfer, harboring or receipt of persons: by the threat or use of kidnapping, force, fraud, deception or coercion, or by the giving or receiving of unlawful payments or benefits to achieve the consent of a person having control over another person, for the purpose of sexual exploitation* or forced labour.

*The word "sexual exploitation" is being debated, and may be replaced by the words servitude and slavery.

a profit from their victims by forcing them to satisfy the demand of particular markets in the EU, such as the demand of minors and women for sex or the demand of children for adoption.

Thus THB crime is formed by a series of criminal activities which constitute a continuum, being all finalised to the high profit obtained from the exploitation of humans against their will.

If the exploitation of Human Beings is the aim, the tool used to exploit them is the circumvention of their capacity to self- determination. This is another aspect that constitutes a continuum through all the process leading from recruitment to obtaining of money from exploitation.

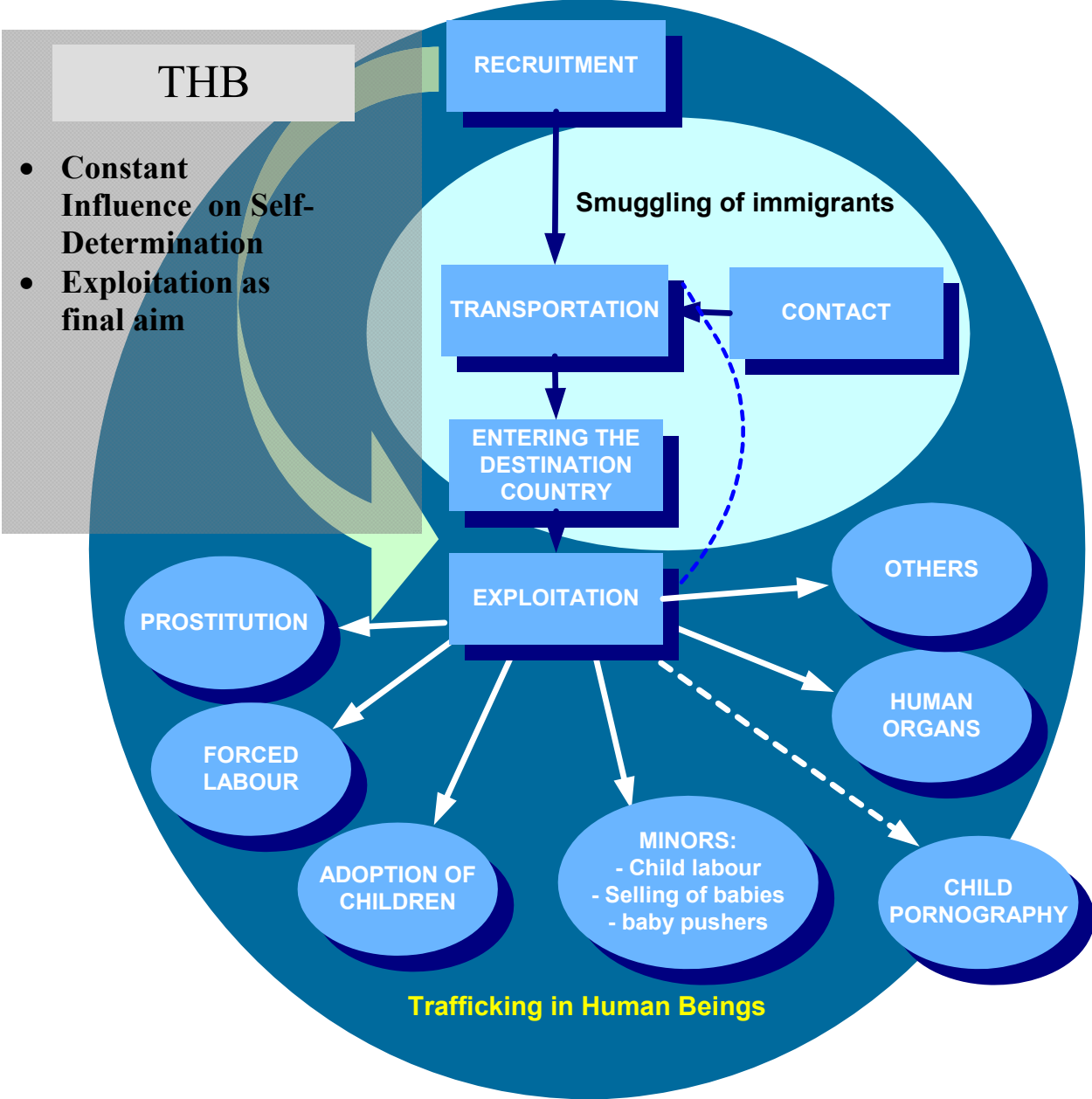


Chart 1: the phases of Trafficking in Human Beings

Thus it is important to stress again, how important for both crime reduction and crime prevention is awareness around the different forms of pressure against self-determination. The awareness of law enforcement, social operators and the political level on this issue would help in prompting investigations against traffickers and in the adoption of programmes for assisting victims.

2.4 Different forms of exploitation of Human Beings

As noted previously, traffickers do not limit themselves to exploit forced prostitution of women and minors but obtain profit from other areas of exploitation, some of them listed in the annex to the Europol Convention Trafficking such as the trade in abandoned children.

The European Parliament, in May 2000 while recommending a common EU policy tackling the phenomenon of THB, stated that a definition of Trafficking of Human Beings should also cover all practices approximating to slavery, other than forced prostitution and sexual exploitation, like, for example, forced work and forced marriages.

This report will focus on exploitation of prostitution. However, it is felt that a brief mention to other forms of exploitation should be included. The information utilised in this chapter is mostly based on open sources.

2.4.1 Prostitution

Sexual exploitation is the form of THB that generates the highest profit for criminal groups impacting on Member States. In chapters 3, 4 and 5 a more detailed description of victims, criminals and their modus operandi, opportunities and problems in the fight against this form of crime will be better described.

2.4.2 Forced labour

Forced labour has been proved to cause the same conditions of slavery as forced prostitution and sexual exploitation. Several investigations documented the existence of this phenomenon in Member States. The cases relate to victims who had entered the EU as clandestine immigrants and subjected to exploitation by criminals using debt bondage, deprivation of documents and other arguments normally used for sexual exploitation.

Victims are mainly forced to work in agriculture, textile, building and restaurant sectors, depending on their origin and on Member State where they are exploited. However, cases investigated in Member States also revealed the use of clandestines for other work areas.

The demand for illicit workers depends on the needs of the sector and the intensity of control by official organisations.

Intelligence from Belgium indicates that Chinese immigrants are found usually in the restaurants, while Sri-Lankans are used in clothing industries.

In December 1998 an operation began in Italy as a result of a statement by a Chinese illegal immigrant relating to the kidnapping of his own spouse, who had also entered Italy illegally.

During 1999 the Carabinieri arrested 38 Chinese nationals and received information on another 32, on charges of kidnapping, aiding and abetting illegal immigration, profiting from undeclared labour and subjugation.

In the course of the investigation:

- 120 logistical bases available to the criminal group were uncovered;
- 149 commercial and crafts businesses were investigated;
- 570 persons of Chinese origin without a residence permit for Italy were identified and deported from Italy.

The illegal immigrants had to pay the organisation the sum of ITL 20,000,000 (10,329.13 Euro); once in Italy, they were employed as undeclared labour in clothing sweat shops involved in black market activities managed by the Chinese.

During 1999 a criminal organisation dealing with illegal immigrants from Eastern Europe was dismantled in Spain. Four men (2 Spanish, 1 Colombian and 1 from Poland) were arrested as principals of the network. The police also arrested 58 illegal immigrants, all of them from Ukraine, who had visas issued by Schengen countries Embassies in Ukraine, mainly in the Austrian, French, German and Spanish Embassies.

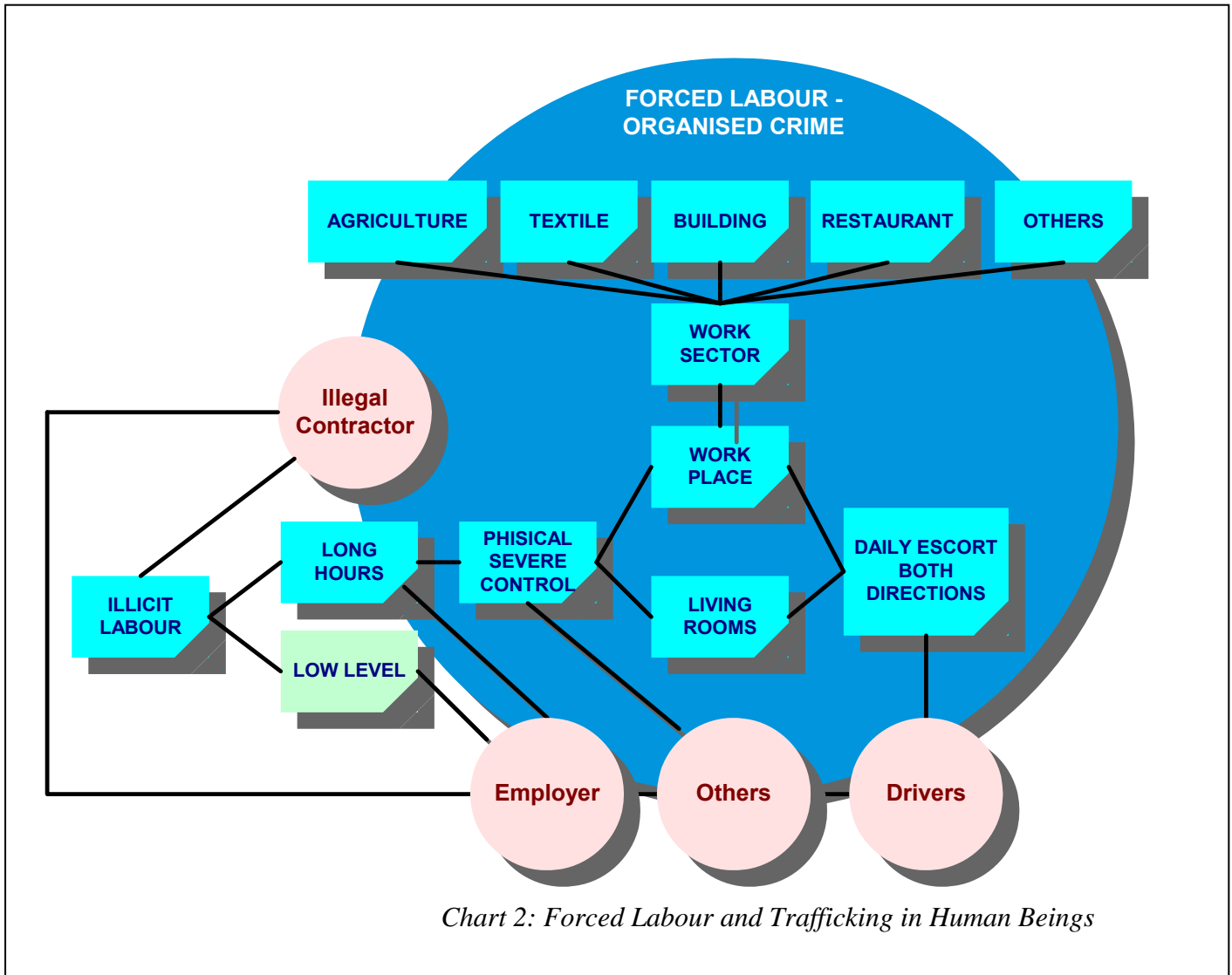
The organisation contacted the immigrants through several Ukrainian agencies and offered them a good job in Spain. The immigrants had to pay the network the amount of 650 USD to obtain a tourist visa and a flight ticket. Later on, they were carried out to Spain in small coaches.

Once in Spain, they were forced to work in the fields in extremely bad conditions, closely to a slavery situation. The immigrants were lodged in several small flats that the organisation arranged for this purpose and where conditions were extremely poor.

Other similar investigations were reported by Spain to Europol, on illegal immigrants from China or from Former Soviet Union countries such as Ukraine, Lithuania and Georgia, who became victims of forced labour, with the same modus operandi already described. Most of victims were forced to work in the garment industry, under tight physical control, neither being allowed to leave unaccompanied the illicit workshops where they work nor the small flats where they slept.

An interesting aspect to note is that the criminals who facilitated the entrance of the immigrants for the aim of exploitation forced some of the victims into forced labour and the others into prostitution. This means that the exploitation of prostitution and that of forced labour are closely inter-twined. The same inter-woven relation has also been noted in the USA⁵, with regard to cases of THB against Chinese victims.

⁵ DCI Exceptional Intelligence Analyst Program: 'An Intelligence Monograph International Trafficking in Women to the United States: A Contemporary Manifestation of Slavery and Organized Crime by Amy O'Neill Richard, November 1999'



2.4.3. Adoption of Children

Due to the complexity of adoption legislation, the slowness of adopting processes and the long waiting lists for legal adoptions in most Member States, couples from the EU travel to poorer countries in order to “purchase” children. The conditions of extreme poverty in some countries in Asia, Africa, Latin America and Eastern Europe encourage this illegal activity.

As a result of the political and social developments following the fall of the Berlin wall, the numbers of children from the Former Soviet Union and Central Eastern European countries, adopted in Member States, has grown considerably.

The representative of the Italian NGO “ Amici dei bambini” reported in a seminar held in Milan during September 2000 that there are areas in Ukraine where it is difficult to find out a child younger than 6 years. The information was confirmed by the representative of the Ukrainian association ”Children of Chernobyl for Surviving”.

Children and baby smuggling were reported as a result of mass rapes that occurred during the worst period of the Kosovan conflict. It is estimated that up to 20,000⁶ women were raped during this time, 4.4% of the population, many of whom have since given birth to these unwanted children.

Albania currently has the highest infant mortality rate in Europe according to the World Health Organisation, unfortunately there is no infrastructure in place to record either the number of pregnancies, births or deaths occurring and unlike Romania there is no history of abandoning children to the state.

This basic administrative failure means that there is an easy and large supply of orphans for organised criminals to trade in. There are thousands of unwanted babies and children in Albania born out of war crimes and the government made it known that they do not want these children officially adopted outside the country. Without legal controls in place to monitor these children the organised criminal is unfettered.

The available black market for adoption that is already in place in more developed areas means that the smuggling and transportation of the infants is the greatest hurdle that criminals have to cross.

There are evidences from investigations in Member States of institutions abusing the system for adoption of children. Often criminal organisations are behind illegal adoption, facilitating contacts between customers from the Member States and institutions in origin countries, taking care of forgery of documents and corruption of officials in order to allow the children to be adopted in destination countries.

Cases were investigated in Member States where pregnant women were registered in hospital to have a baby, with the name of the person who had agree to 'buy' the child, with the collusion of hospital personnel.

Recent German and Italian police co-operation has identified organised criminals involved in exportation of pregnant prostitutes to Germany, where, upon the birth, a sale is agreed of the child to wealthy childless couples from other European states. It is known that hospitals and clinics have been involved in such "adoptions", with the mothers being forced to sign papers relinquishing responsibility for their offspring and stating that they want their child put up for adoption.

An example of such a crime occurred during the year 2000, when a 17yr old pregnant prostitute was paid to become pregnant and taken to Germany to give birth to her child, it is believed the child has been adopted by a British couple. The victim has since returned to Italy and having reported the crime to the Italian authorities is now in a witness protection programme.⁷

It is believed that Germany is the chosen birthplace for these children because there is already an established black market. The phenomenon was already known to an Italian NGO called "Gruppo Abele", who provided social assistance to prostitutes in Italy. In a publication by the Italian State institute Censis, which contains extracts from findings of Abele, the prostitutes forced to sell their babies are referred to as "facitrici". The report highlights that this phenomenon is particularly related to the North East of Italy⁸ and was documented over ten years ago in the municipality of Turin.

⁶ Observer Newspapers 21/06/00 quoted from World Health Organisation figures

⁷ BBC News Europe 03/08/00

⁸ Contro la tratta degli esseri umani. June 2000 - Mirta Del PRA

It is estimated that up to 30 babies may have been illegally adopted by western couples by the method mentioned earlier.

The abuse of the system for illegal adoption of children led Member State undertake several initiatives aimed at strengthening controls and preventing the phenomenon, even following The Hague Convention for the protection of children and co-operation in the matter of International Adoption. Due to the focus of this report on THB for sexual exploitation these initiatives will not be listed.

2.4.4 Trafficking of Human Beings and minors

As traffickers force adult women for exploitation of prostitution, they also recruit and exploit minors for the same purpose.

Minors are also subject to exploitation by criminal groups for other purposes. The International Labour Organisation (ILO) adopted a treaty on the 15th June 1999 banning the worst forms of child labour, including slavery and forced military recruitment, estimated to affect tens of millions minors⁹.

The pact was approved by the ILO's 174 Member States, as well as workers' and employers representatives at the UN agency's annual meeting in Geneva.

The "Worst Forms of Child Labour Convention 1999" aims to protect minors under 18 targeting child slavery, forced labour, trafficking, debt bondage¹⁰, serfdom, prostitution, pornography and exploitative work in industries using dangerous machinery and hazardous substances.

Some of these issues are common with forced labour, but some other aspects are worthy of note, because they are particularly related with the condition of minors.

In recent times children smuggled into Italy from Albania, became a particular cause of concern in the EU. Criminal groups in Albania and in some Member States, such as Italy, Greece and Germany¹¹ are systematically profiting from the extreme poverty of Albanian families.

Children are sometimes smuggled with the permission of their parents, who are convinced of the legitimate earnings potential by the criminals. In most cases however such earnings do not arise and children are forced into prostitution begging, trafficking in children for adoption, rumoured trafficking in children's organs and so on, in order to survive.

The Italian Direzione Centrale Servizi Antidroga, has reported about the use of children as drug pushers in the street. Children under 14 are not punishable according to the Italian Penal Code, in addition they are less evident to law enforcement.

The use of children under 14 is not new in Italy and in the same city of Naples, where many cases were reported in the last twenty years related to drug trafficking by Camorra. The new trend is that more and more children from third countries are increasingly used as drug pushers.

⁹ From Europol Trafficking in Human Beings Intelligence Bulletin o.3

¹⁰ Definition given by the Supplementary Convention to the Slavery Convention, Art. 1: *'the status or condition arising from a pledge by a debtor of his personal services or those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt of the length and nature of those services are not respectively limited and defined'*.

¹¹ Elisa Pozza Tasca, report on the Situation of Children in Albania.

2.4.5 Child Pornography

From 01 January 1999, the Europol mandate of THB was extended to include the production, sale and distribution of child pornography material.

It is clear that the phenomenon of child pornography needs a special approach not only due to its obvious increase but also to the fact that the criminality behind the production and dissemination exhibits other dynamics and characteristics than the criminality behind the other forms of THB.

The distribution of this visualisation of the sexual abuse of children is facilitated by the improper use of the Internet by the perpetrators. This makes it also very difficult to successfully locate and recover children missing and/or abused, to prevent and punish perpetrators. Due to the crossing of the borders that is inherent to the use of the Internet Europol is becoming more and more involved in combating this crime.

In many Member States the need was identified to establish a close co-operation between law enforcement and Internet Service Providers (ISPs) both for crime prevention and crime repression. ISPs can assist not only in providing data that can turn useful for the prosecution of offenders, but also in adopting codes of conduct, which can limit the abuse of the Internet by paedophiles and child molesters.

Several Member States have created specialised units for combating this crimes that are acquiring expertise on the technicalities of this particular field of investigation. This effort already led or will lead to the arrest of several offenders and the seizure of a huge amount of child pornographic material. Worthy of note is the investigation ended in 2000 by the Italian Prosecution office of Torre Annunziata. The operation led to the prosecution of 831 in Italy and 660 in other EU and non-EU offenders and to the disruption of a massive international child pornography racket involved in producing and distributing pornographic videos and images of children.

The awareness of Europol appeared already from the provided analysis support in the framework of the Operation Skim, an investigation on child pornography on the Internet with the involvement of different MS¹². Furthermore Europol organised in November 2000 a first training course on combating child pornography on the Internet. Representatives of all MS participated at this course which was a pilot project aiming at a first approach to bring investigation standards across the EU together.

It is evident that Europol will continue to invest and will contribute more in combating this crime. The next General Situation Report will hold more extensive reporting on this issue.

2.4.6 Trafficking in Human Organs¹³

In the EU just a few cases of trafficking in Human organs are known. This may be due to the low incidence of the phenomenon, but this can also be related to the low attention given to it

¹² See more details in Chapter 5.4

¹³ Note On Sources: Amnesty International, Save the Children, UN Human Rights Commission , Human Organ Watch, International news agencies: Reuters, Associated Press, APB News, BBC News, AFP and specialised magazines

by the law enforcement. Intelligence indicators suggest in fact the possibility for the problem to exist in the EU.

Over the past 30 years, organ transplantation has developed from being an experimental procedure performed in a few advanced medical centres, to being a fairly common therapeutic practice carried out in hospitals and clinics throughout the world.

Organ transplantation is now conducted in Europe, in the US, in most Asian countries, in several South American and Middle Eastern countries and four African nations. Survival rates have increased remarkably over the past decade, although rates of infection are higher in Brazil, India and China, which rely more on living donors, than in the US, Canada and Western Europe.

The gap between supply and demand is wider in countries where there are strong religious sanctions or cultural inhibitions with respect to 'brain death' or the improper handling of the dead body. Sanctions in one country may stimulate organ sales in a neighbouring one, and with the globalisation of the economy, the circulation of bodies and body parts increasingly transcends national boundaries.

Poor people sell their kidneys to get out of debt or to support their families. In some parts of India, poor people use their kidneys as collateral for moneylenders who have come to expect desperate people to sell their body organs.

Indian poor rural women are for example reported to be organ sellers for wealthy people in neighbouring countries. Indicators of a growing trade of human organs might be the six transplant centres that have emerged in hospitals in southern India within a decade.

In Brazil there are hundreds of medically certified centres for kidney, heart and liver transplant. The medical demand for organs to keep these clinics operating has meant tolerance toward various unofficial incentives to encourage donation. Exchanges were also taking place between employers and employees or wealthy people and their domestic workers in which the lower status individuals "donated" their kidneys in return for secure employment, housing or other basic needs.

In both Brazil and South Africa, there are reports of widespread abuse of the cadavers of poor people, involving eyes, pineal glands and heart valves, to be used for transplant surgery.

According to Amnesty International and other human rights organisations, in China organs of executed prisoners continue to be used for transplant surgery. Chinese government officials rejected the allegation human rights activists report that the state systematically takes kidneys, cornea, liver, tissue and heart valves from executed inmates.

In August 2000 the Bangkok Post reported about statements from the Thai Transplantation Society president Paibul Jitprapai, about unethical transplants of kidneys in Thai private hospitals.

The commercial trade in human body parts appears no longer to be confined to poorer countries. Eastern and Central Europe is becoming a new source of human organs for the transplant industry. On 23 September 2000, a Russian press source¹⁴ reported on a case investigated by the Russian police, concerning human organs extracted from bodies in a Siberian morgue and sold on the black market.

¹⁴ Source: Russia Today from RIA Novostu Mews Agency

In October 2000, a grandmother of a child was arrested by the Russian police while she was delivering a five years child to organ traffickers. The woman had agreed to sell the child for 80,000 dollars for transplant of organs.

Last year the German media reported of an autopsy market in which human body parts were smuggled out of hospital morgues and sold to local drug companies. The companies buy meninges, the membranes that surround the brain and spinal cord, to make effective medications used in skin transplants, whilst muscles are used for re-constructive surgery. Israel and Germany found Estonia to be an ideal partner in this trade.

In Turkey, the Government ordered an investigation into the allegations that human organs were taken from bodies of victims of the last earthquake. More than 15,000 people died and thousands were missing. According to some statements of eyewitnesses, cadavers were cut open so that the organs could be removed and sold on the black-market by a so-called “organ Mafia”.

During 1999, Italian police arrested a U. S. citizen in Rome in connection with the sale of human organs on the Internet. Subsequent investigations uncovered a website offering human hearts and pancreas glands for sale at undisclosed prices. It appeared to be part of international network smuggling human organs.

Even though cases of traffic in human organs are still too few in the EU, it would be useful to improve identification of the areas where abuse may be occurring and define the line between ethical transplant surgery and practices that are exploitative or corrupt. There is in fact the risk of connections between criminal groups and medical centres or hospitals where transplants are performed.

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After this introduction, the following section of the report will focus on Trafficking of persons for exploitation in prostitution and other forms of sexual exploitation.

3. The victims of sexual exploitation and their countries of origin`

3.1 General trends

The Member States contribution to this report highlighted the further growth of the THB phenomenon. They also continue to experience an increase in victims trafficked from Central and Eastern Europe (CEE). This trend is matched by the increasing number of criminals charged for crimes related to THB in the EU.

The demand of the prostitution market is very high in Member States and this encourages traffickers of human beings to recruit victims in third countries where potential victims can be easily lured by the perspective of improving their economic situation.

As highlighted by the IOM¹⁵ women, who become victims of traffickers, tend to originate from countries where an indigenous sex industry already exists and poor economical conditions affect a wide part of the population.

Another factor that facilitates traffickers of human beings is linked to the Migration policy adopted by Member States to reduce the flow of licit immigrants into the EU territory. The reduced 'offer' of immigrants legally admitted resulted in the growth of 'demand' of persons who want immigrate anyway, even illicitly. The disproportion between legal demand and illicit offer is a well-known key factor encouraging illicit immigration in the EU. This factor also facilitated THB for several reasons.

On one hand it helps the traffickers to use the flow of migrants directed to the EU for the recruitment of victims. In addition it allows criminal networks acting in THB to use often the same routes and transport services used for illicit immigration. But the key factor for traffickers is the illegal condition of the immigrants, once they have entered the EU territory. The clandestine condition of victims from third countries is one of the main arguments exploited by traffickers as will be better described in chapter 4.

As mentioned economic discrepancies are the main factor behind THB as far as victims are concerned. This is a well-known fact and stated in various studies performed by NGO reports as well as by some of the national contributions. The victims always originate from countries that are economically disadvantaged in comparison with Member States. Poverty and/or the hope for a more prosperous future are important reasons behind the ability to recruit or lure victims into sexual exploitation. Wars and conflicts generate good opportunities for traffickers, due to their negative consequences that create or exacerbate social and economic conditions. This is confirmed by the recent conflict in Kosovo, which resulted in a dramatic increase of victims from that area both for sexual exploitation and illicit adoptions.

As stressed in the previous situation report, linguistic and historic links between source and destination countries have an important influence in determining patterns of trafficking.

Most victims in Spain originate for example from Latin American countries, while trafficking from Latin America is almost non-existent to the Nordic countries. Algeria and Morocco are important origin countries for victims in France, due also to historical and linguistic reasons. Furthermore, Greece has seen a large increase of victims from different parts of the Former Yugoslavia because of the ongoing conflicts, much due to its proximity to the area in

¹⁵ International Organisation for Migration

question. The short distance between the Balkan and South Italian coasts also ease the massive introduction of victims from Albania, Kosovo and other Central and East European countries into Italy.

However the proximity of the origin country to the EU, together with the level of reactivity of the law enforcement in the origin and transit country, also play a role in the modus operandi adopted by the traffickers. For example, there are many cases of victims originating from Albania and Kosovo, whose recruitment occurred by kidnapping. This is made possible by the delay of the reaction to kidnapping by the law enforcement authorities, by the loose control over the territory law enforcement and by the short time needed to reach the Italian coasts from Albania or Montenegro. Kidnapping is not so frequent for victims originating from more distant countries to the EU, with more equipped law enforcement, and with the risk of multiple cross-border checks or immigration checks at airports. This also explain why traffickers tend to postpone the use of violence and brutality against victims, until they are in the destination country in the EU or in one of those areas where disclosure and quick reaction is more difficult.

However, various contributions from the Member States highlighted that many victims are EU nationals, some of them under the age of consent. Spain for example reports that amongst a total of 157 victims, who denounced to law enforcement in Spain to be sexually exploited, 82 were Spanish nationals. A case was reported about a German minor whom, while in vacation in Tenerife had been kidnapped and exploited in Spain by German traffickers. Amongst the 15-20 thousand prostitutes existing in France only 44% are foreigners and even though not all prostitutes are necessarily victims of traffickers or exploiters, this may mean that many of them are victims of THB.

This shows that traffickers are keen to look at areas of poverty and social displacement that exist in the Member States for the recruitment of victims. Here the competent authorities in the Member States have much more influence on preventive and repressive measures, being that the problem is located within their jurisdiction.

The overall number of victims trafficked in the EU is still unknown, and only estimates are available. What is clear is the fact that the number of victims is much higher than the official statistics from investigated cases in Member States. Press sources estimate that in Italy alone there are 30-40 thousand prostitutes of foreign origin. Even though such estimates may be not accurate, and often the methodology is not explained, they give a rough indication of the wide dimension of the phenomenon in the EU.

Ireland reports not to be affected by exploitation of foreign women for sexual purposes. Finland also reports that THB is not a significant area of crime, even though a threat has been identified of a possible rise, due to the geographical proximity to Russia.

The sex of victims is an issue that is worth of mention. The Spanish contributions highlighted that more than 26% of victims of sexual exploitation are males. France also reports about a large number of transvestites became victims of traffickers during 1999. In Germany the victims in 1999 were almost exclusively women.

Even though no other details have been provided by other Member States, the sample given is sufficient to stress that women should not be considered as the exclusive victims of THB for sexual exploitation, but for some Member States a significant part of victims are males. This has implications on the issue of protection of victims. The same level of legislative and social protection should be provided to victims of both sexes.

In Spain almost 50% of victims were under the age of consent, and according to the contributions all male victims in Spain are minor. This contribution offers a range of case studies that enable some trends to be drawn, for Spain at least.

From the Spanish contributions it emerges that minors are normally not found in clubs where they would easily be spotted by the law enforcement routine checks, but are forced to prostitute in private premises. In most cases they are males of Spanish origin coming from very economically disadvantaged families. Even though this aspect is not expressly mentioned in other contributions, the cases of exploitation extensively documented reported by the media in different Member States, seems to confirm that traffickers tend to minimise the risk of detection. This not only implies the use of private premises but also a different techniques for approaching 'clients' of prostitution, not based on the occasional entering of clients in a club, but with some form of advertising their activities.

Research on this aspect could help to adopt appropriate measures for crime prevention and crime repression purposes.

The contribution from the Netherlands indicates that reported minor victims of trafficking are from Africa, particularly from Malawi and Nigeria. This contribution stresses how traffickers exploit the possibilities offered by the Dutch asylum application procedures. Minor asylum seekers are housed in special reception centres from which they are abducted by traffickers in Human Beings to be engaged in prostitution.

3.2 The origins of the victim and the composition in the Member States

In this section the background of the victims are discussed. As is mentioned in the chapter concerning methodological issues, no systematically collected and scientifically reliable statistics are available in any of the Member States about the number and origins of the victims. Information compiled on the Member State level for the purpose of this report from criminal cases and certain other sources, however, gives good indications about trends as well as the common countries and regions of origin. Moreover, some Member States have given figures concerning numbers and origins of victims that have been known in connection to revealed criminal organisations.

Law enforcement information other than the official national contributions, as well as information from non-governmental organisations has also been used to gain an insight on the background of the victim.

When reading information on the origin of victims, it should be carefully taken into consideration the non-homogeneous position of Member States with respect to prostitution and the exploitation of prostitution. Such legislation varies greatly in the EU, in some Member States prostitution is illegal, in others it is tolerated and in The Netherlands it was legalised during 2000. Women dedicated to prostitution, according to different legal systems, may result as crime offenders, or licit workers and victims.

The different approaches to prostitution and its exploitation complicate attempts made to compare authorities which are competent to investigate, gather and handle intelligence, make social surveys, gather statistics etc., in order to have a European Union wide perspective on the phenomenon.

This reflects also on this chapter concerning the origin of victims. In some Member State's contribution, when statistics are included, it is not always clear when reference is made to a prostitute, if she/he is also a victim of THB. Thus the indications listed in the tables included

in the next chapters 3.2.2, 3.2.3, 3.2.4 and 3.2.5 should merely be regarded as bland indicators.

3.2.1 The European Union

A large number of victims of sexual exploitation are citizens of Member States themselves. This clearly appears from the contribution from Spain, Portugal and France even though in Germany the proportion of foreign victims peaks at almost 89% of the total. Even intra Member States trafficking appears to occur. Spain reports about cases investigated during 1999, where victims were originating from Portugal. This is confirmed by investigations launched in 1996 the Portuguese authorities, in conjunction with the Spanish authorities, led to the uncovering and dismantling of a Spanish network, comprising Portuguese and Spanish nationals, involved in the abduction and trafficking of women destined for Spain and Portugal. The victims were forced into prostitution in Spanish bars, where they were held in unlawful imprisonment and were subjected to ill treatment, even being raped by some members of the network.

The interpretation of the trans-border aspect as a necessary component of THB, may have played a role in neglecting the extent of prostitution of domestic origin. This may have resulted in considering the Member States' nationals, victims of crimes in the area of exploitation of prostitution rather than victims of THB for sexual exploitation.

However the trend in most Member States is the marked increase of foreign prostitutes since the beginning of the 90ies, resulting on a decrease of indigenous EU prostitutes. This can be linked to the increased involvement of organised groups in this very lucrative activity, taking advantage of the huge possibilities deriving from political, social and economic changes.

3.2.1 Central and Eastern Europe

Trafficking from CEE has increased continuously during the 1990s. This is reported by almost all Members States, and often stated by various governmental and non-governmental organisations.

In Greece the major part of women trafficked are from neighbouring Balkan countries and from other Central and Eastern European countries. The closeness of Greece to the CEE source countries is the main reason for the large proportion of victims from this region.

Germany reports that approximately 89% of the victims in 1999 came from eight of the CEE countries, most from Ukraine, Poland, Russia and Lithuania. This represents an increase to the 75% reported in 1998.

Central and Eastern European countries, the former Yugoslavia and particularly Albania are important origin countries for victims of sexual exploitation in Italy. Albanian criminal groups have acquired exclusive control over prostitution in the coastal areas of central and Northern Italy.

Most of the women trafficked into Austria come from Central and Eastern Europe, but half of them originate from neighbouring countries of Austria.

This confirms that the countries that neighbour the CEE have the largest influx of victims from this region, but as already stated Spain and France report a significant increase of women trafficked from CEE. In France 23.5% of prostitutes originate from CEE countries.

Major source countries vary from Member State to Member State. The most frequently mentioned are Ukraine and Russia followed by Hungary, Bulgaria, Albania, Czech Republic, Slovakia, Romania, Poland, Lithuania and Moldavia. The indication shown in the following table has no direct reference to the number of victims trafficked.

Origins of victims mentioned in the national contributions¹⁶

| Country of origin ¹⁷ | In EU Member State |
|---------------------------------|-------------------------------------|
| Albania | Fr. Gr. It.UK. |
| Belarus | Fin. Gr. Ge NI |
| Bulgaria | Au. Ge Gr. Fr. UK. |
| Czech Republic | Au. Fr. Ge. Sp. Sw. |
| Estonia | Fin. Sp. Sw. |
| F.R. Yugoslavia | Be. Fr. It. NI UK. |
| Hungary | Au.. Ge. Gr Sp. Sw.UK. |
| Kazakhstan | Gr. |
| Latvia | Ge. Fr. Dk. |
| Lithuania | Ge. Sp. UK. |
| Moldavia | Gr. Sp. Po. |
| Poland | Au. Ge.. NI. Sw. UK |
| Romania | Au.. Gr. UK |
| Russia | Fin. Ge. Gr. Sp. NI. Po. Sw. UK |
| Slovakia | Au. Ge. Sp. Sw. NI. |
| Slovenia | Au. Sp. |
| Ukraine | Au. Fin. Fr. Ge. Gr Sp. NI. Po. UK. |

Note: when a contribution mentions a region such as specifying the countries, no country of the area was listed in the table.

Polish police intelligence reported that cases of trafficking in Polish women are decreasing year on year. The reason could be that the economic situation is continuously improving or the criminal organisations are improving. This is confirmed by the German contribution, where a decrease of victims from Poland and the Czech Republic is reported.

3.2.2 Asia

Most of the Asian trafficking takes place within Asia itself. Countries such as India, Japan, Philippines and Thailand have large sex industries to which Asian victims are trafficked and exploited. However, the Asian sex scenes also function as a recruitment base for victims trafficked to Europe. This notwithstanding, the number of women originating from Asia and active in prostitution appears to be decreasing in the European Union in the last decade.

From the contributions received from Member States, only Denmark, France and the United Kingdom report a significant presence of victims from South East Asia, namely from Thailand.

France reports that Thai women are prostituted in a more covert way than other networks. Even though no more details are given with regard to this, a low profile approach by Thai

¹⁶ All the country abbreviations used in the tables are explained in the annex to the report.

¹⁷ When MS reported only 1 victim, the origin country has not been listed.

traffickers could be a possible explanation to the apparently limited number of victims of THB from South East Asia. Another possible explanation could be that South East Asian traffickers have deliberately decided not to target the European Union. However this trend does not match with the expanding scope of South East Asian criminal networks in other parts of the world, such as the United States, Australia and Japan.

Criminal cases have shown that most often the Asian victims trafficked to Europe previously had been engaged in Asian ‘red light districts’. The principal reported country of origin are Thailand and China even though some contributions make a general reference to South East countries, probably referring to the Philippines, Laos, Malaysia and Vietnam.

Origins of victims mentioned in the national contribution¹⁸

| Country of origin¹⁹ | In EU Member State |
|---------------------------------------|---------------------------|
| Chinese ²⁰ , China | It. Sp. |
| South Korea | Sp. |
| Laos | |
| Malaysia | UK. |
| Philippines | |
| Singapore | |
| Thailand | Fr. UK. Dk. |
| Vietnam | |

Note: when a contribution mentions a region such as specifying the countries, no country of the area was listed in the table.

3.2.3 Africa

The number of people trafficked from Africa must be assumed as substantial, although no figures on the total numbers are available. The Latin Member States, namely France, Spain Portugal and Italy, seem to the Member States mostly affected countries by African trafficking. This is amply explained by the geographical position of this Member States. In addition The Netherlands reports African victims, with particular reference to trafficking of minors from Nigeria and Malawi.

In France victims are reported to come from the the Maghreb countries²¹ or from Black Africa In other national contributions Nigeria is mentioned amongst the most prominent source countries, Cameroon and Ghana also are also reported by more then one Member State.

It is interesting to note that a significant part of the transvestites in France are from Algeria.

In Portugal victims originate from former Portuguese colonies.

Origins of victims mentioned in the national contributions.

¹⁸ For Austria, Belgium and Italy the country of origin is mentioned in the contribution to the 1999 Organised Crime Situation Report.

¹⁹ When MS reported only 1 victim, the origin country has not been listed.

²⁰ The citizenship or the country of origin is not mentioned.

²¹ Algeria, Tunisia and Morocco.

| Country of origin ²² | In EU Member State |
|---------------------------------|--------------------|
| Angola | Po. |
| Algeria | Fr. |
| Benin | Fr. |
| Cameroon | Fr. It. |
| Cape Verd | Po. |
| Ghana | Fr. It. |
| Guinea | Sp. |
| Liberia | Sp. |
| Malawi | Nl |
| Morocco | Fr. Sp. |
| Mozambique | Po. |
| Nigeria | Fr. It. Sp. Nl. |
| Sierra Leone | Sp. |
| Sudan | Sp. |
| Uganda | Dk. |

Note: when a contribution mentions a region such as specifying the countries, no country of the area was listed in the table.

3.2.4 Latin America

THB from Latin America to Member States has taken place for many years and national contributions confirm this criminality continues. A significant number of victims trafficked from Latin America are reported in Spain, France and Italy.

In Spain approximately 70 percent of all foreign victims known from criminal cases were from this area. According to the Spanish report the largest number of victims found in the framework of investigations in 1998 came from Colombia (257 victims), Brazil and Ecuador (33). The Dominican Republic was also in 1999 an important origin country for victims in Spain (21). This closely matches what the situation in France, where most of the victims from Latin America originated from Ecuador, Colombia and Brazil

The French contribution also highlighted that a significant number of the foreign transvestites originate from Latin America. The same trend can be noted in Italy.

The only other country who reported about victims originating from Latin America is the United Kingdom, with emphasis on Brazil and Colombia. However, results from open sources indicate the presence of prostitutes, potentially victims of THB, in a wider number of Member States.

²² When MS reported only 1 victim, the origin country has not been listed.

Origins of victims mentioned in the national contributions.

| Country of origin²³ | In EU Member State |
|---------------------------------------|---------------------------|
| Brazil | Fr. Nl. Sp. Po. Sw. UK. |
| Colombia | Fr. Sp. UK. Dk. |
| Dominican Republic | Au. Sp. |
| Ecuador | Fr. Sp. |
| Paraguay | Sp. |
| Venezuela | Sp. |

Note: when a contribution mentions a region such as specifying the countries, no country of the area was listed in the table.

3.2.5 The relation between the victims and law enforcement

Witness evidence is normally of crucial importance in legal actions against THB. Statements given by the exploited persons can often be the most important evidence against the perpetrators of a criminal case. However, as stated in some contributions, an unfortunate consequence is that trafficked victims are often illegal immigrants and have little incentive to report their exploitation to the police. This reluctance makes them vulnerable to threats and health risk. Moreover, in addition to the risk for expulsion as illegal immigrants, the victims often are afraid of giving evidence due threats and other pressure from the exploiters²⁴.

As a consequence of this it is very difficult for law enforcement officers to gain the trust of the exploited victims, and to persuade them to testify as witnesses.

Sometimes witness protection programs or permitting the victim to stay in the country of destination until the court procedure is over, can be effective and encourage the exploited person to support the police. However, such programs are often contested by police officers in the field, as in most cases it is impossible to persuade victims to take part in protection programs, mainly because of the fear of reprisal either against themselves or their family members.

Some Member States such as Austria, Belgium, Germany and Italy grant residence permits to victims who start a legal complaint against traffickers in human beings, until the trial is ended.

The participants to the expert meeting on THB held in Europol in March 2000, presented their experience on this issue. Their conclusions were as follows:

- this temporary residence permit proved to be very useful for cases against THB to be prosecuted and brought to Courts;
- victims that choose to co-operate usually receive pressure from the criminal groups as they threaten the families of the victims;
- closer co-operation with the NGOs to ensure the safety of these women when they return to their home country is recommended.

²³ When MS reported only a few victims, the origin country has not been listed.

²⁴ This issue is further discussed in section 4.2 of this report.

Belgium and Italy also reported that most of victims who apply for residence permit wish to remain in the Member State, while the German experience is that the major part goes back to their origin countries.

However it was also stressed that basing the approach to repression on victims testifying has some negative implications. Victims can be endangered if after having testified they have to be repatriated. There is a high risk of reprisals by criminals against victims or their families and their risk is very difficult to counter from the EU, due to the fact that victims have been repatriated, falling under another jurisdiction.

Thus a balanced approach should be considered, both relying on intelligence gathered from victims and obtaining of evidence from traditional policing methods such as surveillance and searches, rather than relying solely on victims as witnesses.

3.2.6 Origins of victims reported by each Member State

The table below shows the origins of the victims reported in each national contribution.

| Member State | Countries of Origin |
|-----------------|---|
| Austria | Hungary, Romania, Czech Republic, Slovenia, Slovakia, Poland, Bulgaria and Ukraine. |
| Belgium | Albania, Bulgaria, Czech Rep., Hungary, Poland, Romania, Ukraine, Yugoslavia. Liberia, Nigeria, Sierra Leone, Sudan, Zaire. Brazil, Colombia, Dominican Rep., Ecuador. |
| Denmark | Reports that no statistical or detailed information available currently. |
| Finland | Belarus, Estonia, Russia, Ukraine. |
| France | Albania, Czech Rep., Hungary, Russia, Slovakia, Ukraine. Algeria, Benin, Cameroon, Congo, Ghana, Ivory Coast, Morocco, Nigeria, Tunisia, Zaire. Thailand; to some extent Laos, Vietnam. Brazil, Colombia, Ecuador, El Salvador, Peru. |
| Germany | Czech Rep., Hungary, Latvia, Lithuania, Poland, Romania, Russia, Ukraine. 24.4 % were reported as coming from the rest of the world. |
| Greece | Albania, Belarus, Bulgaria, Georgia, Kazakhstan, Moldavia, Romania, Russia, Ukraine. The rest, approximately 10% of the victims came from other miscellaneous countries. |
| Ireland | No victims trafficked to Ireland according to the national contribution. |
| Italy | Albania, Bulgaria, Yugoslav Fed. Morocco, Nigeria. Colombia, Peru. |
| Luxembourg | Bulgaria, Ghana, Zaire. |
| Portugal | Brazil, Spain, Angola, Mozambique, Cape Verd |
| Spain | Bulgaria, Czech Rep., Hungary, Slovakia, Slovenia, Rumania, Ukraine Angola, Algeria, Cameroon, Liberia, Morocco, Nigeria, Sierra Leone, Tunisia Equatorial Guinea, Thailand. Argentina, Brazil, Colombia, Cuba, Dominican Rep., Ecuador, Venezuela. |
| Sweden | Hungary, Czech Rep., Estonia, Lithuania, Slovakia. |
| The Netherlands | Albania, Czech Rep., Hungary, Latvia, Poland, Romania, Russia, Slovakia, Ukraine. Nigeria, Sierra Leone, Togo. Dominican Rep. |
| UK | Albania, Bosnia, Bulgaria, Hungary, Lithuania, Poland, Russia, Former Yugoslavia. Ghana, Kenya, Nigeria, Uganda. |

| | |
|--|--|
| | Brazil, Colombia. China, Hong Kong, Malaysia, Philippines, Singapore, Thailand, Vietnam |
|--|--|

4. The criminals acting in THB for sexual exploitation

4.1 The nature of the criminal groups involved in sexual exploitation of prostitutes

The size, nature and origin of the groups involved in trafficking vary both within and between the Member States. Sometimes there are small groups of people consisting of just three to five individuals that take care of the whole chain of activities related to trafficking. In Portugal exploitation of prostitution is reported to be run mostly on an individual basis or by small groups that do not match the EU criteria for organised crime. From other contributions to this report it emerges that there are criminals in the Member States who carry out exploitation of prostitution almost individually or in a very small group, often family based. In this case procurers tend to have the same nationality of victims. This often represents the initial phase of the establishment of a larger criminal group, that can expand when the person who started it is successful enough, more mobile, able to make agreements with other criminals, protect his activity and generate more opportunities for generating profit by exploiting human beings.

However it seems that in many Member States the groups and networks most often involved are larger, between 5 to 20 people, and satisfy most of the EU criteria for organised crime.

The structure of criminal groups active in THB also varies. Greece indicates that criminals active in THB have no clear hierarchy. Criminal groups active in France also don't have the permanent character usually associated with the vertical structure of Mafia type organisations. However, in most Member States criminal groups often have some hierarchical structure, divisions of responsibilities (recruiters, escorts, procurers and brothel keepers, etc), are profit driven and often their activities are ongoing over a considerable period of time. Several countries report about an increased involvement in trafficking by what is referred to as "organised crime groups", or "Mafia type" organisations.

The origin of criminals also presents various patterns in the Member States. In Greece criminals are mostly Greek nationals. Austrian, French, German and Spanish nationals represent an important part of domestic criminal groups. In the other Member States the criminals are predominantly nationally homogeneous and come to a large extent from the same country or geographical region as their victims. This is valid for the exploiters in the destination countries and as well as for the recruiters and escorts. That is, CEE criminals are dominant in the trafficking from CEE countries, while it is African groups that are the most active in trafficking from the African continent.

There are however exceptions from these general patterns. Networks with individuals of very different geographical origin have also been revealed, which have trafficked victims from various parts of the world. Some Member States stressed this aspect, with particular reference to Albanian, Former Yugoslav and Hungarian nationals. Albanians play an important role in France, the UK and Italy. In several Member States some Albanian criminal groups appear to be active in selling victims to different procurers in the destination countries. This could be a strategy to reduce the risk of detection linked to the exploitation phase.

Since autumn 1999 in France it has been noted that Albanian pimps that have been charged in court are now settling in neighbouring countries, such as Belgium and Germany. They limit their travel to France but still carry on their criminal activities. These pimps move around the EU with false travel papers. They recruit a trusted person, usually a prostitute to act as a go

between and courier to transport the illegal earnings of the prostitutes, via the Talis train. The main route used is through Italy arriving in France via Nice then to Paris and Strasbourg.

Noticeable is the relatively large involvement of Turkish criminals in trafficking into Germany (15.3% of the criminals registered for the offence THB 1999 were Turkish). Apart from France, no other country in the EU has mentioned the involvement of criminals of Turkish origin, however Turkish criminals appear to be active in several accessing countries.

Lithuanian and Russian groups play an important role in Germany, France and the UK.

In Belgium sexual exploitation is controlled especially by: Sub-Saharan and Albanian groups.

Denmark and Sweden highlighted an interesting aspect concerning the origin of criminals. Even though many of them have a Member State citizenship, they may be either second generation migrants or individuals who acquired a Member State citizenship recently. This would make the impact of criminal groups from third countries stronger than currently evaluated.

The organisations involved in trafficking have, as noted in amongst others the Spanish contribution, an infrastructure and access to useful contacts both in the countries of origin and destination. This will be further described under the heading 'Modus Operandi'.

Several Member States indicated that procurers active in Member States, whose activities are oriented more toward the exploitation phase, tend to contact criminals in the countries of origin of victims for their recruitment and transportation. The so-called 'buyers' can be Member State nationals or from Third countries, it makes little difference, but they control the local sex scene. In some cases the same criminal group run the different phases from the origin country to exploitation in the destination country, but often there is an interaction between different groups. For example in the United Kingdom it has been noted that traffickers in some cases sub-contracted some activities to other criminal groups. In addition women are often sold to other organisations, this reveals the existence of a business-oriented interaction among different criminal groups that, as highlighted by France and Spain, is very flexible and mobile.

A general trend reported by most of the Member States is the increased involvement of criminals from CEE also in the sex industries of the destination countries. This increase runs parallel to the increased influx of victims from CEE into the EU, and is inline with the general findings described. Several Member States report a the particular high use of violence by Albanian criminal groups.

The fact that many organisations are ethnic based makes them less penetrable to law enforcement for a series of reasons. Chinese ethnic groups live in very closed communities where the language and somatic characteristics make it very difficult infiltrate. In addition, most of the ethnic groups are family-based or are formed by people who come from the same town or village, and for this reason are very difficult to infiltrate.

Denmark and Sweden highlighted the increased involvement of criminal motorcycle gangs in criminal activities linked to THB. The contacts resulting from the extensive structure of Hells Angels and its links with other gangs of the same kind is a matter of concern also in Germany. Moreover, the links between groups of suspects in crimes connected with nightlife (*inter alia* prostitution) and Hells Angel groups, with whose assistance activities in the red-light districts are being expanded, is a further cause for concern..

Some Member States noted the increased involvement of women, generally from the same country of origin of victims acting as pimps.

4.1.1. An example of division of tasks in a hierarchical criminal structure

The following is an abstract from a Member State contribution, where the division of roles and responsibilities based on different functions, within criminal groups active in THB, is described:

- “**leaders** of the networks or organisations (who do not appear to go to the establishments and who have no contact with the women);
- **recruiters** in the countries of origin (Spanish nationals who travel to or reside in these countries or nationals of the countries themselves);
- **owners** of the establishment;
- **managers** or business representatives;
- **receivers, chauffeurs** (those dealing with the transfer of the victims from their entry in the country to their places of work and from one club to another);
- **administrators** or accountants;
- **caretakers, cooks, body guards** (responsible for issuing and carrying out threats);
- **attendants, minders, keepers** (who live with the victims and monitor closely the movements of the girls, who are generally from the same country of origin but well integrated into the network);
- **cashiers** in the country of origin,
- **forgers** of documents.

These roles within the network may vary so that:

- attendants may both monitor, control sexual services and collect payment from customers;
- recruiters may also act as escorts, keepers (where they are women), minders and even body guards;
- leaders of the organisation may be the owners of the establishments, and their ‘girl friends’ act as keepers or manage the money;
- the owners of establishments may also be the managers thereof.”

4.2 Modus operandi

The modus operandi used by the criminals that are engaged in THB show many common traits irrespective of from which region the victims are trafficked, although differences exist, depending for example on visa restrictions and travel opportunities. In the following sections known methods used during the different stages of trafficking are presented.

4.2.1 Recruitment

As mentioned in chapter 2.2. there are different forms of recruitment, characterised by a difference in the level of coercion or deception used to influence the will of victims forcing them into prostitution. These range from complete coercion through abduction or kidnapping

to deception used on victims who are fully aware that they are going to work in prostitution, that were active as prostitutes in their home country, but are not made aware of the extent to which they will be indebted, intimidated, exploited and controlled²⁵. It is stated in several of the national contributions that many victims knew at the time of recruitment that they were to work in the sex industry, but later when it appeared that the situation was much worse than promised they were unable to escape from it.

In between extreme coercion and recruitment of women already prostituting in the origin countries, there is a wide area of recruitment *modi operandi* where victims are totally deceived. The women are promised jobs as club hostesses, bartenders, waitresses, dancers etc, but upon arrival in the country of destination they are forced into prostitution. When a woman accepts a proposal to work abroad, the recruiters often 'give help' with arranging for necessary travel and other documents and for transportation. For these kind of services the women have to pay back at a later stage.

The use of threat and violence, for recruitment and transportation is less frequent, although this is normally use in the later stages of the exploitation.

Some Member States highlighted a problem in the lack of intelligence available on the persons active as recruiters in origin countries. International co-operation needs to be developed in this area.

Some known ways in which victims are recruited are listed below:

- Friends and acquaintances

People known to the women, such as relatives and friends or boyfriends, have often provided the first contact with recruiters or individuals that act as links to exploiters in the destination countries.

- Former Prostitutes returned to origin countries

Women that worked as prostitutes in Western countries and the EU, on return to their origin countries, act as recruiters of victims. Victims are induced by the economic status shown by the contact person in addition to promises of an easy and better future in the destination country.

- Newspapers and recruitment bureaux

In some countries, especially in CEE, advertisements in newspapers, or sometimes at recruitment offices, are used to find women willing to migrate and take on a job in Western Europe. The job offers vary, although it is often implied and understandable for the women that the job in reality is within the sex industry. Those in charge of recruitment are in some case businessmen or companies. Their legitimate activities often enable them to obtain visas, travel documents etc. These people 'sell' the women to criminal groups.

- Training courses

In Some cases were noted in Spain, where training courses were offered by front companies to South American victims for further employment in the destination country. An alleged representative of the company even travelled to the origin country to contact potential victims. Meetings were held in hotel premises explaining offers and providing instructions. Then the representative arranged documents, travel arrangements and money for the journey to the destination country.

²⁵ See the report 'Stopping Traffic: Exploring the extent of, and responses to, trafficking in women for sexual exploitation in the UK' by Liz Kelly and Linda Regan published in the UK during 2000.

- Bars, discos and night-clubs

Women are also approached by recruiters at discos and night-clubs and offered employment in Western Europe.

- From the local sex scene

As mentioned, these victims are aware of the kind of work that was expected, but the work conditions later were much worse than promised.

- Marriage of convenience

In a few reports mention is made of arranged marriages between women and individuals in the destination countries only for the purpose of obtaining necessary residence permits. This phenomenon was reported in Denmark in relation to Danish women. Women may ignore that at their arrival they are taken by procurers. The extent of how these types of arrangements are used for THB is however unknown.

- Threats and violence

Some cases referred to in the national contributions where kidnapping, threats or violence (also rape) have been used at the 'recruitment' stage, and subsequently to force the victim into prostitution in a foreign country. This was noted with reference to Albanian criminals for recruitment of victims to Italy and Greece from Balkan countries bordering the Mediterranean Sea, and from Sweden with reference to Bulgarian criminals against Czech victims. A cross border trafficking of victims with use of kidnapping, threats or violence is also reported between Spain and Portugal, in both directions.

- Illegal immigration networks

Cases were reported of victims who contacted criminals, in order to make clandestine entry into destination countries. The contact persons turned to be heads of criminal networks involved in THB.

4.2.2 Use of forged documentation

Forged documents are used when necessary, and probably extensively. Most victims of THB stay in the Member States on an illegal basis. The criminal groups often arrange for necessary travel documents, for example by using contacts that can provide forged documents, or through bribery of officials. Victims could also use legally obtained documents, but the stated purpose of the travel may be false. That is, the victims are provided with genuine student or tourist visas, residence permits, or permissions for jobs in the legal labour market. While requesting political asylum, victims get a temporary residence permit. If they are refused, the women make a new request in another authority in the same Member State or in another Schengen country, using a different name. Some of them get a visa at an embassy of one of the Schengen countries, on the basis of a false motivation (sports competition, study, tourism).

There are cases known when criminal organisations have established rather sophisticated business structures with front companies such as travel agencies and night-clubs, both in the countries of origin and destination, in order to obtain necessary documents for travel and residence. Upon arrival in the country of destination it is very common for criminals to confiscate their victims' identity papers and other travel documents, occasionally exchanging them with new false documents.

The following cases of forgery have been experienced in various Member States:

- false passports (with or without change of identity) with false visas
- false visas being inserted into genuine passports
- change of the photograph in the passport to be used.

It is also reported that in the country of destination the genuine passport may be confiscated and a forged or falsified passport, or a false residence permit, may be presented to the victim.

In the Dutch contribution it is reported that West African traffickers recruit African women and arrange for passports, visas and transport to Europe. Upon arrival the women apply for asylum and are subsequently taken to asylum centres by the authorities. After a couple of days the women disappear and later they turn up as prostitutes in the Netherlands or in neighbouring countries.

In France many women were found during 1999 in possession of forged Albanian and Kosovan documents. This shows the use by traffickers of the asylum issue during the Balkan conflict, in order to disguise the entrance of victims.

4.2.3 Auctions of victims

Several contributions from the Member States report that often recruiters in the origin countries sell victims to other criminal groups. Victims in some cases are also sold to procurers active in the exploitation phase once they have reached the destination countries.

Open source information from the several press agencies indicates the existence of an intermediary phase between recruitment and transportation, when women are sold during auctions. According to this source that makes reference to NGOs, such as the charity Caritas in Rome, Albanian criminals hold auctions in the Balkan countries from whose ports or cross border locations victims are transported to destination countries, mainly Italy and Greece. The bidders would meet in locations near motorways, service stations or car parks, in areas controlled by local organised groups. Women, often under the age of consent, may be sold for amount of equivalent to 1,000 to 2,500 Euros.

Possible means of international co-operation should be implemented in order to identify and neutralise those responsible for this phase in origin or transit countries.

The increased impact of Albanian criminal groups in some Member States and the huge profit that they are able to generate with THB activities could lead criminals to hold similar auctions in the Member States. This could happen in areas, which are strongly controlled by them or with the agreement of local organised crime. This risk should be taken into consideration by law enforcement.

4.2.4 Routes and means of transportation

Different factors influence the choice of the route. Traffickers not only take into account detection risks but also immigration policy of various Member States, ticket cost for transportation, the presence of strong ethnic communities in the destination countries where victims can be hidden. The number of travellers having characteristics similar to those of victims in terms of age, sex, race and nationality in the cross border or check points is also taken into account by traffickers. Criminals active in the phase of transportation tend to

exploit permanent or seasonal intense flows of people related to tourism, work movements, migration or massive asylum seeker requests.

As an example the UK appeared to be used as transit country for onward destination to Italy in some cases of girls under 18 years old and young women from West Africa during 1998²⁶. Due to long experience with trafficking of Nigerians and other West African women in Italy, traffickers used to embark victims from those countries into flights destined to UK. This created a lower attention of the Italian authorities, due to the significant numbers of Black British young people travelling to Italy for holidays and school trips.

The trafficking from distant countries located in *Asia, Africa* and *Latin America* is almost always undertaken by air. Victims either directly fly to the country of destination, or via a main European airport such as Amsterdam, Paris or Frankfurt for further transportation overland by car or train to another country. However African victims destined for Spain are reported to enter this destination country by sea.

Entrance of victims in the United Kingdom also occurs through ferry ports and the channel, with victims having false passports or visas.

From *CEE* a variety of routes are used and means utilised to get the victims into the EU countries. In the case of Latvia and Lithuania, the victims are trafficked from the origin countries through Germany and Austria to Western Europe. Almost all victims are smuggled into Austria by land, which is probably also the case with other Member States. The victims are trafficked by air, car, and train and sometimes ferry. Most of the trafficking probably goes overland. This can be the case for Finland where research made shows a flow of women from neighbouring countries of the former CIS. To Italy victims are sometimes transported by ferry, from Albania or other Balkan countries over the Adriatic Sea to the East Coast. Thereafter they enter illegally and are transported further into the country.

Albanian OC groups are particularly active in Italy as well as in France, Belgium and the UK. They are also rather active in the Balkan region where ‘pimps’ supply prostitutes also to members of the peace-keeping forces. It appears that, in this way, the Albanians have acquired exclusive control over prostitution in the coastal areas of central and northern Italy.

In the Greek contribution it is stated that most of the women enter via roads in the northern part of Greece. The women that are in possession of travel documents are transported through the normal entry points, while women lacking such papers are hidden in vehicles, such as TIR trucks, or cross the border by foot.

The land route, by car or train is also the cheapest and less risky in the case of victims trafficked between Spain and Portugal after being having been kidnapped or forced by use of threat and violence. The same phenomenon is reported by Greece.

The traffickers sometimes select the country that is most easy to access regarding immigration laws as pointed out in the Dutch, French and Swedish contributions. The difference in Visa policies within the EU is a clear point of vulnerability that needs to be addressed not only for immigration issues but also for THB.

4.2.5. Contact with criminals in the Member States and Escort of victims

²⁶ Open source information from the report ‘Stopping Traffic: Exploring the extent of, and responses to, trafficking in women for sexual exploitation in the UK’ by Liz Kelly and Linda Regan published in the UK during 2000.

As mentioned before, many forms of recruitment are used by traffickers, most of which involve deception, with false promises of employment in destination countries. In such cases traffickers tend to provide victims with travel tickets and with documents that will facilitate their entry in the EU. During this phase the real intention of traffickers are yet to be disclosed, so victims can travel alone.

However traffickers need to have a mechanism in place that will ensure that victims, once arrived in a transit point or in the destination country, contact the organisation.

For this reason, when deception is used, victims are given instructions still in the origin country on how to contact a member of the criminal organisation on their arrival in a Member State. The instruction can be a telephone number, the physical description of a person coupled with a location for the first meeting.

Often the victims are accompanied on the plane and through the immigration control by an escort. The task of the escort is to facilitate the passage through the controls and to hand over the trafficked person(s) to people in the country of transit or destination.

Several forms of modus operandi are used for escort. Escorts can be men or women from the same country, masquerading as friend or family members hosting victims for holidays or study, in order to reduce law enforcement attention. Following immigration control, the escort will play a role in delivering the victim to the exploiters.

An escort is always present when victims are forced with abduction, violence or threat, in order to prevent escape and disclosure to law enforcement during transport.

4.2.6 The situation in the country of destination²⁷

Once in the country of destination the victims are forced to comply with the demands of the exploiters, either immediately or after successively have been forced into prostitution or other forms of sexual exploitation. The victim may for example first start working as a bar hostess but later be forced into prostitution. The exploiters could be brothel owners that have ordered women from traffickers, or it could be the criminal group behind the recruitment and transportation that also controls the actual sexual exploitation of the victim.

The reality for the victims in the country of destination is not always what was expected. Often their passports are taken away and the earnings are far away from what was promised.

Studying the national contributions it would appear that the victims of trafficking are less often visible in street prostitution or 'windows' in red light areas, where they can be seen and helped by police or social workers, and are more difficult to control by the criminals. Rather they are offered to customers in bars, clubs, sauna clubs and hidden brothels and apartments of very low standard. This pattern has exceptions such as Italy where prostitution is carried out massively in the streets. Prostitutes from CEE countries, Latin America and Africa are found in the outskirts of cities, along access roads or in coastal areas.

Traffickers tend to use private premises, for victims under the age of consent, in order to prevent law enforcement detection. They also use different techniques for approaching 'clients' of prostitution, not based on the occasional entering of clients in a club, but with some form of advertising.

Exploitation of victims in such premises not only makes it less visible, but also allows procurers to control them better. Women are forbidden to leave the premises where they work

²⁷ See also chart in annex 2

or live without an escort. They are continuously monitored, even with the help of Closed Circuit TV installed in rooms. Receptionists or body-guards have access to the premises where they live or have to give sexual services. Often women of the same origin country of victims play a role in their control. They are normally women who have been there for some time and who supervise other women receiving in exchange privileged treatment, no longer paying for their board and lodgings. Their role is to report on the conduct of victims, what they talk about, their plans and intentions in order to prevent any of the women acting as informers or escaping.

In the first few days, the organisation provides the women with everything they need: cleaning articles, toiletries and other goods, although the cost is deducted from the sexual services provided; when they need something, they must ask to those who are responsible, who will supply it.

The organisation establishes the conditions of work: the minimum daily number of customers and consumption, the working hours, the requirement to provide sexual, etc. In addition, the woman often does not receive any money until the debt has been paid: the consumption and sexual services are paid to the waiters and receptionists.

Physical violence is used against the girls if they do not generate the daily turnover. In some cases, women who did not achieve the right number of customers over a certain period of time, are fined and changed to a different club.

Victims have to work very long hours and the overall work and living conditions are very bad. The ways in which the victim are forced into, and stay in, a state of exploitation are many fold. The common methods are listed as follows:

- *The passport, and eventually other documents, are taken away, and sometimes the victims are kept under conditions similar to slavery.*
- *The victims have to work off 'debts' e.g. for transport, travel documents and illegal entry. In most cases the debt could be between € 6,000 to 16,000. In addition to this, following arrival the victims are continuously charged for lodging and meals, which is withdrawn from their earnings. What is left of the money paid by customers to the victims after deduction for debts and costs is negligible, sometimes everything is taken away. In practice, the victim will almost never manage to pay off the debt.*
- *Threats of reprisals against relatives of victims in their home country. The victim is made aware that the criminals know who their family members are and that something could happen to them if the victim does not comply with demands.*
- *The presence in the club, during working hours, of members of the network acting as "body guards";*
- *Prohibition on using the telephone. If there is a public telephone on the premises, they have to ask for a line from a member of the organisation, who monitors the conversation from an extension, and can stop the call where it may prove compromising;*
- *Threats or the use of violence against the victim. It seems to be more common that the victims are forced to comply by the use of psychological pressure rather than physical violence. However, several cases are known where severe violence, including torture and rape, have been used against the victims. Albanian criminals appear the most violent against victims.*
- *Deprivation of food, and administering narcotic drugs and alcohol.*

- *The victims are told that if they try to escape they will be caught and removed as immigration offenders;*
- *The victims tend to be afraid of the authorities and law enforcement, due to the fact that many of them come from authoritarian regimes and/or countries where corruption in law enforcement is rife. This fear is encouraged by criminals, who tell the victims that police officers are bribed and if they inform the police, they will be prosecuted for being clandestine and deported.*
- *Threat of selling the girls to another club;*
- *Victims are frequently moved from one location to another;*
- *A special trait of the sub Saharan African trafficking is the sometimes use of superstitious voodoo rituals to control the victims. Before the transport from the country of origin the victim is presented to a woman, often called 'madam'. This madam manages to gain psychological control over the victim, which also is exerted from distance after the arrival of the victim in the country of destination.*

If the women coerced resist these control mechanisms, they may receive physical or psychological ill treatment, in the form of sexual attacks, blows, death threats, or they are locked up and deprived of food, or forced to use drugs (cocaine) or medication. The threats are real and are carried out. Some victims have been provoked into informing as a result of being brutally beaten up.

Having been utilised for a period at one place, the victims in many cases are moved to new cities or areas where they can be further exploited. The reasons for the frequent moving of victims are the following:

- offer the 'customers' the availability of a wide variety of women, in order to attract them and generate more profit;
- reduce the risk of detection. When victims stay in a location for a few weeks they are less likely to be contacted by law enforcement or people working in NGOs, or put under surveillance because of reports from customers;
- exert control over the victims, that have reduced possibilities to get familiar with the environment and to be able to identify gaps to be exploited for escaping their condition;
- discipline. Even though traffickers rather tend to be extremely violent in order to make an example to other victims, sometimes they may opt for transferring the victims who create problems for the same reason.

Transportation of victims to different locations is done usually by car, a taxi or a private vehicle. Traffickers adopt some precautions, such as using trusted persons as escorts, using vehicles not registered to the name of members of the organisation. Sometimes victims are sold again to other criminals or brothel owners.

Intelligence from a number of police operations in Spain shows that the locations often had links with others in the same or neighbouring provinces for the exchange of women. Indications were found that the same owners, the same managers and the same chauffeurs-body guards could be involved in transferring victims from one establishment to another.

These links pose serious problems for police action since the interconnected clubs warned each other by telephone. Such factors should be taken into account by law enforcement when planning action. Lack of co-ordination for simultaneous raids on the various clubs involved where such links are suspected could result in unsuccessful results.

5.2 The profits gained by THB

The earnings from THB are enormous. No national or EU wide appreciation is possible of the total turn over in this sector of criminality, but there are figures in the national contributions that give indications of the large profits made.

Criminals gather money directly from victims in the locations where prostitution is carried out. A given amount is requested per client, depending on various factors such as the room where the sexual act is carried out or the kind of sexual act provided or the duration that the victim spends with the customer. As described in the Spanish contribution, victims do not even touch the money that in hotel/club/parlour/massage premises is directly received by a receptionist, when the keys of the room are delivered.

In the French contribution it is stated that pimps impose on victims a minimum daily turnover ranging in most cases between 3,00 and 5,000 Francs (450 to 760 Euros) In Spain police investigations reveal that victims are charged for each customer an average sum of money between 5,000 to 10,000 Escudos (30 to 60 Euros). In some cases victims were required daily to earn a minimum of 35,000 Escudos during the week and 50,000 during the weekends (from 210 to 300 Euros).

In Sweden, some women have stated that they have an average income of about SEK 3,000 (360 Euro) a day. The distribution of the money between a woman and her pimp differs and this fact makes it difficult to estimate the amount of money that has found its way to OC.

In the UK contribution it is stated that in an investigation into a Thai crime group during 1999 amount to £5,600,000 (3,480,000 Euros) was seized. One criminal group earned £65,000 (40,3720 Euros) in the period of one week.

In the German report it is calculated that the total profit made from trafficking in connection to 84 different investigations was 19,781,369 German Marks 10,114,000 Euros)²⁸.

This clearly shows how lucrative is THB for criminals. This, in addition to the relatively low length of imprisonment in case of sentences, is probably the main explanation to the increased involvement of what can be labelled organised crime in accordance with the previously mentioned EU criteria.

In France a shift has been noted in the gathering of money by pimps in order to reduce risk of detection. While pimps in the past supervised victims directly, now they tend to task the collection of money and supervision to a prostitute working together with victims. Use of mobile phones allows the procurers to control the activities from a different location.

Only a few contributions describe methods used for laundering the money collected from the exploitation of THB.

Forms of laundering reported in the United Kingdom include:

- purchase of second hand cars in Germany, by Lithuanian traffickers;

²⁸ Those 84 investigations were part of the total of 257 investigations related to trafficking in human beings the year 1999.

- bulk wholesale purchase of shoes for onward sale to Kiev by Ukrainian traffickers and transfer of funds through banks located in Poland;
- real estate investment in the United Kingdom.

The conversion of cash into goods and commodities that are in short supply in CEE countries, is a typical form of laundering for organised crime groups from that area. This system, not only allows the illicit origin of cash to be hidden but also permits criminals to speculate on the huge difference of the purchase cost and price for which they sell these goods in CEE countries, justifying a huge increase in wealth as a legitimate import business.

In addition the opening of bank accounts in the victims name in the country of origin, was noted, allowing money remittals or deposits not linked with the names of traffickers or their associates. An associate in the origin country is given power of attorney to withdraw the money and transfer it elsewhere, but in reality these bank accounts are controlled by the criminals.

The expansion of hotels or hostels modernised and renovated in recent years adapted for prostitution in Spain, indicates the reinvestment of proceeds from THB into this business. The construction of new complexes including residential hotels, bars/restaurants and cocktail lounges was also noted, mostly located near major highways in tourist areas and economically highly developed regions, where the demand of the sex market is high.

This trend, even though not reported by other Member States, matches the trend of shifting the location of exploitation of prostitution into these kinds of premises and therefore could be common to some other countries.

Given the huge amount of money generated by THB activities, it is likely that criminal networks also adopt more sophisticated forms of laundering, making use of expertise provided by financial experts, accountants, bank employees, as occurs with other forms of organised crime.

4.4 Types of criminality linked to the traffickers in human beings

4.4.1 Instrumental Crimes

As mentioned in chapter 2, in most of the EU Member States THB is not coded as a crime in itself. Rather it embraces several different activities that are illegal to different extent in the Member States. The crimes related to trafficking vary of course depending on the way different criminal groups operate, but common crimes are: document forgery, abuse of immigration laws, unlawful coercion, unlawful threat, extortion, bodily harm, aggravated assault, sexual assault, rape, procuring, tax evasion and money laundering. Some of those crimes are more directly linked to the actual sexual exploitation phase, e.g. procuring and extortion. Other crimes, such as document forgery and abuse of immigration laws, are linked but secondary in the sense that they are carried out only in order support or facilitate certain stages of trafficking.

4.4.2 Other Crimes

In the section above crimes related to trafficking were discussed. Several criminal groups engaged in trafficking have also diversified their criminality and commit crimes that are not related to trafficking, although a certain group may use the same logistic and support

structures for all types of criminality. In some national contributions there are information, however not exhaustive, concerning other types of criminality. It is stated that the following forms of criminality have been found linked to criminal groups engaged in THB: drugs trafficking (Fin, Fr, Gr, Sw), illegal fire arms trafficking (Fin, Gr) and fraud (Fr.).

In Spain no evidence was gathered during 1999 on the involvement of traffickers in other forms of criminal activity that are not instrumental to THB.

In the United Kingdom little cross-over was noticed with Illegal Immigration, while in Portugal it appears that TBH and illegal Immigration are in some cases associated.

4.5 The Internet

The Internet is used extensively for providing and selling pornographic material, sexual services and for advertising contacts for explicit sexual purposes. The procurement of sexual services via the Internet is discussed in a few of the national contributions, due to the fact that among the advertisements for sexual services there may also be victims of trafficking.

The risk that was highlighted in the 1998 report on the possible use of internet as a tool to offer victims to clients, became real during 1999. In April 1999 a prostitution agency that was searching for clients through the internet, was discovered. It operated from Annemasse, close to the French/Swiss border.

There is also evidence of internet use during the recruitment phase reported by Sweden with reference of victims from CEE countries, who had contact with the criminals by answering advertisements offering jobs in Western countries.

5. Opportunities and problems in the fight against THB for sexual exploitation

In this part of the report opportunities and problems met by the law enforcement agencies in the Member States are presented. The information has been provided within the framework of contributions to the situation report.

5.1 Opportunities experienced by the Member States.

Experience in some Member States has shown that some particularly effective measures in combating THB can be identified as follows:

- To create specialised investigative units in the Member States, which are given appropriate resources and training to fight THB.
- To close establishments that employ illegal immigrants for the purposes of prostitution, after receiving the appropriate warrants.
- Simultaneous action taken by officials from employment ministries has also been shown to be highly effective in strengthening the impact of police intervention.
- To investigate the bank accounts of any persons or companies involved in collaboration with officials from Tax Department. This is crucial if the financial framework of the THB network is uncovered, in particular as regards operations to launder the money obtained from trafficking and sexual exploitation of illegal immigrants.

- To apply a range of pro-active and disruptive techniques effectively, by exploiting the fact that in the same way that traffickers regard female victims as a “merchandising product”, they are compelled to “market” their “product” in the sex industry marketplace. It is by monitoring this “marketing”, combined with other sources of intelligence and covert techniques, that operations are successfully researched and launched.
- To set up a list of indicators on the basis of intelligence gathered during investigations and research, that can lead law enforcement to identification of victims of THB during inspections or searches on premises suspected of exploiting them for prostitution. These could include: nationality, obvious physical injury, lack of cash, lack of identification documents, language problems, the period of time spend in the establishment, their illegal status with respect to legislation on foreign nationals, overcrowding of accommodation or conditions of restricted movement.
- To undertake inspections or searches in premises used for the exploitation of prostitution, simultaneously when different locations are suspected to be linked for the movement of victims from one to another;
- To collect data concerning the exploitation of prostitution from recorded offences, with particular emphasis on procurer and pimps but also on other criminals active in THB such as recruiters or body guards, and to store this data in a database on a national basis. The data can be inserted at a regional or local level, but once in the database should be made available at a national level. The existence of such a database on criminals would allow the sharing of data between Member States and lead to a more efficient fight against THB.
- To increase cooperation between the law enforcement/judicial authorities with other authorities that are competent to address some aspects of THB, such as immigration services or NGOs. Close co-operation with special counselling services for victims care proved to be particularly effective for law enforcement.
- To research the phenomenon of THB by using strategic analysis both at a national and EU level, taking into account not only data gathered from criminal investigations but also data gathered by persons involved in social advocacy and health care programs, by NGOs. A multidisciplinary overview can be obtained, leading to a full understanding of THB in all its implications for both repressive and preventive measures to be undertaken both at a national and an international level.
- To appoint an authority responsible for the study of THB at a national level and for proposing recommendations to the Government for the fight and prevention of THB;
- To foster international exchange of information during investigations, for the dismantling of international criminal networks, making use of Europol and Interpol;
- Finally, some Member States have organised training activities on the subject that appears to be very useful to officers working in Immigration Services, Customs and the Ministry of Foreign Affairs. These activities have principally concerned illegal immigration procedures, measures for border control and knowledge of documents.

5.2 Problems experienced by the Member States.

The main problems, mentioned in the national contributions, faced by Law Enforcement Agencies in the Member States in combating THB are the following:

- Investigations have shown that the crime of trafficking is undertaken both by organised crime groups and resourceful individuals that operate from both the Member States and in the countries of origin.
- Despite positive initiatives, the lack of a structured and efficient co-operation with the competent authorities in the origin and transit countries, both for the exchange of intelligence and evidence, in many cases obstructs the prosecution in all the countries affected by THB, from recruitment to sexual exploitation.
- Some Member States have no intelligence to suggest that women are being covertly (i.e., smuggled) trafficked into the EU to operate in the sex industry.
- Exploitation of victims tends to be less visible due to the shift from street to prostitution into houses, hotels and clubs.
- Lack of co-operation of the victims with the penal authorities, out of fear of reprisals, who prefer to be exploited than to be obliged to return to their countries of origin. In addition it is not possible to protect victims and families in origin countries, with clear negative consequences on the determination of victims to cooperate with law enforcement.
- Lack of possibility to protect potential informants as well as the absence of special statutory witness protection arrangements.
- In most cases the victims and witnesses cannot testify in court, because they choose to return home or because they have already been deported. In many cases this means that it is impossible to make the charges stand up in court and duly punish the culprits.
- The financing for costs associated to the permanence of the witnesses and victims of THB in Member States, such as special doctors' fees, language courses or training for introduction for licit jobs are insufficient.
- The lack of a specific criminal code for THB. Consequently, investigation officers, tax authorities and the courts must resort to closely related acts that are recognised as offences, i.e. the so-called "related offences". Resources are often only allocated in the main towns, as a consequence the impact of THB activities in other areas of the Member States are not known and often underestimated
- Traffickers in women destined for the EU market, make use of the differences in visa policies in various Schengen countries. Visa requirements are different in the member states²⁹. Some member states issue young women with visas without verifying their true travel destinations.
- The lack of a specific crime in the penal code of most Member States often results in concentrating the repressive efforts on the activities of criminals that are easier to deal with such as facilitating illegal immigration or exploitation of prostitution. When division of tasks is well developed in criminal groups, this leads to focus only on certain phases of THB, leaving others not sufficiently prosecuted or resulting in inappropriate sentencing.
- The use of card-operated mobile phones, where the registration of the identity of the buyer is not requested when issued, proved to be a serious obstacle to identification of criminals during investigations in many Member States.

²⁹ E.g.: Colombian and Malawi nationals must have a visa for the Benelux countries. They do not need one to enter Germany

- Due to the use of more and more sophisticated methods of deception by criminals, some victims do not consider themselves as victims. As a result they do not co-operate with law enforcement.

5.3 Initiatives to prevent and combat THB in the EU

On the 26 October 1999 the Dutch Parliament legalised prostitution in the Netherlands. The Upper House approved the bill that officially made it legal to run a brothel anywhere in the country, subject to local zoning ordinances.

The new law aimed at guaranteeing cleaner and safer conditions for the country's estimated 30,000 prostitutes and allowing police to focus their crackdowns on the employment of illegal immigrants and underage girls. Prostitution is already legal in The Netherlands. Workers in brothels will be registered and minimum safety standards and conditions will be met.

In addition a National Observer for the Trafficking of Women was appointed at the beginning of 2000 in The Netherlands. The National Observer will be responsible for issuing a trend report to the Government, containing specific recommendations to fight THB.

As a result of the recent creation of the Border Police in Greece, with the task of monitoring the Greek's land borders in preventing illegal entrance of clandestines, a reduction was noted by the Ministry of Interiors of the number of women trafficked in Greece, during the first five months of the year 2000.

Local Crime Prevention Councils were also instituted in Greece during 1999, with a view to reinforce social control by involving the local communities in crime prevention.

In Spain the new Ley sobre Derechos y Libertades de la Extranjeros en España y su Integración Social (Organic Law 4/0) was issued. In particular Section 55 on *Colaboración contra redes organizadas* [cooperation against organised networks], will facilitate the cooperation of victims of THB with the law enforcement and judicial authorities by granting a waiver from all administrative liability or expulsion. This occurs where the victim, of an offence THB, illegal immigration, or trafficking in labour or exploitation of the situation of need of others for the purposes of prostitution, may provide essential data or testifying, in the corresponding proceedings against those responsible.

Various Member States are working on projects aimed at creating a new legislative framework criminalizing and providing better tools for the fight against THB.

In Palermo/Italy on 12 / 15 December 2000 the first UN Convention against Transnational Organized Crime was signed. On top of this Convention, the Assembly also adopted two optional protocols by which countries would undertake in-depth measures to combat *the buying and selling of women and children for sexual exploitation* or for *labour exploitation* and the smuggling of migrants. The EU Commission signed the Convention and the mentioned protocols on behalf of the Member States.

As trafficking in persons, especially women and children for forced labour or "sex slavery", becomes increasingly linked to transnational organised crime, Governments have decided that a separate legal instrument -a Protocol against Trafficking in Persons, especially Women and Children- was needed to fight it. The protocol aims at:

- a. uniting nations in adopting measures to prevent trafficking in persons, especially women and children, as well as to hunt down and punish international traffickers;
- b. boosting cooperation among nations to combat trafficking more effectively;

- c. protecting victims of trafficking and helping them return safely to their own or a third country;
- d. informing the public about trafficking and its negative consequences.

Various initiatives have been undertaken by the European Union at a political and legislative level to prevent and combat THB.

The European Commission has launched a number of programmes such as STOP, COPINE, FALCONE and DAPHNE aimed at combating this phenomenon. The general aim of the STOP programme, directed at law enforcement services and governmental organisations, is to combat sexual exploitation of children and trafficking in women. The COPINE programme focuses on combating Paedophile Information Networks in Europe. In addition, the purposes of the FALCONE programme are to promote co-ordinated measures for the fight against organised crime and to facilitate the implementation and monitoring of the action plan to combat it. Furthermore, to promote closer co-operation between magistrates, prosecutors, law enforcement agencies, customs, etc. The DAPHNE programme is for voluntary organisations (non-governmental) working with children and women exposed to violence and sexual exploitation.

Europol has participated, co-operated and supported several external initiatives and projects such as the CAIR STOP-Project and "The paedophile World on the Internet", led by Dublin City University. The aim of the latter project is to identify the dynamics in paedophile communities and their impact on the Internet. Another project with Europol involvement is "The Feasibility Study on Rapid Information Transfer aiming at preventing and combating THB, in particular women and children, for sexual exploitation in the EU". This project was also funded by the STOP Programme and led by the regional office of the International Organisation for Migration in Rome. The aim and scope of the study was to identify and propose good practice in information transfer on THB between law enforcement services, governmental and none governmental organisations. The final outcome of the study was presented in December 1999.

In 1996 the Heads of state and government of the eleven countries around the Baltic Sea met in Visby, Sweden, and agreed on the creation of task force to improve the fight against organised crime in that region.

The Members of the Baltic Sea Task Force are Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway, Poland, the Russian Federation and Sweden.

The Task Force, currently led by the Danish Police, received the task in May 2000, to set up an additional working group on THB, aiming at eliminating the deficits in the exchange of information between the member countries.

The International Organisation for Migration (I.O.M.) is currently involved in different activities aimed at promoting orderly migration and protecting the immigrant by offering assistance to victims when they are returned to their own country. At present there is a pilot project with Belgium where assistance is given to victims who request voluntary return. Currently there is an on going information awareness campaign running targeting the grass roots of this problem, training trainer who will speak to potential victims. There will be on going monitoring during this campaign with the level of awareness being tested at its beginning and end.

5.4 Activities carried out by Europol in the field of THB

Europol is active in the fight against THB, which as said before, is one of its mandated areas.

Europol is involved in facilitating the exchange of criminal intelligence to support investigations through the network of Liaison Officers located in The Hague and in the Member States.

During 1999 the information exchange between Europol Liaison officers from the different Member States amounted to 561 operational requests and 648 answers to requests related to concrete cases investigated.

In addition to that, Europol supported Member States' in different criminal cases on THB for sexual exploitation, providing criminal operational analysis. During 2000 Europol provided analysis in the framework of Operation SKIM, an investigation into child pornography in Internet involving mainly The Netherlands Germany and Belgium. The project resulted in different arrests and seizures of child pornography on the Netherlands. Information is shared to other countries that will generate other operations. Next to that, the analysis made by Europol made it possible to give a profile of the offenders, their modus operandi and the relationship between different paedophiles.

Europol has established a Specialist Unit with the task of dealing with THB. This unit is a different one from Illegal Immigration, even though the two work in close co-operation.

This unit, which currently consists of three members of staff is asked to provide in co-ordinate initiatives and develop EU projects to combat THB.

This unit, together with the Europol Analysis Unit, produces an annual report that describes the scope, impact, threat and also tries to identify patterns and trends of THB for sexual exploitation on an EU level.

The Europol THB Unit also produces a quarterly Information Bulletin on THB, based both on contributions from Member States and from Open Sources information, in order to gather and disseminate information on recent cases of THB, legislative and political initiatives in law enforcement in the Member States.

Europol also arranges expert meetings for law enforcement personnel working in the field. IGOs and NGOs are also invited to participate. The aim of the expert meetings is to exchange best practices, to discuss modus operandi, routes, money laundering activities, and create a forum for the sharing of relevant information on the phenomenon at an EU level, from a law enforcement perspective.

Europol is also offering training to law enforcement personnel on best practices in combating sexual exploitation of persons and child pornography. The first course on sexual exploitation was held in September 1999. The first European Union Internet training course on child pornography was held in November 2000. A third course on these topics will be held during 2001.

In addition Europol is offering its expertise in different fora where THB is discussed at a political, judicial and law enforcement level, including EU competent authorities.

Finally Europol, in close cooperation with the European Commission are also working on a new strategy balancing crime prevention and repression by reducing crime opportunities and adopting a multi-disciplinary approach.

7. Conclusions

On the basis of what is stated in this report the following main conclusions may be drawn:

- ✓ Most EU Member States are affected by THB, not only limited to sexual exploitation;
- ✓ THB is a trans-national and complex phenomenon, which has to be met with increased international co-operation and a multi-agency approach;
- ✓ The main trend for some years is the rise in victims from Central and Eastern Europe. However, many victims are still trafficked from Africa, Asia and Latin America;
- ✓ There are case related indications that organised crime is increasingly involved in THB;
- ✓ Information from cases has shown that the profits made in this type of criminality can be very large;
- ✓ THB is a very cruel crime, where the victims always are subjected to severe psychological pressure and often physical violence.
- ✓ Victims tend to be abused in off-street locations, being less visible to Law Enforcement. In some Member States an increase of re-conversion of old roadside hotels into hotel premises where prostitution occurs has been noted.
- ✓ Despite the growing and worrying impact of THB on the EU, various Member States do not consider it a high crime priority, as a result there is still insufficient knowledge concerning this phenomenon and inadequate law enforcement resources have been allocated to it.
- ✓ The development of political and legislative initiatives encouraged by the European Commission and by the Council, together with the fight the against Transnational Organised Crime signed in December 2000, represent crucial steps towards a global approach to THB, taking into account its complexity and its international nature. However the practical response of the competent operators will be crucial to the effectiveness of this political and legislative commitment.

8. Assessment/Outlook

The main purpose of this report is to give as precise a description as possible of the current situation concerning the phenomenon of THB, not to present a profound threat assessment about long term future trends. To do the latter another methodology than chosen would have been necessary. However, on the basis of the Member States contributions, and other information, it is possible to see trends that give indications on possible future development.

Probably THB to Member States will continue to increase, or at least stay at current levels. Economic discrepancies and conflicts in various parts of the world will also function as pull and push factors in the future for a large amount of people that wish to seek a better future within Member States. These factors will ensure a large supply of potential victims to be recruited to satisfy the demand of markets in Member States such as sex, underpaid and unregulated work and human organs, which offer the possibility of huge illegal profits for traffickers.

Furthermore, huge potential profits will probably stimulate more involvement of organised crime groups in THB. This could in turn lead to increased trafficking, more sophisticated modus operandi used by the criminals, as well as increased competition among criminal

groups. The latter could occasionally result in the escalation of violence between some criminal structures.

According to experts, and also explicitly mentioned in some of the national contributions, the THB crime situation is underestimated and its comprehensiveness not properly understood. Subsequently appropriate resources are not allocated to the fight against THB, by most of law enforcement agencies in the Member States. If this does not change and more priority is not given to combat THB, it may lead to a worsening situation. When potential profits are very high and the risks for imprisonment rather low, as is the case with THB, there is an immense risk that it stimulates criminals to start or convert their business into this area.

8. Recommendations

A common European Union approach and strategy to tackle THB both politically and in the law enforcement agencies at national level must be implemented.

The growing importance of THB as one of the most lucrative activities of criminals, generating a global amount of money closer and closer to that of drug trafficking stipulates the need to give to the fight higher priority and to adopt similar instruments of international co-operation already in place for drug trafficking.

The following recommendations mostly retrieved from the Member States' contributions have been clustered into three groups: I) Member States' law enforcement agencies, ii) Europol specific, and iii) Political.

8.1 Member States law enforcement agencies

- To give appropriate priority and allocate resources needed for the fight against THB.
- The development of specialised units for combating THB in Member States should be encouraged. This would not only allow a better repression and collection of data at a national level, but would also facilitate the exchange of operational and strategic data with similar units in other Member States.
- To utilise intelligence led policing, by using traditional police measures for collecting information and intelligence is recommended, due to difficulties in getting statements from victims.
- Law Enforcement in the Member States should be encouraged to undertake intelligence gathering on off-street prostitution with particular attention to the presence of foreign women and other risk categories of victims, not only limited to major towns.
- To conduct in-depth and up to date research on THB, not only from a Law Enforcement perspective but also considering the experience of victims of trafficking and the market demand for prostitution by customers. This can result in the identification of new measures and programmes to be undertaken.
- Traffickers tend to use private premises, for victims under the age of consent, also using different techniques for approaching 'clients' of prostitution, not based on the occasional entering of clients in a club, but with some form of advertising. Research into this area of vulnerability for criminals could help to adopt appropriate measures for crime prevention and crime repression purposes.

- A pro-active approach of law enforcement officers towards the victims of THB for sexual exploitation should be encouraged. Trained and experienced personnel should be used to have a structured approach to victims in order to explain to them the possibility for co-operation. This also implies for Law Enforcement the full awareness on the assistance that the victims can receive in practical terms not only during the Court phase, but also afterwards. The lack of a legal or logistical possibility to allow the victim to obtain a permanent residence permit, should prevent the use of victims in Courts, in order to avoid reprisals and violence against them, once repatriated.
- Law enforcement action should also focus on tracing the assets of the criminals for freezing and confiscation, in order to deprive traffickers of the final result of their criminal activities. This would increase the risk for carrying out THB and make them more vulnerable by reducing their financial resources. The recent extension of Europol mandate to cover Money Laundering in general, could result in a further tool for international co-operation, facilitating the exchange and analysis of information on the ML aspects of THB cases.
- To increase contacts between relevant authorities and law enforcement agencies in order to establish a multi-agency approach and co-operation. Moreover, to develop bi-lateral and multi-lateral co-operation between different law enforcement agencies.
- To enhance co-operation and exchange of information with NGOs and other parties active in social assistance programmes to victims of THB, in order both to collect intelligence on the scope of this phenomenon and for the initiation of new investigations. This could also result in the start of investigations in other Member States, where criminal networks are active or victims transiting.
- To create national databases on victims of THB, in order to support victims who are detected and encourage them to give evidence through protection.
- To deter inadequately documented passengers being allowed to board from source countries by sharing intelligence with other recipient countries and their representatives overseas;
- The issuing of Visa and temporary residence permit to risk categories of applicants from risk countries should be carried out carefully. Visa granting should be followed up by controls in the destination countries. Measures such as list of indicators could be implemented in order to prevent traffickers from using this system.
- To make use of the most up to date technologies available, in order to identify forged documents used by traffickers and victims to facilitate THB;
- Licensing and monitoring of premises that are likely to be used for off-street sexual exploitation such as massage parlours, night clubs, saunas, etc. should be carefully carried out by competent authorities and Law Enforcement;
- Women forced to prostitution by traffickers should be considered victims of a crime. Thus the possibility should be evaluated to allow them to ask for Civil law action against criminals in order to obtain a financial compensation for the damage received.

8.2 Europol specific

- To encourage the Member States to make a more practical use of Europol, especially its support to international investigations.
- To inform Member States' law enforcement agencies on trends, modus operandi and criminal organisations by continuing to issue updated Situation Reports, Threat Assessments and an Intelligence Bulletin on THB.
- To identify and develop contacts in the applicant countries with the national units dealing with THB.
- To increase contacts with departments within national law enforcement agencies, so as to increase the flow and speed of intelligence, with any bi-lateral contact between being fully reported to Europol in a timely fashion.
- National databases on suspects, associates and contacts involved in THB should be implemented. This will mean that useful data collected for different purposes are used to identify and dismantle trafficking networks. In full respect of national legislations on data protection and the Europol Convention, a flagging system could be implemented at an EU level through Europol.
- Awareness in Member States about the role of Europol in the fight against THB will enhance international co-operation among Member States law enforcement and lead to the identification and initiation of new cases affecting the EU.
- Within the ongoing negotiations between Europol and Third States and Organisations, the issue of improving the exchange of intelligence with origin countries can be addressed, particularly with the applicant countries to join the EU where a closer level of co-operation can be established, including the posting of Liaison Officers.

8.3 Political

- To change legislation, where possible, in order to increase the level of punishment for perpetrators of THB, and also to enable sanctions against illegal income and confiscation of assets earned through THB.
- To adjust legislation that in many instances is required in Member States to provide the courts and special police units with better instruments to combat THB, and therefore it would be important to define and code all the elements of THB as a single crime.
- To extend criminalisation of THB to other forms of exploitation and reduction to slavery other than prostitution, with similar penalties and instruments available for the fight by law enforcement, as stipulated by the UN Convention against Transnational Crime.
- The possibility to harmonise methods for detecting traffickers and bringing them to justice, such as guarantees for protection, temporary witness residence permits for victims who agree to give evidence and a reversal of the burden of proof, so that it is placed upon the alleged traffickers in Member states should be researched. Rehabilitation and repatriations programmes for the victims should also be developed.
- The same level of legislative and social protection should be provided to victims of both sexes. Crime prevention and crime repression should also focus on both sides.

- In a parallel effort to the Member States, the most important countries of origin of victims trafficked in the EU, particularly the Central and East European countries, must be encouraged to adopt legislative measures that ensure criminalisation of THB, increase the exchange of criminal information, ensure seizure and confiscation of profits and enhance judicial assistance. This must be accompanied by continuous assistance from the EU in order to make law enforcement more efficient and specialised in this crime area.
- Increase the level of international co-operation to levels which are similar to those reached for drug trafficking, such as establishment of liaison officers in origin countries of victims, international agreements for exchange of intelligence and mutual judicial assistance within the Member States and with Third countries, implementation of measures such as controlled deliveries and undercover operations.
- To develop information programmes in countries of origin, so as to brief potential victims on the legislation, job opportunities and on prevention-related topics in general.
- Traffickers in women destined for the prostitution market in the EU make use of the differences in visa policies in the various Schengen countries. Visa requirements are different in the member states. Some member states issue young women with visas without verifying their true travel destinations. The Schengen visa policy should therefore be harmonized in this respect.
- The scarce intelligence available on the persons active as recruiters in the origin countries needs to be addressed with an improvement of international co-operation making the exchange of intelligence and criminal data more exhaustive and quick.
- Information campaigns in victims' countries of origin should continue to be sponsored by the EU.
- A political debate is needed in order to evaluate the adoption of a common approach regarding the obligation of phone companies to register the identity of owners of card – operated mobile phones.

Annex 1 Country abbreviations used

| | |
|-------------|---------------------------|
| Au. | Austria |
| Be. | Belgium |
| Fr. | France |
| Fin. | Finland |
| Ge | Germany |
| Gr. | Greece |
| It. | Italy |
| Lux. | Luxembourg |
| Nl. | The Netherlands |
| Po. | Portugal |
| Sp. | Spain |
| Sw. | Sweden |
| UK. | The United Kingdom |

Annex 2 Forms of control over victims of THB

