

.SIAK-Journal – Zeitschrift für Polizeiwissenschaft und polizeiliche Praxis



O'Neill, Maria (2012):

Trafficking in Human Beings. An ongoing problem for the EU's law enforcement community

SIAK-Journal – Zeitschrift für
Polizeiwissenschaft und polizeiliche Praxis
(1), 43-54.

doi: 10.7396/2012_1_D

Um auf diesen Artikel als Quelle zu verweisen, verwenden Sie bitte folgende Angaben:

O'Neill, Maria (2012). Trafficking in Human Beings. An ongoing problem for the EU's law enforcement community, SIAK-Journal – Zeitschrift für Polizeiwissenschaft und polizeiliche Praxis (1), 43-54, Online: http://dx.doi.org/10.7396/2012_1_D.

© Bundesministerium für Inneres – Sicherheitsakademie / Verlag NWV, 2012

Hinweis: Die gedruckte Ausgabe des Artikels ist in der Print-Version des SIAK-Journals im Verlag NWV (<http://nwv.at>) erschienen.

Online publiziert: 3/2013

Trafficking in Human Beings

An ongoing problem for the EU's law enforcement community

The Trafficking of Human Beings (THB) is core business of international criminal organisations. It is seen as a relatively low risk/high reward crime. The EU's legal provisions for dealing with THB are currently undergoing a radical reform. The new Directive is to be in place in national laws by April 2013. Putting into practice of the provisions of the directive will have a substantial impact on both under cover and uniformed police operations, and the development of an effective interaction between the two. In addition, the G8's Financial Action Task Force (FATF) has highlighted that the investigative culture of focusing on the predicate offence, at the expense of its allied money laundering offences is a "recurrent obstacle" in many jurisdictions. All of these issues will have a significant impact on police organisational structures as, it is arguable, that the working relationship between covert and uniformed policing, to include the relevant Financial Intelligence Unit (FIU) will have to be tighter than might traditionally be the case, say, during a drug trafficking operation. This paper, written by an EU lawyer, examines these issues from a law enforcement perspective.



MARIA O'NEILL,
*Senior Lecturer, University of
Abertay Dundee, Scotland, UK.*

1. INTRODUCTION

Europol's director, in an interview in November 2010 reported that Europol had "seen a large increase" in Trafficking in Human Beings (THB) cases referred to them in 2010 (Wainwright 2010). As reported by Financial Action Task Force (FATF) "one of the attractions" of Trafficking in Human Beings is said to be that human trafficking along with "the smuggling of migrants" is "seen as relatively 'low risk-high reward' crimes", with good profits to be made, and "the prospect of limited penalties if caught" (FATF 2011). This is largely because the "prosecution is for the predicate offence and not for" money laundering (FATF 2011). Council of Europe bodies are reporting that "Human

trafficking and illegal migration/human smuggling represent a core business of international criminal organisations", and are "now thought to be among the most lucrative of their world-wide activities", together posing "a global challenge of the same proportions as the illegal trafficking of drugs and firearms" (Europol 2004). The crime of THB requires review, and is currently undergoing a process of reform at the EU level.

The EU's legal provisions for dealing with the Trafficking in Human Beings are undergoing a radical reform. The bringing into the THB investigation of "serious and organised crime" policing is clearly provided for under the new EU directive.¹ Putting into practice of the provisions of the

directive will have a substantial impact on both under cover and uniformed police operations, and the development of an effective interaction between the two. In addition, FATF have reported that in the context of pursuing the proceeds of the crime “there is a widespread belief within law enforcement authorities that the predicate offence is more important” (FATF 2011). FATF criticise this “investigative culture focusing on the predicate offence rather than the laundering” as being a “recurrent obstacle” in many jurisdictions who report to FATF (FATF 2011). All of these issues will have a significant impact on police organisational structures as, it is arguable, that the working relationship between covert and uniformed policing, to include the relevant Financial Intelligence Unit (FIU) will have to be tighter than might traditionally be the case, say, during a drug trafficking operation.

These developments will also have a knock on effect on the policing of what would appear at first sight to be low level street crime, the role of most uniformed police officers on the beat. THB is often hidden within other criminality such as prostitution “in some jurisdictions, illegal immigration, etc” (FATF 2011), with THB “not being investigated or recorded as trafficking cases” (FATF 2011). As Wainwright has reported in the context of the EU, “a significant trend is the increase in trafficked children in the EU”, with “gangs specifically (exploiting) children who are forced to routinely beg and steal across the UK and Europe” (Wainwright 2010). As reported by Council of Europe “Local police may not always realise the implications of cases they are handling” (Europol 2004). Often a crime is processed as a case “of prostitution or living off immoral earnings”, without officers realising that a much more serious offence is occurring, with evidence which could be used to tackle a “larger

human trafficking organisation” (Europol 2004) being overlooked. The Council of Europe does point out that local police will need “to be supported by the use of special investigative means”, in order to properly develop the investigation (Europol 2004). They will need also a proper “financial investigation”, in order to target the proceeds of the crime, which “needs to be conducted in parallel with the main investigation of the predicate offence” (Europol 2004).

In addition, with many individuals being trafficked either from Asia or Africa, the ability to operate with non-EU forces, where equivalent counterparts exist, will also be key to fully combating this particular crime area. For example the Russian authorities have realised “that they face an acute demographic problem” with a substantial loss of women of child bearing age in some regions, and “are focusing on human trafficking as a threat to national security” (Shelly 2009). The development of external relations of the EU in THB are key provisions of the Stockholm Programme, the policy document signed off in December 2009, setting the developmental targets for the EU policy areas of Justice and Home Affairs for the next five to ten years. “Cooperation and coordination with third countries” (outside the EU) is seen as being “of crucial importance” in this area (Stockholm 2009).

2. THE NEW EU LEGAL FRAMEWORK ON THB

The Stockholm Programme made a number of proposals for reforming the EU legal and operational provisions for dealing with THB, many of which have already been put in place. The proposed EU Anti-Trafficking Coordinator (ATC)², has now been appointed. Her task is to bring together all of the legal and policy strands needed in order to develop “a well

coordinated and consolidated EU policy against trafficking” (Stockholm 2009). One of these many strands is the law enforcement aspects of THB. From a practitioner point of view, there are a list of typical sectors where THB is likely to occur³, to include the “invisible” sectors.⁴ However, in addition the Italians have recently been reporting to the Council of Europe on “the kidnapping of migrants”, illustrating “how an illegal migrant case can turn into a human trafficking case” (Europol 2004). The Lisbon Treaty set up the new Standing Committee on Internal Security (COSI)⁵, pursuant to Article 71 TFEU, to monitor progress, inter alia, in this area. The COSI committee is to be “regularly informed of coordination and cooperation against trafficking” (Stockholm 2009). It is expected that there should be some considerable progress within the EU. The new directive on THB has also been passed⁶, and is to be enacted in each of the EU member states by 6 April 2013.⁷ Criminal justice and victim support measures are to the fore in this directive.

Initially subject to Protocol 21 opt outs by the UK and Denmark, (but with the UK later indicating its intention to opt back in again – EU Action paper 2011) the new EU directive on human trafficking⁸ is a much more substantial document than its predecessor, the framework decision⁹, reflecting “the growing concern among Member States regarding the development of the phenomenon of trafficking in human beings”¹⁰. The new directive takes “an integrated, holistic, and human rights approach”¹¹ to THB, building on the pre-existing legal frameworks provided by the UN¹², the International Labour Organisation (ILO)¹³, the Council of Europe¹⁴, and the EU Charter of Fundamental Rights. The directive itself states that it is aiming to “amend and expand the provisions” of

the earlier framework decision,¹⁵ but that “in the interests of clarity” it should replace the earlier framework decision “in its entirety in relation of Member States participating in the adoption of this Directive”¹⁶.

A challenge for the law enforcement community will be the victim status under the directive accorded to those who have been trafficked or exploited in the course of criminal activities, and the mandatory support mechanism which will be required to be given to these victims under the new directive.¹⁷ This will include the woman or girl who has been forced into prostitution, or the child which is forced to beg or steal by traffickers. The widening of the definition of exploitation in the directive, in contrast to the earlier framework decision, could lead to a considerable change, not only of national laws on and law enforcement practice with regard to THB, but also of law enforcement practice in many non THB crime areas. Changes, in particular, will arise as “assistance and support for a victim are not (to be) made conditional on the victim’s willingness to cooperate in the criminal investigation, prosecution or trial”¹⁸.

While there are differences in the drafting style between the new directive and its predecessor, the framework decision, much remains similar. The definition of exploitation used in the definition for THB is however broader, expressly including begging, and “the exploitation of criminal activities, or the removal of organs”¹⁹. Europol has pointed out that THB “for the purpose of committing street crime offences such as begging, pick pocketing, street theft and robbery” is very much on the rise (Europol 2009). In addition THB for the purposes of “social security, welfare and benefits systems” fraud is also increasing, in addition to the “involvement of trafficked children in the production, manufacture and supply of controlled drugs”

(Europol 2009). The forced removal of organs, while uncommon, has also occurred within the EU. Traditionally defined “criminals” in the context of these lower order crimes, have now been classified as “victims” under the new directive, where THB has, or is likely to have occurred. Many uniformed police operations and street patrols will now find themselves involved in the post directive THB law enforcement framework.

While the protection of and assistance to victims was provided for in the earlier framework decision,²⁰ in one subsection of one article, it is now covered by six articles in the new directive, some of which are quite lengthy. Of these new provisions four articles are devoted to the protection of children and child victims.²¹ When dealing with a person of indeterminate age, it is to be presumed that they are a child, until the contrary is proven.²² In addition the interests of the child are to “be a primary consideration” in any investigation involving children.²³ The traditional interest of the police in law enforcement will therefore have to be tempered, and accordingly accounted for in crime statistics and crime detection rates. Access to education is also provided for, as is the need to appoint a legal guardian or representative if “the holders of parental responsibility” are “precluded from ensuring the child’s best interests and/or from representing the child” due to a conflict of interests.²⁴ The need for special investigation and criminal procedures in the case of a child victim is covered,²⁵ although it is highly probable that these provisions are already in place in most, if not all, EU jurisdictions. This is acknowledged in Wainwright’s interview, when he points out that the “identification of a child victim, witness or suspect” needs “special procedures within all law enforcement environments”, highlighting issues

such as “the amount of time a child can be detained and the circumstances in which the child can be questioned” (Wainwright 2010). He believes that the “increase in trafficked children in the EU” is a “deliberate tactic by traffickers who are using children more and more to disrupt the investigation process” (Wainwright 2010). The issue of unaccompanied child victims is also addressed in the directive, involving the need to appoint a legal guardian in these cases, if necessary.²⁶

Assistance is to include “the provision of appropriate and safe accommodation and material assistance, as well as necessary medical treatment including psychological assistance, counselling and information, and translation and interpretation services where appropriate”²⁷. Victims with special needs also need to be provided for, for example, those who are pregnant, have health issues, “a disability, a mental or psychological disorder, (...) or a serious form of psychological, physical or sexual violence (which) they have suffered”²⁸. Legal support, to include witness protection programmes, designed on the basis of “individual risk assessment”, is separately provided for.²⁹ If there are existing schemes for the compensation of “victims of violent crimes of intent”, then THB victims should have access to these schemes.³⁰ Provisions are also made for the avoidance of secondary victimisation due to the investigation or prosecution process.³¹ In addition the earlier Police and Judicial Cooperation in Criminal Matters (PJCCM) provisions on the standing of victims in criminal proceedings³² also continues to be relied on. At a practitioner level, the Council of Europe report that “most countries treat victims as valuable intelligence rather than as potential witnesses” (Europol 2004).

Forced labour, “illegal adoption or forced marriage in so far as they fulfil the constitutive elements of trafficking in human

beings³³”, and forced begging are included within the ambit of this directive, with “no possible consent (being) ever considered valid” in the case of a child.³⁴ It should be noted that a child is defined as “any person below the age of 18 years of age”³⁵. The “age of sexual majority”, referred to in the framework decision,³⁶ does not feature in the directive. This is a significant shift in focus, at least on this point, between the two EU provisions.

In establishing what is a particularly vulnerable person, which would lead to a more severe penalty, issues such as “gender, pregnancy, state of health and disability” need to be taken into account.³⁷ Also relevant would be the use of “serious violence such as torture, forced drug/medication use, rape or other serious forms of psychological, physical or sexual violence” on the victim.³⁸ The issue of prevention is addressed by the directive, with member states required to “take appropriate measures, such as education and training, to discourage and reduce the demand that fosters all forms of exploitation” related to THB.³⁹ This should include, inter alia, internet campaigns, and the raising of awareness, “in cooperation with relevant civil society organisations and other stakeholders”.⁴⁰ In addition the relevant professionals need to be trained, to include “front-line police officers”⁴¹, which would be a much broader group than specialists in THB units.

The minimum penalty provisions for THB have been made clearer for the standard offence, now to be “at least five years of imprisonment”⁴², whereas previously it was to be “effective, proportionate and dissuasive” and was to be extraditable.⁴³ The aggravated offence is now to be a maximum of 10 years imprisonment,⁴⁴ up from the previous 8 years.⁴⁵ As previously, the aggravated offence will occur where the victim is particularly vulnerable, or is

a child, is committed within the context of an organised crime gang as defined by Council Framework Decision 2008/841/JHA,⁴⁶ or either “deliberately or by gross negligence endangered the life of the victim.” It is also aggravated if it “was committed by use of serious violence or has caused particularly serious harm to the victim”⁴⁷. Added to this provision, the directive states that aggravation will also occur where the offence “was committed by public officials in the performance of their duties”⁴⁸. The incitement, aiding, abetting and attempt offences⁴⁹ are now to also be subject to surrender⁵⁰ under the European Arrest Warrant.⁵¹ To complete the mix, EU and national frameworks on bribery and corruption would have to be added to the law relevant to this crime area.

Provisions on jurisdiction have been expanded, with reliance still being made on pre-existing EU provisions on conflicts of jurisdiction.⁵² The new provisions,⁵³ in addition to redrafting much of the older provisions,⁵⁴ requires that where a member state establishes jurisdiction on a basis other than the place where the offence was committed, that the “acts are a criminal offence at the place where they were preformed”⁵⁵. In addition the “prosecution can be initiated only following a report made by the victim in the place where the offence was committed, or a denunciation from the State of the place where the offence was committed”⁵⁶. It is worth noting however, that jurisdiction, as standard, is to be established where “the offender is one of their nationals”⁵⁷. There is no caveat that the related offence is to occur within the EU.

New provisions on investigation and prosecution⁵⁸ provide that member states should ensure that it is possible to take a prosecution for a sufficient period of time after the victim has reached the age of majority.⁵⁹ Emphasis is put on the training of

THB law enforcement units, to including a requirement that member states ensure that THB law enforcement units have “effective investigation tools”, to include “those which are used in organised crime or other serious crime cases.”⁶⁰ This presumably would include the whole range of tools legislated for by the EU for cross border law enforcement operations, to include wiretaps⁶¹, controlled deliveries⁶², cross border covert surveillance⁶³, joint investigation teams⁶⁴, or the use of undercover officers in a cross border investigation⁶⁵, etc. In addition the key national agencies would have access to and contribute to Europol’s Phoenix Analysis Work File.

Establishing the exact extent of the crime is important to the allocation by managers of the necessary policing and victim support resources. This has been highly problematic to date (in particular: Lee 2007). The ongoing issue of measuring, at least to some level of effectiveness, of the crime of THB within a particular jurisdiction, will be very important. At a strategic policy level, national rapporteurs, or equivalent, should be appointed, to “carry out assessments of trends” in this area and to measure the “results of anti-trafficking actions”, to include gathering statistics.⁶⁶ These details need to be transmitted to the EU’s newly appointed anti-trafficking coordinator (ATC), whose work is to be facilitated by the member states, with the ATC tasked with reporting every two years on progress to the Commission.⁶⁷ This final provision should provide comparable databases in order to facilitate an informed debate as to the exact extent of reported THB in any particular jurisdiction.

The directive, with twice as many articles as its predecessor, the framework decision, still does not encompass the allied crime areas of child sex tourism or on-line paedophilia activity. It does, however, have new

provisions on the seizure and confiscation of assets,⁶⁸ although in practice earlier provisions on money laundering⁶⁹ and the confiscation of the proceeds of crime⁷⁰ continue to be relied on. The new FATF Money Laundering Risks Arising from Trafficking in Human Beings and Smuggling of Migrants (July 2011) will be relevant to the development of practice in this area. The directive also has new provisions on non-prosecution or non-application of penalties to the victim “for their involvement in criminal activities which they have been compelled to commit as a direct consequence” of the THB.⁷¹

3. THB MONEY-LAUNDERING RISKS

As “making a profit is the main goal of both traffickers and smugglers” (FATF 2011) the work of FIU is very important in tackling THB. However, one Organisation for Security and Cooperation in Europe (OSCE) Special Representative⁷² has reported, globally, “so far this investigative tool is underutilised or almost never applied in (THB) cases” (FATF 2011). She has called for “decisive improvements in law enforcement and judicial cooperation, especially between the country in which exploitation takes place and the country where profits are reinvested” in tracing the proceeds of the crime (FATF 2011). The Council of Europe points out that “raising awareness of the importance of financial investigation as part of the investigation of the crime remains crucial” (Europol 2004).

The Council of Europe has reported that while suspicious transaction reporting has generated “some inquiries”, “trafficking in human beings and illegal migration remains primarily a law enforcement issue” (Europol 2004). For its part, FATF has pointed out that money laundering (ML) operations are “often generated from ope-

rational investigations” (FATF 2011). The consensus seems to be that “no novel money laundering techniques have been identified” (Europol 2004) with the ML techniques being used for THB are “similar to those found with other serious crimes” (FATF 2011). However, there are differences in “the money flows associated with these offences”, (Europol 2004), with the “money routes [being] often similar to the human ones” (Europol 2004).

As with other ML investigations the main trends for ML in THB cases included “the use of cash-intensive businesses, of money service businesses, of hawala (informal banking) systems, of cash couriers, of front companies, commingling of funds, aliases, straw men, and false documents” (FATF 2011). Also reported was “investments in real estate, in cars or in supporting a lifestyle” (FATF 2011). New trends included “the use of bank accounts to gain access to credit” (FATF 2011). A report by JP Morgan Chase indicated the “types of businesses at risk”, which are travel agencies, “labour intermediaries like labour contractors for caretaker services”, and “labour users” such as “farms textile manufacturer, nail salon(s), etc.” (FATF 2011). The Council of Europe’s report found that “special investigative means” to include telecommunications intercepts and undercover operations were “useful tools, to include “the use of ‘front’ shops/businesses” (Europol 2004).

FATF reports that globally the main problems with anti-trafficking operations was the “lack of financial awareness and training for investigators/ prosecutors” (FATF 2011). In addition “greater effort” is needed to “combating ML arising from” both THB and migrant smuggling, in both source and destination countries (FATF 2011), to include sufficient resourcing of properly trained financial investigators and analysts. FATF is reporting on “limited

international cooperation and the difficulty to detect funds and gather evidence” in THB ML operations (FATF 2011).

4. EU LAW ENFORCEMENT EXTERNAL RELATIONS

In addition to the proposed reforms of the EU legal framework on THB, now enacted in the new directive, the Stockholm programme states that the “fight against trafficking in human beings and smuggling of persons” in the context of the external relations of the EU, “needs to be stepped up” (Stockholm 2009). “Ad hoc cooperation agreements with specific third countries” are envisaged as being necessary in order to enhance “the fight against trafficking and smuggling of persons” (Stockholm 2009). In addition, “operational agreements by Eurojust, Europol, as well as working arrangements with Frontex, should be strengthened” (Stockholm 2009). While law enforcement operations in THB are developing globally, the ML aspect of THB is proving to be problematic at this level, with the Council of Europe reporting that “information and experience” of ML “associated with human trafficking and illegal migration” is “still lacking in respect of the proceeds generated by these offences” (Europol 2004).

The anticipated external relationships in the law enforcement aspects of anti-trafficking operations are paths which have been well trodden, in many instances, by drugs squads, with their knowledge now needing to be transferred to both the undercover THB officer, and, as appropriate, to his or her uniformed counterpart. The EU is not alone in developing operational structures and centralised points of contact for cross-regional intelligence gathering and analysis. While not expressly referred to in the Stockholm Programme, regional law enforcement developments in other areas of the world have given rise to new

and potential law enforcement partners. While still developing, the CARICC Centre in Kazakhstan is a case in point (Brown 2008). Another new organisation, partly composed of EU member states, and partly external neighbours of the EU, is the Southeast European Cooperative Initiative (SECI) Regional Centre for Combating Trans-Border Crime, based in Bucharest.⁷³

EU involvement with the CARICC Centre is via the EU's Special Representative to Central Asia,⁷⁴ who is answerable to the High Representative for the CFSP,⁷⁵ and reports to the Political and Security Committee of the EU.⁷⁶ There is a separate Special Representative to Afghanistan, which whom he works closely.⁷⁷ The Special Representative to Asia is specifically tasked to "develop appropriate contacts and cooperation with the main interested actors in the region", to include CARICC.⁷⁸ He also has a role in "addressing key threats, especially specific problems with direct implications for the Union"⁷⁹ and to "provide input to the formulation of (...) anti-narcotics (...) aspects of the common foreign and security policy with respect to Central Asia"⁸⁰. Perhaps reflecting the nature of the type of work the special representative is required to deal with, provisions have also been made in his documentation to the security of EU classified information,⁸¹ which are to follow the provisions of Council Decision 2011/292/EU.⁸²

The SECI centre, for its part, operates in an area which has recently seen armed conflict. With relations between the relevant member states being fraught at times, the SECI Centre has offered "a neutral working environment (so that officers) can work together on an equal footing" (Močnik 2008). The level of operational capability of the SECI centre must be understood in this context. Europol has been

requested by the EU "to develop closer co-operation with the SECI Centre as a matter of priority" (Močnik 2008). The SECI Centre has been named as a "competent partner" in the new Model Agreement for setting up a Joint Investigation Team.⁸³ Clearly operational relations between EU law enforcement agencies and organisations and the SECI have developed in this area. The SECI Centre already cooperates with both Interpol and the World Customs Organisation, with both international organisations having given "invaluable" help and advice to the SECI Centre (Močnik 2008). The style of policing used by members of the SECI centre is often focused on "military-type philosophies rather than policing with consent" (Močnik 2008), which will have an impact on the development of Europol – SECI relationships, and operations conducted between the two organisations and/or their member states. However, "local prosecutors" are involved in the "planning and execution of (...) operations" (Močnik 2008), with the "chief mission" of the centre being to "improve co-operation in combating trans-border crime," (Močnik 2008), with trafficking in human beings also being seen as a priority (Močnik 2008). This early years focus on THB will be key to the development of Europol-SECI developmental and operational relationship.

5. CONCLUSION

The EU reforms on THB, together with the ongoing challenges of policing this area will require a substantial rethink on how the policing of THB is planned for and addressed. Not only will the specialist THB teams be required to give leadership in this area, but an increasing number of law enforcement officers across the spectrum will be called upon to operate the new provisions. Street patrols who regularly address the low level crimes which arise under

a community policing framework will need to recognise the occasions when the specialist THB units need to be called in. They also need to understand the need for undercover operations on their streets in order to tackle THB, the need to collect intelligence for their financial intelligence units, and the possibility that a cross border policing operation, to include cooperation with non EU law enforcement officers may be required. The specialist

THB units will need to coordinate these various operations, to include calling in either Eurojust or Europol support where necessary. These challenges need first to be taken on board at a strategic level, before effective operational frameworks can percolate down to the tactical and operational levels. The changes need formally to be in place by April 2013. This leaves some time for internal, intra-force and transnational planning in this area.

¹ Directive 2011/36/EU, paragraph 15 of the preamble.

² Myria Vassiliadou was appointed to this post on 14 December 2010.

³ These are agriculture, the service sector, the HORECA sector (hotel/restaurant/cafés), the construction industry, textile enterprises, retail, the manufacturing sector, logging, mining, and fishing (FATF 2011).

⁴ These are domestic work and entertainment (FATF 2011).

⁵ Council Decision 2010/131/EU.

⁶ Directive 2011/36/EU.

⁷ *Ibid.*, at Article 22.1.

⁸ *Ibid.*

⁹ Council Framework Decision 2002/629/JHA.

¹⁰ Directive 2011/36/EU, at paragraph 12 of the preamble.

¹¹ *Ibid.*, at paragraph 7 of the preamble.

¹² Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, adopted by General Assembly resolution 55/25, (in force 25 December 2003) supplementing the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 (in force 15 November 2000) adopted by Ge-

neral Assembly resolution 55/25 on 12 to 15 December 2000 and entered into force on 29 September 2003.

¹³ *Inter alia*, C 29 Forced Labour Convention, 1930 and C105 Abolition of Forced Labour Convention, 1957.

¹⁴ Council of Europe Convention on Action against Trafficking in Human Beings, 2005, CETS No 197.

¹⁵ Directive 2011/36/EU, at paragraph 30 of the preamble.

¹⁶ *Ibid.*

¹⁷ Directive 2011/36/EU, Articles 11, 13, 14 and 16.

¹⁸ *Ibid.*, Article 11.3.

- ¹⁹ *Ibid*, Article 2.3.
- ²⁰ Council Framework Decision 2002/629/JHA, Article 7.1.
- ²¹ Directive 2011/36/EU, Articles 13 to 16.
- ²² *Ibid*, Article 13.2.
- ²³ *Ibid*, Article 13.1.
- ²⁴ *Ibid*, Article 14.2.
- ²⁵ *Ibid*, Article 15.
- ²⁶ *Ibid*, Article 16.
- ²⁷ *Ibid*, Article 11.5.
- ²⁸ *Ibid*, Article 11.7.
- ²⁹ *Ibid*, Article 12.
- ³⁰ *Ibid*, Article 17.
- ³¹ *Ibid*, Article 12.4.
- ³² Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings, OJ L 82, 1.
- ³³ Directive 2011/36/EU, paragraph 11 of the pre-
amble.
- ³⁴ *Ibid*.
- ³⁵ Directive 2011/36/EU, Article 2.6.
- ³⁶ Council Framework Decision 2002/629/JHA, Article 3.2.b.
- ³⁷ Directive 2011/36/EU, paragraph 12 of the pre-
amble.
- ³⁸ *Ibid*.
- ³⁹ Directive 2011/36/EU, Article 18.
- ⁴⁰ *Ibid*, Article 18.2.
- ⁴¹ *Ibid*, Article 18.3.
- ⁴² *Ibid*, Article 4.1.
- ⁴³ Council Framework Decision 2002/629/JHA, Article 3.
- ⁴⁴ Directive 2011/36/EU, Article 4.2.
- ⁴⁵ Council Framework Decision 2002/629/JHA, Article 3.1.
- ⁴⁶ Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime, OJ L 300, 42.
- ⁴⁷ Directive 2011/36/EU, Article 4.
- ⁴⁸ *Ibid*, Article 4.3.
- ⁴⁹ *Ibid*, Article 3.
- ⁵⁰ *Ibid*, Article 4.4.
- ⁵¹ Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, OJ L 190, 1.
- ⁵² Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflict of jurisdiction in criminal proceedings, OJ L 328, 42.
- ⁵³ Directive 2011/36/EU, Article 10.
- ⁵⁴ Council Framework Decision 2002/629/JHA, Article 6.
- ⁵⁵ Directive 2011/36/EU, Article 10.3.a.
- ⁵⁶ *Ibid*, Article 10.3.b.
- ⁵⁷ *Ibid*, Article 10.1.b.
- ⁵⁸ *Ibid*, Article 9.
- ⁵⁹ *Ibid*, Article 9.2.
- ⁶⁰ *Ibid*, Article 9.4.
- ⁶¹ EU Convention on Mutual Assistance in Criminal Matters 2000, Articles 17 to 22, which is subject to a UK declaration attached to Article 20.
- ⁶² *Ibid*, Article 12.
- ⁶³ Schengen Convention 1990, Article 40.
- ⁶⁴ EU Convention on Mutual Assistance in Criminal Matters 2000, Article 13.
- ⁶⁵ *Ibid*, Article 14.
- ⁶⁶ Directive 2011/36/EU, Article 19.
- ⁶⁷ *Ibid*, Article 20.
- ⁶⁸ *Ibid*, Article 7.
- ⁶⁹ Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime, OJ L 182, 1.
- ⁷⁰ Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property OJ L 68, 49.
- ⁷¹ Directive 2011/36/EU, Article 8.
- ⁷² Maria Grazia Giammarino, OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings, testifying before the US Congress in July 2010.
- ⁷³ Albania, Bosnia Herzegovina, Bulgaria, Croatia, Greece, Hungary, FYR Macedonia, Moldova, Montenegro, Romania, Serbia, Slovenia and Turkey.
- ⁷⁴ At the time of writing under Council Decision 2011/425/CFSP of 18 July 2011 extending the mandate of the European Union Special Representative for Central Asia, OJ L 188, 19 July

2011, 27, but renewed annually, and otherwise extended intermittently.

⁷⁵ Council Decision 2011/425/CFSP of 18 July 2011 extending the mandate of the European Union Special Representative for Central Asia, OJ L 188, 19 July 2011, 27, Article 4.1.

⁷⁶ *Ibid*, Article 4.2.

⁷⁷ *Ibid*, Article 12.1.

⁷⁸ *Ibid*, Article 3.f.

⁷⁹ *Ibid*, Article 2.d.

⁸⁰ *Ibid*, Article 3.1 (i).

⁸¹ *Ibid*, Article 8.

⁸² Council Decision 2011/292/EU of 31 March 2011 on the security rules for protecting EU classified information, OJ L 141, 27 May 2011, 17.

⁸³ Council Resolution of 26 February 2010 on a Model Agreement for setting up a Joint Investigation Team (JIT), OJ C 70, 19 March 2010, 1.

Sources of information

Action-Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings – first implementation report/ update of information on Member States' external action, Brussels, 4 July 2011, 12401/11, 111.

Brown, S. D. (2008). *Getting the message across: Information exchange as a communication chain*, in: Brown, S. D. (ed.) *Combating International Crime; The Longer Arm of the Law*, Routledge. CARICC Centre, Kazakhstan. <http://www.caricc.org/index.php?lang=english>.

Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime, OJ L 300, 42.

Europol, *Trafficking in Human Beings in the European Union: A Europol Perspective*, June 2009, FATF-MONEYVAL typologies meeting held in Moscow from 6 to 8 December 2004.

FATF report (2011). *Money Laundering Risks Arising from Trafficking in Human Beings and Smuggling of Migrants*, July 2011, available at http://www.fatf-gafi.org/pages/0,3417,en_32250379_32235720_1_1_1_1_1,00.html.

Lee, M. (2007). *Introduction: Understanding human trafficking*, Chapter 1.

Močnik, M. (2008). *Balancing political interests*

and practical interests; *The SECI Centre*, in: Brown, S. D. (ed.) *Combating International Crime; The Longer Arm of the Law*, Routledge.

Select Committee of Experts on the Evaluation of Anti-Money Laundering Measures (MONEYVAL). *Proceeds from Trafficking in Human Beings and Illegal Migration/Human Smuggling A Report by the Workshop 5 Project Team following the joint. Shelly, L. (2009). Human Security and Human Trafficking*, in: Jonsson, A. (ed.) *Human Trafficking and Human Security*, Routledge, *Transnational Crime and Corruption*.

Stockholm Programme – An open and secure Europe serving the citizen, 02 December 2009, 17024/09, JAI 896, available at http://europa.eu/legislation_summaries/human_rights/fundamental_rights_within_europeanunion/jl0034_en.htm.

Wainwright, R. (2010), Director of Europol on "Preventing and curbing illegal immigration and trafficking in human beings in the European Union", *Eurasyulum's Monthly Policy Interviews*. <http://www.eurasyulum.org/Porgal/November2010.htm>, accessed 10 October 2011.

Further Literature and Links

Council Decision 2010/131/EU of February 25 2010 on setting up the Standing Committee on operational cooperation on internal security, OJ L 52, 03 March 2010, 50.

Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings, OJ L 82, 1.

Council Framework Decision 2001/500/JHA of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime, OJ L 182, 1.

Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, OJ L 190, 1.

Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings OJ L 203/1.

Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-

Related Proceeds, Instrumentalities and Property OJ L 68, 49.

Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflict of jurisdiction in criminal proceedings, OJ L 328, 42.

Council of Europe Convention on Action against Trafficking in Human Beings, 2005, CETS No 197.

C 29 (1930). Forced Labour Convention.

C 105 (1957). Abolition of Forced Labour Convention.

EU Convention on Mutual Assistance in Criminal Matters (2000).

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, adopted by General Assembly resolution 55/25, (in force 25 December 2003) supplementing the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 (in force 15 November 2000) adopted by General Assembly resolution 55/25 on 12 to 15 December 2000 and entered into force on 29 September 2003.

Southeast European Cooperative Initiative (SECI) Regional Centre for Combating Trans-Border Crime. <http://www.secicenter.org/>.