

Preventing trafficking in human beings:

labour and criminal
exploitation



EUCPN
EUROPEAN CRIME PREVENTION NETWORK

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Prevention efforts should focus on two axes: measures to eliminate the feeding ground for criminal exploitation on the one hand and stimulating the identification and on punishment of victims.

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01 INTRODUCTION: TRAFFICKING IN HUMAN BEINGS IN THE EU

Trafficking in human beings (THB) is a serious offence against personal and sexual freedom and integrity. It is often associated with legal and illegal migration flows, but this is only partly the case. It is true that irregular migration flows create a market for trafficking and exploitation, often connected to illegal migrant smuggling.¹ This is why new migration flows, such as the arrival of many Ukrainian refugees in the EU, create a concern for the living conditions and the potential exploitation of migrants. On the other hand, half of the registered victims and three quarters of child victims of THB in the EU are EU nationals, with one third being registered in their own country.² These are staggering statistics that indicate that there is a sizeable THB market within the EU that is independent of migration flows from outside the EU. The open internal borders of the Schengen zone have given rise to a specific pattern of regional trafficking that present a unique challenge to the Europe.³

Trafficking in human beings: definition

The United Nations define trafficking in persons as **“the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”**⁴

This definition is made up of three core elements: the act (moving people around), the means (threat, force, deception), and the purpose (exploitation). When a victim is underage, however, the means are irrelevant: housing or transporting a child for the purpose of exploitation is, in all cases, considered THB.

In the EU policy context, THB is considered a serious and organised crime phenomenon.⁵ Europol has reported that most perpetrators are organised in “loose networks” characterised by kinship ties or shared ethnicity and that the majority of such networks is able to control the whole THB process.⁶ That last fact implies a certain level of organisation, whereas the fact that they are loose networks suggests that we are looking not at strong hierarchical organisations with people on the ground executing orders from above, but rather at more or less independent offenders who each have a particular role (recruiting, transporting, housing and so on) and who have sustainable contacts with other more or less independent offenders who take care of other parts of the trafficking process. It makes THB networks a particular type of crime organisation that turns out to be hard to map and prosecute. This is corroborated by criminal justice data. In Spain, for instance, more than 80 % of THB cases involve only a single perpetrator.⁷

Generally speaking, some of the main challenges in the fight against THB are the identification of victims and the prosecution and punishment of offenders,⁸ as a result of which human trafficking remains an attractive proposition for certain criminals and crime groups.

Even if THB can be characterised as transnational and organised, it is important to take the local aspects of it into account. Take trafficking in human beings for labour exploitation as an example. Victims are recruited by someone they know or via a local employment agency.⁹ Transportation and housing happen with forged or legitimate documents, which either way pass through the hands of border agents and local officials who may knowingly¹⁰ or unknowingly facilitate the operation by providing the necessary paperwork.¹¹ Traffickers and their facilitators have to market their services locally, and local companies may knowingly and wilfully exploit labourers, but they could also be damaged by

exploitation down the subcontracting chain of which they are unaware.¹² Finally, the work is always done locally—building a house, working on a field or in a hotel—and the goods produced are brought to the consumer market.¹³

The intra-EU scope of many THB schemes, the networked nature of co-offenders, and the local impact of THB cases have ramifications for prevention. A recognition of the local dimensions of THB gives rise to local preventive action, targeting (potential) victims as well as offenders and the demand side (clients, buyers of products), with important roles for local authorities and police.¹⁴

A distinction can be made between different kinds of THB based on the purpose, which is always a form of exploitation. Sexual exploitation and labour exploitation are the most well-known; other types of trafficking

and exploitation include the exploitation of a person's identity to obtain social benefits, sham marriages, illegal surrogacy, the removal of vital organs, domestic slavery, and criminal exploitation.¹⁵ THB for sexual exploitation has traditionally received the lion's share of attention in policy and research alike, to the disadvantage of trafficking for labour exploitation and trafficking for criminal exploitation.¹⁶ This is despite the fact that in many parts of the world, trafficking for labour exploitation is likely more prevalent than trafficking for sexual exploitation, as witnessed by the rise in identified labour trafficking victims, in some cases even exceeding the number of identified sex trafficking victims.

Digital THB

In the past couple of years, especially during the COVID-19 Pandemic, THB has increasingly moved online. Traffickers use the internet and social media to recruit victims by establishing control over girls or women (e.g. using the lover boy method or through blackmail with pictures or video obtained online) or by advertising attractive job opportunities. They will also use the internet to advertise the services of their victims, as is commonly the case in sexual exploitation. In trafficking for sexual exploitation, we additionally witness a shift to private properties, rented via online platforms, to conduct business: clients and victims increasingly meet in rented apartments.¹⁷

Labour exploitation offenders typically use one of two methods to reel in victims. Some of them actively recruit victims by publishing ads for attractive job opportunities abroad, either on established platforms or on a fake recruitment agency website which they themselves set up. Others passively recruit victims by responding to people who are looking for job opportunities abroad. Either way, they are likely to require a fee for travel arrangements and recruitment before the victims arrive on the destination to find out about the unacceptable labour conditions.¹⁸

02 TRAFFICKING FOR LABOUR EXPLOITATION

According to estimations by the International Labour Organisation and UNODC, trafficking for labour exploitation is significantly more common than trafficking for sexual exploitation in the EU,¹⁹ yet trafficking for sexual exploitation remains the most frequently reported type of THB by a large margin.²⁰ Between those types of THB, there are significant differences in the demographics of the victims. The majority of labour trafficking victims are either migrants or citizens from Central or Eastern European Member States, whereas, the majority of victims of trafficking for sexual exploitation come from outside the EU. Women account for over half of all identified trafficking victims, but there is a sharp gender gap between types. Sexual exploitation and domestic servitude victims are overwhelmingly female, while labour exploitation affects mostly men. Age differences are significant too: whereas most sex trafficking victims are in their late teens or early twenties, labour trafficking victims and victims of domestic servitude have a flatter age curve.²¹

In Europe, labour exploitation takes place predominantly in agriculture, construction, and the hotel and catering business, although all lower-wage, labour-intensive sectors, including car washes, beauty salons, transportation, and factory assembly lines are targeted. Traffickers usually recruit victims through the promise of well-paid jobs and set up fronts consisting of recruitment agencies and subcontracting firms. These give the operation a legitimate outlook for victims, clients, and the authorities. More so than victims of other types of trafficking, labour exploitation victims are subjected to physical violence in order to make

them comply with the working conditions. Withholding passports, identity cards or travel documents is a way to ensure the workers' compliance. For victims from outside the EU, the threat of returning them to their country of origin is another means of control.²²

Perpetrators make money off of labour exploitation in two major ways: cost reduction and revenue generation. Costs are reduced by paying low wages (often below the legal minimum wage) or even withholding wages, but also by avoiding taxes and not taking the necessary safety precautions at the workplace. Revenue can be generated by demanding an upfront recruitment fee from the victim, as well as by asking abnormally high prices for lodging, food and transportation from the workers.²³ Different methods, sometimes several at once, are used to hide the exploitation from authorities and make it harder to detect. These include:

- fake self-employment or shareholder agreements: rather than being hired as employees, victims are coerced to become self-employed or a shareholder in a company, in both cases providing services for exceedingly low prices, while the trafficker avoids the responsibility to pay taxes and benefits.
- abusing posted work regulations: workers from Eastern EU countries and outside the EU are hired by shell companies in the EU and then posted in another Member State to work. By doing this, companies are able to avoid taxes, pay lower wages than normal in the country of labour, and obfuscate the money flows for law enforcement and tax officers.
- cascaded subcontracting: chains of subcontracting, often involving “disposable” letter-box companies, help create a distance between the workers and the company for which the work is actually done. It misleads authorities and potentially even the main contractor, who may not be aware of the exploitative practice down the subcontracting chain.²⁴

Fighting labour exploitation through labour inspections and the administrative approach

The authorities best-placed to identify exploitative labour practices and possible cases of labour trafficking are labour inspection authorities. Labour inspections can be reactive, i.e. in response to an accident or a complaint, or proactive, in which case inspectors visit work places, often randomly selected from a pre-selected list of employers active in sectors with heightened risks. Proactive inspections allow inspectors to keep tabs on what is going on the ground and increase the number of cases of labour exploitation that inspectors are able to identify. Reactive inspections rely on someone, usually the victim, to report the exploitation, but serious exploitation and trafficking often happens secretly and victims are often unwilling or unable to seek help. Proactive inspections also increase the (perceived) risk for perpetrators of getting caught. Therefore, the more time labour inspectors can devote to proactive inspections, the higher the deterrent and preventive effect of such inspections.²⁵

According to the European Network on the Administrative Approach (ENAA), the administrative approach to serious and organised crime (AA) is “a complementary way to prevent and tackle the misuse of the legal infrastructure through multi-agency cooperation by sharing information and taking actions in order to set up barriers.”²⁶ Two key aspects of AA are worth emphasising here. First, although it is law enforcement's responsibility to conduct criminal investigations, other agencies with administrative powers can help identify and fight certain types of serious crime, including THB. In order to do so, it is important that different agencies exchange information and align their actions to one another's. Second, in order to be successful, such an approach requires the involvement of local authorities in order to be successful. Many of the signs of human trafficking for labour exploitation are visible first and foremost at the local level, e.g., victims' housing, employment at a particular job site (e.g. car wash or restaurant), and the specifics of the local economy make certain places more susceptible to labour exploitation than others, e.g. due to the presence of agricultural firms that depend on seasonal labour.

For more information on the administrative approach to serious and organised crime, visit the website of the European Network on the Administrative Approach (ENAA) and download the *Third Handbook on the Administrative Approach*: <https://administrativeapproach.eu/>

As with all multi-agency co-operations, it is important that transparent procedures are agreed upon and that each agency protects their own and their clients' interests and assess to what extent the co-operation serves their own mission. A memorandum of understanding between agencies could serve to prevent that one agency's actions intervene with another's.

In Finland the labour inspectorate, law enforcement, and other relevant agencies (e.g. food safety authorities) are conducting joint actions on job sites which are at a heightened risk of labour exploitation, notably berry farms. The sites are studied and selected in advance. Operating procedures, tasks and trafficking indicators are discussed beforehand. Translators, to aid in the communication with foreign workers, are also on-site. This has resulted in the identification of a considerable number of cases of labour exploitation.²⁷

Such joint actions, in which law enforcement joins forces with other authorities that can help identify trafficking cases and labour violations are good examples of the administrative approach in action. Some Member States, notably Belgium and the Netherlands, have gone further and have institutionalised such multi-agency, administrative approaches to THB by creating a legal framework for inter-agency information exchange regarding THB and by appointing dedicated THB officers in agencies that might come in contact with THB cases.

The EU-Funded CONFINE project, a cooperation between local actors in Belgium and the Netherlands, has produced a manual on the application of the administrative approach to THB.²⁸ It explains the general framework of the method, provides a list of indicators and potential administrative (and penal) actions. It also gives ample examples from practice and details a number of case studies. These clearly show that the approach, piloted in a few cities, can help unearth cases of labour exploitation and sexual exploitation.

There is, however, a downside to joint actions involving labour inspection authorities that bears consideration. A regular cooperation of labour inspectors with other agencies, especially tax authorities, migration authorities and the police, and especially a structural exchange of information between them, could erode the trust in the labour inspectorate and thus reduce the likelihood that

victims report trafficking or exploitation. This could be the case when the victim is an irregular migrant who fears deportation.²⁹ As with all multi-agency co-operations, it is therefore important that transparent procedures are agreed upon and that each agency protects their own and their clients' interests and assess to what extent the co-operation serves their own mission, which in the case of labour inspectors is to make sure workers' rights are upheld. A memorandum of understanding between agencies could serve to prevent that one agency's actions intervene with another's.³⁰

Fighting labour exploitation by monitoring and limiting labour supply chains

A key risk factor for exploitative labour practices is complex labour supply chains, in which a main contractor uses several subcontractors to supply workers, which is especially common in labour-intensive sectors such as construction and transportation. There are two types of subcontracting chains, one horizontal and one vertical. In horizontal labour supply chains, the main contractor contracts multiple other companies to provide workers; in vertical subcontracting chains, the main contractor is one or several subcontracting agreements removed from the company that actually provides the workers, with the intermediary companies often being no more than letter-box companies with little to no assets. Both types increase the risk for exploitation and trafficking, although vertical subcontracting in particular constitutes a risk factor. In fact, such schemes are often deliberately set up to raise profits and make it harder for authorities to identify infringements.

There are important things that contractors can do to reduce the risk that exploitation and trafficking occur within their supply chains. The EU-funded

FLOW project has produced, among other things, tools for risk assessment, screening and workplace assessment that companies can use to detect and avoid exploitative practices in their supply chains. These tools are practical and effective, but depend on the motivation of the company to rule out labour exploitation in their businesses, which may not be present in cases where the company profits from it. Indeed, the idea of preventing labour exploitation and trafficking through supply chain management is complicated by the double role of corporations: at once perpetrators and preventers.³¹

Of course, not all corporations profit directly from labour exploitation in their supply chain, and some may wish to profile themselves as ethical brands, marketing products exploitation-free products. However, in order not to have to rely on the willingness of companies to contribute to the prevention of labour exploitation and trafficking, it is

advised to take legislative initiatives to curb overly long subcontracting chains which create the possibility of exploitation, even when main contractors do not profit from it. For instance, in Spain the law limits the number of subcontracting layers in the construction industry, which was found to be vulnerable to labour exploitation, to three, with additional limits on companies that only provide labour services. This allows both contractors and authorities to better identify illegal practices and is considered a success in the fights against labour exploitation in the industry. Governments could put similar restrictions on the number of subcontracting layers in public procurement.³²

The FLOW project

The FLOW project (Flows of illicit funds and victims of human trafficking: uncovering the complexities 2018 – 2020) was an EU-funded project headed by the European Institute for Crime Prevention and Control (HEUNI) in Helsinki. It mapped labour exploitation business models in four EU Member States: Finland, Estonia, Bulgaria, and Latvia, and produced tools to fight and prevent labour exploitation in the EU. Among those tools are a description of the business model of labour trafficking (*Shady Business*), an investigation tool for law enforcement and labour inspectors aimed at supporting authorities in recognising and dealing with cases of labour exploitation (*Uncovering Labour Trafficking*), and a toolkit to support businesses in avoiding labour exploitative in their supply and subcontracting chains (*Navigating through Your Supply Chain*). The toolkit provides five concrete and easy-to-implement tools that helps business avoid exploitation in their supply chain: a risk assessment tool, a strategy tool, a screening tool, a contract tool, and a workplace assessment tool.

All publications are available in English, Finnish, Estonian, Bulgarian and Latvian at <https://heuni.fi/-/flow>

03 FORCED CRIMINALITY

Forced criminality can take the form of forced begging (although not a crime in most jurisdictions) as well as forced metal theft, pickpocketing, drug production, trafficking and dealing, and benefit fraud.³³ Trafficking for criminal exploitation poses a major challenge to law enforcement and prosecutors because it is often hard to differentiate between offender and victim. In 2014, exploratory research conducted in five EU Member States showed that individuals who were forced to do illegal activities, like working in illegal drugs production facilities, were frequently treated as offenders rather than victims, even ending up in prison.³⁴ Several reasons were identified for this. Among law enforcement and authorities, there may be a lack of awareness of the existence and indicators of, or proper response to, THB and exploitation. Begging and pickpocketing are often considered instances of public nuisance and crime respectively, without giving much thought to the fact that they may be connected to trafficking. Victims, on their part, often fail to identify themselves as victims. This could be because they do not see themselves as victims or are not aware that they are, which is particularly common in children. Victims may also fail to seek help out of shame or fear of their traffickers' retaliation.³⁵

In certain cases, children are being forced to conduct illegal activities by their own families. The families, mostly EU nationals, force children to perform burglaries or pickpocket in busy places and live off the proceeds of that crime. Children in such situations are unlikely to identify themselves as victims, either because they are not aware that they are victims or because they experience a sense of pride as they provide for their family.³⁶ In other cases, children and their parents are forced to engage in criminal activities by organised traffickers, often under debt bondage. Debt bondage may be incurred by the so-called costs for smuggling individuals in or within the EU, as well as through informal loans. To settle the debt, family members, sometimes children, or forced to beg or commit crimes by the traffickers. For families and organised traffickers alike, children are attractive victims, as they are less likely to face serious repercussions (prosecution, punishment) of their criminal actions than adults.

Children or adults forced to beg in the streets should not be chased away. As trafficking victims, they should receive appropriate care. But it is not always possible to prove THB. In that case, creative measures that both address the issue of begging and respect the children's right to appropriate care and shelter is required. In the period 2006-2009, the Czech Republic was met with a wave of child begging issues. When discovered in the streets, such children were brought to care centers, where they could be collected by adults providing some kind of proof of legal guardianship. When the authorities noted that many children were picked up by the same adults, it was clear that something had to be done. The Ministry of Justice guidance was changed so that children removed from the streets for begging could only be collected from child care centers by their parents. This created a situation in which children either have to be with their parents or in child care, but not with a trafficker. This made it impossible for traffickers to continue their business and the problem eventually disappeared, although there are reports that traffickers moved their business to neighbouring countries where it was easier to operate.³⁷

In other cases of forced criminality and trafficking for criminal exploitation, prevention efforts should focus on two axes: measures to eliminate the feeding ground for criminal exploitation on the one hand and stimulating the identification of victims and enforcing the non-punishment of individuals coerced to commit crimes enshrined in the EU Trafficking Directive.³⁸ As regards the latter, the problem is that in practice, law enforcement and the judicial system sometimes fail to identify victims. Increased levels training on the indicators of trafficking for criminal exploitation are required, and the presence of trafficking specialists alongside the police during raids and arrests in cases possibly related to criminal exploitation could help prevent that victims are treated as perpetrators.³⁹ With respect to the elimination of the breeding ground, the main course of action should be to provide appropriate care and shelter to people in vulnerable situations, especially (irregular) migrants and unaccompanied minors. Research has shown that especially the latter group, when left on their own, is likely to gradually engage in a criminal life, often being left no other choice.⁴⁰

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04 THE EVIDENCE BASE ON TRAFFICKING PREVENTION

In 2020, Katharine Bryant and Todd Landman conducted a systematic review of worldwide evaluation studies of anti-trafficking initiatives in an attempt to gain information on the which type of interventions could be considered effective to prevent or reduce THB.⁴¹ The researchers identified 179 evaluation studies, on which they based their review. Perhaps the most noticeable finding is that while the number of evaluations in the THB prevention field is on the rise, the quality of the evaluations is, on average, poor. Of the 179 studies, 73 were qualitative evaluations, some of which were poorly performed. Qualitative studies can be useful to gain insights on how and why interventions work or fail, but they do not tell us anything about the effectiveness. The majority of the outcome evaluations consisted of post-test studies without pre-test or control, and only two evaluations reached level three on the Maryland Scale of Scientific Methods (pre and post-test with control group), a somewhat controversial though useful ranking of study designs for crime prevention evaluations.⁴²

The authors list a number of reasons for the poor evaluation practice. Some of these will sound familiar to anyone working in crime prevention: there is usually a lack of staff and/or resources for evaluations, as well as a lack of knowledge within the organisation to perform decent evaluations. In addition, there may be ethical concerns about certain types of evaluations, especially randomised controlled trials. However, according to the authors there are additional barriers to evaluation that

are specific to anti-trafficking initiatives. First, the hidden nature of trafficking and exploitation and poor reporting of THB crimes makes that there is no clear baseline against which to measure. Second, many anti-trafficking projects or programmes do not clearly define which type

of trafficking they aim to reduce or what the expected outcomes of the programme are, so that it is impossible to measure the impact. Other THB-specific barriers to evaluation include the unwillingness, e.g. due to trauma, of victims to participate in evaluation studies.

A case for structural responses to THB

The traditional responses to THB in general and labour trafficking in particular are awareness-raising (awareness of the phenomenon, awareness of victim rights), enhancing victim identification and victim support, and identifying and prosecuting offenders. There are two problems with that. First, the efforts are mostly reactive: people have already been victimised. This is the case even for awareness campaigns that aim to educate trafficking victims on their rights and how they can exercise them. What is often lacking is prevention: what can be done to actually reduce the risk of THB occurring?

The second problem is that the traditional responses appear to be born out of, and in turn contribute to, a skewed and narrow perception of trafficking. In that vision, perpetrators traffick victims, but little consideration is given to the structural causes of trafficking. These structural causes include open-border policies that create opportunities for illegal flows,⁴³ social inequality, economic needs and poverty (including basic needs such as shelter and clothing), dislocation (war refugees and economic migrants) and lack of access to the legal labour market.⁴⁴ Within the EU, national wealth and employment in the country of origin are major drivers of THB.⁴⁵ Conversely, better standard and quality of life in combination with a demand for cheap labour or sexual services in destination countries are the main pull factors.⁴⁶

This demonstrates the need for an “upstream” prevention focus, which aims to address and ultimately remove the risk factors that make people vulnerable to exploitation and human trafficking as well as other types of crime and victimisation.⁴⁷ This upstream prevention will have to address these causes both structurally (more effective social safety nets) and on the individual level for acute risk profiles (e.g. offering shelter to someone who is evicted from their house). A helpful model to make sense of risk factors and possible preventive interventions is the chain-of-risk model. Exposure to risk and protective factors accumulates over time, with increasing exposure to risk factors introducing new vulnerabilities. A difficult childhood may lead to a poor school career, in turn may lead to poor job opportunities and unemployment, housing insecurity, homelessness and so on.⁴⁸

Prevention through social development can address the root causes of exploitation and trafficking victimisation, and therefore offer a truly preventive response. Unfortunately, they are often hard to implement. Sustainable social development requires significant long-term investments. On the plus side, such programmes have benefits far beyond THB prevention; for one thing, the same policies will also be effective in reducing delinquency.⁴⁹

Despite the lacking evaluation culture, the systematic review allowed the authors to draw some conclusions with respect to the effectiveness of certain types of anti-trafficking initiatives:

1 Awareness-raising campaigns: Campaigns intended to raise awareness about THB among the general public, vulnerable groups or the demand side, had mixed results in increasing knowledge about THB. Where campaigns fail to get the message across, it was found that the information was too technical or not practical enough. As far as actual impacts are concerned, campaigns can only be considered useful when they complement other initiatives and target specific behaviours, but should not be expected to have measurable impacts on their own. As is the case in the crime prevention field in general, awareness campaigns are over-used, under-evaluated, and rarely effective.⁵⁰

2 Victim identification and support: the main findings that the systematic review sustains is that victim support programmes appear to perform better when they are tailored to the individual and trauma-focussed, culturally sensitive, and last long enough for recovery.

3 Support to governments: a significant portion of the studies included in the review concerned programmes that aim at supporting governments and improving national legislation with respect to human trafficking. Many of these programmes failed to reach the targets, due to lack of national ownership or stakeholder support for new policies or because the programmes were too short-term to actually obtain the legislative changes they pursued.

The evidence base for labour trafficking and the fight against it in Europe specifically is perhaps even weaker. Interventions are rarely evaluated, with most of the literature consisting of non-scientific (e.g. reports by official agencies) or poor-quality studies. The authors of a systematic review of the literature in Europe concluded that to better understand and prevent trafficking for labour exploitation, more and better evidence is needed.⁵¹

CONCLUSIONS

Trafficking in human beings (THB) is a serious offence against personal and sexual freedom and integrity. There is a sizeable THB market within the EU that is independent of migration flows from outside the EU. THB can be characterised as organised and often transnational, yet it is important to take the local aspects of it into account. Where and how recruitment takes place, how services are advertised and where services (sexual services, labour, forced crime) are delivered, is dependent on local circumstances. The intra-EU scope of many THB schemes, the networked nature of co-offenders, and the local impact of THB cases have ramifications for prevention.

A distinction can be made between different kinds of THB based on the purpose, which is always a form of exploitation. Besides trafficking for sexual exploitation, the most studied and most reported type, there are trafficking for labour exploitation, trafficking for criminal exploitation, and a few other types.

Perpetrators make money off of labour exploitation in two major ways: cost reduction (low wages, withholding wages, poor safety provisions) and revenue generation (recruitment fees, inflated prices for housing). Fake self-employment of the workers or chains of subcontracting or used to hide the exploitation from the authorities. The most promising prevention initiatives are proactive labour inspections and targeted, multi-agency investigations of situations or businesses where labour trafficking is indicated. Such multi-agency approaches should include, besides law enforcement, also other (local) authorities with the administrative power to intervene in one way or another (which is why it is called the administrative approach). It is important that the actors involved exchange information and align their actions to one another's, and reach an agreement on the division of labour and the exchange of information that allows all partners to respect their own and their clients' interests. Companies can monitor their own supply chains to rule out exploitative practices, but it may be more efficient

not rely on their willingness to do that and instead take legislative initiatives to put limits to subcontracting and labour supply firms in order to prevent obscure constructions which would feed exploitative practices.

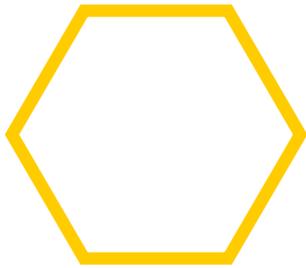
Forced criminality can take the form of forced begging (although not a crime in most jurisdictions) as well as forced metal theft, pickpocketing, drug production, trafficking and dealing, and benefit fraud. Trafficking for criminal exploitation poses a major challenge to law enforcement and prosecutors because it is often hard to differentiate between offender and victim. Prevention efforts should focus on two axes: measures to eliminate the feeding ground for criminal exploitation on the one hand and stimulating the identification and non-punishment of victims.

Generally speaking, the evidence base on THB and THB prevention initiatives is weak. Studies are of poor quality, and are generally unable to prove the effectiveness of preventive efforts, not least in the case of awareness campaigns. It is therefore of key importance to invest in highly-quality impact and outcome evaluation studies, and to exercise appropriate caution when implementing new approaches the effectiveness of which is yet to be determined.

ENDNOTES

- 1 A. Schloenhardt, Trafficking in Persons in an Era of Growing Irregular Migration, *SIAC International Edition* 7 (2017); International Centre for Migration Policy Development, Trafficking Along Migration Routes to Europe: Bridging the Gap between Migration, Asylum and Anti-Trafficking, Vienna: ICMPD, 2018; OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, From Reception to Recognition: Identifying and Protecting Human Trafficking Victims in Mixed Migration Flows, Vienna: OSCE, 2017.
- 2 Directorate-General for Migration and Home Affairs, Data Collection on Trafficking in Human Beings in the EU, Luxembourg: Publications Office of the European Union, 2020, <https://dx.doi.org/10.2837/897741>.
- 3 C.E. DiRienzo and J. Das, Human Trafficking and Country Borders, *International Criminal Justice Review* 27:4 (2017), 278-88, <https://dx.doi.org/10.1177/1057567717700491>.
- 4 United Nations, UN TIP: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, New York, 2000, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtsg_no=XVIII-12-a&chapter=18&lang=en.
- 5 Council of the European Union, 9450/17: Council Conclusions on Setting the EU's Priorities for the Fight against Organised and Serious International Crime between 2018 and 2021, Brussels, 2017, <https://data.consilium.europa.eu/doc/document/ST-9450-2017-INIT/en/pdf>; European Parliament and Council of the European Union, Directive 2011/36/EU: Preventing and Combating Trafficking in Human Beings and Protecting Its Victims, Brussels, 2011, <http://data.europa.eu/eli/dir/2011/36/oj>.
- 6 Europol, Trafficking in Human Beings in the EU, Situation report, The Hague: Europol, 2016.
- 7 S. Rodríguez-López, Organised Criminal Groups' Involvement in Human Trafficking in Spain, Paper presented at Eurocrim, 2020.
- 8 A. Bosma and C. Rijken, Key Challenges in the Combat of Human Trafficking: Evaluating the EU Trafficking Strategy and EU Trafficking Directive, *New Journal of European Criminal Law* 7:3 (2016), 315-30, <https://dx.doi.org/10.1177/203228441600700306>.
- 9 FRA, Protecting Migrant Workers from Exploitation in the EU: Workers' Perspectives, Luxembourg: Publications Office of the European Union, 2019, <https://dx.doi.org/10.2811/11344>; UNODC, The Role of Recruitment Fees and Abusive and Fraudulent Recruitment Practices of Recruitment Agencies in Trafficking in Persons, Vienna: UNODC, 2015.
- 10 S. Rodríguez-López, Human Trafficking-Related Corruption as a Security Challenge: A Study of Cases in South-Eastern Europe, *Security Dialogues / Безбедносни дијалози* 1-2 (2017), <https://dx.doi.org/10.47054/SD171-20721rl>.
- 11 CONFINE: Towards Operational Cooperation on Local Administrative Investigations in the Fight against Human Trafficking, Genk: City of Genk, 2019, https://www.genk.be/file_uploads/14578.pdf?sc=35E4913BDAF12590CD6B09160414F294.
- 12 A. Jokinen and N. Ollus, Shady Business: Uncovering the Business Model of Labour Exploitation, Helsinki: HEUNI, 2019, https://www.heuni.fi/en/index/researchareas/humantrafficking/flow_thb.html.
- 13 Cf. L. Korsell, D. Vesterhav, and J. Skinnari, Human Trafficking and Drug Distribution in Sweden from a Market Perspective—Similarities and Differences, *Trends in Organized Crime* 14 (2011), 100-24, <https://dx.doi.org/10.1007/s12117-011-9124-2>.
- 14 A. Lietonen, A. Jokinen, and N. Ollus, Navigating through Your Supply Chain: Toolkit for Prevention of Labour Exploitation and Trafficking, Helsinki: HEUNI, 2020; P. Ylinen, A. Jokinen, A.-G. Pekkarinen et al., Uncovering Labour Trafficking: Investigation Tool for Law Enforcement and Checklist for Labour Inspectors, Helsinki: HEUNI, 2020; CONFINE.
- 15 Europol, European Union Serious and Organised Crime Threat Assessment: A Corrupting Influence, Luxembourg: Publications Office of the European Union, 2021, <https://dx.doi.org/10.2813/02362>.
- 16 E. Cockbain and K. Bowers, Human Trafficking for Sex, Labour and Domestic Servitude: How Do Key Trafficking Types Compare and What Are Their Predictors?, *Crime, Law and Social Change* 72:1 (2019), 9-11, <https://dx.doi.org/10.1007/s10611-019-09836-7>.
- 17 Europol, European Migrant Smuggling Centre: 6th Annual Report, Luxembourg: Publications Office of the European Union, 2022, 18, <https://dx.doi.org/10.2813/61347>.
- 18 Europol, The Challenges of Countering Human Trafficking in the Digital Era, The Hague: Europol, 2020; UNODC, Global Report on Trafficking in Persons 2020, New York: United Nations, 2021, 127-8, <https://www.unodc.org/unodc/data-and-analysis/glotip.html>.
- 19 ILO, Global Estimate of Forced Labour: Regional Factsheet European Union, Geneva: ILO, 2012.
- 20 Europol, European Migrant Smuggling Centre: 6th Annual Report, 18-9; Directorate-General for Migration and Home Affairs, Data Collection on Trafficking in Human Beings in the EU.
- 21 Cf. Cockbain and Bowers, Human Trafficking for Sex, Labour and Domestic Servitude: How Do Key Trafficking Types Compare and What Are Their Predictors?, 16-8.
- 22 Europol, European Migrant Smuggling Centre: 6th Annual Report, 21.
- 23 Jokinen and Ollus, Shady Business.
- 24 Ibid.
- 25 Focus on Labour Exploitation (FLEX), Risky Business: Tackling Exploitation in the UK Labour Market, 2017, 16-7.
- 26 European Network on the Administrative Approach, Third EU Handbook on the Administrative Approach in the European Union, Brussels: ENAA, 2020, <https://administrativeapproach.eu/publications/third-eu-handbook>.
- 27 Ylinen et al., Uncovering Labour Trafficking: Investigation Tool for Law Enforcement and Checklist for Labour Inspectors, 18.
- 28 CONFINE.
- 29 Focus on Labour Exploitation (FLEX), Risky Business: Tackling Exploitation in the UK Labour Market, 22.
- 30 Ibid., 23.
- 31 S. Rodríguez-López, Perpetrators or Preventers? The Double Role of Corporations in Child Trafficking in a Global Context, *Oñati Socio-legal Series* 8:1 (2018), 145-64, <https://dx.doi.org/10.35295/osls.iis/0000-0000-0000-0919>.

- 32 Focus on Labour Exploitation (FLEX), Risky Business: Tackling Exploitation in the UK Labour Market, 31-2.
- 33 Europol, Trafficking in Human Beings in the EU.
- 34 Anti-Slavery International, Trafficking for Forced Criminal Activities and Begging in Europe: Exploratory Study and Good Practice Examples, 2014, http://www.antislavery.org/wp-content/uploads/2017/01/trafficking_for_forced_criminal_activities_and_begging_in_europe.pdf.
- 35 Ibid.
- 36 For more information on family-based crime, see the EUCPN Toolbox on that topic: <https://eucpn.org/toolbox-familybasedcrime>.
- 37 Anti-Slavery International, Trafficking for Forced Criminal Activities and Begging in Europe: Exploratory Study and Good Practice Examples, 52.
- 38 Directive 2011/36/EU.
- 39 Anti-Slavery International, Trafficking for Forced Criminal Activities and Begging in Europe: Exploratory Study and Good Practice Examples.
- 40 County Administrative Board of Stockholm, "They Will Always Find Me": A Study of Trafficking and the Living Conditions of Vulnerable Children, Stockholm: Länsstyrelsen, 2019.
- 41 K. Bryant and T. Landman, Combatting Human Trafficking since Palermo: What Do We Know About What Works?, *Journal of Human Trafficking* 6:2 (2020), <https://dx.doi.org/10.1080/23322705.2020.1690097>.
- 42 On the Maryland Scale, see European Crime Prevention Network, Crime Prevention Registries in the EU: A Scoping Review, Brussels: EUCPN, 2021, 14-5, <https://eucpn.org/document/crime-prevention-registries-in-the-eu-a-scoping-review>.
- 43 DiRienzo and Das, Human Trafficking and Country Borders, 278-88.
- 44 Cf. S.A. Majic, Real Men Set Norms? Anti-Trafficking Campaigns and the Limits of Celebrity Norm Entrepreneurship, *Crime, Media, Culture* 14:2 (2017), 303, <https://dx.doi.org/10.1177/1741659017714518>.
- 45 F. Sarrica, The Use of Human Trafficking Detection Data for Modelling Static and Dynamic Determinants of Human Trafficking Flows, *European Journal on Criminal Policy and Research* (2020), <https://dx.doi.org/10.1007/s10610-020-09460-5>.
- 46 Directorate-General for Migration and Home Affairs, Study on Prevention: Initiatives on Trafficking in Human Beings, Final report, Luxembourg: Publications Office of the European Union, 2015, 17, <https://dx.doi.org/10.2837/70698>.
- 47 J. Todres, Moving Upstream: The Merits of a Public Health Law Approach to Human Trafficking (January 18, 2011). *North Carolina Law Review*, *North Carolina Law Review* 89:2 (2011), 447-506; C. Schwarz, D. Alvord, D. Daley et al., The Trafficking Continuum: Service Providers' Perspectives on Vulnerability, Exploitation, and Trafficking, *Affilia* 34:1 (2018), 116-32, <https://dx.doi.org/10.1177/0886109918803648>.
- 48 Schwarz et al., The Trafficking Continuum: Service Providers' Perspectives on Vulnerability, Exploitation, and Trafficking, 116-32.
- 49 I. Waller and D. Weiler, Crime Prevention through Social Development: An Overview with Sources, Ottawa: Canadian Council on Social Development, n.d., <https://www.ojp.gov/ncjrs/virtual-library/abstracts/crime-prevention-through-social-development-overview-sources>.
- 50 N. Szablewska and K. Kubacki, Anti-Human Trafficking Campaigns: A Systematic Literature Review, *Social Marketing Quarterly* 24:2 (2018), 104-22, <https://dx.doi.org/10.1177/1524500418771611>; European Crime Prevention Network, Awareness-Raising Never Hurt Anyone, Did It?, Mythbuster, Brussels: EUCPN, 2020, <https://eucpn.org/document/mythbuster-awareness-raising-never-hurts-does-it>.
- 51 E. Cockbain, K. Bowers, and G. Dimitrova, Human Trafficking for Labour Exploitation: The Results of a Two-Phase Systematic Review Mapping the European Evidence Base and Synthesising Key Scientific Research Evidence, *Journal of Experimental Criminology* 14:3 (2018), 319-60, <https://dx.doi.org/10.1007/s11292-017-9321-3>.



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