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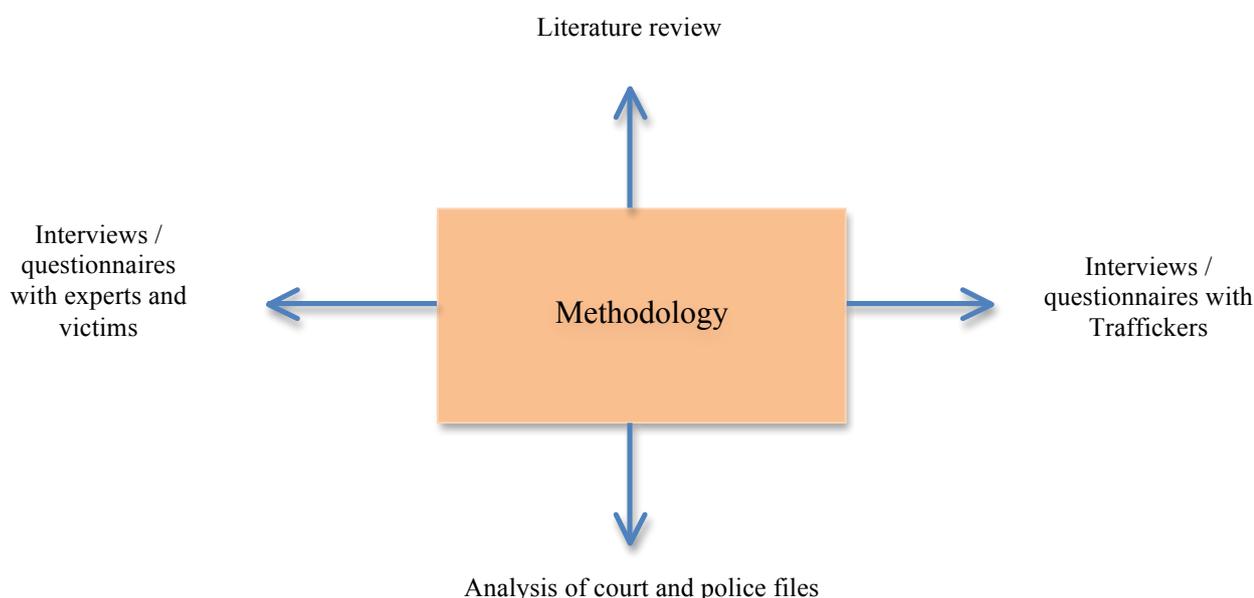
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BRIEFING PAPER 1: LAW ENFORCEMENT AGENCIES

1 INTRODUCTION

Work package three of the TRACE project aims to examine the aspects of the trafficking industry in direct relation to traffickers. It examines the specific characteristics of individuals involved in the trafficking industry, and their interactions with one another and larger criminal networks, from a sociological, psychological and criminological point of view. It focussed on the traffickers as an individual to provide a clear picture of the traffickers.

Based on a methodology composed of interviews with traffickers, relatives, members of the social environment of traffickers, experts and victims, and analysis of police/court reports supplemented with literature reviews further understanding of the traffickers has been provided in the report D3.1. of the TRACE project. That report has been the basis for the recommendations in this policy brief, which have been discussed with experts in June 2015.



2. THE LOW CHANCES OF BEING CAUGHT

Finding 1: The low chances of being caught (which is also reflected in the low number of convictions) is one of the reasons for criminals and traffickers to commit the crime.

Prosecuting for trafficking for various reasons is not an easy task. Practice shows that to circumvent difficulties in the prosecution that possible trafficking cases are more often prosecuted under the umbrella of related crimes such as; rape, kidnapping, violent crimes, etc. instead of or in addition to human trafficking. The general feeling is that if possible a case should be prosecuted under the trafficking offence. In many countries the severity of trafficking generates extended investigative and prosecutorial measures for law enforcement that could be

helpful for their work. Additionally, if prosecuted for human trafficking victims can apply the protection regime available for trafficking victims which is generally not available if prosecuted for other crimes. It was therefore stressed and recommended that the victim status should be disconnected from the legal procedures. To provide assistance and safety to victims regardless prosecution or cooperation has several advantages: traffickers can be more easily prosecuted for trafficking related crimes because victims are not dependent on the prosecution for trafficking. The prosecution of traffickers for less complex crimes in some cases could be supported to get the person convicted albeit for less severe crimes, with the aim to disrupt the criminal activities. If victims can be offered a safe and secured environment they might be more willing to come forward with their stories.

It was suggested that in several countries law enforcement agencies have improved their success rate of convicting for human trafficking. This is due to increased awareness and training of law enforcement officers on the issue. However, there is still much to gain considering knowledge and skills. Raising awareness, knowledge and understanding of the national judicial options as well as successful showcases were considered to be vital to gain progress.

Cooperation for joint investigations between countries of origin and destination was considered vital to the prosecution and the role of families (see 1.2). Now countries most often collaborate through EUROPOL, which seems very time consuming.

3. INVOLVEMENT OF FAMILIES, FAMILY BUSINESS.

Finding 2: Offender susceptibility to the crime of human trafficking is linked to the environment in which the person grows up and exists.

Some of the traffickers come from criminal and violent families. For them, stepping into human trafficking is not a major leap. Family members are often involved in the trafficking activities. Actively intervening in such families is considered helpful to prevent young family members from becoming future traffickers. However, on the whole there are limited options in terms of directly intervening with families, e.g. through the use of social services.

Increased attention should be paid to such environments/local communities/diasporas. To that end, multidisciplinary groups (such as in Finland) working at the grass-roots level, trying to get access to these micro communities in order to prevent problems amongst young people that already have committed minor crimes from worsening can be successful.

Further to the cooperation between origin and destination countries such cooperation is especially helpful when regarding the victims who are returned to their country of origin. It is important to have such collaboration in order to prevent repeated victimisation. Also a multidisciplinary approach was considered to be very useful.

4. HOW TO GET THE BIGGER FISH?

Finding 3: There is a need to trace and prosecute the leaders of the human trafficking operations.

The impression we got from the research is that those who are prosecuted for human trafficking

are not the brains behind the trafficking and not the ones who profit the most nor the most prominent traffickers. Especially the older traffickers who ‘accidentally’ end in the trafficking scene seems to be not the ‘big fish’. Investigating these networks is time-consuming and expensive. However, resources must be allocated if we want to tackle these networks.

5. CHARACTERISTICS AND PERSONALITY

Finding 4: There is a relationship between crime susceptibility and a trafficker’s personality/psychology.

A number of the traffickers have a defective conscience, lack any empathy and have (traits of) anti-social and narcissistic personality. It is believed that in some cases psychological care during detention is helpful to prevent them from recidivism. However, before such treatment can be provided it would be helpful to have psychological diagnostics available for persons suspected of trafficking. Furthermore, it was found that earlier interventions can potentially contribute to prevention of trafficking. In many cases the traffickers’ psychological development was affected by events in early adolescence, influencing their (criminal) behaviour.

Psychological care needs to be adjusted to the care receiver. Given the three groups of traffickers identified (those who become a trafficker accidentally, the manipulative trafficker and those traffickers who are born in a criminal environment) those born in a criminal environment seem to have the highest chances of successful treatment. Those becoming a trafficker more accidentally might not need psychological care because the risk of recidivism is low. According to experts the manipulative trafficker is less susceptible to psychological treatment especially if an organic process is (part of) the reason for his behaviour.

Differentiation might not only help to identify the right treatment for the traffickers or intervene in an earlier stage but also can such diagnostics be helpful to further understand the impact of the trafficker’s behaviour on the victim. Finland does have good experiences with the hearing of psychologists or other experts during criminal procedures.

Furthermore, psychological statement or report of the victim can be helping the court in understanding the process of how a victim got lured into trafficking.

6. USE OF TECHNOLOGIES IN PERFORMING TRAFFICKING

Finding 5: Need to invest resources into using technology to fight human trafficking.

The use of new technologies for the recruitment, control and blackmailing of victims and the recruitment of clients requires a different type of investigation techniques. There are some progressive examples from the Dutch police who sent out text messages to all clients who approached an escort bureau that was under investigation for suspicion of human trafficking with the request to forward any information to the police of signs and indications of involuntary prostitution. A second example is the automated interruption of a webpage of an escort service bureau under investigation or suspected of involvement of human trafficking with a message from the police that the potential client is about to visit a site from a bureau that might be involved in the trafficking.

These are examples of using technologies for progressive (some would say aggressive) awareness raising. Law enforcement authorities should test the boundaries of their legislation to find out about the possibilities within their legislation. Several examples were discussed such as pop ups on websites, text messages, and labels on products. The national legislation on technical related issues was too specific for stakeholders to be able to state what exactly was possible and what not.

Other examples were given, such as an airline showing a short video on child sex tourism and education of hotel employees. This raised the question of involving private companies in the prevention and awareness raising of trafficking.

7. INVOLVEMENT OF SOCIETY

Finding 6: The public is the eyes and ears of community, there is an increasing need to involve them in the fights against human trafficking.

As follows from the data collected, trafficking has many faces but increasingly takes place within (social media) networks, from homes or in hidden places. Situations of trafficking for sexual exploitation as well as trafficking for labour exploitation are more difficult to detect and increasingly law enforcement relies on information from society to detect situations of trafficking. Awareness raising using all channels of the media including social media is of utmost importance. Awareness should be raised about the situation of trafficking in destination countries and amongst medical personnel.

A final statement on this issue is that the responsibility of society is different from that of private companies and that companies have an increased responsibility to prevent situations of trafficking (corporate social responsibility). In the UK false competition as a result of cheap and exploitative labour by some companies has led to the adoption of a provision on corporate responsibility in the modern slavery act.

8. INTERVENE IN COMMUNITIES AND GEOGRAPHICAL AREAS THAT TRAFFICKERS TEND TO COME FROM

Finding 7: There is a need to understand micro-communities and develop a working relationship with them.

As was revealed in the research and especially in Romania and Bulgaria there are certain areas and communities that are well known as the home-communities of traffickers (as well as victims). We learned from the data collection that in many cases the social contacts and social lives of the traffickers consist of criminal contacts and accomplices in the trafficking. Following from this information it would be helpful and effective to also look into the network of traffickers once he or she is being caught, although the options are again limited for law enforcement to do so. Therefore, multidisciplinary teams must be employed.

The general feeling is that such communities are very difficult to access due to the massive distrust they have against authorities. It is therefore essential to work with someone who is a

national and part of that community, who the people will trust and with whom they will talk. Once a victim comes forward, often a snowball effect of others willing to come forward is achieved. It was emphasised that cultural workers and mediators are essential is this

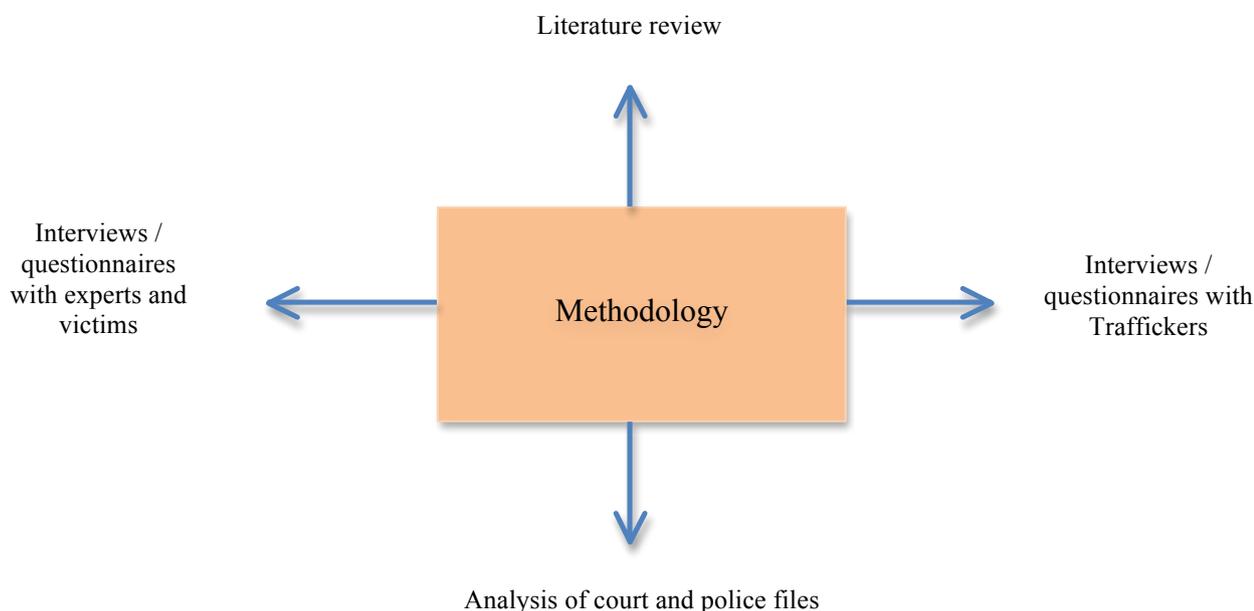
Traffickers have often pronounced that they felt excluded, could not find a job, did not finish school and could not participate in 'the real world'. Roma are specifically vulnerable for criminal activities both as perpetrator and as victim. Cultural mediators and experts can help law enforcement to better understand cultural and ethnical aspects in situations of trafficking.

BRIEFING PAPER 2: POLICY MAKERS

1 INTRODUCTION

Work package three aims to examine the aspects of the trafficking industry in direct relation to traffickers. It examines the specific characteristics of individuals involved in the trafficking industry, and their interactions with one another and larger criminal networks, from a sociological, psychological and criminological point of view. It focussed on the traffickers as an individual to provide a clear picture of the traffickers.

Based on a methodology composed of interviews with traffickers, relatives, members of the social environment of traffickers, experts and victims, and analysis of police/court reports supplemented with literature reviews further understanding of the traffickers has been provided in the report D3.1. of the TRACE project. That report has been the basis for the recommendations in this policy brief, which have been discussed with experts in June 2015.



2. PROTECTION OF AND ASSISTANCE TO VICTIMS, REGARDLESS PROSECUTION AND COOPERATION

Finding 1: disconnection of assistance and protection of victims with cooperation in criminal proceedings might benefit prosecution

The prosecution of trafficking remains largely dependent on victim's testimonies and vice versa victim protection depends on victim's cooperation. More and more support is given to provide assistance and protection to trafficking victims regardless the commencement of criminal procedures and less dependent on a victim's testimony or cooperation. Good examples of the involvement of other actors apart from law enforcement can be found in the UK and Belgium (where NGOs can represent victims in court and act on behalf of victims). To provide assistance and safety to victims regardless prosecution or cooperation has several advantages: traffickers can be more easily prosecuted for trafficking related crimes because victims are not dependent

on the prosecution for trafficking. The prosecution of traffickers for less complex crimes in some cases could be supported to get the person convicted albeit for less severe crimes, with the aim to disrupt the criminal activities. If victims can be offered a safe and secured environment they might be more willing to come forward with their stories. Such policies can be balanced with law enforcement demands because not in all cases an immediate testimony of the victim is required and with close cooperation with care workers the stress for victims can be diminished e.g. by avoiding multiple hearings in line with Art. 12(4) Directive 2011/36.

3. PROTECTION OF YOUNG ADOLESCENT GIRLS

Finding 2: Protection and support programmes should be established for girls and young adolescent women

From the modus operandi of the traffickers we have learned that a number of them particularly target at young (minor or adolescent) girls with a problematic background, with low IQ, who are either adventurous or naïve. This group should be specifically targeted and protected and specific awareness raising campaigns should be established. Care and protection should not automatically be stopped if young girls turn 18 years. Care workers in home care institutions must be trained and aware of the risks of this group and need to intensify monitoring and ‘parental’ tasks. Positive experiences have been achieved with self-help groups under supervision of care workers, intensive monitoring of this group, generating positive experiences through cooking projects, education and trainings, etc.

Young girls from broken families, with low levels of education and intellectual skills are especially vulnerable of being targeted by traffickers. Extra efforts to protect this group should be taken and targeted awareness raising campaigns already as a very young age should be established. In addition social workers in youth care are the ones closely involved in family relations and committed to the child.

Although girls and young adolescent women were in the research identified as particularly vulnerable we should be careful not to adopt a gender bias that victimises women and criminalises men. Boys and young adolescent men can be targeted and pressurised by traffickers as well and (as follows from our research) women can as well be perpetrators of trafficking.

4. THERAPY FOR TRAFFICKERS

Finding 3: Psychological diagnostics of traffickers can be helpful to understand the effect traffickers have on victims.

Given the dis-functioning conscience of traffickers, the lack of empathy and the narcissistic and anti-social nature of a number of the traffickers combined with their manipulative character make the traffickers easily fall back into trafficking practices. Intervention during detention or earlier in adolescence could be of help for them to stay away from these criminal practices. However, we should not neglect the fact that this type of traffickers is less susceptible to psychological interventions than other types of traffickers. In addition, many traffickers were able to continue their business and to control the victims during their detention.

Diagnostics might not only help to identify the right treatment for the traffickers but such diagnostics can be helpful to further understand the impact of the trafficker’s behaviour on the

victim. Finland does have good experiences with the hearing of psychologists or other experts during criminal procedures.

5. PAY ATTENTION TO CHILDREN OF TRAFFICKERS AND CRIMINALS

Finding 4: part of the traffickers is born in criminal environment and take over the business from father/parents/family

One type of traffickers was born in a criminal environment and for them it was a logical step to step in. Their views on women, prostitution and social interactions are distorted because they have never learned how to build 'normal' social relations and what these entail. Children of traffickers and more in general of criminals are at heightened risk of ending up as trafficker.

Increased attention should be paid to such environments/local communities/diasporas. To that end, multidisciplinary groups (such as in Finland) working at the grass-roots level, trying to get access to these micro communities in order to prevent problems amongst young people that already have committed minor crimes from worsening can be successful.

6. INVEST IN COMMUNITIES AND GEOGRAPHICAL AREAS WHERE TRAFFICKERS TEND TO COME FROM.

Finding 5: There is a need to understand micro-communities and develop a working relationship with them.

As was revealed in the research and especially in Romania and Bulgaria there are certain areas and communities that are well known as the home-communities of traffickers (as well as victims). We learned from the data collection that in many cases the social contacts and social lives of the traffickers consist of criminal contacts and accomplices in the trafficking. Following from this information it would be helpful and effective to also look into the network of traffickers once he or she is being caught, although the options are again limited for law enforcement to do so. Therefore, multidisciplinary teams must be employed.

The general feeling is that such communities are very difficult to access due to the massive distrust they have against authorities. It is therefore essential to work with someone who is a national and part of that community, who the people will trust and with whom they will talk. Once a victim comes forward, often a snowball effect of others willing to come forward is achieved. It was emphasised that cultural workers and mediators are essential in this

Traffickers have often pronounced that they felt excluded, could not find a job, did not finish school and could not participate in 'the real world'. Roma are specifically vulnerable for criminal activities both as perpetrator and as victim. Cultural mediators and experts can help law enforcement to better understand cultural and ethnical aspects in situations of trafficking.

7. CONDONING THE TRAFFICKING

Finding 6: Further research is required to reveal the correlation between prostitution policies and the occurrence of trafficking.

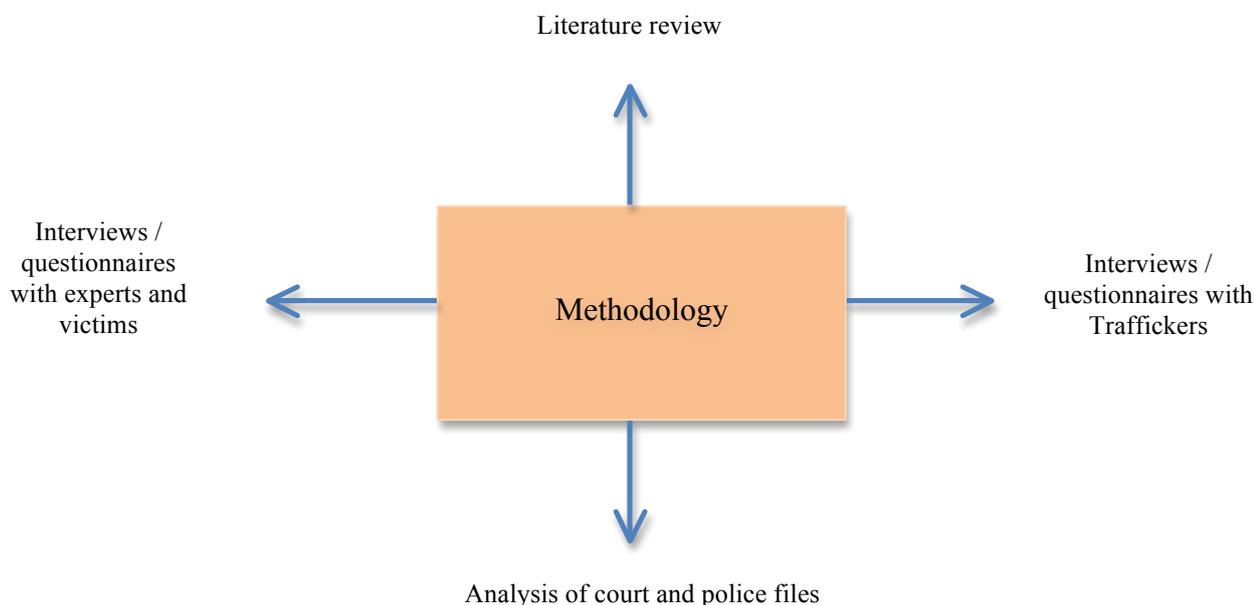
Many traffickers think it is "normal" they are able to neutralize the act. In some cases it is evident that their acts are illegal but due to indistinctness in the trafficking definition this is not true for all situations. It seems that national policies on prostitution does have an effect on such behaviour. However, it is not clear what the effect of liberalisation or prohibition of prostitution, clients and brothels is. Further research into this aspect is required.

BRIEFING PAPER 3: CIVIL SOCIETY ORGANISATIONS

1. INTRODUCTION

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2. OPTIONS TO SUPPORT VICTIMS OF CRIME WITHOUT THE NEED TO TESTIFY OR COOPERATE

Finding 1: disconnection of assistance and protection of victims with cooperation in criminal proceedings can be detrimental to victims

The requirement to cooperate with the authorities as a condition for protection and assistance is an impediment for victims to receive protection and assistance at the right time or at all. It leaves them in an uncertain situation which can be detrimental to their recovery.

Overall, NGOs and representatives from civil society agreed that the main goal should be to de-link the systems of investigating and providing protection, but in practice there is still a long way to go. In this, law enforcement agency want to have a testimony as soon as possible, which often conflicts with the view of giving a victim time to recover (reflection period). Good practices exist e.g. in Belgium where NGOs can act as witnesses in trials instead of victims, however this raises questions as to the defendant's right to fair trial and hearsay.

In both the UK and the Netherlands an alarming trend was further identified that victims of trafficking rather apply for asylum than for the system of protection of victims of trafficking.

3. INTERVENE IN DISRUPTIVE ENVIRONMENTS

Finding 2: NGOs rather than law enforcement authorities play a crucial role to protect children and especially girls from negative effects from disruptive environments.

NGOs play an important role to empower and prevent young adolescent girls from broken families and with problematic childhood. They often see these girls already at a young age. NGOs play a crucial role in raising awareness and to ultimately prevent that these vulnerable girls end up as a victim of trafficking?

It seems to be partially about the empowerment of these vulnerable groups. This could be done through providing education, information, teaching skills and raising the self-esteem, which is a crucial hurdle.

Examples of good practices included:

- The education of staff members of care homes in the UK, with regard to human trafficking.
- Multidisciplinary teams working with young vulnerable people on the streets (by being present during the night and at hot spots for these girls).
- Awareness raising amongst taxi drivers.
- Putting young people together, especially survivors of THB, which would work empowering to them.

4. ATTENTION FOR CHILDREN OF TRAFFICKERS AND CRIMINALS

Finding 3: There are few options to take preventive measures vis-a-vis children of traffickers to protect them from harm.

Finding 4: Being a child of a trafficker is one of the risk factors of becoming a trafficker.

A category of traffickers was raised in a criminal environment in which close family member (often the father) was a trafficker himself. Being a child of a trafficker is one of the risk factors of becoming a trafficker. We have learned that there are only few options to intervene in families of traffickers. Only in case there are concrete indication that a child of a trafficker experiences negative effects of the behaviour of the trafficker intervention (although limited and under strict conditions) is possible.

As was learned from the childhood and social background of the traffickers, part of them is or has been a child of a trafficker, which therefore is considered one of the risk factors of becoming a trafficker. Often, these traffickers already were in contact with support agencies early in life. These should be made aware of the effects on the psychological development of the disruptive environments these (potential) traffickers are raised in in order to intervene in an earlier stage.

5. SPECIAL ATTENTION TO PEOPLE FROM (EXCLUDED) MINORITIES

Finding 5: Traffickers have often experienced situations of exclusion e.g. at school, from society.

As was revealed in the research and especially in Romania and Bulgaria there are certain areas and communities that are well known as the home-communities of traffickers (as well as victims). We learned from the data collection that in many cases the social contacts and social lives of the traffickers consist of criminal contacts and accomplices in the trafficking. Following from this information it would be helpful and effective to also look into the network of traffickers once he or she is being caught, although the options are again limited for law enforcement to do so. Therefore, multidisciplinary teams must be employed.

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Roma are often identified as a group at risk of being trafficked as well as being involved in trafficking as traffickers. Regardless the many recommendations and interventions to improve the situation of minorities and especially that of Roma, it remains a huge problem up till today.

6. MOBILES AND SOCIAL MEDIA

Finding 6: social workers must be educated and trained to understand the use, misuse and possibilities of social media and mobile communication and how the young generation employs these technologies.

Victims rely heavily on mobile phones as a technology and are likely to continue to use their Facebook/Twitter/Instagram account etc. after they are assisted. It is important that social workers are aware of issues like privacy settings and location tracking settings.

Social media is currently used as a raising awareness and empowerment tool by NGO's. However it was acknowledged that consideration is due to the possibilities of using social media in investigations and court cases. Moreover participants agreed it is important that NGO workers and social workers are aware of latest technologies and what risks they may pose to trafficked persons. It would be helpful it was decided to have a pamphlet on such matters.