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Deliverable D6.2: **Future trends in human trafficking in Europe**

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EXECUTIVE SUMMARY

TRACE (TRafficking as A Criminal Enterprise) is a two-year project funded by the European Commission that runs between May 2014 and May 2016. TRACE aims to support stakeholders in combating and disrupting human trafficking (THB) by assessing and consolidating information surrounding the perpetrators and the wider trafficking enterprise. The purpose of this report is to provide a preliminary overview of emerging trends and predict future trends relating to human trafficking as a criminal enterprise in Europe. In addition, a number of policy recommendations are made for emerging issues generally, as well specific issues that may arise in relation to trafficking routes; modus operandi; profiles of traffickers; and the impact of law enforcement and other policies.

The TRACE-project has identified three emerging issues of concern, which are likely to impact the development and implementation of European anti-trafficking policies and laws. There is growing evidence that traffickers are increasingly exploiting victims for forms of trafficking, such as for begging and for criminal activities such as organised property crime (e.g. shoplifting, pickpocketing, ATM thefts, burglaries etc.), drug production and distribution as well as for benefit or identity fraud and forced or sham marriages. It is expected that more such cases will be identified in the future.

Moreover, an unprecedented increase in the number of migrants and refugees attempting to enter Europe in 2015 poses great challenges to state authorities in terms of both human rights protection and issues related to human trafficking. This situation sees hundreds of thousands of people, including large numbers of women and children, seeking every opportunity to enter the EU and being stranded at country borders increases their vulnerability to abuse, particularly by way of exploitation by trafficking. It is likely that these trends will continue in the future and therefore, targeted prevention measures are needed to address this issue. Targeted prevention measures include establishing outreach services with mobile units and cultural mediators to work with vulnerable populations, referring them to support, and promoting reintegration.

Recent studies have also shown that labour exploitation, including trafficking for forced labour, is widespread in a variety of economic sectors in Europe, particularly agriculture, construction, hotel and catering, domestic work, and manufacturing. It is forecasted that such trends will continue in the future, especially given the on-going economic crisis in the EU, and must be addressed in order to tackle this form of trafficking and to make sure its victims are offered access to justice and compensation

This report identifies future trends in relation to travel routes used by the traffickers to transport victims from countries of origin to countries of destination. It is forecasted that transport routes will continue to be diverse in order to secure legal and illegal entry into countries within Europe. The traffickers will most likely use those routes and methods of transportation that prove to be the most convenient and affordable for them. It is also expected that recruitment will become more global due to development of communication technologies, and the victims will travel by air on their own without escorts. In response to these forecasted hypotheses, the Member States should develop initiatives for dissemination of information on safe and legal migration opportunities, such as through TV, radio, and social media as well as through outreach at places of departure and arrival (e.g. at train and bus stations, seaports and airports).

This report also provides forecasted hypotheses regarding the modus operandi of traffickers. It is expected that the regularly used modus operandi and composition of groups involved in trafficking will not change considerably in the near future. However, some new trends and practises in modus operandi will appear. More frequently, individuals might act alone or in a small group, and be directly involved in the recruitment and exploitation of trafficked persons, without the support of larger criminal groups. It is also expected that non-violent and non-aggressive means of recruitment will continue to be employed and will target additional vulnerable groups, including homeless persons, persons with substance dependencies, learning disabilities and credit problems as well as refugees and asylum seekers. The policy response to these forecasts should focus on a multitude of issues, including making sure that law enforcement better focus their investigations on the totality of environment and circumstances in which human trafficking is occurring and by paying greater attention to the use of social media sites by traffickers as a recruitment tool.

Regarding the profiles of traffickers, it is expected that the increasing levels of social exclusion combined with poor economic conditions will motivate an increasing amount of individuals to become involved in the crime of human trafficking. However, traffickers do not comprise a homogenous group, but include different types of persons with differing backgrounds. Their commonality is that they aim to sustain a lifestyle that may require them to exploit other persons in order to maximise their profits. Traffickers will also operate on a smaller scale, individually or as a family business. It is also expected that children who grow up in families and environments involved in the business of human trafficking are at a risk of becoming involved in the crime. When designing policy responses, it is important to acknowledge that traffickers become involved in the crime for different reasons and make sure they are treated in a way that recognises their unique issues, preferably through well-designed diversion programs. Officials should also establish working relationships with communities where traffickers are known to operate in order to collect intelligence and to engage in preventive work at the grass-root level.

As regards the impact of law enforcement and other policies, it is noted that anti-trafficking policies may have unintended or contrary consequences. For example, legal efforts to suppress the supply of particular services, such as sexual services and cheap labour, may lead to traffickers acting in evasion of such efforts and creating new avenues or methods of exploitation. Moreover, the implementation of for example migration or labour policies can contradict specific anti-trafficking policies.

Ultimately, it will be important for EU Member States to review their policies, laws and regulations especially in the field of law enforcement as well as migration, labour and business practices to foster coherence of action, avoid the risk of compromising the protection of human rights and ensure that they do not unintentionally contribute to human trafficking.

1. INTRODUCTION

1.1 ABOUT THIS REPORT

The purpose of this report is to provide a preliminary overview of the findings relating to the emerging trends in order to hypothesise about future trends in human trafficking and make policy recommendations as they relate to emerging issues generally, as well specific issues that may arise in relation to trafficking routes; modus operandi; profiles of traffickers; and impact of law enforcement policies. Emerging trends are influenced by a number of factors, including those addressed in previous research presented in the deliverables published as part of Work packages 1-3 of the TRACE project, available via the TRACE project website: <http://trace-project.eu>. Observable trends provided in those reports form the basis of this report, but have been updated where possible to portray a current picture, particularly in Section 2 of this report. The TRACE partners have also employed foresight analysis tools, such as drafting scenarios that provide realistic depictions of aspects of human trafficking, as well as using these scenarios in order to hypothesize about future trends. The emerging and future trends, and their corresponding scenarios and hypotheses presented in this report were tested and validated at a TRACE virtual workshop. Accordingly, it is relevant to consider how these trends may change in the future to provide a reference point for policy makers and decision makers for continued anti-trafficking measures. The report takes the form of a briefing tool and is divided into 5 Chapters set out below under “Report Structure”.

This report is intended to be used as a briefing tool for decision-makers to assist them in introducing policies and measures to prepare for and possibly pre-empt the effects of currently emerging issues. These findings will also feed into further policy recommendations and handbook in Task 6.4 of the TRACE project.

1.2 METHODOLOGY

Partners reviewed reports relating to past and current trends in human trafficking as well as any other relevant documentation that updates the situation as it is presented in the work undertaken as part of previous Work Packages 1-3. The work undertaken for this report is distinguished from earlier work undertaken as part of the TRACE project. This report presents a consolidation of the trends observed as part of the project partners’ earlier work insofar as they are relevant to extrapolating future trends within the business of human trafficking (Sections 2 to 5), as well providing observations of emerging trends that have become more obvious since that earlier work was undertaken (Section 2.1). This report takes these observable trends further to provide foresight about how these trends may change in the future, as well as providing a number of policy recommendations and considerations for policy makers. For example, how might changes in transportation methods influence the emergence and disappearance of vulnerable groups in the future?

The scenarios and hypotheses, contained within this report, were tested and validated during a TRACE virtual workshop that was held on 27 November 2015 via GoToMeeting with both TRACE project partners and two selected external participants in attendance. During that workshop, foresight analysis tools (e.g., horizon scanning followed by use of scenarios to produce hypotheses) were employed to elicit a series of forecasts that will be based on how possible future trends could impact upon human trafficking, as well as to formulate useful policy recommendations.

1.3 REPORT STRUCTURE

This report is intended to be used as briefing tool, rather than adopting the style of a traditional deliverable in order to best present emerging trends in a way that assists those tasked with making policy and related decisions for anti-trafficking measures. It will identify observable and emerging trends relating to: modus operandi, travel routes and profiles of traffickers as well as some other general trends that relate to the forms of trafficking. The report presents emerging and future trends in the following key areas by using the following structure:

- *Emerging issues*
 - Observable trends
 - Relevant scenario
 - Hypotheses
 - Policy recommendations
- *Trafficking routes*
 - Observable trends
 - Relevant scenario
 - Hypotheses
 - Considerations for policy-makers
- *Modus operandi*
 - Observable trends
 - Relevant scenario
 - Hypotheses
 - Policy recommendations
- *Profiles of traffickers*
 - Observable trends
 - Relevant scenario
 - Hypotheses
 - Policy recommendations
- *Impact of law enforcement policies on human trafficking*
 - Observable trends
 - Relevant scenario
 - Hypotheses
 - Policy recommendations

Each chapter of the report provides an overview of the trend, with accompanying scenarios that feed into hypotheses and accompanying policy recommendations that have been tested and validated at a virtual workshop. This structure has been adopted for ease of reference as the goal of this report is to provide policy makers and other decision makers involved with anti-trafficking measures insight into emerging and future trends.

2. KEY TRENDS & HYPOTHESIS FOR FUTURE CHANGES IN THB IN EUROPE

2.1 EMERGING ISSUES

This section identifies some emerging issues of concern, which are likely to impact the development and implementation of European anti-trafficking policies and laws.¹

2.1.1 Observable trends

a. Recently identified forms of trafficking²

Trafficking for forced criminality: There is growing evidence that traffickers exploit victims for begging and for criminal activities such as organised property crime (e.g. shoplifting, pickpocketing, ATM thefts, burglaries etc.), and drug production and distribution.³ Available evidence suggests that children are particularly exposed to the risk of trafficking for begging and forced criminality; traffickers target especially children from families living in very difficult economic and social circumstances, children from dysfunctional families and children from ethnic minorities.⁴ In recognition of these forms of trafficking, the EU Directive (2011/36) includes a wider definition of trafficking to cover trafficking for forced criminal activities, and forced begging and highlights the need for Member States to take action to address these phenomena.

Trafficking for benefit fraud: In a number of European countries, a new and particular form of trafficking for the purpose of exploitation through benefit fraud, identity fraud, credit fraud and insurance fraud have been identified. In these cases, victims are forced to open bank accounts and take out loans, while kept under the control of traffickers. When the trafficker begins receiving payments for the fraudulent claims, he/she abandons his/her victim in destitution or returns him/her to the country of origin.⁵

Trafficking for forced and sham marriages: New cases are being detected in which traffickers recruit women from Eastern Europe with the promise of well-paid jobs. In some of the more extreme cases, women are coerced into marriages with third-country nationals. The groom is then able to apply for a residence permit and subsequently, further exploit the “bride” for

¹ Please note that emerging trends and policy recommendations related to the use of technologies in facilitating trafficking and sexual exploitation have been made in TRACE, *Deliverable D4.1: Report on the role of current and emerging technologies in human trafficking*, 2015. The topic is thus not repeated here.

² For discussion on definition of trafficking, please see TRACE, *Deliverable D1.1: A review of the implementation of the EU strategy on human trafficking by EU members*, 2014. http://trace-project.eu/wp-content/uploads/2014/11/TRACE_D1.1_Final.compressed.pdf

³ See the indicators for THB for forced criminality in Council of the European Union, *Note on Handbook on trafficking in human beings - indicators for investigating police forces*, 14630/2/14 REV 2, Brussels, 18 March 2015. http://www.consilium.europa.eu/en/meetings/jha/2015/10/outcome-of-the-council_en_pdf/

⁴ Anti-Slavery International, *Trafficking for Forced Criminal Activities and Begging in Europe*, 2014. http://www.antislavery.org/includes/documents/cm_docs/2014/t/trafficking_for_forced_criminal_activities_and_begging_in_europe.pdf; Council of the Baltic Sea States, *Children Trafficked for Exploitation in Begging and Criminality: A challenge for law enforcement and child protection*, 2013. https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/children_trafficked_for_exploitation_in_begging_and_criminality_1.pdf;

see also Polismyndigheten, *Nationell lägesbild. Brottslighet med koppling till tiggeri och utsatta EU-medborgare i Sverige, Rapport 2015*. Polismyndigheten, Nationella operativa avdelningen, december 2015

⁵ Europol, *The THB Financial Business Model. Assessing the Current State of Knowledge*, July 2015, p.10. https://www.europol.europa.eu/sites/default/files/publications/europol_thb_finacial_business_model_2015.pdf

domestic servitude and/or sexual exploitation.⁶ These practices had been detected before in relation to facilitation of irregular migration through sham marriages, now there are indications that brokers previously acting mainly as smugglers are now becoming traffickers/exploiters.⁷

b. Increased blurred lines between trafficking and smuggling and the European migrant and refugee crisis

There is increasing evidence from national and Europol investigations that migrants' smuggling is often interweaved with people trafficking.⁸ While channels for legal migration remain restricted, a growing number of migrants turn to the services of smugglers to illegally enter the EU. Smugglers' syndicates have begun offering packages that, in addition to illegal entry, include facilitating or providing exploitative work opportunities to pay back the travel debt or to obtain forged documents for residence permits.⁹

The unprecedented increase in the number of migrants and refugees attempting to enter Europe in 2015 poses great challenges to state authorities in terms of both human rights protection and addressing issues relating to human trafficking.¹⁰ Asylum seekers' travel routes change rapidly according to changes in border crossing policies on the external and internal borders of the EU. This situation with hundreds of thousands of people, including large numbers of women and children, seeking every opportunity to enter the EU and being stranded in border areas, increases the risk of abuse, exploitation and trafficking, especially among vulnerable groups.¹¹

The number of unaccompanied children seeking asylum in Europe has been steadily increasing since 2010, reaching 4% of the total number of asylum applicants in 2014.¹² Although national data are scattered, there is evidence that significant numbers of these

⁶ Jolkina, A., *Piesmieta Misis Eiropa. Latvijas sievietes Bristu salas, Azijas ligavaini*, Riga, 2011.

⁷ In these cases, it is not immediate for law enforcement to recognize that the woman is a victim and not a smuggler. See Europol, *Marriages of convenience. A link between facilitation of illegal migration and THB. Early Warning Notification*, 2014/8. <https://www.europol.europa.eu/content/marriages-convenience-link-between-facilitation-illegal-immigration-and-thb>

See also EU FRA, *Addressing forced marriage in the EU: Legal provisions and promising practices*, 2014, fra.europa.eu/.../fra-2014-forced-marriage-eu_en.pdf; Europol, *Situation Report Trafficking in human beings in the EU*, 2015. Document No: 765175.

⁸ Europol, *Hit on migrant smuggling and human trafficking ring operating via Mediterranean*, The Hague, 3 November 2015.

<https://www.europol.europa.eu/content/hit-migrant-smuggling-and-human-trafficking-ring-operating-mediterranean>

⁹ OSCE, *Enhancing co-operation to prevent THB in the Mediterranean region*, 2013. <http://www.osce.org/secretariat/108481?download=true>

¹⁰ At the beginning of December 2015, IOM estimates about 878,495 arrivals by sea in the Mediterranean, and according to UNHCR 84% of these persons arrive from the world's top-10 refugee producing countries. See: IOM, *Europe / Mediterranean Migration Response Sitrep*, 3 December 2015.

https://www.iom.int/sites/default/files/situation_reports/file/Europe-Med-Migration-Response-Sitrep-3-Dec-2015.pdf

See also UNHCR, <http://data.unhcr.org/mediterranean/regional.php>

¹¹ See also ICMPD, *Targeting Vulnerabilities. The Impact of the Syrian War and Refugee Situation on Trafficking in Persons. A Study of Syria, Turkey, Lebanon, Jordan and Iraq*, 2015. Vienna: International Centre for Migration Policy Development.

http://www.icmpd.org/fileadmin/ICMPD-Website/Anti-Trafficking/Targeting_Vulnerabilities_EN__SOFT_.pdf

¹² In 2014 there were a total of 24,075 unaccompanied children in 2014, of which 86% boys and 14% girls European Migration Network, *Policies, practices and data on unaccompanied minors in the EU Member States and Norway, Synthesis Report*, May 2015.

http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/emn_study_2014_uams_0.pdf

children go missing from asylum centres or other reception facilities and are at risk of abuse and trafficking for multiple purposes (i.e. sexual, labour, begging, criminality etc.).¹³

c. Growing labour exploitation including trafficking for forced labour and for domestic servitude

A 2015 EU-wide in depth research by the EU Fundamental Rights Agency (FRA) finds that criminal forms of labour exploitation are widespread in a variety of economic sectors, particularly agriculture, construction, hotel and catering, domestic work, and manufacturing.¹⁴ Significantly, a growing number of legitimate businesses are found to be involved in it. The report brings evidence on the nexus between abusive and exploitative practices and situations of dubious recruitment, precarious and temporary work, posting of workers, long subcontracting chains and other non-transparent employment relationships.¹⁵ Furthermore, the research findings suggest that perpetrators go largely unpunished for the severe abuse and exploitation of workers who are mostly migrants living and working in extremely poor and unhealthy conditions for little to no pay.¹⁶ Victims are routinely misidentified and treated as irregular migrants or offenders, they often do not realise the seriousness of the crime they are subjected to, can reject the label ‘victim’, and can be too afraid to come forward and report their exploiters for fear of being expelled or of losing their job. There is also a lack of support services offered to victims, in particular to male victims.¹⁷ This situation results in no access to justice for victims and can potentially normalise endemic impunity of traffickers and trafficking activities.

One particular form of labour trafficking is domestic servitude, which affects predominantly women and girls and is very difficult to detect because it occurs out of sight in private households where workers are physically and socially isolated with limited opportunities to escape or report their exploitation.¹⁸ Moreover, specific immigration visa regimes tying a

¹³ *ibid.* See also Council of the Baltic Sea States, *Children Trafficked for Exploitation in Begging and Criminality: A challenge for law enforcement and child protection*, 2013.

https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/children_trafficked_for_exploitation_in_begging_and_criminality_1.pdf
See also European Commission, *Study on high-risk groups for trafficking in human beings*, 2015.
https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_children_as_high_risk_groups_of_trafficking_in_human_beings_0.pdf

¹⁴ This is in line with global trends as delineated by UNODC and ILO. See UNODC, *Global Report on Trafficking in Persons*, 2014;

https://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf

ILO, *Forced labour: the EU dimension*, 2012.

http://www.ilo.org/wcmsp5/groups/public/@europe/@ro-geneva/@ilo-brussels/documents/genericdocument/wcms_184976.pdf

¹⁵ See also Ollus, N., Jokinen, A. and Joutsen, M. (eds.), *Exploitation of Migrant Workers in Finland, Sweden, Estonia and Lithuania: Uncovering the links between recruitment, irregular employment practices and labour trafficking*, HEUNI Publication Series No. 75, Helsinki, 2013; Sorrentino, L. & Jokinen A., *Guidelines to prevent abusive recruitment, exploitative employment and trafficking of migrant workers in the Baltic Sea region*, HEUNI Publication Series No. 78, Helsinki, 2014

¹⁶ *Ibid.*

¹⁷ EU FRA, *Severe labour exploitation: workers moving within or into the European Union*, 2015.
http://fra.europa.eu/sites/default/files/fra-2015-severe-labour-exploitation_en.pdf

¹⁸ Domestic work is a feminized sector of employment characterised by precarious, undervalued and invisible occupation, often-migrant labour. The ILO estimates that women represent 83% of the 52.6 million employed in

worker to a particular employer, and the frequent involvement of unscrupulous recruitment agencies often heighten workers vulnerability to trafficking for domestic servitude and to other forms of abuse and gender-based violence.¹⁹

2.1.2 Relevant Scenarios

a. Recently identified forms of trafficking

Trafficking for forced criminality

A human trafficking ring is bringing children in a European city and exploiting them for the commission of petty crimes. Children are brought every day to the city centre, and are placed on touristic locations and at major tourist stops of public transportation where they are made to engage in ATM theft and pickpocketing of tourists. They are highly supervised by their controllers. Everyday these children need to bring about 200-300 euros to their controller otherwise they will be punished through beatings, cigarettes burns and food deprivation. Children are frequently moved from one tourist city to another within the same country or across European countries to escape police attention and control. The police investigating the case detects children committing crimes and refers them to juvenile justice and/or child protection services without identifying them as victims of THB. Children quickly disappear from the state institutions and go missing. Later on the police investigation reveals that there was a structured criminal organization behind the thefts, in which children were coerced into committing theft and even trained on what to say to the police in case of arrest. The organised crime gang was making huge profits out of this operation.

Adapted from France 24, *France's biggest ever child pickpocketing ring on trial*, 25.04.2013.
<http://www.france24.com/en/20130425-france-hamidovic-child-pickpocketing-ring-trial-paris>

b. Increased blurred lines between trafficking and smuggling related to increasing European migration and refugee flows

Smuggling and trafficking of migrants:

Migrants from Pakistan paid around EUR 14 000 each to a smuggling-trafficking ring to ensure them transport and entry into Europe. Migrants travelled in terrible conditions on unsafe boats and dinghies across the Mediterranean. Those who survived the hazardous journey were offered to work in ethnic restaurants - owned by the criminal group- to pay back their travel debt. They were made to work 10-12 hours per day 7 days per week. The criminal group arranged false documents and fraudulent work permits for migrants to avoid control by the authorities. Criminal profits were partially laundered into ethnic restaurants and partially returned to the country of origin using migrant identities for money transfers.

Adapted from Europol, *Hit on migrant smuggling and human trafficking ring operating via the Mediterranean*, 3.11, 2015,

domestic work. In Europe about 5% of these workers are excluded from national labour legislation. See, ILO, *Snapshot –ILO in Action: domestic workers*, 2013.

¹⁹ OSCE, *Enhancing Co-Operation to Prevent Trafficking in Human Beings in the Mediterranean Region*, 2013.
<http://www.osce.org/cthb/108481?download=true>; see also IOM, *The Other Migrant Crisis - Protecting Migrant Workers against Exploitation in the Middle East and North Africa*, 2015.
<https://publications.iom.int/books/other-migrant-crisis-protecting-migrant-workers-against-exploitation-middle-east-and-north#sthash.7ERku5zd.dpuf>

available at <https://www.europol.europa.eu/content/hit-migrant-smuggling-and-human-trafficking-ring-operating-mediterranean>

c. **Growing labour exploitation including trafficking for forced labour and for domestic servitude**

Trafficking for labour exploitation in the cleaning sector

A well-established cleaning company in an European country wins a public procurement bid to clean public schools and other council properties. The company sub-contracts the job to another company who make profit by exploiting migrant workers who are threatened, underpaid and working long hours without breaks. The local media uncovers the situation when one of the exploited workers has an accident at the workplace. The established cleaning company loses a lot of money and their reputation because of being associated with trafficking and exploitation. They decide to stop using sub-contracting altogether and make a very clear stand against labour exploitation by organizing courses for migrant workers on their labour rights in cooperation with a local trade union.

2.1.3 Hypotheses

A number of hypotheses can be made in relation to these emerging trends. These are set out below.

a. **Recently identified forms of trafficking**

1. Given the very low rate of detection and criminal prosecution of traffickers in Europe and worldwide, it is expected that new forms of trafficking will continue emerge in the future.
2. Given the growing links between smugglers and traffickers, it is expected that trafficking for sham marriages may be increasingly used not only to facilitate irregular migration into the EU but also to benefit from the exploitation of victims in forced prostitution, domestic servitude and forced labour.
3. Girls and young women from ethnic minorities and with disabilities are expected to be particularly at risk of exploitation in forced and sham marriages.
4. Given the growing number of cases of THB for forced criminality, if police, prosecutors, judges, and lawyers are not trained to recognize the victim behind the apparent offender, a growing number of victims will be denied justice, punished and further traumatized at the hands of state authorities. Moreover, opportunities to identify those further up the chain of control will be lost if victims are not treated as witnesses.

b. **Increased blurred lines between trafficking and smuggling related to increasing European migration and refugee flows**

1. A growing number of smuggled migrants are in a situation of social economic and linguistic vulnerability, and find themselves compelled to accept exploitative working

conditions. Opportunities for organized crime groups engaging in smuggling and trafficking increase, and the linkages between them too.

2. It is expected that the number of persons seeking asylum in Europe will increase further. Some of these people are in a very vulnerable position and face serious risk of exploitation, especially during the time their asylum applications are considered and in cases when their asylum applications are rejected. The authorities will face challenges in identifying such cases because of lack of training and resources.
3. With the progressive tightening of EU border control and migration policies, migrants and refugees will take new and even more dangerous routes to escape conflict and poverty and enter the EU. Traffickers and smugglers will seize the opportunity to increase their criminal business and exploit people's desperation; the risk of abuse and exploitation will likely increase further.
4. As the number of unaccompanied children in EU increases, so does the number of disappearances and that of children at risk of exploitation by traffickers for multiple purposes.

c. Growing labour exploitation including trafficking for forced labour and for domestic servitude

1. *Trafficking for labour exploitation*: given the on-going economic crisis in the EU and the widespread impunity of traffickers, trafficking for labour exploitation is likely to continue being one of the most prevalent forms of exploitation.
2. *Domestic servitude*: Given the European demographic dynamics with an increasing aging population, and given that fewer families can rely on one single breadwinner, it is expected that the demand for cheap household work and care will continue to increase.
3. As labour exploitation has become a systematic feature of today's economies, businesses operating in sectors with extensive use of subcontractors and employment of many low-skilled and low-paid foreign workers, are exposed at higher risk of being associated with labour trafficking.
4. Efforts to achieve corporate responsibility will be hampered in the absence of binding legislation or other incentives sufficient to command the necessary respect for human rights.

2.1.4 Policy recommendations

a. Recently identified forms of trafficking

1. *Non-punishment policy*: Specific legislation and policy is required to ensure that victims of trafficking are not detained, prosecuted or punished for their involvement in unlawful activities they have been compelled to commit as a consequence of their situation as trafficked persons. Furthermore, public officials who are likely to come into contact with

trafficked persons should be trained to identify victims of trafficking and should receive guidance on the application of the non-punishment provision.²⁰

2. *Forced begging and forced criminality:* Targeted prevention measures should be developed to address these forms of trafficking, including by establishing outreach services with mobile units and cultural mediators to work with vulnerable populations, especially children, referring them to support, and promoting reintegration into school. Furthermore, child victims should be provided with independent legal guardians and social welfare services regardless of their status. Authorities should also be trained on good practices in determining the best interests of the child.
3. There is a need to address issues of witness protection, which could well be hampered by legal professional privilege if victims are dealt with as criminals. This might require processes for witness immunity in a trafficking context.
4. *Sham and forced marriages:* It would be important to increase awareness of law enforcement, prosecutors, judges, teachers, health, social and other professionals, about these forms of trafficking and to develop targeted policies to empower vulnerable women and girls and to address gender-discrimination and other root causes of such practices.
5. Overall, there is a need for developing systems offering long-term support to meet the specific needs of all trafficked persons, including those of these more recently identified forms of trafficking and to support their reintegration into the society.

b. Increased blurred lines between trafficking and smuggling and the European migrant and refugee crisis

1. It is recommended to raise awareness of law enforcement and prosecutors about the increasing linkages between smugglers and traffickers, and the vulnerabilities of smuggled migrants to abuse and exploitation.
2. It is recommended to build the capacities of frontline asylum officials in identifying and referring to support THB victims whom they may encounter in the asylum procedure. Information should also be provided to asylum seekers, about their rights, including labour rights, and where to seek help in case problems occur.
3. State authorities should establish better migration management systems including more legal labour migration channels and humanitarian corridors for refugees to reduce the opportunities for criminal business to abuse and exploit people.
4. It would be important to strengthen child protection services and to train police, immigration, asylum and child protection officials about the risk of abuse and exploitation for unaccompanied children. Furthermore, pilot programs providing protected reception and specialised support to unaccompanied children who are suspected

²⁰ OSCE, *Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking*, OSCE, 2013. <http://www.osce.org/secretariat/101002?download=true>

to be victims of trafficking should be developed in partnership with child welfare authorities, NGOs and law enforcement.²¹

c. Growing labour exploitation including trafficking for forced labour and for domestic servitude

1. All public authorities, in particular labour inspectorates, law enforcement and immigration, should prioritize the protection of rights of victims, over questions of public order and immigration control. In addition, victims should be given unconditional access to support, and to safe pathways to regularize their status and change employer in case of abuse.
2. More efforts and resources are needed to provide legal aid to victims of labour exploitation, and to enable trade unions and NGOs to put forward claims for compensation on behalf of exploited workers.
3. States should establish clear, transparent and proportional regulation of labour providers and should scale up inspections of working conditions especially in sectors prone to exploitation.
4. States should lead by example and establish ethical public procurement and other appropriate due diligence measures to prevent risks of labour exploitation by their contractors and subcontractors.
5. Businesses should establish proper due diligence processes, including systems for monitoring, for self-reporting and for financial reporting, to manage, address and account for risks of trafficking in their operations, which may lead to criminal prosecution, serious damage to their business reputation and loss of earnings.
6. It would be important to raise public awareness about domestic servitude/ exploitation of domestic workers and develop ways to allow inspection authorities to monitor work in private households. In addition, awareness raising should also target domestic workers to inform them on their rights and where to seek help if problems occur.
7. States should ratify the 2014 Protocol to the 1930 ILO Forced Labour Convention, and the ILO Domestic Workers Convention No 189.

²¹ See for example the Dutch programme for protected reception of unaccompanied children who are potential victims of trafficking in EMN, *Policies, practices and data on unaccompanied minors in the EU Member States and Norway*, Synthesis Report: May 2015 p. 24.
http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/emn_study_2014_uams_0.pdf

2.2 TRAFFICKING ROUTES

A number of observable trends were identified in TRACE Deliverable D2.1 *Report on the relevant aspects of the trafficking act (geographical routes and modus operandi) and on its possible evolutions in response to law enforcement* that relate to the travel routes and transportation methods employed by traffickers. Current and future trends related to travel routes and methods of transportation used by traffickers offer a geographical picture of the phenomenon. Understanding the geographical nature of the routes used for different forms of trafficking is relevant to addressing trafficking at a national, regional, European and international level.

Trafficking routes can be domestic (*inside the borders of a country*) or transnational (*across countries or even continents*). Factors influencing trafficking flows are diverse and could be linked with other criminal or economical routes, as argued for example by Louise Shelley²² or with common labour migration routes²³. Different push and pull factors also affect trafficking flows in both origin and destinations countries. Seo-Young Cho²⁴ has categorised these factors into four frames which include migration, crime, vulnerability as well as policy and institutional efforts. In the same vein, UNODC²⁵ presents a correlation between national Gross Domestic Product (GDP) and the flows of trafficking. According to this correlation a greater number of trafficked persons are exploited within countries with a higher GDP. Thus, attention ought to be paid to the correlation between a growing number of incidents of trafficking and nations and regions of growing prosperity.

2.2.1 Observable trends

Methods of transportation vary across regions, based on the findings from TRACE Deliverable 2.1.²⁶ Trafficked persons are transported to the destination mostly by road or by air. For example, when persons are trafficked across continents, air travel is the favoured mode of transport used by the traffickers. In cases of transnational trafficking across European countries, land methods, such as cars, buses, minibuses and trains, are commonly used. Sometimes also ferries are used, in particular in the Baltic Sea region. It seems that the distance (to the country of destination) influences to some extent the choice of transport used. If the distance between the countries of origin and destination is long, air travel is more commonly used.

The form of human trafficking can influence the mode of transport. In cases of trafficking for sexual exploitation, the activities of transportation and accommodation tend to be better planned and organised than for other forms of exploitation. Those having a legal possibility to

²² Shelley, Louise, *Human Smuggling and Trafficking into Europe. A comparative Perspective*, February 2014, Migration Policy, Institute, p.6.

²³ National Agency against Trafficking in Persons, *Child trafficking in Romania-Study on the recruitment process*, Romania, Alpha Media Buzău Print, 2009, p.47.

²⁴ Cho, Seo-Young, “Modeling for Determinants of Human Trafficking”, Economics of Security Working Paper no.70, July 15, 2012. <http://ssrn.com/abstract=2117838> or <http://dx.doi.org/10.2139/ssrn.2117838>, pp 1-41.

²⁵ United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2014*, United Nations publication, Sales No.E.14. V.10, Vienna, 2014, p.7. https://www.unodc.org/documents/data-and-analysis/glotip/GLOTIP_2014_full_report.pdf

²⁶ Constantinou, Angelos, Suzanne Hoff, Ana-Maria Tamas, Ionuț Lupașcu and Adrian Petrescu (ed.), *Deliverable 2.1: Report on the relevant aspects of the trafficking act (geographical routes and modus operandi) and on its possible evolutions in response to law enforcement*, TRACE project, 2015, p.31. http://trace-project.eu/wp-content/uploads/2015/03/TRACE-D2.1_FINAL.pdf

enter, cross the border of the transit and destination countries legally, with their own documents. The Cyprus study presented in TRACE D2.1 indicated that only 3 per cent of the cases examined involved illegal entry. Persons trafficked for sexual exploitation are accompanied or chaperoned more often than persons trafficked for other forms of exploitation.²⁷

The analyses of case examples depict a situation where European citizens are mainly exploited in European countries²⁸. However, also an increasing number of citizens coming from other continents, such as Africa, Asia and even South and Central America, are trafficked to and within European countries for sexual exploitation and, more recently for labour exploitation.

Deliverable 2.1²⁹ of the TRACE project observes that trafficking routes change over time. These changes may continue to reflect new political and armed conflicts or economic crises in different regions and countries around the globe which push people to migrate and increase their vulnerability to exploitation and ultimately trafficking. For example, the global economic crisis affected different sectors of activities, resulting for example in the closure of businesses with lower profit margins, leaving the market open to those with illegal or cheap labour at their disposal³⁰. This demand has led to mixed migration flows having been observed during 2015, meaning that many different types of migrants, including victims of trafficking, are travelling within and to Europe via the same routes.³¹

Further research by TRACE project partners³² observe that aspects of the human trafficking industry, including travel routes, has been influenced by the use of new technologies, especially the internet and web based applications, as these technologies could enable the remote crime management of trafficking, including recruitment and payment of services. Due to expansion of airline industry and increased competition, airline tickets have become cheaper and travelling is now easier in terms of making travel arrangements and booking tickets. This means that people from all over the world can be recruited to work and be exploited in Europe in varying contexts, some of which are set out below:

- *Trafficking routes and sexual exploitation*

Trafficking for sexual exploitation is by far the most encountered, observed, and documented form of trafficking worldwide. The trafficking flows in relation to sexual exploitation include flows from Eastern countries to Western and Northern European countries but also from Asian, African or South-American countries to Central and Western European countries.

²⁷ Ibid.

²⁸ Constantinou, Angelos, Suzanne Hoff, Ana-Maria Tamas, Ionuț Lupașcu and Adrian Petrescu (ed.), *Deliverable 2.1: Report on the relevant aspects of the trafficking act (geographical routes and modus operandi) and on its possible evolutions in response to law enforcement*, TRACE project, 2015, p.30. http://trace-project.eu/wp-content/uploads/2015/03/TRACE-D2.1_FINAL.pdf

²⁹ Ibid.

³⁰ EUROPOL, *Knowledge product. Trafficking in Human Beings in the European Union*, Europol Public Information, The Hague, 2011, p.12.

³¹ Spapens, Toine, Ana-Maria Tamas, Aija Lulle, Hugo Durieux, Vineta Polatside, Cristina Dragota, Angelos Constantinou and Julia Muraszkievicz, *Deliverable 1.3: A report concerning the macro and micro analyses of human trafficking*, TRACE project, 2014. P.34. <http://trace-project.eu/documents/>

³² Watson, Hayley, Anna Donovan, Kim Hagen, Kush Wadhwa, Julia Muraszkievicz, Adelina Tamas, Angelos Constantinou, Mirela Saykovska, Radostina Pavlova, Vineta Polatside. *Deliverable D4.1: Report on the role of current and emerging technologies in human trafficking*, TRACE project, 2015. <http://trace-project.eu/documents/>

- *Trafficking routes and labour exploitation*

Trafficked persons, such as fruit pickers, are exploited during relevant seasons in European countries such as, Greece, Spain, Italy, Germany, particularly in Autumn months. Similarly, thousands of Asian and Eastern European migrants travel to Nordic countries during late summer and autumn to pick berries in the forest. In that respect, it is expected that the demand for short-term and cheap labour will rise resulting in a greater number of people migrating to meet this demand.

2.2.2 Relevant scenario

Six young women from the Republic of Moldova, aged between 19 and 33 years old are in precarious financial situations. They have no steady income, but they receive job offers to work as masseurs and/or housekeepers for a family of Romanian doctors. For their services, they are told they will receive 600 EUR per month. The husbands and sons of the prospective employer families arrange all the papers needed for the women to migrate to Romania by bus. The prospective employer families have also sent the women money for the trip to Romania. After arriving in Romania, the women's identity papers are confiscated and they are forced provide sexual services in massage parlours, located in different Romanian cities. The women are often moved between cities in Romania by car. After some time, two of the women are sold for 1000 EUR each to another Romanian trafficker and transported by bus with Romanian counterfeited ID's to the UK, where they are forced continue in prostitution. Once there, the traffickers move these women from a town to another either by car, bus or train.

2.2.3 Hypotheses

1. It is expected that recruitment will become more global and the victims will more frequently travel alone (without escorts) by air and make the travel arrangements on their own. However, once at the destination, they will continue to be exploited to meet the demand for persons to be exploited, including in the sex industry and for positions in labour. This risk is also increased if the exploited person becomes increasingly vulnerable should their valid visa or right to remain expire.
2. Transport routes (used by traffickers and those recruiting trafficked persons) will continue to be diverse in order to secure legal and illegal entry into countries within Europe.
3. Travel routes and methods of transportation of trafficked persons will likely remain those that prove to be the most convenient and affordable for traffickers arranging them. We do not expect in the future a shift in the ways of transportation but rather a slight change to new modes of transport based on the availability, affordability, and low risk of detection.
4. With the decrease in airline ticket fares, more victims will likely travel with air travel. However, if specific restrictions for fighting terrorism result in increased airport

security, this may mean an increase in the use of land or sea routes by traffickers to transport victims.

5. As long as demand for services and cheap labour continues across sectors, the various travel routes utilised by traffickers to meet this demand will expand and change.
6. A growing demand for cheap (migrant) and temporary (seasonal) labour in an increasing number of labour sectors will attract migrants from outside of Europe, and in turn influence migration patterns and modes of transport from neighbouring continents, such as like Asia or Africa.

2.2.4 Considerations for policy makers

It is difficult to make recommendations that relate to future trends in travel routes and methods adopted by traffickers. This is largely because travel routes may change in direct response to other related policies, such as migration, or security measures that are enforced in relation to trans-border activities. Nevertheless, the following considerations can assist with developing initiatives that remain relevant despite changes to travel routes and methods:

1. Countries of origin and destination should develop initiatives for dissemination of information on safe and legal migration opportunities, such as through TV, radio, and social media (e.g. via Facebook, Twitter, as well as via travel apps), as well as through outreach at places of departure and arrival (e.g. at train and bus stations, seaports and airports, or when signing into the public Wi-Fi). Such dissemination efforts could be organised in cooperation with NGOs, trade unions and businesses. The disseminated material should include information about victims' rights, labour rights and contact information and phone numbers of places where persons could call and ask further advice or assistance.³³
2. Particularly, a younger demographic (16 to 24 years) can benefit from guidance on taking precautions before travelling abroad. It has been suggested that they should be informed to e.g. leave a copy of their passport with a trusted person and to inform them about their itinerary to reach the destination country.³⁴ In addition, providing contact information at destination and collecting contacts of consular offices and organisations that might provide help have been suggested as useful tips.³⁵
3. An increase in awareness among border control authorities and greater cooperation with stakeholders at locations outside of airports, such as embassy staff, is also vital to addressing human trafficking issues.

³³ Sorrentino, L. & Jokinen A., *Guidelines to prevent abusive recruitment, exploitative employment and trafficking of migrant workers in the Baltic Sea region*, HEUNI Publication Series No. 78, Helsinki, 2014.

³⁴ Boak, Alison, Boldosser, Amy & Biu, Ofronama (ed.), *Smooth Flight: A Guide to Preventing Youth Trafficking*, 2013, IOFA, p. 83.

³⁵ Ibid.

2.3 MODUS OPERANDI

2.3.1. Observable trends

A number of observable trends were identified in the TRACE deliverable D2.1 *Report on the relevant aspects of the trafficking act (geographical routes and modus operandi) and on its possible evolutions in response to law enforcement* that relate to the modus operandi of traffickers. The modus operandi in this context means ‘method of operation’ and describes the usual way criminal groups perform their crimes. It is a patterned behaviour that develops as the offender gains more experience, while dealing with both, the crime logistics and the criminal justice itself.³⁶

Studying current and future trends related to modus operandi is important in order to understand the act of human trafficking, as well as to find out more about the traffickers or the criminal structures in which the traffickers operate. The following trends have been observed:

a) *The processes involved in human trafficking*

The trafficking process involves various stages that are overseen by traffickers, and others that facilitate the act of human trafficking.

The crime of trafficking in persons is carried out by different types of traffickers, ranging from individuals to organised criminal groups operating within nations and across national borders. Some of these roles include: the recruiter; the transporter; the harbourer; and the exploiter. Persons are needed for arranging employment, gaining work permits and for collecting and withholding wages. Elements of the crime are often committed in different countries by criminals not necessarily originating from the country where the crime was detected.³⁷

Traffickers seem to inform each other and use legislative gaps in destination countries.³⁸ Romania identified criminal groups that have acted in Spain and then moved to the United Kingdom or Ireland, also operated in France, Spain, Italy, Switzerland, Ireland, and the Nordic countries.

Trafficked persons are forced to make quick decisions about offered employment, have to pay fees and sign contracts quickly, and leave their countries soon, usually within a few days after receiving an offer from recruiters.

b) *Recruitment methods*

Usually non-violent or non-aggressive methods are used to recruit persons. Traffickers abuse a victim’s vulnerable economic, psychological or social position and make her/him feel dependent on the perpetrator.³⁹ Recruiters deceive rather than coerce the prospective victim into situations of dependency. The recruiter frequently provides

³⁶ Carney, T, *Practical investigation of sex crimes: A strategic and operational approach*. Florida: CRC Press, 2003.

³⁷ See TRACE Deliverable 1.3: *A report concerning the macro and micro analyses of human trafficking, 2014*

³⁸ Based on Romanian Police’s conclusions- National Agency against Trafficking in Persons, *National Report regarding trafficking in persons in 2012* (available only in Romanian), Ministry of Internal Affairs Press House, Bucharest, 2013, p 33-35

³⁹ Report of the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, *Trafficking in Human Beings: Visible and Invisible II Summary of the quantitative report 2008-2012* 2014, pp.156.

false promises of a better life in other countries or at home and draws an attractive picture of the type of work on offer, the working conditions and the salary.

c) *National connectedness*

Trafficked persons and perpetrators often come from the same region. Traffickers operating within the borders of the European Union commonly originate from other EU countries.⁴⁰ However, trafficked persons are often recruited within or from another region or country than the one where they are exploited. However, in case of internal or domestic trafficking, persons are recruited and exploited within the same country.⁴¹

d) *Relationship between traffickers and trafficked persons*

TRACE research⁴² confirmed that often persons are recruited directly by another person, meaning that trafficked persons are recruited by acquaintances or friends or those that they are directly or indirectly related to and know. Furthermore, online offers and advertisements are frequently used. There are also cases where trafficked persons do not know their recruiter. For example, the Romanian case study identified that in 31% of the identified trafficking cases from Romania, victims did not know their recruiter/s.⁴³

With respect to the “types of recruiters”, recruiters are often female (in the case of Cyprus, mostly female), while the majority of exploiters identified are male. In the case of direct recruitment, locations include: the hospitality sector - in restaurants and bars, or nightclubs and in and around schools/educational institutes or in prostitution zones. As for those exploited in begging, generally, the areas where traffickers place victims forced to beg, as reported by Bulgaria and Romania, are crowded places with a high level of pedestrian traffic, such as store or supermarket entrances, outside schools, churches, train stations, parking places, parks, at important intersections in large cities, tourist areas.⁴⁴

2.3.2. Relevant scenario

Observable trends are illuminated in the following scenario that was developed for discussion during the TRACE virtual workshop and to prompt the formulation relevant hypotheses. The scenario and following hypotheses are grouped into related issues to reflect the multi-faceted modus operandi.

A legal agriculture entity in an European country exploited foreign temporary workers. Among others, Polish workers were hired through employment agencies located abroad. The agreed work conditions made workers very dependent on their employer, in particular as several benefits were paid in kind, e.g. the work itself, but also the accommodation, meals and

⁴⁰ Eurostat report, *Trafficking in Human Beings*, 2014, pp. 64-65.

⁴¹ United Nations Office on Drugs and Crime (UNODC), *Global Report on Trafficking in Persons*, Vienna, 2014, p. 23.

⁴² See TRACE Deliverable D2.1: *Report on the relevant aspects of the trafficking act (geographical routes and modus operandi) and on its possible evolutions in response to law enforcement*, 2015

⁴³ National Agency against Trafficking in Persons *Trafficking in Persons for begging-Romania study-*, Delta Cart Educational Press, Pitesti, 2013, p.26.

⁴⁴ See TRACE Deliverable D2.1: *Report on the relevant aspects of the trafficking act (geographical routes and modus operandi) and on its possible evolutions in response to law enforcement*, 2015.

the provision of basic needs was all provided by the same employer. The workers that worked legally and paid taxes were granted minimum wages on paper. However, they were still deceived and exploited, as they did not receive minimum wage or minimum vacation benefits, as a large share of their wages was reported as expense allowance (rather than salary). This so-called use of by-pass-regulations are practices, which are difficult to detect or stop.

2.3.3. Hypotheses

A number of hypotheses can be made in relation to the modus operandi of traffickers. These are set out below and grouped into related issues that relate to the observable trends in this area (set out above) where possible.

a) *The processes involved in trafficking*

1. It is expected that the regularly used modus operandi and composition of traffickers/criminal groups will not change considerably in the near future. However new trends and practices in modus operandi will appear.
2. More frequently, individuals might act alone or in a small group, and be directly involved in the recruitment and exploitation of trafficked persons, without the support of larger criminal groups. Such criminal activity taking place at smaller level, can still be a lucrative operation and maybe even more difficult to detect.
3. Incidents of trafficking for labour exploitation will increase. Informal and formal labour sectors will become more vulnerable for exploitation and abuse in line with the pressure to achieve profit margins, and because there is lack of sufficient labour inspection to control violations of labour laws.
4. New forms of exploitation will be identified, including new forms of debt bonding, where trafficked persons will be asked to pay taxes, for housing or other services, without receiving the benefits.
5. With the increased migration flows and the increased supply of migrant workers, and the limited possibilities to migrate and find adequate employment abroad, a larger group of persons will become vulnerable to exploitation.
6. Available options to enter countries, even temporarily for work, like Au pair and artist visa programmes, will continue to be misused if no other legal options are offered and can result in persons under those regimes becoming vulnerable to exploitation.

b) *Recruitment methods*

1. It is expected that non-violent and non-aggressive means of recruitment will continue to be employed.
2. Traffickers will target additional vulnerable groups, including homeless persons, persons with substance dependencies, learning disabilities and credit problems as well as migrants and refugees, but particularly undocumented persons, who look for employment opportunities and ways to survive.
3. Awareness raising about these recruitment methods may result in a decrease in the number of trafficked persons.
4. It is expected that in the future more cases of exploitative practices by legal employers within legitimate businesses will be identified.

c) National connectedness

1. It is expected that trafficked persons will continue to likely come from the same region as their traffickers and these incidents may increase. The same will likely apply to the rate of trafficked person being recruited or exploited outside their country of origin.
2. Internal trafficking has increased in the last decennium and is expected to continue to grow.

d) Levels of awareness

1. Potential trafficked persons are expected to become better informed about exploitative practices through improved access to information in different innovative ways, e.g. via social media, pharmacies and libraries. Also early educational measures (including sexual education) can be used to inform young people about what is acceptable and what rights they have.
2. Anti-trafficking awareness campaigns that provide basic information about the risk of human trafficking, together with information pertaining to labour rights and the regulations for employment across labour sectors in different countries may be effective in preventing incidents of human trafficking for the purpose of labour exploitation.

2.3.4. Policy recommendations*a) The processes involved in trafficking*

1. Law enforcement are required to better focus their investigations on the totality of environment and circumstances in which human trafficking is occurring. This includes examining: all parties involved and whether they were individuals operating alone or part of a larger criminal group; and/ or the illegality of the related circumstances and processes involved.

b) Recruitment methods

1. Increased awareness about the reality of labour environments and conditions, including minimum wage in European countries, can assist individuals to assess the credibility and reliability of offers of employment. Therefore, more detailed and up to date content must be disseminated as part of any awareness raising campaigns.
2. EU Member States should encourage businesses, especially private employment agencies that recruit, hire or employ migrant workers, to commit to ethical standards of recruitment (e.g. the Dhaka Principles for Migration with Dignity⁴⁵) and to make sure no fees are charged from the job seekers in the first place.
3. Misuse of AU Pair and Artist visa systems should not be solved by cancelling such programmes, but rather by creating other possibilities for circular migration.

⁴⁵ Institute for Human Rights and Business, “Dhaka Principles for Migration with Dignity”, no date. <http://www.dhaka-principles.org/>

c) Levels of awareness

Greater attention must be paid to the use of social media sites by traffickers as a recruitment tool, including advertisements by (possibly fictitious) labour agencies. Nevertheless, it remains important that prevention campaigns pay attention to the fact that persons are also directly recruited and not only via online offers and advertisements. More attention for recruitment places is needed too. Further, increased awareness is needed, that persons should not necessarily trust a close friend or relative, but should check (employment) offers carefully beforehand. This ought to be coupled with greater investment in education and awareness raising so that potentially vulnerable persons are aware of other options for employment.

d) Focussed prevention efforts: labour exploitation

1. Greater cooperation is needed between the different groups and organisations active against human trafficking, in particular those involved in identifying labour exploitation.
2. Specialised training and tailor made assistance is also needed for cases of human trafficking for labour exploitation.
3. All labour sectors, including informal labour sectors, should be monitored and relevant actors of these sectors involved.
4. Monitoring compliance with labour laws via labour inspection agencies and authorities needs to increase. Further, the private sector should be more involved in the prevention and combating of human trafficking. Control mechanisms should be set up to monitor businesses compliance with labour standards and human rights, and governments should provide incentives for companies that comply, while enacting sanctions for businesses that do not respect human rights.
5. It is important that labour inspection and law enforcement not only control the legal enterprise, but also watch out for exploitation in the illegal circuit and unregulated sectors. One way of achieving this could be through the implementation of certification programs that also foresee monitoring of non-compliance by members.

2.4 PROFILING TRAFFICKERS

2.4.1 Observable trends

The profile of the perpetrators of acts of trafficking continues to change. It is therefore necessary to consider future developments in the perceived and real profiles of traffickers and in order to assist policy makers with anti-trafficking measures.

The purpose of this section is to provide key findings in relation to emerging trends amongst the traffickers. These trends were identified in TRACE deliverable *D3.1: Report on the features and incentives of traffickers and on the social interactions among them*. The following trends have been identified:

a) *Three types of traffickers*

Traffickers can be divided into three sub-groups. Firstly, those who accidentally become involved in the crime. For example, a man in the Netherlands who falls in love with a woman involved in prostitution and accommodates her whilst also accepting money for rent or living expenses. If the woman then turns out to be a minor, the man can be prosecuted for human trafficking. Employers who cross the line of decent employment can also in some instances be classified as traffickers.⁴⁶ Accidental traffickers can especially arise if States interpret elements of the offence of human trafficking broadly.⁴⁷

The second type of traffickers includes those who grew up surrounded by crime, including human trafficking. Here crime is considered to be natural and even rational way of life, providing status. Delinquent acts are thought of as essentially pleasurable or beneficial to the offender. Here several learning theories are relevant. First of all, Sutherland's differential association theory which states our individual behaviour is influenced by the norms that are present around.⁴⁸ Our interactions with others are vital to learning and imitation of values and attitudes. Criminal behaviour is therefore learned through association with others.

The third type of traffickers consists of those who we call players/loverboys, often between 20 and 40 years old. These men know how to manipulate women or girls and fake a 'romantic' relationship with the trafficked person, in order to control and influence them. They are on the margins of society, feel socially excluded and go into

⁴⁶ See Dutch case: ECLI:NL:RBOVE:2013:2951.

<http://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBOVE:2013:2951>

⁴⁷ At the same time, it must be noted that in many countries trafficking related crimes are often prosecuted under other offences, because of lack of awareness and case law and because of problems in the definition of trafficking. See e.g. *National Rapporteur on Trafficking in Human Beings, Assessment of the current state of action against human trafficking and of the fulfilment in criminal proceedings of the rights of victims of human trafficking subjected to sexual exploitation*, Report 2014; Ollus, N. Jokinen, A. & Joutsen, M. (eds.), *Exploitation of Migrant Workers in Finland, Sweden, Estonia and Lithuania: Uncovering the links between recruitment, irregular employment practices and labour trafficking*, HEUNI Publication Series No. 75, Helsinki, 2013. Moreover, a number of actual victims of trafficking continue to be prosecuted for offences they have committed as a direct consequence of being trafficked. E.g. Anti-Trafficking Monitoring Group, *In the Dock - Examining the UK's Criminal Justice Response to Trafficking*, 2013; OSCE, Policy and legislative recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking, OSCE, 2013. See also section 2.1.4.

⁴⁸ Newburn, T., *Criminology*. Willan Publishing, Collumpton, 2007, p.153.

trafficking in order to have a better life and find that trafficking is lucrative. They are characterised as arrogant, rude with a lack of empathy, selfish, calculating, intimidating and aggressive. They have a lack of or defective and disturbed morality. But they are also considered as charming, street-smart, and sociable. Professionals call them narcissistic.

A general characteristic of all traffickers is that their activities are motivated by money. Some wish to make large profits (“businessmen”) and some enter trafficking because they are poor. Our study highlighted a trend of traffickers who are in debt. From the studied files the researchers formed the impression that a difficult financial position contributes to one’s proneness to becoming a trafficker. The findings from the Dutch case study showed that at least half of the traffickers are in debt, that at least one fourth is reliant on or choose to receive social welfare funding, and property crimes are one of the most prevalent crimes on criminal records of traffickers. Both sub-groups are incentivised by the rational choice theory, which assumes humans make rational choices balancing the costs and benefits of their actions.⁴⁹

For the purpose of this report, it is also important to highlight that traffickers can be reputable persons. They can be individuals who hold traditional jobs such as doctors or businesspersons.

b) *Traffickers work in small and local groups*

One of the most fertile insights highlighted is that small groups, rather than large crime groups commit the crime of human trafficking. This observable trend finds support from earlier TRACE research, which highlighted that traffickers seek to establish criminal relations with persons whom they can trust. Thus, in many instances members of crime groups are family related or long-time friends.⁵⁰ Moreover any assumption that trafficking happens only on a large scale can be challenged; in some cases traffickers exploit only one person.

Family groups, including female members, also carry out human trafficking. This was confirmed by a UK Police respondent who stated that it is not uncommon for the trafficking crimes to be operated as a family “business”. The roles will vary; sometimes the women are exploited sexually, in other cases mothers play a role through collecting and keeping the money. A Dutch counsellor for victims stated that ‘In Hungarian cases the trafficker marries a young woman in Hungary, they come to the Netherlands, and she starts working in prostitution for their future together.’⁵¹ A similar trend was also observed in the Netherlands by a Dutch Prosecutor amongst the Roma community: ‘In cases of Roma people, it seems almost a tradition for women to go into prostitution and men make sure there will be new women to prostitute. To them, this is more or less a ‘part of their culture’. They grow up in a very harsh area

⁴⁹ G. Becker as cited in Richard. F. Sullivan, “*The Economics of Crime*,” *Crime & Delinquency*, 19, 1973, pp.138 -149.

⁵⁰ Toine Spapens, Ana-Maria Tamas, Aija Lulle, Hugo Durieux, Vineta Polatside, Cristina Dragota, Angelos Constantinou, Julia Muraszkieicz (ed), *Deliverable 1.3: A report concerning the macro and micro analyses of human trafficking*, TRACE project, November 2014, p.81. http://trace-project.eu/wp-content/uploads/2014/11/TRACE_D1.3_Final.pdf

⁵¹ Counselor for victims THB, TRACE interview, Netherlands, 2015.

and learn from the beginning about their low position in society. Trafficking then seems to be their only option or way out.⁵²

Amongst perpetrators of human trafficking, family bonds are very strong and in some cases, family is involved in trafficking.⁵³ In the course of a virtual validation workshop it was confirmed by experts that the use of women for example in recruitment activities can be very effective. This is because women may find it easier to establish a relationship with a person that the perpetrators subsequently intend on exploiting.

Although trafficking “groups” may be smaller than in other organised crime syndicates, they appear to be entrepreneurial. This is demonstrated by their ability to exploit welfare systems, for example. One explanation for this trend is that many traffickers can operate independently and require little support from other criminal networks.

c) *There is a new generation of children being brought up in trafficking families*

The findings uncovered by TRACE research offer information about the background of traffickers. It was found that the majority of traffickers (67.7%) had children. Although, in Kosovo and Serbia parents have been found to traffic their children,⁵⁴ this was not found in the course of TRACE research. Instead, examination of the data collected revealed that children follow in their parents’ footsteps. Such parents set an example and teach some of the needed skills through coping styles, such as hardening by saying: do not cry because it is a sign of weakness. Being raised in a trafficking family can also be a brutalizing experience that affects various aspects of a child’s life. It is thus hypothesized that such children may fail to learn about empathy, self-confidence and a crime-free life which are fundamental in their development.⁵⁵ Ultimately, children raised in such an environment are at risk of emerging as the next generation of traffickers.⁵⁶

2.4.2 Relevant scenario

‘X’ grew up in a trafficking family. His father was a trafficker, bringing women from country of origin to country of destination for the purpose of sexual exploitation. His mother managed the family brothel. X’s older brother and cousin were involved in recruitment, relying on

⁵² Dutch Prosecutor, TRACE interview, Netherlands, 2015.

⁵³ Conny, Rijken, Julia Muraszkievicz, Pien van de Ven (ed), *Deliverable 3.1: Report on the features and incentives of traffickers and on the social interactions among them*, TRACE project, June 2015, p.6. http://trace-project.eu/wp-content/uploads/2015/06/TRACE_Deliverable-3.1_Final.pdf

⁵⁴ Nikolić-Ristanović, V., *Human Trafficking Between Profit and Survival*, in Alenka Šelih and Ales Završnik (eds.), *Crime and Transition in Central and Eastern Europe*, Springer, New York, 2012, pp.205-226.

⁵⁵ For an example of a case study of a child raised in a family heavily involved in the trafficking of human beings, see: Cases uncovered in the process of researching for: Conny, Rijken, Julia Muraszkievicz, Pien van de Ven (ed), *Deliverable 3.1: Report on the features and incentives of traffickers and on the social interactions among them*, TRACE project, June 2015. http://trace-project.eu/wp-content/uploads/2015/06/TRACE_Deliverable-3.1_Final.pdf

⁵⁶ See observations made by Farrington, David, and Brandon Welsh, *Saving children from a life of crime*, Oxford University Press, Oxford 2007.

social media and engaging with persons from a small village back in their home country. At most five people were involved in the business.

X learned to be a trafficker from his father at a very young age. The environment he grew up in was criminal, violent and without any rules and laws. His friends were children of other traffickers, and he regularly missed school. He was not aware that there was a world outside the world of criminality, or at least he did not know this world.

It was very easy for him to step in to the shoes of an exploiter. At the age of 16 he took on the loverboy role, recruiting women for his father's brothel. Wanting to prove himself to his father X decided to "branch out" of the sexual exploitation domain. He began using the women's identities to claim benefits and taking out loans from loan sharks. He also forced the women to engage in shoplifting of make-up and perfumes, which he then sold in the black market. It was X's business; he did not need any additional business partners.

2.4.3 Hypotheses

A number of hypotheses can be made in relation to future trends in relation to the profiles traffickers:

1. With increasing levels of social exclusion combined with poor economic conditions, it is expected that individuals will be motivated to become involved in the crime of human trafficking.
2. Persons aim to sustain a lifestyle that may require them to exploit other persons. For example, those working in agriculture will want continuing profits. Against the backdrop of decreasing prices for their produce, they may turn to forced labour to save costs and make profits.
3. Traffickers will also operate on a smaller scale, individually or as a family business.
4. It is expected that children who grow up in families and environments involved in the business of human trafficking are at a risk of becoming involved in the crime. Such behavior will be difficult to correct with prison sentences.
5. The uncertainty surrounding the legal definition of "human trafficking" and its varying applications may result in trafficking related activities and crimes being prosecuted as something other than "trafficking". This means that the crime of trafficking may be viewed narrowly by the law but in practice, trafficking acts are broader in scope.

2.4.4 Policy recommendations

a) *Three types of traffickers*

1. Acknowledging that traffickers become involved in the crime for different reasons it is recommended that they are treated in a way that recognizes their unique issues, preferably through well-designed diversion programs. Restoration and punishment programs for traffickers should be tailored to their specific characteristics, crime, problems and lifestyles.

2. The above requires the expansion of the use of psychoanalysis on traffickers as part of the pre-sentencing report.

b) Traffickers work in small and local groups

1. Traffickers operate on a low scale and rely on family, friends and local communities. A policy response strategy ought to draw on the mantra that “crimes start and stop in the community”. Officials should establish working relationships with communities where traffickers are known to operate in order to collect intelligence but also to engage in preventive work.
2. Acknowledging that traffickers live and “work” amongst us it is thought beneficial that responses adopt a multilateral approach. In other words, the various persons that can come into contact with traffickers and/or victims need to be trained to recognise the signs. Such persons can include landlords, midwives and other medical staff, teachers, local council workers (e.g., bin collectors).

c) There is a new generation of traffickers being brought up in criminal families

1. It is generally recognized that fighting human trafficking as a criminal enterprise can take place in a twofold manner: prevention of the crime and its prosecution. As highlighted by Rijken and Koster ‘In the prevention of THB, there are two options, namely, prevention on the supply side (for instance, by investing in countries of origin, financial aid, emancipation, and information) and prevention on the demand side in the country of destination.’⁵⁷ There is however a third option: prevention on the trafficker’s side. This perspective recognises that traffickers are often a product of a set of circumstances that contributed to their choice of lifestyle and choice of crime. In order to give meaning to such an approach, consideration needs to be given to the trafficker’s children.
2. The TRACE study makes the need for early prevention clear. This however raises important social questions that require further research for policy making. What prevention methods should be utilised? Is investing significant resources in early childhood crime prevention enough? Should we consider the involvement of social service agencies, if so under what parameters? It is recommended that policy makers engage in a dialogue with relevant stakeholders (social services, schools, children’s NGOs, local authorities, health services) so as to determine a best practice approach and whether that may see an increase in health access points where trained professionals can identify, for example, sex workers who have been trafficked. Also educational measures taken via health education programs that promote bodily rights may be integral to tackling this problem.

⁵⁷ C. Rijken and D. Koster, ‘A Human Rights Based Approach to Trafficking in Human Beings in Theory and Practice’, *Soc. Sci. Research Network, Working Paper No. 1135108*, 2008. <http://ssrn.com/abstract=1135108>

2.5 IMPACT OF LAW ENFORCEMENT AND OTHER POLICIES ON HUMAN TRAFFICKING

Criminal justice policies are, in principle, put in place to counter crime, and also, to prevent future crime. Current anti-trafficking policies are directed towards curtailing or eliminating trafficking.⁵⁸ However, the effectiveness of such policies can be impacted by the implementation of policies in other areas. Although prosecutions and convictions are made as a result of the implementation of relevant legislation and policies, it is not clear whether (and to what extent) human trafficking has subsided as a direct result of anti-trafficking policies. It is also not clear whether law enforcement policies in other areas are responsible for supporting prosecutions for human trafficking or conversely, hampering them.

2.5.1 Observable trends

Law enforcement policies can impact human trafficking in two ways. Firstly, law enforcement policies can prompt traffickers to modify the ways in which they conduct their operations and trafficking activities. Secondly, the implementation of unrelated policies can unintentionally diminish the effectiveness of anti-trafficking measures and policies.

As illustrated in TRACE D2.1⁵⁹, traffickers generally modify their preferred ways of conducting ‘businesses’ in response to related policies implemented by law enforcement agencies at the time. This was particularly the case on Cyprus, for example. More specifically, crime displacement can occur as a result of the implementation of other policies by law enforcement agencies. Crime displacement refers to the relocation of crime, the change of the conduits by which crime is conducted, the shift in the times and types of venues which host crime, and also the actors who become involved in crime. An examination of incidents of trafficking for the purpose of sexual exploitation in Cyprus has proven that the array of prostitution-related (and sex trafficking) crimes deviated from their traditional characteristics, and began to occur in different places and at different times, perpetrated by different actors in reaction to the implementation of an anti-prostitution policy in 2009. In that regard, trafficking in human beings for sexual purposes ceased to involve only indigenous male traffickers who used cabarets and pubs as their arenas of exploitation all year round. Instead, foreign perpetrators (especially female) became more commonplace in the human trafficking industry, and began to undertake illegal activities (sexual exploitation) at private venues (houses and flats). Additionally, procuring sexual services provided in the context of trafficking and sexual exploitation diminished somewhat, as currently more women practise prostitution independently, without having a facilitator. However, this does not mean that trafficking for sexual exploitation was eliminated as a result of the implementation of the aforementioned policies, but rather, trafficking for the purpose of sexual exploitation has likely become more dispersed as the business of it has followed new adaptations.⁶⁰ Thus, trafficking for sexual exploitation did not decrease as a result of policy measures, but

⁵⁸ Bowers, K. J. and Johnson, S. D. “Measuring the geographical displacement and diffusion of benefit effects of crime prevention activity”, *Journal of Quantitative Criminology*, Vol. 19, Issue 3, 2003, pp. 275-301.

⁵⁹ Constantinou, Angelos, Suzanne Hoff, Ana-Maria Tamas, Ionuț Lupașcu and Adrian Petrescu (ed.), *Op cit.*

⁶⁰ For a related discussion, see Constantinou, A., “Is crime displacement inevitable? Lessons from the enforcement of laws against prostitution-related human trafficking in Cyprus”, *European Journal of Criminology*, 1477370815617190, December 2015.

rather, they sexual services were offered via different avenues (working from home, rather than cabarets bars, for example). In essence, exploitation was not reduced by policy measures but may have become more diverse and more difficult to detect.

Another issue related to the relationship between policies and anti-trafficking measures is that the implementation of related policies or policies in other sectors of society can contradict specific anti-trafficking measures. This can occur when there is no assessment of the overall effect of policy measures to perpetration of crimes in areas that are not specifically the motivation for introducing the new and potentially contradictory measures. In general, policies (like migration policies, or employment policies, or educational policies) can negatively or positively influence and conversely hamper the impact of specific anti-trafficking policies. For example, anti-trafficking measures might help to ensure that trafficked persons have access to health, legal care and employment. However, changes in health policy, and or employment policies might make it more difficult for trafficked persons (or migrants in general) to get access to health or employment or legal aid services.

2.5.2 Relevant scenario

The impact of policy measures contradictory to anti-trafficking measures

A European member state implements a new migration policy that potentially contradicts already existing anti-trafficking measures, including the non-prosecution of victims. For instance, one new proposal establishes the seizure of earnings from irregular migrants. Professionals working to implement anti-trafficking measures fear the lack of consideration of the impact of these measures on the individuals who are vulnerable to exploitation, as they will be increasingly dependent upon their employers who may threaten to denunciate them to the immigration authorities.

2.5.3 Hypotheses

a) Traffickers responses to law enforcement policies

1. Legal efforts to suppress the supply of particular services, such as sexual services and cheap labour, may lead to traffickers acting in evasion of such efforts.
2. The enforcement of law enforcement policies could also propel secondary crime (for example, wars between gangs, corruption of law enforcement), abuse of individual rights (illegal searches and seizures), and loss of respect for the law.

b) Contradictory policies

1. Impact assessments of all proposed law enforcement policy measures will better predict where they may diminish the effectiveness of anti-trafficking measures.⁶¹

⁶¹ For example, see policy recommendations made at Section 2.1.5 a) 1. in relation to non-punishment.

2. Victims may be reluctant to self-identify if their right to non-prosecution is curtailed by contradictory policy measures.

2.5.4. Policy recommendations

1. It would be important for EU Member States to review their policies, laws and regulations especially in the field of law enforcement as well as migration, labour and business practices to foster coherence of action, avoid the risk of compromising the protection of human rights and ensure that they do not unintentionally contribute to human trafficking. For example, criminalisation of migration and related law enforcement policies can reinforce negative stereotypes against migrants who are considered criminals and detained merely because of their irregular situation. Such policies are also counterproductive against prevention of human trafficking since they play into the hands of traffickers who can exercise even more control on their victims because of their fear of arrest and expulsion.⁶² Similarly labour migration policies that tie the worker's residence and work permit to a single employer just increase the dependency of the workers on their employer and their vulnerability to abuse.⁶³
2. EU member states may see a more effective tackling of issues that enable trafficking by adopting a more holistic approach to anti-trafficking policy. If human trafficking is viewed more widely as a human rights issue, policies adopted by EU can seek to:
 - Increase the opportunities for third country nationals entering the EU for employment purposes;
 - Economically support the initiatives of peripheral countries to eliminate violence against women and children;
 - Conduct joint campaigns (EU-third countries) to raise awareness on human trafficking; and
 - Implement programmes that encourage the protection (and social integration) of irregular immigrants.

⁶² Sorrentino, L. & Jokinen A., *Guidelines to prevent abusive recruitment, exploitative employment and trafficking of migrant workers in the Baltic Sea region*, HEUNI Publication Series No. 78, Helsinki, 2014, p. 84.

⁶³ Ibid. For example in the UK, the researchers have identified serious problems regarding the visa scheme for domestic workers who tie them to their employer. E.g. Mantouvalou, *Overseas Domestic Workers: Britain's Domestic Slaves*, 2015. <http://www.laws.ucl.ac.uk/wp-content/uploads/2014/08/overseas-domestic-workers-virginia-mantouvalou.pdf>

3. CONCLUSION

This report identifies a number of general emerging trends within human trafficking in Europe, as well as specific trends as they relate to travel routes, modus operandi, profiles of traffickers and the impacts of law enforcement policies. This report culminates in a set of hypotheses around potential future changes to the act of human trafficking, as well as accompanying policy recommendations, which decision-makers can use to introduce policies and measures to prepare for and possibly pre-empt their effects on the trafficking industry.

This report identifies emerging issues of concern, which are likely to impact the development and implementation of European anti-trafficking policies and laws that seek to address the great challenges posed both in terms of human rights protection and issues related to trafficking. There is growing evidence that traffickers are increasingly exploiting victims for forms of trafficking, such as for begging and for criminal activities such as organised property crime (e.g. shoplifting, pickpocketing, ATM thefts, burglaries etc.), drug production and distribution as well as for benefit or identity fraud and forced or sham marriages. Recent studies have also shown that labour exploitation, including trafficking for forced labour, is widespread in a variety of economic sectors in Europe, particularly agriculture, construction, hotel and catering, domestic work, and manufacturing. It is expected that more such cases will be identified in the future, especially as an unprecedented number of migrants and refugees have been attempting to enter Europe in 2015.

Other trends relating to travel routes used by traffickers, modus operandi, profiles of traffickers, and the impact of law enforcement policies on human trafficking are identified and forecasts for the future trends and accompanying policy recommendations in these areas are made.

In the instance of travel routes used by traffickers, it is forecasted that transport routes will continue to be diverse in order to secure legal and illegal entry into countries within Europe. The traffickers will most likely use those routes and methods of transportation that prove to be the most convenient and affordable for them.

With reference to emerging and future trends in the modus operandi of traffickers, some new trends and practises in modus operandi will appear, although they will not significantly alter the current practices. For example, it is likely that more frequently, individuals might act alone or in a small groups, and be directly involved in the recruitment and exploitation of trafficked persons, without the support of larger criminal groups. It is also expected that non-violent and non-aggressive means of recruitment will continue to be employed and will target additional vulnerable groups, including homeless persons, persons with substance dependencies, learning disabilities and credit problems as well as refugees and asylum seekers.

Regarding the profiles of traffickers, it is expected that the increasing levels of social exclusion combined with poor economic conditions will motivate an increasing amount of individuals to become involved in the crime of human trafficking. However, traffickers do not comprise a homogenous group, but include different types of persons with differing backgrounds. Their commonality is that they aim to sustain a lifestyle that may require them to exploit other persons in order to maximise their profits. This will occur whether trafficking operations comprise small groups or family groups where children who have grown up in

families and environments involved in the business of human trafficking are at a risk of becoming involved in the crime.

As regards the impact of law enforcement and other policies, it is noted that anti-trafficking policies may have unintended or contrary consequences. For example, legal efforts to suppress the supply of particular services, such as sexual services and cheap labour, may lead to traffickers acting in evasion of such efforts and creating new avenues or methods of exploitation. Moreover, the implementation of for example migration or labour policies can contradict specific anti-trafficking policies.

The forecasts made in this report necessitate holistic policy responses in the field of law enforcement as well as migration, labour and business practices to foster coherence of action, avoid the risk of compromising the protection of human rights and ensure that they do not unintentionally contribute to human trafficking.