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TRAFFICKING HUMAN BEINGS IN THE EUROPEAN UNION: A EUROPOL PERSPECTIVE

Introduction

Trafficking in human beings is a serious crime and an abuse of an individual's human rights. It is the exploitation of vulnerable individuals by criminals who deal with people as commodities to be traded.

Being trafficked inevitably results in the sustained physical and psychological abuse of the victim solely for financial gain. It starts the moment the individual is deceived, persuaded, abducted or otherwise forced into the hands of the traffickers and can continue long after the victim escapes. It is often and more likely to be repeated when the victims are 'sold on' or re-trafficked.

Europol's mandate is to support the work of the Member States in combating and preventing trafficking of human beings. And recognises the following forms of organised criminal exploitation:-

- Sexual exploitation
- Child pornography
- Illicit trade in abandoned children
- Illicit labour
- Illicit trade in human organs and tissue

Although most Europol activity in connection with combating trafficking in human beings is in relation to sexual exploitation, it is evident that labour exploitation is becoming just as important for the Member States.

THB situation in the EU

The last 5 years has seen an increase in the number of victims trafficked into the EU, particularly through and from the Russian Federation, Ukraine, Central and South Eastern Europe. Other parts of the world which provide trafficked victims are the Far East, West Africa and Latin America. The victims originate mainly from countries that are economically disadvantaged in comparison with the West but given the distances involved most victims of trafficking identified in the EU are from the regions described above.

Poverty and the hope or expectations of a more prosperous future are the vulnerabilities that are exploited by the traffickers when they set out to recruit or lure their victims. It is therefore clear that there are many potential sources of victims around the world.

The sometimes hidden nature of the crime combined with a gap in the law enforcement intelligence picture makes it difficult to estimate exactly how many victims are trafficked into and within the European Union. There are reasons to believe that they should be counted in hundreds of thousands.

As long as the fundamental and root causes of trafficking exist there will continue to be global growth. The crime will remain attractive to organised trafficking networks

and individual 'operators' whose sole purpose is to earn as much money from the exploitation of another human being.

The traffic in human beings is considered to be the fastest growing criminal business in the world generating massive profits for international criminal organisations¹. In general it remains a low risk - high reward enterprise for the criminals involved.

Victims

Victims will inevitably come from countries and regions which are subjected to economic hardship and other contributory factors which the traffickers will target (see Push Factors).

It is not necessarily the case that a victim of trafficking can be described as having a 'typical' background. Although there are thousands of examples of individuals who have been targeted by traffickers because of their adverse personal circumstances, there are countless numbers of individuals who do not fit the stereotyped background. That is, for example a lack of formal or secondary education, escaping abusive family or personal relationships, or unemployed with no future prospects.

Individuals with higher education, including university qualifications, second and third languages, in employment with stable relationships are just as vulnerable but for different reasons. Greater freedom of movement and travel, low cost international transport, global communication links, combined with previously unavailable opportunities to work overseas and self confidence are all contributory factors in the recruitment by traffickers of persons who would not normally be thought of as "vulnerable".

The common factor in relation to how people from diverse backgrounds become victims of trafficking is deceit which is usually linked to a good employment opportunity.

The most vulnerable of course are children and very little sophistication is required in the recruiting process. This is especially so in cases, where the parents or guardians are willing to do business with the traffickers.

Trafficking in human beings is driven by profit. In the same way that legitimate business will look at market forces so do the traffickers, who are mainly professional and organised criminals. The traffickers adapt their methodology according to the environments they work in and the markets that exist for forced labour.

Even though there is greater awareness throughout society of what trafficking is and the hidden dangers of an opportunity that is "too good to be true", there are still thousands of people who fall prey to the traffickers because of their own desperation and circumstances.

The factors that ensure there is a constant 'supply' of victims to feed the demand for purchased sex and cheap labour are known as 'push and pull factors'

¹ 'Proceeds from Trafficking in Human Beings...' 2005 Council of Europe MONEYVAL(2005) 7

Push Factors

- high unemployment
- labour market not open to women and gender discrimination
- lack of opportunity to improve quality of life
- sexual or ethnic discrimination
- poverty
- escaping persecution, violence or abuse
- escaping human rights violations
- collapse of social infrastructure
- other environmental conditions including conflict and war
- perception of increased opportunities available in the EU

Pull Factors

- improved standard and quality of life
- better higher education prospects
- no discrimination or abuse
- enforcement of minimum standards and individual rights
- better employment opportunities
- demand for cheap labour
- demand by men looking for commercial sex
- higher salaries and better working conditions
- demand for workers within the sex industry and higher earnings

Source and Destination Countries

The source and destination countries will be determined by these factors and where the demand or markets lie. As a general statement, it is inconceivable that there is a single EU member State that is not affected in some way by the trafficking of human beings. Specifically, the main source countries of victims who are trafficked within the EU are;

- Moldova
- Ukraine
- Bulgaria
- Romania
- Russian Federation
- Nigeria

Emerging source countries are;

- Germany
- Lithuania
- Poland

The main EU destination countries are;

- Germany
- Austria
- France
- United Kingdom
- The Netherlands
- Belgium
- Spain
- Italy

Nature and characteristics of the criminal groups involved

In many Member States the criminal groups and networks involved in THB meet most of the EU criteria for defining them as 'Organised Crime'. Some show a hierarchical structure; others do not and operate more through personal contact with individuals or small groups being paid for a particular service. Whatever the 'set up' the roles are familiar;

- those that recruit and procure,
- those responsible for smuggling and transport,
- those providing, false or counterfeit identity and travel documents,
- those seeking to corrupt law enforcement officers or others holding public office,
- those involved in the provision, management and control of safe houses, bars and nightclubs, brothel owners and pimps
- those involved in the collection, delivery and distribution of the profits of trafficking
- those knowingly involved in money laundering and the management of assets and proceeds of crime

It is inevitable that those involved in the recruitment phase are more likely to be of the same nationality or ethnic origin of the victims that they target. However, the tendency for these homogeneous groups to engage or work together with other nationality crime groups in order to realise their goals is increasing.

It is evident from recent cases that the proportion of female offenders involved in trafficking for sexual exploitation is significant and increasing. Although normally involved in the recruitment process and likely to be former victims of trafficking there are more and more examples of women controlling victims and organising the business operation.

In relation to sexual exploitation; owners of night-clubs, bars, brothels etc. in which the victims are forced to work as prostitutes have traditionally been indigenous. Recent reporting now suggests that traffickers themselves are also involved in the ownership or running of premises. Given that the exploitation of the victim is often the most lucrative phase of the 'operation' this development underlines that the involvement of the criminal or organisation is based on profit.

Profit

It is difficult to accurately assess how much money is made by the criminals involved in trafficking but recent research² conducted by the International Labour Organisation (ILO) based in Geneva identified the following;

The profits made by those who exploit forced labour amount to US\$44 billion per year.

Trafficked victims account for US\$31.6 billion

Victims of sexual exploitation account for US\$27.8 billion

² 'Forced Labour and Human Trafficking: the Profits' ILO 2006

Labour Exploitation

The UNODC estimated in 2006 that 13% of victims of trafficking are exploited for their labour in Europe. Typical examples of the industries and areas where victims of trafficking will be exploited are;

- Agricultural/Farming sector
- Construction industry
- Service sector eg. hotels, restaurants
- Manufacturing sector
- Domestic service

These are examples of exploitation in the 'regulated labour market'³. Other examples of forced labour within the EU that occur outside of this regulated market are;

- Organised begging
- Pick pocketing and street robbery
- Production and transportation of drugs

Labour exploitation in the European Union is not a recent development. However, because it is largely a 'hidden' crime which has traditionally not been a priority for law enforcement action, in general terms it has remained undetected. There has always been labour exploitation to some extent within the EU, normally within established migrant communities. In particular, illegal migrants are vulnerable to exploitation, due to their unlawful status. Since the expansion of the EU in 2004, there have been increasing reports of EU citizens being trafficked within the EU having been deceived about earnings and working conditions. The traffickers involved specifically seek to target their own nationals for exploitation and recent cases have highlighted the involvement of Poles, Lithuanians, Romanians and Bulgarians in trafficking fellow nationals.

The demand for cheap labour in competitive EU markets is a driving force behind trafficking for labour exploitation and also leads to the abuse and coercive exploitation of migrant workers.

In conclusion

The positive steps taken by many Member States to prevent and combat trafficking in Europe have ensured that the current level of response in tackling this crime has never been higher. Heavy prison sentences for convicted traffickers are now routine in some countries, the levels of awareness amongst law enforcement and the judiciary has been raised, victim protection and support is prioritised and national action plans are examples of Member State strategy and intent. The investigation of labour exploitation is now firmly on the agenda of many countries and again indicates the willingness of countries to recognise, adapt to and combat new forms of trafficking.

That said, based on current reporting, intelligence, trends and patterns it is unlikely that there will be any immediate reduction in the levels of trafficking of human beings

³ Although the regulated labour market will typically be covered by labour or employment legislation, a trafficked victim will have very little opportunity to seek the protection of these laws.

in Europe. This crime will continue to have a major impact upon the EU and EU Border States and it remains to be seen whether the accession of Romania and Bulgaria to the EU will significantly change 'the face of trafficking' in Europe.

Relevant Legislation

The most relevant instruments of international legislation concerning the prevention and combating of THB are;

Article 6 of the UN Convention on the Trafficking of Human Beings of 2000, better known as the "Palermo Protocol".

The signatories of this protocol can be found at

www.unodc.org/unodc/crime_cicp_signatures_trafficking.html - 80k

and,

The Council of Europe Convention on Action against the Trafficking in Human Beings and the signatories can be found at

<http://www.conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=197&CM=1&CL=ENG>