



Focus Group of specialised prosecutors against human trafficking

Outcome report of the 2nd meeting

Eurojust, 28-29 June 2023

1. Introduction

This paper summarises the discussions of the *focus group of specialised prosecutors against trafficking in human beings* (“THB Focus Group of Prosecutors”) at their second meeting held at Eurojust premises on 28 and 29 June 2023. The creation of the THB Focus Group of Prosecutors constitutes a key action of the [EU Strategy on Combatting Trafficking in Human Beings \(2021-2025\)](#). This action is being implemented by the European Commission (EU Anti-Trafficking Coordinator) together with Eurojust, with a view to intensify judicial cooperation in cross border human trafficking cases.

The second meeting of the THB Focus Group of Prosecutors:

- gathered specialised prosecutors and investigative judges from the EU Member States and representatives from Eurojust, the European Commission, Europol, CEPOL, European Judicial Training network (EJTN) and the European Multidisciplinary Platform Against Criminal Threats (EMPACT) THB;
- aimed to exchange views, experiences and best practices extracted from investigations and prosecutions of complex human trafficking offences;
- combined plenary presentations and workshop that addressed specific aspects of THB;
- followed [a first exchange](#) that took place online in June 2022 during the Covid 19 pandemic.

2. Opening session

Ladislav Hamran, President of Eurojust, welcomed the participants and highlighted the importance of addressing THB at EU level and the openness of Eurojust to continue to support judicial practitioners to share admissible evidence across the borders, build up prosecutorial strategies, and avoid conflicts of jurisdiction.

Diane Schmitt, EU Anti-trafficking Coordinator (EU ATC), underlined the need for coordination of efforts to fight human trafficking, including within the EU Institutions and Agencies. Ms Schmitt recalled that a robust criminal justice response is crucial in order to carry out effective investigations, prosecution and convictions. Unfortunately, the number of prosecutions and convictions for human trafficking in the Member States remains low. Judicial practitioners encounter difficulties in the gathering of admissible evidence, in particular when trying to obtain testimonies from victims of THB or addressing the online dimension of THB. A comprehensive and coordinated approach is necessary to ensure that focus is placed on all aspects of the fight against THB. Financial investigations are essential to ensure the confiscation of assets gained by the traffickers. Prevention of THB and decrease of demand are important as well. Impunity in THB cases must be prevented. The EU ATC referred to the legislative developments that aim to help the fight against THB, in particular the current proposal to amend the EU Anti-Trafficking Directive, the E-evidence Directive and the Victims’ Rights Directive, as well as the Digital Services Act.

Daniela Buruiana, Chair of Eurojust’s Anti-Trafficking Team, invited the participants to share best practice, modalities to overcome challenges, how can Eurojust help and what is needed to improve the response to human trafficking at national and EU level. In the fight to dismantle trafficking networks, the regular networking of specialised prosecutors is essential to exchange best practices on effective investigations and criminal proceedings.

3. EU efforts to step up the fight against human trafficking

Lucie Laffont, Office of the EU Anti-Trafficking Coordinator, presented main trends and challenges, and the Commission's proposal to fight against trafficking in human beings (THB) in the EU. Ms Laffont referred to the package on THB adopted in December 2022, which contains the [Commission's report on the progress made in the fight against THB \(fourth report\)](#) and [a proposal for a modification of the Anti-trafficking Directive](#). She highlighted the **main actions taken at EU level**. These include:

- the extension of the activities of the EU Internet Forum to the area of THB,
- the adoption of the Digital Services Act,
- the operational actions within the framework of the EMPACT THB supported by the EU Agencies,
- the establishment in 2021 of the THB Focus Group of Prosecutors,
- the systematic training of law enforcement and judicial authorities and
- the calls for proposals on actions against THB under the Internal Security Fund.

As regards **legislation**, Ms Laffont indicated that the Anti-Trafficking Directive achieved its general objectives, however, its specific objectives concerning prevention, prosecution, assistance of victims and monitoring the Directive has not reached its full potential. In 2022, an evaluation of the Directive showed that Member States interpret certain key terms of the THB definition (e.g. abuse of power, position of vulnerability and exploitation) differently, that investigations and prosecutions often mainly rely on victim testimony, that traffickers are often convicted for offences that are easier to prove in court, that prosecutions of legal persons are in general rare, and although Member States have legislation allowing them to seize and confiscate proceeds of trafficking offences, seizures and confiscations are not systematic. The Commission's proposal for a targeted revision of the Directive aims to address the challenges identified.

Ioana van Nieuwkerk, Judicial Cooperation Advisor, Eurojust and *Nenad Nača*, Team Leader, Europol, jointly presented updates on THB investigations and prosecutions referred to the EU Agencies for assistance. Their main message consisted in a call to law enforcement and judicial practitioners from the Member States to submit more THB investigations and prosecutions to Europol and Eurojust for assistance. The two EU Agencies can help national authorities in establishing contacts and cooperation cross-border, including in the form of Operational Task Forces (OTFs) and joint investigation teams (JITs), increasing therefore the likelihood of THB convictions.

4. Challenges in cross-border investigations and in judicial cooperation

Prosecutors from Romania, Belgium and Spain presented their experiences in complex THB investigations, giving examples of cases of human trafficking with specific challenges and best practice.

Rareş-Petru STAN, Prosecutor and Head of Service for Combating Trafficking in Human Beings at DIICOT Bucharest, Romania, presented emerging trends in tech-facilitated trafficking. He gave an overview of the history and evolution of human trafficking and the adopted legal frameworks to combat this form of 'modern slavery'. COVID-19 pandemic led to social distancing and a shift to cyberspace. Many adult websites were set up during the pandemic, which led to even more forced labor, forced prostitution and distribution of sexual material. Mr Stan shared a few case examples investigated by DIICOT, presenting challenges in some recent investigations. Whereas statements of victims and data from computer searches are comparatively easy to obtain, it is much more difficult to identify and locate traffickers now operating at global level, in particular in video chat businesses. Adult websites are perfect examples of the difficulties in investigating technology-facilitated THB crimes: one can see something, but does not realize what is behind. Traffickers sometimes have a significant amount of women working for their benefit on several different sites or video-chats in slave-like conditions. Furthermore, traffickers have quickly established a new business model, knowing that

even more men are willing to use the anonymity of Internet and pay for sexual services offered online such as these video-chats. Existing laws in all Member States need to be applied to protect these victims.

Ann Lukowiak, Federal Magistrate, Belgium, presented an investigation, which started after the authorities noticed a significant increase of sex advertisements on two major adult websites. The investigation revealed hidden prostitution of over 400 potential victims not in brothels, but in hotels, Airbnb and private apartments, with call centres and a criminal network operating in several European countries. The victims were from outside the EU, lacking ID documents, not speaking any EU language, afraid, extorted, physically abused and told by the traffickers to say the same story to authorities. Good practices identified in this case include:

- regular monitoring the adult websites; this is a pre-requisite for detecting red flags online and suspicions of THB for the purpose of sexual exploitation
- exchange of information at very early stages and establish police and judicial cooperation among all countries affected by the trafficking, with close support from Europol and Eurojust. The cooperation is ongoing to identify all victims and bring perpetrators to justice
- establishing contact and obtaining the cooperation from the Internet Service Provider that legally runs the respective adult websites used by the traffickers
- deployment of a very large number of analysts and analytical tools to deal with data collection at large scale to establish how the criminal network operates
- initiation of financial investigations in parallel with the human trafficking investigation to establish how the illegal profits are channelled.

Cristina Pirfano Laguna, Public Prosecutor specialised in THB, Spain, shared the best practice of having specialised THB units composed of prosecutors specialised in THB all-over Spain, under the coordination of a Senior Prosecutor on THB. Ms Pirfano mentioned an increase of victims originating from Latin America and a change in the modus operandi. The victims are deceived about circumstances of their work, agreeing to work as prostitutes not in the street or nightclubs, but in private houses, which makes investigations more difficult. The consent of the victims can further create great challenges for prosecutors in Spain to prove the exploitation element in courts. Ms Pirfano also referred to the benefit of working closely with the Ibero-American Association of Prosecutors (AIAMP) and the Network against Trafficking in Persons and Smuggling of Migrants (REDTRAM). She also referred to a case of human trafficking involving a victim from a EU Member State sexually exploited in Spain. Ms Pirfano referred to the convenience of using the assistance of Eurojust in arranging and facilitating further talks between the competent national authorities as regards to the suitability of a JIT in this case.

Jeroen Lorré, Deputy Chief Prosecutor, Labour Prosecution Service Ghent, Belgium presented a successful ongoing investigation regarding cross-border labour exploitation in the meat industry. Workers from Eastern Europe had to work under extremely exploitative conditions for a company group that was established in both Belgium and the Netherlands. Investigations were opened to define the scope and get a full picture of the crime. The cooperation with the Netherlands, where the administrative seat of the company group is located, was crucial for a successful investigation. Informal contacts between Belgium and the Netherlands showed parallel investigations, which gave an even stronger indication for closer cooperation. The two countries agreed to work closely at police level and judicial level, keeping the investigations separate as they concerned different periods. Eurojust facilitated the cooperation by organizing a coordination meeting, in which the countries agreed to issue two “waves” of European Investigation Orders (EIOs) and to have a joint action day. Soon after the Eurojust meeting, extensive coordinated and simultaneous investigative measures could be carried out in both countries, including house and company searches, hearing of administrative staff, seizure of important documents, mobile phones and relevant data, arrests and hearing of the suspects, freezing of assets. One suspect was extradited following a European Arrest Warrant (EAW). The particular

success of the case could not be possible without the initial informal contacts, followed by the subsequent use of EU legal instruments and the professional coordination through Eurojust.

In the second day of the meeting, in small working groups, participants shared best practice and challenges encountered in cases of human trafficking, in the following two main areas:

4.1. Online and technology facilitated THB

Criminals adjust their business models by abusing modern information communications technologies (ICT), especially during and after the ‘new normal’ created by the Covid-19 pandemic. In 2022, [the UNODC Global Report on Trafficking in Persons](#) mentions, for the first time in the past 20 years, a decrease in the number of victims detected globally due to pandemic. The movement restrictions pushed trafficking further underground and online, while constraining national capacities to target the crime. In approximately 95% of the THB cases, prosecutors see that Internet or social media are used to facilitate the trafficking.

Internet and social media allow traffickers to reach a higher number of victims of THB compared to other ways of recruiting potential victims, such as profiling of potential victims, connecting to the victims and luring them, via the “lover-boy” technique, on dating sites or social media. Traffickers use false online job advertisements to recruit victims. They use the Internet to manage the transportation of victims, to control, threaten, blackmail or coerce the victims. The sale of sexual services online, including sexual shows via live webcams, are also of great concern. Internet enable perpetrators to remain anonymous. Law enforcement and judicial authorities face operational and legal challenges in detecting, investigating and prosecuting online and tech-facilitated THB, as well as identifying victims and cooperating cross-border.

Participants agreed that the shift of human trafficking into the digital space necessitates regular monitoring of Internet and social media in all Member States. This proved beneficial in the cases described during the meeting. Unfortunately, most of the Member States do not monitor systematically and proactively the online platforms, mainly due to large volumes of data, lack of time, of technical equipment, software, specialist officers or dedicated units. Therefore, in most Member States, THB investigations online are reactive, being usually triggered by the complaint of a victim or witness. There is a clear need for adapting and equipping the authorities in all Member States to cope with the operational challenges triggered by the online dimension of THB. National comprehensive strategies to address online THB are good practices.

Further **challenges** constitute:

- the use of covert investigations online, which are legally possible in most countries but not widely used to tackle THB, mainly due to lack of resources.
- The use of digital tools (e.g. WebCrawler) by the law enforcement in a very few number of Member States, due to lack of technical equipment or specialists.
- Handling large amounts of digital evidence is not an issue from the legal point of view, but poses difficulties in terms of capacity, which needs to be constantly built and updated.
- Data retention imposed on ISPs and real-time monitoring of encrypted communication constitute additional challenges.
- Cooperation with ISPs needs to be improved, especially with ISPs based in third States.

4.2. Financial investigations in THB cases

THB is a crime mainly driven by the financial benefits for the perpetrators. While financial investigations are paramount for successful investigations, they also pose specific practical and legal challenges.

As to the **practical aspects**, the discussion showed a differentiated picture.

- On the one hand, the cooperation with financial institutions (e.g. banks) is rather smooth at least within the EU. Participants also make use of all means of legal assistance and the help of Financial Intelligence Units (FIUs) as well as specialised international networks for financial investigations like the Asset Recovery Offices Network (ARO) and Camden Asset Recovery Inter-agency Network (CARIN). The relevance of financial investigations is also not limited to a possible confiscation of assets and compensation of victims, but can also be very important as evidence. “Following the money” can often give proof of the crime itself by showing the exploitative conditions of the victims. Moreover, it can also help to dismantle the criminal network and the true beneficiaries of the crime by showing the financial flow.
- On the other hand, the discussion showed that in practice often simply a lack of human and technical resources for financial investigations hinder successful investigations. This is especially the case when the perpetrators act outside the EU or make use of anonymous ways of payment. Common ways of anonymous financial transactions do not only include the use of cash payments but also the use of informal networks like the Hawala Network. Especially the latter poses a great challenge for successful investigations, as an informal value transfer system based on the performance and honour of a huge network of money brokers, known as “hawaladars,” operating outside of, or parallel to, traditional banking, financial channels and remittance systems. Beyond these traditional ways of money transfers, participants also encounter an ever-increasing use of crypto-currencies for a speedy and anonymous money transfer. Crypto-currencies are especially hard to trace, their detection and confiscation, requires specially trained investigators and like other anonymous means of payment they often cannot be linked to the crimes.

As to the **legal aspects**, the exchange between the practitioners showed that the EU legal instruments are not only well known, but also fit the needs of practitioners. The discussions also revealed that confiscated assets could also be used for the compensation of victims, on request and not directly in some States. Still, there is room for improvement regarding the legal aspects of financial investigations and confiscation. Apart from the burden of proof, a non-conviction-based forfeiture is not possible in some EU Member States in cases of THB.

Participants identified and shared the following **best practices**:

- All THB investigations should cover the financial aspects not only to allow a confiscation and compensation but also to prove the exploitation itself and to dismantle the network.
- Financial investigations should start at an early stage of the criminal investigation to keep pace with the rest of the investigations. This is especially important when preliminary coercive measures are planned or already in place.
- Investigators should make use of the help of all institutions, FIUs and specialised networks like ARO and CARIN, to foster their financial investigations.
- Investigators should make use of all means of legal assistance in cross-border cases also with the help of Eurojust to investigate the money flow.
- Investigations for money laundering or a non-conviction-based-forfeiture should be considered.

5. Bringing prosecutors closer to the EU-wide Joint Action Days against THB

Participants explored ways of bringing prosecutors closer to the EU-wide Joint Action Days (JADs) against human trafficking organised in the framework of EMPACT THB.

Petra Bakker, Police Commissioner, The Netherlands - Driver EMPACT THB, presented the permanent instrument at EU level, EMPACT. This instrument allows all Member States to work together and with relevant non-EU States, the European Commission, EU agencies and other organisations against criminal threats identified by the [EU Serious and Organised Threat Assessment \(SOCTA\)](#). Human trafficking constitutes one of the 10 crime priorities listed by SOCTA in 2021. EMPACT THB allows for multidisciplinary participation, namely police forces, labour inspectorates, border control, tax investigative services, FIUs, customs, judicial authorities and public-private partnerships. EMPACT THB works in close cooperation with other EMPACT priorities, as THB represents a form of poly-crime, with structured criminal networks active simultaneously in different criminal activities.

The speaker mentioned the active participation of the EMPACT members that increased substantially from 13 countries in 2012 to 41 countries in 2023. She referred to the high number of international investigations such as JITs and the EU-wide JADs organised in the past years to focus on addressing THB for the purpose of sexual exploitation, labour exploitation, forced begging or online THB. Ms Bakker gave examples of results of THB JADs, namely hundreds of arrests in several countries over the course of one week, as well as detection and protection of thousands of victims across the countries involved. Cooperation with Eurojust in EMPACT THB has been established since the creation of EMPACT. Eurojust provides not only operational support but also strategic and judicial advice to EMPACT participants. Eurojust supports JITs and JADs and comes immediately into picture as soon as a judicial cooperation need is identified. Europol is also closely involved in EMPACT THB and organises coordination centres during JADs, allowing contact with judiciary in the Member States.

The participants reflected on how the specialised prosecutors would see their closer involvement in EMPACT THB and the JADs given the constant developments of the THB crime, new trends and *modus operandi*, the use of internet, financial facilitators, intercontinental characteristics and other legal and practical challenges. Participants agreed that EMPACT is a very good instrument to work together in fighting THB. They see the role of prosecutors and investigative judges as crucial in the EMPACT process to immediately open and conduct successful investigations and prosecutions as a follow-up of JADs. This is the case in particular in the Member States where prosecutors or investigative judges are leading the investigations. Participants referred to new trends and forms of THB detected by EMPACT, which can be challenging, serious and not always known to judges, requiring specific forms of evidence and explanations by prosecutors. Some prosecutors shared their positive experiences with participating in THB JADs, which resulted in opening of complex THB cases detected during JADs. Other participants mentioned at the same time challenges for prosecutors to follow up JAD results due to capacity problems. Participants expressed the need to further promote EMPACT and JADs at national level among judicial practitioners. In this way, the good results of the JADs can be supported and followed up at judicial level.

6. Training of prosecutors and judges

Participants were informed about training provided by CEPOL and the EJTJN.

Ingrid Derveaux, Secretary General of EJTJN, presented the EJTJN structure, main objectives, functioning of the network. The main audience of the EJTJN are judges, prosecutors and court staff. Only in 2022, EJTJN welcomed 7175 participants, organised 995 events and held 27 966 days of training. Ms Derveaux explained modalities for applying for EJTJN activities and encouraged the participants to take part. Before preparing its annual training offer, EJTJN organises a training needs assessment meeting to identify the concrete needs of its audience, judges, prosecutors and court staff in the EU. Eurojust is invited to contribute to this exercise.. In addition to training, EJTJN organises Exchanges, Study Visits, and Special Projects. There is a variety of exchanges and study visits offered to the judiciary, including long-term-visits at Eurojust. Special projects

focus for instance on the Western Balkans, European Public Prosecutor's Office (EPPO) or the court staff integration, as well as Western Balkans. EJTJN has a catalogue of activities available for practitioners. Trafficking in human beings is one of the training topics organised by EJTJN itself and in cooperation with CEPOL. The speaker announced two relevant trainings, namely on *Judicial Cooperation in Criminal Matters: Case-Based Simulation on Trafficking in Human Beings* (24-25 October 2023, Italy) and on *Prosecution and Investigation of Trafficking in Human Beings* (16-17 November 2023, Spain). The speaker concluded by announcing an EJTJN-OSCE Toolkit for training the judges and prosecutors in the field of THB, going beyond legal framework. This is an innovative tool under preparation, to be released in autumn 2023.

Angelika Molnar, Programme Officer at CEPOL, presented the EU training agency, CEPOL, that has been active since 2000 with wide responsibilities. While the main audience of CEPOL are law enforcement authorities, judges and prosecutors also benefit from trainings organised by CEPOL. CEPOL's training portfolio supports all EMPACT priorities. The agency works closely with EU institutions, Agencies and the EU ATC to ensure presentations that are up to date and reflecting the reality and priorities. CEPOL conducts training needs assessments every four years. THB ranks among the most important training areas identified by the latest assessment (2022-2025). CEPOL offers webinars, online and onsite courses related to THB. A training catalogue is available on CEPOL's websites. The aims of the CEPOL THB training sessions are: to raise awareness on new and emerging trends, enhance knowledge on the structure and modus operandi of criminal networks, improve skills in detection and investigation of cross-border cases, amplify victim-centred approach, with evidence for successful prosecution. CEPOL conducts an evaluation of the trainings provided. The speaker concluded by announcing the next THB training session to be organised onsite by CEPOL on child trafficking, forced criminality and forced beginning (7-10 November 2023).

After the presentations, participants shared their positive experience with attending trainings organised by EJTJN and CEPOL. They also confirmed that the long-term EJTJN traineeship at Eurojust is a very good experience for any judicial practitioners. Some participants suggested a simulation-based training and exchanges on how to build up a THB case and investigative strategies, how to gather evidence, cooperate cross-border at judicial level to ensure successful prosecutions and protection of victims.

7. The future of the THB Focus Group of prosecutors

Finally and importantly, the THB Focus Group of Prosecutors expressed their wish to continue meeting at Eurojust for regular exchanges of views, ideas and opinions to build trust, improve prosecutions and intensify cross-border cooperation. A lot can be learned from experiences of others. The regular meetings of prosecutors organised by Eurojust and the EU ATC will be an additional support of the rights of all victims of THB, which rely on judiciary for their identification and protection.

Participants expressed the wish to work again in smaller groups in the future meetings. The meeting showed discussions that are more active and open during smaller breakout groups and likely to build more trust and contacts.

Participants expressed **suggestions** for the agenda of next meetings or webinars, including:

- THB case studies with questions that can be beneficial for practitioners to learn from one another
- Strategies for building up a THB case
- Indicators for labour exploitation and differences between the approaches in the Member States
- The application of the principle non-prosecution of victims
- To continue the discussions on how to bring prosecutors closer to EMPACT and JADs
- To include specialised prosecutors from non-EU States in the discussions, starting with the countries that have seconded a liaison prosecutor at Eurojust



- To share arguments or experiences related to national networks of THB prosecutors and/or specialised units
- To include in the discussions, where appropriate, representatives of other partners, such as UNODC, Interpol, Council of Europe, [WACAP](#).