



## **Deliverable n. 2.6**

# **GUIDELINES FOR PUBLIC-PRIVATE COOPERATION IN COUNTERING THB**

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## GUIDELINES FOR PUBLIC-PRIVATE COOPERATION IN COUNTERING THB

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**Authors:**

Organisation	Author
AGENFOR	Sergio Bianchi, Naz Ozturk

**Contributors:**

Organisation	Author
JudPol Trieste	Francesco Distefano

**Reviewers:**

Reviewer n°	Organisation	Reviewer Name
1	FUNDEA	Jose M. Gonzalez Riera

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*Part 7: Judicial Cooperation*

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# Table of Contents

- Project details .....2**
  - Deliverable Details ..... 2
  - Table of Contents ..... 5
- 1 Executive Summary.....7**
- 2 Indicators for THB: Digital Society, New Technologies and Human Trafficking .....7**
  - 2.1 Recruitment in the digital society ..... 9**
    - 2.1.1 Misleading job advertisements and offers ..... 9
  - 2.2 The lover-boy method (and other grooming techniques)..... 10**
  - 2.3 Sextortion..... 12**
  - 2.4 Transportation in the digital society ..... 13**
  - 2.5 Exploitation in the digital society ..... 13**
    - 2.5.1 Advertisement of victims’ services ..... 13
- 3 Spotting Fake Job Adverts: A EUROPOL Guide .....17**
  - 3.1 What are they? ..... 17**
  - 3.2 Who are the targets? ..... 18**
  - 3.3 What to do if you or someone you know has become a victim? ..... 18**
  - 3.4 How does it work and how can you protect yourself? ..... 19**
- 4 Victims-centered Approach ..... 19**
- 5 PUBLIC-PRIVATE COOPERATION IN THE PREVENTION OF THB .....22**
  - 5.1 Public Platform: ..... 23**
  - 5.2 Basic Principles Guiding Public-Private Cooperation in Investigations ..... 25**
    - 5.2.1 Do Not Harm ..... 25
    - 5.2.2 Objectivity, impartiality, and independence..... 26
    - 5.2.3 Accountability and legality..... 27
    - 5.2.4 Professionalism and respect ..... 27
    - 5.2.5 Basic Standards for Digital Evidence Provided by Private Organisations..... 28
- 6 JUDICIAL COOPERATION ..... 29**
  - 6.1 Legal Instruments ..... 30**
    - 6.1.1 International Legal Instruments..... 30
    - 6.1.2 Supranational Legal Instruments ..... 31
    - 6.1.3 Bi- and Plurilateral Legal Instruments ..... 34





**6.2 Structural Mechanisms..... 37**

6.2.1 Joint Cooperation Centres ..... 39

6.2.2 Joint Information Exchange Mechanisms ..... 43

**6.3 Operational Mechanisms ..... 44**

6.3.1 Liaison Officers..... 44





## 1 Executive Summary

The primary goal of Work Package 2 (WP2) is to identify and understand current trends in the recruitment of trafficking victims. This involves recognizing key stakeholders at local and regional levels to establish preventive and informative partnerships. The focus extends to comprehending the diverse ways different victim and purchaser profiles are targeted online, considering factors such as the type of exploitation and specific victim traits like age, gender, nationality, and disability. The investigation delves into the methods used on various online platforms for recruitment and service advertisement. By understanding the needs of different stakeholders involved in combating human trafficking, the INTERCEPTED project aims to develop more targeted prevention and investigation strategies. The emphasis on both recruitment and advertisement enables intervention on both the supply and demand sides of human trafficking. The project plans to create a detailed methodology to identify these trends, reporting any challenges encountered to adapt the methodology to respond to emerging trends or vulnerable groups.

A critical component in effectively combating human trafficking, deliverable D2.3 seeks to formulate a concise guideline on countering human trafficking through public-private cooperation. This guideline is intended to inform first-line practitioners, analysts, law enforcement agencies, and judicial practitioners on how to effectively implement public-private cooperation in their practices.

## 2 Indicators for THB: Digital Society, New Technologies and Human Trafficking

Over the past three decades, digital technologies have profoundly changed our society. The new technologies have impacted every aspect of our lives, and their widespread use represents one of the most important revolutions in human history. The emergence and proliferation of digital means have favoured not only legal but also illegal actors and activities. While most criminal activities are profit-driven and carried out by rational perpetrators, illicit entrepreneurs have taken





advantage of existing opportunities to conduct (illegal) business. While this process originally only affected those with a high level of technical and technological knowledge, the ease of use of new technologies and the digitalization push triggered by the pandemic have meant that the digitalization of illegal activities is now very widespread.

Human trafficking is a criminal activity that has always been able to adapt and evolve quickly to changes in the economic, geopolitical, and social environment. This is also true with the advent of the digital society. Although the first reported case dates back to the early 2000s (i.e., a trafficker offering the sexual services of his victims to a large audience of potential clients through a website: it is only in the last decade that the digitization of human trafficking has become the focus of scholarly debates and a priority on the institutional agenda. As noted earlier, the impact of the Internet and new technologies on crime and deviant behaviour is pervasive and multi-faceted (more so than commonly thought). The world of digital crime is not populated only by professional and experienced "hackers" who carry out complicated malicious attacks. Rather, they are rational criminal entrepreneurs who take advantage (to varying degrees) of the opportunities offered by the Internet and new technologies to facilitate or modify their traditional illicit work. At the same time, most criminal activity on the Internet does not take place in strange and encrypted virtual environments, but in public, on traditional websites, web forums, social media platforms, video sharing services, instant messaging applications, etc. This is also the case with human trafficking.

Before proceeding, two introductory clarifications are necessary. First, the existing scholarly literature focuses primarily on trafficking for sexual exploitation. Other forms of exploitation (e.g., labour trafficking) are much less explored. On the one hand, this could indicate that new technologies are used to a lesser extent in forms of exploitation other than sexual exploitation; on the other hand, it could simply indicate areas of research that have not yet been fully explored. Although it is not possible to give a definitive answer to this question, some indicators and investigative cases suggest the second hypothesis: namely, there is no reason to claim that the main "digital methods" used by traffickers can only be used for sex trafficking. Conversely, it is likely that the existing digital tools are also used for other types of exploitation, albeit (probably) to a lesser extent.

Second, the fact that traffickers exploit the opportunities of new technologies for their activities does not mean that the entire process is conducted online (or that





all forms of trafficking exhibit some form of digitalization). On the contrary, the extent to which individual criminals and criminal organizations incorporate digital technologies in the commission of crimes varies from case to case, ranging from the simple use of online communication tools to more structured plans. The digital society has added another layer to the phenomenon without eliminating traditional forms of trafficking. This section (based on the current state of the scientific literature and the results of the research carried out by the eCrime group of the University of Trento and the CSSC of the Universities of Trento and Verona) has the following objectives:

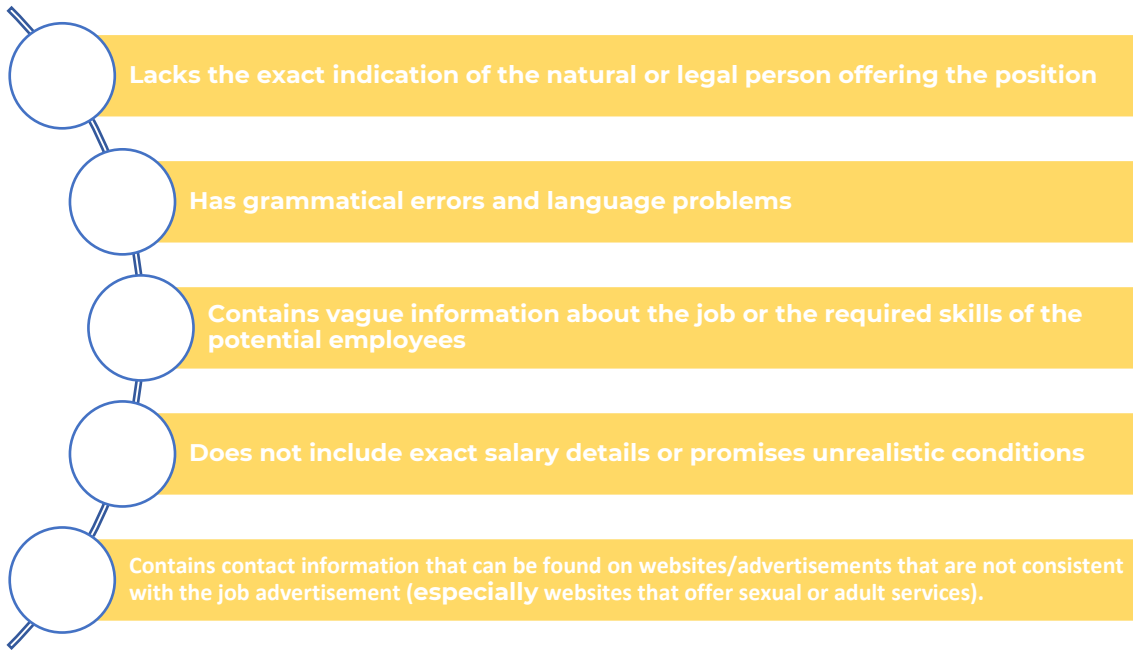
- o to give an overview of the digital aspects of the modi operandi of human trafficking. Particular attention will be paid to the three phases of the criminal activity (i.e., recruitment, transportation and exploitation).
- o illustrating the digital techniques and methods most frequently used by the perpetrators.
- o to provide some operational guidance based on research results.

## **2.1 Recruitment in the digital society**

### **2.1.1 Misleading job advertisements and offers**

One of the main digital techniques used by perpetrators to recruit victims is the use of misleading job advertisements on trusted job portals, web forums, social media, and other virtual platforms. In some cases, traffickers are even able to create brand new fake job agency websites and promote such portals on social media to increase the number of visitors and potential victims. This is a "fishing" technique in which traffickers make an initial pre- selection among those who respond to the advertisement: the perpetrators continue the subsequent recruitment phases (i.e., the fictitious agreement of the labour offer and transportation modalities) only with the profiles they deem most suitable for their purposes.





*Table 1. Checklist. Indicators of possible fraudulent job advertisements hiding a human trafficking recruitment scheme (red-flags). Source: Author's elaboration from the results of the Surf and Sound project*

In addition to the active recruitment technique described above, the Internet also provides traffickers with opportunities for a more passive form. It consists of the perpetrators scouring job portals, web forums, social media, and other classified websites for job offers from job seekers (especially abroad). Once a potential victim is located, the perpetrators conduct an initial interview and pose as a trusted employer looking to hire new employees. After this initial contact, traffickers typically charge the victim a fee to secure the job and help arrange travel and accommodations. The victim does not discover the scam until they arrive at their final destination. In this case, it is not possible to identify indicators because the entire recruitment scheme is carried out through the exchange of messages between the potential victim and the criminal. However, if there are known cases where a similar pattern exists, this should be considered and investigated further, as it could conceal a case of human trafficking.

## **2.2 The lover-boy method (and other grooming techniques)**

One of the most important roles played by the Internet is facilitating the so-called “lover boy method”. This term refers to a traditional recruitment technique in



which a trafficker feigns a romantic interest in a potential victim and seduces her with the promise of marriage (or a long-term emotional relationship) and a promising and better future by travelling abroad from her country of origin. It is a process of grooming and manipulation aimed at gaining the victim's trust, which allows the perpetrators to create a state of emotional dependence in which the victim is trapped. Then, as the relationship develops and the victim reaches another location, traffickers begin to exploit the victim through physical or psychological coercion and methods of persuasion. As said, even though it is not new, this method is dramatically facilitated in the digital society because traffickers have:

Access to a large number of potential victims and the ability to remove the barriers associated with physical distance.

- The ability to search social media platforms to find profiles that have the characteristics they are looking for (e.g., appearance, age, and vulnerability) Access to various content posted by users (e.g., photos, personal interests, daily activities, places visited, etc.) that recruiters can use to better identify targets and gain their trust.
- The ability to shorten initiation time: in virtual channels, people are more likely to break down their psychological barriers, open up emotionally, and quickly engage in pseudo-intimate, including erotic, interactions.
- The possibility of attracting more than one victim at a time.

Even if social media are probably the most important virtual channel, other digital environments and platforms are also particularly suitable for the facilitation of the lover-boy method, i.e., dating services, web forums, and chat rooms. Furthermore, luring schemes may involve also other digital tools, such as online encrypted messaging systems (such as Telegram and WhatsApp). Although social media is probably the most important virtual channel, other digital environments and platforms are also particularly well suited for lover boy facilitation, i.e., dating services, web forums, and chat rooms. In addition, other digital tools such as online messaging systems (like Telegram and WhatsApp) can also be used for luring. Thus, this type of recruitment is primarily covert (e.g., via online messaging systems) and leaves no obvious traces or visible signs. However, from an operational perspective, it can be useful to be aware of the existence of such a modus operandi and to recognize possible signs of trafficking by considering the



indicators provided by UNODC and listed in *Annex I* - (which refer to all forms of trafficking, not just the digitized one).

## 2.3 Sextortion

To move from the recruitment phase to the exploitation phase, trafficking victims must be moved from one place to another (at least in traditional schemes). This means that traffickers must manage various logistical and travel aspects, often across borders and usually consisting of several intermediate steps. Digital technologies facilitate several aspects of this phase, ensuring smooth and efficient organization while preserving the anonymity of the perpetrators, e.g., purchasing travel tickets, organizing accommodation, obtaining forged documents, and communicating between the nodes of the criminal rings. The current state of research does not allow any firm conclusions to be drawn about possible implications for investigation and operation. Some researchers are currently developing possible methods for detecting risk signals starting from data from online booking services; however, the progress of this work is still at too early a stage.

The term “sextortion” refers to the practice of forcing someone to do something by threatening to publish nude pictures/videos of them or sexual information about them. As in the case of the “lover boy” method, the first phase of recruitment is to establish an intimate (virtual) relationship with a potential victim. Later, when a strong emotional and trusting bond has been established, the perpetrators persuade the victim to share self-generated sexually explicit material or to perform sexual acts remotely using a webcam (which is secretly recorded). After a period of familiarization, the perpetrators begin to use these shared media as blackmail material. If the victims refuse their offers, the recruiters threaten to publish the material on the Internet or send it to friends and relatives. Sextortion is a technique that can be used by offenders for a variety of purposes not necessarily related to human trafficking schemes, such as in the case of financial extortion or solicitation for the continued production and dissemination of self-generated sexually explicit material to the offender. In the case of trafficking, it can also serve as a recruitment technique (i.e., forcing the victim to move the location of exploitation after the fraudulent online relationship) or to exert control over victims (i.e., blackmailing them into handing over the material if they resist exploitation). Minors are particularly and increasingly at risk of becoming victims





of sextortion, especially after the pandemic period. As in the case of sextortion, this form leaves no visible signs; however, the indicators provided by UNODC (listed in Annex I) can be used to identify possible signs of trafficking when dealing with a case of sextortion.

## 2.4 Transportation in the digital society

To move from the recruitment phase to the exploitation phase, trafficking victims must be moved from one place to another (at least in traditional schemes). This means that traffickers must manage various logistical and travel aspects, often across borders and usually consisting of several intermediate steps. Digital technologies facilitate several aspects of this phase, ensuring smooth and efficient organization while preserving the anonymity of the perpetrators, e.g., purchasing travel tickets, organizing accommodation, obtaining forged documents, and communicating between the nodes of the criminal rings.

The current state of research does not allow any firm conclusions to be drawn about possible implications for investigation and operation. Some researchers are currently developing possible methods for detecting risk signals starting from data from online booking services; however, the progress of this work is still at too early a stage.

## 2.5 Exploitation in the digital society

### 2.5.1 Advertisement of victims' services

Digital society has made it much easier for traffickers to market the services of victims. Perpetrators have gained access to a large number of potential clients (especially sex buyers) with little effort. Although in some cases ads are targeted to a narrower clientele (e.g., those interested in child sexual exploitation), the platforms used are often broad and easily accessible. The Internet is an effective means of reaching more customers, including those unwilling to purchase sexual services through traditional street prostitution. Sex workers are no longer tied to a fixed location: this makes it easier for traffickers to operate, as street prostitution is easier for law enforcement to track down. Victims are often moved (between cities and countries), as traffickers can easily relocate the exploitative activity by simply changing the information in the online report. This situation has another important function: short-term stays increase victims' sense of confusion and thus their dependence on exploiters.



Various virtual channels are used to advertise victims' sexual services, including social media platforms, classified ad websites, escort portals, dating websites and mobile applications, web forums with reviews from sex clients, and online niche platforms targeting individuals with specific sexual preferences. Once initial contact is made with a customer, online messaging applications facilitate the arrangement of appointments and (fast and encrypted) further communication. As with misleading job ads in the recruitment phase, it is critical to distinguish between legal (i.e., ads for non-forced services) and illegal online content in investigations. However, this is not an easy task, made more difficult by the fact that traffickers sometimes disguise the true nature of the service being offered by, for example, offering legitimate entertainment or massage services. The table below provides a checklist of some warning signs. Again, it should be noted that these indicators can be helpful in identifying risky content but should not be considered definitive proof. Further investigation is always essential.

*List 1. Checklist. Indicators of possible online advertisements of sexual services hiding a human trafficking exploitation scheme (red flags). Source: Author's elaboration from the results of the relevant scientific literature and of the Surf and Sound project.*

The content related features of the advertisement include:

- Discrepancies among profile descriptions, pictures, and locations.
- Highly similarity between different ads (same or similar text for different subjects).
- Reference to a girl from a different country than the user.
- Use of different aliases (within or across ads).
- Inconsistencies in username, age, story or location (within or across ads)  
Little or no further information in the Q&A section.
- Link referencing an outside website (SPA, massage therapy) Indications of shared management.

The image related features of the advertisement include:

- Portrayal of multiple subjects in the same photo.
- Background that looks like a non-private residence (i.e. hotel).



- Background that is familiar Portrayal of subjects which display a neutral expression or signs of distress.
- Particularly low quality/resolution.

**The contact information cited in the ad:**

- Is the same in more than one advertisement (phone number, user ID/poster, e-mail address, Twitter account).
- Is the same across different advertisements, website and posts attributed to different persons.
- Is the same (or very similar) in more than one advertisement promoting/linked to the images of different women.
- Is disguised or obscured (i.e. in the case of phone numbers, use of techniques to avoid collection by technology or web scraping platforms, such as emojis between numerals, spelling out numbers, adding extra spaces).

**The language related features of the advertisement include:**

- Use of first-person plural pronouns (to make it look like the victim is advertising the services offered) Use of third-person plural pronouns (other people advertise the victims' services, evidence of third- party involvement)
- Grammatical errors, misspellings, informal spellings (these can be intentional, in order to avoid detection by technology or web scraping platforms).
- Poor grammar or English skills.
- Use of coded emojis (emoticons) instead of words Use of a lot of words (deceptive ads use more words to make the post easily forgettable).
- Use of many adjectives and verbs, indicative of a possibly deceptive message (usually quite expressive).
- Use of language techniques to make the post appear more complicated and therefore more difficult for human analysts or programs to identify
- Use of words and phrases of interest (customers know to look for certain words, describing their preferences/interests – i.e. customers who prefer children know to check for terms such as “sweet, candy, fresh, new in town, new to the game”).
- Use of textual indicators related to: private and undisclosed locations, short stays, certain types of services (i.e. unprotected or violent sex).



- Use of terms that suggest a trustworthy provider, to create an environment centred around the clients' comfort.

The location related features of the advertisement include:

- Indication of movement (i.e. out of State area code, same ad posting in different locations, evidence of travel in groups).  
Indication of potential restricted movement (the victim may be restricted to a single hotel room or massage parlor, i.e. in-call services only, no out-calls).
- Indication of sex workers moving frequently across several locations.
- Indication of sex workers moving to different locations along other sex workers.
- References to being new (i.e. "new in town, just arrived, limited time, weekend only").
- Indication of availability at multiple locations.

*List 2. Checklist. Indicators of possible online advertisements of sexual services hiding a human trafficking exploitation scheme (red flags). Source: Author's elaboration from the results of the relevant scientific literature and of the Surf and Sound project.*

The victim related features of the advertisement include:

- Reference to the victim's ethnicity or nationality, which usually matches the local marketplace.
- Indication of specific countries of interest for the clients.
- Advertisement of multiple victims.
- Indication of the victims working in groups.

The age-related features of the advertisement include:

- Use of minor sex trafficking keywords, that allude to the youthful characteristics of the sex workers (i.e. "young and cute, sweet, fresh, candy").



- o Indication of a dress size or weight that is typical of underage women (for the most part, lower body weights correlate with smaller or underage girls, i.e. weight <110 lb/50kg).
- o Discrepancies across ads in the ages used.
- o Subjects explicitly under 18 (or implied).
- o Subjects not over 24.

The services related section of the advertisement includes:

- o Offer of risky, violent, or unconventional sexual services.
- o Offer of a long list of services (i.e. 10 or more services).
- o Offer of specific services (i.e. bareback, anal, oral without a condom).
- o Offer of inexpensive services (prices lower than average).
- o Offer of additional services at no extra price or very low-price.
- o Offer of services at an “all inclusive” price Availability of multiple subjects (i.e. duo services).

### **3 Spotting Fake Job Adverts: A EUROPOL Guide**

#### **3.1 What are they?**

Fake job adverts are deceptive schemes where scammers post job listings to lure unsuspecting jobseekers into exploitative situations. They do this by posting attractive job listings from fake companies or by misrepresenting the working conditions. Once jobseekers arrive at the workplace, they find themselves in a completely different job or working under completely different conditions than those in the advert.





### 3.2 Who are the targets?

Fake jobs adverts tend to target anyone in a vulnerable economic situation looking for opportunities to improve their lives financially. Often the advertisements are for jobs abroad, further isolating the victims from possible support networks.

### 3.3 What to do if you or someone you know has become a victim?

If you have become a victim of labour exploitation or suspect that someone you know has become a victim, reach out to your national trafficking in human beings' hotline or to the national police authority to report the situation.





### 3.4 How does it work and how can you protect yourself?

**Publication**  
Ads are published on social media platforms, recruitment websites or other digital platforms with promises of high salaries, attractive work hours, a good work environment and other benefits.

**Recruitment**  
Recruiters contact applicants via communication apps or closed chat groups, such as Telegram, WhatsApp, Viber and others. Often the perpetrators appear to be from a legitimate company.

**Exploitation**  
Once jobseekers arrive at the workplace, they discover that the job does not live up to its advertisement. Sometimes the recruiter also confiscates identity cards or passports, or withholds access to their finances, in order to make the victim feel trapped in the situation.

**How can you protect yourself?**

When searching for jobs, beware of advertisements that sound too good to be true – they usually are. Take the following preventative measures:

- 1 Do a background check of the company to ensure it is a legitimate entity and has no reports of violating labour regulations.
- 2 Do a background check on the alleged recruiter or manager of the company.
- 3 Critically examine the job advertisement’s details and conditions. Are they too good to be true? For instance, are the promises of the job and salary conditions realistic? Do they correspond to going rates in the market in question?
- 4 Look for obvious grammar and spelling mistakes in the job advert.

Figure 1: Showing the key elements on how the exploitation takes place and the means for self-protection.

## 4 Victims-centered Approach

Victims are an especially vulnerable group, considering the traumatic experiences they go through. Indeed, the psychological state of a victim is rather fragile and





needs special attention. This particular attention often entails the support from the responsible agencies, namely governmental or non-governmental services to be effectively provided. The objective is to foster empathy while working with victims and to uphold a non-judgmental, safe space for them to comfortably share their experiences. “The victim-centered approach concentrates on services that are accessible and appropriate for every victim that seeks assistance.” The services created must make sure that they are particularly specific and appropriate to the cases at hand, equally considering physical and cultural point of views while engaging with the victims. Apart from the primary victims, it is prominent to also consider secondary victims, witnesses, and the community which could have been affected by the crimes committed. The basic principles with regards to victim-centered approach has been thoroughly stated within the UNHCR Policy on a Victim-Centered Approach, for the first time in the UN system in 2020. Even though the policy broadly considers sexual misconducts, the key principles are equally applicable to victims of human trafficking: The principles are as follows:

1. Well-being, protection, and security first

This initial principle is based on “do no harm”, and aims to prioritize the well-being, rights, and dignity of the victims. The responsible parties should make sure that the victims feel secure and implement the necessary security measures to prevent retaliation, re-victimisation, and re-traumatisation.

2. Assistance and support offered to victims

Assistance and support should be offered to all victims of human trafficking, irrespective of whether the victim initiates or is willing to cooperate with the ongoing investigations or not. The support should follow an opt-out model, where the service providers assume consent until the victim officially takes action to revoke permission.

3. Non-discrimination

Within the human trafficking victim’s context, non-discrimination principle is prominent to uphold. Non-discrimination means that every victim, irrespective of race, skin colour, sexual orientation, gender identity, language, religion, political or other opinion, national or social origin, property, birth, health or other status, or





any other characteristic, is entitled to receive the most appropriate response to their circumstances.

4. End-to-end, holistic approach

The end-to-end approach entails that the assigned appropriate assistance will be delivered to the victim from the beginning to the end. The process starts naturally with the detection of the crime, then continues through the proceedings and ends with a potential conclusion connected to the crime. According to the victim's situation, the support can go beyond the conclusion of the proceedings, official or not.

5. Give (back) a measure of control to the victim, to the feasible extent

The victims must be given a measure of control in terms of the information they decide to disclose, alongside within the course of the assistance they are receiving and the proceeding they are undertaking with the concerned authorities. If there is the necessity to undertake proceedings or actions in which the victims disagree with, the victims should be properly informed as to why the course of action is necessary.

6. Confidentiality and informed consent

The clear meaning and scope of these concept must be disclosed to the victims as early as possible, ideally before the victim starts to share personal information and throughout any proceeding to follow.

7. Ask and listen

It is prominent to create an environment of trust with the victim, which would initially start with the assumption that the victim is not guilty, therefore listening to the victim without bias or judgement. It is equally important to approach the victim with empathy, starting with the possibility that the occurrences communicated by the victim may have happened.

8. Information - Keep the victim informed





The victim must be timely informed on any outcomes or developments which concerns the victim, throughout all the processes and actions undertaken. If relevant, the victim must be clearly informed as to why some types of information cannot be shared or cannot be immediately shared with the victim. It is also important to communicate with other entities engaged to ensure the accuracy of the information provided in a coordinated manner, while respecting boundaries of consent and confidentiality.

#### 9. Child victims

The support and assistance provided to the victims below the age of 18 are undertaken per Article 3 of the Convention on the Rights of the Child (CRC), prioritizing the “best interest of the child. The term ‘best interests of the child’ broadly describes the well-being of a child. “A variety of individual circumstances determine a child’s well-being, being the age, gender, level of maturity and experiences, as well as other factors such as the presence or absence of parents, the quality of the relationships between the child and family/ caretaker, the physical and psychosocial situation of the child, and her/his protection situation (security, protection risks, etc.)” Finally, the children must be able to express themselves in parallel with the level of their maturity.

#### 10. Due process

The due process of the alleged perpetrators must be explained to the victims as soon as possible, to enable the victims to understand how the perpetrators proceedings might affect her/him.

## **5 PUBLIC-PRIVATE COOPERATION IN THE PREVENTION OF THB**

The challenges of understanding and combating threats to the public - such as trafficking in human beings (THB) and child sexual exploitation (CSE) - are exacerbated if private and public sector organizations operate within their separate information silos. Without sharing knowledge, related entities risk no





being able to provide the necessary help to people of concern. Law enforcement agencies and NGOs can both benefit greatly from long-lasting partnerships. Even more importantly, simple, yet meaningful actions done in cross-sector cooperation can increase its positive impact on society. Some of the important ingredients to successful cross-sector partnerships could be listed as follows:

- A common purpose of helping victims.
- A mutual interest in reducing crime.
- Effective leadership, driving participation and dialogue from different sides.
- Mutual respect and information sharing based on high levels of trust in confidentiality.
- Formal and technological means of communication, analysis, and reporting built for the modern analyst.
- Similar methodologies and workflows, which evolve with time and experience.
- A data-driven approach - because data-rich projects are more likely to generate effective interventions and demonstrate success.

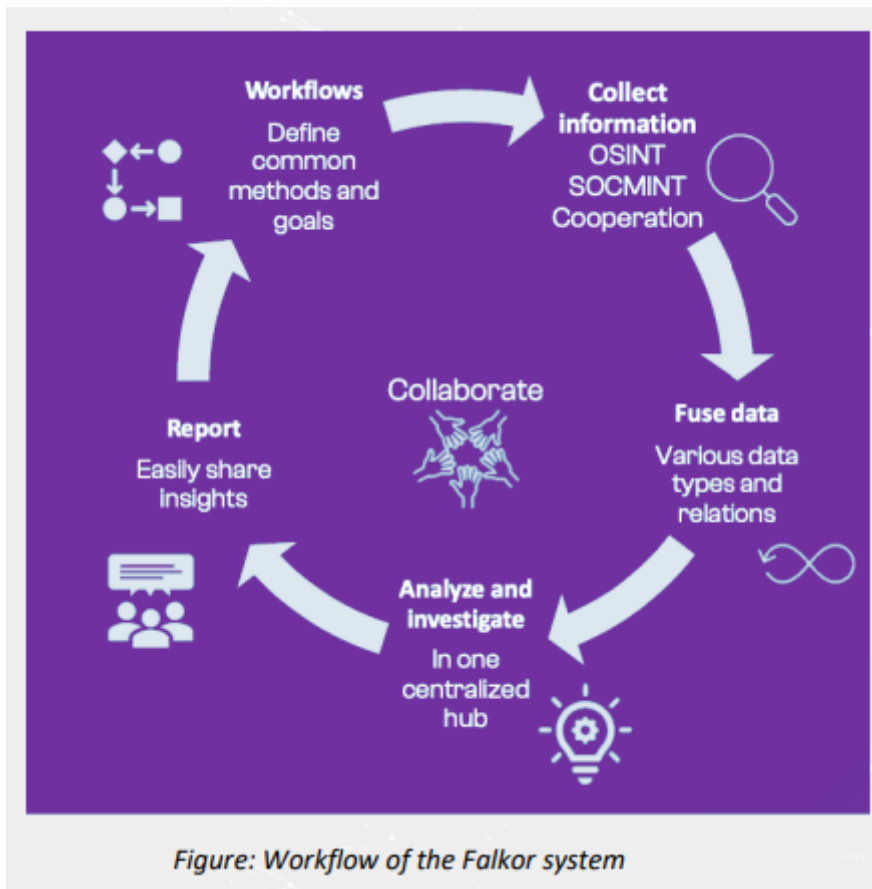
At this respect, particular technologies can efficiently assist in the enhancement of cross-sector cooperation when tackling crimes.

## **5.1 Public Platform:**

FALKOR Falkor is a SaaS platform that unites and manages data from multiple sources to drive the discovery, analysis, and reporting in any investigation, while empowering the analysts to discover new paths and manage multiple investigations. The system is designed to streamline and enrich data capabilities, so cases progress faster while cross-sector cooperation is further enhanced through the utilisation of a common system. The system enables collaborative workflows and facilitates the following for the analysts:

- Open cases and tasks and assign the relevant people.
- Upload different types of data from various sources.
- Conduct analyses and investigations.
- Keep records of interesting information and notes.
- Share insights with colleagues.
- Export reports for dissemination.





The Falkor application<sup>1</sup> is hosted in a secure Virtual Private Cloud (VPC) on Amazon Web Services (AWS), which exercise industry leading physical and environmental security measures, resulting in highly robust and resilient infrastructure. Access to the application is restricted to a closed list of IP addresses with optional support for multi-factor (MFA/2FA) authentication, and the user credentials are hashed using a modern hash function.

The fight against impunity is a collective obligation that benefits from the contribution of all those who seek to advance the cause of justice. Civil society and investigative journalists are critical organisations to this common work and are increasingly active in documenting core international crimes and human rights violations, demonstrating an ability useful for public prosecutors at all levels.

<sup>1</sup> <https://falkor.ai/about-us/trust-center/>





Civil society organizations and journalists are important partners for national authorities and international accountability mechanisms in the collective quest for international crimes in order to make a crucial contribution to accountability efforts.

This part of the deliverable is addressed to civil society organisations in support of their independent efforts to preserve and collect information on the commission of international crimes and human rights violations for accountability purposes.

## **5.2 Basic Principles Guiding Public-Private Cooperation in Investigations**

Private activities aimed at supporting justice and security are based on 5 key pillars and principles, in line with the Guidelines defined by EUROJUST and the International Penal Court:

### **5.2.1 Do Not Harm**

Where work is conducted primarily to support future criminal investigations by competent authorities, CSOs should prioritize the contact details of the person to facilitate a future interview by the competent investigative authorities. In this context, CSOs should seek to prevent or minimize any unintended negative effects of their documentation activities on others and themselves. Such activities should always be conducted in the best interest of persons providing information, intermediaries, local communities, and any other person involved in the documentation process. This involves carrying out several actions before, during and documentation, such as carrying out risk assessments, training and selecting personnel to ensuring professional standards of conduct, obtaining informed consent, protection of sources, respect for confidentiality, implementation of systems to assist with guidance and special payment and the application of specific measures when is about people, authorities, CSO should prioritize the contact details of the person to facilitate a future interview by the competent investigative authorities:

- o Consent must be informed: The person must have a full explanation of the nature and purpose of the activity, the procedure that will be followed, the use of the information obtained and the consequences foreseeable for





information sharing, including potential security risks. The ability of the person to assess and understand the presented information in order to give a valid consent is essential.

- o Consent must be voluntary: The free will of the person must always be respected. A non-coercive environment must be ensured, where individuals will have the means to express their opinions freely.
- o The social contexts which might inhibit the person's ability to freely consent to the activity must be always taken into account, such as culture, gender or age-related dynamics, community or family pressure.
- o Finally, the individuals must be diligently informed about the process. Up until the time when the information is shared with the competent national or international authorities, the individuals reserve the right to not cooperate and withdraw their support.
- o Consent must be explicit: Whenever possible, record of the provision of informed consent must be produced. This record may take the form of a record written by the person giving consent, a recording, or any other means, provided that it identifies the person who gives consent and includes the following:
  - Information provided on the nature and scope of the documentation exercise, on security risks and on the intended use of the information.
  - Inform the individuals that the information may be shared with any parties in potential judicial proceedings, including the defence.
  - Equally manage the person's expectations, as they may not necessarily be contacted later by such authorities.

Once the person's informed consent has been obtained, the information received must be kept safe and secure with competent national or international investigative authorities. If the information has been shared with multiple jurisdictions, the responsible authorities must be notified to facilitate coordination.

### 5.2.2 Objectivity, impartiality, and independence





Civil society organizations should work to ensure that their independent activities are carried out objectively, impartially, and independently, in line with our shared desire to learn the truth. By working with the outlined principles, these efforts will be strengthened:

- Avoid making assumptions.
- Weigh evidence that is both incriminating and exonerating equally, while also focusing on multiple hypotheses and theories and reviewing them.
- Planning activities as information is gathered and avoiding coercing information sources (for example, by asking leading questions).
- Avoiding making legal judgments when gathering information (for example, by asking whether an attack was "indiscriminate"); and evaluating the reliability of information sources.

### 5.2.3 Accountability and legality

Members of civil society organizations should be aware that in carrying out their duties, that they are not entitled to any immunity or privileges associated with an official accountability mechanism with whom they may exchange information. Neither do they carry out its commands or act on its behalf. Civil society organizations should be aware of potential liability under applicable laws, especially in the country where they are working, and protect the rights and welfare of their employees. They should also be aware that witnesses may be called to testify in any subsequent proceedings relating to information collected by them, for example to describe the activities, methods, and procedures of the organization.

They should apply sound information management practices and keep a detailed record of their methods and processes for information preservation and collection. By using coded language or, if necessary, saving the record in an encrypted device, make sure the data in this record is kept secure and confidential.

### 5.2.4 Professionalism and respect

Civil society organizations should strive to:

- Always act with professionalism, integrity, respect, and empathy.
- Be mindful of cultural sensitivities and vulnerabilities in order to further strengthen the potential use of information collected through their activities.





- Never pay or offer any form of payment in exchange for information.
- Define in advance the conditions and criteria where support is to be provided to individuals taking part in the documentation process (for example, payments for transportation; food during meetings; expenses related to security and protection).
- Keep a record of all payments made and their justification.

#### 5.2.5 Basic Standards for Digital Evidence Provided by Private Organisations

The terms "OSINT" and "online investigations" refer to the use of digital data obtained online to locate and gather pertinent data. In this situation, CSOs should make an effort to collect, properly preserve, and gather information for accountability needs.

Firstly, it must be always considered that there is a possible violation against applicable laws taking place, such as the GDPR and the Police Directive. Furthermore, the risk component must be taken into account when using real profiles and accounts to conduct business online, to not harm anyone. Secondly, the following online security strategies must be considered:

- Before beginning any online activities, perform a security assessment on the digital landscape. Create and implement a digital infrastructure that will adequately protect your organization's risks, the documentation process, outside information sources, and any other digital assets.
- Make sure that those who will be tasked with conducting online research receive training.
- Make sure the data is accurate. Online information is very unstable; it can easily change or vanish from the internet. To establish the authenticity and integrity of the digital item as having been collected at a specific time from a specific web location, capture online information in this manner.

To that end, the following actions must also be taken into account:

- Choosing the appropriate method of collection once the relevance of information obtained online has been determined. While for work purposes a simple screenshot or a PDF conversion may be sufficient, collection should involve the download or recording of the online content and all associated files, once the content has been deemed to have potential probative value.





- Collecting online materials in their native format or as close to it as possible. For each piece of online data you collect, make sure to capture at the very least the following information (or make sure the tool you're using does this automatically).
  - The target web address (URL).
  - The HTML source code: and the "screen capture" or "full page capture," which is a screenshot or video of the target web page (depending on the content) with a date and time stamp from the collector's computer.

Additional data to be recorded is as follows:

- **Incorporated media files:** If the website has a variety of content, such as various videos or images, each pertinent item must be gathered separately.
- **Incorporated metadata:** Whenever possible, common metadata like uploader ID, post, and upload.
- **Collection data:** Keep track of all pertinent information relating to the collection of online materials, such as the collector's name, IP address, and collection start/end timestamps of the device used to collect, or alternatively, network traffic capture during preservation (e.g., TCP dump) is another feasible option. Finally, the hash value for each digital item collected must be stored on a fresh media device.

## 6 JUDICIAL COOPERATION

There are no bi- or plurilateral agreements between the EU Member States and/or Third States that are addressing human trafficking as a single phenomenon (unlike in case of drug trafficking). However, policing and/or mutual legal assistance agreements between EU Member States and Third States or among EU Member States are always referring to human trafficking as one of the serious crimes of transnational character which are subjected therein. Neither the existing





agreements nor the practices are highlighting any specific investigation or judicial cooperation mechanism or technique to be capitalised on when it comes to cases on human trafficking. Whereas the applicable legal framework at inter- and supranational levels as well as the domestic provisions are in place, the operational practices should be more focused on human trafficking when it comes to investigative measures addressing polycrime activities of criminal networks.

## 6.1 Legal Instruments

A variety of supranational legal instruments is in place to tackle trafficking in human beings; the supranational measures are referring to international instruments of the UN and of the CoE. Additionally, various bi- or pluri-lateral legal instruments between some EU Member States and Third States or among some EU Member States are applicable to address the phenomenon of human trafficking.

### 6.1.1 International Legal Instruments

UN Convention Against Transnational Organized Crime (Palermo, 2000) and its Protocols<sup>2</sup>, ratified by numerous states and the EU<sup>32</sup> itself,<sup>3</sup> are the relevant intergovernmental instrument in this sphere; specifically, the Protocol to Prevent, Suppress and Punish Trafficking in Persons,<sup>4</sup> with currently 179 signatories.<sup>5</sup> In consequence, trafficking in human beings is usually understood as a criminal offence in the context of organised crime (though ethnic and/or family structures are often of predominant relevance instead).<sup>6</sup> In 2005, the CoE (Warsaw) Convention on Action against Trafficking in Human Beings<sup>7</sup> was adopted.<sup>8</sup> The application of this Convention in domestic jurisdictions are subject to monitoring by GRETA.<sup>9</sup>

2 UN, Convention against Transnational Organized Crime and the Protocols Thereto, 2000; [www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html](http://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html)

3 cf. Council Decision 2004/579/EC of 29 April 2004 on the conclusion, on behalf of the European Community, of the United Nations Convention against transnational organised crime, OJ L 261, 6. 8.2004

4 UN, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; [www.unodc.org/res/human-trafficking/2021the-protocol-tip.html/TIP.pdf](http://www.unodc.org/res/human-trafficking/2021the-protocol-tip.html/TIP.pdf)

5 cf. UN, Ratification Status, 2021; [www.unodc.org/unodc/en/human-trafficking/protocol.html](http://www.unodc.org/unodc/en/human-trafficking/protocol.html)

6 cf. BKA; Bundeslagebild Menschenhandel und Ausbeutung 2020, 2021; <https://www.bka.de/SharedDocs/Downloads/DE/Publikationen/JahresberichteUndLagebilder/Menschenhandel/menschenhandelBundeslagebild2020.html;jsessionid=B98EFEF452862204A65251BE82C7900C.live%20611?nn=2795637> CoE, Convention on Action against Trafficking in Human Beings, 2005; [www.coe.int/en/web/conventions/full-list//conventions/treaty/197?module=treaty-detail&treatynum=197](http://www.coe.int/en/web/conventions/full-list//conventions/treaty/197?module=treaty-detail&treatynum=197)

7 CoE, Convention on Action against Trafficking in Human Beings, 2005; [www.coe.int/en/web/conventions/full-list/-/conventions/treaty/197?module=treaty-detail&treatynum=197](http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/197?module=treaty-detail&treatynum=197)

8 CoE, Ratification Status, 2021; [www.coe.int/en/web/conventions/full-list/-/conventions/treaty/197?module=signatures-by-treaty&treatynum=197](http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/197?module=signatures-by-treaty&treatynum=197)

9 cf. CoE, Action against Trafficking in Human Beings; [www.coe.int/en/web/anti-human-trafficking](http://www.coe.int/en/web/anti-human-trafficking)



### 6.1.2 Supranational Legal Instruments

“The European Union’s area of freedom, security and justice was created to ensure the free movement of persons and to offer a high level of protection to citizens. It covers policy areas that range from the management of the European Union’s external borders to judicial cooperation in civil and criminal matters and police cooperation. It also includes asylum and immigration policies and the fight against crime (terrorism, organised crime, cybercrime, sexual exploitation of children, trafficking in human beings, illegal drugs, etc.)”.<sup>10</sup>

Judicial cooperation extends to establishing minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension resulting from the character or impact of such offences or from a special need to combat them on a common basis (Art. 83(1) TFEU).

Furthermost – but not per se limited to (as the Council, upon the European Parliament’s consent, may adopt Decisions identifying other areas of transnational crime) – the following areas of crime are taken into consideration:

- Terrorism
- Organised crime
- Trafficking in human beings
- Sexual exploitation of women and children
- Illicit drug trafficking
- Illicit arms trafficking
- Money laundering
- Corruption
- Counterfeiting of means of payment
- Computer crime.

According to Art. 79 TFEU, the EU shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of citizens of Third States residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and

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<sup>10</sup> EU, Summary, [https://eur-lex.europa.eu/summary/chapter/justice\\_freedom\\_security.html?root\\_default=SUM\\_1\\_CODED%3D23](https://eur-lex.europa.eu/summary/chapter/justice_freedom_security.html?root_default=SUM_1_CODED%3D23)



trafficking in human beings. To this end, the European Parliament and the Council shall adopt measures in the following areas:

- o The conditions of entry and residence, and standards on the issue by Member States of long-term visas and residence permits, incl. those for the purpose of family reunification.
- o The definition of the rights of Third State citizens residing legally in a Member State, incl. the conditions governing freedom of movement and of residence in other Member States.
- o Illegal immigration and unauthorised residence, incl. removal and repatriation of persons residing without authorisation.
- o Combating trafficking in persons, in particular women and children.

To achieve these aims, the EU may conclude agreements with Third States for the readmission to their countries of origin or provenance of Third State citizens who do not or who no longer fulfil the conditions for entry, presence, or residence in the territory of one of the Member States (Art. 79(3) TFEU).

In 1997, the EU took the first focused measures,<sup>11</sup> subject to measures for the purpose of enhancing the governing common legislative regime (e.g., in 2002).<sup>12</sup> With its Directive of 2011<sup>13</sup>, the EU adopted “an integrated, holistic, and human rights approach to the fight against trafficking in human beings and when implementing it, Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities and Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals should be taken into consideration. More rigorous prevention, prosecution, and protection of victims’ rights are major objectives of this Directive. This Directive also adopts contextual understandings of the different forms of

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<sup>11</sup> Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings, OJ L 203, 1.8.2002, p. 1-4

<sup>12</sup> Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings, OJ L 203, 1.8.2002, p. 1-4

<sup>13</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, OJ L 101, 15.4.2011, p. 1-11





trafficking and aims at ensuring that each form is tackled by means of the most efficient measures".<sup>14</sup>

The victim-centered provisions are to be read along with the Victims' Rights Directive of 2012,<sup>15</sup> providing for support measures.<sup>16</sup> Crimes against children (incl. CSE, CSE/AM) have been the subject of the 1997 Framework Decision on combating the sexual exploitation of children and child pornography,<sup>17</sup> which aims to combat child pornography on the Internet effectively through preventive and repressive approaches. This Decision has been replaced by the Directive of 2011 on combating the sexual abuse and exploitation of children and child pornography.<sup>18</sup> This Directive refers to the following:

- o Art. 34 of the UN Convention on the Rights of the Child,
- o the UN Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (of 2000)
- o the 2007 CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

Though not directly referred to in the EU instruments, Art. 9 of the CoE Convention on Cybercrime must be kept in mind. In 2021, EMPACT became a permanent instrument "for structured multidisciplinary cooperation to fight organised and serious international crime driven by the Member States and supported by EU institutions, bodies and agencies in line with their respective mandates, which would follow a four-year cycle and consist of four steps".<sup>19</sup> In May 2021, the EMPACT priorities for the current cycle – 2022 to 2025 – have been defined: high-risk criminal networks, cyberattacks, trafficking in human beings, child sexual

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<sup>14</sup> *ibid.*, Rec. 7

<sup>15</sup> Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, OJ L 315, 14.11.2012, p. 57-73

<sup>16</sup> cf. also European Commission, Victims' rights in the EU: Legal and policy framework on victims' rights; [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/criminal-justice/protecting-victims-rights/victims-rights-eu\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/criminal-justice/protecting-victims-rights/victims-rights-eu_en)

<sup>17</sup> Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography, OJ L 13, 20.1.2004, p. 44-48

<sup>18</sup> Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, OJ L 335, 17.12.2011, p. 1-14

<sup>19</sup> Council of the EU, Council conclusions on the permanent continuation of the EU Policy Cycle for organised and serious international crime: EMPACT 2022+, Brussels, 26.02.2021 (OR. en) 6481/21, p. 6; <https://data.consilium.europa.eu/doc/document/ST-6481-2021-INIT/en/pdf>



exploitation, migrant smuggling, drug trafficking, fraud and document fraud, economic and financial crimes, organised property crime, environmental crime, and firearms trafficking.<sup>20</sup>

The policy cycle is of relevance for all organisations<sup>21</sup> of the EU and, thus, of the AFSJ; the underlying rationale of multi-, cross- and inter-agency approach is that “there is strong evidence that many criminal networks engage in the poly-criminal activity, adding simply migrant smuggling or trafficking in human beings to their “services portfolio” [...] Given the complex character of cross-border crime threats, comprehensive operational responses are required”.<sup>22</sup>

### 6.1.3 Bi- and Plurilateral Legal Instruments

Unlike in cases of illegal trafficking in drugs (narcotics), there are no bi- or trilateral agreements between EU Member States and Third States or among EU Member States in place that are exclusively addressing trafficking in human beings; and even here, some of the narcotics-focused agreements are solely on policing, not on judicial cooperation as such.

However, all existing agreements of such kind on mutual legal assistance are implicitly covering the criminal offence of trafficking in human beings with a view to the judicial dimension.<sup>23</sup>

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<sup>20</sup> cf. [www.consilium.europa.eu/en/press/press-releases/2021/05/26/fight-against-organised-crime-council-sets-out-10-priorities-for-the-next-4-years/](http://www.consilium.europa.eu/en/press/press-releases/2021/05/26/fight-against-organised-crime-council-sets-out-10-priorities-for-the-next-4-years/)

<sup>21</sup> though these organisations may have their own, integrated, programming: cf. e.g. [www.enisa.europa.eu/publications/corporate-documents/enisa-single-programming-document-2021-2023](http://www.enisa.europa.eu/publications/corporate-documents/enisa-single-programming-document-2021-2023)

<sup>22</sup> Frontex, Cross-border Crime, <https://frontex.europa.eu/we-support/cross-border-crime/>

<sup>23</sup> cf. e.g. the agreement between Austria and Australia, [www.ag.gov.au/sites/default/files/2020-03/bilateral-treaties-on-mutual-assistance-in-criminal-matters.pdf](http://www.ag.gov.au/sites/default/files/2020-03/bilateral-treaties-on-mutual-assistance-in-criminal-matters.pdf)



Some of these agreements on mutual legal assistance are also covering the aspect of policing, e.g., in the relation between Bulgaria and Romania<sup>24</sup> with common Contact Centers BURGAS<sup>25</sup> and GIURGIU<sup>26</sup>.

In addition, there are numerous agreements between EU Member States and Third States as well as among EU Member States that are strictly on policing with a view to certain serious crimes – among them, trafficking in human beings is addressed:

- o e.g., the agreements of Germany with Albania , Algeria, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Egypt, Estonia (not entered into force), France (currently subject to revision), Georgia, Hungary, Indonesia (draft) , Israel, Italy, Jordan (negotiations), Kazakhstan (not yet in force), Kosovo, Kuwait, Kyrgyzstan, Latvia (not entered into force), Lithuania (2001), Luxemburg, Macedonia (Declaration Ministries of Interior Bavaria and Macedonia), Mexico (negotiations), Moldova (negotiations), Monte-negro (draft), Morocco (draft), Netherlands, Norway, Oman (negotiations), Poland, Qatar, Romania, Romania (solely between North-rhine Westphalia and Romania – which is unique as it is having a very focused local scope, one the German side, and a national scope on the Romanian side), Russia, Saudi-Arabia, Serbia, Slovakia, Slovenia, Switzerland (currently subject to revision), Tajikistan (draft, Thailand, Turkey, Tunisia, Ukraine, United Arab Emirates, United States of America, Uzbekistan, Vietnam, Yemen (negotiations).
- o e.g., the agreements of Italy with Switzerland
- o e.g., the agreements of Spain with Mexico on organised crime.

Though plenty of legal cooperation mechanisms are existing and various organisational structures are in place, there are two regional institutions in Europe specific interest in the light of the AFSJ's external dimension. For the purpose of enhancing the (inter-)regional vigour of European law enforcement in its close neighbourhood, the EU is currently already co-financing the Southeast European Law Enforcement Center SELEC. SELEC is in Bucharest/Romania, established on

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24 [https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800a9deb&clang=\\_en](https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800a9deb&clang=_en) ; [www.politiadefrontiera.ro/en/main/pg-international-collaboration-103.html#austrian-republic](http://www.politiadefrontiera.ro/en/main/pg-international-collaboration-103.html#austrian-republic)

25 [www.politiadefrontiera.ro/en/main/pg-burgas-contact-centre-144.html](http://www.politiadefrontiera.ro/en/main/pg-burgas-contact-centre-144.html)

26 [www.politiadefrontiera.ro/en/main/pg-giurgiu-contact-centre-111.html](http://www.politiadefrontiera.ro/en/main/pg-giurgiu-contact-centre-111.html)





26.05.1999 by twelve<sup>27</sup> Southeast European states under the original name SELI Center. In 2011, the SELI Center became SELEC. The objectives of SELEC are to provide support for SELEC Member States and enhance coordination in preventing and combating crime, incl. serious and organized crime, where such crime involves or appears to involve an element of trans-border activity (Art. 2 SELEC Convention).

In 2010, the SECI Center was only partially recognised by the EU for the purpose of cooperation: “The Commission has recognised the potential of the Southeast European Cooperative Initiative Regional Center for Combating Trans-border Crime (SECI Center/SELEC) as an important player in the South-East European (SEE) region which could significantly improve cross-border law enforcement cooperation in the region and can bring existing regional mechanisms closer to European standards. Cooperation between Europol and SECI Center/SELEC has been improved significantly in recent years. Europol offered its assistance in building up the capacities for development of organised crime threat assessment and assisted in developing the first common threat assessment on organised crime in the South-East European Region”.<sup>28</sup> However, the EU Parliament saw two major obstacles for closer cooperation at that time: “The lack of legal personality of the SECI Center/SELEC and of adequate personal data protection standards have been the main obstacles to the exchange of operational information and intelligence between Europol and SECI Center/SELEC until recently”. Nevertheless, “the Commission provided substantial financial and expert support for the development of a new Convention of the Southeast European Law Enforcement Center (SELEC Convention) aimed at, amongst other things, addressing these weaknesses”.

The new SELEC Convention (2011) responses to this criticism and the SELEC Convention now foresees in Art. 5(1) legal personality for SELEC as well as detailed provisions on data protection, management and security (e.g., Art. 21 et seq. SELEC Convention). To-date, there is still no cooperation agreement (neither strategic nor operative) between Europol and SELEC, but SELEC aims at such, incl. with Interpol and the WCO “in order to enhance effective law enforcement cooperation” (Art. 43(1) SELEC Convention). Though it could reasonably be suspected that there is a

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<sup>27</sup> Albania, Bosnia/Herzegovina, Bulgaria, Croatia, Greece, Hungary, Macedonia (now: North Macedonia), Moldova, Romania, Slovenia, Serbia and Montenegro and Turkey

<sup>28</sup> Parliamentary questions, Answer given by Ms Malmström on behalf of the Commission, 29 October 2010; [www.europarl.europa.eu/doceo/document/E-7-2010-7563-ASW\\_EN.html](http://www.europarl.europa.eu/doceo/document/E-7-2010-7563-ASW_EN.html)





certain (potential) “institutional rivalry” between SELEC and Europol, the Preamble of the SELEC Convention acknowledges that the EU has assigned Europol “the driving role as the EU law enforcement”. The Police Cooperation Centre PCC (or: Joint Centre for Police Cooperation, also: Joint Police Cooperation Centre, JPCC) in Plav/Montenegro has been established in 2017 by Albania, Kosovo, and Montenegro.<sup>29</sup> The JPCC “is aimed at advancing cross-border cooperation in the fight against crime, through more intense exchange of operational information and closer coordination of joint security efforts”.<sup>30</sup> So far, no action has been initiated for enhanced integration of this institution into the AFSJ. However, for selected operations of coast guards, the EU has approved cooperation at bilateral level (between the EU and Third States).<sup>31</sup>

## 6.2 Structural Mechanisms

*Some of these agreements referred to in chapter 1 are rather on mutual assistance in criminal matters than on policing or customs’ operations, but they are foreseeing common investigation measures so that they are qualifying, one way or the other, as agreements on cooperation.*

Elements of the operational police cooperation agreements are joint patrols, exchange of case-sensitive information, hot pursuit, common centres, and liaison officers; other agreements are focusing on judicial cooperation; and some agreements are incorporating one or the other element of police and judicial cooperation. The picture is not static: As an example, the latest bilateral cooperation agreement between France and Italy is addressing several aspects, among them law enforcement – “Parties shall strengthen their cooperation, bilaterally and at the European level, in preventing and combating serious and emerging transnational criminal threats, particularly the fight against organised

29 cf. [www.gov.me/en/article/172823--opening-ceremony-of-joint-centre-for-police-cooperation-between-montenegro-albania-and-kosovo](http://www.gov.me/en/article/172823--opening-ceremony-of-joint-centre-for-police-cooperation-between-montenegro-albania-and-kosovo)

30 European Commission, Proposal for a Council Decision on the conclusion of the Status Agreement between the European Union and Montenegro on actions carried out by the European Border and Coast Guard Agency in Montenegro Brussels, COM (2019) 90 final, 21.02.2019, p. 2; [www.europarl.europa.eu/RegData/docs\\_autres\\_institutions/commission\\_europeenne/com/2019/0090/COM\\_COM%282019%290090\\_EN.pdf](http://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2019/0090/COM_COM%282019%290090_EN.pdf)

31 e.g. Council of the European Union, Council Decision on the conclusion of the Status Agreement between the European Union and Montenegro on actions carried out by the European Border and Coast Guard Agency in Montenegro, Brussels, 12.03.2019; <https://data.consilium.europa.eu/doc/document/ST-6847-2019-INIT/en/pdf>





crime and terrorism, considering joint participation in European instruments. They shall intensify cooperation across borders among their law enforcement agencies. They also work on the creation of an Italian French operational unit to support law enforcement agencies according to common objectives, particularly in the management of major events and to contribute to international police missions. To this end, they shall establish a forum for periodic consultation, at the level of Interior Ministers or Directors General, on security matters”.<sup>32</sup>

Art. 39 of the Convention Implementing the Schengen Agreement (CISA)<sup>33</sup> requires that Member States “undertake to ensure” that police authorities assist each other to prevent and detect criminal offences. In principle, such requests for assistance must be exchanged via “central bodies responsible for police co-operation”, unless urgency of the matter justifies that request is exchanged directly between competent police authorities at local or regional levels. In conjunction with Art. 46 of that Convention, various bi- or plurilateral acts between Schengen Member States have been introduced, “the most comprehensive agreements are those that established permanent cooperation and information exchange structures in the form of Joint Police Stations (JPS) and Police and Customs Co-operation Centres (PCCC) at internal borders”.<sup>34</sup> Joint Centres are not independent <sup>35</sup> authorities: Staff members employed there act as members of the respective authority (sending authority), act within the scope of its competence and are subject to the service supervision of the sending authorities, in particular their authority to issue instructions and disciplinary authority.

Transnational law enforcement cooperation is not limited to common operational measures: There are numerous cooperation agreements between Police Academies within the AFSJ and in relation to Third States – administered by the Association of European Police Academies – and those implemented directly between Police Academies and law enforcement organisations.<sup>36</sup>

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32 Art. 4(3) Trattato tra la Repubblica Italiana e la Repubblica Francese per una cooperazione bilaterale rafforzata, 26.11.2021; available at: [www.governo.it/sites/governo.it/files/Trattato\\_del\\_Quirinale.pdf](http://www.governo.it/sites/governo.it/files/Trattato_del_Quirinale.pdf)

33 The Schengen acquis - Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, OJ L 239, 22.9.2000, p. 19–62

34 European Commission, Communication from the Commission to the European Parliament and the Council - Enhancing police and customs co- operation in the European Union, 2004; available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52004DC0376&qid=1661065528143> <https://www.aepc.net/enp-cooperations>

35 <https://www.aepc.net/enp-cooperations/>

36 E.g., Hochschule für Öffentliche Verwaltung Bremen/Germany and KEMEA/Greece



### 6.2.1 Joint Cooperation Centres

The establishment of Joint Cooperation Centres where law enforcement officers as well as customs officers and sometimes even public prosecutors from at least two states are working together on a permanent basis is a rather recent development of the past 20 years. One will find such Joint Cooperation Centres of e.g.

- o Austria and Germany<sup>37</sup> in Passau
- o Austria, Hungary and Slovenia<sup>38</sup> in Dolga Vas Austria and Serbia<sup>39</sup> in Jarovce-Kittsee
- o Austria, Slovenia<sup>40</sup> and Italy<sup>41</sup> in Thörl-Maglern
- o Austria, Switzerland, and Liechtenstein<sup>42</sup> in Mauren Schaanwald/Tisis
- o Belgium, Germany, France, and Luxemburg<sup>43</sup> in Luxemburg
- o Belgium and France<sup>44</sup> in Tournai · Bulgaria, Greece<sup>45</sup> and Turkey as a tripartite Centre at the Andreevo Border Checkpoint<sup>46</sup>
- o Bulgaria and Romania<sup>47</sup> in Burgas<sup>48</sup> and Giurgiu<sup>49</sup>
- o Bulgaria and Serbia<sup>50</sup> in form of a Contact Centre Czech Republic and Germany<sup>51</sup> in Petrovice and Schwandorf
- o Czech Republic and Slovakia<sup>52</sup> in Hodonín
- o France and Germany<sup>53</sup> in Mondorf-les-Bains · France and Italy<sup>54</sup> in Chiasso, Modane, and Vintimille

37 [https://treaties.un.org/Pages/showDetails.aspx?objid=080000028006a9c9&clang=\\_en](https://treaties.un.org/Pages/showDetails.aspx?objid=080000028006a9c9&clang=_en) ;

[https://treaties.un.org/Pages/showDetails.aspx?objid=08000002804f1cd2&clang=\\_en](https://treaties.un.org/Pages/showDetails.aspx?objid=08000002804f1cd2&clang=_en)

38 [https://treaties.un.org/Pages/showDetails.aspx?objid=080000028049b89f&clang=\\_en](https://treaties.un.org/Pages/showDetails.aspx?objid=080000028049b89f&clang=_en)

39 <https://rm.coe.int/168063bdfd>

40 [https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280068e88&clang=\\_en](https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280068e88&clang=_en)

41 [https://treaties.un.org/Pages/showDetails.aspx?objid=08000002804c7cd7&clang=\\_en](https://treaties.un.org/Pages/showDetails.aspx?objid=08000002804c7cd7&clang=_en)

42 [https://treaties.un.org/Pages/showDetails.aspx?objid=08000002802bd025&clang=\\_en](https://treaties.un.org/Pages/showDetails.aspx?objid=08000002802bd025&clang=_en)

43 [https://archive.wikiwix.com/cache/index2.php?url=http%3A%2F%2Fwww.police.public.lu%2Factualites%2Fa\\_connaitre%2Fadministration%2F2008%2F10%2F20081027-sign\\_ac\\_coop\\_poL\\_doua%2Findex.html#federatio](https://archive.wikiwix.com/cache/index2.php?url=http%3A%2F%2Fwww.police.public.lu%2Factualites%2Fa_connaitre%2Fadministration%2F2008%2F10%2F20081027-sign_ac_coop_poL_doua%2Findex.html#federatio) n=archive.wikiwix.com&tab=url

44 [www.legifrance.gouv.fr/jorf/id/JORFTEXT000000420208](http://www.legifrance.gouv.fr/jorf/id/JORFTEXT000000420208) ; cf. [www.interieur.gouv.fr/Archives/Archives-des-dossiers/2016-Dossiers/France-Belgique-cooperation-policiere-a-la-frontiere/Au-centre-de-la-cooperation-franco-belge](http://www.interieur.gouv.fr/Archives/Archives-des-dossiers/2016-Dossiers/France-Belgique-cooperation-policiere-a-la-frontiere/Au-centre-de-la-cooperation-franco-belge)

45 [https://treaties.un.org/Pages/showDetails.aspx?objid=08000002804e3631&clang=\\_en](https://treaties.un.org/Pages/showDetails.aspx?objid=08000002804e3631&clang=_en) ;

[https://treaties.un.org/Pages/showDetails.aspx?objid=08000002804e60e8&clang=\\_en](https://treaties.un.org/Pages/showDetails.aspx?objid=08000002804e60e8&clang=_en)

46 <https://sofiaglobe.com/2015/05/25/bulgaria-greece-turkey-sign-agreement-on-police-and-customs-co-operation/>

47 [https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800a9deb&clang=\\_en](https://treaties.un.org/Pages/showDetails.aspx?objid=08000002800a9deb&clang=_en) ;

[www.politiadefrontiera.ro/en/main/pg-international-collaboration-103.html#austrian-republic](http://www.politiadefrontiera.ro/en/main/pg-international-collaboration-103.html#austrian-republic)

48 [www.politiadefrontiera.ro/en/main/pg-burgas-contact-centre-144.html](http://www.politiadefrontiera.ro/en/main/pg-burgas-contact-centre-144.html)

49 [www.politiadefrontiera.ro/en/main/pg-giurgiu-contact-centre-111.html](http://www.politiadefrontiera.ro/en/main/pg-giurgiu-contact-centre-111.html)

50 <https://balkaninsight.com/2007/11/12/top-serbian-bulgarian-police-officials-sign-cooperation-agreement/>

51 [https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280070b44&clang=\\_en](https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280070b44&clang=_en)

52 [www.zakonyprolidi.cz/ms/2005-26](http://www.zakonyprolidi.cz/ms/2005-26)

53 [www.legifrance.gouv.fr/jorf/id/JORFTEXT000000585254](http://www.legifrance.gouv.fr/jorf/id/JORFTEXT000000585254)

54 [www.ccpd-chiasso.ch/fra/basi\\_legali.aspx](http://www.ccpd-chiasso.ch/fra/basi_legali.aspx); [www.ccpd-chiasso.ch/fra/presentazione.aspx](http://www.ccpd-chiasso.ch/fra/presentazione.aspx)



- o France and Romania<sup>55</sup> with a Contact Point in ORADEA<sup>56</sup>: This contact point is unique as it is operated by two EU Member States which are not sharing one common border
- o France and Spain<sup>57</sup> in Le Perthus,<sup>58</sup> Canfranc-Somport, Hendaye,<sup>59</sup> Melles Pont du Roy<sup>60</sup>
- o France and Switzerland<sup>61</sup> in Meyrin Germany (see below)
- o Hungary and Slovakia<sup>62</sup> in Čunovo, in Slovenské Ďarmoty and Slovenské Nové Mesto
- o Italy and Albania<sup>63</sup> as a JIT in Bari
- o Poland and Slovakia<sup>64</sup> in Vyšný Komárnik and in Trstená.

The cooperation of the German “security authorities” with their foreign partners is very diverse. Different (more general) agreements and (specific) cooperation arrangements serve as a basis, incl. all instruments and mechanisms discussed in present report.<sup>65</sup>

Germany has concluded bilateral agreements with its directly neighbouring states (land-borders only) on cross-border cooperation in matters of criminal law and security, which are being further developed on an ongoing basis. The purpose of this development is the constant improvement of cooperation in these areas and a continuous adaptation to current security requirements and legal developments. Within the framework of these agreements, law enforcement is to be understood in a broad sense, ranging from criminal police as such to specialised units and custom control, covering federal as well as respective local levels of concern as to the territorial applicability of a given agreement.

55 [www.politiadefrontiera.ro/en/main/pg-international-collaboration-103.html#austrian-republic](http://www.politiadefrontiera.ro/en/main/pg-international-collaboration-103.html#austrian-republic)

56 <https://www.politiadefrontiera.ro/en/main/pg-oradea-contact-point-112.html>

57 [www.legifrance.gouv.fr/jorf/id/JORFTEXT000000796362](http://www.legifrance.gouv.fr/jorf/id/JORFTEXT000000796362)

58 cf. [www.interieur.gouv.fr/Archives/Archives-des-communiqués-de-presse/2013-Communiqués/Rencontre-de-Messieurs-Jorge-Diaz-Fernandez-et-Manuel-Valls-au-CCPD-du-Perthus](http://www.interieur.gouv.fr/Archives/Archives-des-communiqués-de-presse/2013-Communiqués/Rencontre-de-Messieurs-Jorge-Diaz-Fernandez-et-Manuel-Valls-au-CCPD-du-Perthus)

59 cf. [www.interieur.gouv.fr/Archives/Archives-des-dossiers/2016-Dossiers/Les-Pyrenees-Atlantiques/La-cooperation-n-a-pas-de-frontiere](http://www.interieur.gouv.fr/Archives/Archives-des-dossiers/2016-Dossiers/Les-Pyrenees-Atlantiques/La-cooperation-n-a-pas-de-frontiere)

60 cf. [www.interieur.gouv.fr/Archives/Archives-des-communiqués-de-presse/2013-Communiqués/Rencontre-de-Messieurs-Jorge-Diaz-Fernandez-et-Manuel-Valls-au-CCPD-du-Perthus](http://www.interieur.gouv.fr/Archives/Archives-des-communiqués-de-presse/2013-Communiqués/Rencontre-de-Messieurs-Jorge-Diaz-Fernandez-et-Manuel-Valls-au-CCPD-du-Perthus)

61 [www.legifrance.gouv.fr/jorf/id/JORFTEXT000020830546](http://www.legifrance.gouv.fr/jorf/id/JORFTEXT000020830546)

62 [https://treaties.un.org/Pages/showDetails.aspx?objid=080000028008ad38&clang=\\_en](https://treaties.un.org/Pages/showDetails.aspx?objid=080000028008ad38&clang=_en)

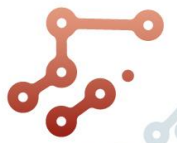
63 [www.pp.gov.al/rc/doc/marreveshje\\_me\\_italine\\_per\\_ndihme\\_te\\_nderdjell\\_te\\_juridike\\_dhe\\_ekstradimin\\_740.pdf](http://www.pp.gov.al/rc/doc/marreveshje_me_italine_per_ndihme_te_nderdjell_te_juridike_dhe_ekstradimin_740.pdf)  
[www.eurojust.europa.eu/news/italy-and-albania-43-arrests-drug-trafficking](http://www.eurojust.europa.eu/news/italy-and-albania-43-arrests-drug-trafficking)

64 [https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280062541&clang=\\_en](https://treaties.un.org/Pages/showDetails.aspx?objid=0800000280062541&clang=_en)

65 cf. for a general overview:

[www.bmi.bund.de/DE/themen/sicherheit/nationale-und-internationale-zusammenarbeit/grenzueberschreitende-polizeiliche-zusammenarbeit/grenzueberschreitende-poli-zeiliche-zusammenarbeit-node.html](http://www.bmi.bund.de/DE/themen/sicherheit/nationale-und-internationale-zusammenarbeit/grenzueberschreitende-polizeiliche-zusammenarbeit/grenzueberschreitende-poli-zeiliche-zusammenarbeit-node.html)





The agreements of Germany are concerning joint investigation centres with the AFSJ EU Member States *Austria*,<sup>66</sup> *Belgium*,<sup>67</sup> *Czech Republic*,<sup>68</sup> *France*,<sup>69</sup> *Luxemburg*,<sup>70</sup> *Netherlands*,<sup>71</sup> *Poland*,<sup>72</sup>

- the *non-AFSJ* EU Member State Denmark.<sup>73</sup>

These agreements represent a deepening of cooperation between Germany and the respective contracting state within the framework of existing bilateral and multilateral treaties as well as conventions and legal acts within the framework of the EU.<sup>74</sup>

The rights and obligations of the contracting states arising from other international agreements by which they are bound, incl. those governing customs cooperation, and from membership in the EU, shall not be affected by these treaties.<sup>75</sup>

The agreements pursue the goal of further improving and strengthening cross-border cooperation between Germany and the respective contracting state in the area of police and customs, esp. in areas close to the border; this intends to improve the fight against crime and increase the security of the people.<sup>76</sup>

66 Vertrag vom 10.1./19.12.2003 über die grenzüberschreitende Zusammenarbeit zur polizeilichen Gefahrenabwehr und in strafrechtlichen Angelegenheiten, entered into force on 01.12.2005, BGBl. 2005 II p. 858, BGBl. 2005 II p. 1307

67 Abkommen vom 27.03.2000 über die Zusammenarbeit der Polizeibehörden und Zollverwaltungen in den Grenzgebieten, entered into force on 23.10.2002, BGBl. 2002 II p. 1532, p. 2536

68 Vertrag vom 28.04.2015 über die polizeiliche Zusammenarbeit und zur Änderung des Vertrages vom 2. Februar 2000 über die Ergänzung des Europäischen Übereinkommens über die Rechtshilfe in Strafsachen vom 20. April 1959 und die Erleichterung seiner Anwendung, entered into force on 01.10.2016, BGBl. 2016 II p. 474, 476, BGBl. 2016 II p. 1231; Durchführungsvereinbarung vom 15. 6. 2017 zur Durchführung des Artikels 21 des deutsch-tschechischen Vertrages vom 28.04.2015 über die polizeiliche Zusammenarbeit und zur Änderung des deutsch-tschechischen Vertrages vom 02.02.2000 über die Ergänzung des Europäischen Übereinkommens über die Rechtshilfe in Strafsachen und die Erleichterung seiner Anwendung, entered into force on 15.06.2017, BGBl. 2017 II p. 1277, 1278; Verordnung zur Durchführungsvereinbarung vom 15.06.2017 zu dem Vertrag vom 28. 4. 2015 über die polizeiliche Zusammenarbeit und zur Änderung des Vertrages vom 2. 2. 2000 über die Ergänzung des Europäischen Übereinkommens über die Rechtshilfe in Strafsachen vom 20. 4. 1959 und die Erleichterung seiner Anwendung betreffend die Zusammenarbeit im Bereich der Ordnungswidrigkeiten, entered into force on 24.12.2019, BGBl. 2019 II p. 1123, 1124; Durchführungsvereinbarung vom 15.06.2017 zu den Verträgen vom 02.02.2000 und vom 28. 4. 2015, entered into force on 19.06.2020, BGBl. 2020 II p. 716

69 Abkommen vom 09.10.1997 über die Zusammenarbeit der Polizei- und Zollbehörden in den Grenzgebieten, entered into force on 01.04.2000, Protokoll vom 07.04.2016 zur Ergänzung des Abkommens vom 9. Oktober 1997 über die Zusammenarbeit der Polizei- und Zollbehörden in den Grenzgebieten, entered into force on 24.09.2018, BGBl. 1998 II p. 2479, 2480, BGBl. 2000 II p. 842, BGBl. 2017 II p. 194, 195, BGBl. 2018 II p. 1363

70 Vereinbarung vom 24.10.1995 über die polizeiliche Zusammenarbeit im Grenzgebiet zwischen der Bundesrepublik Deutschland und dem Großherzogtum Luxemburg, entered into force on 01.6.1996, BGBl. 1996 II p.1203

71 Vertrag vom 02.03.2005 über die grenzüberschreitende polizeiliche Zusammenarbeit und die Zusammenarbeit in strafrechtlichen Angelegenheiten, entered into force on 01.09.2006, BGBl. 2006 II p. 194, BGBl. 2006 II p. 1285

72 Abkommen vom 15.05.2014 über die Zusammenarbeit der Polizei-, Grenz- und Zollbehörden, entered into force on 09.07.2015, BGBl. 2015 II p. 234, 235, BGBl. 2015 II p. 834

73 Abkommen vom 21.03.2001 über die polizeiliche Zusammenarbeit in den Grenzgebieten, entered into force on 11.08.2002, BGBl. 2002 II p. 1536, BGBl. 2002 II p. 2136

74 cf. e.g. Bundesrat, Drucksache 636/15 of 18.12.2015, p. 1; available at: [www.bundesrat.de/SharedDocs/drucksachen/2015/0601-0700/636-15.pdf?\\_\\_blob=publicationFile&v=1](http://www.bundesrat.de/SharedDocs/drucksachen/2015/0601-0700/636-15.pdf?__blob=publicationFile&v=1)

75 cf. *ibid.* Art. 35

76 cf. *ibid.*, p. 6





Essential features of these agreements are provisions on cross-border police operations (e.g. observation, controlled deliveries, hot pursuit), on joint forms of police operations (e.g. joint patrols), on mutual exchange of information, on cross-border personnel support and typically, these treaties also provide for Joint Centres: Joint Centres are not independent authorities: The staff members employed in a Joint Centre act as members of the respective authority (sending authority), act within the scope of its competence and are subject to the official supervision of the sending authorities, in particular their authority to issue instructions and disciplinary authority.

Currently, Germany is operating *Joint Centres* with:

- o Austria (in *Passau*)
- o Czech Republic (in *Petrovice* and *Schwandorf*)
- o Denmark (in *Padborg*)
- o France (in *Kehl*)
- o Luxemburg, Belgium and France (in the *City of Luxemburg*) Poland (in *Swiecko*).
- o comparable organisation is the
- o Euregional Police and Cooperation Centre EPICC of the Euregio
- o Maas-Rhein (in *Kerkrade*) regarding Belgium and Netherlands.

In the Joint Centres, the police, and customs authorities of the partner states with responsibilities in the common border area are cooperating 'under one roof'. The Joint Centres are in the immediate vicinity of the border.

The Joint Centres promote the cross-border exchange of information and support the competent police and customs authorities in the fulfilment of their operational tasks. This includes support in the coordination of cross-border operations as well as the mediation of competent contact persons in the neighbouring state.

Concerning the agreement with *Switzerland*, the direct land-border with this Third State results in a set of more detailed provisions on cooperation (compared to the agreement with Albania, see below).

These provisions include, inter alia, police assistance in case of imminent danger (Art. 10), observation for prosecution or execution of a sentence (Art. 14),



observations for the prevention of criminal offences of considerable importance (Art. 15), undercover investigations for the investigation of criminal offences (Art. 17), undercover investigations for the prevention of criminal offences of considerable importance (Art. 18), joint operations and cross-border search operations (Art. 20). Art. 23 provides for the norms concerning the respective *Joint Centre in Basel*.

In relation to other applicable norms, furthermore of the AFSJ, Art. 48(1) clarifies that the agreement supplements the provisions on administrative and judicial assistance and other obligations of the contracting states contained in bilateral or multilateral agreements.

### 6.2.2 Joint Information Exchange Mechanisms

Many of the EU Member States' agreements on policing and/or mutual legal assistance are providing – be it in relation to Third States or other EU Member States – are not on establishing and operating joint centres; instead, these agreements are foreseeing other mechanisms, especially on case-sensitive information exchange. As an example, the agreement between Germany and Albania defines in Art 1(1) in general terms the subject matter of the cooperation provided for by the agreement: The agreement regulates intergovernmental cooperation in the prevention, combating and investigation of organised crime, other serious crime, and terrorism.

In para 2, certain offence areas are highlighted as focal points of cooperation; at the same time, the words “in particular” and “as well as other areas” make it clear that the list is not exhaustive.

However, para 3 stipulates that cooperation shall take place when criminal acts or preparations for such acts in the territory of one party also affect the territory or security of the other party. Art. 5 clarifies that the cooperation of the parties in all areas referred to in this agreement shall be conducted in accordance with their domestic law. Esp. regarding the EU and the AFSJ regulatory framework, the agreement does not affect the obligations of the parties arising from bilateral or multilateral agreements.



However, it is especially the establishment of Joint Centres which results in a more structured exchange of information as the data sets been accessed directly by the competent officers in the Centre.

## 6.3 Operational Mechanisms

As in case of the legal instruments at international, supranational, and domestic levels, there are no operational measures applicable in the EU Member States specifically designated to investigations and the judicial cooperation in human trafficking cases. As human trafficking is considered a serious criminal offence – typically of transnational character – all operational mechanisms may apply in accordance with respective domestic laws that could be made use of when dealing with organised crime cases. This, however, is subject to the competent court's discretion as a standard prerequisite prior to utilising special mechanisms (such as telecommunication surveillance, observations, or the deployment of under-cover investigators).

At cross-border level, there are two operational mechanisms that are typically capitalised on in cases related to organised crime: Liaison Officers and Joint Investigation Teams. Whereas agreements in the sphere of mutual legal assistance are typically not incorporating measures related to liaison officers and/or joint investigation teams, the respective policing-related agreements at supranational and at bi- or plurilateral level between EU Member States or in relation to Third States are foreseeing these operational mechanisms; both alongside or in addition to establishing Joint Centres or irrespective thereof.

The forms of cooperation envisaged include the exchange of experts, information, and personal details of those involved in crimes, the results of research, the implementation of coordinated operational measures and co-operation in the field of specialist training and further training. Among the plenty potential references for this, the following exemplifies this situation, limited to the operational scope, with Germany.

### 6.3.1 Liaison Officers

Regarding the policing agreement between Germany and Albania, it is to enhance internal security in Germany and Albania in the prevention, combating and investigation of organised and serious crime by creating the legal basis for



closer and better cooperation. The agreement identifies 21 areas of cooperation; these include in particular:

- Crimes against life, physical integrity, and personal liberty
- Terrorism
- Narcotics offenses
- Crimes against sexual self-determination and trafficking in human beings
- Property crimes and crimes against property
- Environmental crimes, and
- Computer crime.

The agreement between Germany and Albania sets out in Art. 9 on the secondment of liaison officers that a contracting party may, if necessary and with the agreement of the other contracting party, second liaison officers to its police authorities. These liaison officers shall act in a supportive and advisory capacity without exercising official authority in their own right; they shall provide information and carry out their duties within the framework of the instructions of the sending contracting party and in compliance with the domestic law of the receiving contracting party.

In the light of the offences referred to above, it becomes clear that the agreement is not exclusively on trafficking of human beings but lists this offence among a few other ones – typically committed by criminal networks.

## **ANNEX I – UNODC INDICATORS**

### General indicators

People who have been trafficked may:

- Believe that they must work against their will.
- Be unable to leave their work environment.
- Show signs that their movements are being controlled.
- Feel that they cannot leave.
- Show fear or anxiety.
- Be subjected to violence or threats of violence against themselves or against their family members and loved.
- ones.





- Suffer injuries that appear to be the result of an assault.
- Suffer injuries or impairments typical of certain jobs or control measures.
- Suffer injuries that appear to be the result of the application of control measures.
- Be distrustful of the authorities.
- Be threatened with being handed over to the authorities.
- Be afraid of revealing their immigration status.
- Not be in possession of their passports or other travel or identity documents, as those documents are being.
- Held by someone else.
- Have false identity or travel documents.
- Be found in or connected to a type of location likely to be used for exploiting people. Be unfamiliar with the local language.
- Not know their home or work address.
- Allow others to speak for them when addressed directly.
- Act as if they were instructed by someone else. Be forced to work under certain conditions.
- Be disciplined through punishment.
- Be unable to negotiate working conditions. Receive little or no payment.
- Have no access to their earnings.
- Work excessively long hours over long periods. Not have any days off.
- Have limited contact with their families or with people outside of their immediate environment.
- Be unable to communicate freely with others.
- Be under the perception that they are bonded by debt.
- Be in a situation of dependence.
- Come from a place known to be a source of human trafficking.
- Have had the fees for their transport to the country of destination paid for by facilitators, whom they must payback by working or providing services in the destination.
- Have acted on the basis of false promises.
- Live in poor or substandard accommodations. Have no access to medical care.
- Have limited or no social interaction.

### Sexual Exploitation Indicators

- People who have been trafficked for the purpose of sexual exploitation may:





- Be of any age, although the age may vary according to the location and the market. Move from one brothel to the next or work in various locations.
- Be escorted whenever they go to and return from work and other outside activities.
- Have tattoos or other marks indicating “ownership” by their exploiters.
- Work long hours or have few if any days off.
- Sleep where they work.
- Live or travel in a group, sometimes with other women who do not speak the same language. Have very few items of clothing.
- Have clothes that are mostly the kind typically worn for doing sex work.
- Only know how to say sex-related words in the local language or in the language of the client group.
- Have no cash of their own.
- Be unable to show an identity document.

### Child-Trafficking Indicators

*The following might also indicate that children have been trafficked:*

- There is evidence that suspected victims have had unprotected and/or violent sex.
- There is evidence that suspected victims cannot refuse unprotected and/or violent sex.
- There is evidence that a person has been bought and sold.
- There is evidence that groups of women are under the control of others.
- Advertisements are placed for brothels or similar places offering the services of women of a particular ethnicity or nationality.
- It is reported that sex workers provide services to a clientele of a particular ethnicity or nationality.
- It is reported by clients that sex workers do not smile.





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Intercept online recruitment and advertisement to disrupt the THB model



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