La Strada International welcomes the upcoming report on the role of organised criminal groups with regard to contemporary forms of slavery by the UN Special Rapporteur on contemporary forms of slavery, including its causes and consequences. This submission by La Strada International focuses on the European situation broadly. It should be noted that anti-trafficking NGOs, including LSI members, due to their role as service providers for victims of trafficking and vulnerable groups and aiming to gain their trust, generally have no direct mandate or interest to – and hence do not - systematically collect and analyze data on perpetrators of human trafficking/contemporary forms of slavery.

However, anti-trafficking NGOs do obtain information from grass root work and the direct assistance to trafficked and exploited persons about perpetrators and their modus operandi, including information about the recruitment and exploitation of victims. Information collected, serves mainly the purpose to identify victims’ support needs and is used to advocate for their rights. This contribution therefore also partly relies on data collected by law enforcement actors.

**Profile of organised criminal groups**

Europol and other national and regional law enforcement actors in Europe report about organised criminal groups, engaging in contemporary forms of slavery in Europe. According Europol, generally more than 180 nationalities are involved in organised crime activities in the EU and it has been reported that 65% of the criminal groups active in the EU are composed of members of multiple nationalities. More than 50% of all reported suspected organised criminals active in the EU are non-EU nationals. Half of these non-EU nationals originate from countries in the EU’s neighbourhood, such as the Western Balkan region, eastern European countries, and North Africa[[1]](#footnote-1).

The European Commission reported in 2020[[2]](#footnote-2) that 70% of the convicted traffickers are EU citizens. ‘Men continued to form the majority of perpetrators, accounting for more than two thirds of those suspected, prosecuted and convicted for trafficking’. The UNODC Global Trafficking in Persons report of 2020 confirms this male dominance and speaks of 60 percent male traffickers globally.[[3]](#footnote-3)

UNODC reports about examples of transnational criminal groups involved in drugs trafficking, money laundering and other illicit trades active between West Africa and Europe that also engage in trafficking for sexual exploitation. “For example, authorities in France reported some cases in which the criminal group *Supreme Eiye Confraternity* engaged in trafficking in persons along this route. The involvement of similar types of groups were reported by Spanish and Italian authorities in cases of trafficking of women in combination with other criminal activities, such as credit cards fraud or money counterfeiting”.[[4]](#footnote-4)

As for the social, cultural and ethnic profiles and structures of OCGs operating in Europe, Europol’s last SOCTA 2021 report states that ‘Nationality, ethnicity, activity, structure or other descriptive indicators are often used to describe and classify criminal networks. However, such approaches are often reductive and do not necessarily highlight the most characterising element of the network. In some cases, classifying criminal networks according to national or even ethnic homogeneity can be relevant for an investigation, because the nationality and/or ethnicity can be an important element in international collaboration. Strategically, the division of criminal groups according to ethnic homogeneity often lacks nuance. Almost two thirds of the criminal groups reported for the SOCTA 2021 are composed of members of different nationalities’.[[5]](#footnote-5)

Information obtained by La Strada International members confirms the existence of multiple nationalities both among victims and their traffickers. Information available on perpetrators’ nationalities differs and is very country specific; generally national citizens are involved in human trafficking practices, next to foreign nationals[[6]](#footnote-6).

**Criminal groups’ involvement in contemporary forms of slavery**

La Strada International members have no accurate data or statistics on how many of the trafficked persons they supported, have been trafficked by organised criminal groups (OCGs), as this is not registered by the organisations. It is noted that victims are often recruited by individuals or small groups of people, who might be acting on their own and might not be member of an organised criminal group. It is expected that governments and law enforcement agencies do also not structurally collect data on how many convicted traffickers are part of organised criminal groups. This information can be obtained by assessing criminal court files and data, especially when ‘being part of a criminal organised group’ was among the crimes for which the person is prosecuted. However perpetrators involved in trafficking practices can be criminalised for different offences and not be prosecuted for human trafficking, which makes it difficult to establish clear links.

In February 2021, Eurojust published a report on the basis of an analysis of Human Trafficking cases registered with Eurojust between 1 January 2017 and 30 June 2019. On the basis of the analysis, Eurojust confirms that Human Trafficking is often linked to the establishment of Organised Criminal Groups (OCGs) and reveals that out of the 405 cases referred to Eurojust, 396 involved OCGs.[[7]](#footnote-7) Recent Europol and Eurojust reports also confirm that individuals are exploited by organised criminal groups in criminal activities. Several La Strada International members, e.g. in the Netherlands[[8]](#footnote-8), France and Belgium reported an increase in referrals of trafficked and exploited persons that have been forced to commit criminal activities and linkages with OCGs are presumed.

In Europe and globally there is also evidence of individuals being exploited in legitimate businesses run or facilitated by organised criminal groups. Sometimes business that may appear legitimate have been found to be involved in trafficking. “Court cases have documented the convictions of owners and operators of companies in the agricultural, fishing, cleaning, construction, garment and food service industries as having been convicted for trafficking persons for the purpose of forced labour”.[[9]](#footnote-9)

The SOCTA 2021 reports that ‘victims are typically exploited as low-skilled, seasonal and cheap workers for transportation, construction, agriculture, forestry, food processing, factory assembly lines, hospitality, retail, carwashes, beauty and cleaning services, housekeeping and domestic assistance.[[10]](#footnote-10) Exploitation is these sectors is also reported by LSI members. Eurojust reported among others the following cases, involving OCGs.[[11]](#footnote-11)

* A case, involving around 200 Bulgarian victims of Roma origin who were recruited by a Bulgarian Organised Criminal Group and promised legitimate work in French vineyards. The victims were working without work contracts and social insurances and traffickers appeared to be using companies in France to launder their illegal gains. Our member CCEM is currently assisting victims related to this case.[[12]](#footnote-12)
* In 2018, Portuguese and Spanish judicial authorities dismantled with Eurojust’s support an international criminal network that had forced people into agricultural labour in Spain.
* In September 2019, national authorities from Slovakia, the United Kingdom, Germany and the Netherlands dismantled a Slovak Organised Criminal Group whose members had lived in the United Kingdom and then moved to Germany. Several Slovak victims were released, who were employed on bogus work contracts in Chinese restaurants and car wash facilities under very harsh working conditions.

We see that generally traffickers make use of legal loopholes to avoid compliance with labour rights standards, like subcontracting and making use of letter box companies to deny responsibility for the exploitation and abuse. According Europol, legal business structures such as companies or other entities are used to facilitate virtually all types of criminal activity and criminals directly control or infiltrate legal business structures in order to facilitate their criminal activities; all types of legal businesses are potentially vulnerable to exploitation by serious and organised crime. “More than 80 % of the criminal networks active in the EU use legal business structures for their criminal activities. About half of all criminal networks set up their own legal business structures or infiltrate businesses at a high level”.[[13]](#footnote-13)

**Corruption and obstruction of justice and impact on trafficked persons**

NGOs receive reports from trafficked and exploited persons about corruption practices and involvement of state officials. NGO information further confirms that corruption is used both in the recruitment, for example also by licensed recruitment agencies, the transfer and for the exploitation of persons. According to Europol, almost 60 % of the criminal groups reported for the SOCTA 2021 engage in corruption”.[[14]](#footnote-14) OECD states that organised trafficking cannot take place without corruption, ‘as Human trafficking occurs with the collusion of corrupt officials with criminal gangs’. “Corruption in the trafficking in persons cycle: allows the crime to be invisible; facilitates the impunity once cases of trafficking in persons are detected; facilitates the execution of the crime, and can assure the re-vicitimisation of trafficked victims’’.[[15]](#footnote-15)

Concerns about corruption in law enforcement and the judiciary has been reported among others by civil society actors in Albania, Bulgaria, Moldova, North-Macedonia, Romania, Russia, Slovakia, Ukraine and Russia.[[16]](#footnote-16) While there are national and EU programmes in place to address corruption[[17]](#footnote-17), state officials are rarely prosecuted for complicity to trafficking in persons in recent years.[[18]](#footnote-18)

As for its impact on victims, NGOs note a range of reasons for victims’ refusal to testify or self-identify, including a general mistrust of the justice system, fear of retaliation, and trauma-bonds that make victims feel as though they must protect their traffickers and exploiters, which is partly a result of the existence of corruption among state officials, as well as the fear of punishment or deportation, due to their unlawful status, among other reasons.

**Challenges in identification of victims, due to involvement of OCGs.**

The involvement of organised criminal groups in human trafficking poses additional challenges, e.g. they can have large influence across international borders and are able to control and threaten victims including their family or relatives back home, due to which victims might not be willing or able to testify. Generally the identification of trafficked persons is a challenge, especially to get persons formally identified. In many European countries, screening and identification procedures remain insufficient and incomprehensive and civil society is still not engaged by the authorities in the identification of trafficked persons.

Labour inspectorates and law enforcement should be further trained and made more aware of the need to provide adequate information, to refer people who indicate that they have been a victim of exploitation or show indications for being a potential victim to appropriate support services and procedures. It is therefore very important that joint training and awareness initiatives are further developed, involving actors from different fields, including specialized NGOs.

**Legislative Frameworks**

All EU countries have legislation in place criminalising the activities of organised criminal groups; they transposed the Council Framework Decision 2008/841/JHA on the fight against organised crime. This framework decision criminalises offences linked to participation in a criminal organisation and seeks to harmonise European Union (EU) countries’ laws on the criminalisation of these offences and lays down penalties for them. “According this decision EU countries must recognise at least as an offense one of these two types of conduct; 1) active participation in an organisation’s criminal activities, with the knowledge of its aim or of its intention to commit crimes; or 2) an agreement on the perpetration of crimes without necessarily taking part in committing them. In some EU Member States, participation in an Organised Criminal Group (OCG) is a self-standing crime, while in others it is an aggravating circumstance”[[19]](#footnote-19).

European countries and Europol promote intelligence-led law enforcement and increasingly use special investigative techniques to identify and investigate human trafficking practices and related serious crimes. All EU countries have legislative frameworks in place on money laundering and criminal assets recovery or confiscation of criminal proceeds.[[20]](#footnote-20) In 2014, the European Parliament and the Council adopted [Directive 2014/42/EU](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32014L0042) (‘the Directive’), which sets minimum rules for the freezing, management and confiscation of criminal assets. According to this directive “EU Member States should enable confiscation of such instrumentalities and proceeds (or property of the same value), subject to a final conviction for a criminal offence”. However apparently some EU Member States allow for the confiscation of property without a prior criminal conviction, by a criminal or a civil court decision. There are no common EU rules, and apparently still substantial differences exist in this respect between EU Member States.[[21]](#footnote-21)

In addition to Directive 2014/42/EU, [Regulation (EU) 2018/1805 on the mutual recognition of freezing and confiscation orders](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32018R1805) was adopted in 2018, which aims to facilitate cross-border asset recovery and make the freezing and confiscation of criminal assets across the EU quicker and simpler. The Regulation became applicable as from 19 December 2020. ‘Although a number of Member States are increasingly using criminal justice tools for freezing and confiscating criminal assets, the overall rate of confiscation of criminal assets in the EU remains low” according the EU[[22]](#footnote-22), which is also confirmed by other international governmental actors, including the Council of Europe.[[23]](#footnote-23) Europol reported an amount of EUR 1.5 million of assets frozen in bank accounts, companies and web domains.[[24]](#footnote-24)

On 14th of April, the European Commission launched a new EU Strategy to tackle Organised Crime (2021 – 2025), which provides the overarching political framework and ‘sets specific priorities for the EU policy and aims to support action by the EU Member States complementing national security and national/local action, as well as supporting effective collaboration and coordination cross-borders, cross-sectors and among relevant competent authorities, such as law enforcement, customs, etc.’ This Strategy is linked with the new EU Strategy on combatting Trafficking in Human Beings (2021 -2025), which was launched on the same day.[[25]](#footnote-25)

**Victims’/survivors’ access to justice and to remedies**

If persons are recognised as presumed/potential trafficked persons they are in Europe entitled to assistance and support on the basis of international legislation[[26]](#footnote-26), transposed into domestic law. There is as such no difference if they have been ‘enslaved/trafficked’ by organised criminal groups or by individuals. Assistance includes provision of a recovery and reflection period of minimum 30 days; access to psychological and material assistance and medical treatment, translation and interpretation services, counseling and information, legal assistance including legal assistance and protection during criminal proceedings and temporary residence. Victims of trafficking further have the right to financial compensation for the damages suffered at the hands of the traffickers. Under the Victims Directive, also other victims of other crimes – including undocumented persons - have access to rights provisions. The biggest challenge for civil society is to ensure adequate implementation of these right provisions in practice. Also we see that hardly any unconditional assistance is provided to victims of trafficking and that assistance and rights to residence often are linked to and dependant on successful prosecution of trafficking cases.

Victims of crime and victims of trafficking can participate in criminal proceedings and European legislation provide provisions to protect victims in court procedures. However, there are remaining gaps both in legislation and in practice to protect the rights of victims in court. “Most European countries’ legislation envisages measures designed to protect victims and witnesses before, during and after the criminal justice process. However, it is rare for measures such as concealing the identity of a witness or preventing her/ him from meeting the perpetrator to be applied in human trafficking cases.”[[27]](#footnote-27) According to GRETA, authorities should make full use of the measures available to protect victims and witnesses of human trafficking and to prevent intimidation during the investigation and during and after court proceedings.[[28]](#footnote-28) It is also noted that prosecutions rely still heavily on the testimony of victims. To ensure that victims' rights and protection are really respected during criminal justice processes, we note that special witness protection mechanisms are needed to protect victims from intimidation or retaliation, next to the provision of adequate legal aid and assistance to victims and to ensure that victims are provided with the rights to redress and claim compensation.

NGOs have raised concern about lack of data and privacy protection related to human trafficking, as well as called for complaint and safe reporting mechanisms, especially as ‘undocumented workers across Europe can usually not file a complaint without risking arrest or deportation’.[[29]](#footnote-29)

**Access to Compensation**

There are different ways for victims of trafficking and victims of crime to claim compensation, but in principle in all European countries trafficked persons/survivors of slavery can claim compensation via criminal court procedures and civil court procedures, including via labour courts. Further many European countries have state compensation funds in place. There are also other alternative non-legal options, including mediation with ‘employers’ and or claiming money from other social support or insurance funds. Although trafficked persons have an established right to compensation and various compensation mechanisms are in existence, the actual receipt of a compensation payment by a trafficked person is extremely rare.

‘Obstacles include lack of awareness among police and the judicial system, lack of access to legal aid and adequate information for victims, the postponement of trials and long duration of criminal and civil proceedings, and, in the case of foreign victims, their return or deportation to their country of origin before a verdict is reached. Other reasons for denying compensation to trafficked persons may be their irregular immigration status or their involvement in the sex industry. But even when compensation is granted, trafficked persons rarely have the means to ensure a compensation order is actually enforced, so that they receive some payment. Another barrier to trafficked persons obtaining compensation is that the traffickers are not found, or are not prosecuted, or have moved their assets abroad and/or have declared themselves bankrupt to avoid confiscation of their assets and having to pay compensation. Finally, lack of residence status, lack of information, lack of means and lack of access to legal aid prevent many trafficked persons from claiming their rights, including the right to compensation’[[30]](#footnote-30) Confiscated criminal proceeds are not automatically redistributed to enhance protection and assistance to victims and survivors, in fact the absence of assets often prevents the granting of compensation to victims. Civil Society and GRETA have called for confiscated criminal proceeds to be made available for victims or their communities.

**Implementation of the Non-Punishment Principle**

International legal instruments provide quite some flexibility on how countries implement the non-punishment provision[[31]](#footnote-31). In a growing number of European countries, - at least 18[[32]](#footnote-32) – there are specific legal provisions on the non-punishment of victims of trafficking for status offences. In some countries5 guidance on the application of the non-punishment provision has been developed for prosecutors and law enforcement agencies. See further LSI’s submission to the UN Special Rapporteur on Trafficking in Human Beings for her upcoming report on non-punishment[[33]](#footnote-33)

**Key challenges in combatting contemporary forms of slavery by OCGs**

The key challenges in combating contemporary forms of slavery committed by organised criminal groups, include difficulties to prove the complex elements of the trafficking and related offences; ensuring that resources and knowledge are available for carrying out financial investigations, next to difficulties in cross-border and international cooperation.[[34]](#footnote-34) European countries make use of international cooperation tools to tackle transnational organised crime, also for addressing contemporary forms of slavery, including mutual legal assistance, joint investigations etc.[[35]](#footnote-35) Many Member States reported on law enforcement and judicial actions taken to equip authorities with special investigation techniques and to give them specific responsibilities to investigate and prosecute trafficking offences. Member States are increasingly using EU cooperation tools, resources and large-scale information systems, notably with the support of EU agencies, to exchange information and carry out joint activities. Eurojust has registered an increasing number of trafficking cases, coordination meetings and joint investigation teams on trafficking in human beings in 2018-2019 as compared to previous years.[[36]](#footnote-36) Nevertheless prosecution and investigation of human trafficking cases lacks seriously behind, as also confirmed by numerous NGO and IGO reports.

**Impact COVID on the modus operandi of the organised criminal groups**

The COVID-19 pandemic has had a significant impact on the serious and organised crime landscape in the EU, according Europol. “Criminals were quick to adapt illegal products, modii operandi and narratives in order to exploit the fear and anxieties of Europeans and to capitalise on the scarcity of some vital goods during the pandemic. While some criminal activities will or have returned to their pre-pandemic state, others will be fundamentally changed by the COVID-19 pandemic”.[[37]](#footnote-37) GRETA recently stated that ‘Traffickers have exploited the coronavirus crisis, profiting from vulnerabilities and difficult economic circumstances. Law enforcement agencies have reported increased prevalence of sexual exploitation online and use of technology to facilitate criminal conduct’.[[38]](#footnote-38)

Clearly, traffickers are becoming more skilled at using technologies and the internet to expand their criminal activities online and to invest and hide their criminal proceeds. Information and communication technology is being used for the recruitment, the organisation of transport and accommodation of victims, the advertisement of services of victims, communication between perpetrators and the control of victims and transfer of criminal proceeds[[39]](#footnote-39), however adequate statistics are not available for the European situation. UNODC reported that ‘as with previous economic crises, the sharp increase in unemployment rates brought about by the COVID-19 pandemic is likely to increase trafficking in persons, particularly from countries experiencing the fastest and most persistent drops in employment. Job seekers from these countries are likely to be more willing to take high risks in the hope of improving their opportunities. The most vulnerable groups, even in wealthy nations, are those suffering the most during the Pandemic Recession. Evidence suggests low earners have been hit the hardest by spiking unemployment. As unemployment rates rise, increasing numbers are likely to be trafficked from the poorest communities to those parts of the world recovering faster’.[[40]](#footnote-40) La Strada International has also raised concern about the impact of the pandemic, and the negative impact on marginalized communities, including thousands of migrants that work in Europe in low paid and exploitative jobs and called for targeted measures to ensure their protection and support and prevent discrimination and unequal treatment.[[41]](#footnote-41)

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La Strada International - European NGO Platform against trafficking in human beings unites 30[[42]](#footnote-42) European counter trafficking NGOs in 23 European countries. La Strada International works from a human rights perspective in support of trafficked persons. The platform aims to prevent human trafficking and to protect and realise trafficked persons’ rights. This is done by providing access to adequate assistance and support to victims, and via information and knowledge exchange, capacity building of NGOs and other stakeholders and cross-sectoral cooperation. The Platform in particular focusses on monitoring and advocacy for change to ensure accountability for the effective implementation of European Anti-Trafficking policies and regulations.

1. Europol (2021), European Union serious and organised crime threat assessment, A corrupting influence: the infiltration and undermining of Europe’s economy and society by organised crime, Publications Office of the European Union, Luxembourg. <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment> (SOCTA 2021 report) [↑](#footnote-ref-1)
2. Third report on the progress made in the fight against trafficking in human beings (2020) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims. [↑](#footnote-ref-2)
3. Most persons investigated or arrested, prosecuted, and/or convicted of trafficking in persons continue to be male, comprising over 60 per cent of the totals in these three categories. Similar to previous years, in 2018, 36 percent of those prosecuted for trafficking were female. In addition, while most offenders are adults, a very small percentage are under the age of 18, both boys and girls. About 1 per cent of total persons convicted for trafficking are boys, with the same share was recorded for girls. Regional differences also generally correspond with previous reporting periods. The subregion of Eastern Europe and Central Asia continues to convict far more females than males (80 per cent), while in Central America and in East Asia, males and females were convicted in near-equal shares in 2018. Comparatively, countries in Western and Southern Europe, North America and North Africa and the Middle East reported lower shares of convicted females. UNODC Global Report on Trafficking in Persons, 2020 [↑](#footnote-ref-3)
4. UNODC Trafficking in Persons report, June 2020 [↑](#footnote-ref-4)
5. Europol (2021), European Union serious and organised crime threat assessment, A corrupting influence: the infiltration and undermining of Europe’s economy and society by organised crime, Publications Office of the European Union, Luxembourg. (SOCTA 2021 report). [↑](#footnote-ref-5)
6. For example for Montenegro is reported that ‘Traffickers are predominantly men between ages 25 and 49 and members of organized criminal groups that operate in the Western Balkans. International organized criminal groups exploit some Montenegrin women and girls in sex trafficking in other Balkan countries.’, United States Trafficking in Persons report, June 2020. [↑](#footnote-ref-6)
7. Eurojust Report on Trafficking in Human Beings Best practice and issues in judicial cooperation February 2021, <https://www.eurojust.europa.eu/sites/default/files/2021-02/2021_02_16_thb_casework_report.pdf> [↑](#footnote-ref-7)
8. In the Netherlands in the 2015–2019 period, the number of identified incidents of criminal exploitation

   saw an increase. In 2019, this number even quadrupled in respect of 2018. See report Human Trafficking Offenders - Monitoring Report 2015–2019 Management Summary, by the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children. [↑](#footnote-ref-8)
9. UNODC Trafficking in Persons report, 2020. [↑](#footnote-ref-9)
10. Europol (2021), European Union serious and organised crime threat assessment, A corrupting influence: the infiltration and undermining of Europe’s economy and society by organised crime, Publications Office of the European Union, Luxembourg. [↑](#footnote-ref-10)
11. Eurojust Report Trafficking in Human Beings February 2021 [↑](#footnote-ref-11)
12. See an English news report that provides more information <https://www.euronews.com/2020/07/03/migrants-exploited-harvesting-grapes-in-france-s-champagne-region-court-hears> [↑](#footnote-ref-12)
13. Europol (2021), European Union serious and organised crime threat assessment, A corrupting influence: the infiltration and undermining of Europe’s economy and society by organised crime, Publications Office of the European Union, Luxembourg. <https://www.europol.europa.eu/activities-services/main-reports/european-union-serious-and-organised-crime-threat-assessment> [↑](#footnote-ref-13)
14. Idem [↑](#footnote-ref-14)
15. <https://www.oecd.org/gov/ethics/human-trafficking.htm> - see also Trafficking in Persons and Corruption Report: <https://www.oecd.org/corruption-integrity/reports/trafficking-in-persons-and-corruption-9789264253728-en.html> [↑](#footnote-ref-15)
16. US Trafficking in Persons Report, June 2020 [↑](#footnote-ref-16)
17. All EU Member States are parties to the United Nations Convention against Corruption, the only legally binding international anti-corruption treaty. The EU itself also became a party to the Convention in 2008. [↑](#footnote-ref-17)
18. US Trafficking in Persons Report, June 2020 [↑](#footnote-ref-18)
19. Eurojust Report on Trafficking in Human Beings Best practice and issues in judicial cooperation February 2021, <https://www.eurojust.europa.eu/sites/default/files/2021-02/2021_02_16_thb_casework_report.pdf> [↑](#footnote-ref-19)
20. See further <https://ec.europa.eu/info/business-economy-euro/banking-and-finance/financial-supervision-and-risk-management/anti-money-laundering-and-counter-terrorist-financing_en#:~:text=The%20European%20Union%20adopted%20the,the%20purpose%20of%20money%20laundering.&text=This%20legislation%20has%20been%20constantly,money%20laundering%20and%20terrorist%20financing>. [↑](#footnote-ref-20)
21. According the 18th Progress Report on the Security Union – see further <https://www.europarl.europa.eu/legislative-train/theme-area-of-justice-and-fundamental-rights/file-common-rules-for-non-conviction-based-confiscation> [↑](#footnote-ref-21)
22. Third report on the progress made in the fight against trafficking in human beings (2020) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims. [↑](#footnote-ref-22)
23. In most countries, financial investigations are not conducted for human trafficking cases, or if they are, they do not lead to the confiscation of assets. Asset recovery is especially challenging in countries outside the European Union because they are not part of the European Investigation Order and Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders. The lack of specialisation of the investigators dealing with human trafficking cases is another gap. Another common failing is the absence of proactive investigations. 9th General GRETA Report, 2020 [↑](#footnote-ref-23)
24. Third report on the progress made in the fight against trafficking in human beings (2020) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims. [↑](#footnote-ref-24)
25. <https://ec.europa.eu/commission/presscorner/detail/en/qanda_21_1664> [↑](#footnote-ref-25)
26. Including the UN Palermo Protocol of 2000, the CoE Convention on Action against Trafficking in Human Beings of 2005 and the EU trafficking Directive of 2011. [↑](#footnote-ref-26)
27. 9th general report on GRETA activities, Council of Europe, GRETA, March 2020 [↑](#footnote-ref-27)
28. Idem [↑](#footnote-ref-28)
29. See PICUM guidelines for effective complaint mechanisms. <https://picum.org/wp-content/uploads/2017/11/WorkerComplaintMechanismLeaflet_EN.pdf> [↑](#footnote-ref-29)
30. These findings are based on LSI’s projects COMP.ACT and Justice at Last and related research conducted <https://www.justiceatlast.eu/roads-to-compensation/> [↑](#footnote-ref-30)
31. All European countries have ratified the UN Palermo Protocol of 2000, the CoE Convention on Action against Trafficking in Human Beings and EU MS are further bound by the EU Directive on Trafficking in Human Beings (Directive 2011/36/EU). [↑](#footnote-ref-31)
32. GRETA mentions the following 17 countries: Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Cyprus, Finland, Germany, Georgia, Latvia, Lithuania, Luxembourg, Malta, Romania, Slovak Republic, Spain, United Kingdom. See paragraph 179 of the 9th General Report on GRETA’s Activities covering the period from 1 January to 31 December 2019 published by the Council of Europe**. https://rm.coe.int/9th-general-report-on-the-activities-of-greta-covering-the-period-from/16809e169e.** Since April 2019 Belgium also has a specific provision in its penal code, stating that victims of trafficking cannot be penalised if they commit a crime, if this is a direct consequence of human trafficking. [↑](#footnote-ref-32)
33. Submission La Strada International UNSR report on non-punishment provision, 14 February 2021 - <https://documentation.lastradainternational.org/lsidocs/3388-La%20Strada%20International%20submission%20non%20punishment%20report%20UNSR%20Trafficking.pdf>   
    and annex <https://documentation.lastradainternational.org/lsidocs/3389-ANNEX%201%20-%20LSI%20Submission%20report%20UNSR%20on%20Non%20Punishment.pdf> [↑](#footnote-ref-33)
34. 3rd progress report EU [↑](#footnote-ref-34)
35. Europol (2021), European Union serious and organised crime threat assessment, A corrupting influence: the infiltration and undermining of Europe's economy and society by organised crime, Publications Office of the European Union, Luxembourg. (SOCTA report) [↑](#footnote-ref-35)
36. Third report on the progress made in the fight against trafficking in human beings (2020) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims. <https://ec.europa.eu/anti-trafficking/sites/default/files/third_progress_report.pdf> [↑](#footnote-ref-36)
37. Europol (2021), European Union serious and organised crime threat assessment, A corrupting influence: the infiltration and undermining of Europe's economy and society by organised crime, Publications Office of the European Union, Luxembourg. (SOCTA 2021 report) [↑](#footnote-ref-37)
38. 10th GENERAL REPORT ON GRETA’S ACTIVITIES GRETA Group of Experts on Action against Trafficking in Human Beings, Council of Europe, April 2021 [↑](#footnote-ref-38)
39. Third report on the progress made in the fight against trafficking in human beings (2020) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims

    Europol (2021), European Union serious and organised crime threat assessment, A corrupting influence: the infiltration and undermining of Europe's economy and society by organised crime, Publications Office of the European Union, Luxembourg. (SOCTA report 2021) [↑](#footnote-ref-39)
40. <https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf> [↑](#footnote-ref-40)
41. The impact of COVID-19 on the protection of rights of trafficked and exploited persons - <https://documentation.lastradainternational.org/lsidocs/3351-LSI%20statement%20-%20Impact%20of%20COVID-19%20on%20the%20protection%20of%20rights%20of%20trafficked%20and%20exploited%20persons.pdf> [↑](#footnote-ref-41)
42. See La Strada International members and Associate members - <https://www.lastradainternational.org/members/> [↑](#footnote-ref-42)