

People Smuggling vs Trafficking in Persons: Why the Difference Matters

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AWF SOC – FP PHOENIX

Benoit GODART

Head of the EUROPOL Office to the INTERPOL Global Complex for Innovation



1. Europol and Focal Point Phoenix
2. Trafficking in Human Beings vs Facilitated Illegal Immigration
3. Victims
4. Push & Pull Factors



“... to support and strengthen action by the competent authorities of the Member States and their mutual cooperation in preventing and combating organised crime, terrorism and other forms of serious crime affecting two or more member states”

(Art. 3 Europol Council Decision)



- Tool to support **live investigations** affecting at least two Member States **in the field of combating trafficking in human beings** (mandate)
- Opening - 19 June 2007
- Dedicated database (suspects, adult and underage victims, contacts, associates, vehicles, locations, bank accounts, etc.)
- Dedicated team of specialists and analysts with deployment capability
- Customer-driven approach
 - Operational and analytical support (reactive)
 - Development of intelligence packages (proactive)

Participating MS:

Austria, Belgium,
Bulgaria, Cyprus,
Czech Republic, Croatia,
Denmark, Finland, France,
Germany, Greece,
Hungary, Ireland,
Italy, Latvia,
Lithuania, Luxembourg,
Netherlands, Poland,
Portugal, Romania,
Slovakia, Slovenia,
Spain, Sweden,
United Kingdom

Associates:

Albania, Australia, Iceland, Norway,
Serbia, Switzerland, Moldova,
Eurojust, Interpol, US DSS



- Increase the collection and sharing of operational and strategic information on THB
- Provide analytical and operational support to high-profile cases
- Support the EMPACT THB project
- THB and (parallel) financial investigations
- THB and the INTERNET
- Labour exploitation
- Chinese THB
- Nigerian THB
- THB from other 3rd countries
- Child-trafficking



According to the latest legal framework in place at EU Level (Directive 2011/36/EU) THB is described as:

- the recruitment, transfer, transport, harbour or reception, exchange or transfer of the control over that person,

by means of :

- threat or use of force, abduction, coercion, deception, abuse of a position of vulnerability or by giving or receiving payments for achieving the consent of the person who as control over the victim,

For the purposes of :

- exploitation, which can include sexual exploitation, labour exploitation, slavery, servitude, forced begging, engaging in forced criminality and organ removal.

- **FII happens when:**

a 3rd country national is transported illegally across borders

- **THB happens when:**

a person of any nationality is transported from one location to another (not necessarily across borders) and then exploited against their will (via deception, fraud, force, coercion, etc.)

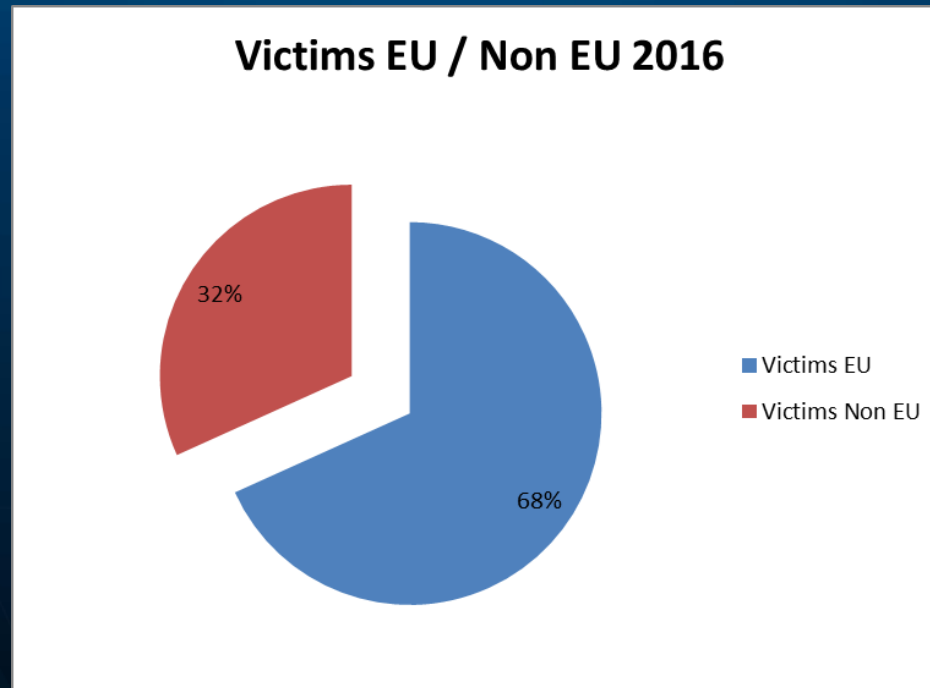
	Human trafficking (THB)	Migrant smuggling (FII)
Relationship	<ul style="list-style-type: none">• <u>Exploitation based</u>• Long term• Trafficker usually approaches victims	<ul style="list-style-type: none">• <u>Transportation based</u>• Short term• Migrant usually approaches smuggler
Type of crime	Crime against persons	Crime against the State
(Illegal) Border crossing	No need for border crossing	International border crossing is a defining element of the crime
Consent *	Possible victims's consent is irrelevant	Migrants not only consent but usually seek to illegally cross a border

*'the consent of a victim of trafficking in human beings to the exploitation [...] shall be irrelevant where any of the means [...] has been used'

Trafficking in Human Beings is a transnational, complex and organised criminal phenomenon.

- The facilitation of the unauthorised entry, transit or stay in the country of exploitation is necessary to enable different stages of the trafficking cycle, e.g.:
 - Transportation
 - (Prolonged) Exploitation
- As a result THB can frequently involve the practice of supporting offences such as people smuggling and document fraud (i.e. when victims are from outside the EU)

According to Europol data, 32% of the victims exploited in the EU are 3rd country nationals (clear potential for overlaps with illegal immigration)



Some THB OCGs disguise their victims within migration flows or use existing illegal migration routes and/or infrastructures. Some of these victims' characteristics can be:

- Young and often uneducated
- In debt as result of travel costs
- Unaware of their rights
- Deceived, threatened, coerced, unprotected
- Undocumented or carrying forged documentation
- Trafficked via visa free regimes or abusing the asylum procedure
- Sometimes already subjected to sexual and labour exploitation before reaching their country of final destination



Push & pull factors for THB and FII are usually the same

Push factors

- Adverse personal circumstances
- Lack of education
- High levels of unemployment
- Low living standards
- Gender discrimination or inequalities in the labour market
- Human rights violations and abusive situations
- Fleeing from conflict zones

Pull factors

- General high living standards
- Employment opportunities
- The increased demand for cheap labour services due to the economic crisis
- Foreign diaspora communities established across the EU
- Differences between MS legislation.

Main difference: THB aims at exploitation

Thank you for your attention

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028@europol.europa.eu



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