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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Eurojust Report on Trafficking in Human Beings – best practice and issues in judicial cooperation

Delegations will find in the Annex the above-mentioned report.

EUROJUST
European Union Agency for Criminal Justice Cooperation
P.O. Box 16183 – 2500 BD The Hague • The Netherlands

D210026

The Hague, 23 February 2021

Eurojust Report on Trafficking in Human Beings – best practice and issues in judicial cooperation

Dear Madam / Sir,

I have the great pleasure to forward to you the result of our 2-year strategic analysis of 91 Eurojust cases on trafficking in human being (THB) registered by our Agency since 2017.

The attached analysis report contains not only operational findings of interest, but also recommendations based on issues in judicial cooperation and solutions used by Eurojust when requested to assist complex THB cases. These recommendations aim to assist law enforcement and judicial authorities in the Member States to overcome difficulties encountered in demanding and complex THB cross-border investigations and prosecutions which require close cooperation. The final aim of the Eurojust report is to assist in successfully bringing human traffickers to justice, while protecting the victims.

An extensive part of the report is dedicated to the identification and protection of victims of trafficking, bringing to light the less visible effects of Eurojust's work in this extremely sensitive and important area. We are glad to publish our report right after the European Day of the Victims of Crime and launch it on 23 February during the meeting of the newly created EU Victims' Rights Platform.

We very much hope that the findings in our report will be of benefit for the forthcoming EU strategy against THB that will be adopted in the coming weeks. Eurojust is ready to step up its contribution to the EU's efforts against this heinous crime and play a central role in the future EU strategy. We strongly believe that our Agency can bring substantial added value to the operational dimension of combating THB in the next five years.

Please do not hesitate to contact my office via president@eurojust.europa.eu in case you would require any further information.

Yours sincerely,

Ladislav Hamran
President of Eurojust

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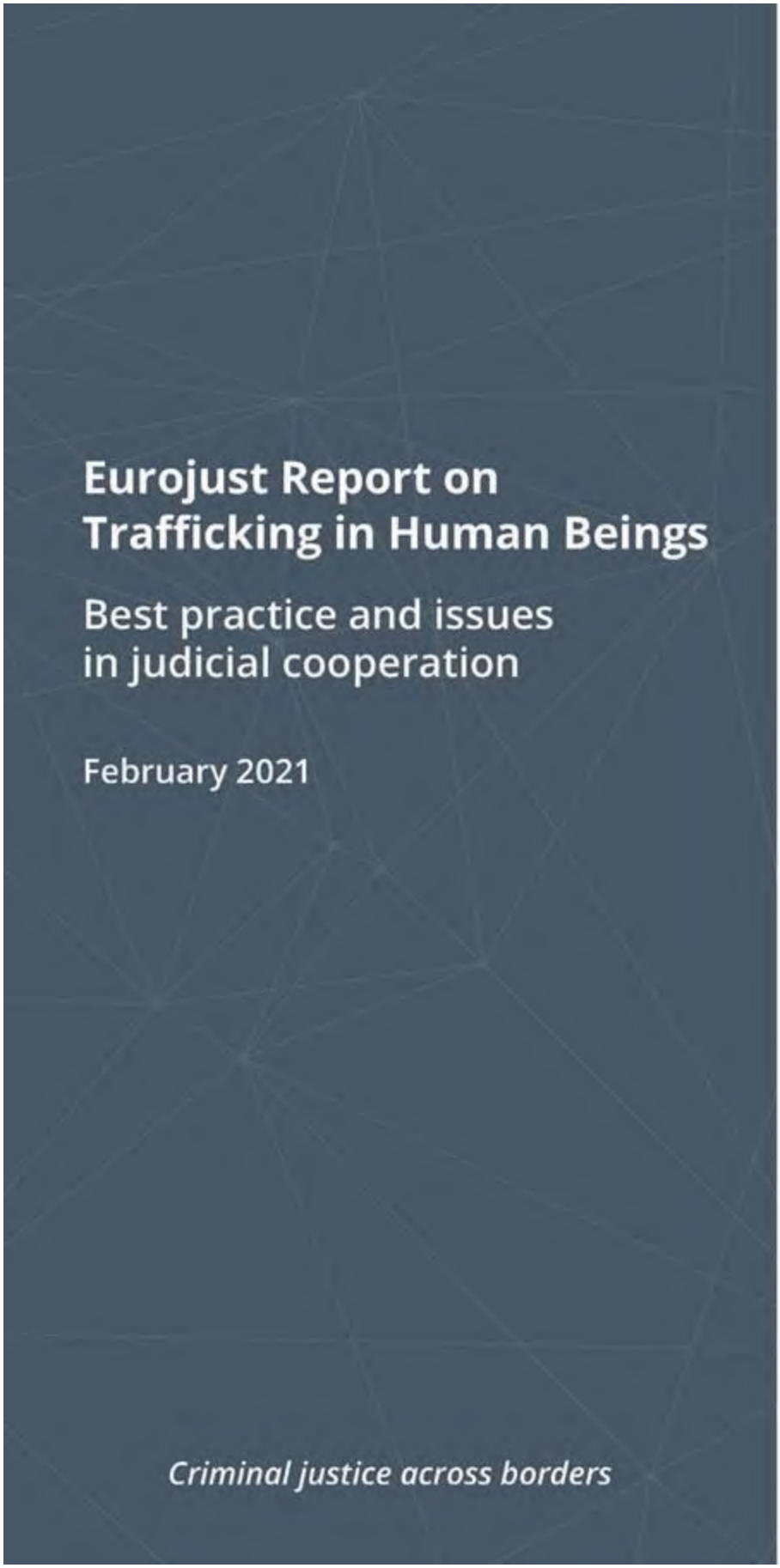
EUROJUST
Eurojust Report on
Trafficking in Human Beings
Best practice and issues
in judicial cooperation
February 2021
Criminal justice across borders

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Executive summary

Cross-border cases of trafficking in human beings (THB) are complex and difficult to investigate and prosecute. They reveal the prominent role of organised criminal groups. When gaps in judicial cooperation appear it is the victims of THB who suffer. In October 2020, the European Commission noted in its progress report on THB that judicial authorities in the Member States had raised serious concerns about **difficulties in judicial cooperation**. This report was prepared by the European Union Agency for Criminal Justice Cooperation (Eurojust), with the aim of responding to these concerns. It presents **solutions** used by the agency when assisting in complex THB cases requiring judicial coordination. The report also aims to inform the forthcoming EU strategy against THB. It expresses Eurojust's readiness to play a central role in the future strategy, by bringing substantial added value to the operational dimension of combating THB. The final aim of the report is to assist in successfully bringing human traffickers to justice, while protecting the victims. The report is divided into two main parts. The first part relates to the coordination of investigations and the second to victims' rights.

The report draws on the practical experience gained from Eurojust's support of human trafficking investigations between 2017 and 2020. In total, 91 cases of THB were selected for analysis by Eurojust's anti-trafficking team, of which 31 are illustrated in this report. Each case highlights the diverse legal and practical problems faced and provides examples of good practice, followed by targeted recommendations. In total, **18 recommendations** are made, which supplement the recommendations provided in previous Eurojust reports on THB. These recommendations are mainly aimed at prosecutors, judges and law enforcement authorities.

1. There should be **early cooperation and coordination** between all countries and all actors involved, as part of the obligation to respect the rights of all victims of human trafficking.

2. Before bringing a THB case to Eurojust, information should first be **exchanged at the police level** and data cross-checked against the European Union Agency for Law Enforcement Cooperation's (**Europol**) databases. This helps to identify links with other countries, initiate criminal proceedings in those countries, and identify suspects, victims and their locations, before dealing with judicial cooperation issues.

3. Whenever national authorities share relevant information with Europol, the support from Europol should go hand in hand with the **involvement of Eurojust**; in some cases, Eurojust may even facilitate the first exchange with Europol, depending on the national law enforcement system involved. As soon as Europol receives information on a THB case, Eurojust can help to initiate judicial proceedings, which represent the best 'umbrella' from a legal point of view under which to also begin victim protection procedures.

4. Cross-border THB investigations should be brought to Eurojust to identify whether **parallel criminal proceedings** are taking place in other countries in the EU and beyond. Eurojust can provide assistance with the **coordination** of such proceedings or the proceedings can be **triggered** with Eurojust's support.

5. Once an active criminal group is discovered, **all countries involved should react and commit** to actively contributing to evidence gathering and the dismantling of the group, preferably by conducting investigations in each jurisdiction to identify the criminal facts committed in each country. If cooperation is limited to the issuing of European Investigation Orders (EIOs), there is a risk of losing track of the perpetrators and them escaping justice.

6. The suitability of joint investigation teams (JITs) in complex THB cases that require close coordination or difficult and demanding investigations with links to one or more countries should always be discussed. The use of **JITs in THB cases** allows dynamic and close collaboration, common investigative goals to be established, and flexibility and speed in adjusting the investigative measures as the circumstances around a case change. Support from Eurojust for JITs is available for all practitioners.

7. Direct proactive communication within the JIT should be established from the very beginning. One best practice is the designation of **contact points for communication within the JIT.**

8. If it is envisaged that evidence gathered in one country in the framework of a JIT will be used in another country, it is recommended that the **admissibility of the evidence** is discussed at Eurojust during a coordination meeting. It is very useful to include **annexes** to JIT agreements containing legal provisions to gather evidence.

9. In THB cases involving demanding and difficult investigations, many victims and large criminal groups, assistance could be requested from **Eurojust's Operations Department** for the analysis of information and evidence gathered to identify possible common and/or contradictory elements within the investigations.

10. All parties to a JIT should discuss at the very beginning **the circumstances under which the JIT will cease operating,** in accordance with their national legal provisions.

11. **Financial investigations** should be initiated in view of confiscation.

12. THB cases that have links to **third countries** could be referred to Eurojust for assistance.

13. In cases of possible **conflicts of jurisdiction**, Eurojust is able to assist national authorities using its tailor-made case notes and joint recommendations for the transfer of proceedings.

14. When deciding which jurisdiction to prosecute, the **interests and protection of victims** should be given considerable weight.

15. More use should be made of **Eurojust's coordination centres** in THB cases, to benefit from the coordination of joint actions in different countries (arrests, seizures and searches).

16. Judicial and law enforcement authorities should always discuss in advance, and take actions to ensure, the interests and protection of **THB victims during and after joint action days**. Eurojust is able to help with the preparation and organisation of joint action days and provide real-time coordination.

17. To **better identify victims**, Europol and Eurojust should be involved at an early stage of investigations; adult websites should be actively monitored; information on money flows should be requested to identify the names and locations of potential victims; and passenger name record (PNR) data on suspects and potential victims should be obtained. A **greater focus on victims** leads to greater success in the prosecution of THB cases.

18. All parties to JITs should discuss the possibility of **seconding specialised officers** to interview potential victims of trafficking and take into consideration the particularities of child victims of THB. In cases in which a JIT has not been set up, EIOs can be issued in accordance with Article 9(4) and (5) of EIO Directive 2014/41/EU.

1. Introduction

We live in a world where trafficking in human beings (THB) is one of the most lucrative businesses for organised criminal groups (OCGs). Identifying victims and prosecuting traffickers in the country of origin, transit or exploitation of victims remains a challenge, as the European Union Agency for Criminal Justice Cooperation (Eurojust) reported previously (1). Cross-border THB cases are difficult to investigate and can suffer from gaps in judicial cooperation or a lack of resources. In 2011, the EU Anti-trafficking Directive 2011/36/EU (2) called on authorities in Member States to involve Eurojust in the coordination of investigations and prosecutions of THB cases. While this has led to a slight increase in the number of THB cases referred to Eurojust for assistance, the number of THB investigations and prosecutions coordinated by Eurojust remains low considering the very large numbers of victims and suspects in the EU (3).

This report provides an update on Eurojust's operational experience in THB cases and reiterates the commitment of Eurojust to contribute to EU efforts in addressing this type of complex cross-border criminality. It aims to encourage national prosecutors and investigative judges to ask for Eurojust's assistance in all cross-border THB cases in which difficulties in judicial cooperation are encountered or expected. As shown in this report, the involvement of Eurojust can help to solve such difficulties, trigger investigations in other countries when needed and, equally important, identify, locate, rescue and protect more victims. This report also aims to inform the forthcoming EU strategy against THB. Eurojust is ready to play a central role in the future strategy by bringing substantial added value to the operational dimension of combating THB in the EU and beyond. Eurojust has strengthened its operational functions (4) through important proactive prerogatives of Eurojust national members, for example increased levels of information exchange with the European Union Agency for Law Enforcement Cooperation (Europol) based on a hit/no hit system and assessment of operational needs with third countries. The report lists several recommendations based on Eurojust's rich experience. These recommendations are intended to assist not only practitioners in the Member States but also the European Commission in preparing the new EU strategy. One of the most important recommendations is that, once an active OCG is discovered, all countries involved should react and commit to actively contributing to evidence gathering and dismantling the OCG, preferably by conducting investigations in each jurisdiction to identify the criminal facts committed in each country. The final aim of the report is to assist in successfully bringing traffickers to justice, while saving and protecting the victims.

In our view, this report is timely and responds to the needs of practitioners. The European Commission highlighted these needs recently in its third report (5) on the progress made in the fight against trafficking in human beings (October 2020). In its report, the Commission noted that difficulties in

(1) Eurojust, *Implementation of the Eurojust Action Plan against THB 2012–2016: Final evaluation report*, Eurojust, The Hague, 2017 (available at https://www.eurojust.europa.eu/implementation-eurojust-action-plan-against-thb-2012-2016-final-evaluation-report).
(2) 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 (Preamble 5), OJ L 101, 15.4.2011, p. 1–11.
(3) https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_data_collection_on_trafficking_in_human_beings_in_the_eu.pdf
(4) Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA, OJ L 295, 21.11.2018, p. 138–183.
(5) https://ec.europa.eu/anti-trafficking/eu-policy/third-report-progress-made-fight-against-trafficking-human-beings_en

cross-border cooperation constituted one of the three main challenges for judicial authorities in the EU in 2018–2019.

This report consists of two main parts covering:

1. the cross-border coordination of actions at the judicial level, supported by Eurojust, in order to dismantle human trafficking chains (see Chapter 3, 'Coordination of THB cases by Eurojust');
2. the less visible effects of Eurojust's work on the interests and protection of victims of THB (see Chapter 4, 'Victims of THB in Eurojust cases').

Chapter 5 (6) provides a short report on Eurojust's work on THB during the coronavirus disease 2019 (COVID-19) pandemic. This aims to show how Eurojust has continued its work in 2020 despite the difficult circumstances.

2. Overview of Eurojust's trafficking in human beings cases: methodology

This report is based on an analysis of THB cases registered with Eurojust between 1 January 2017 and 30 June 2019 (the 'reporting period'). During the reporting period, 405 THB cases were referred to Eurojust, either by countries of origin of victims (189 cases) or by countries of exploitation (216 cases). The countries of origin of victims most frequently requesting assistance from Eurojust during the reporting period were Romania (86 requests), Bulgaria (32 requests), Hungary (19 requests), Lithuania (14 requests) and Slovakia (13 requests). The countries of exploitation most frequently requesting assistance were the United Kingdom (7) (41 requests), Italy (25 requests), the Netherlands (23 requests), France (18 requests), Switzerland (17 requests) and Norway (15 requests).

Article 83 of the Treaty on the Functioning of the European Union (8) recognises THB as a particularly serious crime with a cross-border dimension. Indeed, all 405 cases referred to Eurojust during the reporting period were transnational and allegedly **committed by OCGs** (9), making them particularly difficult to investigate and challenging in terms of safeguarding victims' rights across borders. Eurojust's casework shows that THB is a complex crime often linked not only to the setting up of OCGs but also to other forms of serious criminal activities. Almost half of Eurojust's cases (183) involved one or more **other crimes** in combination with the THB crime. These other crimes included money laundering (41 cases), migrant smuggling (14 cases), swindling and fraud (13 cases), drug trafficking (11 cases), crimes against life, limb and personal freedom (10 cases), sexual exploitation including child pornography (8 cases), organised property crime (7 cases), extortion (5 cases), arms trafficking (3 cases), forging of documents (3 cases) and terrorism (1 case). Dismantling the OCGs, which are often poly-criminal groups, and protecting the victims were the main purposes of all Eurojust cases. Targeting these sophisticated OCGs required close coordination by Eurojust with regard to the use of multiple judicial tools and investigative measures, including joint investigation teams (JITs), surveillance, interception of telecommunications, covert investigations and witness protection. Eurojust's coordinating role was essential in overcoming difficulties in the use of these tools and measures, including limited resources

(6) Chapter 5 on Eurojust's work on THB during the COVID-19 pandemic covers the year 2020. This chapter was included because, at the time of writing in November and December 2020, the pandemic was still affecting our lives and Eurojust's operational work.
(7) During the reporting period, the United Kingdom was a Member State of the EU. All data in this report reflect this.
(8) https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT
(9) In some Member States, participation in an OCG is a self-standing crime, while in others it is an aggravating circumstance.

and differences in criminal justice processes, in legislation relating to the tools permitted use and the conditions under which they can be used, in authorisation processes and the admissibility of evidence. However, the recovery of the proceeds of crime in THB cases remains a challenge, as shown by several of the Eurojust cases.

Not all of the 405 THB cases have been analysed because of a lack of resources or a lack of information resulting from the deletion of data from the Eurojust Case Management System (CMS), in accordance with data protection rules. Eurojust selected 91 out of 405 cases for analysis ([10]). At the time of writing ([11]), 51 of the 91 cases were closed (support being finalised at Eurojust) and 40 were still in progress. This shows the complexity of Eurojust's cases and that assistance can be required from Eurojust for several years before a case is finalised, depending on national needs.

The **types of exploitation of victims** in the 91 cases analysed varied. Victims were used for sexual exploitation purposes (63 cases), labour exploitation (19 cases), forced begging (5 cases), fraud, including social benefit fraud (3 cases), sham or forced marriages (3 cases), online sexual abuse of children and child pornography (3 cases), committing criminal activities, including shoplifting and selling drugs (2 cases), and baby selling (1 case). Eight cases involved two or more exploitation purposes.

With regard to the **nationalities and ages of the victims** in the 91 cases, most cases (84) involved victims from the EU, mainly from Romania (49 cases) and Bulgaria (15 cases), followed by Slovakia (7 cases), Hungary (6 cases) and Lithuania (5 cases). Eight cases involved victims who were third-country nationals originating from Nigeria (4 cases), Ukraine (2 cases), Belarus (1 case) and Moldova (1 case, involving Romanian and Moldovan victims trafficked together). The victims were mainly adults but 15 THB cases involved child victims.

All statistical data presented in this report were extracted on 31 October 2020 from Eurojust's CMS. Chapter 6 provides a number of infographics to aid visualisation and comparison of the data.

3. Coordination by Eurojust

This chapter provides a summary of the relevant issues encountered in the 91 THB cases analysed by Eurojust, with a view to recommending good practices to national authorities. This chapter supplements Eurojust's previous reports on THB (see the Eurojust website ([12]) for publications on other challenges and best practice in the field of THB) and judicial cooperation instruments.

3.1. Preliminary exchanges of information at police level

The analysis showed that, before bringing a case to Eurojust, international exchanges of information at the police level through direct contacts, liaison officers or operational meetings at Europol helped to identify potential people of interest for investigation (suspects and potential victims) and their locations in Europe or beyond. These preliminary checks were meant to set the scene and prepare for the

([10]) The cases selected for analysis involved at least one coordination meeting, one coordination centre or one joint investigation team.
([11]) November–December 2020.
([12]) https://www.eurojust.europa.eu/

involvement of judicial actors, with support from Eurojust. Some of Eurojust's national desks proactively encouraged these exchanges by first asking their judicial authorities whether an exchange of information at police level had taken place before Eurojust was approached. Police–police exchanges sometimes resulted in the initiation of investigations in other countries and facilitated work at the judicial level when the main requests to Eurojust related to the coordination of such parallel investigations, judicial and legal issues or the setting up of JITs.

In one case, Czech nationals had been exploited in the United Kingdom for at least 4 years before their trafficking was detected in 2017. Female victims had been exploited sexually and financially through fraud and sham marriages ([13]). The suspect forced them into prostitution, using violence, threats and rape. He allowed the victims to eat only once a day and took their children away as a means of control. Sham marriages were set up and one victim consented because she thought that she would be able to escape if she married. A male victim was forced to work in legitimate employment and surrender his pay to the suspect. The UK and Czech authorities exchanged information through police channels and met at Europol. The United Kingdom provided an overview of the investigation initiated by its authorities; at that point, the Czech authorities had only undertaken a preliminary police investigation and did not have a judicial file and, as such, they were unable to agree to setting up a JIT or to other forms of judicial cooperation. The UK investigation then approached Eurojust for assistance in establishing whether the Czech authorities had started a parallel investigation, to avoid duplication of work and to enable cooperation in the gathering and compiling of evidence to bring charges against those responsible. Indeed, following the police–police exchanges and the operational meeting at Europol, Czech criminal proceedings were initiated. This allowed Eurojust to immediately proceed with the coordination of the UK and Czech authorities' efforts at the judicial level. In 2018, a JIT and a joint strategy were agreed with support from Eurojust in relation to searches of premises, surveillance, arrests of suspects, interviews of the accused, victims and witnesses, and seizure of illegal proceeds. Eurojust also provided advice on the drafting of the JIT agreement, differences in time limits in custody (pre charge) and in sentences in the two countries, issues surrounding the use of evidence in both countries, advice on establishing jurisdiction, victim protection and clarification of issues regarding the admissibility of evidence.

*Eurojust recommends competent authorities proceed first with **exchanges of information at the police level** and with cross-checking their data against **Europol's** database before bringing a THB case to Eurojust. This helps to identify links with other countries, initiate investigations/criminal proceedings in those countries, and identify suspects, victims and their locations, before dealing with judicial cooperation issues.*

*Whenever competent authorities share relevant information with Europol, the support from Europol should go hand in hand with the **involvement of Eurojust**; in some cases, Eurojust may even facilitate the first exchange with Europol, depending on the national law enforcement system involved. As soon as Europol receives information on a THB case, Eurojust can help to initiate judicial proceedings, which represent the best 'umbrella' from a legal point of view under which to also begin victim protection procedures.*

([13]) On 9 November 2020, Eurojust issued a casework report on how human trafficking and migrant smuggling networks lure mainly women into exploitation and even physical abuse through sham marriages: Eurojust, 'Broad common approach needed to tackle abuse via sham marriages', press release (available at https://www.eurojust.europa.eu/broad-common-approach-needed-tackle-abuse-sham-marriages).

3.2. Triggering investigations in other countries to coordinate them

The analysis of THB cases showed that there have been situations when the preliminary exchange of information at the police level has not led to the opening of parallel investigations (criminal proceedings ([14])) in other countries. Eurojust helped in such cases by providing recommendations to competent judicial authorities to undertake investigations. In one case, Eurojust not only recommended but also issued a written **joint request asking for the opening of a THB investigation** in one Member State based on the special powers granted to Eurojust and its national members ([15]). The joint request was signed in April 2018 by two national members (from Italy and Romania) and was addressed to their competent authorities. It listed reasons for the initiation of a criminal investigation in Italy, in parallel to the Romanian investigation. The national members went even further in their joint request and asked the Romanian and Italian authorities to consider setting up a JIT with the support of Eurojust. The joint request was followed up fully. The Italian authorities undertook an investigation of specific acts committed on Italian territory and soon after formed a JIT with the Romanian authorities. The joint investigations led to operational successes: on 6 June 2019, joint actions in Italy and Romania resulted in eight suspects being placed under preventative measures, 18 house searches being carried out and more than €70 000 in assets and cash being seized. The successful outcome was mainly the result of the unique joint request issued by Eurojust.

Since 2016, the Romanian authorities had conducted a complex investigation into a Romanian OCG allegedly committing THB for sexual exploitation in Romania and Italy. The victims were women, including minors, who were recruited in Romania and transported to Italy, where they were forced into prostitution. Several victims were identified and interviewed. Italy did not initially carry out an investigation into this OCG. Many of the suspects identified by the Romanian authorities were known to the Italian authorities and considered particularly violent. They had criminal records in Italy for a wide range of crimes committed over the years (pimping, theft, drug trafficking, etc.) but were not considered by the Italian authorities to be part of a larger OCG carrying out THB. In March 2018, Eurojust brought together the competent authorities from Romania and Italy to establish close cooperation with the aim of coordinating the next steps in both jurisdictions and tackling all of the offences committed in Romania and Italy. The decision was made that, in order to dismantle the OCG, arrest its members and tackle their assets, an investigation should be opened into THB crimes committed on Italian territory. To facilitate the Italian decision to initiate an investigation into THB, the Romanian judicial authorities prepared a comprehensive report including detailed information on the links to Italy identified in the Romanian investigation. The report revealed the existence of an OCG that had been active in THB for sexual exploitation, as well as carrying out other offences, in both countries since 2008. It described in detail the criminal conduct, roles of identified suspects and structure of the OCG, and included statements from some of the victims, substantiating the THB offences. The report was translated from Romanian into Italian by Eurojust and transmitted via the Eurojust national desks to the Italian authorities. On the basis of the report, Eurojust issued the joint request.

([14]) Parallel criminal proceedings, in the context of Council Framework Decision 2009/948/JHA, are proceedings in different countries against the same person and in respect of the same facts, which might lead to a conflict of jurisdiction.

([15]) Article 6(1)(a)(i), (iii) and (iv) of Council Decision 2002/187/JHA setting up Eurojust as amended by Council Decision 2009/426/JHA and replaced by Article 4(2)(a),(c) and (d) of Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust).

In some of the THB cases analysed, Eurojust observed that national authorities discovered links with other jurisdictions but did not know whether parallel criminal proceedings were being conducted in these jurisdictions. In fact, during the reporting period, one of the most frequent requests addressed to Eurojust was for support in **establishing whether parallel investigations were taking place** in one or more other countries, with the aim of increasing cooperation and coordination through Eurojust. In many cases, this preliminary check led to countries opening parallel investigations on the request of Eurojust, and to fruitful discussions and agreement on how to coordinate investigations at the judicial level with Eurojust's support. This showed that national authorities from all countries involved (origin, transit and exploitation) were ready to actively contribute by opening and conducting investigations on acts committed within their territory and on the acquired criminal assets.

*Eurojust recommends that cross-border THB investigations be brought to Eurojust with a view to identify whether **parallel criminal proceedings** are taking place in other countries in the EU and beyond and, if so, that these investigations are **coordinated** with support from Eurojust.*

*In cases where no parallel proceedings are detected, Eurojust can assist national competent authorities in **triggering THB investigations** in one or more countries where criminal activities are taking place in relation to the same suspects.*

3.3. Parallel investigations and European Investigation Orders

The success in investigating and prosecuting THB depends on whether the criminal activity of an OCG is known to the authorities in all countries affected by the trafficking offence (origin, transit and exploitation countries). The analysis shows that investigations are more successful when all countries are aware of or have evidence on THB activities. This enables swifter agreement to be obtained at Eurojust on coordinating cross-border efforts and investigations and setting up a JIT if suitable.

In some cases, challenges were evident when a country of origin of victims began an investigation and asked Eurojust for support in investigating and prosecuting an OCG acting in different exploitation and transit countries. Data ([16]) existed showing that trafficking was ongoing in the countries of exploitation and transit but it was difficult for the country of origin 'to see' what was happening in these countries' 'yards'. When exploitation or transit countries were not aware of the trafficking offences within their territories, it was at times very difficult for the origin country to obtain a commitment from them and receive their full cooperation, for example, when not enough information was available to them for them to open their own investigations. Experience shows that it is quite difficult for a country of origin to be effective in its investigation when the exploitation countries are not actively interested in opening their own investigation and only cooperate when they are issued with a European Investigation Order (EIO) (or a Mutual Legal Assistance (MLA) request when an EIO is not applicable).

EIOs are beneficial instruments for judicial authorities. In November 2020 Eurojust published a report on its casework in the field of EIOs ([17]), highlighting that EIOs are useful for facilitating judicial cooperation but they are not a magical formula, for various reasons. The THB analysis shows that, at

([16]) For instance, data resulting from victim statements or intercepts or international money transfers.
([17]) Eurojust, *Report on Eurojust's casework in the field of the European Investigation Order*, Eurojust, The Hague, 2020 (available at https://www.eurojust.europa.eu/sites/default/files/2020-11/2020-11_EIO-Casework-Report_CORR_.pdf).

least based on the experience of the countries of origin of victims, EIOs and MLA requests are often not fast enough to cope with the mobility of OCGs acting in the field of THB. Traffickers may have recruited many victims over many years and often move themselves and their victims around quickly, within and across multiple jurisdictions. To obtain proof of this continuous complex criminality and identify all victims, judicial authorities in the countries of origin of victims must gather detailed information that is admissible as evidence, such as names, locations, phone numbers, financial situations, information on concrete activities and movements of suspects and victims, and the means used for exploitation. This information is located mainly if not fully in the jurisdiction of the countries where the exploitation takes place, which makes it problematic for the country of origin alone to investigate THB effectively and promptly. Through Eurojust, countries of origin can request support from the exploitation countries to enable this kind of information to be obtained quickly. Investigations conducted in exploitation countries bring efficiencies and contribute to the effective and rapid gathering of evidence.

*Combating THB and subsequently investigating and prosecuting THB in an effective manner must be the **shared responsibility** of all countries involved in the criminal activity chain (origin, transit and exploitation).*

*Eurojust recommends that, once an active OCG is discovered, **all countries involved react and commit to actively contributing** to evidence gathering and the dismantling of the group, preferably by conducting investigations in each jurisdiction to identify the criminal acts committed in each country. If cooperation is limited to the issuing of EIOs, there is a risk of losing track with the perpetrators and that those criminal activities not known about in the issuing country escape prosecution.*

*Parallel investigations may lead to possible conflicts of jurisdiction if they are not coordinated. Eurojust is best placed to advise on and experienced in **coordinating parallel investigations** to prevent and resolve such conflicts (see Section 3.5).*

3.4. Joint investigation teams in trafficking in human beings cases

This section presents the challenges and best practice related to the use of JITs in THB cases supported by Eurojust during the reporting period. The use of JITs in THB cases has increased considerably over the past few years. The work of JITs has resulted not only in joint operational successes but also, equally important in Eurojust's view, in the building of bridges and trust between national authorities, providing a solid basis for future cooperation. For instance, Romanian and UK authorities have met at Eurojust on many occasions to deal with complex THB cases. They have gradually built trust and have good experience of working together in JITs, meaning that the setting up of a JIT is an established practice in most THB cases involving Romanian victims exploited in the United Kingdom. During the reporting period, 22 JITs were set up between Romanian and UK authorities in THB cases.

As an example, early in 2019, national authorities from Romania and the United Kingdom took part in a coordination meeting at Eurojust where they discussed at length the suitability of setting up a JIT in a THB case. This case involved an investigation into an OCG formed in 2013 in Romania for the express purpose of human trafficking, pimping and money laundering. The OCG recruited more than 60 vulnerable women in Romania, promising them money and legitimate work, and then trafficked them to the United Kingdom for the purpose of sexually exploiting them in London. The victims lived and worked, under the threat of

violence and blackmail, in houses provided by the OCG. The victims were promised a share of their earnings but in reality received very little, and thus they were completely dependent on the OCG. The setting up of a JIT between the UK and Romanian authorities, Eurojust and Europol was agreed at the coordination meeting. The JIT benefited from Eurojust's financial (EUR 38 000) and logistical support. On 15 November 2019, in a synchronised joint action by law enforcement officers from the United Kingdom and Romania, 17 suspects were taken into custody in the United Kingdom and one suspect was taken into custody in Romania. The suspects from the United Kingdom were alleged to have participated in modern slavery and controlling prostitution and to have committed drugs and firearm offences. The Romanian suspect was alleged to have participated in THB, ongoing pimping and money laundering. Sixteen searches were carried out in the United Kingdom and four in Romania, yielding cash, luxury cars and cocaine. A total of 29 potential victims, aged between 20 and 40 years, were recovered in London and brought to safety. Two of the leaders of the group, detained in London, were also under investigation, on the basis of European Arrest Warrants issued by the Romanian authorities, for attempted murder.
Eurojust's assistance in this case is still ongoing. In February 2020, the members of the JIT met at Eurojust and decided to extend the duration of operation of the JIT to deal with pending investigative measures and determine the best-placed jurisdiction in which to prosecute.

Romania and the United Kingdom have been most involved in the setting up of JITs in THB cases in the reporting period (42 JITs in Romania and 41 JITs in the United Kingdom), followed by Bulgaria (9 JITs), France (6 JITs), the Netherlands and Norway (5 JITs each).

3.4.1. Choice between joint investigation teams and European Investigation Orders

As indicated in this report, experience gained by Eurojust shows that many practitioners see JITs as one of the most suitable instruments for dealing with the particularities of THB crimes. A large number of THB cases in the reporting period (59 out of 91) resulted in the setting up of a JIT. Most countries approached Eurojust solely for this purpose, namely to obtain support for establishing a JIT. When discussing the setting up of a JIT at Eurojust, national authorities often had a common interest in addressing this type of criminality. There were a number of evidential gaps within their investigations that they anticipated could be resolved by working in a team with other partner authorities that had a common aim.

A JIT helped competent authorities not only to share information and evidence without the need for formal MLA requests or EIOs, but also, in particular, to plan and decide on current and future measures to be taken in each jurisdiction, divide responsibilities and participate in each other's investigations. In addition, JITs facilitated decisions on the best jurisdiction in which to prosecute. JITs benefited from Eurojust's financial support and advice.

In a complex case, an OCG originating in Lithuania trafficked large quantities of heroin into Ireland and Northern Ireland. In addition, the OCG leader recruited and trafficked Lithuanian victims for the specific purpose of illegally selling heroin on the streets. Since 2015, the OCG had established a complex drug transport and distribution network. A significant number of Lithuanian victims were found to be operating as street dealers in Ireland and Northern Ireland; these victims were mostly from vulnerable social backgrounds or were drug addicts. Proceeds from the criminal activity were laundered mainly by purchasing real estate. Eurojust coordinated the case from the very beginning, assisting in issuing MLA requests and facilitating the real-time exchange of information. Subsequently, Eurojust helped with the

setting up and funding of a JIT involving the authorities in Lithuania, Ireland and the United Kingdom. Six coordination meetings were held in a secure environment facilitated by Eurojust, ensuring close cooperation, the planning of joint actions and a common prosecution strategy, taking into account the different jurisdictions. The cooperation was very effective, resulting in operational success in August 2020. Eurojust provided support for the planning of operational activity on the joint action day. The criminal network responsible for drug trafficking, money laundering and trafficking in human beings was then dismantled (18 suspects were arrested and various assets were seized, with an estimated overall value of EUR 700 000). A financial investigation is currently ongoing.

In some cases, the setting up of a JIT could not be agreed between the competent authorities during coordination meetings at Eurojust. In these cases, one or more of the countries (of exploitation) involved preferred to cooperate through EIOs or MLA requests. As mentioned in Section 3.3., the use of EIOs can be less efficient in THB cases. Therefore, Eurojust initiated discussions on the suitability of a JIT in complex THB cases, meaning those in which the trafficking offence was ongoing and organised, many victims were being exploited in one or more countries, threats or violence had been detected or large sums of money were flowing internationally. In these situations, Eurojust recommended the dynamic and proactive collaboration of all countries in the form of a JIT. JITs can accommodate more than two parties and imply a shared investigative interest, enabling all parties to plan together and make decisions in real time, for example to intercept more suspects, and to share evidence quickly without any formalities.

EIOs are mainly used in bilateral settings in which one Member State carrying out a criminal investigation in its jurisdiction is in need of assistance and the criminal activities identified and evidence required are very clear. EIOs are unlikely to be as helpful to competent authorities in complex THB cases, because, unlike JITs, they are not designed to deal with difficult and demanding investigations that have links with other countries ([18]). In the case of EIOs, national authorities find themselves in one of two different positions: the issuing authority or the executing authority. These distinct positions may result in authorities having different investigative interests and in difficulties in adapting quickly to investigative needs, as EIOs are strictly limited to the investigative measures that are explicitly mentioned. In THB cases without a JIT, an EIO 'ping-pong' was sometimes generated between the issuing authority and the executing authority, with several follow-up EIOs being issued, translated, communicated, recognised and executed, which made it very difficult to keep pace with the traffickers and the changing circumstances.

Another challenge related to the choice between EIOs and JITs occurred in Eurojust cases in which the exploitation of victims took place in multiple regions of the same country of exploitation. In a number of countries in the EU and outside the EU, there is no central investigative body with nationwide competence to deal with cases involving victims exploited in different geographical areas of the same country. In some cases analysed by Eurojust, it was difficult for the country of exploitation to identify a single competent national authority (public prosecution office) to ensure proper coordination, first, at the country level and, then, at the international level with the other countries involved. In some cases, it was decided not to set up a JIT but to coordinate a case through EIOs or MLA requests. This sometimes

([18]) See Section 3.1, 'A JIT for which cases?', in Eurojust, *JITs Practical Guide*, Eurojust, The Hague, 2017 (available at https://www.eurojust.europa.eu/jits-practical-guide-0).

delayed the course of an investigation, the identification of the perpetrators and victims, and the gathering of evidence.

JITs are an effective and efficient tool for use in THB cases in which several jurisdictions are involved (of the origin, transit and exploitation of victims). Eurojust recommends that competent authorities always discuss the suitability of JITs in complex THB cases that require close coordination or difficult and demanding investigations with links to one or more countries. ***The use of JITs in THB cases*** *allows dynamic and close collaboration, common investigative goals to be established, and flexibility and speed in adjusting the investigative measures as the circumstances around a case change. Eurojust, with its extensive experience, is ready to assist and fund JITs.*

Eurojust's casework shows that direct communication between JIT members is crucial. In some cases, insufficient communication within the JIT resulted in the non-execution of one or more of the agreed JIT activities. Each JIT member expected to be contacted by other members or to be provided with documentation or information, and members did not proactively take any steps to further the investigation. In other cases, JIT communication issues led to uncoordinated actions, putting investigations in other countries at risk and resulting in 'creative on the spot' solutions being required to recover a case, with Eurojust's support (for instance, withdrawal from the JIT or carrying out an action day at very short notice). On a positive note, the communication worked very well in most JITs. Some JITs even nominated a contact point in each country to enhance communication (see the example in Section 4.2.4.).

Eurojust recommends that all JIT parties establish direct proactive communication within the JIT from the very beginning of a case. One best practice to consider is the designation of ***contact points for communication within the JIT.***

3.4.2. Overview of joint investigation teams

This section presents a short overview of the 59 JITs that were analysed, namely their purpose, duration, benefits, funding and role of Eurojust and Europol.

The purpose of the JITs, as stated in their agreements, varied according to the nature of each THB case. The most common aims were to (i) identify, document and prosecute the THB crime; (ii) locate the victims and suspects and conduct interviews with them; (iii) gather and share information and evidence; (iv) organise a joint action day ([19]) in all countries involved to arrest suspects, rescue victims and conduct house searches and searches of other premises; and (v) discuss questions of jurisdiction and decide the best place in which to prosecute to avoid *bis in idem* situations. One JIT was formed after a THB conviction solely for the purpose of confiscating over EUR 1 million that had been obtained through trafficking. In total, 11 JITs had the recovery of criminal assets as one of the main objectives.

The identification of assets and their tracing, freezing and confiscation were high on the agenda of the JIT established in 2019 between Bulgarian and French authorities. The case involved around 200 Bulgarian victims of Roma origin who were recruited by a Bulgarian OCG and promised legitimate work in French vineyards. On arrival in France, however, the victims were working without work contracts and social

([19]) More details on joint action days are provided in Section 3.6.

insurances. The OCG took most of the money earned by the victims. The traffickers appeared to be using companies in France to launder their illegal gains. One of the main purposes of the JIT was to trace jointly the financial flows and recover the criminal assets of the OCG. Indeed, the JIT provided an excellent resource for the fast exchange of information and the coordination of the investigations, including the financial investigations. Members of the JIT identified the financial flows and the properties owned by the traffickers and collected relevant data on these properties. All identified criminal assets were frozen with a view to confiscating them. The JIT parties discussed jurisdictional issues with support from Eurojust, including the possibility of one country prosecuting the OCG for THB crimes and the other country prosecuting it for money laundering, to prevent a conflict of jurisdiction. In September 2019, Eurojust coordinated several joint action days in Bulgaria and France ([20]), resulting in arrests and seizures in both countries.

*Eurojust recommends that a **financial investigation** should be initiated at the beginning of a case if possible ([21]), in parallel with the THB investigation.*

A number of other benefits of JITs were identified in the THB cases analysed. Among other things the JITs were able to identify the perpetrators and victims of crime, exchange information in a timely manner, cooperate closely and communicate quickly, obtain and share evidence to enable prosecution and seizure of the proceeds of crime without the need for formal EIOs or MLA requests, and clarify requirements around the admissibility of evidence and the disclosure of information. Some JITs facilitated the initiation of investigations in other countries or solved funding problems related to interpretation and the translation of large amounts of evidence, such as intercepts. More benefits of JITs and example of good practice in relation to victims' rights and protection are provided in Chapter 4.

In terms of duration, most of the JIT agreements (38) were in operation for 12 months; 16 JITs were in operation for 18–24 months and 3 JITs needed 36 months to achieve the purpose for which they were set up, with only 2 JITs in operation for only 6 months. During the reporting period, **Eurojust provided EUR 1 504 136 in funding to the JITs** ([22]). These data on the duration of operation and the funding of JITs reveal, again, the complexity of THB crimes, which necessitate demanding cross-border investigations requiring a lot of time, effort and resources.

Financial assistance from Eurojust was combined with close support for national authorities. This support, in the form of information and advice, was provided from the very beginning of a case, when discussions related to the suitability of setting up a JIT, until the termination of a JIT. In particular, Eurojust helped to draft and extend JIT agreements and clarify legal provisions, provided guidance on national laws surrounding JIT agreements and on legislative problems, helped to resolve conflicts of jurisdiction and asset recovery issues, continuously reviewed the work of JITs and evaluated their effectiveness where appropriate. Europol participated in 11 JITs and attended several coordination meetings at Eurojust during the reporting period. When requested, Europol helped to cross-check data against its databases to identify possible links with other investigations. It also analysed the information available, such as financial data or phone data, and provided JIT members with useful analysis reports.

([20]) Eurojust, 'Human traffickers' ring busted in France and Bulgaria', press release, 25 September 2019 (available at https://www.eurojust.europa.eu/human-traffickers-ring-busted-france-and-bulgaria).
([21]) Sometimes the identification of criminal assets is carried out at a later stage to avoid jeopardising a THB investigation.
([22]) Fifty-five JITs received funding from Eurojust; four JITs did not request Eurojust funding.

The example below highlights the support provided by Eurojust in terms of clarifying national legal provisions, which could serve as an example of good practice.

A JIT was established in 2019 between Romanian, Italian and Spanish authorities in a THB case involving Romanian victims who were sexually exploited in six Member States and a third country. Both Eurojust and Europol participated in and supported the JIT. After the action days organised to arrest the suspects and rescue the victims, the Spanish authorities withdrew from the JIT because of the disclosure requirements in the Spanish case, which would have jeopardised the Italian investigation. The JIT continued between the Romanian and Italian authorities until the Romanian authorities sent the case to court. This marked the end of the JIT. With support from Eurojust, the national authorities clarified that, in accordance with Romanian law, a JIT can function only during the investigation and prosecution phases; once a case enters the trial phase the JIT is terminated. The Romanian authorities informed the Italian authorities that any future exchanges in this case should be carried out within the framework of an EIO.

JITs may continue to work in some countries but not in others during the trial phase of a case. It is extremely important that all parties to a JIT discuss at the very beginning ***the circumstances under which the JIT will cease to operate****, in accordance with their national legal provisions. This will ensure that all parties understand that it is not only the expiry of the agreement under which a JIT is established that might result in a JIT ceasing to operate.*

3.4.3. Legal basis of joint investigation teams

During the reporting period, all JITs involving Member States were set up in accordance with EU legal bases, namely Article 13 of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 (MLA 2000) ([23]) and the Council Framework Decision of 13 June 2002 on joint investigation teams (FD on JITs) ([24]).

With regard to the JITs in which the United Kingdom participated as a member, all JITs originally set up under the MLA 2000 and FD on JITs were subsequently terminated during the reporting period in anticipation of Brexit, with the United Kingdom expected to leave the EU on 29 March 2019. These JIT agreements were re-signed in accordance with Article 20 of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 or Article 19 of the United Nations Convention against Transnational Organised Crime (UNTOC). In all JIT agreements involving the United Kingdom as a party, Eurojust advised about potential issues post Brexit and arranged the termination and subsequent re-signing of JIT agreements under the new legal framework.

The Member States established six JITs with two third countries during the reporting period: (i) Bulgaria and Romania set up JITs with Switzerland based on Article 20 of the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959; and (ii) Bulgaria (twice), Lithuania and Romania set up JITs with Norway based on MLA 2000.

([23]) https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32000F0712%2802%29
([24]) https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32002F0465

3.4.4. Cooperation with third countries

The six JITs established between authorities in EU Member States and Norwegian and Swiss authorities provided an excellent framework for cooperation. **Liaison prosecutors** from both Norway and Switzerland are seconded at Eurojust, which facilitated immediate and effective collaboration between authorities and the setting up of JITs, and the delivery of joint operational results. One of the JITs was the first JIT established by Romanian authorities with a Swiss Cantonal Prosecutor's Office and it benefited from operational and financial support ([25]) provided by Eurojust.

In 2016, the Lausanne Police established that an extremely violent OCG of 15 traffickers recruited in Romania around 15 young female victims using the 'loverboy' method and sexually exploited them in Lausanne. A parallel investigation was conducted in Romania. In May 2017, the case was opened at Eurojust by the Swiss liaison prosecutor. This had facilitated close coordination between the Swiss and Romanian judicial authorities, resulting in the signing of a JIT agreement in August 2017. On 16 January 2019, Swiss and Romanian investigators carried out simultaneous searches and hearings of 23 persons in an operation to dismantle the OCG. The criminal activity was estimated to have a value of more than EUR 2 million. During the Swiss investigation, one of the recruited Romanian victims suddenly disappeared at the end of November 2016. Two weeks later, the naked body of a young woman was found abandoned in a forest on the French territory. She died because of ill-treatment by unknown perpetrators. The investigations carried by the French and Swiss authorities made it possible to identify her as the disappeared victim of the OCG. Her murderer was one of her clients. He was arrested on 7 November 2017.

The following example of cooperation with a third country relates to a different situation encountered during the reporting period. In this example, cooperation with Colombia was needed not because criminal activities were detected there but because a suspect had travelled there to escape justice. This example highlights the added value of **Eurojust and its contact points** in establishing contacts and facilitating immediate cooperation with third countries in urgent cases.

Lithuanian competent authorities conducted a large-scale investigation into several criminal activities as part of a case of THB carried out for the purpose of sexual exploitation, namely THB committed by members of an OCG, gaining profit from another person's prostitution, robbery and damage to property. The OCG profited from the earnings of 118 female victims of forced prostitution from Ukraine, Belarus and other countries, all of whom had been brought to work in Lithuania. The victims were subject to extreme violence by the OCG members. The OCG leaders, of Lithuanian nationality and residing in Spain, organised all of the criminal activities. Instructions were also sent from Spain to assault, injure and steal from female prostitutes who did not work for the OCG. In 2018, the Lithuanian authorities asked for Eurojust's support to establish and facilitate cooperation with the Spanish authorities. A Eurojust coordination meeting was organised between the authorities of the two countries. Eurojust strengthened coordination and cooperation between the Lithuanian and the Spanish judicial authorities throughout a 2-year investigation, which led to a joint operation to dismantle the OCG. Eurojust was in constant contact with the national authorities from Lithuania and Spain to advise on the best way to proceed with the investigation. Eurojust coordinated and facilitated the execution of EIOs and European Arrest Warrants. The simultaneous operation took place in November 2019, with the joint action resulting in the arrest of two alleged OCG leaders in Spain and 13 alleged OCG members in Lithuania. At least 50 searches were

([25]) Eurojust provided EUR 31 840 in funding.

carried out in both countries, yielding cash, illegal drugs, counterfeit documents, weapons and ammunition. During the joint action day, one suspect escaped from Spain to Colombia. The Eurojust national member for Lithuania extended the case to Columbia and immediately approached the ***Eurojust contact point at IberRed*** *([26]) with an urgent request to support the case. The contact point at IberRed responded promptly to Eurojust's request, transmitting to the competent Colombian authorities all of the documents prepared by the Lithuanian Prosecutor General's Office for extradition of the suspect. The suspect initially evaded the police in Columbia but, after subsequent cooperation, he was detained and arrested in the United Kingdom and then transferred to Lithuania. The case is still ongoing, with Eurojust currently helping the Lithuanian authorities deal with the sale of assets seized in Spain.*

The final part of this section aims to inform competent authorities of changes to Eurojust's legal framework with regard to the exchange of operational personal data between Eurojust and third countries. These changes are contained in the Eurojust Regulation ([27]), which came into force on 12 December 2019. In addition to the existing cooperation agreements signed by Eurojust with third countries, Articles 56–59 of the Eurojust Regulation provide four legal grounds for the transfer of operational personal data from Eurojust to third countries. These grounds relate to adequacy decisions, to be taken by the Commission, appropriate safeguards, derogations and international agreements concluded ([28]) between the EU and third countries. Eurojust acknowledges the importance of increasing the number of third countries it cooperates with operationally in THB cases and cases involving other types of crime. To this end, in each case Eurojust takes all measures necessary ([29]) to assess the appropriateness of safeguards or the need for derogations when transferring personal data to third countries. At the same time, Eurojust is looking forward to receiving the Commission's adequacy decisions on whether in specific third countries there is an adequate level of protection.

Competent authorities are invited to refer to Eurojust THB cases that have links not only to Member States but also ***to third countries****. Eurojust can provide assistance in such cases as it benefits from international agreements with 13 countries ([30]) and hosts liaison prosecutors from 10 ([31]) of these countries, who work alongside Eurojust national members. In addition, Eurojust is able to make use of a wide network of judicial contact points in 52 countries across the world, to help with getting in contact with the right competent authorities in third countries and establishing cooperation with them.*

([26]) https://www.iberred.org/ The Ibero-American Network of International Legal Cooperation (IberRed) is composed of judges, prosecutors and central authorities with competence in international legal assistance in 22 Ibero-American countries. Eurojust and IberRed signed a Memorandum of Understanding (MoU) in 2009, establishing effective cooperation with Latin American judicial authorities. Recently, Eurojust and IberRed have worked together towards secure and real-time communication: Eurojust, 'Eurojust improves information exchange with Latin America', news, 2 June 2020 (available at https://www.eurojust.europa.eu/eurojust-improves-information-exchange-latin-america).

([27]) Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA.

([28]) Pursuant to Article 218 of the Treaty on the Functioning of the European Union.

([29]) For instance, Eurojust looks into circumstances in which JIT agreements may be considered legally binding instruments for appropriate safeguards to transfer operational personal data from Eurojust to third countries.

([30]) Four countries in the western Balkans (Albania, Montenegro, North Macedonia and Serbia), Georgia, Iceland, Liechtenstein, Moldova, Norway, Switzerland, Ukraine, the United Kingdom and the United States.

([31]) Albania, Georgia, Montenegro, North Macedonia, Norway, Serbia, Switzerland, Ukraine and the USA (see https://www.eurojust.europa.eu/states-and-partners/third-countries/liaison-prosecutors). In addition, on 1 January 2021, the United Kingdom posted a liaison prosecutor at Eurojust.

3.5. Eurojust's tools for resolving conflicts of jurisdiction

In most THB cases, discussions between parties at Eurojust's coordination meetings reached the question of jurisdictional issues as matters progressed. These discussions aimed to determine who was going to prosecute whom and for what crimes.

3.5.1. Eurojust's case notes

To facilitate such discussions and decisions, at the request of national authorities, Eurojust's Operations Department prepared case notes for several THB cases; these included all of the available information exchanged in these cases between the involved countries and with Eurojust. The case notes had two main parts. The first part aimed to present a full picture of a case and the stages of all parallel investigations and the links and possible overlaps between them. It included a list of all suspects, the crimes investigated and the potential victims in each country, and detailed the links between the suspects and the victims. This part of the case note therefore combined in a single document information that could be compared to reveal common suspects and victims in all jurisdictions. An analytical chart was also provided that transformed the narrative into a comprehensive picture, helping to better visualise all links and overlaps between national investigations. The second part of the case note contained a legal assessment of and preliminary findings on the possibility of a conflict of jurisdiction and consequent infringement of the *ne bis in idem* principle in respect of the common suspects identified in the first part of the case note. These case notes facilitated and informed discussions between the national authorities with regard to the best place to prosecute and helped to avoid risks that might have jeopardised the outcomes of their investigations.

In 2019, parallel THB investigations coordinated by Eurojust in three Member States (one of origin and two of exploitation of victims) resulted in a JIT being set up between the involved countries. In May 2019, when the JIT had gathered sufficient evidence and issues of jurisdiction were at stake, Eurojust's Operations Department prepared a case note at the request of the JIT members. More than 50 victims who had been sexually exploited since 2010 and 24 people of interest, believed to be members of an OCG or aiding the OCG, were listed in the case note. The note detailed which country was investigating who and for which crimes, and who had recruited and exploited which victims, in which country and over which period. It also presented a useful overview of common suspects and victims in the parallel investigations being carried out across two or all three of the countries, and their nationalities and locations within Europe at that moment. All JIT parties found these preliminary findings very useful in terms of making informed decisions. The main findings reported in the case note were as follows: (i) the OCG leader was being investigated in all three countries for the same crimes; (ii) several other suspects had links to two of the countries; (ii) two victims in one investigation were possible suspects in the other two investigations; (iii) the investigation in the country of origin had been going on for longer than those in the countries of exploitation; (iv) the number of victims was more numerous in the proceedings in the country of origin; and (v) the proceedings in the country of origin covered a larger geographical scope.

Member State (MS)	Main charges	Time frame	Geographical scope	Suspects	Victims
MS of origin	• Setting up OCG • THB • Procuring • Money laundering	2010–2019	• MS of origin (for recruitment) • MS A (for exploitation)	24 suspects (4 overlapping with MS A and/or B)	50 victims (2 received the status of suspect in MS A or MS B)

			• MS B (for exploitation • Other countries (for exploitation)		
MS A of exploitation	• Setting up OCG • THB • Procuring	2017–2019	• MS of origin (for recruitment) • MS A (for exploitation)	8 suspects (4 overlapping with MS of origin)	8 victims (all overlapping with MS of origin)
MS B of exploitation	• Setting up OCG • THB • Procuring	2018–2019	• MS of origin (for recruitment) • MS A (for exploitation)	5 suspects (4 overlapping with MS of origin)	8 victims (all overlapping with MS of origin; 3 not identified)

These findings, corroborated with other factors, assisted the JIT parties in agreeing that the Member State of origin was the best place to prosecute the common suspects. In autumn 2019, the country of origin sent the case to court.

3.5.2. Joint recommendations of Eurojust national members

In addition to the case notes, in four THB cases registered during the reporting period, Eurojust national members made use of their powers ([32]) to recommend to their national authorities which jurisdiction would be best placed to handle the totality of proceedings and prosecute. Based on the case notes or in their absence and based on Eurojust's *Guidelines for Deciding 'Which Jurisdiction Should Prosecute?'* ([33]), the national members issued joint recommendations for the transfer of proceedings.

In a THB case involving Nigerian victims (including one minor) smuggled into and sexually exploited in Italy and Belgium by Nigerian suspects, a joint recommendation was considered appropriate. The case was opened at Eurojust following requests for assistance from the Italian national correspondent for Eurojust (in May 2017) and the Belgian investigating judge (in June 2017) with regard to a potential conflict of jurisdiction between Italy and Belgium that could lead to an infringement of the principle of ne bis in idem. Strong links between investigations were established with Eurojust's support. The crimes allegedly committed (THB for sexual exploitation and migrant smuggling), the child victim and the suspects (two Nigerian nationals then residing in Italy) were the same in both investigations. This meant that the Belgian and Italian authorities were investigating the same material facts that constitute the same criminal conduct. In light of the interpretation given in a number of judgments by the Court of Justice of the European Union, it was concluded that, if the proceedings continued in parallel in Belgium and Italy in respect of the same people and the same facts, leading eventually to final decisions, there was a serious risk that this could result in an infringement of the principle of ne bis in idem. To determine, in the best interests of justice, which jurisdiction would be best placed to prosecute, a number of elements in the Eurojust guidelines and, for Italy, in Italian legislation ([34]) were assessed. This assessment led the national members

([32]) Article 6(1)(a)(ii) of Council Decision 2002/187/JHA setting up Eurojust as amended by Council Decision 2009/426/JHA replaced by Eurojust's Regulation (Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust); see also Article 4(2)(b).

([33]) Eurojust, *Guidelines for Deciding 'Which Jurisdiction Should Prosecute?'*, Eurojust, The Hague, 2016 (available at https://www.eurojust.europa.eu/nl/guidelines-deciding-which-jurisdiction-should-prosecute).

([34]) Article 8(4) of Decreto Legislativo 15 February 2016, no. 29, implementing Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings.

for Italy and Belgium to the joint recommendation that Belgium should handle the totality of the proceedings and prosecute all acts committed in Belgium and Italy. The recommendation was based on several facts. The majority, and the most important part, of the criminality had occurred in Belgium (territoriality). The investigation in Belgium had begun at a much earlier stage and was actively ongoing (stage of proceedings) and a prosecution in Italy would considerably delay the proceedings, with a detrimental effect on the victims. The investigation in Belgium was broader than that in Italy, dealing with more victims and more suspects (extent of investigations). The common victim was a child aged under 18 years, located, for reasons of protection, in a Belgian specialised centre (interest and protection of victims). All significant evidence was located in Belgium and had been obtained in accordance with Belgian legal requirements (admissibility of evidence). For these reasons, in the best interests of justice, the national members considered that there was a stronger argument to give jurisdiction to Belgium. The competent national authorities followed the joint recommendation of their Eurojust national members.

In cases of possible conflicts of jurisdiction in which a prosecution might be or has already been launched in two or more countries, Eurojust is able to assist national authorities using its ***case notes*** *and* ***joint recommendations for the transfer of proceedings****.*

3.6. Action days coordinated by Eurojust

During the reporting period, Eurojust coordinated several joint action days in THB cases registered with it. In four cases, the national authorities requested support from Eurojust for their joint actions in the form of a **coordination centre**. A coordination centre is Eurojust at its best. It enables the joint actions (searches, arrests, interviews, seizures) of all countries involved in a case to be coordinated by Eurojust on a specific date, with everyone cooperating towards a common goal and with close support from Europol. Eurojust's coordination centres are truly joint efforts at national and EU levels that provide immediate tangible results. This section presents an example of the kind of support provided to national authorities in THB cases by Eurojust's coordination centres. The example relates to a very complex case in which Eurojust played a major coordinating role in dismantling an international criminal network that had been acting since 2010, mainly in EU Nordic countries, generating a huge profit of around EUR 40 000 000. A coordination centre was organised at Eurojust in 2019 with the aim of coordinating joint actions involving 16 countries.

These joint actions were agreed by the members of a JIT that was set up in May 2017 between three EU Member States with the participation of Europol and Eurojust. The JIT members obtained statements from potential victims located in several countries. The 2-year joint investigations established that several OCGs appeared to be involved in the trafficking of women for sexual exploitation and aggravated pandering, with adult websites used to advertise sexual services. Money gained from the placement of advertisements on targeted websites was laundered by channelling it through intermediaries to international bank accounts. To further disguise the criminality, the OCGs registered companies in several countries within and outside the EU and invested in cryptocurrency, again for money laundering purposes.

The date of the joint actions, to be supported by a coordination centre, was agreed by the JIT members in a coordination meeting held at Eurojust in January 2019. A coordination centre was set up at Eurojust on 26 March 2019, to be assisted by Europol's mobile offices deployed in the three EU Member States and a Europol command centre deployed at Eurojust. On the day of the joint actions, Eurojust national

members coordinated from The Hague the national competent authorities from 11 EU Member States and 4 third countries to simultaneously:

- execute arrest warrants targeting three main suspects located in the three Member States;
- conduct 34 house searches in five countries within and outside the EU, resulting in seizures of servers and large-capacity hard disks used for managing adult websites, numerous computers, tablets, mobile phones and other encrypted devices, large amounts of cash, luxury vehicles, jewellery and watches, camouflage passports, and documentation related to companies and bank accounts;
- freeze shares in six companies with legal seats in six countries within and outside the EU;
- freeze money (over EUR 1 500 000) in bank accounts in six countries within and outside the EU;
- freeze mobile property and over EUR 400 000 in cash in one Member State; and
- execute seizure warrants for 16 domain names in a third country.

Throughout the day, the Eurojust national members were in contact with judicial authorities from all 16 countries involved by phone and email to facilitate cooperation and clarify legal provisions, where needed. At the coordination centre, Eurojust's Operations Department prepared in advance a comprehensive overview of all measures and judicial cooperation instruments to be executed in each country on 26 March 2019. During the day of the joint actions, the Operations Department received and combined the results of the measures executed in all countries involved and communicated them at regular intervals to all participants.

It is recommended that competent national authorities make ***more use of coordination centres*** *organised by Eurojust in THB cases, to benefit from the coordination of joint actions in different countries by national members. The Eurojust Regulation, which came into force on 12 December 2019, consolidated national members' powers. In agreement with competent national authorities, or in urgent cases (such as joint action days/coordination centres), national members may order investigative measures and issue and execute requests for MLA or mutual recognition (for instance, EIOs or freezing orders)* ([35]).

4. Victims of trafficking in human beings in Eurojust cases

The first EU strategy on victims' rights ([36]) was published in June 2020. It calls for particular attention and special assistance, support and protection to be provided to victims of THB because of the nature, circumstances, duration and consequences of this crime. Indeed, in Eurojust's experience, the consequences of exploitation have a huge impact on most THB victims. In the Eurojust cases analysed, victims often had to be located, identified, rescued and helped to report the trafficking while at the same being protected, irrespective of where their recruitment, transit and exploitation took place in the EU. Meeting these victims' needs is an important objective of EU judicial cooperation and, as such, is an integral part of Eurojust's mission to assist national authorities to also cooperate in this area.

([35]) Article 8(4) of the Eurojust Regulation provides that, in urgent cases where it is not possible to identify or contact the competent national authority in a timely manner, national members shall be competent to issue and execute them in accordance with their national law, provided that they inform the competent national authority as soon as possible.

([36]) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'EU strategy on victims' rights', COM(2020) 258 final, 24.6.2020, Brussels (available at https://ec.europa.eu/info/policies/justice-and-fundamental-rights/criminal-justice/protecting-victims-rights/eu-strategy-victims-rights-2020-2025_en).

This part of Eurojust's work is perhaps less visible. This chapter aims to highlight the benefits of involving Eurojust in THB cases for victims' identification, location, rescue, protection and empowerment to rely fully on their rights. This chapter also responds to one of the key actions in the EU strategy, which asks Eurojust to suggest improvements and report good practices in cross-border cooperation and exchanges of information concerning victims' rights. The good practices reported here include examples of the support provided by Eurojust in relation to coordinating efforts to gather evidence from victims, which is equally important for prosecuting perpetrators and providing justice to victims.

*There should be early cooperation and coordination between all countries and all actors involved, as part of the **obligation to respect the rights of all victims of human trafficking**. A greater focus on victims also leads to greater success in the prosecution of THB cases. The protection of THB victims requires a holistic approach in which all actors involved carry out their roles effectively while being in constant dialogue with one another. National referral mechanisms (NRMs) are important frameworks for identifying and supporting victims of THB. Prosecutors are part of NRMs in 13 Member States ([37]), and some Member States also involve other judicial authorities in NRMs ([38]). Eurojust sees NRMs as great catalysts of information. This information can be referred to the competent judicial authorities where appropriate and then shared with Eurojust based on Article 21 of the Eurojust Regulation.*

4.1. Identification and location of victims

All Member States have in place measures aimed at the early detection and identification of victims of human trafficking ([39]) (such as indicators, guidelines, helplines and labour inspectors), as required by the anti-trafficking directive. However, the detection and identification of victims of THB remain big challenges. Eurojust's analysis shows that this is one of the most problematic issues that Member States are faced with in their THB cases.

In many of the Eurojust cases analysed, people deceived or forced into prostitution, labour, begging or criminal activities were not immediately identifiable as victims of trafficking by the authorities in the countries where they ended up being exploited. Most investigations started with very little information, with this information usually provided by a concerned family member of a victim or by a victim who had escaped the exploitation and reported the trafficking. The information provided was often incomplete, as each victim sees only fragments of the trafficking. Based on this information, the authorities had to investigate complex cases of ongoing and organised criminality, which had often commenced many years before the opening of an investigation and often involved many victims who had been exploited in more than one country.

In the cases referred to it for assistance, Eurojust was able to support national authorities from the countries of origin, transit and exploitation of victims to regularly meet and spontaneously exchange information on suspects and potential victims in their investigations (names, nicknames, forms of identification, photos, video clips, social media information, etc.). These meetings enabled the

([37]) Belgium, Bulgaria, Denmark, Estonia, Spain, Italy, Latvia, Lithuania, Poland, Romania, Slovenia, Slovakia and Sweden.
([38]) https://op.europa.eu/en/publication-detail/-/publication/d5542e9c-0e92-11eb-bc07-01aa75ed71a1/language-en (see Section 3.3.3.)
([39]) https://ec.europa.eu/anti-trafficking/eu-policy/third-report-progress-made-fight-against-trafficking-human-beings_en

authorities to become aware of potential victims of trafficking exploited or recruited in their territory and proceed with investigative measures aimed at identifying and locating them. In some cases, Eurojust's coordination meetings were used to clarify the status of people of interest in each parallel investigation, for instance to establish whether a potential THB victim in one country had the status of a THB suspect in another investigation.

In one case, Polish victims were trafficked into the United Kingdom for the purpose of labour exploitation. Eurojust organised a coordination meeting at which the Polish and UK authorities agreed to set up a JIT. They also exchanged valuable information on the victims and suspects. The UK authorities had identified a suspect who the Polish authorities had identified as a victim. The United Kingdom was able to later clarify that the suspect was in fact a victim. The Polish and UK authorities decided that investigations needed to continue in both countries to enable more suspects and victims to be identified.

Sometimes, when available, addresses used for exploitation were exchanged at Eurojust meetings. This allowed law enforcement authorities from exploitation countries to locate, identify and interview potential victims, document living conditions, seize evidence and arrest those controlling premises. In such cases, enquiries sent to authorities in origin countries often established that an OCG was running an operation from two or more countries, with the financial benefits of the criminality being enjoyed in the country of origin. The final number of potential victims of THB was not yet established at this point. Usually, JITs were formed with Eurojust's support to progress investigations and jointly identify and rescue more potential victims. When a JIT was not established, Eurojust facilitated the swift execution of EIOs or MLA requests to obtain information and evidence aimed at locating and identifying potential victims. This included details of the premises used for housing and exploitation of victims, information on the living conditions of victims, the phone numbers used by victims, intercepts of telecommunications, and travel, health and financial information related to the victims.

A Romanian investigation was initiated at the end of 2017 because of suspicions that a family-based OCG was involved in the trafficking of children and adults into Belgium for sexual exploitation purposes. Girls aged under 18 years and young women were recruited using the 'loverboy' method, deceived, taken advantage of over their feelings for the perpetrators, transported to Belgium and forced into prostitution through violent acts and psychological pressure. Each member of the OCG had a specific role in the recruitment, transport, housing and control of victims. The OCG members did not have legal incomes but had lavish lifestyles, purchased luxury items, cars and properties in Romania and gambled with the money obtained through THB. Around 15 victims were identified, three after they managed to escape and provide statements to the Romanian police. However, given the large amount of illegal profits, the Romanian authorities believed that there might be many other victims and that there was a need to locate and identify them all. For this reason, the Romanian authorities asked for Eurojust's support. At a meeting held at Eurojust, the Romanian authorities met the Belgian authorities that were investigating this criminality in parallel. The meeting allowed the delegations to exchange information on possible locations where victims might be being exploited and discuss the need for cooperation and investigative measures aimed at finding and identifying the victims. The Romanian and Belgian prosecutors reached an agreement on the main objectives of their investigations, to be attained through close cooperation, namely to (i) identify and question all victims and apply protection measures if needed; (ii) identify all money sent by victims to the OCG and all illegal assets with a view to their confiscation; and (iii) organise an action day, on a date to be

decided, with arrests and house searches taking place at locations where victims were being housed and exploited and with the aim of rescuing victims.

*The following examples of **best** practice for identifying THB victims were identified from Eurojust's casework.*

- *There should be **early involvement of Eurojust** to assist in establishing cooperation with all countries involved and in exchanging information to identify all potential victims and their locations.*
- *There should be **early involvement of Europol** to assist in cross-matching data on victims, to detect possible links between investigations, and in analysing data, such as financial data obtained from money transfers.*
- *A specific objective should be included in **the JIT agreement** to identify, rescue and protect the victims. In this way, it becomes a common task for the JIT and can be evaluated at the end of operations.*
- *There should be **active monitoring of adult websites** by countries of exploitation, to detect potential victims. Many Eurojust cases involve the online advertisement of victims' sexual services.*
- ***Information on money flows** should be requested, which often leads to the identification of the names and locations of potential (current and past) victims who have sent money via international money transfer services to suspects and their accomplices.*
- ***Passenger name record (PNR) data** ([60]) should be requested from Passenger Information Units ([61]) at the beginning of an investigation, to obtain information on the travel of suspects and potential victims accompanying them. PNR is a useful tool that has been used with success in Eurojust cases. It allows authorities to quickly identify people who may be involved in a THB offence (including victims), without the need to request data individually from each air carrier.*

4.2. Rescue and protection of victims

Rescuing victims and giving consideration to their protection are extremely important parts of the support provided by Eurojust in all THB cases. This section presents examples of the work carried out by Eurojust for the protection of victims in the context of cross-border investigations and prosecutions and recommends best practice in this area. It also takes into consideration examples of good practice from the work of JITs, supported by Eurojust, because the vast majority of JIT agreements (49) during the recording period included as a main principle the protection and welfare of victims, especially victims who are particularly vulnerable because of, for example, their age or mental or physical capacity.

4.2.1. The interest of victims when deciding in which jurisdiction to prosecute

The first example describes work carried out by Eurojust national members with regard to advising national authorities in cases of potential conflicts of jurisdiction in THB cases. The interests and protection of the victims are some of the most important factors to take into consideration in THB cases, as detailed in the Eurojust *Guidelines for Deciding 'Which Jurisdiction Should Prosecute?'*.

The protection and welfare of victims of THB were high on the agenda of two parallel THB proceedings in Romania and Spain investigating the same material acts committed by the same people and constituting the same criminal conduct, i.e. THB for the purpose of forced begging. From 2003 until August 2018, the

([60]) See https://ec.europa.eu/home-affairs/what-we-do/policies/police-cooperation/information-exchange/pnr_en for more information on PNR data.
([61]) Established in the Member States.

perpetrators recruited several people with physical disabilities in Romania and forced them to beg in Spain. The perpetrators used deception and abused the victims' vulnerability and dependency on the perpetrators, with the perpetrators taking the victims' identification cards. The victims were forced to sleep in cars and beg in crowded areas, with each earning up to EUR 350–400 per day for the traffickers. To maximise the profits, the perpetrators forced the victims with impaired mobility to stand for long periods and show their discomfort. The investigations established that the perpetrators illegally obtained patrimonial benefits by means that endangered the life, integrity and health of the victims and exposed them to inhuman and degrading treatment during their transport, transfer and shelter. Eurojust's Romanian and Spanish national members issued a joint recommendation addressed to their national authorities presenting their arguments for transferring the totality of proceedings from one jurisdiction to the other, in order to prevent a conflict of jurisdictions. One of the main arguments related to the interests and protection of the victims, all of whom were Romanian citizens with disabilities. The national members recalled in their recommendation the specific rights ([42]) of victims with disabilities to benefit from individual assessments and protective measures. In particular, they took into consideration the provisions regarding victims of THB and victims with disabilities, who tend to experience high rates of secondary and repeat victimisation, intimidation and retaliation by offenders during criminal proceedings. It was recommended that individual assessments of all victims involved in each case should be carried out at the earliest opportunity, to be able to effectively identify such risks and the special protection measures required. In addition, it was recommended that the individual assessments take into account the personal characteristics of the victims, their disability and the fact that their country of origin was not the same as that where the crime was committed. Given the EU legislation in this area, the national members concluded that these victims' rights would not be jeopardised if the trial took place in one jurisdiction rather than in another.

*When deciding **in which jurisdiction to prosecute**, Eurojust recommends that the **interests and protection of victims** are given considerable weight, especially when the victims are minors or have a physical disability.*

4.2.2. Rescue and protection of victims during joint action days

This section describes how Eurojust sets up its coordination centres for supporting joint action days, one of whose aims is to detect potential victims during simultaneous searches of premises. As described earlier, coordination centres are carefully planned during coordination meetings held at Eurojust or during JIT operational meetings. Participants – the judicial and law enforcement authorities – specify the types of actions that will be carried out in their territory on the joint action day (searches, arrests, seizures, interviews of suspects, victims and witnesses), to be coordinated by Eurojust's Operations Department. Participants also discuss how to ensure that, in all countries, the joint actions fully respect the rights of potential victims who might be detected on that day. In particular, during meetings held at Eurojust, participants share with one another how each country will protect the victims on that day and beyond (including through the use of national structures and the involvement of non-governmental organisations). Victims often live with their traffickers and, if they are detected when arresting their traffickers, they can be rescued from exploitation. However, although very important, this is not enough. Victims need immediate protection and support in dealing with the physical and emotional harm they have suffered, in a language that they understand. It is essential therefore that judicial authorities

([42]) Established by Directive 2012/29/EU on the rights, support and protection of victims of crime and Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.

coordinate their national efforts, in advance of their common actions, so that victims can benefit from immediate support and protection, irrespective of the country where they are detected. Eurojust has helped with these coordination efforts in a few cases when requested. This was particularly beneficial considering that, in many of the THB cases analysed, the criminality was ongoing and any actions of the authorities during joint actions in several Member States needed to take into consideration the effects on the victims.

On 16 October 2018, during a joint action day ([43]), Romanian and UK authorities successfully dismantled an OCG involved in human trafficking for forced labour, false imprisonment and money laundering. In total, 33 potential victims of trafficking (including five children) were rescued from a number of London addresses and brought to safety.

In November 2018, Portuguese and Spanish judicial authorities, with Eurojust's support ([44]), dismantled an international criminal network that had forced people into agricultural labour in Spain. The operation resulted in the release of 10 victims of the criminal network, four in Spain and six in Portugal.

In September 2019, during an action day ([45]) coordinated by Eurojust, national authorities from Slovakia, the United Kingdom, Germany and the Netherlands dismantled a Slovak OCG whose members had lived in the United Kingdom and then moved to Germany. Several Slovak victims who were employed on bogus work contracts in Chinese restaurants and car wash facilities under very harsh working conditions were released.

In November 2019, during a synchronised joint action day ([46]), 17 suspects were taken into custody in the United Kingdom and one suspect was taken into custody in Romania in a THB case supported by Eurojust. On the same day 29 potential victims were rescued in London and brought to safety.

In December 2019, during a joint action day, victims of human trafficking in three countries were brought to safety with Eurojust's support ([47]). In total, 14 suspects were arrested and nine young women who were practising prostitution for the benefit of the OCG were rescued.

*Eurojust recommends that judicial and law enforcement authorities always discuss in advance, and take actions to ensure, the **interests and protection of THB victims during and after joint action days**. Eurojust is able to help with the preparation and organisation of joint action days and provide real-time coordination. By setting up a coordination centre in THB cases, Eurojust is able to immediately provide help and ensure that joint actions are taken to benefit not only the judiciary and the police in all participating countries but, importantly, also the victims, to enable them to be rescued and protected.*

([43]) Eurojust, 'Victims of kidnapping and slavery', press release, 29 October 2018 (available at https://www.eurojust.europa.eu/victims-kidnapping-and-slavery).
([44]) Eurojust, 'THB network dismantled with the support of Eurojust', press release, 12 November 2018 (available at https://www.eurojust.europa.eu/thb-network-dismantled-support-eurojust).
([45]) Eurojust, 'Modern slavery case solved with Eurojust's support', press release, 6 September 2019 (available at https://www.eurojust.europa.eu/modern-slavery-case-solved-eurojusts-support).
([46]) Eurojust, 'Human trafficking ring targeted in the UK and Romania', press release, 15 November 2019 (available at https://www.eurojust.europa.eu/human-trafficking-ring-targeted-uk-and-romania).
([47]) Eurojust, 'Victims of human trafficking in three countries brought to safety', press release, 12 December 2019 (available at https://www.eurojust.europa.eu/victims-human-trafficking-three-countries-brought-safety).

4.2.3. Victims interviewed by fellow countrymen

In the THB cases analysed by Eurojust, to protect the victims' interests, the interviewing of victims was carefully considered and planned. The interviews mostly took place during the joint action days and could form the basis for subsequent prosecutions. Victims were detected mainly in the countries of exploitation, where they were usually not familiar with the system and did not speak the native language. Approaching victims with a view to interviewing them required expertise and extra care, as a complex multifaceted relationship had often been established between the victims and their traffickers, resulting in the victims being too afraid or refusing ([48]) to cooperate. In several cases, Eurojust played an important role, facilitating cooperation between national authorities to help them identify ways of engaging with the victims during interviews to form relationships and connections so that they would be more likely to cooperate. This included victims being interviewed by someone from their own country, or in presence of someone from their own country, in their own language, without the need for an interpreter. This was legally possible if a JIT had been set up, through the secondment of specialised investigators or prosecutors in the framework of the JIT agreement. It was also possible, in the absence of a JIT, through the use of EIOs, based on Article 9(4) and (5) of EIO Directive 2014/41/EU ([49]).

In one THB case from 2019, it was recognised that it would be helpful for a representative from the Romanian police or Public Prosecutor's Office to be present in Portugal during the action day to interview potential victims. The Romanian case prosecutor considered this possibility and decided to issue an EIO on the interviewing of victims in Portugal. The prosecutor requested that one or more Romanian competent authorities assist in the execution of the investigative measures listed in the EIO, including the interviewing of victims, to support the Portuguese competent authorities. Eurojust facilitated the execution of the EIO. In April 2020, the case was closed at Eurojust.

In another THB case involving Hungarian female victims forced into prostitution in the United Kingdom, the JIT members allowed victims to be interviewed by fellow countrymen seconded for this purpose under the JIT framework. Other issues related to the victims were also resolved with Eurojust's support, namely how the victims could provide evidence from abroad by video link or flying to the UK.

In 12 JITs set up during the reporting period, victims were interviewed by someone from their own country who had been seconded for this purpose under the JIT framework. When EIOs were used in Eurojust cases, they often included a list of questions to be addressed to all potential victims on the joint action day.

*Eurojust recommends that all parties to JITs discuss the possibility of **seconding specialised officers to interview potential victims of trafficking** and take into consideration the particularities of child victims of THB. In cases in which a JIT has not been set up, EIOs can be issued in accordance with Article 9(4) and (5) of EIO Directive 2014/41/EU.*

([48]) The victims might have felt victimised or have blamed themselves for the situations they found themselves in.
([49]) Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32014L0041

4.2.4. Access to witness protection programmes and measures

During the reporting period, several JITs discussed and arranged for the protection of victims and witnesses, with close support from Eurojust. Providing access to witness protection programmes and measures was of paramount importance, especially in cases involving victims whose lives had been threatened by OCGs because they had cooperated with the authorities. In some cases, these programmes enabled the victims to relocate and change their identity, with the aim of ensuring their safety during and after criminal proceedings and facilitating their testimonies.

In one THB case, Eurojust supported a JIT that was set up between the Bulgarian and Swedish authorities investigating an OCG for aggravated THB for forced begging and money laundering involving millions of Swedish kronor. The OCG members violently assaulted the Bulgarian victims whenever they refused to beg. An action day resulted in seven suspects being detained in Sweden. At the Eurojust coordination meetings, the JIT parties exchanged valuable information and made decisions on the best place to prosecute and the measures needed to ensure the victims' safety during any criminal proceedings. The Swedish authorities reported that they had asked the court to impose restrictions on the suspects' ability to communicate so that they could not influence the witnesses. The Bulgarian authorities replied that, during the initial interviews, most of the victims, including those who were not dependent on the suspects, reported being very afraid of the members of the OCG. The Bulgarian victims were therefore not willing to testify in court in Sweden in the presence of the suspects. The JIT parties discussed how to mitigate this problem, resulting in a hearing being organised by videoconferencing instead. The Swedish authorities informed the JIT about the possibility of removing the suspects from the courtroom and them following the trial by audio link if the court deemed this suitable. The work of the JIT was very successful, with communication between the parties enhanced by the designation of contact points, one from Bulgaria and one from Sweden.

4.2.5. Child victims

During the reporting period, 15 THB cases involved child victims. Any delays in cooperation between the authorities involved in these cases would have negatively affected the well-being of these children. The benefits of early coordination by Eurojust in these sensitive cases are illustrated in the following example.

In 2017, the Lithuanian authorities asked Eurojust to coordinate parallel investigations in Lithuania and Norway involving Lithuanian children taken to Norway to commit theft from shops. The proceedings started after a child was detained in Norway for shoplifting and was then sent to a shelter for children in danger. Five Lithuanian nationals were allegedly involved in trafficking children for the purpose of committing criminal activities. More children appeared to be exploited. Eurojust organised coordination meetings and supported the setting up of a JIT between the Lithuanian and Norwegian authorities. Eurojust's support was essential in speeding up the establishment and work of the JIT. In Lithuania, only the Prosecutor General or the Deputy Prosecutor General can sign a JIT agreement. Eurojust helped in drafting the JIT agreement and ensured that both parties agreed on the draft in advance and signed it during a Eurojust coordination meeting held in the Prosecutor General's Office in Vilnius for this purpose. The JIT aimed to collect evidence and share important information with the goal of identifying all potential suspects and disrupting their activities; using the collected evidence for the purpose of prosecution; and freezing and confiscating the proceeds of crime in Lithuania and Norway. The operational cooperation that followed was timely and efficient, with all actions being jointly executed on schedule by the Lithuanian

and Norwegian authorities. Eurojust's provision of financial support for the JIT was extremely beneficial, in particular for the translation of documents exchanged between the parties.

4.3. Evidence from victims

Victims' testimony is one of the most important pieces of evidence in THB cases; in most EU Member States it is fundamental to proving that a trafficking offence has been committed and for ensuring convictions. Along with the identification of victims of THB, convincing victims to come forward and provide statements to law enforcement and judicial authorities and cooperate in investigations and prosecutions by testifying against their perpetrators are two of the main challenges in THB cases. In many of the THB cases analysed by Eurojust, the victims were unwilling to testify because of fears that they would not be protected from the perpetrators by the authorities. In some cases, the challenge was to convince victims to testify truthfully. National authorities met at Eurojust to identify together the right moment to approach victims in several countries, the right specialists to speak to victims, the questions to ask victims and the strategies to use to avoid secondary victimisation. This section includes examples of best practice and recommendations in relation to collecting evidence from victims, as identified in Eurojust's casework.

4.3.1. Victims' testimonies and respect for their welfare

By involving Eurojust in THB cases, national authorities benefited from tailor-made assistance in relation to obtaining victims' testimonies. Ensuring that these testimonies are possible and admissible as evidence, while respecting victims' rights and welfare, are priorities for Eurojust when supporting THB cases. This helps not only to successfully prosecute traffickers but also to provide assistance, protection and reparation to victims.

In July 2019, nine human traffickers were sentenced to 33 years in prison in the United Kingdom. The conviction followed successful JIT operations in Latvia and the United Kingdom, supported by Eurojust ([50]). The JIT helped to identify and protect the victims and detect the criminals operating in both countries. Two joint action days were successfully carried out. The JIT members implemented a mutually agreed and carefully considered trial strategy regarding the victims and witnesses to obtain evidence suitable for use in the UK criminal justice system, which was selected as the best place to prosecute. As the engagement of victims as potential witnesses was fundamental to the success of the investigation, and given the victims' vulnerability, the JIT was assisted by non-governmental organisations and other institutions in dealing with the victims. Within the JIT, all necessary measures were taken to ensure the victims' safety, such as house safeguarding, escorting victims when travelling, and spontaneous intervention to minimise intimidation by the criminal group.

4.3.2. Admissibility of evidence from victims gathered by joint investigation teams

In many THB cases, detailed discussions took place during Eurojust's coordination meetings on the legal procedural requirements for gathering evidence in each state party to the JIT when this evidence would be used in court in another state party to the JIT. In particular, members of the JITs discussed and clarified applicable legal provisions related to hearing victims in another jurisdiction in case their statements will be used in another one, or applicable legal provisions related to house searches and

([50]) Eurojust, 'World day against trafficking in persons', news, 30 July 2019 (available at https://www.eurojust.europa.eu/world-day-against-trafficking-persons).

wiretappings whose outcomes might be used in another jurisdiction. The admissibility of such evidence was discussed in detail and legal provisions were added as annexes to the JIT agreements. This was carried out as a matter of high importance, as JIT agreements cannot go beyond the applicable legal provisions in the participating states. Once set up, a JIT will eliminate the formal requests (EIOs or MLA requests); however, the authorities involved will carry out all investigative activities in their countries according to their laws.

4.3.3. Interviewing child victims

One particular example in which annexes to a JIT agreement proved extremely useful for ensuring the admissibility of evidence from victims comes from a JIT that was set up between Bulgarian and Norwegian authorities in a THB case involving the possession of electronic materials showing the sexual abuse of children.

Young boys from an orphanage in Bulgaria became victims of Norwegian suspects running the orphanage. Norwegian and Bulgarian authorities began investigating and a JIT was set up to enable rapid and close cooperation and coordination between them. Important aims of the JIT were the identification of all child victims, the provision of timely and adequate protection and professional assistance, and the protection of the children's rights. It was also important to obtain an agreement on a date to simultaneously carry out procedural and investigative actions in Bulgaria and Norway to arrest the perpetrators and collect and preserve evidence on the criminal activity. The parties discussed in detail the admissibility of evidence in Norway with regard to the children's statements. In an annex to the JIT agreement, the parties included information and legal provisions about the interviewing of children as victims or witnesses in Norway. According to the Norwegian Criminal Procedure Act, prosecutor-led police interviews of children under the age of 16 years must be conducted under specific criteria in cases regarding sexual offences and domestic violence. Under Article 13(5) and (6) of the MLA 2000, the Norwegian members of the JIT, entrusted by the leader of the team, asked the competent authorities of Bulgaria to allow designated Norwegian investigators specialised in interviewing children to conduct the interviews in Bulgaria in accordance with the Norwegian legislation (e.g. using designated rooms that were designed to allow participants to be present but not in the same room as the child). The annex clarified that the interviews must be tape-recorded and transcribed for presentation during the trial proceedings, to avoid the children having to be summoned and undergo further trauma. The annex also explained the provisions regarding the suspects' rights in relation to the interviewing of children. It underlined that, if the interviews were not carried out in accordance with these criteria, the evidence might be inadmissible in Norway or have poorer evidential value.

*In cases in which it is anticipated that evidence gathered in one country in the framework of a JIT will be used in another country, Eurojust recommends that national authorities ensure that the legal provisions of the country where the evidence is to be used are understood by all JIT members and will be respected. It is good practice to discuss the **admissibility of evidence at Eurojust** during coordination meetings and **include annexes** to JIT agreements containing legal provisions to gather evidence.*

4.3.4. Eurojust's comparative analysis of victim statements

This section describes another type of support provided by Eurojust for victims of trafficking, in particular for cases involving very large numbers of victims providing statements in different countries.

In a THB case of labour exploitation linked to social benefit fraud involving more than 50 Romanian families with many children exploited in Germany by a very large OCG, a JIT was set up between authorities in the country of origin and authorities in the country of exploitation at a coordination meeting at Eurojust ([51]). The JIT parties collected 47 statements (17 in Romania and 30 in Germany) from the Romanian families and other people of interest in the two investigations. The Operations Department at Eurojust helped the JIT members carry out a comparative analysis of all of the statements to identify common and/or contradictory elements within the two parallel investigations. Each statement was examined and information was extracted on points of interest for the JIT parties, namely the profile of the person providing the statement (whether the person was interviewed as a suspect, victim or witness in Romania or Germany), the modus operandi described by each person and whether the statement appeared to be incoherent, contradictory, obtained under fear or not credible. Eurojust's analysis also provided information on the OCG members who had facilitated the recruitment and on the travel history and accommodation in Germany of each person of interest. Finally, it revealed the links between all of the people of interest and provided information on the work performed by each person in Germany, the opening of bank accounts and requests for social benefits, including child benefit, and the amounts of money taken by the OCG from each family. Both parties to the JIT highlighted the value of the analysis and its potential use in the context of the national proceedings. In July 2018, the work of the JIT resulted in operational success ([52]) involving arrests (including the execution of four German European Arrest Warrants), searches (16 in Germany and 11 in Romania), hearings and freezing orders.

*Eurojust recommends that national authorities that are parties to JITs in THB cases involving demanding and difficult investigations, many victims and large OCGs request **assistance from Eurojust's Operations Department** for the analysis of information and evidence gathered to identify possible common and/or contradictory elements within the investigations.*

4.4. Eurojust as a member of the Victims' Rights Platform

On 22 September 2020, the European Commission inaugurated an EU Victims' Rights Platform, bringing together all relevant actors, including Eurojust, to ensure a more horizontal approach to victims' rights at the EU level. Eurojust has long-standing experience in successfully overcoming cross-border challenges and will use that experience in more pronounced ways in the interests and service of victims of cross-border crime, including THB. To enhance the engagement of Eurojust in this area, the College of Eurojust is planning to set up a dedicated internal structure to deal with victims' rights and interests, bringing together the expertise of the agency in this field.

In 2020, Eurojust chaired the network of the nine EU agencies that operate in the field of justice and home affairs, dealing with security, justice, fundamental rights and gender equality. The central theme of the Eurojust presidency of the network was the protection of the victims of human trafficking. In the first half of 2021, the network will issue a joint paper on this theme, with Eurojust as the lead. The paper will be disseminated to the Member States to make them aware of the roles of and victim-related actions

([51]) The coordination meeting in this complex case took place in October 2017. King Willem-Alexander attended the official opening ceremony for Eurojust's new premises in The Hague on the day of the meeting and briefly met the JIT parties.
([52]) Eurojust, 'Social benefit fraud ring dismantled', press release, 4 July 2018 (available at https://www.eurojust.europa.eu/social-benefit-fraud-ring-dismantled).

undertaken by the Justice and Home Affairs agencies in the implementation of their 2018 Joint Statement of commitment to working together against trafficking in human beings([53]).

5. Eurojust's work on trafficking in human beings during the COVID-19 pandemic

The outbreak of the COVID-19 pandemic and the implementation of lockdown measures in the Member States have unfortunately not stopped traffickers from exploiting their victims. It is therefore particularly important that Eurojust continues to provide support for national authorities' cross-border investigations during the crisis. This section aims to demonstrate to practitioners that Eurojust's work on THB cases, although affected by the special circumstances triggered by the pandemic, has continued at the same speed and to the same extent as before the pandemic. In 2020, 163 new THB cases were registered at Eurojust for assistance and 56 coordination meetings were organised by Eurojust (mostly by videoconference). Eurojust supported 48 new and ongoing JITs on THB in 2020 and organised two coordination centres in support of joint action days. The following examples describe operational successes that were facilitated by Eurojust even though it was only able to assist from a distance.

In February 2020 ([54]), authorities in Romania and Spain took action against an OCG suspected of human trafficking, pimping and money laundering. In parallel coordinated operations, four suspects were arrested and seven Romanian victims were brought to safety, among them two minors. Approximately EUR 58 000 in cash, three properties, two luxury cars, and mobile phones and phone cards were seized. Eurojust played a key role in coordinating joint actions in 2019 and 2020.

In April 2020 ([55]), Eurojust helped to identify and put all competent authorities in Romania, Austria and the United Kingdom in contact within a week. This rapid intervention by Eurojust allowed the authorities to immediately coordinate their efforts. In May 2020, 10 THB suspects THB were arrested and five others were placed under judicial control. Two female victims were brought to safety, one of whom was under immediate threat from the criminal network, requiring swift coordination and action within 4 working days.

In May 2020, an action day resulted in the arrest of nine OCG members in Romania and Finland, where they allegedly ran a network for the sexual exploitation of around 10 female victims, who were returned to safety. Because of the rapid judicial cooperation facilitated by Eurojust, in November 2020 the human traffickers were swiftly taken to court and charged with THB, inciting prostitution and money laundering ([56]).

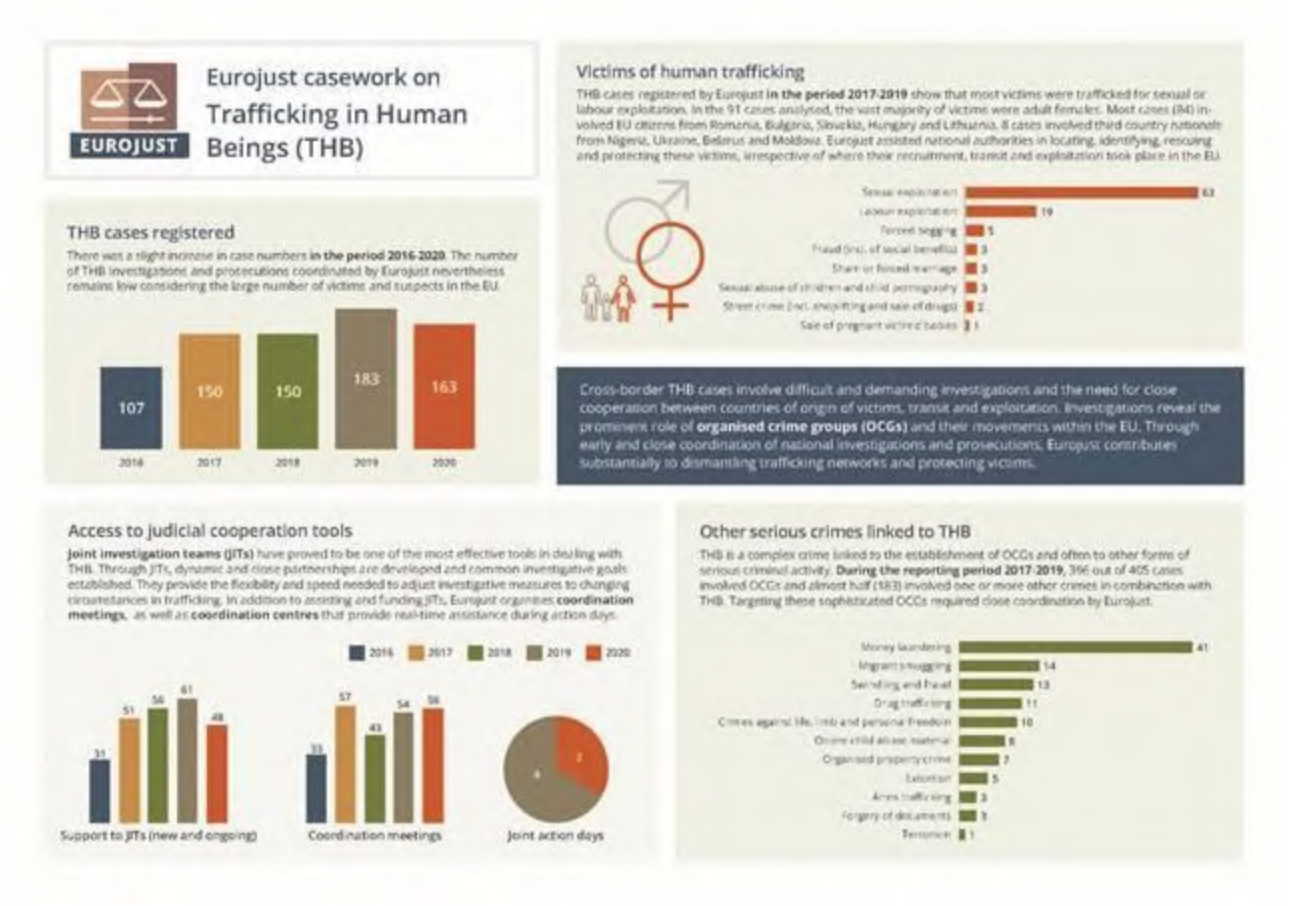
([53]) https://www.eurojust.europa.eu/joint-statement-commitment-working-together-address-trafficking-human-beings
([54]) Eurojust, 'Action against human trafficking and pimping in Romania and Spain', press release, 24 February 2020 (available at https://www.eurojust.europa.eu/action-against-human-trafficking-and-pimping-romania-and-spain).
([55]) Eurojust, 'Rapid action via Eurojust leads to arrest of 10 human traffickers', press release, 18 May 2020 (available at https://www.eurojust.europa.eu/rapid-action-eurojust-leads-arrest-10-human-traffickers).
([56]) Eurojust, 'Human traffickers swiftly taken to court with support of Eurojust', press release, 23 November 2020 (available at https://www.eurojust.europa.eu/human-traffickers-swiftly-taken-court-support-eurojust).

On 9 September 2020 ([57]), during a joint action day, judicial and law enforcement authorities in the United Kingdom and Romania arrested 21 members of an OCG specialising in the trafficking of young Romanian girls into the United Kingdom, Ireland and Germany for the purpose of sexual exploitation.

In October 2020 ([58]), with the active support of Eurojust, Romanian and French authorities took action against pimping and human trafficking by Romanian perpetrators. An action day was organised that led to the arrest of 10 suspects, seven in Romania and three in France. Real estate and vehicles were also seized.

([57]) Eurojust, 'Romania and UK judicial authorities jointly dismantle 'loverboy' criminal network specialized in trafficking and sexually exploiting young girls', press release, 18 September 2020 (available at https://www.eurojust.europa.eu/romania-and-uk-judicial-authorities-jointly-dismantle-loverboy-criminal-network-specialized).

([58]) Eurojust, 'Action against prostitution ring in Romania and France', press release, 15 October 2020 (available at https://www.eurojust.europa.eu/action-against-prostitution-ring-romania-and-france).


Eurojust casework on Trafficking in Human Beings (THB)
EUROJUST
THB cases registered
There was a slight increase in case numbers in the period 2016-2020. The number of THB investigations and prosecutions coordinated by Eurojust nevertheless remains low considering the large number of victims and suspects in the EU.
107
150
150
183
163
2016
2017
2018
2019
2020
Victims of human trafficking
THB cases registered by Eurojust in the period 2017-2019 show that most victims were trafficked for sexual or labour exploitation. In the 91 cases analysed, the vast majority of victims were adult females. Most cases (84) involved EU citizens from Romania, Bulgaria, Slovakia, Hungary and Lithuania. 8 cases involved third country nationals from Nigeria, Ukraine, Belarus and Moldova. Eurojust assisted national authorities in locating, identifying, rescuing and protecting these victims, irrespective of where their recruitment, transit and exploitation took place in the EU.
63
19
5
3
3
3
2
1
Cross-border THB cases involve difficult and demanding investigations and the need for close cooperation between countries of origin of victims, transit and exploitation. Investigations reveal the prominent role of organised crime groups (OCGs) and their movements within the EU. Through early and close coordination of national investigations and prosecutions, Eurojust contributes substantially to dismantling trafficking networks and protecting victims.
Access to judicial cooperation tools
Joint investigation teams (JITs) have proved to be one of the most effective tools in dealing with THB. Through JITs, dynamic and close partnerships are developed and common investigative goals established. They provide the flexibility and speed needed to adjust investigative measures to changing circumstances in trafficking. In addition to assisting and funding JITs, Eurojust organises coordination meetings, as well as coordination centres that provide real-time assistance during action days.
2016
2017
2018
2019
2020
31
51
56
61
48
Support to JITs (new and ongoing)
33
57
43
54
56
Coordination meetings
4
2
Joint action days
Other serious crimes linked to THB
THB is a complex crime linked to the establishment of OCGs and often to other forms of serious criminal activity. During the reporting period 2017-2019, 396 out of 405 cases involved OCGs and almost half (183) involved one or more other crimes in combination with THB. Targeting these sophisticated OCGs required close coordination by Eurojust.
41
14
13
11
10
8
7
5
3
3
1
Money laundering
Migrant smuggling
Swindling and fraud
Drug trafficking
Crimes against life, limb and personal freedom
Online child abuse material
Organised property crime
Extortion
Arms trafficking
Forgery of documents
Terrorism


#JusticeDone
EUROJUST
Human traffickers swiftly taken to court with support of Eurojust
An organised crime group (OCG) in Romania and Finland allegedly ran a network for the sexual exploitation of around ten women. The suspects recruited their young female victims from poorer rural areas of Romania for sexual exploitation in Finland, often under false pretences.
November 2020 – Thanks to the rapid judicial cooperation facilitated by Eurojust, the alleged perpetrators are swiftly taken to court and formally charged with trafficking in human beings, inciting prostitution, and money laundering.
May 2020 – Immediately after the second coordination meeting, the joint action day takes place. It results in the arrest of nine OCG members in Romania and Finland. Their victims are returned to safety.
May 2020 – A second coordination meeting is held. The delegations agree on jurisdictional issues, deciding with Eurojust support which country is best placed to prosecute whom and for which crimes. The joint action day is prepared.
January 2020 – Eurojust organises the first of two coordination meetings in this case. During this meeting, a joint investigation team is set up, funded by the Agency. The delegations clarify differences between the legal provisions of the two countries. For example, the Finnish law permits the use of recorded statements in court, while the Romanian law requires written statements.
2019 – At the request of the Romanian authorities and with the support of the Romanian and Finnish National Desks at Eurojust, investigations into the OCG are opened in Finland.


Rapid action via Eurojust leads to arrest of 10 human traffickers
EUROJUST
An organised crime group (OCG) in Romania, Austria and the United Kingdom allegedly forced its victims into prostitution, using the so-called 'loverboy' approach, where young men tempt women from deprived backgrounds to work for them. It is also alleged that the suspects subjected the victims to physical aggression and rewarded them using stolen golden jewellery.
May 2020 - Coordinated action day
Ten suspects of trafficking in human beings are arrested and five others placed under judicial control by the Romanian authorities. Two female victims are brought to safety, one of whom was under immediate threat from the criminal network.
Eurojust facilitates the execution of European Investigation Orders (EIOs) to Austria and the United Kingdom and assists with the coordination of the operation.
The authorities search three places in Austria and the UK and seize weapons, such as guns and machetes, as well as jewellery, luxury clothes, cash and IT equipment.
April 2020 – Within one week, Eurojust identifies the competent authorities in Romania, Austria and the United Kingdom, and puts them in contact with each other.
This rapid intervention allows the authorities to immediately coordinate efforts, in spite of the challenges due to the COVID-19 pandemic.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