



Misuse of the Internet for the recruitment of victims of trafficking in human beings

Seminar proceedings
Strasbourg, 7-8 June 2007

Council of Europe
campaign to combat
trafficking in human beings



L'usage abusif d'Internet pour le recrutement des victimes de la traite des êtres humains

Actes du séminaire
Strasbourg, 7-8 juin 2007

Campagne du Conseil de l'Europe
sur la lutte contre la traite des êtres humains



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**Proceedings of the seminar,
Strasbourg, 7-8 June 2007**

**Organised by the Gender Equality and Anti-Trafficking Division
Directorate General of Human Rights and Legal Affairs**

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Usage abusif d'internet pour le recrutement des victimes de la traite des êtres humains

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**Organisé par la Division pour l'égalité entre les femmes et les
hommes et la lutte contre la traite
Direction générale des droits de l'Homme et des affaires juridiques**

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Gender Equality and Anti-Trafficking Division
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The Council of Europe

The Council of Europe is a political organisation which was founded on 5 May 1949 by ten European countries in order to promote greater unity between its members. It now numbers forty-seven European states¹.

The main aims of the organisation are to promote democracy, human rights and the rule of law, and to develop common responses to political, social, cultural and legal challenges in its member states. Since 1989 it has integrated most of the coun-

1. Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Georgia, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine, United Kingdom

tries of central and eastern Europe and supported them in their efforts to implement and consolidate their political, legal and administrative reforms.

The Council of Europe has its permanent headquarters in Strasbourg (France). By Statute, it has two constituent organs: the Committee of Ministers, composed of the foreign ministers of the 47 member states, and the Parliamentary Assembly, comprising delegations from the 47 national parliaments. The Congress of Local and Regional Authorities of the Council of Europe represents the entities of local and regional self-government within the member states.

The European Court of Human Rights is the judicial body competent to adjudicate complaints brought against a state by individuals, associations or other contracting states on grounds of violation of the European Convention on Human Rights.

Anti-trafficking activities of the Council of Europe

Trafficking in human beings constitutes a violation of human rights and is an offence to the dignity and the integrity of the human being. The Council of Europe, whose principal vocation is the safeguard and promotion of human rights, has been active in the fight against trafficking in human beings since the late 1980s.

The Council of Europe Convention on Action against Trafficking in Human Beings [CETS No.197] was adopted by the Committee of Ministers on 3 May 2005 and opened for signature in Warsaw on 16 May 2005, on the occasion of the Third Summit of

Heads of State and Government of the Council of Europe member states.

This new Convention, the first European treaty in this field, is a comprehensive treaty focusing mainly on the protection of victims of trafficking and the safeguarding of their rights. It also aims to prevent trafficking and to prosecute traffickers. In addition, the Convention provides for the setting up of an effective and independent monitoring mechanism capable of controlling the implementation of the obligations contained in the Convention.

For further information on the Council of Europe's activities to combat trafficking in human beings please consult our website: www.coe.int/trafficking

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Le Conseil de l'Europe

Le Conseil de l'Europe est une organisation politique qui a été créée le 5 mai 1949 par dix États européens dans le but de réaliser une union plus étroite entre ses membres. Il compte aujourd'hui 47 États membres¹.

Les principaux objectifs de l'Organisation sont de promouvoir la démocratie, les droits de l'homme et la prééminence du droit, ainsi que de rechercher des solutions communes aux problèmes politiques, sociaux, culturels et juridiques de ses États membres.

1. Albanie, Andorre, Arménie, Autriche, Azerbaïdjan, Belgique, Bosnie-Herzégovine, Bulgarie, Croatie, Chypre, République Tchèque, Danemark, Estonie, Finlande, France, Géorgie, Allemagne, Grèce, Hongrie, Islande, Irlande, Italie, Lettonie, Liechtenstein, Lituanie, Luxembourg, Malte, Moldova, Monaco, Monténégro, Pays-Bas, Norvège, Pologne, Portugal, Roumanie, Fédération de Russie, Saint-Marin, Serbie, Slovaquie, Slovénie, Espagne, Suède, Suisse, «l'ex-République yougoslave de Macédoine», Turquie, Ukraine, Royaume-Uni.

Depuis 1989, il a intégré la plupart des pays d'Europe centrale et orientale et les soutient dans leurs efforts pour mettre en œuvre et consolider leurs réformes politiques, législatives et administratives.

Le siège permanent du Conseil de l'Europe est à Strasbourg (France). Le statut de l'Organisation prévoit deux organes constitutifs: le Comité des Ministres, composé des ministres des Affaires étrangères des 47 États membres et l'Assemblée parlementaire, formée de délégations des 47 parlements nationaux. Le Congrès des pouvoirs locaux et régionaux du Conseil de l'Europe représente les collectivités territoriales dans les États membres.

La Cour européenne des Droits de l'Homme est l'instance judiciaire compétente pour statuer sur les requêtes introduites contre un État par des particuliers, des associations ou d'autres États contractants pour violation de la Convention européenne des Droits de l'Homme.

Les activités du Conseil de l'Europe pour combattre la traite des êtres humains

La traite constitue une violation des droits de la personne humaine et une atteinte à la dignité et à l'intégrité de l'être humain. Le Conseil de l'Europe, dont la mission principale est la sauvegarde et la promotion de ces droits, est actif dans la lutte contre la traite des êtres humains depuis la fin des années 80.

La Convention du Conseil de l'Europe sur la lutte contre la traite des êtres humains [STCE N° 197] a été adoptée par le Comité des Ministres le 3 mai 2005 et ouverte à la signature à

Varsovie le 16 mai 2005 à l'occasion du Troisième Sommet des Chefs d'Etat et de Gouvernement du Conseil de l'Europe.

Cette nouvelle Convention, premier traité européen dans ce domaine, est un traité global axé essentiellement sur la protection des victimes de la traite et la sauvegarde de leurs droits. Elle vise également la prévention de la traite ainsi que la poursuite des trafiquants. En outre, la Convention prévoit la mise en place d'un mécanisme de suivi efficace et indépendant apte à contrôler la mise en œuvre des obligations qu'elle contient.

Pour plus d'informations sur les activités du Conseil de l'Europe pour combattre la traite des êtres humains, consultez notre site web : www.coe.int/trafficking/fr

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Introduction

Trafficking in human beings is the modern form of the old worldwide slave trade. It treats human beings as a commodity to be bought and sold. The victims are put to forced labour, usually in the sex industry but also, for example, in the agricultural sector or in sweatshops, for a pittance or nothing at all. Trafficking in human beings directly undermines the values on which the Council of Europe is based: human rights, democracy and the rule of law.

The *Council of Europe Convention on Action against Trafficking in Human Beings [CETS No.197]* was adopted by the Committee of Ministers on 3 May 2005 and opened for signature in Warsaw on 16 May 2005, on the occasion of the Third Summit of Heads of State and Government of the Council of Europe member states.

This new Convention, the first European treaty in this field, is a comprehensive treaty focusing mainly on the protection of victims of trafficking and the safeguarding of their rights. It also aims to prevent trafficking and to prosecute traffickers. In addition, the Convention provides for the setting up of an effective and independent monitoring mechanism capable of controlling the implementation of the obligations contained in the Convention.

In June 2007, the Convention had been ratified by seven member states: Albania, Austria, Bulgaria, Georgia, Moldova, Romania and Slovenia and signed by 29 other Council of Europe member states: Andorra, Armenia, Belgium, Bosnia and Herzegovina, Croatia, Cyprus, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Latvia, Luxembourg, Malta, Montenegro, Netherlands, Norway, Poland, Portugal, San Marino, Serbia, Slovenia, Sweden, "the former Yugoslav Republic of Macedonia", Ukraine and the United Kingdom.

The *Council of Europe Campaign to Combat Trafficking in Human Beings* was launched in 2006 under the slogan "*Human being – Not for sale*". The aim of the Campaign is to raise awareness of the problem of trafficking in human beings as well as possible solutions to it among governments, parliamentarians, local and regional authorities, non-governmental organisations and civil society. The Campaign should promote the signature and ratification of the Convention, which is a practical tool for

international co-operation to fight trafficking and assist states in developing effective national legislation and policies.

The seminar on the *Misuse of the Internet for the Recruitment of Victims of Trafficking in Human beings* (Strasbourg, 7-8 June 2007), funded by a voluntary contribution from Monaco, was organised by the Gender Equality and Anti-Trafficking Division of the Directorate General of Human Rights and Legal Affairs in the context of the Campaign.

Participants included representatives from Monaco and member states which had ratified the *Council of Europe Convention on Action against Trafficking in Human Beings [CETS No. 197]* as well as experts from Eurojust, Europol, International Labour Organisation (ILO), national policies forces and non-governmental organisations. Experts presented legal, administrative and technical measures to fight against the recruitment of victims of trafficking in human beings through the internet and representatives from non-governmental organisations explained how they contribute to preventing this misuse.

The rapid development in the use of information technologies, in particular the internet, has given a new dimension to trafficking in human beings. Traffickers now have, literally at their fingertips, an effective, unrestricted and often anonymous means for recruiting their victims. Online employment agencies, in particular model or artist agencies and marriage bureaux can all be ploys to lure potential victims. Internet chat websites are often used to befriend potential victims. The risks for young people to fall into the traffickers' net have substantially increased.

This aim of this seminar was to learn more about the different methods used by traffickers to recruit their victims via the internet in order to propose appropriate legal, administrative and technical measures and more effective and better targeted awareness-raising.

The proceedings of the seminar are prepared on the basis of written contributions provided in English or in French.

In addition to these proceedings, discussions emanating from the seminar will be reflected in a Council of Europe report on the *Misuse of the internet for the recruitment of victims of trafficking in human beings* to be published in autumn 2007.

Introduction

La traite des êtres humains est la forme moderne de l'ancien commerce mondial des esclaves. Les êtres humains sont considérés comme des marchandises à acheter et à vendre, que l'on force à travailler, la plupart du temps dans l'industrie du sexe, mais aussi, par exemple, dans le secteur agricole ou dans des ateliers clandestins, pour des salaires de misère voire pour rien. La traite des êtres humains est une atteinte directe aux valeurs sur lesquelles le Conseil de l'Europe fonde son existence : les droits de la personne humaine, la démocratie et l'état de droit.

La Convention du Conseil de l'Europe sur la lutte contre la traite des êtres humains [STCE N° 197] a été adoptée par le Comité des Ministres le 3 mai 2005 et ouverte à la signature à Varsovie le 16 mai 2005 à l'occasion du Troisième Sommet des Chefs d'Etat et de Gouvernement du Conseil de l'Europe.

Cette nouvelle Convention, premier traité européen dans ce domaine, est un traité global axé essentiellement sur la protection des victimes de la traite et la sauvegarde de leurs droits. Elle vise également la prévention de la traite ainsi que la poursuite des trafiquants. En outre, la Convention prévoit la mise en place d'un mécanisme de suivi efficace et indépendant apte à contrôler la mise en œuvre des obligations qu'elle contient.

En juin 2007 la convention a été ratifiée par sept Etats membres : Albanie, Autriche, Bulgarie, Géorgie, Moldova, Roumanie et Slovaquie et signée par 29 autres Etats membres du Conseil de l'Europe : Andorre, Arménie, Belgique, Bosnie-Herzégovine, Croatie, Chypre, Danemark, Finlande, France, Allemagne, Grèce, Islande, Irlande, Italie, Lettonie, Luxembourg, Malte, Monténégro, Pays-Bas, Norvège, Pologne, Portugal, Saint-Marin, Serbie, Slovénie, Suède, « l'Ex-République yougoslave de Macédoine », Ukraine et Royaume Uni.

La Campagne du Conseil de l'Europe sur la lutte contre la traite des êtres humains a été lancée en 2006 sous le slogan *L'être humain - pas à vendre*. Elle a pour objectif de sensibiliser les gouvernements, les parlementaires, les collectivités locales et régionales, les ONG et la société civile au problème de la traite des êtres humains ainsi qu'aux solutions envisageables. La campagne vise aussi à promouvoir la signature et la ratification de la Convention qui est un outil pratique de coopération internationale pour lutter contre la traite des êtres humains et assister les Etats dans l'élaboration de législations et de politiques nationales efficaces dans ce domaine.

Le séminaire sur *l'usage abusif d'Internet pour le recrutement des victimes de la traite des êtres humains* (Strasbourg, 7-

8 juin 2007), financé par une contribution volontaire de Monaco, était organisé par la Division pour l'égalité entre les femmes et les hommes et la lutte contre la traite de la Direction générale des droits de l'Homme et des affaires juridiques dans le contexte de la Campagne.

Le séminaire a rassemblé des représentant(e)s de Monaco et des Etats membres du Conseil de l'Europe qui ont ratifié *la Convention du Conseil de l'Europe sur la lutte contre la traite des êtres humains [STCE N° 197]* ainsi que des expert(e)s d'Eurojust, d'Europol, de l'Organisation internationale du Travail (OIT), des forces de police nationales et d'ONG. Les expert(e)s ont présenté des mesures législatives, administratives et techniques pour lutter contre cet usage abusif d'Internet pour le recrutement des victimes de la traite des êtres humains et des représentant(e)s des organisations non gouvernementales ont expliqué leur rôle dans la prévention de cet usage abusif.

Le développement rapide de l'utilisation des technologies de l'information, notamment d'Internet, a ouvert la voie à de nouvelles formes d'exploitation et donné une nouvelle dimension à la traite des êtres humains. Les trafiquants ont, à portée de main, un moyen efficace et illimité, et souvent anonyme, pour recruter leurs victimes. Des agences pour l'emploi en ligne, notamment des agences de modèles ou d'artistes et des agences matrimoniales, peuvent toutes servir à attirer et leurrer des victimes potentielles. De même des sites internet de « chat » servent à attirer des proies et les risques pour les jeunes de devenir victimes de la traite des êtres humains se sont considérablement accrus.

Le séminaire avait pour but d'approfondir nos connaissances des différentes méthodes utilisées par les trafiquants pour recruter leurs victimes par le biais d'Internet afin de proposer des mesures juridiques, administratives et techniques appropriées ainsi que des mesures de sensibilisation mieux ciblées et plus efficaces.

Les actes du séminaire ont été préparés à partir de contributions écrites données en versions anglaise ou française.

De même que les actes, les discussions menées lors de ce séminaire serviront à l'élaboration d'une étude du Conseil de l'Europe sur *l'Usage abusif d'Internet pour le recrutement des victimes de la traite des êtres humains* qui sera publiée à l'automne 2007.

Opening of the Seminar

Ms Maud de Boer-Buquicchio, Deputy Secretary General of the Council of Europe

Trafficking is a Human Rights violation. The Internet has made it easier for traffickers to recruit victims.

We at the Council of Europe have developed two treaties.

First, the Convention on Cybercrime. This treaty, which is the only international binding legal instrument in this area, is very useful for law enforcement in the fight against all forms of crimes committed on or, through the means of, the Internet. It contains the necessary procedural and investigative tools which are adapted to the (volatile) Internet environment and enables law enforcement around the globe to co-operate, 24h a day, 7 days a week, to prevent and combat trafficking (as well as other crimes). 21 States (including the US) are Parties to it, and 22 other States have signed it. It is undoubtedly, a world wide reference in this area.

Second, the Convention on action against trafficking in human beings. [7 countries have ratified it, 3 more needed for entry into force]. The drafters of the trafficking Convention looked at the use of new information technologies in trafficking in human beings. They decided that the Convention's definition of trafficking in human beings covered trafficking involving use of new information technologies. For instance, the definition's reference to recruitment covers recruitment by whatever means (oral, through the press or via the Internet). It was therefore felt to be unnecessary to include a further provision making the international-cooperation arrangements in the Convention on Cybercrime (ETS No.185) applicable to trafficking in human beings.

The CoE Anti-trafficking Convention is about protecting the fundamental human rights of the victims, off-line as much as on-line. Two of the three "Ps" this Convention is about have a relevance for the use of the Internet, namely prevention of trafficking and prosecution of traffickers (the third P being protection of the victims).

For instance, when it comes to prevention of trafficking, States have to take measures to "reduce children's vulnerability to trafficking". This of course is particularly true on-line with tools such as blocking access to certain web sites, parental control of children access to the Internet, etc.. When it comes to reducing the demand, States are asked to develop "targeted information campaigns": again, this can be done on-line, as well as off-line.

As far as the "P" of prosecution is concerned, it is the interaction between the criminal law provisions of the Anti-Trafficking Convention and the investigative tools contained in the Cybercrime Convention, which make the fight against e-trafficking a comprehensive one. For instance, "production orders" contained in the Convention on cybercrime enable law enforcement authorities to require a person to submit specified computer data in that person's possession or control, which is stored in a computer system. This may be of great relevance to investigate a trafficking case. The same goes for the "expedited preservation of stored computer data", the "search and seizure of stored computer data", the "real time collection of traffic data", and so on. These are some of the investigative tools contained in the Convention on cybercrime but which are critically important for law enforcement to investigate and prosecute trafficking offences.

For these reasons, I call on participants to promote ratifications of both treaties.

I should also add that we are preparing a Study on the use of the Internet in the area of trafficking in human beings, thanks to a generous financial contribution by Monaco (which by the way has been so kind to sponsor this Seminar too). We look forward to all your contributions (policy and legal experts, law enforcement, NGOs, academia, etc...) to complete this Study.



M^{me} Claudette Gastaud, Ambassadrice extraordinaire et plénipotentiaire, Représentante permanente de Monaco auprès du Conseil de l'Europe

Madame la Secrétaire Générale Adjointe, Monsieur,

Le XIX^e siècle s'était attaché à abolir l'esclavage, ce phénomène mondial qui avait fait de l'être humain une marchandise et qui représentait l'une des formes les plus abouties de la négation de la dignité de la personne humaine.

Au XX^e siècle, deux guerres mondiales ont été perpétrées ; la dégradation, l'asservissement, les pires crimes que l'on pouvait imaginer ont été commis ; les Européens ont voulu éviter que notre continent ne connaisse à nouveau de telles atrocités. Né de cette volonté, le Conseil de l'Europe s'est vu confier principalement la mission de veiller au respect des droits de l'homme, parallèlement a été reconnu le principe de dignité humaine, cher aux juridictions constitutionnelles et européennes et qui implique à la fois la reconnaissance de l'égalité des personnes et l'interdiction d'utiliser un être humain comme un objet à une fin qui lui est étrangère.

Si la paix en Europe a pu être plus ou moins préservée, en revanche la dignité humaine et les droits de l'homme qui en découlent continuent d'être bafoués dans des domaines de plus en plus variés et grâce à des méthodes en constante évolution ; aujourd'hui la traite des êtres humains, forme moderne du commerce mondial des esclaves, connaît une ampleur inquiétante. Le nombre des victimes est en perpétuelle croissance.

Cet essor est lié à l'absence de politiques coordonnées de migration, à la situation économique et sociale dans certains Etats. Les victimes se laissent piéger par des offres d'embauches alléchantes ou des promesses de vie meilleure. Rapidement elles sont prises en main par des trafiquants, acheminées à l'aide de faux papiers ou clandestinement vers des pays où elles sont forcées à se livrer à des activités très lucratives pour ceux qui les exploitent : mendicité, travail dans des ateliers, spectacles érotiques, prostitution, prélèvement d'organes, etc. Les pratiques sont diverses. Ce trafic est souvent associé au crime organisé, mais pas exclusivement.

Il porte atteinte à l'intégrité physique et mentale de l'individu, à sa liberté de mouvement. Il constitue une offense au respect de l'être humain, une violation de ses droits, et dans certains cas du droit à la vie.

La lutte contre la traite des êtres humains est désormais une priorité politique car tous les pays à un titre ou à un autre sont touchés ; c'est la raison pour laquelle les grandes instances internationales, l'ONU, l'OSCE, l'Union européenne, se sont mobilisées ; à titre d'exemple le Protocole additionnel à la Convention sur la criminalité transnationale organisée, dit Protocole de Palerme, ouvert à la signature en 2000, couvre une partie importante de ce concept.

Attaché à défendre les principes de la Convention de 1950 sur la sauvegarde des droits de l'homme et des libertés fondamentales, le Conseil de l'Europe est devenu, au fil des années, un pilier dans le combat contre la traite des êtres humains.

Toutes ses entités s'y sont intéressées : le Comité des Ministres, l'Assemblée parlementaire, le Congrès des pouvoirs locaux, le Commissaire aux droits de l'homme et vous Madame la Secrétaire Générale adjointe qui mettez toute votre compétence et votre énergie dans les actions en faveur du respect de la personne humaine.

Face à l'ampleur du problème en Europe même, les Chefs d'Etat et de Gouvernement ont décidé de mettre en place un instrument juridique contraignant ; lors du 3^e Sommet du Conseil de l'Europe à Varsovie en mai 2005, la Convention sur la lutte contre la traite des êtres humains, étape majeure, était ouverte à la signature. Il s'agit du 1^{er} traité européen dans ce domaine qui vise la prévention, l'assistance aux victimes ainsi que la poursuite des trafiquants.

On se souvient par ailleurs de la campagne lancée en 2006 sous le slogan : « L'être humain – pas à vendre ».

Si Monaco, qui depuis deux siècles, a ratifié nombre de traités afférents à cette question, n'a pas encore signé cette Convention, mon pays n'en demeure pas moins particulièrement engagé dans la lutte contre ce fléau d'autant que la traite concerne tous les individus, mais touche essentiellement les femmes et les enfants, catégories souvent les plus fragilisées pour lesquelles la politique monégasque, fidèle à sa tradition d'humanisme, attache un intérêt particulier.

La traite des êtres humains, ce phénomène très ancien, se transforme dans ses motivations mais aussi dans ses moyens d'action. L'Internet, cet outil formidable, utile pour une nouvelle forme de socialisation des échanges, facilite l'accès au savoir pour ceux qui sont avides de connaissances et d'enrichissement intellectuel, curieux du monde, mais cet outil, d'une efficacité redoutable, peut jouer un rôle équivalent dans la prévention de la traite des êtres humains et dans son expansion.

Ce système de communication, par le contenu qu'il peut véhiculer, a permis malheureusement l'introduction d'une nouvelle forme de criminalité, la cybercriminalité, ajoutant une dimension virtuelle à la traite des êtres humains.

Les trafiquants se sont rapidement organisés pour exploiter les avantages de cette technologie performante afin de mettre sur le marché des êtres humains et les assujettir à un régime d'esclavage moderne ; les réseaux internationaux ont su profiter de ses atouts ; ils se jouent des frontières, ils ignorent les législations.

Il faut donc agir efficacement mais agir avec célérité pour éviter la propagation de ce phénomène transnational décentralisé, évolutif dans ses techniques et son usage.

Des études au sein du Conseil de l'Europe ont été poursuivies pour appréhender le problème de la traite sous ses différents aspects. Un groupe de spécialistes, au terme d'un travail de recherche précis, a élaboré, sous l'égide du Comité directeur pour l'égalité entre les femmes et les hommes, un rapport détaillé sur l'impact de l'utilisation des nouvelles technologies de l'information sur la traite des êtres humains aux fins d'exploitation sexuelle. Les résultats des investigations menées par ces experts et leurs propositions contribueront largement à l'efficacité des travaux de ce séminaire.

Les victimes potentielles sont recrutées grâce à l'Internet par des trafiquants de tous genres, ayant des objectifs variés.

C'est pourquoi le Conseil de l'Europe sollicite une coopération internationale de toutes les instances concernées pour couvrir ces divers aspects et relever ce nouveau défi.

Ce séminaire a pour objet d'analyser les moyens de combattre l'utilisation dommageable de l'Internet dans toutes les activités préjudiciables où sévit la traite des êtres humains.



Ce fléau exige une réponse coordonnée entre les différents acteurs. Plusieurs sortes d'actions sont nécessaires :

- des mesures préventives : campagnes d'information dans le milieu scolaire et les médias
- des mesures d'assistance, sur le plan psychologique, médical, matériel et juridique
- des mesures législatives et opérationnelles pour combattre ce trafic et réprimer les auteurs et les responsables, personnes physiques et personnes morales, garantir un bon usage des nouvelles technologies de l'information.

Parallèlement, il nous appartient d'examiner le problème, à sa source, et de prendre des dispositions pour remédier aux facteurs qui rendent les personnes vulnérables, tels que la pauvreté, le sous-développement, l'inégalité des chances.

Nous sommes réunis à l'initiative du Conseil de l'Europe et grâce aux travaux préparatoires de la Direction des droits de

l'Homme et des affaires juridiques pour réfléchir ensemble à des solutions communes aux problèmes politiques, sociaux, culturels et juridiques, nous qui venons d'horizons divers : instances policières avec Europol, Eurojust, organisations internationales et non gouvernementales, représentants de nos gouvernements, experts juridiques ou sociaux.

Je souhaite qu'au terme de ces deux journées, nous puissions, en nous appuyant sur le précieux instrument juridique que constitue la Convention sur la lutte contre la traite des êtres humains, tant sur le plan international qu'à l'intérieur de nos pays, proposer des mesures préventives, curatives et répressives, appropriées.

Nous tous ici présents nous devons œuvrer ensemble pour le respect de la dignité humaine, valeur fondamentale du Conseil de l'Europe à laquelle nos pays ont souscrit.

The Council of Europe Convention on Action against Trafficking in Human Beings

Ms Marta Requena, Head of Gender Equality and Anti-trafficking Division, Directorate General of Human Rights and Legal Affairs, Council of Europe

The extent of trafficking in human beings (THB)

- According to International Labour Office (ILO), the estimated minimum number of persons exploited as a result of trafficking is at a given time 2.45 million (May 2005)
- Most people are trafficked for sexual exploitation (43%) but many are trafficked for economic exploitation (32%). The others are trafficked for sexual and economic exploitation or undetermined reasons (25%)
- THB is the third most profitable criminal activity in the world after illegal drugs and arms trafficking

Action undertaken by the Council of Europe in the field of trafficking in human beings

Since the late 1980s, the Council of Europe has adopted a variety of initiatives:

- Studies and research
 - Awareness-raising activities
 - Co-operation activities at national and regional levels
- The Council of Europe also has adopted texts concerning trafficking in human beings, in particular: *Recommendation n° R (2000) 11 of the Committee of Ministers to Member States on action against trafficking in human beings for the purpose of sexual exploitation*

Main international instruments

- UN Protocol to the Convention against transnational organised crime to prevent, suppress and punish trafficking in persons, especially women and children (Palermo Protocol)
- EU Directive of 29 April 2004 on the residence permit issued to third-country nationals victims of trafficking in human beings or to third-country nationals who have been the subject of an action to facilitate illegal migration who co-operate with the competent authorities
- EU Council Framework Decision of 19 July 2002 on combating trafficking in human beings
- OSCE Action Plan to combat trafficking in human beings

Why we need a new treaty?

- THB violates Human Rights and undermines the values on which the Council of Europe is based
- The geographical setting of the Council of Europe enables countries of origin, transit and destination to agree on a common binding policy against trafficking
- Existing international texts are either not sufficiently binding or take into account just "one aspect" of the problem

Aims of the Council of Europe Convention

The Council of Europe Convention is a comprehensive treaty aiming to (3 Ps):

- Prevent trafficking
- Protect the Human Rights of victims of trafficking
- Prosecute the traffickers

Scope of the Convention

The Convention applies to:

- all forms of trafficking: whether national or transnational, whether or not related to organised crime
- whoever the victim: women, men or children
- whatever the form of exploitation: sexual exploitation, forced labour or services, etc.

Definition of trafficking in human beings (3 elements)

- **the action of:** "recruitment, transportation, transfer, harbouring or receipt of persons",
- **by means of:** "the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person",
- **for the purpose of exploitation:** "Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation,



forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

Trafficking vs. Illegal migration (smuggling of migrants)

While the aim of smuggling of migrants is the unlawful cross-border transport in order to obtain, directly or indirectly, a financial or other material benefit, the purpose of trafficking in human beings is exploitation. Furthermore, trafficking in human beings does not necessarily involve a transnational element; it can exist at national level.

Forms of exploitation

The forms of exploitation covered by the Convention are not limited to sexual exploitation. It also covers:

- forced labour or services
- slavery or practices similar to slavery
- servitude
- removal of organs.

Victims of trafficking

- No other international text defines victims, leaving it to each State to define who is a victim and therefore deserves the measures of protection and assistance
- A victim is any person who is subject to trafficking as defined in the Convention
- The consent of a victim to the exploitation is irrelevant where any of the means set forth by the definition (coercion, fraud, deception...) have been used

Measures provided by the Council of Europe Convention

- I. Prevention
- II. Measures to protect and promote the rights of victims
- III. Criminal law and procedure
- IV. Co-operation
- V. Monitoring mechanism

I. Prevention

- Prevention of trafficking in human beings by measures such as information, awareness-raising and education campaigns for persons vulnerable to trafficking
- Preventive measures to discourage demand
- Border control to detect trafficking in human beings and measures to ensure the validity of travel or identity documents

II. Measures to protect and promote the rights of victims

- Identification process
- What type of assistance victim must have
- Recovery and reflection period
- Residence permit
- Compensation and legal redress
- Repatriation
- Gender equality

II.a. Identification process

- Trained and qualified staff identify victims and issue a residence permit
- During the process, the person is not removed from the territory and receives certain assistance measures

- Special provisions for a child victim (eg representation, establishment of age and nationality and locate family if in the best interest of the child)

II.b. Type of assistance

- Victims **must** be assisted to recover physically, psychologically and socially, such assistance includes:
 - Standards of living capable of ensuring their subsistence, through such measures as: appropriate and secure accommodation, psychological and material assistance
 - Emergency medical treatment
 - Translation and interpretation
 - Counselling and information
 - Access to education for children
 - Assistance throughout the criminal procedure

II.c. Recovery and reflection period

- At least 30 days
- During this period, the person is not removed from the territory and receives certain assistance measures

II.d. Residence permit

- The main issue is: should it be linked to the victims' cooperation with the law enforcement authorities?
- The Council of Europe Convention has retained both possibilities for States: they can either grant such permit if the victims co-operate with the law enforcement authorities or where this is necessary in the light of the situation of the victim

II.e. Compensation and legal redress

- Right to legal assistance and the European Court of Human Rights (ECHR)
- Right to compensation for victims, which has to be guaranteed, for instance, through a fund

II.f. Repatriation

- The Party from where the person is a national or where he/she had the right to permanent residence has to accept the return of such a person, with due regard to his/her right, safety and dignity
- When a Party returns a person to another State, the Party carried out such return with due regard for the rights, safety and dignity of the person
- Need to set up repatriation programmes in co-operation with NGOs
- Children shall not be returned unless it is in their best interest

II.g. Gender equality

- In applying assistance measures provided by the Convention, Parties aim to promote gender equality and use gender mainstreaming in the development, implementation and assessment of the measures.

III. Criminal law and procedure

- Criminalisation of trafficking
- Possibility to criminalise those who use the services of victims
- Criminalisation of producing a fraudulent travel or ID document, procuring or providing such a document, retaining, removing, concealing, damaging or destroying such a document of another person



- Attempt and aiding or abetting
- Liability of legal persons
- Sanctions and measures
- Aggravating circumstances (eg. danger to the life of the victim, the victim was a child, offence committed by a public official, criminal organisation)
- Non-punishment provision
- Ex parte & ex officio application
- Protection of victims, witnesses and collaborators of justice
- Need for specialised authorities
- Adaptation of court proceedings in order to protect victims' private life and safety

IV. *Co-operation*

- International co-operation: obligation for Parties to co-operate to the widest extent possible for the purpose of:
- Preventing and combating trafficking in human beings
- Protecting and providing assistance to victims
- Investigation or proceedings concerning criminal offences

- NGOs work with victims, know their needs and the problems they face. The Convention encourages co-operation with civil society

V. *Monitoring mechanism*

- The effectiveness of all treaties is measured by the effectiveness of its monitoring mechanism
- GRETA [Independent experts acting in their individual capacity, evaluation rounds, Report and conclusions for each Party]
- Committee of the Parties [political body]
- ALL Parties will be subject to the same monitoring mechanism on an equal footing

Relationship with other instruments

- The Council of Europe Convention does not prejudice the rights and obligations derived from the UN Palermo Protocol and is intended to enhance the protection afforded by it and develop the standards contained therein
- The fact of being a victim of trafficking in human beings cannot preclude the right to seek and enjoy asylum.

Means used for the recruitment of victims of trafficking in human beings through the internet

Main trends of the Council of Europe Report on the misuse of the Internet for the recruitment of victims of trafficking in human beings

Ms Athanassia P. Sykiotou, Lecturer in Criminology, Faculty of Law, Democritus University of Thrace, Greece

1. The previous report of the Council of Europe

The Council of Europe already began to develop a European policy for the application of new information technologies in its efforts to combat violence against women and all forms of sexual exploitation of women in 1997 on the occasion of the Summit of Heads of State and Government. As part of this policy, in 2000, the Council of Europe set up a Group of Specialists (EG-S-NT) to study the impact of new technologies on trafficking for the purpose of sexual exploitation in human beings for the purpose of sexual exploitation, which after two years work produced a final report², (in February 2003), based on the work undertaken by the Council of Europe and other international bodies in the area of trafficking in human beings for the purpose of sexual exploitation and supplemented by information and data gathered by the group on a subject that, at that time, was still largely unexplored.

The report, dealt with three main issues:

- I. The impact of the use of new information technologies on trafficking for the purpose of sexual exploitation in human beings and its scale: the techniques used by the users and how they work, and the various kinds of users and their motives;
- II. the existing legislation and its limits at national and international level and the role of the law in combating illegal or damaging use of the Internet; and
- III. the new challenges involved in protecting human rights and guaranteeing proper use of new technologies, in particular the effects of the use of new information technologies on the victims of trafficking for the purpose of

2. Impact of the Use of New Information Technologies on trafficking in Human beings for the Purpose of Sexual Exploitation, EG-S-NT (2002) 9, Strasbourg, 17 February 2003. Referred to hereafter as the 2003 Report.

sexual exploitation, freedom of expression and the Internet and the role of the media.

The report took into consideration the results of two studies on "the impact of the use of new communication and information technologies on trafficking in human beings for the purpose of sexual exploitation: a study of the users" and on the "role of marriage agencies in trafficking in women and trafficking in images for the purpose of sexual exploitation"³, in order to investigate the links between trafficking for the purpose of sexual exploitation and new information technologies, in particular the Internet.

The Group decided to study the impact of new information technologies on trafficking in human beings for the purpose of sexual exploitation in the case of both children and adults, but it turned mainly on child pornography.

The group was of the view that, especially in the context of human rights, trafficking in human beings for the purpose of sexual exploitation through the use of new information technologies was a comprehensive term encompassing child pornography, enforced prostitution and other forms of sexual exploitation.

The report studied the impact of new technologies on trafficking for the purpose of sexual exploitation, the current state of legislation in this area and the role that legislation could play in preventing the potentially harmful effect of new technologies.

The 2003 report focused on Internet used for trafficking of adult persons (over 18) especially on the case of people who do not physically leave the country but who are exploited sexually and whose images are distributed without their consent on the Internet. It focused mainly on pornography and reached the conclusion that in many cases – up to then – there was no law against trafficking in human beings in most countries especially of Former Soviet Union. The Group of experts sustained the need

3. Hughes, Donna, at: <http://www.uri.edu/artsci/wms/Hughes>.



of a Convention of the Council of Europe against trafficking in human beings.

Since then, there is a clear progress in legislation. The *Convention on Action against trafficking in human beings* is already a reality, opened for signature, since the 16 of May 2005, applying in every form of trafficking in human beings, be it national or transnational, linked or not to an organised criminal group and committed against all victims: women, children and men, by any kind of means.

2. Main objectives of the present report

The object of the report is to show the different means of recruitment of victims of Trafficking in human beings through Internet and also to foresee eventual future possible means of recruitment, considering the rapid boom of the use of Internet.

The scope of the present report is to:

- Make a list of the means used for the recruitment through Internet of victims of trafficking in human beings;
- identify the legal, judicial, administrative and technical means used by the member States to fight the misuse of Internet for the recruitment of victims of trafficking in human beings;
- make an inventory of best practices to fight the misuse of Internet for the recruitment of victims of trafficking in human beings;
- make recommendations on the legal, judicial, administrative and technical means to better fight the misuse of Internet for the recruitment of victims of trafficking in human beings.

The time for drafting this report was extremely short. There were only six months for the gathering of the material; its evaluation and the drafting of the report. An urgent questionnaire was sent to the member States through the Scientific Committee of the Greek Parliament in December 2006, covering the main axes of the report's objectives. To this questionnaire 21 members have replied (the questionnaire wasn't sent to Greece, since the author could cover the Greek law). Out of the 22 member States that are covered in total in this report, 15 are member States of the EU; and 4 belong to countries that have ratified the Council of Europe Convention on Action against Trafficking in Human Beings (Albania, Moldova, Romania and Slovakia) two of which are also members of the EU.

The member States that have replied to the questionnaire are: Albania, Andorra, Belgium, Bosnia Et Herzegovina, Croatia, Cyprus, Denmark, Estonia, FYROM, Germany, Italy, Latvia, Moldova, Montenegro, Norway, Poland, Portugal, Romania, Slovakia, Sweden and UK.

We haven't approached the issue of prostitution because the fact that prostitution is or not legal to a country is irrelevant to the legal framework on trafficking in human beings. A country might consider prostitution legal and its exploitation illegal. We consider that the previous report had somehow left some questions to the borderline between trafficking and prostitution by trying to connect both. We consider that for the Council of Europe it is more than clear that trafficking deals with the exploitation of the human body and it should be banned. Freely exercised prostitution either legal or illegal has nothing to do with trafficking and this is the reason why we considered better not to deal again with its legal framework.

Since the 2003 Report of the Council of Europe was in particular focused to pornography through Internet, in the present report we thought better to concentrate to the recruitment of victims through Internet who are sent for sexual or other type of exploitation mainly abroad.

We have not undertaken an in depth analysis of the technical part of each Internet venue or service, offering possibilities to the traffickers for the recruitment of victims, because this has been thoroughly analysed by the 2003 report.

In today's presentation we will refer to the first part of the Report mainly focused on the means used by the perpetrators to recruit victims of trafficking in human beings through Internet. The second part on the legal administrative measures will be presented tomorrow.

3. The means used by the perpetrators to recruit victims of trafficking in human beings through Internet

Job offers through various channels, both formal and informal, seem to be the major way of recruitment. The nature of Internet offers a greater variety for such recruitment. From offers addressing a broad audience, such as job advertisements, essentially for jobs abroad, over making the use of search engines to alert people about offers or pop-ups with tempting offers, all the way to a more targeted space, where individuals can be recruited, such as chat-rooms, spam mail or Internet dating.

Traffickers now dispose an effective and unrestricted means for recruiting their victims. Online employment agencies, in particular model or artist and marriage agencies can all be ploys to lure potential victims. Internet chat websites are often used to befriend potential victims. The risks for young people to fall into the traffickers' net have substantially increased. Apparently innocent web sites, such as the "chat rooms" –an extended function of the web sites of discussion- accessible to all Internet navigators, can turn out to be very dangerous too.

The use of Internet for the recruitment of victims of trafficking of human beings is not a new form of trafficking, but only a new means used by the traffickers to recruit their victims. Up to now, it was well known, that one of the methods used by the traffickers to recruit their victims was through advertisements in the press (for jobs, marriages, dating, etc).

Traffickers that recruit victims through pornographic sites often use other methods than those who recruit victims through marriage, escort, dating or job offering sites. The difference between recruiting victims for pornography through Internet and recruiting victims for other forms of sexual exploitation through Internet is that the first don't have to leave their home places. On the contrary, the second are recruited to be trafficked abroad.

4. The users

If we break down the category of potential users of Internet, we will find that women, men and children use Internet in different ways, for different reasons and applying different levels of technical skills. Users can be potential victims, but also clients as well as the traffickers themselves.

A. The traffickers

A general remark is that traffickers that use Internet act mainly through organised transnational criminal groups. For organised criminal groups, technology is the main facilitating factor. In order to better understand the way traffickers act through various sites of agencies, we should try to answer two



questions: a) how do traffickers use the Internet and b) the methods the traffickers use to approach their victims. The first question is linked to the production of Internet sites and the second to the type of sites used by traffickers for the recruitment of their victims.

Traffickers can be classified according to their contribution to the production of Internet sites and the use they make of it.

In order to recruit victims, traffickers might first create sites in the countries of origin of potential victims in their own language, to attract them with advertisements on job offers. Then the material gathered through the first site is translated into languages of the markets the traffickers wish to offer the services of the victims and through a second site these services are advertised to attract clients.

It has to be noticed that the above mentioned categories of traffickers can coexist in one person or the traffickers might seek assistance to the technical part from third persons.

The types of sites used by traffickers for the recruitment of victims are:

- sites of marriage agencies (that could act as mail-order-bride agencies or also as dating clubs)
- escorts' sites
- dating clubs
- various job offering sites for activities such as:
 - Home assistance
 - Waitress/bartender
 - Au Pair/Care
 - Modelling
 - Entertainment industry – dancer/hostess
 - Construction / factories/ agriculture
 - Educational courses
 - Matrimonial offers
 - Tourism
 - Work in the sex market (it has to be stressed that the fact that a woman is already a prostitute does not exempt her from being trafficked).

From the research, it appears that the recruiting normally, but not always, takes place in the place of origin. Then the recruiter "responsible for the employment offer of an agency" gives to the victim to sign an incomplete or incomprehensible job contract, then necessary documents are prepared (visa, work permit etc.). These formalities are complemented by the agency, normally against payment (or giving a loan). The recruited persons often are supported by "agency representative", and upon arrival to the place of destination they are taken over by a "third person". Under the pretence of protection, documents are often taken from them. Without documents, and often also without knowledge of the language and the local environment, people abroad are an easy object of manipulation.

Sometimes the victim might not have direct access to a computer or maybe a relative (more often in matrimonial agencies) or a friend is acting as an intermediary and offers either the computer from which the victim has access to Internet or by replying to the fraudulent job offer⁴.

Out of a simple research that we have conducted to the Google, there were more than 128,000 suspicious marriage agencies' sites in the world net advertising marriage services, escorts,

4. This was mentioned in the Polish reply to our questionnaire as the "informal way".

dating modelling, etc. We stress the fact that these sites could only be characterised as "suspicious", since there has been no evidence proving that the girls used to provide sexual services or proposed for marriage are victims or potential victims of trafficking. However, for some of them there are strong indications to this direction.

B. The clients

Clients should be distinguished from traffickers, even though in pornography very often we see that paedophiles create their own sites and exploit directly through them their victims. In that case, they might be at the same time traffickers and consumers. Very often, in pornographic sites, the producer of the site might not be doing this for profit, but for his own pleasure. This might create problems in countries where child pornography is punished only when committed for profit.

C. The victims

In the recruitment process victims of trafficking might be "connected" to Internet in the following ways:

1. victims deceived, lured through various sites and other Internet services, to trafficking;
2. trafficked victims that are traded or whose services are "advertised" through the Internet to attract clients and
3. victims that might have been recruited through the traditional ways, but are forced to contact the clients on line.

Victims can be classified in two categories: the totally innocent victims and the victims who contribute to their victimisation.

From the various police operations in several members States it appears that the use of Internet and mobile phones to recruit victims of trafficking is greater than originally estimated. Operations reveal that the use of Internet in cases for labour exploitation as well as for sexual either in the field of escorts or marriage agencies, through fraudulent job advertisements or chat-rooms.

5. Factors that obstruct the expansion of recruitment of victims through Internet

Statistics on the usage of Internet in Europe show that Europe with a rate of 12.3% of the Earth's population presents a penetration of 39.8%, which corresponds to 27.9% of world's usage of Internet. However, the usage of Internet differs among the member States of the Council of Europe. At one edge are standing countries such as UK and Germany with around 61% users of Internet and at the other countries such as Albania with 6.1% which is the lowest. There is strong indication that the recruitment would be higher if access to the Internet by victims in some countries of origin was easier.

According to surveys in a period of 7 years the infrastructure of communications has been developed in Europe and the use of Internet has also been considerably increased to source countries. For instance, it appears that in Estonia, the Internet users rose to 51.8% for 2007. An analysis of people's socio-demographic characteristics strongly predict whether they use the Internet or not, with age, gender, educational status and occupational status being the most important factors. In order to relate these elements with the recruitment of victims through Internet, we need to examine how many among the users are frequent users and what kind of use they make of it. All the above have also to be combined taken into consideration also the cultural differences,



which make Internet or other technologies more appealing to some and not to others. For instance, it appears from the research that in Cyprus, Greece, Latvia, Lithuania, the Czech Republic, Italy, Austria and Portugal, mobile phones are more common, or as common, as the use of Internet.

Conclusion

The problem is that trafficking for sexual exploitation is not as obvious as child pornography, and it is not easy to detect the sites that offer sexual services issued from exploitation. From the tech-

nical point of view, it would be difficult to create filters as in the case of child pornography. The same is also valid for other sites implicated in exploitation. In order to prevent the victimisation of persons, countries should set standards, preferably harmonised at international level, for various sites e.g., job offering, or marriage agencies. However, in the case of sites offering sexual services since it is not possible to set standards to them—only a constant surfing of the competent police authorities could help discovering exploitation as well as possible awareness of potential victims and clients.

The Impact of new information technologies on trafficking in human beings for the purpose of sexual exploitation

Ms Donna M. Hughes, Professor, Women's Studies Program, University of Rhode Island, United States of America

I will briefly review the research that I did on the topic of the use of new information technologies for the trafficking of women and children for sexual exploitation in 2000 and 2001, as part of the Group of Specialists on the Impact of the use of new information technologies on trafficking in human beings for the purpose of sexual exploitation (EG-S-NT), of the Committee of Equality between Men and Women, the Council of Europe.

Introduction

The trafficking in women and children for sexual exploitation is a global human rights crisis being perpetrated by individual criminals and organized crime groups, and facilitated by increased tolerance for the sexual exploitation and sexual abuse of women and children. Some of the favored destination countries for trafficked women are the wealthy states of Western Europe.

New communications and information technologies have created a global revolution in communications, access to information, and media delivery. There are many positive aspects to the global revolution, but there are also some very negative ones. Our previous reports described the most negative ones—how communications and information technologies are used to facilitate the trafficking of women and children for sexual exploitation.

Gendered Supply and Demand

Trafficking and sexual exploitation are highly gendered systems that result from structural inequality between men and women and children on a world scale.

Trafficking in women and children exists to meet the demand of perpetrators and the sex industry. Cities and countries with sex industries cannot recruit enough local women and are dependent on trafficking to supply the women to meet their demand.

Questions addressed: demand and sexual exploitation and trafficking

- What is the relationship between new information technologies and trafficking for sexual exploitation?
- How do the perpetrators use the Internet?
- Does the increased visibility and availability of images and services from the sex industry on the Internet increase the sexual exploitation and trafficking of women and children?

- How can we intervene to stop the criminal misuse of the new information technologies for trafficking?

New communication technologies and venues created by technology

The earlier reports created a list of new communication technologies and provided examples of how they were used for trafficking of women and children. They included:

- Email
- Newsgroups
- Chat rooms
- Web sites
- Live videoconferencing
- Web sites and subscription clubs
- Mobile phone technologies
- DVDs
- File Transfer Protocol (FTP)
- Peer to peer networks
- Encryption of files

Technology, predators and sex industries

Perpetrators have also taken advantage of each new technology and application to recruit victims, promote sexual exploitation, transmit illegal materials, and avoid detection by law enforcement. The misuse of communications technologies is a significant factor in the trafficking for sexual exploitation. The Internet and other types of telecommunication provide predators with new ways of finding, marketing and delivering women and children into conditions of harm, exploitation and modern slavery.

Technology and perpetrators

In trying to understand the rapid globalization of sexual exploitation and the role of technology, I think it is useful to consider this principle: when a new technology is introduced into a system of exploitation, it enables those with power to intensify the harm and expand the exploitation.

Traffickers use of new technologies

Our earlier research described ways that traffickers used new communication technologies for the trafficking of women and



children for sexual exploitation. Case examples were included. Some of the ways included:

- Traffickers use mobile phones and pagers to communicate with and control women & girls, and for surveillance
- Traffickers use new technologies to communicate and coordinate activities
- Traffickers use the Internet to recruit new victims
- Traffickers set up web sites for advertising women and girls for use in the production of pornography

Pimps use of new technologies

Our work reviewed ways that sexual exploitation is expanded by use of the Internet. The Internet gives a pimp or brothel owner access to a global market.

- Use of Web pages to advertise brothels
- Photographs of women are included
- Men communicate with pimps/brothel owners and make "appointments" with women and children through Web sites, email and chat rooms
- Men can post "reviews" of the specific women's "performances"

These practices increase the exposure of women and victims of trafficking, making them more vulnerable, and possibly making it more difficult to leave prostitution if they want to.

Trafficked women & children in pornography

Our earlier work documented cases in which women and girls were trafficked through use of new information technologies, such as:

- The use of trafficked children for the making of pornography
- The use of trafficked women in prostitution
- How many trafficked women are used in the making of pornography?

Rape and sexual exploitation as entertainment

Research uncovered the extent to which images of and real sexual violence is a form of entertainment for users.

Marriage agency sites

In the second round of research I did for the EG-N-ST, I relied on a quantitative study of marriage agency sites offering women from the former Soviet Union.

First, of the all there is a question as to whether these agencies were engaged in trafficking of women. Were the women who are recruited for the sites, also likely to be recruited for travel or jobs abroad, and later deceived and forced into prostitution. Are the men who select and make arrangements with the women more likely to be batterers, amateur pornographers or pimps?

Furthermore, I believe that children who accompany women are very vulnerable to abuse and exploitation. For a man who wants to have sex with children, getting a woman from another country with children is a way of gaining access to children. This is a form of trafficking of children facilitated by the Internet. I saw marriage agencies sites in which men can select women with or without children. I've also seen pictures of naked children on marriage agency sites. This seems to me to be a message to child sex abusers that this is a way to gain access to children.

I concluded that there were strong indications that at least some marriage agencies and introduction services are involved in the trafficking of women for sexual exploitation.

The following are two maps I created the show the home oblast of women from Russia and Ukraine on marriage sites. They show that there are recruitment hot spots within the countries.

Growth in exploitation, sex industries and trafficking

I came to the following conclusions about the increased sexual exploitation and trafficking of women and children and the use of new communication technologies.

- Increased legalization and liberalization of laws regulating prostitution and pornography
- Increased tolerance of men's sexual abuse and exploitation of women and children.
- Global expansion and use of new information technologies
- Growth of online exploitation is directly linked to increased physical trafficking of women and children

Challenges

Some of the challenges to addressing the problem of trafficking and use of communication technologies are as follows.

- There is a diversity of attitudes and laws concerning prostitution and pornography (and trafficking) within Europe and around the world
- There is a denial of the harm to victims with sexual exploitation often being normalized. And there is a lack of empathy for victims
- The perpetrators are often far ahead of law enforcement in the understanding of and use of new communications technologies

Conclusion

Since the time of these reports, there has been an increased awareness of trafficking. There have been more police trainings on how to investigate and prosecute cases of trafficking.

Although we can point to many problems and much work to be done, I believe that progress has been made since I did the reports six years ago.



Operation Terra Promessa: recruitment through the internet of victims of trafficking in human beings for labour exploitation

Mr Marino, Captain, Organised Crime Office, Carabinieri, Italy

Operation *Terra Promessa* was conducted by the Italian Carabinieri and the Polish Police to dismantle a criminal organization of human beings traffickers

Illegal gangmastering is a historical phenomenon in Italy. It originated in the agriculture sector in southern Italy, aimed to reduce costs and alter the regular market.

Following international migrations, foreigners are employed in low-paid jobs in agriculture, construction, tourism, night clubs, home care, in different regions of Italian.

Gangmasters are usually involved in recruitment, transportation, surveillance, payment and accommodation of workers, not necessarily with the use of violence.

A coordinated approach involving analysis, prevention and inspection is needed between public security and labour authorities.

International cooperation is essential in controlling the recruitment chain.

During the last winter, ROS (that stands for Specialized Operational Group) and the DDA Antimafia Prosecutors Office in Bari started an investigation against a transnational organization involved in trafficking Polish citizens from Poland to Italy. It was characterized by the enslavement of workers and the total destruction of their human dignity.

Until now, the investigation named TERRA PROMESSA, instituted on the basis of many reports to the different Italian law enforcement agencies by victims and their families, had showed that systematic exploitation of illegal east-European labour in the agricultural sector (tomatoes, wine, artichokes) was taking place in province of Foggia.

In particular, Polish immigrants, working in Foggia camps, had become the subject of a complex mechanism of trafficking and been taken into slavery which, on the one hand allowed the members of the criminal organization to have made a good profit but on the other hand was leading to total destruction of the personality of the victims.

Given that the mechanism had been applied to all the victims in more or less the same way, the different reports made to the police were linked up in one penal proceeding dealing with conspiracy for trafficking in human beings, under the supervision of the Antimafia Prosecution Office in Bari. The victims' reports to different Law enforcement agencies were the main investigation inputs.

Information gathered by the Polish Consulate in Rome served as another input for the investigation. Since 2004 the Consulate had received many communications from workers themselves or from their families describing a form of a particular violence and cruelty used by the criminal organisation. In this way the organisation gained victims' conspiracy of silence and provoked a continuous intimidation of workers.

From the very beginning ROS established useful contacts with the Polish Consulate.

Both reports to the police and communications addressed to Consulate, showed that in this region Polish workers were victims of violence used by the members of the organisation and subject to so called "psychological conditioning". The same picture ap-

peared as a result of police interventions and other investigative activities.

Investigative activities coming later made it possible to identify a Polish criminal group which dealt with organising jobs in labour camps for newly arrived workers in Foggia province. It was also possible to discover the connections between the individuals operating in Italy with the organisation responsible for recruiting workers in Poland. Trafficking in human beings was divided into different phases.

To recruit workers the organisation advertised in local newspapers and on internet sites. They were looking for people who wanted to go to Italy by "passing the word". Also people who had already had this experience were giving the information about job possibilities.

Future workers were calling the telephone numbers indicated in the advertisements and were informed about the costs, the meeting points and departure dates. In most cases the workers came from the rural zones of Poland. Very often they had to borrow money from the same organization to be able to leave to Italy. Generally, meeting points were situated close to the border. Before getting on the bus they had to pay the middleman for his job (the price was about 200 euro). The travel fee was paid directly to the driver or to his helper once the border was crossed.

Transfer phase: Polish travel companies used for the transfer of the workers to Italy were identified. The owners and drivers are now being charged. The journey route has been changed very often. Especially, when there were a few buses leaving to Italy at the same time, they were crossing different border points: some of them were going to Czech Republic, Austria and then to Italy; others were driving through Slovak Republic, Hungary and Slovenia before meeting again in Italy with other buses. Then together they arrived to Apulia at a meeting points previously established where the foremen were waiting for the workers.

Exploitation and psychological conditioning phase: in Apulia there were members of the organization responsible for finding accommodation for the arriving workers. At that time the workers were finding out about first problems related to their work experience. Then the foremen informed the workings of their working conditions and payment – lower than those they had agreed during the negotiations in Poland. Organization cells in Apulia were constituted mostly of Polish citizens, but also Ukrainian and Moroccan citizens.

They were in contact with the land owners and decided who was going to work where. In order to avoid victims escaping they were also providing armed guards at the accommodation places. Even though the victims were working very hard they did not receive any wages since they had to pay for the accommodation, for transport to the camps and for food.

For one day's absence from work their salary was diminished by 20 Euro. In practice, they were in debt with foremen all the time.

In Italy, exploitation was organised as follows. Foremen were receiving labour requests from the land owners from one side, then in the morning they were giving orders to their drivers to go and bring workers from the places where they lived to the camp,



where they remained until late evening. It is important to note that the land owners limited normally their contacts with the cell to basic communication about the place and way of working the day before, in order to avoid being involved in managing the workers and the subsequent penal responsibility. Providing new workers was possible thanks to the connections between Polish components present in Apulia and recruiters and drivers working in Poland. As the salary wasn't paid, very often there were fights and the workers were subject to violence used by the members of the exploitation cell.

The investigative activity in Italy held until now under UN Convention signed in Palermo on transnational crimes, which has been ratified by Italy, made it possible to charge the members of the organization for taking part in a criminal group aimed at trafficking in human beings, taking and keeping them in slavery status and for labour exploitation. For the first time it has been possible to apply an aggravating circumstance related to the "trans-nationality" of the criminal organization. For those crimes Italian legislation permits the police forces to use the following investigative instruments: controlled delivery, wiretapping, un-

dercover activities with delay of formal act and simulated purchase of weapons and the possibility to involve third persons in special operations (informers, foreign undercover agents).

At the end of the investigative phase (and also because it was important to stop the continuous stream of polish workers especially in summer), together with the polish authorities, 27 persons were arrested (15 of them on the base of European Arrest Warrant). Within the group of the arrested persons there was only one land owner. At the same time, also the Polish police arrested several persons.

More than 100 victims were rescued.

Since the Italian legislation does not criminalise irregular employment (this is subject only to administrative penalty) it wasn't possible to arrest any other land owner at this stage.

Co-operation between Polish and Italian judicial authorities continues and verifying the circumstances reported to the police by the victims. In Poland, there are several hundreds of victims' reports to be examined, among these, one for rape. In some cases, reports contain information about drug trafficking, tobacco smuggling and victims' sexual exploitation.

Finnish–Estonian case of recruitment through the internet of victims of trafficking in human beings for sexual exploitation

Internet – assistant of a contemporary criminality

Ms Helina-Külliki Kolkanen, Superintendent and Ms Katrin Spiegel, Leading Police Inspector, Central Criminal Police, Estonia

Introduction

I would like to give you an overview of a case of human trafficking which was under investigation in Central Criminal Police of Estonia in 2006. The case was about Estonian and Finnish criminals bringing women from Estonia into Finland to work as prostitutes.

Recent studies on the use of the internet carried out by Eurostat place Estonia among the top 12 countries of the European Union. 56% of people in Estonia in the age group 16–24 use Internet at least once a week. Austria 55%, United Kingdom 57%, Belgium 58% and Germany 59%. Unfortunately there are also many people using internet in order to fulfil criminal plans.

In Estonia, public internet access is relatively high – there are about 90 public Internet access points and many of those are used for communicating in internet communities which are very popular in Estonia. All over the world internet communities have become the biggest websites, often exceeding the popularity of common media.

Many cases of sexual abuse have their beginning hidden inside internet environments – the most popular of which in Estonia is Rate.ee which has:

- 360 000 registered users
- 130 000 users per day
- 350 000 visits per week
- 19 million number of pages shown per day

and according to statistics, Rate.ee accounts for two thirds of internet traffic in Estonia.

On 1 May 2002 Rate.ee opened one of the largest social networks in Estonia connecting about 360 000 registered users (population in Estonia is about 1,34 million). This portal is extremely popular among young Estonians aged between 15 –25, especially girls.

Rate Solutions, who own Rate.ee, is currently opening similar communication environments in ten European countries. It is planned to open in Turkey in July 2007 and in Italy, the page irate.it is already operating.

On the Rate.ee website, there are photos and information about the girls who pose in skimpy clothing and use names as sugarbabe, sexgirl etc .

More thorough familiarisation between the girl and the pimp then takes place usually using the Internet communication environment MSN.

Prostitution business/human trafficking from behind the prison walls

In this case the accessibility of the internet with all the opportunities it offers was crucial to the perpetration of the crime and unfortunately the most popular communication portal, Rate.ee, also had a part to play. The fact that the internet is used extensively in Estonia – irrespective of the geographical location of the user – is very significant when we consider the case in question because the crime in question was committed by three inmates/cellmates (Aare, Marek and Madis) who were serving their sentence in an Estonian prison and who additionally recruited their



wives/girlfriends in their criminal activities. So in fact, it can be referred to as a "family business" .

The family business of 3 inmates

- Aare is 42 years old, has been sentenced 9 times, perpetrator, who has spent 23 years in prison, currently sentenced for violent crimes . He belongs to a criminal group and has criminal liaisons. His girlfriend and his lover are both "clean sheets", but they are actively communicating with the criminal underworld outside the prison walls.
- Marek is 33 years old, has been sentenced eight times, perpetrator, who is currently serving time for handling narcotics . His girlfriend Pille (34 years old) is a professional prostitute who has been working in different brothels since she was 23 and is at the same time sentenced for pimping.
- Madis is 23 years old, has been sentenced six times, perpetrator, who is currently serving time for embezzlement and theft. He is young and active and the most familiar with information technology. His 24 year old girlfriend Julia has not been previously sentenced but is eagerly communicating with persons active in criminal circles .

Men, using the infotechnological solutions and possibilities, were the active organizers, the on-line checkers of prostitutes and problem solvers (the so-called brains of the business) and their wives were the legs and arms of the business.

Business Scheme

The "brain of the family business" used different ways to find prostitutes. The older men Aare and Marek used the old-fashioned way to find their victims through acquaintances and Madis, the youngest and more innovative member used the brilliant possibilities provided by infotechnology.

Mobile phone

In order to access the internet, they used top-of the-art mobile phones smuggled into prison.

Madis then visited the internet portal Rate.ee, posing as a rich businessman travelling around the world, he became acquainted with the girls. When communicating with the girls he was at the same time evaluating whether they were suitable for prostitution or not.

Usually he told them that he was looking for prostitutes, but he also claimed to be looking for girls for an escort service and once Madis talked girl's boyfriend and pretended to be offering a job as a nanny in Helsinki. One girl, whom psychologists described as being sincere and simple-minded agreed to travel to Helsinki, in the knowledge that Madis was a rich businessman and they would get married.

Marek's girlfriend, Pille, provided the girls with accommodation in her own home, (some of the girls came from South Estonia) money for travelling and pre-paid telephone cards to use in Finland. She also photographed the girls or took their photo from internet (Rate.ee) and posted advertisements on the internet (sihteeriopisto).

When necessary, Julia (Madis' girlfriend) provided transport in Estonia for the prostitutes, bought ferry tickets, transported money earned by prostitutes from Finland to Estonia forwarding it in cash (to Pille, Aare's girlfriend), and also through the bank (to Aare's girlfriend and lover's accounts which Aare had access through the internet bank – the women gave him

access codes to accounts. Money transfers were also made through the internet bank.

In order for the men to be able to communicate – and control the girls earning the money in Finland as prostitutes – the women bought call time for the men through their bank accounts.

Adverts were posted on one of the Finnish adult websites called www.sihteeriopisto.net which is well known amongst Estonians. My Finnish colleagues will tell you about this website during their presentation.

Uncovering the "family business"

In January 2006 a statement was made to the Central Criminal Police of Estonia to put out a search warrant in order to find mentally challenged 23 years old Evelyn. As Evelyn was a very active Rate.ee user, an inquiry was made to the manager of this portal to establish the circumstances of her disappearance. In response, the manager gave the police data about persons in Evelyn's list of friends.

It was established that Evelyn took a ferry from Estonia to Finland in 6 January 2006 and by analyzing her last calls made in Estonia it came to light that Evelyn had been calling amobile phone which was – according to the radio coverage information – situated behind prison walls. The same number had also been actively communicating with girls and young women who were known to police as prostitutes.

It was also established that the number was used by inmate Aare, the "head of the family business". During the following analysis all the contacts of Aare in Finland were identified (former partner in crime Uno Ilves, security guard Taavi, Agnes and Anne, who were currently working in Finland as prostitutes). After that we contacted Finnish colleagues from Helsinki Criminal police with whom we had had positive previous contacts and through intense cooperation and teamwork with the Helsinki Police a well-operating international human trafficking group was uncovered.

Cooperation with Finnish colleagues

From the very beginning the strong cooperation with Finnish colleagues was the key to a efficient and successful investigation in this human trafficking case.

- Through constant information exchange and by conducting different surveillance measures a network of human traffickers of Finns and Estonians was uncovered
- Joint meetings were organised to define the most appropriate common strategy to be used in order to secure the convictions on both sides (Estonia and Finland). During the different phases of this investigation the prosecutors were also involved in these strategic planning meetings .
- Usually a criminal investigation is opened only in target country and the source country only provides legal assistance through Rogatory Letters, but in this case the criminal investigations were opened simultaneously in both countries.
- In Estonia the investigation was opened in order to establish persons responsible for recruitment and transportation of the girls into Finland. Finnish police simultaneously started arresting persons and raiding apartments in different locations which were known as places providing sexual services.
- According to need the officers of both countries presided during investigative. The information exchange was con-



stant and effective (identification of persons through the databases, exchanging photo material, identification of the telephone users, surveillance, phone tapping etc)

This kind of approach helped us to identify new suspects, new premises, the methods and arrival dates of new persons, means of communication being used, financial transactions etc. Through

extensive cooperation and fruitful investigation a full group of human traffickers was uncovered, some of the members in "outside" were also arrested, sentenced and convicted. In Estonia, it was only quite recently, on 4 May 2007, but in Finland much earlier, but I shall leave my Finnish colleagues to tell you about this.

Pandering and human trafficking in Finland

Mr Kenneth Eriksson, Detective Sergeant and Mr Juha Lappalainen, Senior Detective Constable, Criminal Investigation Division, Finland

Finnish Law

- Selling sexual services privately is legal
- Pandering is illegal
- Buying sexual services from a person involved in pandering or human trafficking is illegal
- Finnish law differentiates the severity of the crime into two classes.
 - Pandering and aggravated pandering
 - Human trafficking and aggravated human trafficking
- Typical prostitution cases are classified as pandering or aggravated pandering

Pandering

- For pandering to be a crime:
 - A room has to be organised for sexual services or
 - Sexual services has to be marketed and
 - Intimidation of person to sexual services with gain of financial profits
- Penalty for pandering varies from fine to a prison sentence of 6 years

Human trafficking

- For human trafficking to be a crime:
 - Misleading of victim to work
 - Enforcement of victim
 - Victim forced to work in slave like conditions or providing sexual services
- Penalty for human trafficking is always prison sentence between 4 months to 10 years

Prostitution in Finland

- Prostitutes are mainly from Estonia and Russia
- Very few panderer are of Finnish origin

- Prostitutes are enlisted using internet or TV chat channels within their national country
- Prostitution conducted in hotels or private residences
- There are no brothels in Finland
- Prostitutes search customers from particular restaurants or via internet

Human trafficking in Finland

- Only one proven case at present (case Ilves 2005, inspected with Estonian Police)
- Several inspected cases, however these cases did not fulfil all criteria defined by the Finnish Law

Case Ilves

- Prostitutes came through Estonian criminal organisation to Finland
- One of the women was retarded
 - she was tricked to Finland by promise of work in childcare
 - she gave her wages to the organisation and was working under enforcement
- Prostitutes worked in private residences
- Organisation used internet to find customers for prostitutes

www.secretaryacademy.net was used for advertisement

- www.secretaryacademy.net
- Internet site where prostitutes advertise for 10 euro per day
- Owned by Finnish citizens
- Also found in Sweden, Norway, Russia Estonia, Latvia and Lithuania
- Server located in the Netherlands, therefore business is not under Finnish Law



Monitoring recruitment agencies: the ILO experience

Ms Anne Pawletta, Special Action Programme to Combat Forced Labour, International Labour Organisation (ILO), Geneva

The ILO's Special Action Programme to Combat Forced Labour was set up in 2001 to help Member States to abolish all forms of forced labour. Particular attention is given to the labour dimension of human trafficking and the involvement of labour market actors and institutions to counter the problem of all forms of human trafficking. The issue of illicit recruitment and labour exploitation has ever since been in the focus of the work of the ILO. However, until today, little is known about internet based agencies and their role in trafficking and labour exploitation.

ILO's principal approach to prevent abusive forms of recruitment:

- Better regulation and monitoring of the recruitment industry to prevent illegal and exploitative recruitment practices;
- Support the recruitment industry to develop and enforce mechanisms for self-regulation and business standards;
- Effective enforcement of laws and regulations for recruitment;
- Intensified cooperation between labour inspection and the agencies of criminal law enforcement;
- Build the capacity of workers' organizations to identify recruitment malpractices and cooperate with labour inspections.

Developments in the recruitment industry

The private recruitment industry has experienced a considerable growth throughout the 1990s, and more and more governments have opened their national labour markets to private recruiters. The rapid growth of PrEA has been due to a number of factors:

- A rapidly changing and flexible labour market;
- Constraints in the operation of public employment services;
- Companies increasingly seeking more flexible and mobile staff, and
- Workers willing to move across borders under varied work arrangements.

The view of the ILO on PrEA has changed significantly over the last two decades. Traditionally, the ILO has favoured public employment services over private recruitment agencies as it was feared that PrEA were primarily acting in self-interest and could therefore be prone to be engaged in abusive practices. Today, PrEA and their services are fully recognized by the ILO as a legitimate actor in the labour market. This approach is reflected in ILO Private Employment Agencies Convention No. 181 (1997), replacing earlier standards that had been aimed at the abolition of private recruitment agencies. The Convention recognizes that private employment agencies can contribute to the functioning of the labour market and sets general parameters for the regulation, placement and employment of workers recruited by PrEA and temporary work agencies. The definition of recruitment provided in the Convention is in principle broad enough to cover a whole range of recruiters, including those operating online.

However, certain forms of recruitment can play a key role in creating vulnerabilities in the final employment stage. Human trafficking for labour exploitation is a result of labour market failures which also have implications for the recruitment industry. Illicit recruitment and trafficking for labour exploitation is on the rise in places where labour regulations and institutions are being weakened, and where labour inspection is minimal. Human trafficking for forced labour largely occurs as a result of imbalances in labour demand and labour supply and a lack of legal channels of migration. Trafficking agents are likely to exploit the bottlenecks for their profits. Recruitment agencies often are the first link in the trafficking chain. If clear standards are missing, the recruitment industry may mushroom under the guise of for example travel/tourist agencies, modelling and entertainment agencies, or au-pair agencies. They operate in the grey zone between organized crime, illegal employment and substandard work. These practices often escape state regulation and normal labour inspection routine.

ILO research in Moldova, Ukraine and Russia has shown that only a very low percentage (4 to 12 per cent) of migrants use formal employment agencies. Many migrants initially contact a recruiting or travel agency on a voluntary basis to find employment abroad. It is usually only at the place of destination that the elements of force, coercion and deception are detected and becomes a victim of trafficking under the terms of the Palermo Protocol.

Due to the scarcity of legal job opportunities abroad and the surplus of potential migrants, a number of agencies enter the market with the aim of taking advantage of the mismatch. However, it is important to keep in mind that labour exploitation not only occurs in the context of informal/criminal recruitment but also in relation to official PrEA operating with legally approved contracts for international labour placement schemes for workers, e.g. in the construction industry in Europe.

Common forms of abuse through recruitment agencies are:

- Agencies charge excessive fees for job placement, travel documents etc. keeping workers indebted;
- Migrant workers are recruited on the understanding that they will have a fixed salary and particular job, only to receive upon arrival a contract with entirely different conditions;
- Illicit and intransparent deductions are made from wages for e.g. accommodation, food;
- Passports and other documents are confiscated;
- Workers suffer from physical assaults and threats.

Through the Private Employment Agencies Convention 181, ILO seeks to assist its Member States to establish clear policies, legislation and implementing mechanisms for the effective registration and licensing of PrEA. The Convention balances the recognition of the productive role that can be played by PrEA in the delivery of specific labour market services with the need to ensure that the basic rights of workers are upheld. It guarantees fundamental rights at work for workers recruited through PrEA and requests parties to the Convention, to seek adequate protection for



and prevent abuses of migrant workers recruited or placed by PrEA.

The accompanying Recommendation No. 188 calls on States to combat unfair and misleading advertising practices. This might be particularly relevant for agencies making use of the internet.

Legislation

A broad policy framework is necessary in which PrEA can operate and be regulated. National laws and regulations on PrEA should address the particular shortcomings and gaps regarding the current role of PrEA in the national labour market and take into account the main activities and services they carry out. Legislators should know how many agencies, and which kind of agencies involved in recruitment, exist or are estimated to exist, which types of services they offer and in which economic sectors they predominate. Reported malpractice and abuse by agencies should be analyzed.

Representatives of employers as well as of trade unions should be actively involved in developing regulations for PrEA. Labour Ministries and labour inspectorates have to play a key role in ensuring compliance with the rules. Labour Ministries and labour inspectorates have to play a key role in ensuring compliance with the rules relating to the employment of persons locally and overseas.

Self-regulation

Regulatory and promotional measures in order to ensure compliance with the ground rules by private recruitment agencies include registration, licencing, self-regulation via codes of conduct, certification of profession, rating, or developing partnerships between Public Employment Services and Private Employment Agencies.. Experience has shown that law-abiding PrEA have an interest in self-regulation, such as codes of conducts and rating, if it helps to reduce unfair competition and if they can expect favourable government treatment.

One part of ILOs technical cooperation projects is to support employers' organizations e.g. In Moldova and Ukraine to set up business associations for PrEA and develop manuals of standards for the recruitment industry to ensure that recruitment procedures are in line with national and international standards, and to improve services provided to workers.

Illegal forms of recruitment

While administrative sanctions such as payment of fines or withdrawal of licences combined with positive incentives for law

abiding agencies may be sufficient to clean up mainstream business, penal sanctions and more efforts are needed for those agents who are involved in criminal operations.

As for recruitment agencies operating under disguise there is a need for regulations and enforcement mechanisms in national law that address abusive recruitment under disguise as well as through illegal channels. These mechanisms should entail punitive measures as well as positive incentives – in order to stimulate informal recruiters to come forth and establish a legitimate business and to punish those who continue using illegal means.

ILO tools and activities

The strength of the ILO lies in the close cooperation with our constituents workers' and employers' organizations and Labour Ministries in 184 Member States. Following the Global Report on Forced Labour in 2005, a business alliance against trafficking and forced labour has been initiated. It engages employers in a strategy against human trafficking and forced labour and addresses the demand side of the problem.

The ILO has developed training tools on recruitment and trafficking for different target groups.

The *Training manual: How to monitor the recruitment of migrant workers* focuses on the recruitment of migrant workers into highly exploitative working situations that could amount to forced labour. It provides information on abusive recruitment practices and trafficking as well as the socio-economic factors that facilitate the incidence of trafficking. The main emphasis, however, is on policy measures, skills and techniques to be applied in curtailing these practices.

The Guide to Private Employment Agencies: Regulation, Monitoring and Enforcement provides guidance to national legislators in drafting legal frameworks in line with ILO Conventions. The Guide provides examples of country legislation and has collated specific provisions from both developed and developing countries. It is a useful resource for national legislators and social partners to identify possible gaps in their legislation and to find appropriate solutions.

The ILO is currently developing *Training modules for labour inspection* on the various aspects of forced labour:

- Identifying illicit recruitment practices;
- Identifying victims of trafficking for forced labour and protecting their rights;
- Collecting evidence and carrying out investigations against perpetrators;
- Cooperating with criminal law enforcement agencies.

The role of civil society in preventing and combating this misuse of the internet for the recruitment of victims of trafficking in human beings

Le rôle de la société civile dans la prévention et la lutte contre l'usage abusif d'Internet pour le recrutement des victimes de la traite des êtres humains

M. Jean-Philippe Noat, Directeur technique, Action Innocence, Monaco

Internet et les enfants

Sans conteste, Internet est devenu l'instrument de communication et d'information le plus vaste et rapide. Espace de liberté par excellence, il offre la possibilité de communiquer en temps réel avec le monde entier et ne connaît aucune frontière. C'est une fantastique fenêtre ouverte sur le monde et la connaissance. C'est le média aujourd'hui le plus utilisé par les enfants, devant la télévision (61% contre 49%).

Mais Internet peut véhiculer le pire comme le meilleur et n'est pas sans risque de conséquences sur le développement des jeunes qui comptent parmi les utilisateurs les plus actifs et les plus curieux du réseau.

Quotidiennement, de nombreux enfants sont involontairement confrontés à des images ou des contenus préjudiciables pour eux, ou contactés à leur insu par des personnes mal intentionnées, des pédophiles en recherche de rencontre dans les forums de discussion fréquentés par les enfants ou sur les sites de jeux en réseau.

Utilisateur mais aussi acteur, l'enfant doit connaître et appliquer les règles d'éthique et de prudence pour sa sécurité, mais aussi les règles du respect de la vie privée, du droit à l'image, du droit d'auteur...

Action Innocence

Structure Et Mission

Action Innocence Monaco, Présidée par Madame Lévy Soussan Azzoaglio, a été constituée le 20 Octobre 2002. Cette association a pour but de préserver la dignité et l'intégrité des enfants sur Internet (notamment en matière de pédophilie et pornographie). Elle bénéficie du Haut Patronage du Prince Albert II ainsi que de la coopération de la Direction de l'Éduca-

tion Nationale et de la Direction de la Sûreté Publique de la Principauté de Monaco.

Ses ressources proviennent uniquement des cotisations versées par ses membres, de donations ainsi que de fonds collectés lors d'organisation d'événements.

Son conseil d'administration est composé de 11 membres, tous bénévoles, qui comptent parmi eux Madame Annie Brunet-Fuster, Procureur Général de Monaco et Madame Jean-Paul Proust, épouse du Ministre d'Etat de Monaco.

Son Comité d'Honneur regorge de personnalités influentes comme David Coulthard, David Douillet, Roger Moore, Nagui, Yannick Noah, Luciano Pavarotti, Patrick Poivre d'Arvor, Michaël Schumacher, David Trézéguet, Laeticia Casta, pour ne citer qu'eux, qui grâce à leur image médiatique sensibilisent le grand public.

Action Innocence Monaco est affiliée à Action Innocence Group, fondée en 1999 par Madame Valérie Wertheimer, sise en Suisse, 19 Rue des Vollandes, 1207 Genève.



Action Innocence Group a élaboré un emblème sous forme d'une épingle de sûreté « mauve », épingle qui est distribuée et portée comme signe de reconnaissance et d'adhésion à la lutte contre la pédophilie. L'épingle, utilisée à l'origine pour langer les enfants, correspond à la sécurité, exprime l'acte de prendre soin de ses enfants. Le mauve, quant à lui, correspond à la jonction entre le rose et le bleu, le rose étant admis comme la couleur pour une fille, le bleu pour un garçon.



Valeurs

Droits de l'enfant

Action Innocence désire assurer aux enfants un accès à l'information qui corresponde à leur développement eu égard à leur âge et à leur degré de maturité, tout en les faisant participer à la création d'un environnement plus sain et responsable. Elle s'inscrit dans la mouvance de la reconnaissance des droits de l'enfant au sens de la convention relative aux droits de l'enfant adoptée par l'ONU le 20 novembre 1989 (article 12).

Indépendance

Action Innocence travaille sur la base d'une indépendance stricte à l'égard de toute structure ou pouvoir d'ordre politique, religieux, économique ou autre.

Responsabilité et transparence

Action Innocence se donne l'obligation d'utiliser au mieux les compétences et les moyens dont elle dispose. Elle se doit de rendre compte de ses actions de manière transparente au public comme à ses donateurs.

Engagement

Action Innocence est constituée de bénévoles ou salariés orientés vers un objectif commun. Complémentaires et solidaires dans leurs expériences et leurs compétences, les collaborateurs forment une équipe engagée et motivée.

Partenariat

La pérennité de la mission ainsi que le développement des actions reposent sur un réseau national et international de partenaires du secteur privé et public. L'association s'est constituée un véritable réseau d'expériences et de connaissances dont la capacité de collaboration et l'échange de compétences permettent l'avancement et la réalisation des projets.

Actions

Action Innocence poursuit et développe des actions :

- d'information et de prévention auprès des parents, des enfants, des adolescents et des professionnels de l'éducation,
- d'information et d'intervention auprès des organes gouvernementaux et des pouvoirs politiques,
- de coopération avec les services de police, les professionnels de l'informatique en vue d'assainir le contenu accessible sur Internet et de mettre au point des outils informatiques adéquats.

Moyens

- La création, le développement et la distribution gratuite d'outils d'information et de prévention.
- Le développement de nouvelles technologies innovantes et performantes afin de coopérer efficacement avec les professionnels de l'informatique.
- L'acquisition et la mise à jour des connaissances juridiques nécessaires aux fins d'interventions ciblées auprès des organismes gouvernementaux et des pouvoirs politiques.
- La mobilisation du public et des utilisateurs d'Internet afin de s'assurer de la coopération :
 - des professionnels de l'informatique, en particulier les fournisseurs d'accès
 - des pouvoirs publics et politiques.

L'information et la prévention

Dans les écoles

Depuis maintenant 5 ans, Action Innocence a établi une collaboration étroite avec l'Education Nationale Monégasque afin de mettre à disposition son expertise en matière de prévention et d'information.

Par le biais de sessions de prévention organisées dans toutes les écoles de la Principauté de la 9^e à la 4^e, à l'attention des enseignants, des enfants et de leurs parents, afin de les informer au mieux des risques liés à Internet, tout en évitant de diaboliser ce média mais en adoptant un comportement moral et citoyen. Nous mettons à disposition des outils pédagogiques, des conseils de sécurité et des campagnes de sensibilisation.

Le souci d'Action Innocence est d'informer les enfants et leur entourage des règles à observer lorsqu'ils surfent sur Internet. Malgré sa facilité d'utilisation et son apprentissage intuitif, le respect de certains principes de base s'impose afin de se prémunir des pièges et des dangers du Net.

Avec du matériel de prévention

Action Innocence élabore régulièrement des produits de prévention destinés aux jeunes ainsi qu'aux parents : tapis de souris avec conseils de sécurité, guide « Votre enfant et Internet », CD-Rom Kiloo, bandes dessinées présentant les risques...pour ne citer que les principaux.

Par des campagnes d'information et de sensibilisation

Il est clairement apparu que les problèmes majeurs de mauvaises expériences des enfants sur Internet venaient, d'une part, de l'ignorance du public quant à l'existence même d'agissements criminels sur Internet et, d'autre part, du manque de dialogue et d'écoute entre parents et enfants sur les risques liés à Internet.

De manière concomitante à ses interventions auprès des écoles et des associations de parents, et afin d'en renforcer l'impact, Action Innocence informe et sensibilise le grand public par :

- La création et distribution de matériel d'information et de prévention (dépliants, dossier de présentation, rapport annuel etc.)
- Les relations Presse (interviews, rédaction d'articles et diffusion de communiqués)
- La présence dans les salons et expositions
- La participation à des débats télévisés et radiophoniques
- L'intervention lors d'exposés et de conférences
- Des interventions ciblées auprès d'un public de professionnels, tels qu'éducateurs, enseignants, responsables informatiques, fournisseurs d'accès et dirigeants.
- La présentation de l'Association, de sa mission et de ses buts à des groupes d'intérêts privés.
- L'information et prévention par le biais de spots TV, radio ou en salles de cinéma.

Les solutions technologiques

Comme Action Innocence se devait d'être à jour avec les méthodes et technologies de prévention liées à Internet, un département Informatique et Technologies de prévention a été créé en 2003 au sein d'Action Innocence Suisse, afin de pouvoir progressivement s'imposer en tant que centre de compétences, notamment en matière de techniques de filtrage.

Non seulement dédié à l'étude des outils existants, ce département a pour but également de développer des projets inno-



vants et performants avec le concours d'experts externes. Détecter le trafic de fichiers au contenu pédophile et limiter les abus des services offerts par Internet, commis par les réseaux de pédocriminels, sont autant d'objectifs que s'est fixée cette entité.

Le succès d'une telle entreprise ne peut néanmoins se faire que par un partenariat avec les acteurs principaux d'Internet, à savoir les fournisseurs de services Internet et les sociétés informatiques. De surcroît, une étroite collaboration avec les services publics spécialisés dans la répression de ce fléau est indispensable afin de concevoir des méthodes en adéquation avec leurs besoins.

Des projets innovants

AntiPedoFiles

Développer une base de données constituée d'empreintes de fichiers au contenu pédopornographique en vue d'élaborer un outil de détection, à disposition tout d'abord des services de police spécialisés et à terme d'entreprises du secteur privé.

LogP2P

Participer au développement d'un logiciel spécialisé dans la détection de fichiers à caractère pédophile sur les réseaux « Peer-to-Peer » (P2P) et faire connaître ce produit auprès des autorités de poursuites pénales.

Une plateforme Internet

L'une des premières actions de l'Association a été de créer un site de présentation d'Action Innocence et d'information : www.actioninnocence.org.

Dans une deuxième phase, un réseau de différents sites spécialisés a été créé permettant de traiter différents aspects de la prévention de manière ciblée et détaillée.

L'objectif est que ces sites deviennent des références dans leurs domaines respectifs et qu'ils soient un moyen de sensibiliser les parents et de protéger les enfants des dangers liés à Internet.

www.kiloo.org permet aux enfants, tout en s'amusant, d'apprendre à se protéger des dangers du Net.

www.filtra.info répond à une forte demande des internautes, principalement des parents soucieux de la sécurité de leurs enfants. Ce site a pour vocation de donner une information claire et détaillée des différents filtres existants sur le marché. Le comparatif Filtra est enrichi régulièrement de nouveaux logiciels testés et réactualisé deux fois par an.

www.logprotect.net offre le téléchargement du logiciel gratuit Logprotect permettant d'empêcher les enfants de transmettre sur Internet leurs coordonnées personnelles. Une fois paramétré, les données privées seront bloquées et un message d'alerte apparaîtra à l'écran, dans un but éducatif. Un logiciel pour satisfaire les besoins des parents concernés par la sécurité de leurs enfants.

Site prévention

Un site d'information et de prévention relatif aux risques encourus par les enfants ou les adolescents lorsqu'ils utilisent Internet est en cours d'élaboration.

Il s'adressera à quatre publics cibles : les enfants, les adolescents, les parents et les professionnels de l'éducation.

Ce site proposera un recueil de réponses claires et pratiques aux difficultés réelles auxquelles peuvent être confrontés les jeunes internautes.

Ms Isabella Orfano, Transnational Officer, Associazione On the Road Italy

First of all, I would like to thank the organisers of this seminar for the invitation.

Secondly, I would like to thank them again for having contributed to starting up a very preliminary survey on the links between the misuse (but also the use) of the internet and trafficking in human beings in Italy.

As a matter of fact, the issue of the internet as a possible means of recruitment of potential trafficked persons is not very high either on the agenda of the Italian institutions or on the agendas of civil society's organisations. Furthermore, no in-depth study on human traffic related to the use of the internet has been carried out in Italy so far.

So, when I accepted the invitation, I decided to broaden the scope of my presentation beyond the work done by my own organisation (*Associazione On the Road*) by collecting information on the topic also from other agencies active in the anti-trafficking field in Italy.

I then interviewed representatives of the most active Italian NGOs and local authorities with a long-standing experience in providing support to trafficked persons. All these private and public agencies, in fact, run programmes of social assistance and integration (also known as "Article 18 projects") for victims of trafficking, funded by the national government. As you can see, from this slide, I contacted several agencies that work in the main areas where trafficking takes place.



Map from Planiglobe (<http://www.planiglobe.com/>), licensed under a Creative Commons Attribution 2.5 Licence



And when I say “trafficking” I mainly refer to trafficking for sexual exploitation because, like in most countries of the European Union, the Italian NGOs and the local authorities still provide support mostly to persons trafficked to be exploited in the sex industry. However, in the last three years, some NGOs have started to offer assistance also to persons trafficked for labour exploitation. For instance, in the area of Milan, just one organisation – *Cooperativa Lotta contro l’Emarginazione* – assisted more than 150 persons trafficked to Italy for labour purposes. All of them entered into the above-mentioned programme and were granted a stay permit for humanitarian reasons. None of them were recruited via internet. Also *On the Road* assisted persons trafficked for labour purposes. And, again, none of them were recruited via internet.

From the map you can see I covered 15 key areas that included major cities (like Milan, Rome, Turin, Genova, Naples) but also smaller relevant towns like Venice, Trieste, Ancona, Pescara, Lecce, etc.

The full list of the organisations and local authorities I contacted comprised:

Geographical area (city or region)	Name of NGO/local authority
Torino	Gruppo Abele
Milano	Segnavia – Padri Somaschi Cooperativa Lotta contro l’Emarginazione
Varese	Cooperativa Lotta contro l’Emarginazione
Genova	Province of Genova
Venice	Municipality of Venice Police Headquarter
Pordenone	Comitato per i diritti delle prostitute
Trieste	Comitato per i diritti delle prostitute
Pisa	Province of Pisa
Florence	Progetto Arcobaleno Municipality of Florence
Marche	Associazione on the road
Abruzzo	Associazione on the road
Molise	Associazione on the road
Rome	Cooperativa Parsec Municipality of Rome
Naples	Cooperativa Dedalus
Lecce	Province of Lecce

I thus interviewed 20 key-informants, out of which:

- 17 are professionals of public and private agencies running the so-called Art. 18 projects (Social assistance and integration programme for trafficked persons);
- 3 major experts on trafficking issues or the internet: 1 researcher, 1 police officer IT expert, 1 representative of an intergovernmental organisation.

It is clear, then, that I collected information and perspectives from workers of the social private and public sector. The law enforcement agencies and the judiciary may have different perspectives

on the same issue because they may gather information we are not aware of.

What are the main findings?

Internet seems not to be a real means of recruitment according to the life stories of the assisted persons gathered by the social workers and psychologists. And we are talking about hundreds and hundreds of persons. Let me remind you that almost 6000 trafficked persons – who accessed the Italian Social assistance and integration programme – were granted a stay permit for humanitarian reasons between 2000 and 2006.

In very few cases internet played a role in the trafficking process of the victims assisted. For instance:

- 2 cases reported in Florence: Two women arrived in Italy through the intermediation of their “*impresario*” who found them a job in a night club through a website. A perfectly legal website used by night club owners to exchange information and job offers. The two women were exploited and, finally, managed to escape.

Country of origin: Kirghizistan

- 2 cases reported in Pisa: Two women met two Italian men through a chat line. They came to Italy to marry them. One actually got married and the other did not but they were both placed in conditions of servitude. They were locked in the men’s houses and once they managed to escape they contacted the social services and entered into the local programme of social assistance and integration. So, they were granted a stay permit for humanitarian reasons.

Countries of origin: Poland and Russia

These were actually the only cases I was told about that could relate to some forms of recruitment. They seem to be isolated cases with no real connection with organised crime groups. But this does not prove that the internet is not used as a means of recruitment. It just could prove that:

- a. the Italian NGOs and local authorities does have not got in touch so far with trafficked persons recruited via internet;
- b. the victims trafficked to Italy come from countries where internet is not widely used yet;
- c. persons trafficked to Italy are not internet literate.

According to the key informants, the internet seems not to be used for recruitment purposes but during the exploitation phase of the trafficking cycle, namely when victims are in Italy. For instance:

- 2 cases reported in Lecce: Two women arrived to Italy through the “classic” channels of recruitment and, once in the country, they were forced to contact the clients via Internet by using the so-called Internet Points that mushroomed in the last few years in Italy.

Countries of origin: Colombia and Romania

- 2 cases reported in Milan: Two women arrived to Italy through the “classic” channels of recruitment and, once in the country, they were forced to contact the clients via internet.

Countries of origin: Brazil

The professionals I interviewed had very different perceptions on the role of internet as a means of recruitment. Some believe



that it is possible that a quite relevant number of persons are trafficked via internet but they are difficult to reach because they are clearly exploited in venues the social and outreach workers do not regularly contact (i.e. streets and apartments). Others believe that internet cannot be used by the trafficked persons they work with due to their rather low level of the so-called social and cultural capital.

But they all agree that:

- It is necessary to study the phenomenon.
 - The investigation should be carried out by a multi-disciplinary and cross-agency team of experts, who must analyse all different forms of trafficking. In particular, they pointed out the need to investigate three main areas that could link recruitment and exploitation of trafficked persons and internet:
 - employment agencies (formal, semi-formal, informal agencies);
 - marriage agencies;
 - escort agencies.

The last two sectors are particularly difficult to access for NGOs. As a matter of fact, three years ago, we tried to start an exploratory investigation on the marriage agencies but we had to stop in front of the request of a credit card number. However, we believe that the law enforcement agencies should definitely focus their investigations also on these specific areas to identify and prosecute cases of exploitation of trafficked persons.

- It is crucial not to confuse different phenomena (e.g. prostitution, sexual exploitation, trafficking in human beings) but to be aware of their possible correlations and corresponding implications as to the social interventions to be offered and the prosecutions measures to be pursued.

It is difficult to develop tools to prevent the recruitment via internet from Italy.

It is necessary to support the development of methodologies and tools to provide information and assistance to (potential) trafficked persons via internet by the NGOs and other agencies engaged in the anti-trafficking field.

As a matter of fact, some Italian NGOs and local authorities have already started to use internet as a tool of prevention and support for trafficked persons and potential victims who already are in Italy:

NGOs like *Associazione On the Road* and *Gruppo Abele* have developed comprehensive websites that are increasingly used by "friends" and "partners" of exploited persons to collect information and make an appointment on behalf of their trafficked "friend" to visit the drop in centres and, eventually, start a programme of social assistance and integration;

The Province of Lecce is changing its website to make it more visible and friendly usable. For this reason, it will publicize the website:

- on the pages of the newspapers and periodicals with the classified ads offering sexual services
- on the websites of job offers/demands
- in the internet points
- in the money transfer agencies

The last two types of venues have been selected because they are highly used by migrants and the target group of the social interventions.

If we consider the famous "3 Ps" (Prevention, Protection, Prosecution), I would argue that the internet should be regarded as one of the main tools that must be used to grant protection to

(potential) trafficked persons. The two most innovative "protection tools" that involve the use of Internet so far developed by Italian NGOs are:

1. The indoor outreach units of the project Segnavia – Padri Somaschi (Milan).

This indoor outreach unit is a good example of how to use the internet to identify potential cases of trafficking. They noticed that, in the last 3 years, the internet websites offering sexual services mushroomed in Milan. They then decided to:

- first, carry out a mapping out and an analysis of the main websites;
- then, select some websites;
- establish a special team (outreach workers + cultural mediator);
- contact the numbers publicized on the websites' pages;
- and eventually to meet some of the contacted persons directly in the apartments they work (152 persons met in 2006);
- 2 cases of trafficking were found and assisted.

It is interesting to underline that the nationalities (mainly Hungarian and Brazilian) of the prostitutes who recruit clients through the internet is different from those of the persons generally assisted by the anti-trafficking organisations (mainly Romanian, Nigerian, Moldova...).

2. The Headway online transnational database: www.osservatoriotratta.it/headway/index.php

Developed within the framework of the EQUAL Community Initiative of the European Union by the Development Partnerships of *Headway – Improving Social Intervention Systems for Victims of Trafficking* of which *On the Road* is part of along with other ten Italian private and public organisations and institutions and other European partners⁵.

The Headway online transnational database is a transnational on-line database of organisations and institutions working on trafficking, and is intended to be a tool that facilitates contacts between them and any other interested bodies. As a matter of fact, in the last decade many websites and databases concerning trafficking-related issues have been set up throughout the world. None of these, though, was specifically designed to connect and provide updated key information to professionals who need to get in touch with their counterparts in other countries, to better serve the needs of the people they assist. The challenge before the Headway partners was to fill this gap and to provide other services through the implementation of a new tool.

In light of the above goal, the main objectives of the Headway database are⁶:

5. The transnational partnership consists of six national DPs that represent non only very different national and regional contexts (of origin, transit and destination), but also diverse types of public and private agencies engaged in the anti-trafficking field:
 - Estonia: *Integration of Women Involved in Prostitution into the Labour Market*
 - Germany: *Reintegration of Victims of Trafficking – Strengthening of National Supporters*
 - Italy: *Osservatorio e Centro Risorse sul Traffico di Esseri Umani*
 - Lithuania: *Integration and reintegration of victims of human trafficking into working society*
 - Poland: *IRIS – Social and Vocational Reintegration of Women – Victims of Trafficking*
 - Portugal: *Cooperação-Ação-Investigação-Mundivisão.*



- To facilitate rapid identification of and contact between institutions and organisations active in the anti-trafficking sector;
- in different countries of the European Union and in non-EU countries;
- between different kinds of organisations (NGOs, local authorities, central state institutions, universities etc.);
- working on different forms of trafficking (sexual exploitation, forced labour, begging, illegal activities, trafficking in organs, international illegal adoptions, bride mail order);
- addressing different target groups (male minors, female minors, men, women, transgender people, communities, social and health workers, educators, teachers, law enforcement officers and judiciary personnel);
- undertaking different types of action (assistance and associated activities directly addressing trafficked persons);

6. C. Bellini, A. Gratti, "The Headway database: An on-line transnational tool for anti-trafficking service providers", in AA.VV., *Headway – Improving Social Intervention Systems for Victims of Trafficking*, Varsavia, pp. 216–219.

- To facilitate the exchange of updated information about organisations, projects, activities, services concerned with trafficking;
- To encourage networking and co-operation among organisations working on trafficking.

As far as access policy is concerned, the published information on the Headway database is public and users are not required to use passwords nor are there any other forms of access restriction.

The database will be officially launched on the 25 June 2007 in Rome during the international conference.

In conclusion, the internet is certainly both a risky and powerful tool to use. The Italian NGOs and the local authorities engaged in the anti-trafficking field are eager to know more about the links between internet and human traffic and how they can contact persons trafficked via internet that so far are out of their reach. I will share with the persons I interviewed what I have learned today and what I will learn tomorrow. And I'm sure that something will happen... a focus group on the topic will probably be organised and, then, maybe a seminar... a study... and some new working tools will may be designed and tested to finally reach a new segment of the target group we have been worked for and with for a long time to meet their needs and fully protect their rights.

Thank you.

Ms Klara Skrivankova, Trafficking Programme Coordinator, Anti-Slavery International, United Kingdom

Ladies and Gentlemen,

First, let me extend my thanks to the Council of Europe for inviting me to contribute to the discussions today. This seminar is a pioneering event in addressing the issue of modern information technologies and their abuse by traffickers. We are getting involved in an important discussion, which is, however, overdue. Attention has been paid to various aspects of trafficking, but the connection between information technologies and this crime has been neglected. I am satisfied that this event will generate not only a necessary discussion, but more importantly provide an impetus for action in prevention of abuse of the modern information and communication technologies for trafficking and its creative utilisation to prevent it and stop it.

Information and communication technologies have become critical parts of our economies and societies. Internet is one of the characteristics of the current information society. It has extended the possibilities of communication, information sharing and acquisition. People who lack social contacts are able to communicate with others all around the world in anonymous ways. Internet enables us to enjoy images, extend our fantasy as well as to engage with a virtual community of people with similar interest. It provides a sense of inclusion, facilitates information sharing, communication, deepens knowledge, creates new networks and assists in formulating ideas. Psychological as well as sociological assets of this medium are great. The side effect of the open opportunities is the exploitation of these technologies for criminal activities. Universal digital accessibility opens up also new possibilities for the unscrupulous.

The challenge that we face is not the internet as a medium per se. Similar to other crimes, the act requires always at least one human being who plans, prepares and initiates it.

How does recruitment over the internet work? Information available is quite insufficient. Our knowledge base in this area is not very deep. Trafficking in human beings is first and foremost a profitable enterprise that flourishes through exploitation of other people. Whatever sophisticated technologies they use, the traffickers still profit – the difference is only that their skills, methods and tools are technically higher developed. The recruiter comes in virtually as a communicator of an offer, knowing that at the other side there is a receptor. Hence the communicator provides a nicely packaged direct offer.

I believe that the starting point is to examine how legitimate businesses use the internet to profit. Internet is a commercial tool used for promotion and sale of goods and services. Similarly, this medium is used for illegal acts. The function of promotion, with respect to our discussion today, is the recruitment.

Civil society possesses a rich database of information on how people had been recruited for jobs, mainly abroad, and became trafficked. Job offers through various channels, both formal and informal, seem to be the major way of enlisting. The nature of internet offers a greater variety for such recruitment. From offers addressing a broad audience, such as job advertisements, offering jobs abroad under very good conditions, over making the use of search engines to alert people about offers or pop-ups with tempting offers, all the way to a more targeted spaces where individuals can be recruited, such as chatrooms, spam mail or internet dating.

I have brought examples of advertising with me to which Anti-Slavery International was alerted. The first one was an advertisement published via web-site. The second one was a reference to a web-site given to us. In both cases the people that alerted us about these were led by a concern that trafficking might be behind the adverts: Further we were alerted also to



dubious sites for international marriage brokers, or the so-called mail-order-bride sites.

I believe many of us have, in preparation for this seminar, googled the phrase job abroad in the respective language to see what comes up. Almost certainly each of us would have spotted an entry that seemed slightly dubious, unrealistic or misleading. I am not suggesting that such an advertisement automatically suggest trafficking, however, it might contain some of the elements that were also noticed in advertisements through which people were trafficked.

Like with any other aspect of trafficking, the more information we have about such advertisements, the better equipped we will be able to devise an appropriate response. In the case of civil society for instance by way of informing about possible fraudulent adverts, what are their characteristics, provide safety information and referrer to places to seek advice, building on the knowledge and information gathered from the trafficked persons.

The discussion we have been leading today has two angles – the criminal abuse of internet for trafficking and those who are the potential victims. I will leave the first part of the problem in the competent hands of our enforcement and computer experts. Albeit, all of us need to ask the question who are the people that are being targeted by such advertisements. I am aware that there is no such category as a typical trafficked person. Varieties among the people are great; hence we often choose to talk about common profiles, based on case knowledge. I would argue that profile of potential victims that are targeted via internet is somewhat narrower than in general, connected to the technicalities of internet use:

1. Basic computer literacy and internet access are necessary prerequisites to be able to find an offer on-line. Hence people, for instance, from very poor, socially excluded, rural areas where there is lack of elementary infrastructures are not those with a regular access to the modern information technologies.
2. Access to internet is available either in private or public spaces. In cases of unemployed job seekers, public spaces like job centres, libraries might be used. On the other hand, the modus of using of internet is different when it comes children and young people. They use it at school, at their friends' place and at home.
3. Issue of trust and confidence in the information society plays a role. It is useful to consider the psychological dimension of why people would turn to internet – one of the reasons might be to get more background information following the motto that who does not have an on-line profile. Thus a company with a nice web site might seem trustworthy as opposed to the one that does not have one.

Furthermore, if we break down the category of potential users of internet, we will find that women, men and children use internet in different ways, for different reasons and applying different levels of technical skills. It is commonly known that a number of teenagers regularly enter chatrooms to make links with others. Cases of abuse connected to this activity have been reported.

Thus, the conclusion to make at this point is that we need more knowledge and understanding of the challenge we are facing. Research is needed to see how the system operates, to what extent are the activities systematised, who are the people organising and who are the target audience. Risks connected to the recruitment over the internet need to be assessed, entry

points for response need to be devised and more importantly, cases of persons trafficked via internet enlisting need to be collected to provide us with an idea what the scale of this form of recruitment is vis-à-vis other, more traditional ways of recruitment. Important is also to be able to distinguish between fraudulent job offers or contacts made for obscene reasons from those that lead to trafficking.

The information gathered about techniques and methods used by the traffickers to lure people into trafficking combined with knowledge about how, why, where and when people use internet to look for opportunities outside of their home communities, provide a solid basis for standing up to the challenge.

Regardless of the fact that we are examining the issue of the *misuse* of internet, I believe there is far more space for a positive action than for a negative use of this medium. The composition of this seminar reflects one of the strengths that we already possess – international multi-agency approach to the issue. This community of stakeholders has the power to use the modern information technologies creatively and innovatively, increase their capacity to use those and modify the activities that are already carried out to prevent and combat also this aspect of trafficking. Like with all the new challenges faced in the area of anti-trafficking in the past ten years, we ought to invite new stakeholders aboard, such as technology experts as well as those who operate various internet services and businesses. Added to that, networking and cooperation at all levels gains importance, as the virtuality of internet does not go along national borders.

Responses to misuse of internet for trafficking, need to be incorporated to existing anti-trafficking policies. The actions should be balanced between monitoring, enforcement and prevention, notwithstanding the enjoyment of freedoms that internet provides us with.

Knowing on what sites, gateways and other internet services people are recruited, provides an entry point for monitoring such sites. Thus, risks connected to use of sites that carry certain features can be assessed and addressed. A system of early warning could be incorporated as well as preventive message linked to these sites which would appear in case the user hit a certain link or typed in a certain word or phrase. Inspiration from marketing of various businesses and products can be utilised – how often does one get unwanted pop-ups coming up, banners appearing etc. when looking for something particular?

Another level of pro-active informing connected to on-line job facilitation is web sites of agencies such as governmental job centres, ministries of employment or embassies. Information about rights, obligations, risks and advise how to mitigate is available on the internet. Unfortunately, often rather than being readily available to the desired target groups, the information is rather well hidden. Deficit is also in the way how the agencies use this information in a systematic way.

Let me give you an example. I have looked at the web sites of British embassies in several countries that are known to be countries of origin for people trafficked to the UK. The web site of the UK embassy in Poland had on its home page a visible icon that leads to an information brochure about living and working in the UK. However, on the web sites of British embassies in Ukraine, Russia, Latvia and Lithuania, I found no such information. Either it is missing or it is well hidden. On the web-site of representation in Slovakia, the information was available, but it was also difficult to find. The embassy in the Czech Republic had information about



living and working in the UK on the home page, including not only an information brochure, but also a documentary clip.

The outcome of this little excursion is clear – it is necessary to have a more coherent and comprehensive system in place to disseminate information on the primary prevention level in areas where the risk has been clearly identified.

A further requirement is to exhaust the creativity that internet offers to its users and all its features that are skilfully misused. A fundamental prerequisite for us is that we need to be as creative and as well equipped as those who misuse it. Moreover, we need to be utilising the avenues that are hit by all the various users. Hence, if we want to reach children or young people, the methods to apply are those that were identified as being potentially risky. For instance programmes that create safe chatrooms, or guide children through chatrooms safely, games that empower to assess and make decisions. Similar tools have proved to be an effective tool in areas like drug prevention. Such instruments can be effectively adjusted and used as an element of a comprehensive strategy to combat misuse of internet for recruitment.

In some areas, it might be useful to bring measures and actions that have proved to be working 'in reality' into virtuality and modify them to monitor on-line recruitment. Initiatives like neighbourhood watch could be possibilities to explore. Creation of a virtual community among frequent internet users and computer specialists to alert about dubious sites and other spaces with job offers and introduce mechanisms how to make these sites known.

To sum up, I see four areas on which it is necessary to concentrate. In at least two of them, cooperation among different actors, including the civil society is a prerequisite for their effectiveness.

1. Research to enhance our knowledge on the nature and extent of the misuse of internet for recruitment of trafficked persons.
2. Explore how the information and communication technologies can be utilised in a flexible and innovative way to the advantage of the prevention of trafficking, monitoring of trafficking crime and elimination of trafficking. I believe one does not have to once again reinvent the wheel. Examples of efficient use of computer programmes to empower and inform specific groups are available in many sectors. Similarly, some measures applied in the 'real world' can be enhanced by readjusting them to affect virtual community.
3. Security of information infrastructures needs to be enhanced. However, at the same time, the freedoms attached to these technologies shall not be compromised. New alliances will need to be built in this area, especially with computer experts and businesses that operate internet gateways and search engines. There are already examples of codes of conduct being introduced on-line with regards to child pornography. The use of advertising filters might be an option too.
4. Resources and appropriate equipment is needed to be able to act and be up to speed with the skills and technical equipment of those that abuse.

Ladies and Gentlemen: I hope that this seminar will sow the seed to commitment to new sorts of actions and alliances that take into account the impact of the modern information technologies on trafficking and take advantage of the positive actions they offer.

Thank you for your attention.

Ms Joanna Garnier, Prevention Campaign Manager, La Strada Foundation, Poland

In the last 10 years Internet has become the most popular way to look for a job in Poland and abroad. It is cheap, open 24 hours a day and you can access it from your own home.

It's the biggest "labour market" – with thousands of offers (employers, employees) advertised every day. It also holds the most adverts for sexual services, both providing and looking for.

In La Strada's experience, about

- 30% La Strada clients (trafficked women) were recruited through Internet
- 50% people calling our hot line found job offers via the Internet
- more than 90% of people writing to our Internet advisory-centre found job offers on the Internet

When people are job hunting, they use:

- Labour offices connected to Ministry of Labour and Social Policy
- Professional labour agencies and small job intermediaries making advertisements in various places (press, net, walls)
- Private contacts (chats etc.)

"I don't have family or friends who can find me a job abroad, so I'm forced to use an employment agency" (woman, 22 years old).

In real life the most popular way of searching for work is through private contacts (family and friends). People believe,

that work arranged by family or friends is better than work from agencies.

But what is dangerous is, that people who meet on the internet consider one another as friends and somehow they trust one another despite the fact they have never met and don't really know one another.

Recruitment of victims on the Internet

- Through "ordinary" job advertisements (waitresses, au-pairs, hostesses, workers)
- Through private proposals from "friends" met on the internet – especially date-sites
- Looking for people (women) who are interested in work abroad (some people make advertisement proposing services: eg "Nurse looking for employment in England")
- Looking for women who offer sexual services, to offer them prostitution abroad

What makes situation so difficult?

- People consider that professional employment agencies are not good for ordinary people (that they are only for the uneducated not very clever) and they prefer to look for a job in other places such as chat rooms and fora. They look for "friends".
- No social control of internet activity (everybody uses Internet to meet people but nobody talks about it)



- Internet is still *Terra incognita* – great space for criminal activity
- Internet gives opportunity to change everything personality, sex etc. To be ANYONE.

La Strada – Foundation against Trafficking in Persons and Slavery

La Strada has almost 12 years of activity in the following fields: prevention of trafficking, informing about trafficking. Victim support, trainings for professionals, lobbying.

Preventive action

- run advisory service by phone (hot line) and Internet

- issue various kind of materials
- present on the Internet – information about Foundation at web sites about: work abroad, missing persons, violence.
- monitoring Internet fora about work and suspicious offers
- take part in chat roomss and discussions about work abroad informing about danger of trafficking
- special e-mail address for people who want to share with us their experience with migration – a valuable source of information
- plan to develop our web site and Internet advisory centre.

Legal, administrative and technical measures to combat the recruitment of victims of trafficking in human beings through the internet

Legal and administrative measures

Ms Athanassia P. Sykiotou, Lecturer in Criminology, Faculty of Law, Democritus University of Thrace, Greece

I. Legal measures

Even if considerable progress has been made regarding legislation in the fight against trafficking in human beings, Internet law is still not regulated in a coherent and systematic way, due mainly to the rapid development of the technology, but also to the lack of political pressure. Nonetheless, a lot of efforts mainly at regional and national level have been made to combat the use of Internet for the commission of criminal acts.

The Internet has to be regulated both for its use as communication means in general, as well as in connection with the commission of crimes⁷.

The 2003 Report drew the conclusion that legislation on the Internet is still very much in its infancy, and the difficulty of legislating in this area is compounded by the fact that the Web transcends national borders. The report also drew attention to the growing disparity between the attitude of the law towards child pornography, which is banned in a number of European countries, with access providers being forced to shut down certain websites, and its attitude towards trafficking in adult or mail-order brides for the purpose of sexual exploitation. In the case of these last two, the law was much less clear and legal action less effective. However, a net progress has been achieved since the 2003 Report at legislative level.

1.1. Legal measures taken by the Council of Europe

Among the legislative efforts made during the past years in the field of combating trafficking in human beings and since the last report, many are located at regional level (EU and Council of Europe).

At international level, there are still no instruments, binding the States relating trafficking and the use of Internet. The most

important and of wide scope instruments for the time being are the two Council of Europe's Conventions: the Convention on Action against Trafficking in Human Beings (CETS No.197) and the Convention on Cybercrime (CETS No.185).

1.1.1. The Cybercrime Convention (CETS No.185)

The only international binding legal instrument in the area of cybercrime is the Council of Europe's Convention on Cybercrime.

The Cybercrime Convention, signed in Budapest on the 23.11.2001 (in force since the 1st of July 2004), is an important tool⁸, even though the Convention focuses in particular on the sexual exploitation of children (in Art.9, which makes it a criminal offence not only to produce child pornography for distribution through computer, but also to offer this kind of pornography, to make it available, to distribute or transmit it, to procure it or to possess it in a computer system), and it does not deal directly with the question of trafficking in human beings⁹.

Nevertheless, **this Convention should be considered as applying to all forms of crimes committed on or, through the means of, the Internet.** It contains the necessary procedural and investigative tools which are adapted to the (volatile) Internet environment and enables law enforcement around the globe to cooperate, 24h a day, 7 days a week, to prevent and combat all types of crimes including trafficking¹⁰.

The Cybercrime Convention includes provisions on: a) crimes against the confidentiality, integrity and availability of data and systems such as illegal access, illegal interception, data and system interference and misuse of devices (Art.2-6); b) computer

7. 2003 Report on Impact of NIT, p.76.

8. See also, European Commission's Proposal for a Council Framework Decision on attacks against information systems [COM/2002/0173 final – Official Journal, C 203E, 27/08/2002, p.109–113].

9. See, Report of the Group of Specialists on the Impact of the use of new technologies on trafficking in human beings for the purpose of sexual exploitation, EG-S-NT (2002) 9, p.76.



related offences such as computer related forgery and fraud (Art.7-8); c) offences related to infringement of Copyright and related rights (Art.10) and d) crimes that use the computer as means of commission of specific crimes, entitled "content related offences", where the Convention refers to child pornography (Art.9).

One of the important provisions of the Convention is Art.19, which allows the search and seizure of stored computer data. This provision applies to all crimes and not only to pornography, as one might think at a first look of the Convention. This means that, if there are elements found in a computer in connection to the commission of trafficking in human beings, then on the basis of this provision, access can be allowed and data can be seized.

It has to be noted that the Cybercrime Convention covers public as well as not public networks and communications systems and this is of considerable importance, because many of public appearing networks might be fake or imitating already existing public networks or services.

According to Art.1 of the Cybercrime Convention, "service provider" means:

- i) any public or private entity that provides to users of its service the ability to communicate by means of a computer system, and
- ii) any other entity that processes or stores computer data on behalf of such communication service or users of such service.

In the 2003 Report it was observed that the Internet could certainly be a factor in the current climate of growing tolerance towards documents and images of this kind (p.11). This observation is very important and it is linked to the philosophy of criminalisation of virtual images in pornography, a point that was not covered by the Convention on Cybercrime of the Council of Europe (2001 - CETS n° 185). Because, even if virtual images do not affect a "real" person and, as such, a precise child's or adult's personality and thus it cannot directly be related to pornography nor to trafficking, in our view a special attention should also be given to this matter as it presents a pre-stage of criminal disposition to the specific crime. In that case, the definition of pornography should be updated as not necessarily implying the use of a "real" person, especially in the case of children, and that the broadcasting of virtual images can be sufficient to constitute pornography, since the victim is denoted by the image of the person thus depicted¹⁰. However, some legislations (i.e., Greece, Art.348A CC) have already included the imprinting of virtual images to the definition of child pornography.

10. For the time being 21 States (including the US) are Parties to it, and 22 other States have signed it. Among the 7 States that have ratified the Council's THB Convention, only 4 have also ratified the Cybercrime Convention (Albania, Austria, Bulgaria, and Romania) from the other 3: Georgia has not even signed the Convention (due probably to the low infrastructure of Internet and telecommunications), Moldova and Slovakia have signed it but not ratified it yet.
11. A wide definition of pornography including virtual images was adopted by the Group of Specialists responsible for revising the Recommendation on sexual exploitation, pornography and prostitution of, and trafficking for the purpose of sexual exploitation in children and young adults of the Council of Europe, Rec. (2001) 16 adopted on 31/10/2001 by the Committee of Ministers revising the Rec. (91)11. See, also Report of the Group of Specialists on the Impact of the use of new technologies on trafficking in human beings for the purpose of sexual exploitation, EG-S-NT (2002) 9, 17.2.2003, p.70.

I.1.2. The Council of Europe Convention on Action against trafficking in Human Beings (CETS No. 197)

The added value provided by the *Council of Europe Convention on Action against trafficking in Human Beings (CETS No. 197)*, opened for signature in Warsaw on 16.05.2005, lies firstly in the affirmation that trafficking in human beings is a violation of human rights and violates human dignity and integrity, and that greater protection is therefore needed for all of its victims. Secondly, the Convention's scope covers all forms of trafficking (national, transnational, linked or not to organised crime, and for purposes of all type of exploitation) in particular with a view to victim protection measures and international cooperation. Thirdly the Convention sets up a monitoring mechanism to ensure that Parties implement its provisions effectively.

According to the wording of the text of the Convention the modes of recruitment of victims of trafficking in human beings are "the threat or coercion, fraud, deception, abuse of power, etc.", but the specific means used for each mode of commission are not defined, in order to include all the means, even the Internet.

The purpose of course must be exploitation of the individual. The Convention provides: "Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs". National legislation may therefore target other forms of exploitation but must at least cover the types of exploitation mentioned as constituents of trafficking in human beings¹².

Under the definition of trafficking given in Art.4 of the Convention, it is not necessary that someone have been exploited for there to be trafficking in human beings. It is enough that they have been subjected to one of the actions referred to in the definition and by one of the means specified "for the purpose of exploitation". Trafficking in human beings is consequently present before the victim's actual exploitation¹³.

As regards "the exploitation of the prostitution of others or other forms of sexual exploitation", it should be noted that the Convention deals with these only in the context of trafficking in human beings. The terms "exploitation of the prostitution of others" and "other forms of sexual exploitation" are not defined in the Convention, which is therefore without prejudice to how states Parties deal with prostitution in domestic law¹⁴.

The drafters of the Convention on Action against Trafficking in Human Beings looked also at the issue of the use of new information technologies in trafficking in human beings. They decided that the Convention's definition of trafficking in human beings covered trafficking involving the use of new information technologies. For instance, the definition's reference to recruitment covers recruitment by whatever means (oral, through the press or via the Internet)¹⁵. It was therefore felt to be unnecessary to include a further provision making the international-cooperation arrangements in the Convention on Cybercrime (ETS No.185) applicable to trafficking in human beings.

I.1.3. The interaction between the two Conventions of the Council of Europe

As far as prosecution is concerned, there seems to be an important interaction between the criminal law provisions of the

12. Point 85 of Explanatory Report to the Convention.
13. Point 87 of Explanatory Report to the Convention.
14. Point 88 of Explanatory Report to the Convention.
15. Point 79 of Explanatory Report to the Convention.



Anti-Trafficking Convention and the investigative tools contained in the Cybercrime Convention, which make the fight against e-trafficking a comprehensive one. For instance, "production orders" contained in the Convention on Cybercrime (Art.18) enable law enforcement authorities to require a person to submit specified computer data in that person's possession or control, which is stored in a computer system. This may be of great relevance to investigate a trafficking case. The same goes for the "expedited preservation of stored computer data" (Art.17), the "search and seizure of stored computer data" (Art.19), or the "real time collection of traffic data" (Art.20), and so on. These are some of the investigative tools contained in the Convention on Cybercrime which are critically important for law enforcement to investigate and prosecute trafficking offences.

1.2. Legal measures taken by the European Union

Since 2000, the Council of the EU has issued a framework decision on trafficking in human beings and a series of Directives on electronic communications, regulating among others the liability of providers and intermediaries and the retention of stored data.

The main problem was until recently, the impossibility to oblige the providers to store the data, without which no crime could be established, as well as the liability of intermediaries.

According to Art.15 of the Directive of the European Union 2000/31/EC of June 8, 2000, on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ("Directive on electronic commerce")¹⁶, there was no general obligation on providers to monitor information which they transmitted or stored, nor a general obligation to actively seek facts or circumstances indicating illegal activity, unless they had initiated the communication, have selected the receiver, or had modified the information transmitted (Art.12) or unless they had actual knowledge of illicit content or, once they had become aware of such illicit content, they did not act promptly to remove such content or to block access to it (Art.14).

Service providers were obliged to promptly inform the competent public authorities of alleged illegal activities undertaken or information provided by recipients of their service or obligations and to communicate to the competent authorities, at their request, information enabling the identification of recipients of their service with whom they have storage agreements. However, in practice, providers were not that keen to play this role, unless there was a concrete request by the authorities after the judicial lifting of confidentiality, which was –and is– a prerequisite to this.

Article 15 of the Directive prohibited member States from imposing a general obligation of surveillance on these entities over the information which they transmit or store. Up to now, Member States are also prohibited from imposing on them a duty to actively search out illegal content which they might host or transmit. As a result, providers are totally exonerated from liability unless they have actual knowledge of illegal content which they might have stored or transmitted.

The legal and technical differences between national provisions concerning the retention of data for the purpose of prevention, investigation, detection and prosecution of criminal offences presented obstacles to the internal market for electronic communications, since service providers were faced with different requirements regarding the types of traffic and location data to be retained and the conditions and periods of retention.

The Directive 2002/58/EC on privacy and electronic communications¹⁷ of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector, laid down the rules applicable to the processing by network and service providers of traffic and location data generated by using electronic communications services. Such data should be erased or made anonymous when no longer needed for the purpose of the transmission of a communication, except for the data necessary for billing or interconnection payments. Subject to consent, certain data could also be processed for marketing purposes and the provision of value-added services.

Several Member States have adopted legislation providing for the retention of data by service providers for the prevention, investigation, detection and prosecution of criminal offences. Because of the variety of national provisions, the EU considered that there was a need to ensure at European level that data that are generated or processed, in the course of the supply of communications services, by providers of publicly available electronic communications services or of a public communications network are retained for a certain period.

On 2006 another Directive has been issued (2006/24/EC of the European Parliament and of the Council of 15 March 2006) on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC¹⁸.

Art.3 of the Directive establishes the obligation to retain data (specified in Art.5) necessary to trace and identify the source, the destination, the date, time and duration and the type of a communication, to the extent that those data are generated or processed by providers of publicly available electronic communications services or of a public communications network within their jurisdiction in the process of supplying the communications services concerned, including the retention of the data (specified in Article 5) relating to unsuccessful call attempts where those data are generated or processed, and stored (as regards telephony data) or logged (as regards Internet data), by providers of publicly available electronic communications services or of a public communications network within the jurisdiction of the Member State concerned in the process of supplying the communication services concerned.

Concerning Internet access, Internet e-mail and Internet telephony and regarding data necessary to identify users' communication equipment, the Directive requires the following data to be retained (Art.5 Para 1 (3)):

- (i) the calling telephone number for dial-up access;
- (ii) the digital subscriber line (DSL) or other end point of the originator of the communication;

Concerning mobile telephony among other things, it is provided that in the case of pre-paid anonymous services, the date and time of the initial activation of the service and the location label (Cell ID) from which the service was activated should be retained (Art.5 Para 1 (2) iv).

According to Art.6, the data should be retained for periods of not less than six months and not more than two years from the date of the communication.

16. O.J.E.C., L 178, 17-07-2000, p.1-16.

17. O.J. L 201, 31.7.2002, p.37-47.

18. Official Journal L 105, 13-04-2006, p.54-63.



The application of the Directive has been set for the 15 September 2007, but many of the member States of the EU have declared that they will postpone its application.

However, the Directives of EU have only limited scope of application, since, as it is understood, they don't apply to services supplied by service providers established in a third country.

1.3. Legal measures taken at national level¹⁹

Up to recently most of member States dispose neither legislation on trafficking in human beings nor legislation on Internet related offences. The group that carried out the 2003 Report found that the laws in force (at that time) in the various Council of Europe states made no attempt whatsoever to regulate the use of the Internet for trafficking in human beings for the purpose of sexual exploitation. Few countries dealt with each of the issues separately – namely the issue of content circulating on the Internet and the issue of trafficking in human beings for the purpose of sexual exploitation –, and, even when they did, no connection was made between the two (p.9).

However, today we can observe that even if there are countries that have not yet ratified the Council of Europe Conventions, they have ratified other international instruments against trafficking in human beings, such as: the 1949 UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; the 1989 UN Convention on the Rights of the Child with its 2000 Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; or the 2000 United Nations Convention against Transnational Organized Crime with its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the Convention and at the EU level they have transposed the Framework Decision on trafficking in human beings and the first two Directives on electronic communication.

In particular, regarding the member States of the EU, the majority has ratified the Cybercrime Convention of the Council of Europe and transposed in their domestic law the EU Directive 31/2000 of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce')²⁰ as well as Directive 2002/58/EC on privacy and electronic communications. From the 22 ratifications of the Cybercrime Convention we should observe that only 6 are non EU States; this probably due to the infrastructure of communications in many of them.

From the 21 members States that have been examined for this report, it appears that the legal framework of trafficking is rather satisfactory even if up to only 7 members have now ratified the Anti-Crime Convention. The majority of the members has ratified the Protocol of Palermo on trafficking and/or belongs to members of the EU having ratified the Framework Decision on trafficking. Regarding legislation on cybercrime less than half of the members

have ratified it, but all the members that belong also to EU, have transposed the EU Directives on communication containing provisions on the liability of providers in case of commission of a serious crime through Internet.

II. Administrative measures

The administrative measures are related mainly to the establishment of specific bodies in the fight against trafficking of human beings. However, because this establishment does not go without the measures taken by these bodies for the prevention and/or prosecution of trafficking, this point is very much linked to the technical measures for the prevention or for the prosecution of trafficking cases and it will be examined also below.

It must be stressed that in many European countries specific computer units have been established that take measures against cybercrime. However, these units have not been established yet to countries that are considered as source countries, also due to the condition of infrastructure of Internet.

The problem is that the existing units usually they intervene only after receiving information for a suspicious activity. They don't carry out *ex officio* investigation in the sites of Internet. I believe that primarily for preventive measures and, of course, eventually for prosecution, the Police should have a separate unit which could carry out *ex officio* investigation in Internet sites in order to find out how many of all these sites recruit (or at least attempt to recruit) victims of trafficking in human beings.

III. Evaluation of the current situation

We can observe two types of shortcomings:

- Shortcomings in legislation
- Shortcomings in technical means and infrastructure mainly concerning telecommunications
- Shortcomings of both of the above

In general, the present situation concerning legislative measures to fight trafficking is more satisfactory than in the 2003 Report. All member States dispose legislation criminalising trafficking.

Most of the member States have either incorporated the *Additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (Protocol of Palermo) supplementing the *United Nations Convention against Transnational Organised Crime* in their internal legislation or they have amended their criminal Codes in order to criminalise trafficking in human beings. For that purpose most of the countries have adopted the definition as stipulates in the Protocol. The problem is that the Protocol criminalises trafficking in human beings when committed at transnational level and within the framework of organised criminal groups.

Some countries have adopted a definition, which covers trafficking of persons committed either as national or transnational crime (Art.12 of Law 678/2001 of Romania), others they have adopted a wider definition of trafficking (e.g. Art.159b and 159c of the Bulgarian CC), by extending it through aggravating circumstances not only to cases where the victim is trafficked from one country to another, but also where an organised criminal group is involved. There are however countries which adopt a less wide definition than the UN Protocol. Greece, for instance, has adopted a rather limited definition on exploitation, since the provision criminalising trafficking (Art.323A CC) does not extend to all forms of exploitation, but only to sexual and labour exploitation as well as to the removal of organs or the recruiting of minors

19. A questionnaire was sent to member States to which 21 members have replied (the questionnaire wasn't sent to Greece, since the author could cover the Greek law). Out of the 22 member States that are covered in this part, 15 are member States of the EU; and 4 belong to countries that have ratified the European Convention on Action against Trafficking in Human Beings (Albania, Moldova, Romania and Slovakia) two of which are members of the EU. From the countries that have ratified the European Convention on THB, Georgia, Slovakia and Moldova have not yet ratified the Cybercrime Convention.

20. Official Journal of EC, L 178, 17/07/2000, p.1-16.



in view of committing terrorist acts. In some countries it is not specifically precised that the consent of the victim of trafficking to the exploitation should be irrelevant to the means used by the perpetrators, as also demanded not only by Art.4 Para (b) of the Council of Europe Convention, but also by Article 3 Para (b) of the Protocol of Palermo.

Regarding the establishment of the crime of trafficking against a minor some legislations suppose the use of same means by the perpetrator to those provided for adults (e.g. Greece). There are also discrepancies concerning the consumption of the crime regarding the means used, e.g., in Greece, in case a promise is used to convince the victim, the act of the recruitment or transfer, usually needed for the consumption of the crime, in this case is not demanded.

Some countries set an age-limit to victims, as a limit to punishment of trafficking. In general, the punishment of trafficking – not only regarding children – presents a great variety of sanctions which could lead to a country-shopping by the traffickers who – among other things – would seek for a country that could secure them the least possible punishment. One of the most significant shortcomings in national legislation is the absence of punishment of the behavior of the “consumer” having acted consciously while using the services of a victim of trafficking as demanded by Art. 19 of the Anti-Trafficking Convention (only Greece has such provisions related to trafficking in human beings, while Sweden has introduced this criminalisation only in relation to prostitution. Croatia also envisages adding a new paragraph in order to criminalize the use of services of a victim, according to Art.19 of the Council of Europe Convention).

The above mentioned problems arise mainly from the fact that the Council of Europe Convention has not yet been ratified by all member States.

The fact also that among the members of the Council of Europe there are countries belonging to two different levels concerning the infrastructure of telecommunications and the use of

Internet create another problem to the fight of the phenomenon. We can observe a net discrepancy between the legislation of EU member States and the rest of Council of Europe members.

The overall impression is that there are countries that dispose the adequate legal and technical infrastructure to fight trafficking through Internet and countries that even if they dispose the legal framework, technically they are short. The majority of the countries that have ratified the Cybercrime Convention do not belong among the most developed in technical infrastructure. In other words, there are countries that might be able from the legislative point of view to fight and punish any crime committed through Internet, but they lack the technical means for such action and there are countries that dispose the technical means but haven't taken the legislative measures to fight it. Some countries have infrastructure to rapid access and to rapid fight against computer related crimes; some have infrastructure to a fair access but not to fair fight and some don't dispose at all an adequate infrastructure. Of course, a more obvious danger for the recruitment of victims of trafficking in human beings through Internet regards the two first categories and as we've mentioned, if this means of recruitment of victims of trafficking in human beings hasn't taken large proportions till now, is to a extent due to the use of Internet and the infrastructure of telecommunications in the source countries.

Unfortunately, there is no obligation yet for all countries on providers to monitor information which they transmit or store, nor a general obligation actively to seek facts or circumstances indicating illegal activity.

Regarding the Convention on Cybercrime is far from being considered as implemented in Europe, since –still– only less than half of the member States have ratified it. Nevertheless, there is a net progress at least regarding the EU member States that dispose a considerable legislation that applies to Internet related crimes and to the issue of liability of providers and in the field of retention of data.

The Council of Europe's Cybercrime Convention

Mr Henrik W. K. Kaspersen, Professor of Computer Law, Free University of Amsterdam (Netherlands), Chair of the Council of Europe Cybercrime Convention Committee

This presentation

Cybercrime Convention (CCC)

- History and Background
- Outline
 - Substantive Law
 - Procedural Law
 - International co-operation

CCC as means to combat the trafficking human beings

The Coming together: CCC (CETS 185)

- Evaluation of the implementation R(89) 9: “inadequate”
- Expectation of implementation R (95) 13: “similar result”
 - more binding instrument required
- Start:1997
- Signature Ceremony: Budapest November 23, 2001
- CETS 185, coming into force: July 1, 2004

Negotiating Parties

Council of Europe Member States, and observers:

- U.S.A.
- Canada
- Japan
- South Africa

Signature and Ratification

Possible Candidates for Accession

- O.A.S
 - Mexico, Costa-Rica, Brazil
 - ASEAN
 - Australia, New-Zealand, Philippines
- India (Review of ITA 2000)

Aims of the Cyber Crime Convention

- Harmonisation of criminal substantive law, basis R (89) 9.



- Harmonisation of criminal procedural law, basis R (95) 13.
- Provide instruments for mutual legal assistance, basis existing co-operation instruments.
- Codification of international law
- Provide Framework for future developments

Harmonising of substantive criminal law

- Cyber crime in the narrow sense
 - C.I.A.-offences: artt. 2-6
 - IT-specific offences: hacking, interception, viruses, worms, trojans, botnets,...
- Cyber Crime in the broader sense:
 - Computer-related offences: artt. 7-8
 - Scam, identity fraud, phishing, pharming,
 - Content-related offences: art. 9
 - Child porn
 - Racism, xenophobia
 - I.p.r.-related offences: art. 10
- Accessory provisions: artt. 11-13

Criminal procedural law

- Aim: to facilitate gathering of **electronic evidence** of a specific criminal offence
- Scope: Cyber Crimes art.14:
 - a) Offences established in the CCC;
 - b) Computer system instrument of the crime;
 - c) Any other crime for which electronic evidence is needed.

Measures concerning stored computer data

- Search of computer system and data carriers: art. 19
 - Access keys, encrypted data, making inaccessible, network extension, safeguarding evidence
- Production order: art. 18
 - Alternative for search and essential for gathering of traffic data/interception
- Expedited preservation: art. 16/17

Real time collection of traffic data/interception of content

- Art. 20/21: parallel in structure
- Art. 21: serious crime only (domestic law)
- Specific communication by means of a computer system
- Undertaken by law enforcement authorities or through compelling of service provider
- "As is available", no technical requirements
- Confidentiality clause

Collection/interception of content – con't

- Public and non-public networks/communication services
- Service provider broad definition, includes TO and ISP.

International mutual legal assistance

- Extradition: extraditable offences (art. 24)
- Factual co-operation:
 - Can the request be executed on the basis of an Existing bilateral or multilateral Instrument? Y, proceed. N, apply art. 27 CCC (= comprehensive set for Mutual Legal Assistance).

- Is the application of **specific measures** necessary? Apply CCC or EI or both

Mutual legal assistance- specific measures

- Expedited preservation of computer data (art. 29)
- Expedited partial disclosure in case of traffic data (art. 30)
- Access to computer systems and data (art. 31)
- Trans border investigative measures that are lawful (art. 32)
- Real time collection of traffic data (art. 33)
- Real time interception of content (art. 34)
- 24/7 network (art. 35)

Final provisions

- Coming into force: i.e. July 1, 2004, see previous chart
- Accession: unanimity of Parties and majority of Committee of Ministers CoE
- Declarations, reservations
- Conference of Parties, art. 46
- Amendments
- Dispute Resolution: consultation

Cyber Crime Convention – final observations

- Minimum character: electronic environment, but
- Framework character: ongoing developments: T-CY meeting June 13-14 2007
- Need for flanking, internationally coordinated measures:
 - exchange of expertise: Octopus meeting 11-12 June 2007

How the CCC be used as instrument against trafficking of human beings?

- Substantive law?
- Procedural law
 - Search of computer system
 - Individual system as well as network
 - Production order
 - Preservation order
 - Collection/interception
 - Traffic data/content
- Mutual legal assistance
 - Extradition: PM
 - Expeditiously, access to procedural measures of the CCC, supplementary to existing instruments
 - Building on further initiatives (T-CY)

What to do?

- Provide for a sufficient level of dual criminality when defining criminal conduct
- Refer where appropriate to the (instruments of the) Cybercrime Convention (example CoE Terrorism Convention 2005)
- Promote and support accession and ratification of the CCC
- Provide for flanking measures



Law enforcement co-operation

Mr Nick Garlick, Intelligence Officer, Crimes against persons Unit, Europol

May I just begin by thanking the Council of Europe for their kind invitation to participate over the past two days. It is a great pleasure to be here to represent Europol and it is in particular, a great opportunity for me to hear from the many eminent speakers and I hope that my input can help generate further fruitful discussion.

The profits that can be made from trafficking are significant, the ILO estimate the global profits to OC from all forms of trafficking at _25billion, and with the chances of your trafficking activities becoming the subject of law enforcement attention certainly until recently fairly limited, it is an opportunity that organised criminals will take full advantage of. It should also not be a surprise to find that criminals will adapt to a changing environment and use all channels available to them to conduct their business.

In general it is fair to say that trafficking until very recently received a less than effective response from the law enforcement community. However I am pleased to report that in general the response has improved greatly in the past couple of years. From a situation where some MS had no specific legislation, almost all MS have introduced legislation and are now taking steps to enforcing it. There are now regular reports of law enforcement throughout Europe taking action against traffickers and the sentences being handed down are now quite significant.

So what is the way forward; clearly the EU Action Plan within the Hague Programme contains all the components required for a uniform effective response to the activities of traffickers. And the Council of Europe Convention on Action on Trafficking in Human Beings provides for its prevention; measures to discourage demand; border control measures; security and legitimacy of documents; victim identification; victim assistance; reflection periods; residence permits for victims; amongst many other provisions.

We are here however to find ways to combat a crime that increasingly relies upon modern technology and that always results in the physical and psychological abuse of a human being and in many cases, a child. So, if we do not meet effectively this challenge as we should do then the consequences of a less than professional approach means that someone gets hurt or continues to get hurt and the criminals do not get caught.

What should our approach be?

We must use local, regional and national co-ordination and information / intelligence sharing mechanisms; utilise fully national liaison officers posted overseas or links into liaison officer networks; Europol and the Europol Liaison Bureaux; Interpol National Contact Bureaux; Eurojust; Schengen Information System; and direct bi-lateral contact. There is no need to re-invent the wheel in this respect. All the channels are there and so it is vital that they are well publicised and easily accessed to ensure that investigators use them effectively.

The internet is the marketplace of now and the future and naturally, traffickers are in the market for the purchase and sale of a commodity; in this case the commodity is a human being. Criminals are often quicker than law enforcement agencies at turning technological advances to their advantage and, to a certain extent, law enforcement will always be "behind the game". Certainly with regard to the use of the internet to access child

pornography, payment methods and other modi operandi that are employed to avoid detection display a quite staggering level of ingenuity. I am aware that there is no intention during this seminar to cover this particular crime area but it is relevant because there is overlap between on line child pornography and the use of the internet by traffickers. It is known that Organised Crime Groups involved in the provision of child abusive images on the internet are also involved in the trafficking of children for exploitation by travelling sex offenders. This makes sense, as they have first identified the demand, and then these groups have sought to supply this demand and profit from it.

The Internet is now intrinsically linked to the provision of sexual services and it is fundamental that the proactive monitoring of the Internet becomes an integral part of any law enforcement activity aimed at combating trafficking in human beings. There is now no need for traffickers to install their victims in traditional "red light areas" or have them walking the streets when much more covert arrangements can be made anonymously online; clients can then travel to nondescript addresses in towns not previously considered to have a sex business. The victims are less likely to come to the notice of law enforcement and a strong level of control can be applied at all times. This clearly has implications for law enforcement, given that it is no longer a case of just trawling through these traditional areas to arrest the traffickers and rescue the victims; unfortunately it is now a lot more complicated. The victims' services have to be advertised to some extent either via the internet or through business cards, which clearly provides law enforcement with a window of opportunity. The traffickers have a commodity whose full value can only be realised by the making of the victim available to clients.

Perhaps the Virtual Global Taskforce (VGT) which is an international partnership of law enforcement agencies created to fight online child abuse could perhaps be a useful model when it comes to combating the recruitment of victims of trafficking. A body similar to this Taskforce which comprises of the Australian High Tech Crime Centre, the UK's Child Exploitation and Online Protection Centre (CEOP), the Royal Canadian Mounted Police, US Immigration and Customs Enforcement, Italian Law Enforcement, French Law Enforcement, Europol and Interpol could be useful in identifying recruiting websites across the world and then delegating responsibility to the appropriate law enforcement body in real time.

The VGT was set up as a global response to child exploitation and it has a 24/7 alert system to protect children and to enable them to respond anytime day or night to reports of a child at serious risk. The idea is that young people all over the world can make a virtual complaint when they have been abused just by clicking an icon and police officers can respond to the complaint immediately. This is done on a secure infrastructure for sharing information. This is possible as the time zones are covered by the countries involved. The VGT 24/7 alert system is there to protect children on and offline at a low cost with a high impact. International cooperation is of great importance and the VGT model is an effective way of achieving that. The VGT has had some good operations in a short period and have been able to stop ongoing abuse within two hours of a complaint being made. Clearly there are significant differences between the two crime areas and what is



an appropriate way of working in order to combat child abusers on line is not an ideal method of combating recruiters; however what the VGT does show is that international coordination of action on the internet can work. The criminals work globally, then so should we.

One example of the role of the internet in the recruitment of victims is the following case where the female owner of an internet-based modelling agency in Lugansk, Ukraine was arrested in November. She recruited 14-17 year old girls under the pretext of modelling contracts but the victims were trafficked to the United Arab Emirates and the Seychelles and forced into prostitution. It is well known that employment and model agencies have been linked to trafficking in human beings. Vulnerable women who are eager to escape poverty will explore all and any avenues to improve the quality of their lives and the potential risks or dangers that might exist are ignored because of the possible outcome.

The role of marriage bureaux many of which are available on line, in the recruitment of victims is also potentially significant; it is not a coincidence that many are situated in source countries or specialise in providing women from key source countries. For the women themselves there can be a significant up-front payment (a figure of £1600 is reported) which for many, is a huge amount. This fee on its own could create an element of debt bondage between the woman and the agency. A simple 'Google search' of the Internet reveals 10.2 million hits on websites offering this service together with tours of towns and cities to meet prospective spouses. It was reported in 2004 that content analysis of the agency websites indicated that many of them engage in practices that sexually exploit women by offering such tours, escort services, and pornographic photography services. There are also marriage agency websites which specialise in vulnerable women, underage children and the disabled. As a recommendation, it is therefore important for law enforcement agencies as well as monitoring the use of these marriage bureaux and model agencies, to begin a database of suspicious agencies to be used by visa issuing authorities in the source countries. Those involved in the running of the marriage bureaux and model agencies should also be vetted for any previous links to trafficking for sexual exploitation.

There are numerous aspects concerning the Finnish-Estonian case mentioned by the colleagues yesterday that are worth commenting upon. These were the first such trafficking convictions in Finland. This was clearly a highly sophisticated operation that utilized fully the internet to advertise its "products". It appears to have deliberately taken steps to isolate the victims. The fact that the heads of the OCG were already in prison shows the importance of seizing the assets that criminal activities generate; incarceration had clearly not restricted their ability to conduct their affairs and the confiscation of the proceeds of the crimes would be a more fitting penalty and perhaps a greater deterrent. This also illustrates the importance of taking the investigation back to the source country. In our experience often a prosecutor will only seek to deal with the local case, and will not be keen to pursue the international element as it may delay or complicate matters. In our experience however, the heads of the organisations tend to stay in the source country and unless there is good cooperation between source and destination country the head of the organisation can continue with his activities unaffected. You may be successful in arresting low level pimps but the networks themselves stay in place. Without this good cooperation between

Estonia and Finland, the head of the organisation would not have been identified.

With regards to labour exploitation, the response is generally not so effective. Because most convictions are as a result of the identification of offences related to the crime such as violence or money laundering, it is clear that the perpetrators may well get away with it if they are cleverer and it is hardly a deterrent to other traffickers. I consider that it is the murky area of subcontracting and in particular gangmaster activity in the food and agricultural sectors that continues to be the most vulnerable to criminal activity. Often major companies will hide behind their use of subcontractors to avoid taking responsibility towards the employees. A recommendation from me would be that legislation should be introduced that addresses this and can find the companies "upstream" liable for the maltreatment of workers in the supply chain.

In recent years there has been a steady increase in the numbers of Eastern Europeans working in these sectors in Western Europe. One would have thought that following the accession to EU MS status that the potential for exploitation of such workers would have lessened, but this has not been the case. There have been reports across Europe of Eastern European criminals based in Western Europe actively recruiting their own nationals through employment agencies (some which operate on-line), and then abusing their trust, maltreating them physically and psychologically, and imposing a heavy debt for the "service" of providing the work. Everyone here will be aware of these practices across the world but it is surprising that this is happening to EU citizens in the EU. As mentioned yesterday, Operation Terra Promessa undertaken by the Polish Police and the Carabinieri in Italy is a fine example of good practice in combating trafficking for labour exploitation between two MS and more relevantly for us here today, the role of the internet was intrinsic to the recruitment process. Not everyone was recruited using this medium but some were and in the future this is sure to become a growing phenomenon. As the access to the internet grows globally, it is sure to increase in importance in third world countries that will become key source countries in the future, where perhaps less sophisticated methods are employed currently to recruit victims. International law enforcement must meet the challenge provided by the placing of proxy servers in countries where the legislation is deficient to mask the true location of those who control and benefit from these websites.

It is important that lessons are learned from this and that steps are taken to ensure that this crime does not continue. There should be awareness campaigns in regions of the EU that have a relatively high unemployment rate whose citizens may be seduced by stories of good money to be made elsewhere in the EU; if it seems too good to be true then it probably is. Furthermore, employment agencies should be licensed to ensure that they are not vehicles for the exploitation of the vulnerable. The public should also be warned about agencies that demand fees for providing employment. However, there remain significant obstacles which will not easily be surmounted. As long as there are differences in wages and employment opportunities within the EU, there will be those that will wish to exploit and those who will be vulnerable to exploitation. In the long term this can only be dealt with effectively by a levelling out of living standards.

The most important thing is that law enforcement agencies should have an understanding of the crime area and there should



be information sharing as a matter of course using the multi-agency approach to ensure that leads are not ignored and all steps are taken to combat this crime. As I have mentioned above, it is vital that the monitoring of the internet and efforts to introduce some manner of regulation of employment agencies operating on the internet is vital in combating this crime. The Europol Organised Crime Threat Assessment 2007 (OCTA) now under construction will naturally focus on all areas of serious and organised crime. I expect trafficking to be prominent in this forthcoming report, which will be available in an open version, for those of you who are from outside the law enforcement community. For those of you from law enforcement it is vital that Europol is informed of your investigations at an early stage and if there is an appropriate Analysis Work File (AWF), Europol's main tool for the collection and analysis of data, within which to conduct the analysis this can only be of benefit to your investigations. Even if there is not a suitable AWF open, there are clear benefits to informing the Trafficking in Human Beings Group. We may be aware of similar investigations being undertaken elsewhere in Europe and be able to provide expert advice and support, as well as facilitating the information exchange in a secure manner; it is never our intention to hijack your investigations or to tell you how to do your job. Finally, up to date information concerning new modi operandi will

naturally improve our strategic products and may lead to cross matches with information supplied from subsequent investigations.

There is now a wide ranging Analysis Work File focusing upon the combating of trafficking in place and this will be part of Europol fulfilling its obligations under the EU Action Plan on trafficking in human beings. It is our intention to have priority areas within this work file which is currently focussed upon Bulgaria, with there being a proposal for Romania and labour exploitation in general to be the other focal points. It is not our intention to have a situation whereby all information concerning these topics is provided to Europol, as this would make the management of it difficult and would not serve its purpose. The intention is to provide the MS investigations with added value, a coordinating role and analytical support to succeed in realising short term achievable objectives. So for example should an urgent need arise, then within the framework of the work file, full Europol support could be provided to the two or more countries concerned with a view to arresting and convicting the perpetrators and rescuing the victims as soon as possible.

Thank you for listening and I hope that this was interesting and I will welcome any comments you may have about what I have said.

Combating International Organised Crime: The Role of Eurojust

Mr Benedikt Welfens, Deputy to the National Member for Germany, Eurojust

Why Eurojust?

- Removal of frontier controls in EU states
- At least 27 different legal systems
- To improve action against cross-border crime
- Existing Mutual Legal Assistance & Extradition arrangements are often lengthy and uncertain
- Alternative to the European Prosecutor option

Some of the Problems

European Union Principle Freedom of Movement

- People Capital Goods Services
- Minimal, if any, frontier controls
- Mobility & relatively cheap travel
- Computer and internet 'cyber crime'

Organised cross-border crime

- Terrorism
- Trafficking in Drugs
- Trafficking in Human Beings
- Serious Fraud (inc..fraud on EU Budget)
- Car Theft
- Corruption

What is Eurojust?

- A group of 27 EU prosecutors / judges
 - One nominated by each Member State
- Aim
 - 'to deal more effectively with serious cross border crime, particularly when it is organised, and involves two or more Member States'

JHA Council Decision of 14 December 2000

Eurojust's Powers

- Power to request competent authorities :
 - to investigate or prosecute specific acts*
 - to accept that one country is better placed to prosecute than another*
 - to co-ordinate with one another
 - to set up a Joint Investigation Team
 - to provide Eurojust with any information necessary to carry out its tasks*

Aims

- Improve co-operation between Competent Authorities in Member States
- Bring better co-ordination of cross-border investigations and prosecutions
- Exchange of information
- To make recommendations to change laws to improve Mutual Legal Assistance & Extradition arrangements

How Eurojust Works

- Case Referrals
- Working Methods
- Adding Value
- Strategic Meetings
- Co-ordination Meetings
- Cooperation with Europol

Integrated Approach to Tackling Organised Crime

- Cross-border crime needs a whole case approach



- Need for co-ordinated action police investigators prosecutors and others
- Too often find reasons for not integrating action
- Whatever the systems judicial input is powerful and necessary for effective results

Cases Referred

1 March - 31 December 2001	192
1 January - 31 December 2002	202
1 January - 31 December 2003	300
1 January - 31 December 2004	382
1 January - 31 December 2005	589
1 January - 1 December 2006	769

Trafficking in human beings cases in 2006

Country	Total 2006
Austria	3
Belgium	1
Cyprus	1
Czech Republic	1
Germany	2
Greece	2
Spain	1
France	2
Hungary	1
Italy	3
Luxembourg	1
Latvia	4
Netherlands	2
Poland	1
Portugal	1
Sweden	3
United Kingdom	3
Total	32

Illegal immigrant smuggling cases in 2006

Country	Total 2006
Czech Republic	1
Germany	2
Estonia	1
Greece	1
France	1
Italy	1
Luxembourg	1
Malata	1
Netherlands	1
Portugal	1
Sweden	1
Slovenia	2
Total	14

Trafficking in human beings and illegal immigrant smuggling – January – April 2007

- In this short time period there have been already registered:
- 37 cases
- Conclusion: this issue is getting more and more important, because there is still a growing market, where a lot of money is earned.

Case example 1

- Operation Pachtou:
- Four EU Member States and Turkey
- Coordination meeting in The Hague
- Result: arrests and searches at the same day in the five countries
- 82 persons have been arrested

Case Example 2

- Trafficking in human beings case – women and girls brought from Albania for the purpose of prostitution
- Coordination between Scotland, England and Lithuania
- Strong support by Europol
- More than 20 persons arrested and sentenced already up to 21 years of imprisonment

Working at Different Levels

Level 1:

- Plenary Meeting of all 27 National Members

Level 2:

- Only those national members involved in a case

Level 3:

- Investigators & prosecutors dealing with a case
- Cooperation with EUROPOL and therefore access to all EU-Police Authorities and Information

Areas of Added Value

- Permanent Mutual Legal Assistance Network
- Empowered Mutual Legal Assistance Network
- Facilities – Casework Meetings & Conference covering the costs of travelling and hotel
- Voice Influencing Law-Makers & Others
- Casework Examples
- Cooperation and exchange of information with EUROPOL
- Public relation for the European idea

Permanent Mutual Legal Assistance Network

- Permanently Based in Premises in The Hague
- 27 National Members – always available
- Clarity, Speed, and Certainty in Mutual Legal Assistance issues
- Resources, staff and equipment
- Eurojust has Legal Personality



A model for combating illegal online content

Ms Sarah Robertson, Communications, Internet Watch Foundation, United Kingdom

Remit

The Internet Watch Foundation (IWF) is the only authorised organisation in the UK operating an internet 'Hotline' for the public and IT professionals to report their exposure to potentially illegal content online.

Our aim is to minimise the availability of potentially illegal internet content, specifically:

- child sexual abuse images hosted anywhere in the world
- criminally obscene content hosted in the UK
- incitement to racial hatred content hosted in the UK

We work in partnership with UK Government departments such as the Home Office and the Department of Trade and Industry to influence initiatives and programmes developed to combat online abuse. This dialogue goes beyond the UK and Europe, to ensure greater awareness of global issues and responsibilities.

(Ex-) Prime Minister's Quote

"The UK has perhaps the world's best regime for tackling child pornography, the Internet Watch Foundation, and we continue to work closely with the industry, law enforcement agencies and children's charities to seek ways of protecting children from abuse."

Tony Blair

Source: Hansard 13.10.04

Overview

- History and Model
- Partnerships
- Trends
- Challenges
- International

History and Model

- Established following agreement in 1996
- Self and co-regulatory body
- Working in partnership
- Internet civilian 'Hotline' – process
- Notice and take-down service
- Voluntary Code of Practice
- Registered charity
- Legal status
- Content not suspects
- Racial hatred and adult obscene
- Blocking

Website (www.iwf.org.uk)

We take reports via our website which is also a source of much information regarding the issues we deal with and many other issues outside our remit.



Diversity of supporters: public/private partnership

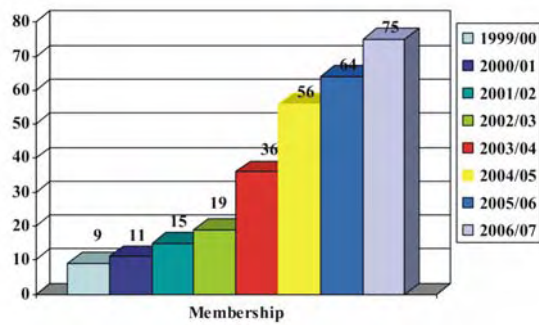
- ISPs, CSP, host companies
- Portals
- Mobile operators
- Search providers

- Filtering & software vendors
- Financial sector – to disrupt activity
- CSR reasons

A full list of our funding members (nearly 80) can be found here: <http://www.iwf.org.uk/funding/page.64.htm>



Membership 1999-2006



Partnerships

Industry

Government:

- Home Office
- Department of Trade & Industry
- Department for Education & Skills
- Foreign & Commonwealth Office
- Department for Culture, Media & Sport

- Various MPs, Peers and officials
- Law enforcement
- CEOP Centre
 - Interpol, Europol
 - Local forces, Hi-tech Crime Units

Public

International partnerships

EU Safer Internet plus Programme

INHOPE Association

28 Hotlines in 25 countries worldwide

Hotline Manager INHOPE Vice-President

Trends: 2006 Headlines

31,776 reports processed (34% increase)

10,656 individual child abuse URLs

3,077 child abuse domains

50/50 commercial/non-commercial domains

83% all child abuse domains hosted in US & Russia

90% commercial domains hosted in US & Russia

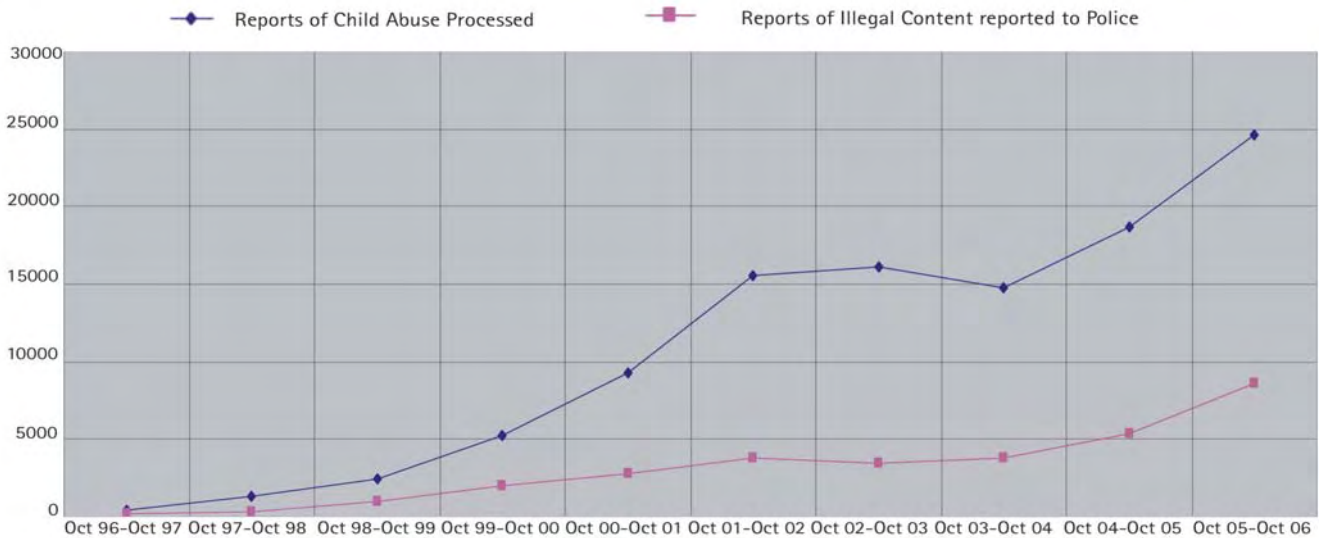
91% victims under 12 years old

80% female victims

60% comm. child abuse domains contain level 4/5

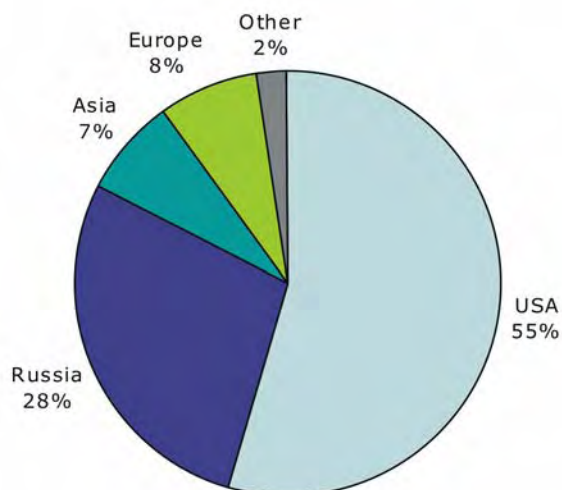
Commercial sites 'hopping' server around world

Reports processed and confirmed child abuse reports 1996-2006

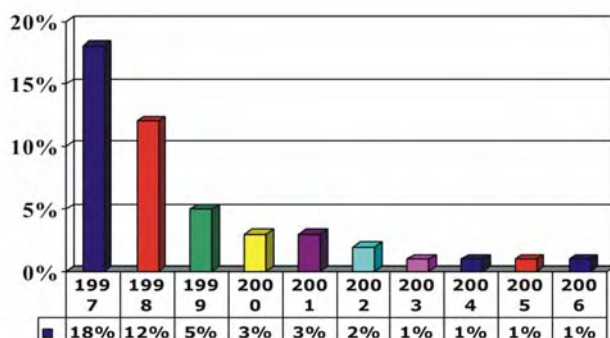




All child abuse domains by region 2006



% of child abuse content hosted in the UK 1997 - 2006



Resources

The IWF has achieved all this success and manages all these partnership with 14 members of staff, 6 of whom are analysts



Challenges

- User generated content
- Non-photographic depictions
- Extreme pornography
- Traceability – hopping
- Jurisdictional
- Payment mechanisms – e-gold +
- Domain names

International: Sharing best practice:

- with new Hotlines; EU; worldwide
- public/private co-operation
- voluntary self-regulation v. legislation
- notice and take-down, blocking

IWF calling for:

- EU taskforce
- united international law enforcement approach
- international public-private sector cooperation
- centralised CAIC European database

International Recognition

UK Home Secretary, Brussels, 2006:

- European-wide push to remove and block access to child abuse content online

EC, 2006:

- New safer internet action plan concluded that best practice and CAIC lists should be shared internationally

Congress report, April 2006

- IWF and NCMC should share CAIC lists
- US ISPs should consider emulating UK blocking
- IWF G8 briefing, May 2007
- EC communication, May 2007, "towards a general policy on the fight against cyber crime":
 - international cooperation public/private sectors
 - United international law enforcement approach
 - coordinated action across EU involving the Commission and Member States.

Contact Details

The IWF is committed to sharing knowledge, experience and best practice internationally and would be pleased to send information, provide speakers or share expertise and ideas with associates around the world.

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 web: www.iwf.org.uk
 email: sarah@iwf.org.uk



Sous-commission sur la traite des êtres humains de l'Assemblée parlementaire du Conseil de l'Europe

M^{me} Ruth-Gaby Vermot-Mangold, Présidente de la Sous-commission sur la traite des êtres humains de l'Assemblée parlementaire du Conseil de l'Europe

L'engagement de la sous-commission sur la traite des êtres humains dans la *Campagne du Conseil de l'Europe sur la lutte contre la traite des êtres humains* porte en particulier sur le volet promotion de la signature et de la ratification de la Convention du Conseil de l'Europe sur la lutte contre la traite des êtres humains, en vue de son entrée en vigueur la plus rapide possible. La sous-commission s'engage à apporter son expérience, en particulier dans le domaine législatif, vis-à-vis de toutes les formes de traite.

Comment combattre le recrutement des victimes de la traite, quel que soit le moyen de recrutement, et donc y compris par Internet ?

Evidemment, en supprimant les causes profondes qui sont à la base de la traite : il ne s'agit pas uniquement de l'élimination de la pauvreté mais aussi de la création de conditions permettant l'éducation et l'emploi, et de trouver la solution à des problèmes de santé. Ces objectifs ne peuvent pas être atteints sans que soit abordées les questions de l'égalité des genres et du renforcement du pouvoir des femmes. Il est essentiel de comprendre l'importance de la promotion de l'égalité des genres dans l'ensemble des politiques internationales, nationales et locales visant à prévenir et à lutter contre le phénomène de la traite. Il s'agit d'une réponse globale à laquelle les autorités décisionnaires doivent donner priorité.

Alors, plus spécifiquement, comment lutter contre le recrutement des victimes de la traite par Internet ?

La législation a un rôle important à jouer.

Concrètement, les législateurs devront prendre en considération le développement récent des nouvelles formes de traite telles que le trafic d'organes humains et l'adoption illégale, mais aussi le sexe virtuel, notamment le cybersexe (sexe virtuel par Internet) qui constitue un nouveau marché en expansion, dont l'essor augmente et amplifie les trafics. En réalité, les nouvelles technologies rendent plus aisée l'exploitation sexuelle des femmes et des enfants.

Le législateur devra prendre des mesures qui permettront de combattre le recrutement des victimes de la traite sans entraver le développement d'Internet.

Les lois devront prévoir d'intensifier la poursuite et la répression des trafiquants – personnes physiques ou morales – (notamment en prévoyant des peines proportionnées, efficaces et dissuasives), des complices, des auteurs de pages Internet proposant des annonces d'intermédiaires de la traite d'êtres humains, des personnes qui encouragent, organisent ou utilisent des services sexuels auprès de mineurs et des personnes qui tentent de mettre en place de telles activités, ainsi qu'à poursuivre le blanchiment de l'argent provenant de la traite.

Pour prévenir la traite par Internet, les dispositions législatives devront aussi contrer l'utilisation d'Internet qui sert à diffuser des informations sur la disponibilité et la demande de femmes et d'enfants à des fins sexuelles, y compris la pornographie.

Quelles mesures proposer pour aider les victimes de la traite ?

Outre les mesures de protection proposées par la *Convention du Conseil de l'Europe sur la lutte contre la traite des êtres humains*, il faudrait médiatiser une ligne téléphonique gratuite d'aide d'urgence.

Au niveau international, s'agissant de l'application de la Convention du Conseil de l'Europe, le mécanisme de suivi (appelé Greta) qui formera la clé de voûte du respect de cette Convention devra aussi se pencher sur cette forme particulière de criminalité.

A ce jour, s'agissant de la forme particulière de recrutement des victimes sur Internet, l'Assemblée a examiné la question dans le cadre de sa *Recommandation 1663 (2004)*²¹ « *Esclavage domestique : servitude, personnes au pair et « épouses achetées par correspondance »* ».

Les esclaves d'aujourd'hui sont en majorité des femmes qui travaillent le plus souvent chez des particuliers, chez qui elles arrivent comme domestiques immigrées, personnes au pair ou « épouses achetées par correspondance ». La plupart sont arrivées de leur plein gré, dans l'espoir d'améliorer leur situation ou d'échapper à la pauvreté et à des conditions de vie difficile, mais certaines ont été trompées par leurs employeurs, des agences ou d'autres intermédiaires, ou se retrouvent avec des dettes à rembourser, ou ont même été victimes de la traite. Lorsqu'elles se retrouvent au travail (ou mariées à un « mari-consommateur »), elles sont cependant vulnérables et isolées. Cela offre de nombreuses occasions à des employeurs ou à des maris abusifs de les transformer en esclaves domestiques.

En particulier, concernant les « épouses achetées par correspondance », l'Assemblée a demandé au Comité des Ministres de recommander une réglementation des agences œuvrant dans ce domaine par l'introduction d'un système d'accréditation, par lequel ces agences s'engageraient à respecter un certain nombre de règles minimales, telles que la pratique d'honoraires raisonnables, l'assurance que les personnes responsables d'un site d'agence sur Internet soient clairement identifiables et que les usagers du site soient tenus de s'identifier, le suivi des mariages et la fourniture d'un numéro à contacter en cas d'urgence. Les agences devraient également s'engager à effectuer des contrôles concernant les futurs maris pour vérifier qu'ils n'ont pas de passé criminel (par exemple pour violence familiale ou proxénétisme) lorsque les couples envisagent de se marier.

Comme l'a fait remarquer une experte²² au cours du colloque organisé pour la préparation du rapport de l'Assemblée, l'importance de la pratique des « promesses » par correspondance est souvent sous-estimée. Plus de 800 000 sites Internet y sont consacrés, dont deux sites « mères » aux États-Unis : Goodwife.com (regroupant 353 sites), qui se décrit comme « The mail-Order

21. http://assembly.coe.int/mainf.asp?Link=/documents/adoptedtext/ta04/frec1663.htm#_ftn1

22. M^{me} Belleau, professeur à l'Université Laval (Québec, Canada) cf. § 31 de l'exposé des motifs de M. Gaburro, rapporteur sur « Esclavage domestique : servitude, personnes au pair et épouses achetées par correspondance »



Bride Warehouse » et reçoit douze millions de visites par an, et Planetlove.com (regroupant 318 sites), qui totalise dix millions de visites par an.

Selon cette experte, le recours à des agences, en particulier celles qui travaillent sur Internet, constitue la méthode classique en matière de mariage par correspondance. Il ne semble cependant pas y avoir d'autorégulation, et encore moins de réglemen-

tation par les pouvoirs publics. De nombreuses agences présentent sur Internet à leurs clients masculins des épouses éventuelles comme des marchandises qui peuvent être achetées et vendues plutôt que comme des êtres humains.

Les Etats devraient dès lors garantir un contrôle régulier par les services compétents des agences accréditées dans le cadre du système d'accréditation.

Allocution de clôture

M. Philippe Boillat, Directeur Général des droits de l'Homme et des affaires juridiques du Conseil de l'Europe

Monsieur le Président, Mesdames et Messieurs,

Après deux jours de discussions intéressantes et constructives sur une question complexe, nous approchons de la fin de nos débats. Il ne m'appartient pas, à ce stade, de tirer des conclusions ; ces conclusions apparaîtront, indirectement, dans l'étude du Conseil de l'Europe qui identifiera les différentes méthodes utilisées pour recruter les victimes de la traite des êtres humains par Internet. Permettez-moi néanmoins, à ce stade, de vous livrer quelques observations.

- A l'instar de la Secrétaire Générale adjointe dans son allocution d'ouverture, je voudrais à nouveau souligner l'importance de la Convention du Conseil de l'Europe sur la lutte contre la traite des êtres humains au regard de ses trois points essentiels, que nous appelons les « 3 p » : prévention, protection, poursuite. La Convention est en effet un traité global qui contient des mesures pour prévenir la traite, protéger les victimes et poursuivre les trafiquants. La Convention prévoit de surcroît le renforcement de la coopération internationale et, point crucial à mes yeux, la création d'un mécanisme de suivi pour garantir sa mise en œuvre effective par les Etats parties.

Les rédactrices et rédacteurs de ce traité européen, réellement novateur et pionnier, ont réfléchi de façon précise à l'utilisation des nouvelles technologies de l'information en matière de traite des êtres humains. Ils ont ainsi estimé que la définition de la traite des êtres humains figurant dans la Convention couvrirait également la traite impliquant l'utilisation des nouvelles technologies de l'information. Aussi, dans l'article consacré aux définitions, la référence au recrutement couvre-t-elle le recrutement par quelque moyen que ce soit, y compris – donc – par Internet. En conséquence, les mesures contenues dans la Convention s'appliquent aux situations dans lesquelles les victimes sont recrutées par Internet au moyen de fraude ou de tromperie, aux fins notamment d'exploitation sexuelle, de travail ou de services forcés.

Je reviens sur les « 3 p » de la Convention.

La prévention tout d'abord.

- Les Etats doivent prendre les mesures nécessaires pour prévenir cette forme de traite des êtres humains ; l'exploit-

tation des personnes doit être empêchée avant même qu'elle n'ait lieu. Cela exige qu'on l'on prenne en compte l'intégralité des actions qui conduisent à l'exploitation des victimes : le recrutement, le transfert, l'hébergement ou l'accueil des personnes, les moyens employés et les buts poursuivis. Le sujet de ce séminaire a été d'étudier un nouveau moyen de recruter les victimes de la traite des êtres humains : le recrutement par Internet. Certes, Internet est un outil de communication fascinant ; force est néanmoins de constater qu'il peut très facilement être utilisé de façon abusive par les délinquants. Les trafiquants ont maintenant, littéralement au bout des doigts, un moyen efficace, illimité et souvent anonyme de recruter leurs victimes. Les risques que les jeunes, notamment, tombent dans leurs filets ont ainsi augmenté de façon considérable. Pour combattre efficacement cet abus, il est d'une part indispensable d'en savoir davantage sur les méthodes utilisées pour recruter les victimes par Internet et, d'autre part, il convient d'identifier les mesures juridiques, administratives et techniques qui permettent de prévenir cet abus. Aussi le Conseil de l'Europe a-t-il décidé de préparer une étude identifiant les méthodes utilisées et les moyens de les combattre. Cette étude sera finalisée après le séminaire qui s'achève, afin de prendre en compte les présentations et les discussions qui ont eu lieu au cours de ces deux jours et qui ont enrichi la réflexion.

La protection ensuite.

- La Convention du Conseil de l'Europe sur la lutte contre la traite des êtres humains affirme que la traite des êtres humains est une violation des droits humains ainsi que de la dignité et de l'intégrité humaines et qu'il faut donc davantage protéger les victimes. Il s'agit là de sa principale valeur ajoutée. Les mesures prévues par la Convention pour protéger et promouvoir les droits des victimes sont essentielles. Bien évidemment, ces mesures doivent être les mêmes quels que soient les moyens utilisés pour recruter les victimes ; il est toutefois primordial d'identifier les victimes pour les protéger et les aider et le proces-



sus d'identification peut être différent lorsque le recrutement a eu lieu par Internet.

La poursuite enfin.

- Les trafiquants qui ont recours à ces moyens de recrutement doivent être poursuivis. Pour ce faire, ils s'agit tout d'abord évidemment de les identifier. Ensuite, les réseaux criminels impliqués dans la traite des êtres humains doivent être démantelés et anéantis. Cela dit, nous sommes tous bien conscients que l'anonymat d'Internet et les difficultés rencontrées pour remonter aux sources des cybercrimes rendent le processus encore plus complexe lorsque les trafiquants utilisent ce moyen pour recruter leurs victimes.
- L'évolution de la communication et des déséquilibres économiques dans le monde ont rendu la traite des êtres humains plus internationale que jamais. Ma dernière observation est donc de dire qu'aucun pays ne peut, seul, vaincre la traite des êtres humains : toute action isolée est vouée à l'échec ; seules les actions concertées sont efficaces. Avec la Convention du Conseil de l'Europe sur la lutte contre la traite des êtres humains, nous avons un nouvel outil pour prévenir et combattre plus efficacement la traite des êtres humains. La Convention entrera en vigueur lorsqu'elle sera ratifiée par 10 Etats ; elle est ratifiée aujourd'hui par 7 Etats membres et signée par 29 autres Etats. Nous prévoyons et nous espérons surtout la 10^{ème} ratification – et de ce fait l'entrée en vigueur de la Convention – pour le début de 2008. Pour que la Convention ait un impact important sur les politiques de lutte contre la traite des êtres humains en Europe, je vous invite toutes et tous, instamment, à nous rejoindre au sein de la

Campagne du Conseil de l'Europe pour lutter contre la traite des êtres humains et à promouvoir, avec nous, la signature et la ratification de cette Convention.

Je l'ai dit, Internet est un outil de communication fascinant. Il ne doit pas être diabolisé. Cela étant, tout le monde devrait être encouragé à l'utiliser de façon constructive et responsable, dans le respect des droits d'autrui. Cette approche exige une éducation à une utilisation responsable de cet outil, ce qui contribuerait à la protection, particulièrement à l'auto-protection des victimes potentielles. C'est pourquoi le Conseil de l'Europe a entrepris des travaux importants relatifs à l'éducation et à l'autonomisation pour une utilisation responsable d'Internet, afin de pouvoir utiliser pleinement et de façon positive cet instrument.

Monsieur le Président, Mesdames et Messieurs,

A l'issue de ce séminaire, je voudrais remercier une fois encore chaleureusement les autorités de la Principauté de Monaco de leur généreuse contribution financière qui a rendu possibles l'organisation de ce séminaire et la préparation d'une Etude du Conseil de l'Europe sur l'usage abusif d'Internet pour le recrutement des victimes de la traite des êtres humains. J'adresse également mes vifs remerciements à Madame l'Ambassadrice Gastaud de nous avoir réunis hier pour le déjeuner, de façon moins formelle et plus conviviale. Enfin, je remercie les expertes et experts pour la qualité de leurs présentation et contributions. Je remercie mes collègues de la Division pour l'égalité entre les femmes et les hommes et la lutte contre la traite qui ont organisé et préparé ce séminaire et enfin, je vous remercie vous toutes et vous tous dont la participation active a été un élément essentiel du succès de ce séminaire. J'associe bien évidemment à ces remerciements nos interprètes.

A toutes et à tous, un bon retour chez vous.

Programme

Thursday 7 June 2007

09:00 Registration of participants

09:30 Opening session

Opening addresses by

Ms Maud de Boer-Buquicchio, Deputy Secretary General, Council of Europe

Ms Claudette Gastaud, Extraordinary and Plenipotentiary Ambassador, Permanent Representative of Monaco to the Council of Europe

Chair: Mr Pēteris Kārlis Elferts, Extraordinary and Plenipotentiary Ambassador, Permanent Representative of Latvia to the Council of Europe, Thematic Co-ordinator on Gender Equality of the Committee of Ministers of the Council of Europe

First session: The Council of Europe Convention on Action against Trafficking in Human Beings

10.00 Ms Marta Requena, Head of Gender Equality and Anti-Trafficking Division, Directorate General of Human Rights and Legal Affairs, Council of Europe

Second session: Means used for the recruitment of victims of trafficking in human beings through the Internet

10.30 *Main trends of the Council of Europe Report on the misuse of the Internet for the recruitment of victims of trafficking in human beings*

Ms Athanassia Sykiotou, Lecturer in Criminology, Faculty of Law, Democritus University of Thrace, Komotini (Greece)

Questions and discussion

11.00 Break

11.15 *The impact of new information technologies on trafficking in human beings*

Ms Donna Hughes, Professor, Women's Studies Program, University of Rhode Island (United States of America)

Questions and discussion

11.45 *Operation Terra Promessa: recruitment through the Internet of victims of trafficking in human beings for labour exploitation*

Mr Mariano Marino, Captain, Organised Crime Office, Carabinieri (Italy)

Questions and discussion

12.30 Lunch

Chair: Mr Jan Kleijssen, Director, Directorate General of Human Rights and Legal Affairs, Council of Europe

14.30 *Finnish-Estonian case of recruitment through the Internet of victims of trafficking in human beings for sexual exploitation*

Ms Helina-Külliki Kolkanen, Superintendent, Central Criminal Police (Estonia)

Ms Katrin Spiegel, Leading Police Inspector, Central Criminal Police (Estonia)

Mr Kenneth Eriksson, Detective Sergeant, Criminal Investigation Division (Finland)

Mr Juha Lappalainen, Senior Detective Constable, Criminal Investigation Division (Finland)

Questions and discussion

15.15 *Monitoring recruitment agencies: the ILO experience*

Ms Anne Pawletta, Programme Officer, Special Action Programme to Combat Forced Labour, International Labour Organisation

Questions and discussion

15.45 Break

Third session: The role of civil society in preventing and combating this misuse of the Internet for the recruitment of victims of trafficking in human beings

16.00 Mr Jean-Philippe Noat, Technical Director, Action Innocence (Monaco)

16.25 Ms Isabelle Orfano, Transnational Officer, On the Road (Italy)

16.50 Ms Klara Skrivankova, Trafficking Programme Officer, Anti-Slavery International

17.15 Ms Joanna Garnier, Prevention Campaign Manager, La Strada Foundation Poland

Questions and discussion

18.00 End of first day



Friday 8 June 2007

Chair: Mr Hanno Hartig, Head of Department, Directorate General of Human Rights and Legal Affairs, Council of Europe

Fourth session: Legal, administrative and technical measures to combat the recruitment of victims of trafficking in human beings through the Internet

09.30 *Legal and administrative measures*

Ms Athanassia Sykiotou, Lecturer in Criminology, Faculty of Law, Democritus University of Thrace, Komotini (Greece)

Questions and discussion

10.00 *Council of Europe Convention on Cybercrime*

Mr Henrik Kaspersen, Professor of Computer Law, Free University of Amsterdam (Netherlands), Chair of the Council of Europe Cybercrime Convention Committee

Questions and discussion

10.30 *Law enforcement co-operation*

Mr Nick Garlick, Intelligence Officer, Crimes against persons Unit, Europol

Questions and discussion

11.00 Break

11.15 *Judicial co-operation*

Mr Benedikt Welfens, Deputy to the National Member for Germany, Eurojust

Questions and discussion

11.45 *A model for combating illegal online content*

Ms Sarah Robertson, Communications, Internet Watch Foundation (United Kingdom)

Questions and discussion

12.15 *Sub-Committee on trafficking in human beings of the PACE*

Ms Ruth-Gaby Vermot-Mangold, Chairperson of the Sub-Committee on trafficking in human beings of the Parliamentary Assembly of the Council of Europe

Questions and discussion

12.30 Closing address

Mr Philippe Boillat, Director General of Human Rights and Legal Affairs, Council of Europe

12.45 End of the seminar

Programme

Jeudi 7 juin 2007

8h45 Enregistrement des participant(e)s

9h30 Session d'ouverture

Allocutions d'ouverture

M^{me} Maud de Boer-Buquicchio, Secrétaire Générale adjointe du Conseil de l'Europe

M^{me} Claudette Gastaud, Ambassadrice extraordinaire et plénipotentiaire, Représentante permanente de Monaco auprès du Conseil de l'Europe

Président : M. Pētēris Kārlis Elferts, Ambassadeur extraordinaire et plénipotentiaire, Représentant permanent de la Lettonie auprès du Conseil de l'Europe, Coordinateur thématique sur l'égalité entre les femmes et les hommes du Comité des Ministres du Conseil de l'Europe

Première session : Convention du Conseil de l'Europe sur la lutte contre la traite des êtres humains

10h00 M^{me} Marta Requena, Chef de la Division pour l'égalité entre les femmes et les hommes et la lutte contre la traite, Direction générale des droits de l'Homme et des affaires juridiques, Conseil de l'Europe

Deuxième session : Moyens utilisés pour le recrutement des victimes de la traite des êtres humains par le biais d'Internet

10h30 *Principales orientations du Rapport du Conseil de l'Europe sur l'usage abusif d'Internet pour le recrutement des victimes de la traite des êtres humains*

M^{me} Athanassia Sykiotou, Maître de conférence en criminologie, Faculté de droit, Université Démocrite de Thrace, Komotini (Grèce)

Questions et discussion

11h00 Pause

11h15 *L'impact des nouvelles technologies de l'information sur la traite des êtres humains*

M^{me} Donna Hughes, Professeur, Programme d'étude sur les femmes, Université de Rhode Island (Etats-Unis d'Amérique)

Questions et discussion

11h45 *Opération Terra Promessa : recrutement des victimes de la traite des êtres humains par le biais d'Internet aux fins de travail forcé*

M. Mariano Marino, Capitaine, Bureau du crime organisé, Commandement général (Italie)

Questions et discussion

12h30 Déjeuner

Président : M. Jan Kleijssen, Directeur, Direction générale des droits de l'Homme et des affaires juridiques, Conseil de l'Europe

14h30 *Le recrutement par le biais d'Internet des victimes de la traite des êtres humains aux fins d'exploitation sexuelle – cas de la Finlande et de l'Estonie*

M^{me} Helina-Külliki Kolkanen, Commissaire de police, Police criminelle centrale (Estonie)

M^{me} Katrin Spiegel, Inspectrice de police en chef, Police criminelle centrale (Estonie)

M. Kenneth Eriksson, Brigadier de police, Service des enquêtes criminelles (Finlande)

M. Juha Lappalainen, Officier de police, Service des enquêtes criminelles (Finlande)

Questions et discussion

15h15 *Contrôle des agences de recrutement : l'expérience de l'OIT*

M^{me} Anne Pawletta, Chargée de programme, Programme d'action spécial pour combattre le travail forcé de l'OIT

Questions et discussion

15h45 Pause

Troisième session : Le rôle de la société civile dans la prévention et la lutte contre l'usage abusif d'Internet pour le recrutement des victimes de la traite des êtres humains

16h00 M. Jean-Philippe Noat, Directeur Technique, Action Innocence (Monaco)

16h25 M^{me} Isabelle Orfano, Chargée de programme international, On the Road (Italie)

16h50 M^{me} Klara Skrivankova, Responsable des questions relatives à la traite, Anti-Slavery International

17h15 M^{me} Joanna Garnier, Directeur de la Campagne de Prévention, Fondation La Strada Pologne

Questions et discussion

18h00 Fin de la première journée



Vendredi 8 juin 2007

Président : M. Hanno Hartig, Chef de Service, Direction générale des droits de l'Homme et des affaires juridiques, Conseil de l'Europe

Quatrième session : Mesures juridiques, administratives et techniques pour combattre le recrutement des victimes de la traite des êtres humains par le biais d'Internet

09h30 *Mesures juridiques et administratives*

M^{me} Athanassia Sykiotou, Maître des conférences en criminologie, Faculté de droit, Université Démocrite de Thrace, Komotini (Grèce)

Questions et discussion

10h *Convention du Conseil de l'Europe sur la cybercriminalité*

M. Henrik Kaspersen, Professeur en droit de l'informatique, Université libre d'Amsterdam (Pays-Bas), Président du Comité de la Convention du Conseil de l'Europe sur la cybercriminalité

Questions et discussion

10h30 *Coopération pour l'application de la loi*

M. Nick Garlick, Agent de renseignement, Unité des crimes contre les personnes, Europol

Questions et discussion

11h Pause

11h15 *Coopération judiciaire*

M. Benedikt Welfens, Adjoint au Membre national pour l'Allemagne, Eurojust

Questions et discussion

11h45 *Un modèle pour lutter contre les contenus illégaux en ligne*

M^{me} Sarah Robertson, Communications, Internet Watch Foundation (Royaume-Uni)

Questions et discussion

12h15 *Sous-commission sur la traite des êtres humains de l'APCE*

M^{me} Ruth-Gaby Vermot-Mangold, Présidente de la Sous-commission sur la traite des êtres humains de l'Assemblée parlementaire du Conseil de l'Europe

Questions et discussion

12h30 Allocution de clôture

M. Philippe Boillat, Directeur général des droits de l'Homme et des affaires juridiques, Conseil de l'Europe

12h45 Fin du séminaire

Participants

Council of Europe Member States

Albania/Albanie

[Apologised/Excusé]

Austria/Autriche

Mr Gerhard JOSZT, Colonel, Federal Ministry for the Interior
Federal Office of Criminal Investigations
[Apologised/Excusé]

Bulgaria/Bulgarie

Ms Irena BORISOVA, Junior expert, Directorate for International Cooperation and European Integration, Ministry of Justice

Estonia/Estonie

Ms Helina-Külliki KOLKANEN, Superintendent, Central Criminal Police
Ms Katrin SPIEGEL, Leading Police Inspector, Central Criminal Police, Criminal Intelligence Department

Finland/Finlande

Mr Kenneth ERIKSSON, Detective Sergeant, Helsinki Police Department, Criminal Investigation Division
Mr Juha LAPPALAINEN, Senior Detective Constable, Helsinki Police Department, Criminal Investigation Division

Georgia/Géorgie

Ms Kethevan KHUTSISHVILI, Head, International Relations Unit, Office of the Prosecutor

Italy/Italie

Mr Mariano MARINO, Captain, International Cooperation Office, Carabinieri General Headquarters

Moldova

Mr Alexandru BESLEAGA, Main inspector, Operational Section nr. 1, Center for Combating Trafficking in Persons, Ministry of Internal Affairs

Ms Carolina MISCOI, Chief inspector, Analytical Section, Center for Combating Trafficking in Persons, Ministry of Internal Affairs

Monaco

M^{me} Claudette GASTAUD, Ambassadeur Extraordinaire et Plénipotentiaire, Représentante Permanente de Monaco auprès du Conseil de l'Europe

Norway/Norvège

Mr Bjørn PETERSEN, Assistant Chief of Police, Organised Crime Section

Romania/Roumanie

Mr Cristian CHIHAIA, National Agency Against Trafficking in Persons, IT Department, IT Specialist

Slovakia/Slovaquie

Mr Branislav KADLECIK, Section of International and European Law, Ministry of Justice

Ms Jana KOZELOVÁ, Department of Organised Crime, Anti-Trafficking in Human Beings Unit, Ministry of Interior

United Kingdom/Royaume-Uni

Mr Dave TATTERSHALL, SOCA secondee, Principal officer, Intelligence Co-ordinator, UK Human Trafficking Centre

Council of Europe Bodies/Organes du Conseil de l'Europe

Committee of Ministers/Comité des Ministres

Mr Pētēris KĀRLIS ELFERTS, Ambassador, Permanent Representative of Latvia to the Council of Europe, Thematic Co-ordinator on Gender Equality of the Committee of Ministers of the Council of Europe

Parliamentary Assembly of the Council of Europe/Assemblée parlementaire du Conseil de l'Europe

Ms Ruth Gaby VERMOT-MANGOLD, Chairperson of the Subcommittee on trafficking in human beings of the Parliamentary Assembly



Congress of Local and Regional Authorities of the Council of Europe/Congrès des Pouvoirs locaux et régionaux du Conseil de l'Europe

[Apologised/Excusé]

Council of Europe Experts/Experts du Conseil de l'Europe

Ms Donna M. HUGHES, Professor, Eleanor M. and Oscar M. Carlson Endowed Chair, Women's Studies Program, University of Rhode Island, Kingston, United States of America

Mr Henrik W.K. KASPERSEN, Professor of Computer Law, Department of Computer Science, Free University of Amsterdam, Netherlands

Ms Athanassia SYKIOTOU, Lecturer in Criminology, Democritus University of Thrace, Faculty of Law, Greece

International Intergovernmental Organisations/Organisations intergouvernementales internationales

Eurojust

Mr Benedikt WELFENS, Deputy to the National Member for Germany, Eurojust, Netherlands

Europol

Mr Nick GARLICK, Intelligence Officer, Crime against persons Unit, Netherlands

International Labour Office (ILO)/ Office International du Travail (OIT)

Ms Anne PAWLETTA, Special Action Programme to Combat Forced Labour, International Labour Office, Switzerland

International Organisation for Migration (IOM)/Organisation Internationale pour les Migrations (OIM)

Ms Sarah CRAGGS, Researcher, Counter-Trafficking Division, International Organization for Migration, Switzerland

Organisation for Security and Cooperation in Europe/ Organisation pour la Sécurité et la Coopération en Europe (OSCE)

Ms Vera GRACHEVA, Senior Adviser, OSCE Secretariat, Office of the Special Representative, and Co-ordinator for Combating Trafficking in Human Beings, Austria

United Nations Office on Drugs and Crime (UNODC)/Bureau des Nations Unies contre la Drogue et le Crime (ODC)

Ms Gillian MURRAY, Crime Prevention and Criminal Justice Officer, Crimes Conventions Section, United Nations Office on Drugs and Crime, Vienna International Centre, Austria

Non-governmental Organisations (NGOs)/ Organisations non gouvernementales (ONGs)

Action Innocence Monaco

M. Jean-Philippe NOAT, Directeur Technique, Monaco

Amnesty International

Ms Jill HEINE, Legal Adviser, United Kingdom

Anti-Slavery International

Ms Klara SKRIVANKOVA, Trafficking Programme Officer, United Kingdom

Associazione "On the Road"

Ms Isabella ORFANO, Transnational officer, Italy

Internet Watch Foundation

Ms Sarah ROBERTSON, Communications, United Kingdom

La Strada

Ms Joanna GARNIER, Prevention Campaign Manager, Poland



Council of Europe/Conseil de l'Europe

Deputy Secretary General/Secrétaire Général adjointe

Ms Maud DE BOER-BUQUICCHIO

Secretariat of the Council of Europe

Parliamentary Assembly/Assemblée Parlementaire

Ms Jannick DEVAUX, Deputy Secretary to the Committee on Equal Opportunities for Women and Men

Directorate General of Human Rights and Legal Affairs/ Direction générale des droits de l'Homme et des affaires juridiques

Mr Philippe BOILLAT, Director General of Human Rights and Legal Affairs

Mr Jan KLEIJSEN, Director of Standard Setting

Mr Hanno HARTIG, Head of Department

Ms Marta REQUENA, Head of the Gender Equality and Anti-Trafficking Division

Mr Hallvard GORSETH, Administrator, Anti-Trafficking Action, Gender Equality and Anti-Trafficking Division

Ms Rona STERRICKS, Principal Administrative Assistant, Gender Equality and Anti-Trafficking Division

M^{me} Yvette SCHILLER, Assistante Administrative, Division pour l'égalité entre les femmes et les hommes et la lutte contre la traite

Ms Louise EVERTS, Administrative Assistant, Gender Equality and Anti-Trafficking Division

Ms Anita KURZYDLAK, Trainee, Gender Equality and Anti-Trafficking Division

Interpreters/Interprètes

Ms Elisabetta BASSU

Mr Nicolas GUITTONNEAU

Mr Didier JUNGLING

Trafficking in human beings is the modern form of the old worldwide slave trade. It treats human beings as a commodity to be bought and sold. The victims are put to forced labour, usually in the sex industry but also, for example, in the agricultural sector or in sweatshops, for a pittance or nothing at all.

Trafficking in human beings directly undermines the values on which the Council of Europe is based: human rights, democracy and the rule of law.

The *Council of Europe Campaign to Combat Trafficking in Human Beings* was launched in 2006 under the slogan "Human being – Not for sale". The aim is to raise awareness of the problem of trafficking in human beings as well as possible solutions to it among governments, parliamentarians, local and regional authorities, non-governmental organisations and civil society. The Campaign should also promote the signature and ratification of the Council of Europe Convention on Action against Trafficking in Human Beings [CETS No. 197], the first European treaty in this field, which is a comprehensive treaty focusing mainly on the protection of victims of trafficking and the safeguard of their rights. It also aims to prevent trafficking and to prosecute traffickers.

The seminar on the *Misuse of the Internet for the Recruitment of Victims of Trafficking in Human beings* (Strasbourg, 7-8 June 2007), funded by a voluntary contribution from Monaco, was organised in the context of the Campaign. The aim of the seminar was to discuss the different methods used for the recruitment of victims of trafficking in human beings on the internet and identify possible legal, administrative and technical measures to combat this misuse.

La traite des êtres humains est la forme moderne de l'ancien commerce mondial des esclaves. Les êtres humains sont considérés comme des marchandises à acheter et à vendre, que l'on force à travailler, la plupart du temps dans l'industrie du sexe, mais aussi, par exemple, dans le secteur agricole ou dans des ateliers clandestins, pour des salaires de misère voire pour rien.

La traite des êtres humains est une atteinte directe aux valeurs sur lesquelles le Conseil de l'Europe fonde son existence : les droits de la personne humaine, la démocratie et l'état de droit.

La *Campagne du Conseil de l'Europe sur la lutte contre la traite des êtres humains* a été lancée en 2006 sous le slogan « L'être humain – Pas à vendre ». Elle a pour objectif de sensibiliser les gouvernements, les parlementaires, les collectivités locales et régionales, les ONG et la société civile au problème de la traite des êtres humains ainsi qu'aux solutions envisageables. La campagne vise aussi à promouvoir la signature et la ratification de la Convention du Conseil de l'Europe sur la lutte contre la traite des êtres humains [STCE n° 197], le premier traité européen dans ce domaine, qui est un traité global axé essentiellement sur la protection des victimes de la traite et la sauvegarde de leurs droits. Elle vise également la prévention de la traite ainsi que la poursuite des trafiquants.

Le séminaire sur l'usage abusif d'Internet pour le recrutement des victimes de la traite des êtres humains (Strasbourg, 7 et 8 juin 2007), financé par une contribution volontaire de Monaco, était organisé dans le contexte de la Campagne. Le séminaire avait pour but de discuter des différentes méthodes utilisées pour le recrutement des victimes de la traite des êtres humains par le biais d'Internet et d'identifier les mesures législatives, administratives et techniques qui pourraient être prises pour combattre cet usage abusif.

Gender Equality and Anti-Trafficking Division
Directorate General of Human Rights and Legal Affairs
Council of Europe
F-67075 Strasbourg Cedex, France

<http://www.coe.int/trafficking/>