

Policy brief 2. 31.8.2020 Anniina Jokinen, Senior Programme Officer at HEUNI, the European Institute for Crime Prevention and Control, affiliated with the United Nations, anniina.jokinen@om.fi, +358 50 351 7044.

How to uncover labour trafficking and exploitation? The route to a successful investigation

In recent years, an increasing number of cases of labour trafficking and exploitation of migrant workers have been uncovered throughout Europe in labour-intensive sectors such as catering, cleaning, construction and agriculture. Evidence suggests that labour exploitation is highly lucrative, but the risk of being apprehended is low. Perpetrators make use of legal structures and practices to hide their activities from the authorities.

The issue of safeguarding migrant workers' rights is even more pressing due to the global COVID-19 pandemic which has effects reaching far and wide. Many of its consequences will disproportionately affect the most vulnerable members of our societies and place them in desperate situations and an increased risk of trafficking. Criminals not only exploit their victims but also gain an unfair advantage over their competitors by disregarding laws and regulations. Furthermore, labour trafficking and exploitation are often connected to the shadow economy and financial crimes. This means that the State loses tax revenue in the process. To better address these challenges, States must strengthen multidisciplinary cooperation, develop proactive approaches and ensure specialisation among different authorities. This policy brief outlines the steps to be taken to make labour exploitation and trafficking a high-risk low-profit crime.

Challenges

Identifying and investigating labour exploitation and trafficking is a challenging task. These crimes normally involve migrant workers from one or more countries who are brought to a third country, where their vulnerable position and lack of awareness are exploited by the offenders in multiple ways.

The offenders seek to conceal their criminal activities in any way possible and intimidate their victims so that they do not dare speak out about being exploited. Ultimately, the motive underlying labour exploitation is maximising financial profits.

Solutions

Law enforcement must draw a comprehensive picture of the situation by using various investigation techniques to collect evidence of the elements of human trafficking: the act, the means and the purpose of exploitation.

To strengthen the detection of cases, authorities should engage in multidisciplinary cooperation, ensure the protection of victims' rights as well as collect evidence of the situation in order to make sure that perpetrators are held accountable for their actions and the proceeds of crime are confiscated.

To address the existing gaps, the European Institute for Crime Prevention and Control, affiliated with the United Nations and FLOW-project partners developed an Investigation Tool and a Checklist for Labour Inspectors. These two instruments aim to increase awareness of labour exploitation and trafficking among key authorities and to outline concrete steps in detecting and investigating these crimes. The tool and the checklists are based to a large degree on the experiences of the Finnish police and labour inspection authorities and provide practical examples, recommendations and promising practices also from Bulgaria, Estonia and Latvia. Each country has tailored their report to their own national context and situation.

Labour trafficking explained

Human trafficking is a complex crime which has three elements: the act, the means and the exploitative purpose. Often it is not easy to make the distinction between what is trafficking for forced labour and what is 'mere' labour exploitation, but to secure a conviction for human trafficking, all three elements must be proved.

It is essential to pay attention to the subtle means of control, such as any circumstances preventing the employee from leaving the job: dependence on the employer because of a debt, or a vulnerable position resulting from ignorance and a lack of options. Other indicators include misleading the employee about the circumstances of the work, housing and pay, making the employee work excessively long hours for little or no pay, and leveraging the dependent and insecure state of the employee to keep the employee in that state. Scenarios may also involve the threat of or actual violence, confiscating the employee's passport and online banking IDs, intimidation, manipulation and blackmail over residence permits or other legal documents.

If a worker is unable to leave an employment relationship due to the total control exerted by the employer, the situation may amount to human trafficking.

Identifying human trafficking

It is not easy to identify labour exploitation and trafficking, because the victims are generally fearful of the authorities, and identifying a situation of comprehensive exploitation usually requires a good understanding of human trafficking. Many different officials and other actors may encounter people who are subjected to labour exploitation, without being aware that they are dealing with a victim.

The principal challenge for both identification and cooperation is that no one sees the big picture. Therefore, multidisciplinary cooperation is needed at the local level. The police and the labour inspection authorities should cooperate in analysing which sectors might be prone to labour exploitation and whether there are local residents who belong to at-risk groups (whether as victims or offenders).

In cities, labour exploitation typically occurs in the restaurant, construction and cleaning sectors, while in rural areas the at-risk groups include seasonal workers on farms and other agricultural sites. Clear guidelines on procedures to be taken are needed when suspicious cases are uncovered in order to protect the victims.

Badly timed actions by the wrong party may, in the worst case, cause the threat to the victim to be realised, making it impossible to break the offender's control over the victim.

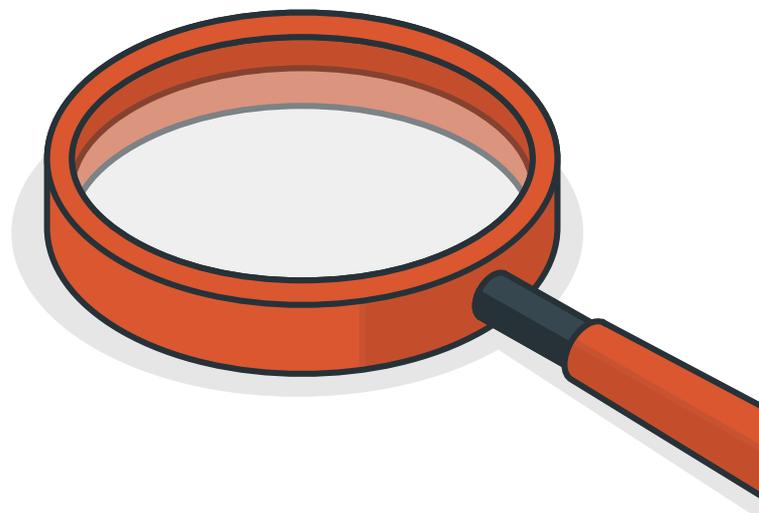
The Checklist for Labour Inspectors outlines the features of labour trafficking or exploitation which different authorities, such as labour, tax, fire, health and food safety inspectors could detect in the course of their inspections. The Checklist also outlines what should be done if a suspicious case is uncovered.

Investigating labour trafficking

Successful investigation into labour trafficking requires the police to adopt a comprehensive approach and careful planning. The victim is of crucial importance to the case: if the offender has a chance to put pressure on the victim, the victim may easily change their story or else be at serious risk.

Investigation of human trafficking is very different from conventional criminal investigations.

Special investigation techniques and covert measures such as telecommunications interception and monitoring, extended surveillance, covert collection of intelligence, technical surveillance, and other measures e.g. "stings" or entrapment initiatives, may be useful to gather testimonial, documentary, and object evidence in human trafficking cases. The investigation must back up victim statements with documents and other evidence as far as possible. If sufficient evidence is not found, intervention is not possible, and it becomes even harder to assist the victim, particularly if the criminal investigation has to be discontinued.



Protecting the victims

Typically the success of labour trafficking cases relies largely on the testimony of the victims. Special attention must be paid to how the victim is approached in order to encourage them to disclose their experiences and to protect them from the perpetrators. No matter what day and time it is, the first concern of the police when identifying a victim of human trafficking must be to ensure that the victim is safe.

In order to carry the investigation further and bring the case to court, sufficient evidence is required for the consideration of charges. The victim's story is of crucial importance in this. It is therefore essential to plan the victim interviews carefully, to do thorough groundwork in collecting intelligence, to organise proper interpretation and to ensure that the victim has had a chance to rest and understand the situation before the interview is conducted.

Potential victims should be referred to the assistance provided to victims of human trafficking on the basis of a mere suspicion of an offence.

During the criminal investigation, the victim is interviewed and consulted several times. These meetings should be conducted in a location where the victim feels safe. Attention should be paid to the choice of legal counsel and referring the victim to experienced counsels. A good legal counsel is of considerable benefit not only to the victim but also to the criminal investigation authorities.

Financial crime

Labour trafficking is also often linked to financial crime, the grey economy and even money laundering. Following the money and examining the finances of both the suspects and the victims should be one of the very first things to do. In many cases employees have been found to be obliged to return a part of their wages to their employers in kickbacks.

Considering the broader context may help in finding evidence: passport details, housing arrangements, agreements with various service providers (or lack thereof) combined with financial details help paint a picture of the earning and spending of the offender or the victim.

Because the victims are controlled by the offenders, the investigation must consider that the offenders may be using the victims' bank accounts for concealing or converting their criminal gains. Moreover, investigating various accounting and tax offences allows for the use of a wide range of conventional and covert information acquisition methods and coercive measures.

The proceeds of crime and their confiscation must be considered immediately when the case is opened and information acquisition begins.

Set of key recommendations

To better uncover and investigate labour trafficking cases, authorities should:

- Enhance multidisciplinary cooperation and develop adequate structures to support such cooperation
- Develop proactive methods and risk modelling based on intelligence gathering
- Implement targeted, multi-agency inspections in risk sectors
- Establish specialised trafficking units within the police
- Ensure a victim-centered and victim sensitive approach, so that victims can claim their rights and gain access to justice
- Work closely with victim service providers and/or NGOs and refer exploited migrant workers and victims of trafficking to the needed services.

The concrete steps to be taken on the route to a successful investigation are outlined in the visualisation on the last page. Download the publications at www.heuni.fi, or from the links below.

Further information

The European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI) in cooperation with the Center for the Study of Democracy (CSD) from Bulgaria, the University of Tartu from Estonia and the Ministry of Interior of Latvia have completed a transnational EU-funded project called 'Flows of illicit funds and victims of trafficking: uncovering the complexities' (FLOW).



The project was coordinated by HEUNI between the years 2018–2020 and funded by the European Union's Internal Security Fund – Police.

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The tailored country versions of the English language Investigation tool can be accessed from these links: [ENG](#), [LV](#), [EE](#), [BG](#), [FI](#).



The route towards a successful investigation

This visualisation outlines the steps to be taken in order to ensure a successful investigation into human trafficking after a possible case has been identified. It highlights the importance of victim-sensitive and victim-centered approaches. A comprehensive picture of the situation must be built by using various investigation techniques to collect evidence of the three elements of human trafficking: the act, the means and the purpose of exploitation. The different steps outlined are not necessarily taken in a chronological order, but they should be considered in order to make sure that perpetrators are held accountable for their actions and victims can claim their rights.

