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ESCUELA DE SEGURIDAD
MULTIDIMENSIONAL-USP

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Course on

ILLICIT MARKETS AND ORGANIZED CRIME IN THE AMERICAS



MINISTÉRIO DA
JUSTIÇA E
SEGURANÇA PÚBLICA



Eurofront

Class

Actions of Organized Crime in Human Trafficking and Smuggling of Migrants

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Introduction

In this class, students will learn the concepts of **"human trafficking"** and **"smuggling of migrants"**, differentiating between them.

Issues related to the constitution of **criminal networks** that operate in these illicit markets will be addressed. We will also learn about the first attention to victims of human trafficking.

Finally, issues related to **investigations** of human trafficking and smuggling of migrants will be studied, relating reactive and proactive investigations.



Class Content

The concepts of human trafficking and smuggling are used many times interchangeably, as if they were synonyms. However, they are two different concepts.

Human trafficking:

According to the United Nations protocol:

- a person or group that performs an **action**, which involves capturing, or transporting, or transferring, retaining, receiving, among other similar actions, a person called "the victim";
- includes **means** such as the use of force, kidnapping, payment, etc. Regarding children, it is not necessary to use any of these means;
- these actions are carried out for the **purpose of exploiting** the victim. (economic or material benefit).

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Migrant smuggling:

Facilitating the **illegal entry** of a person into a Member State of which the said person is not a national or permanent resident in order to obtain, directly or indirectly, a financial or other material benefit.

Illegal entry shall mean crossing borders without having met the necessary requirements to legally enter the receiving State.

The smuggling of migrants always has a **transnational component** (facilitating the crossing of borders).



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Similarities between human trafficking and smuggling of migrants :

- Both can contain irregular migration;
- Capturing activities, transport etc.;
- Possibility of active criminal networks;
- Many times the smuggling of migrants can result in human trafficking



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Differences between human trafficking and smuggling of migrants :

- There is only victim in human trafficking;
- In the smuggling of migrants there is usually consent; in human trafficking, the victim does consent or her consent will not be taken into account due to deception or use of force;
- Exploitation is not contemplated in the smuggling of migrants;
- Transnationality may not be present in human trafficking.



Human trafficking: how to identify the victims?

A care focused on the victim of human trafficking must have as its first objective to identify the victim.

Development of indicators that can facilitate the recognition of victims or potential victims.

The **preliminary interview** is a tool to verify the human trafficking victim status and provide them with the necessary assistance.

Once the basic needs (water, food, etc.) are covered, ideally personnel trained in human rights and psychology training should be able to interview the victim.

Protection against threats and attacks by traffickers.

There is no generalized formula; each risk assessment must be analyzed under its own circumstances

Human trafficking: how to identify the victims?

Emergency or immediate attention is carried out immediately after the first contact with the victim of human trafficking.

Objective of satisfying the most basic and urgent needs of the victim of human trafficking and her physical and mental integrity.

Examples: victim rescued in police operations; victim manages to escape from the trafficker and is helped; when the trafficker releases the person because there is no more interest on them; etc

The approach must be differentiated according to the modality of exploitation, the needs and specific characteristics of the victim: Examples: children, adolescents, women, LGBTQIA+ population, etc.

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The crime of human trafficking involves different actors, who can be classified according to their degree of participation in the crime, such as recruiters, transporters, exploiters and leaders of the criminal group:

Recruiters/abductors: they can carry out their criminal functions on the Internet through social networks or other similar means, or make publications on the pages of job offers or classifieds. They meet the candidates in fashionable, attractive, luxurious places and try to identify emotional weaknesses to try to attract them and make them offers.



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Intermediaries and other collaborators: they have specific roles, such as facilitating obtaining documents, being transporters, motorists, security guards, among others;

“Antennas” or “posts”: responsible for monitoring police investigators and even rivals. They carry out intelligence actions to help keep the illegal business intact.



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Exploiters and leaders: they may not be the same person in cases of the most sophisticated organizations. Many times they mix their legal businesses with the exploitation of people. They appear to be a good citizen and father of a family, and for this reason, on many occasions, the police authorities or the prosecutor's office have difficulties in initiating a criminal investigation.

Launderers: Trafficking activities move large amounts of money, necessitating its laundering. They can be businessmen, civil servants, bankers or even politicians.



How to fight human trafficking and the smuggling of migrants?

For human trafficking and smuggling of migrants, there are usually two ways to initiate investigations of these crimes: **ex officio (proactive investigation)**, or **by complaint (reactive investigation)**.

The main objective of the investigations should be aimed at dismantling a criminal group dedicated to these crimes.

Reactive investigation: if the investigation began through a complaint or the capture in flagrante delicto of a participant in a criminal structure, both the police and prosecutors should focus their efforts on securing the detainees and the sources of evidence that may be seized at the scene, such as fingerprints, DNA, notes on documents, travel and identification documents, money, mobile phones, photographs, electronic communications, etc., including interviews with the victims, taking into account the criteria above shared, avoiding re-victimization (specific protocols for each country).

How to fight human trafficking and the smuggling of migrants?

Proactive investigation: The scope of a proactive investigation can result in rescuing victims, dismantling gangs, networks or criminal groups, and combating corruption of public officials.

The traceability of financial flows will be critical to identify the proceeds of criminal activity. It can also make it possible to identify cases of money laundering and other assets.

Investigators use information from police or immigration intelligence sources, databases and human or technological surveillance mechanisms, interception of communications, money tracking, or even the infiltration of undercover agents..

Class Summary

- Human trafficking and smuggling of migrants are different concepts. Knowing them will help you choose the best combat strategies.
- Victims of human trafficking can have very different profiles. It is important to know them and also the primary care regulations highlighted by your country.
- We must consider the strategic planning of the investigation of human trafficking and the smuggling of migrants. Knowing proactive investigation techniques is essential for the proper performance of police and prosecutor activities related to such events..



Reference

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