 Trafficking in Human Beings
and the online environment
EU Strategy towards the Eradication of Trafficking in Human Beings 2012 – 2016.

One of its priorities: online recruitment of the victims of trafficking – “over the internet and via social networks – including recruitment done with the help of intermediaries”.
EU strategy THB 2012-16

• Recruitment for certain types of jobs abroad “for models, dancers, cabaret performers etc.” – advertised using “simple search engines or pop-ups, chat rooms and spam mail”

• Social networking tools being “increasingly popular as recruitment tools”.

New Laws

• EU Directive 2011/36/EU – should have been enacted by all 28 EU member states by April 2013
• UK draft Modern Slavery Bill, introduced 16th December 2013 – Eng & Wales
• Can be adopted in Scotland/ NI.
• Private members bills introduced in both Scot and NI – work in progress.
Questions as to extra-territoriality of EU laws.

EU has networks of agreements – ENP and Euro-Med agreements – normally also contain justice and law enforcement reform measures.

Ukraine/ Moldova – President Putin.

EU would normally work with CoE/ OSCE
EU – child exploitation

- CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse 2007
- EU Youth Strategy
• Article 24.1 EUCFS “Children shall have the right to such protection and care as is necessary for their well-being”.
• EU Safer Internet Programme.
The EU and on-line environments

- EU divides cyber crime into 3 groups:
  - 1. Traditional crime on electronic networks.
  - 2. Illegal content.
Cybercrime

- Working on cybercrime are:
- 1. the UN.
- 2. the OECD (economic cooperation).
- 4. the Council of Europe.
- 5. the EU.
Cybercrime 2

- Gaps in the CoE Cybercrime convention, which the EU intents to fill.
- G8 Lyon-Roma High-Tech Crime Group.
- CoE Convention has additional legal provisions on jurisdiction missing from the G8 networks.
• How good are these networks?
• How quickly can they respond to an alert?
• Crimes missing, including online activity relating to human trafficking – the Budapest Convention DOES cover child pornography.
Lawful interception of communications

- Assisted or not assisted transnational intercepts. For the UK, also MI5 when they are dealing with serious crime.
Pursuing online criminals

• Europol Cybercrime Centre (EC3).
• Opened January 2013.
• Focusing on the CoE Convention on Cybercrime priorities. – and will facilitate cross-brokering of crime with other areas.
• Europol is already dealing with human trafficking.
• AWF SOC – serious and organised crime
• FP TWINS includes data on crimes of sexual exploitation of children.
• FP CYBORG refers to Internet and information and telecommunication technology (ICT) related crimes.
• Ministerial resolution would fill these gap.
Conclusions

• EU Strategy document 2011-2016 – online recruitment of victims of trafficking is one of the issues that needs to be addressed.

• Existing understandings and resources should be adapted to address the requirements of this crime, rather than developing new resources or legal frameworks from the beginning.
Conclusions 2

- The EU has legal capacity to fill in some of the gaps of the CoE Convention on Cybercrime, at least for its 28 member states.

- EC3 at Europol could easily be tasked with these issues.

- The EU’s trafficking provisions - at an early stage of development. Some rapid changes could arise through modification of existing provisions.
Contact details

- Dr. Maria O’Neill
- Senior Lecturer in Law
- University of Abertay Dundee.
- m.oneill@abertay.ac.uk