

# Towards a New Human Trafficking Strategy: Proactivity at the Heart of the Ps Paradigm

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**Abstract:** For years the main approach in the fight against human trafficking has been that of the four P paradigm. Prevention, protection, prosecution, and partnerships have been leading the way for many working in the field of anti-human trafficking. Prevention being the primary goal as the anti-trafficking movement aims for a total eradication of the crime itself. Protection is aimed at strengthening the position of the victim by reducing risk and by making resocialisation possible. Improving the success rate of the prosecution of human traffickers should help deter the crime from happening and foresee in reparations for the victims involved. Partnerships are a means as human trafficking is a crime that effects all and therefore all should take responsibility in the fight against human trafficking. Even though this paradigm shapes the fight against human trafficking, the effects differ over time and location but the (positive) effects are seemingly decreasing. The crime of human trafficking, due to the legal construction of its definition, continues changing strategies fuelled by international advising bodies, change in leadership and challenges in focus requires necessary adaptivity in vision and work in order to remain successful in the fight against human trafficking. One of the ways to adapt is to have a better information position on how human trafficking in its many types manifests itself within society. This can be done by explaining the applied modus operandi, assessing the nature and extend of the crime and continuously rethinking the effectivity of prevention and prosecution. In that sense the four P paradigm needs a well-earned update which conceptualizes the possibilities of the implementation of the four P paradigm in practice by using the knowledge of the results and effects from the past. The way forward is that of bringing the four P paradigm out of its reactive way of how it is currently being implemented and used and by applying pro-activity at the centre of each of the four Ps to renew their worth and move back to the initial goals of the paradigm, knowingly that of an effective comprehensive integrated approach to fight human trafficking. To support this step forward, this article examines each of the four Ps and tries to take them out of the reactive way in which they are currently being used and into a proactive implementation of thoughts, ideas and methods for different partners involved in the fight against human trafficking. This article discusses the necessity of the change to a proactive approach in support of the goals of the Ps paradigm and by using practical examples it tries to give insight in what is possible within the current conditions and available means. At the same time, it gives constructive criticism of some fundamental elements within the fight against human trafficking and the use of the four P paradigm.

**Keywords:** Human trafficking, Ps paradigm, 4P strategy, proactivity.

## 1. INTRODUCTION

Human trafficking, also referred to as modern slavery (Ten Kate, 2013 & 2022), is a type of serious organised crime with both national and cross-border elements and as a crime it is in violation of fundamental human rights. According to an estimation of the U.S. department of State, there are 27.6 million known victims worldwide<sup>1</sup> which makes it safe to say that human trafficking is a severe threat to society, especially considering that the persons who become victims are usually the most vulnerable people out of society with no alternative than to submit to the exploitation (TiP Report, 2022).

Article 3, paragraph A, of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (hereafter: the UN Trafficking in Persons Protocol), which supplemented the United Nations Convention against Transnational organised crime of 15 November 2000 defines that human trafficking in persons “shall mean the 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.”<sup>2</sup> This definition of human trafficking

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<sup>1</sup><https://www.state.gov/humantrafficking-about-human-trafficking/#:~:text=With%20an%20estimated%2027.6%20million,them%20for%20their%20own%20profit>

<sup>2</sup>A/RES/55/25, United Nations General Assembly, United Nations Convention against Transnational Organized Crime; Annex II: The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,

was adopted by the European Union in Article 2 (1) of Directive 2011/36/EU (Anti-Trafficking Directive), stating that: “...recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those 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” are punishable.<sup>3</sup>

The basic conditions which are always at the centre of human trafficking are vulnerability and exploitation. Vulnerability is a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved, while exploitation, according to Article 2(3) of the Anti-Trafficking Directive: “includes, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs”.<sup>4</sup>

Reviewing the legal definitions of human trafficking, one can distinguish three core elements knowing: i. the act (the “what”), ii. the means (the “how”) and iii. the purpose (the “why”) (TiP Report, 2023). The *act* includes recruitment, transportation, transferring, harbouring or receipt of a person. The *means* are the use of force, threat, coercion, abduction, fraud, and deception. Finally, the *purpose* is always aimed at exploitation, including sexual exploitation, forced slavery and slavery like practices (United Nations Office on Drugs and Crime, 2022). A closer examination of the why tells us that the exploitation is aimed at the exploitation of the prostitution of others, other forms of sexual expectation, forced labour or services including begging, slavery or practices similar to slavery, servitude, or the expectation of criminal activities or the removal of organs and forced surrogacy.<sup>5</sup>

When dealing with human trafficking there are always new challenges ahead (Rijken *et al.*, 2013) / Bosma & Rijken, 2016). As there is an ever-developing knowledge on the concept of human trafficking which gives new insights into typologies, the legal framework needs to cover these developments (Van Rij, 2020). At the same time there are ongoing international conflicts and other social threats to society, like climate change, poverty and development of technology which offers new ways for criminals to use and benefit from exploitation (Campana, 2022). In the wake of these developments there is an increase of legal gaps because of the slow process to adapt legal definitions and criminal codes to actual situations and also there is a lack of validated scientific (ethnographic and longitudinal) research into human trafficking (Van Rij, 2014).

The last couple of years were a real test in the fight against human trafficking (UNODC GloTiP Report, 2022). Covid 19 showed that criminals were flexible in the way they operate and innovative in finding new ways to exploit victims (Europol, 2022). During this time, technology played an important role within their adaptation to the new situation of limited physical contact. It also showed that regarding organised crime and human trafficking country borders where non-existent (Tolstikov-Mast & Aghajanian, 2023) and that internet has made it much easier to identify vulnerable persons, getting in contact with them and to exploit these persons through digital ways, making human trafficking a cyber enhanced type of crime (Bekken *et al.*, 2021). For the specific type of sexual exploitation, analysis of police investigations in the Netherlands conducted by the author, show that the old method often referred to as the ‘loverboy’ method<sup>6</sup> was upgraded to a method with a substantially shortened grooming phase which could occasionally take only hours instead of months, due to online contact and making use of leverage found in information left online by the targeted victim or information send to the trafficker, on demand, by the targeted victim (nude photo material and/or video’s). An example being digitally altered photos of victims used to pressure a vulnerable person to an online meeting during which they are forced to go beyond their limits and during which recordings are made to further pressure the

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supplementing the United Nations Convention against Transnational Organized Crime, 8 January 2001.

<sup>3</sup>Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA [OJ 2011 L 101]

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<sup>6</sup>This typology of a ‘loverboy’ does not match the reality of the intentions and applied modus operandi by the trafficker, so the preferred used acronym is PUP which stands for Prostituting Utilizing Partner. In cases there is no fictionally created romantic relation but rather a friendship, the preferred Acronym is PERF (Prostituting, Recruiting Exploitative Friend).

victim into exploitation.<sup>7</sup> Also, often underaged, victims who become “friends” online with the perpetrator(s) and under the impression of friendship or romantic relationship they will send nude photos or videos on request. After that, the perpetrator(s) use those pictures as leverage and means of pressure (threatening to expose them online, expose them to family etc.) Once the victims are pulled in, they practically cannot escape.

Technology offers criminals different advantages. Not only does it provide them anonymity (Lusthaus, 2016), but they can also avail themselves of real-time encrypted communication. In general, the internet offers them the possibility to get in contact with more people within an extended geographical reach and it also advances them the opportunity to control the victims from a distance, limiting the possibilities of detection (Polaris, 2018).

Criminals conceive the internet (Vogel, 2023) and the Darkweb (Hoekstra, 2019) as a free haven and the ideal location for them to operate in. The question is how we can level the technological playing field. To do so the ones working in anti-human trafficking need to start using the advantages technology has to offer against the ones using it for criminal gain (Vogel, 2023). Every act online leaves a digital footprint which allows law enforcement to follow, and which visualises the nature and extent of the criminal activities (Shea, 2023). Secondly, the feelings of security, the perceptions of invisibility and the belief of being untouchable while operating online can also become a valued aspect as these feelings of security and the belief of complete invisibility will lead to a false idea of invulnerability of criminals as they are more likely to leave traces behind which can identify certain strategies, and methods, and criminal patterns, and network relations (Shea, 2023). But in order to be fully successful the cooperation of different parties is needed – including the public, hosting companies and the government as they need to work on collecting information and apply a method of effective data sharing on an institutional, regional, national, European, and international level as the greatest risk in the fight against human trafficking are largely due to governmental policies resulting in impunity, legal gaps and investigative limitations. Coupled with reactive policing styles and strategies it makes it near to impossible to cope with the ever-changing ways how

traffickers operate and how crime groups are applying different strategies to remain profitable and undetected (Europol, 2020).

Currently, the four Ps paradigm is the internationally leading framework in the fight against human trafficking (Bosma & Rijken, 2016), which was included as such in the UN Trafficking in Persons Protocol (Bosma & Rijken, 2016). Initially the framework started with only three Ps: Prevention, Protection and Prosecution. In 2009, the United States State Department suggested the fourth P of Partnerships (Sheldon-Sherman, 2012) which was internationally adopted in 2023, amongst others by the OSCE.<sup>8</sup> The rationale behind this additional P was it could strengthen the fight against human trafficking and the partnerships are defined as follows: “*Partnership is a dynamic relationship among diverse actors, based on mutually agreed objectives, pursued through a shared understanding of the most rational division of labour based on the respective comparative advantages of each partner*” (Fukushima & Liou, 2012 p.7). For a moment, a fifth P was introduced and even though Policy as a fifth P was shortly discussed by different NGOs like the Global Centre for Women and Justice (Moore, *et al.*, 2022), as well as the alternative option of Participation (Winterdyk, 2020), neither Policy or Participation was accepted as a fundamental part of the framework and earned a status as part of the paradigm.

Since it has been over two decades that the Ps paradigm came in effect and became part of many nations’ efforts to fight human trafficking, it is time to review how effective it has been over the years (McDonald, 2014).

Let’s start with a review of the existing Ps and continue from that evaluation with a discussion of the strengths, weaknesses and, more importantly, the opportunities for improvement they offer.

## 2. THE FIRST P - PREVENTION

Although it may sound like a contradiction in terminus, prevention as it is currently being used in many countries’ human trafficking policy and legislation is rather reactive in nature. Preventive actions are largely based upon and shaped by survivor experiences and police data while ethnographic research into the topic of human trafficking

<sup>7</sup>See for examples Satink (2020) and Oosterom (2023)

<sup>8</sup>See: <https://www.osce.org/combating-human-trafficking>

unfortunately is still scarce. New initiatives that have been deployed, especially with a focus on online outreach and awareness are rising and show different signs and indicators to shape preventive initiatives. This however is difficult as risk indicators used to identify victims or to select relevant information online, are easily outdated and need constant validation and therefore automated monitoring of the internet (Ilking, 2016). Since the effects of preventive agents are mostly virtually unmeasurable one can question how much time and effort will be put into the validation of data and its outcomes as a basis for the deployment of preventive initiatives within the currently existing systems.

### 3. THE SECOND P - PROTECTION

Protection ideally is offered based on the needs and vulnerabilities of the identified victim. (Muraszkiewicz, 2019) In practice however, this seems to be a problem, as money and time are known pitfalls in a holistic and longitudinal approach dealing with both physical and mental issues on both the short and long term. It requires skilled professionals, insight in possible cooperation and existing contact between law enforcement and caregivers. Next to this, there is also the option of a border-crossing element complicating things, as this requires extra efforts regarding referral of the victim, and transfer of information and files, and there as returning questions and concerns on the quality of services offered in countries of origin. The cross-border element is especially prevalent in the Schengen Area maintained by the EU and some affiliated states. In the current situation, European and international law enforcement cooperation is most productive in informal horizontal styles of cooperation and in practice multilateral initiatives prove not to bring what was expected out of them. One example being the project on referral of and assistance for victims of human trafficking in Europe which goal it was to develop a transnational referral mechanism among Hungary, Belgium and the Netherlands.<sup>9</sup> In the end of the program this was established but over time the contact between organisations diluted due to organisational changes and people changing positions leaving the project with no long-lasting results. Beside these issues, the focus of law enforcement agencies is mostly on the investigation and prosecution of suspects instead of having a victim centred approach (Wharton,

2009) supporting the protection of these victims (Van Rij, 2014).

### 4. THE THIRD P – PROSECUTION

The prosecution of those responsible for the crime of human trafficking seems logical but again in practice this also has proven to be a problem. It all starts with the way human traffickers operate (Bekken, 2021). Because of the applied *modus operandi*, including (small) payments to the victim, creating the illusion of autonomy with the victims, and abusing legal gaps, victims frequently don't identify themselves as being a victim, unwilling to give a victim or even witness statement (Van Rij, 2014). In those cases, the victims are aware of their victimization, evidence is difficult to obtain, due to loyalty issues, threats, and psychological processes and therefore frequently unfit to be accepted as prove in court. Next to this, most members of the judiciary, despite trainings being offered to them by, amongst others, ICMPD (2006) and the ILO (2018) and by many more national initiatives, the judiciary remains with having limited knowledge on assessing evidence on its worth in relation to the crime of human trafficking. One example being that victim statements may change over time (Franklin *et al.*, 2020). This has nothing to do with victims telling lies, which is usually presumed by the courts, but with the fact of psychological processes involved in dealing with stress and the processing of trauma which have effect on the memory regarding recall and review of passive or repressed memories because of victimisation (Rijken, 2023).

### 5. THE FOURTH P - PARTNERSHIP

This approach was added at a later stage, and it was necessary because of the awareness that Law Enforcement Agencies (LEAs) are unable to fight human trafficking on their own. This presumption can be seen as correct, as better cooperation between different public entities, but also with private companies, NGO's and the public is needed to tackle some fundamental flaws in the way LEAs operate. There are however two major hurdles which stand in the way of success. The first being that private partners frequently have no intrinsic motivation or will to support the fight against human trafficking. Many of them, like banks, declare that they support the fight against human trafficking but their efforts to contribute are usually minimal and based on possible financial consequences in the form of fines if they do not actively invest in the detection of and act against crimes like money laundering and human trafficking. The second

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<sup>9</sup>See: <http://www.ravot-eur.eu>

problem is privacy. Privacy has become such an important part of society, it overshoot its purpose and now limits the possibilities of the sharing of data, not only between public-private partnerships but also in all law enforcement cooperations to such an extent that cooperation on some occasions is impossible. In that sense, one can even say that privacy (legislation) has become the greatest threat to an effective fight against human trafficking both online and in the real world.<sup>10</sup> At the other hand several non-governmental organisations and human groups claim that law enforcement continues limiting certain groups their freedom with the help of technology like facial recognition.<sup>11</sup> This however differs from the issue raised about information sharing and cooperation. This focusses on pro-active identification of victims and reactive investigations towards suspects, while the issues and concerns raised by the beforementioned parties focus on pro-active identification of suspects using means like ethnic profiling and biased algorithms (Van der Kleij *et al.*, 2018).

## 6. MOVING FORWARD

Of course, enormous steps have been taken since the paradigm was first used as it shaped vision and gave a framework to work with, just like the United Nations definition on human trafficking did. But just like the definition on human trafficking, which has often been literally copied into countries national legislation to criminalise all manifestations of human trafficking, we must conclude it just does not work as it should. For many countries, criminalising human trafficking meant creating a new article in the criminal code covering all elements of the act, the means and the purpose making it very extensive and difficult to work with. The burden of proof is heavy, the different types of crimes covered by the definition of human trafficking makes it even more difficult, especially as some are not sufficiently covered within the legal text (Bosma & Rijken, 2016). This leaves room for interpretation which makes it in turn even more complicating as there are different policies towards sex work, labour conditions and the acceptance of criminal exploitation as a crime itself within different countries. Each of the four Ps out of the paradigm have been individually weighed and applied in countries' approach to fight human

trafficking. This has been done each in its own unique way but always leaving room for improvement which in practice means a standstill as focus lies on dealing with the issues that arise out of the strategy rather than (re)structuring the paradigm in such a way one can benefit of its full potential.

To deal with the issue of the legal application of the definition on human trafficking including the four P paradigm approach at the heart of this approach supported by an adequate criminalization of the crime itself, there is a need to use the existing knowledge on practical limitations, legal issues, and relevant parties to turn it around. The way to do so is to apply proactivity as a new part of paradigm channelling the other Ps to their full potential using leadership and information as crucial elements in a proactive approach (Tolstikov-Mast & Aghajanian, 2023).

## 7. PROACTIVITY AS A NEW INCENTIVE

Pro activity is mentioned numerous times in the most recent Trafficking in Persons Report (TiP) by the United States of America (USA) (TiP Report, 2023). It recommends countries to be more proactive in the fight against human trafficking. Although this is a wise argument, it needs more elaboration as there is still much unclear on what pro activity in the fight against human trafficking entails. The TiP report however is not the only report which assesses a country 'position towards the fight against human trafficking, also the groups of experts on the action against trafficking in human beings (GRETA) evaluates legislative and other measures taken by parties to give effect to the provisions of the Council of Europe Convention on Action against Trafficking in Human Beings by the parties.<sup>12</sup> Next to the USA and GRETA there is the Office of the Special Representative and Co-ordinator for Trafficking in Human Beings (CTHB) of the Organisation for Security and Co-operation in Europe (OSCE) assess and advises its members on their efforts to fight human trafficking.<sup>13</sup> All have different approaches, measurements and advice which can be cause for doubt and sometime contradictory policies and thoughts. The TiP researchers get their information from governments which can lead to biased situations as governments can decide which information to share.<sup>14</sup> Together with the evaluation focussing on

<sup>10</sup> See: <https://www.ijmnl.org/stories/menshandelaren-profitieren-enorm-vanangst-voor-privacywetgeving>

<sup>11</sup> See: <https://www.statewatch.org/publications/reports-and-books/data-protection-immigration-enforcement-and-fundamental-rights-what-the-eu-s-regulations-on-interoperability-mean-for-people-with-irregular-status/>

<sup>12</sup> see: <https://www.coe.int/en/web/anti-human-trafficking/greta>

<sup>13</sup> see: <https://www.osce.org/cthb>

<sup>14</sup> The State Department's Trafficking in Persons Report: Scope, Aid Restrictions, and Methodology. Congressional Research Service, Oct. 2019.

improvements made compared to the previous year, this can lead to weak assumptions with great effects on assigning a position in the used tiers. The CTHB applies a very guiding way of advising based on their own vision and points of view which, on the field of sexual exploitation, especially that by forced prostitution, is difficult due to the ongoing debate and the polarization of this debate on prostitution policy in Europe. GRETA in this sense proves to be the clear and objective in their assessments with clear advice and realistic expectations but they also fail to materialize their advice leaving it to the parties to implement this with all the consequences of policy design, legal issues and implementational weaknesses towards proactivity as a fundamental element in support of the increase of the effects of the four P paradigm.

Discussing proactivity as a supporting element in the four P paradigm, it needs cogitation on how this is shaped. For this an example will be formulated after which the proactive element per each of the Ps shall be elaborated on.

At the centre of a proactive approach are mostly law enforcement agencies who in practice are responsible for the identification of and investigations into human trafficking. Intelligence led with the application of cyberethnographic investigations based upon a victim-centred approach with a preventive aim should be the way the fight against human trafficking and it turn this should be organized out of a policing perspective. The role of technology in the whole concept is also an important factor as is discussed by the OSCE and its anti-trafficking programs<sup>15</sup>.

## 8. THE FIRST P – PREVENTION

As mentioned, prevention in the way it is currently used in the fight against human trafficking is reactive in nature. To change this reactive element, we need to start by separating the three main groups involved in human trafficking. The traffickers, the victims, and the indirect beneficiaries. Each of these groups have their own specific pathways with their unique characteristic focusing on the processes surrounding the crime of human trafficking in the different appearances it has. This issue needs to be mentioned and discussed as this can and need to be used in the fight against human trafficking.

The first one is preventive programs focussing on persons with a high risk of becoming criminals involved in human trafficking. This element of prevention should take into consideration that there are different types of criminals which need to be distinguished all in need of a different approach. Human trafficking is a crime with low risks and high profits and therefore attracts different types of perpetrators, varying from one-time opportunity perpetrators to persistent organised criminals. To be effective against all types of perpetrators customised programs focusing on specific determinants for the start and existence of criminal behaviour should be taken into consideration. This basically means that preventive programs focusing on perpetrators should start from a top-down approach addressing general issues followed by individual determinants. Each of these determinants, in line with the findings of Moffit (2003) and Loeber *et al.* (2008), should be taken into consideration for custom-made programs to avoid pathways into criminal behaviour. Age is one of the crucial factors for designing these specific preventive programs focusing on the specific needs and determines present of the individual. Other relevant factors are related to social status, strain, and existing contact/relations with criminals (Van Rij & McAllister, 2019). Even though this seems time-consuming and costly once a point of saturation is found in the applied methods and programs this can be used for a more generalised approach take tackling most of the determinants and risks present.

The second group of interest are the victims themselves. Besides providing them with adequate support, which will be discussed in the following paragraph, there is also the possibility of actively informing persons at risk of becoming a victim of human trafficking by raising awareness on risks, applied modus operandi of the criminals, and the long-lasting effects of victimisation of human trafficking. Once knowledge about this is present it is also possible to provide them with initial training on how to detect and avoid specific risks. This can be done by using new technologies like gamification applications, escape rooms, virtual reality concepts and a combination of all mentioned before. There are good examples of the success of these programs even though there are also some critics (De Jonge & Kruisbergen, 2023) but usually these criticisms focus on the concept being used in the case of perpetrators rather than victims (De Louw, 2023).

The last group of the indirect beneficiaries can be reached best by public awareness programs applying

<sup>15</sup>OSCE Decision No.7/17, Strengthening Efforts to Combat All forms of Child Trafficking, Including for Sexual Exploitation, as well as Other Forms of Sexual Exploitation of Children

warnings on specific websites. In example, a warning for sexual exploitation risks on prostitution soliciting sites and the criminal consequences if a person would buy sexual services from a minor or a victim of forced prostitution. For labour exploitation, warnings on risks and effects could be placed on the sites of retailers or physically in shops, like is the case with alcohol and tobacco. These general warnings should always be supported by deterrent measures, so people are aware of the effects and results of their behaviour in case they decide to ignore the visible warnings. Ignorance should not be an excuse and denial should be used against the people who indirectly, willingly, and actively support the exploitation of others.

Ideally these different types of prevention tools should be combined to reach the maximum result and work on the criminological concepts of the presence of a suitable victim, the right circumstances under which victimisation can take place and the absence of security and protective measures (Cohen & Felson, 1979).

## 9. THE SECOND P – PROTECTION

Victims should be given adequate protection and support. It is therefore necessary that there is good cooperation between the different partners involved. Victims should be given the aid they require, and this can be on a physical, mental, and legal basis. It is necessary for the victims to be taken out the exploitative situation, that they are brought to a safe location, that they are being examined on their needs and they are given appropriate support (Rijken, 2023). This support can be on a level on how to deal with the consequences of becoming a victim of human trafficking, but also supported on the level of contact with law enforcement agencies. It should not matter which organisation does the identification of victimisation is from a victim orientated approach the need of this is suspected victims should be prioritized (Van Rij, 2016). Meaning that if identification is done by a law enforcement agency, they should get in contact with an organisation specialised in assisting victims of human trafficking. On the other hand, is an NGO working on human trafficking is responsible for the initial identification of the victim they should get in contact with the police and report their suspicions (Bekken *et al.*, 2021). By doing so there is a full understanding and registration of the number of victims involved and more information will become available on modus operandi in criminal network relations.

The police in turn should accept the unwillingness of victims to cooperate with them as there are many reasons for them not to do so. This should not be grounds on which adequate support is weighed and granted. There are victims who don't consider themselves to be a victim of human trafficking because the traffickers have created a reality in which the victim has such an extended autonomy and eventually ended up believing that they have chosen this life filled of abuse and exploitation voluntarily. In this sense the victims can be seen as slaves without (visible) chains. The processes involved are like those seen in everyday life relationships and involves, created dependency, narcissistic partners and gaslighting. In other occasions victims have been told the police and other organisations are not to be trusted and that they will take the victim's belongings, shame them with their families, and deploy them back home in those cases in which the victims don't have legal citizenship or a residency status. Yet another example for a victim not to cooperate with the authorities is the fact that the alternative in case they are sent back to their country of origin, is worse than the exploitation and the abuse they are subjected to when identified by the authorities.

An example of the latter is the situation involving Romanian victims of sexual exploitation through forced prostitution in the Netherlands<sup>16</sup>. Many of the women who police suspect of being a victim of human trafficking are unwilling to cooperate as the alternative of being referred to Romania without given an alternative option for a new start in life will result in the situation that the exploitation will start a will be continued in Romania where conditions for working are worse than abroad. While these women are legally seen as victims of sexual exploitation because they do not meet labour regulations and / or legal conditions, for example to work in prostitution, they experience more liberty and freedom in their work as they can set criteria for customers, sometimes for services offered, and prices or provided extras. This is a new trap created by traffickers by which they create an illusion of 'me' and self-determination. Usually, men in Western European countries are also more women friendly in their approach when buying sexual services than their punter counterparts more to the East of Europe. This has to do with male-female relations, cultural elements and created conditions under which people can work in prostitution. The earnings of working in prostitution in

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<sup>16</sup>This was researched by the Fieldlab Lovitura and portrayed in the eponymous documentary (2022) (available for LEAs only)

Western European countries, like the Netherlands, even for the ones which are being exploited, is frequently and substantially higher than the earnings out of prostitution in Romania. As mentioned before, there is a system of social control and security in effect in red-light districts which is not the case while working as an on-street prostitute in Romania having to take on every type of customer and accept all sexual services both with and without protection including all risks of serious injury, while dealing with malicious kerb crawlers and possible corrupt officials.

It is therefore needed that the different organisations and agencies involved in the identification, rescue and protection of victims of human trafficking, cooperate and recognise the existence of the above-mentioned conditions and adequately cooperate in tearing down these walls of the by the trafficker's created illusion of the voluntarily and free-thinking victims (Verhoeven, 2017). We should start accepting that there are psychological processes happening once a victim is taken out of the exploitative situation. Many victims will suffer from (a minor type of) Stockholm syndrome, blocked memories, and feelings of hostility towards those who aim to help and support them (Van Rij, 2014). Victims should be given the time to heal, to redefine themselves and to think about the life beyond exploitation. During this time, they should be given support in recovering lost memories, dealing with the effects of trauma and start focusing on the process of re-socialisation and acceptance (Rijken, 2023). Within this process victims will change their story based on their perceptions of the moment, the recollection of their memories and experiences and needs for the future. Getting back memories, recovering from trauma, and working on their 'self' need to be taken into consideration during the time of support, referral, and the prosecution of the ones responsible for the exploitation.

Remarkable is the fact how little most victims know about their legal position and rights. It is therefore necessary to be more active in informing possible victims and identified victims on their rights and possibilities to exit the exploitative situation, to get financial support and rebuild their life. This can be achieved by better cooperation between different institutions on a local, national, and international level varying from access to local shelters run by local based organisations, support for these shelters by national organisations running a national hotline or online outreach to referral of victims, to other countries

through close cooperation between different institutions, like IOM and victim support Europe with support governments of the countries involved.

One example of a less well-known option for support, next to the more general victim support organisations, is the existence of the criminal injuries' compensation funds which deals with certain cases of collective damages (Ruppert, 2023) and which besides recognition to victims of human trafficking can also provide them with a financial support as a new start in life (Jager *et al.*, 2023).

Within the Netherlands for example, the criminal injuries compensation fund hosted a pilot on assessing the plausibility of victimisation of human trafficking (Smit & Klaver, 2019). During this time, there were many applications by people from Africa who claim to have fallen victim of human trafficking. Their claim was based on victimisation in the Netherlands as this was one of the conditions under which financial compensation could be granted. At the same time being a victim of exploitation in the Netherlands a specific status will be granted which allows the victim to make use of different social services and securities. The stories of these African applicants at the criminal injuries' compensation fund are usually very detailed in their travels from Africa to the start of exploitation in Libya or Italy but become very vague once they cross over to other European countries. Once they entered the Netherlands the story is limited to a non-described man who takes them to a city where they are forced to have sex with customers. They have no knowledge about payments, they have no recollection of the surroundings, the house, the streets they came across *et cetera*. The story of their escape is quite miraculously as they can escape fairly quickly after arrival in the Netherlands and usually involves a silly manner as somebody left a door open or unlocked. These stories have too little information for successfully granting their request for financial support. During the hearings with the applicants however they go into detail about the exploitation in other countries, their travels, the people involved and many other relevant issues. Therefore, there is no doubt that these people have fallen victim of exploitation, and it is quite painful that their application must be turned down for not meeting the requirement of the exploitation taking place in the Netherlands.<sup>17</sup>

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<sup>17</sup> See: <https://www.schadefonds.nl/pilot-aannemelijkheid-slachtofferschap-mensenhandel/>



A European fund, however, could give the recognition and support to victims who do not meet requirements on a national level, but who are obviously victims of human trafficking on a European level. Although according to Council Directive 2004/80/EC<sup>18</sup> Member States of the European Union need to make sure that compensation is paid to a victim of a violent intentional crime, such as human trafficking, when such a crime has been committed on the territory of that Member State. In case a request for compensation has been made by the victim such as mentioned in the example about the Nigerian victims, the Netherlands, as the assisting authority, should translate and transmit the application to the deciding authority in the Member State where the crime was committed. The deciding state is responsible for assessing the application and paying the compensation. This looks very well on paper; however, it is impossible for an assisting Member State to transmit an application in a deciding State. This incapability is partially due to the enormous pressure because of the large number of applications that have already been transmitted with the compensation fund in the role of deciding authority. When the compensation fund also must play the role of assisting authority, as well as central contact point, as stated by the Council Directive, the amount of work will be impossible to carry out successfully. Furthermore, after two decades many Member States have yet to set up a criminal injuries' compensation fund, which makes it impossible for a Member State to ask for compensation on behalf of the victim.

A solution would be to establish a European criminal injuries compensation fund to support and compensate the victims who have been exploited on European territory in general, and not for a Member State on its own to compensate such victims. In the example of the Nigerian victims the victims should *videlicet* be compensated by Italy. However, since a majority of the victims of human trafficking will enter Europe and also fall victim in Italy, this would mean that Italy will always be the Member State held responsible for compensating the victims, which would be an unbearable and financially impossible burden to Italy.

## 10. THE THIRD P – PROSECUTION

Prosecution involves the entire process of investigations by the police, the indictment by the

public prosecution office and the actual court case in front of a judge. To assess prosecution in detail we need to break down these three different parts and assess their individual roles. To start with the police which is one of the best-known law enforcement agencies, but other agencies can also be involved in the identification of victims of human trafficking and into the investigation of these crimes. Examples are border guards, the Labour Inspectorate, and military police but also on a European level: Europol and Frontex and internationally: Interpol (Van Rij, 2019). The position of police agencies has been discussed prior within this article, but it requires a specific focus when discussing proactivity as a new approach in the fight against human trafficking. Usually, the police are a first line organisation involved directly with both the victims and traffickers. The current way of policing is traditional and thereby reactive and with a wait-and-see attitude (De Vries & Farrell, 2023). Waiting for victims to report the crimes on which investigations can be initiated. Unfortunately, reality is more unruly and to become more effective and successful in the fight against human trafficking the role the police should be changed into one based upon a victim orientated approach, meaning that the police need to be proactive in the identification and investigation of human trafficking. This needs to be done on different levels and in close cooperation with other law enforcement agencies (Farrel & Kane, 2019), NGOs, private partners and finally the public but this will be elaborated on in the next paragraph.

There is much to do about different policing strategies: there is new interest in intelligence led, evidence-based and predictive styles of policing. To apply these different strategies on human trafficking one must think about the implementation of different types of methods. Intelligence led policing is a model of identifying crime by utilising information sharing and collaboration between law enforcement communities and other agencies (Ratcliffe, 2008). This means that the police have an outreach towards society and its partners to gather information which can be upgraded into intelligence. This intelligence needs to be examined, valued, and made available for those working within the organisation. The Netherlands national police have adapted to a system of close cooperation between their intelligence services and the human trafficking units. Before the adaptation, information would be gathered by the human trafficking units after which they would ask the intel units for background checks and additional information on the

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<sup>18</sup>Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims

people involved after which they would value the case and decided whether to proceed with investigations. Within the new system information will be sent to the intelligence units they will bring the level of information to that of intelligence and to inform the human trafficking units of their options and possibilities<sup>19</sup>. From a governance perspective this utilises the present opportunities and increase the effectiveness of the cooperation. Evidence-based policing means that the best available evidence is used to inform and challenge policing policies practices and decisions at the same time it is also an approach to policy-making and tactical decision-making based upon tested and validated information or intelligence (Lum & Koper, 2017). Evidence and information used within the processes of evidence-based policing can be found and created within the old organisation of the police but also by scientists or other relevant people working in the field of human trafficking. Predictive policing is predicting criminal behaviour based on large monitoring and data analysis with the aim to prevent crime. This method is most frequently used in certain crime areas, like burglary or robberies but not yet in the field of human trafficking, while it can be a good method to apply as long as a sufficient amount of information on risk indicators, victims specifics and modus operandi is gathered, analysed and researched in order to apply this data to make predictions based on validated and proven assessments and by doing so support both other styles of policing as discussed.

Europol in 2016 warned that: 'the global development of online infrastructures has made the Internet a crucial tool for human traffickers, and it is likely to become more significant in the future'<sup>20</sup> and in 2020 they affirmed that human trafficking transformed into: 'a new business model, in which the online component is an essential part of criminals' modus operandi'<sup>21</sup>. To be successful LEAs need to step up and shift their operations to the online environment (Hoekstra, 2019). This is done by using the deep web for financial investigations and retrieving data from online sources like social media and websites but only while investigating, so once again this has reactive nature.

A relatively new method of data collection is that of cyber ethnography which involves applying the

techniques of classic anthropology and ethnography to the online world. The overall aim of cyber-ethnographic studies is to immerse oneself in the virtual world that the participants have created, to understand how they experience social interaction and devise ways of regulating social order (Van Rij, 2016). By applying this method, it is possible to proactively gather information which can give insight in deterrents, risks, victimization, criminal relations, and patterns. Tools which can be used for this type of research and investigations are web scraping tools, facial & object recognition and language processing and pattern recognition software. In the end these methods and tools can also be used to support the previously mentioned idea of applying predictive policing onto the topic of human trafficking as it can help identify certain determinants, risk indicators, hotspots, and relations within criminal networks and beyond (Van Rij & McAllister, 2019). Currently the University of Pécs, with the help of the Dutch National Police, is involved in a pilot assessing the use of cyber ethnography and predictive policing by applying the above-mentioned methodology and tools<sup>22</sup> which are being developed by the Technical University of Moldova in Chisinau as part of a wider academic cooperation against the trafficking in human beings<sup>23</sup>.

Following investigations by the police, usually already supported, or led by the public prosecutions' office, suspects need to be taken to court for them to be judged and to take responsibility for their actions. This, however, is easier said than done as it proves to be difficult for the public prosecutions' office to get suspects convicted (Ten Kate, 2022). This has partly to do with the legal thresholds on the concepts of intent and guilt and the need to prove these in relation to both the means, the act and the purpose of human trafficking as discussed in the start of the article. This becomes even more difficult in cases when there is a criminal network, elements of subservice crime, and international relation and victims who are unwilling to cooperate. Especially the latter is an important issue as it is nearly impossible to get a conviction without the cooperation of an identified victim. In practice these conditions will lead to situations in which larger cooperations, multiple victims, difficulties regarding prove of criminal earnings or general financial uncertainties regarding money flows will lead to a

<sup>19</sup> *Kamerstukken II 2020/21, 28638, nr. 84*

<sup>20</sup> See: Situation report: trafficking in human beings (2016)

<sup>21</sup> See: Operations Directorate: The challenges of countering human trafficking in the digital era (2020)

<sup>22</sup> See: <https://thb.kormany.hu/anti-trafficking-research-center-to-open-in-pecs>

<sup>23</sup> See: <https://fcim.utm.md/aviz/lansarea-hackathon-ului-organizat-de-cc-spatium-utm/>

dismissal by the public prosecutions' office. In turn this leads to frustration amongst the police officers involved who are unwilling to start such cases in the future as they have no result to show for. Both police and public prosecutions' office are judged on respectively, the number of suspects the police present to the public prosecutions' office and the number of convictions of suspects in court. Therefore, most attention and interest go out to the easy cases of a single suspect and victim leaving the more serious and organized types of human trafficking unaffected. Here lies a challenge for Eurojust as they could and should initiate criminal justice cooperation and coordinate investigations of serious cross-border crime, including the prioritized crime of trafficking in human beings, in Europe and beyond<sup>24</sup>. This supports the view that investments need to be made in new ways of investigating human trafficking and the fact that a victim centred approach should be at the heart of these approached. Perhaps the number of victims identified and rescued should be leading for assessing the work and the quality of the work of both the police and the public prosecutions' office, rather than the number of identified suspects and convictions of the suspects before court.

The last in line responsible within the field of the prosecution is the judiciary. As discussed above, many cases end in a loss for the public prosecutions' office (Bosma & Rijken, 2016). One of the reasons could be that judges have too little knowledge on the specifics surrounding the crime of human trafficking as it is a crime which involves many aspects which are sometimes difficult to assess in a legal context. One being the situation of changing testimonies of victims (Gentsch & Kuehn, 2022). Changing a testimony is usually seen as lying making the victim or witness untrustworthy, while in the case of human trafficking, this may have a logical explanation. With proper training by, i.e., psychologists this phenomenon can be explained, and testimonies better judged. The same goes for other evidence, i.e., those parts of evidence gathered with the help of technology. The use of specialised tools, as far there is no legal basis in a country criminal code for the use of these tools by LEAs, is one which requires full understanding of how this software works and how risks of breaches of privacy and legal protection are avoided or limited to an absolute minimum and therefor the evidence is

accepted as such in court and not simply dismissed due to the fact the origin is not understood. Proper and continuous training and support by medical professionals can lead to better understanding and more positive outcomes for the victims and society and combined with the prosecution of persons and parties involved in related subversive crime could increase success in the prosecution and punishment of human traffickers and give recognition and acceptance to the victims.

## 11. THE FOURTH P - PARTNERSHIP

Partnerships, as discussed, were added at a later stage (2009-2013) to the Ps paradigm and focused mainly on the cooperation between public institutions amongst themselves. There was limited cooperation between different law enforcement agencies and between law enforcement agencies and healthcare and support organisations. This recognition of the need for cooperation between these public institutions clearly showed the weaknesses in the fight against human trafficking. The first condition is to recognise that no person or institution can do it on its own. Cooperation and data sharing is needed to get a full view of the nature and extent, the applied modus operandi, and the actors involved in human trafficking. When discussing the actors, it does not only apply to the perpetrators themselves but also to persons, organisations, institutions, and companies who facilitate the existence of human trafficking, and which can be seen as a specific type of subversive crime (Nelen *et al.*, 2023). When discussing subversive crime, the focus lies on people, organisations, institutions, and companies which are part of everyday life but who willingly facilitate and support(organised) crime (Nelen *et al.*, 2023). This is what frequently is referred to as white-collar crime and involves lawyers, notary, bankers, landlords, car companies et cetera (Nelen *et al.*, 2023). As discussed within the third P of prosecution, a more effective approach toward these groups is needed.

After establishing the initial cooperation and the first successes accompanying it, the concept of partnerships developed to a much wider concept and understanding that cooperation is at the heart of success in the fight against your traffic. As mentioned previously this sharing of data and information should be vital in becoming more effective in the fight against human trafficking. By applying different models of governance in how institutions and organisations operate and how cooperation between the different (semi-)public institutions but also between (semi-)public

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<sup>24</sup>See: <https://www.eurojust.europa.eu/>

institutions and private organisations can be established, the effects of fighting human trafficking can have more impact. Next in line for cooperation were different non-government organisations focusing on the fight against human trafficking followed by cooperation with banks and other private institutions. This has proven to be partly successful as there is new insight in financial crime money flow and structures of organised crime and their involvement in legal entities. There are however many more cooperations which need to be investigated. Again, the existing corporations are focused on finding relevant information sharing data and working together this however is still reactive in nature even though there is a preventive element knowingly the detection and identification of both victims and perpetrators. There is however a lack in cooperation in reference to the World Wide Web. Cooperation with Internet providers and Social Media platforms and hosting companies has proven more difficult while these organisations could play a vital role in early identification and in creating barriers for criminals to operate on the Internet (Vogel, 2023). But there are many more private companies which could play a role in the fight against human trafficking. One could argue that companies like Wolt or Deliveroo, with adequate training of their staff and support by experts these branches could also play an important role in the identification of victimisation or perpetration in the field of human trafficking or many other types of crime. Finally, cooperation with academia and other types of practitioners. There is an ongoing lack of valid ethnographic (qualitative) research into the topic of human trafficking leading to knowledge gaps on nature and extent, and the origin and development of the crimes as well as the applied modus operandi, the prevalence, and last prevention and punishment. Most of the current research is carried out by legal scholars and focusses on legal definitions and concepts and the articles in countries criminal codes. Whilst the non-legal area surrounding human trafficking is just and some might argue, even more important in the discussion on the fight against human trafficking. As human trafficking frequently has a border crossing element it is necessary to extend this academic cooperation beyond the borders and let institutions from destination, transit and especially countries of origin work together and actively share knowledge, experiences, expertise, and available tools and means. At the same time academia can bring the topic of human trafficking into their curricula and by doing so share knowledge and make future practitioners enthusiastic to bring the fight against human trafficking to the next level.

It is therefore needed to widen the scope on relevant partnerships in the fight against human trafficking. And maybe some of these companies and organisations are unwilling to take their responsibility but in that case the government should step up and point out that they have responsibilities in limiting their role in facilitating human trafficking and if they do not want to do so willingly they need to be encouraged through repression as was the case with many of the banking institutions who in the past also did not meet the minimum requirements to support the fight against money-laundering and were fined for that.

## 12. CONCLUSION

With the establishment of the four P paradigm (Prevention, Protection, Prosecution and Partnership) at the heart of the fight against human trafficking it was possible to structure approaches, engage in partnerships and try to reach maximum results. Over time the legal definition, which aim was to concretise human trafficking and support the criminalisation of acts defined as such, has proven to be difficult to work with. Its description leaves room for discussion which manifests itself in difficulties in investigations by LEAS, the prosecution and punishment of traffickers and support to victims of human trafficking. To overcome these problems was the main reason for the four P Paradigm to be established and its aim was to work on prevention, give better support to victims of human trafficking, become more effective in the prosecution of traffickers, and create a wide network of partners working together and all taking responsibility to support the abolishment of modern slavery. Big steps were taken, and results were made, but the initials goals were never fully met. The crime of human trafficking evolved with ever new victims, perpetrators and modus operandi adapting to LEAs strategies and social conditions making it more invisible and unapproachable than ever before. The use of technology by traffickers had accelerated this process and has shown the weaknesses of the current implementation of the four P paradigm. The Ps are mostly used in a reactive manner, which leaves us without actual insights in the crime and knowledge of the elements surrounding it, like facilitation and subversive crimes (ab)used by traffickers. To change the momentum, it is needed to look beyond what we know and see, we need to say farewell to the reactive ways and embrace proactivity as a necessary next supportive step in the fight against human trafficking.

A proactive interpretation and support of each of the Ps should bring a new momentum in the fight against

human trafficking. For prevention a more specialised approach is needed. It requires ongoing insight in the different types in which human trafficking manifests itself while also addressing the different parties involved in the process of trafficking. Focus therefor should be on:

i. *the full spectrum of sexual exploitation* which includes not only traffickers, victims, and buyers of sexual services but also criminal facilitators (subversive crime elements) and non-criminal facilitators like banks and other businesses which unknowingly support the crime of human trafficking.

As for ii. *labour exploitation*, it is needed to include the full supply chain behind the product of service which is related to human trafficking. Every stakeholder should be held accountable for their own actions and be motivated to do the utmost to secure that their work processes are slavery free. Companies, organisations, and consumers will need active support for this to raise awareness but also to inform them on their own accountability in case of failure to following the legal standards and regulations.

The described type of iii. *criminal exploitation* requires a shift in perceptions which starts by understanding the different forms of criminal exploitation from drug trafficking to fraud to be forced to becoming a money mule. Finding the crossroads of each type of human trafficking and the person involved can be used to create a custom-made preventive approach which should have the desired effect, but this all starts with an academic validation of knowledge in risks, backgrounds, questions regarding dependency etc.

Protection in turn requires a different approach and can be split into two general levels of interest. The first level is connected to general prevention focussing on the public by raising awareness through informative programs. The second level can be divided into three elements depending on the situation regarding victimisation. The first element is that of groups at risks i.e., based on location, age, Social Economic Status (SES) etc. The second element is the group in need of assistance, and which are victim of human trafficking. They will need support in (re)gaining trust in the authorities and being able free themselves out of the exploitative situation. The third element is the group which have freed themselves out of the exploitative situation and which are ready to dela with their trauma, and which need to reintegrate into society. Here it is

also needed to look at the specific levels, elements, and stages within the elements to provide the ones involved with the appropriate and needed protection and support. Again, this is highly dependable on the individual and academic validation to create and test measures is much needed.

Within prosecution there should be an active outreach and closer cooperation between the different institutions involved. A general view on a victim centred approach and moving forward in the legal processes should be based upon the situational needs and possibilities of the victims. Avoiding secondary victimisation is a key focus point and this should be upheld by every party, including that of the defence of the suspect. Victim blaming and re-experiencing trauma are points of interest and this requires specific protocols which again are validated and supported by academic research, included in specialist trainings and protocols in dealing with victims of human trafficking.

Partnerships as the youngest p in the paradigm is seemingly the most prosperous one as it aims to bring together different parties and make use of each other's strengths and weaknesses. Complementary cooperation instead of parasitic cooperation has the potential of being a relevant source of information to detect and identify human trafficking, both online as in the real world but at the same time also offers the possibility to extend the support to victims and limit the availabilities of traffickers and trafficking networks to conduct their business and exploit their victims. For this to be as success, cooperation on a wider scale with more and more diversified private companies and public institutions is needed. This also starts with identifying strategic relations, set up beneficial cooperative strategies and a clear understanding of legal possibilities and limitations. As for the legal options, this is where the government as legislator should play an important role, they should act as a facilitator for the cooperations to function optimally.

There are many roads that lead to Rome, but first they need to be found, restored, and sometimes build and this makes that success is depending on the way that proactivity is implemented into practice. Each of the Ps out of the four P paradigm needs a different approach, partnerships and most importantly the support and understanding of the need for change by the ones involved. This can only be achieved by a clear focus and strategy based upon uniformity supported by strong leadership.

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