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# Combatting Human Trafficking Holistically through Proactive Financial Investigations

Jill E.B. Coster van Voorhout\*

## Abstract

*Human trafficking — a crime with enormous human cost — is mostly money-driven. By focusing on its financial aspects, this article argues that enhancing financial investigations by making them proactive is crucial to combat this low-risk and high-profit offence holistically. By providing insight into research carried out as of 2015 in the framework of an anti-human trafficking public–private financial partnership in the Netherlands, this article indicates some concrete improvement in detecting potential victims in bank records, thereupon following financial flows, and ultimately discerning the structures, networks, interactions and patterns of this offence. While these findings specifically relate to the Dutch context, this contribution sets out actionable ways forward for other states as well. After detailing how to approach hard, soft and open source data, this article also explains how to improve international cooperation throughout the entire chain, from banks to financial intelligence units and law enforcement. Such enhancements are urgently needed if we are to live up to the international community’s pledge under three Sustainable Development Goals to combat human trafficking, so as to leave no one behind in our global economy.*

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## 1. Introduction

Human trafficking does not only have an immense human cost, but is also an estimated 150.2 billion USD industry.<sup>1</sup> Perpetrators exploit approximately 24.9 million people in industries spanning sex work, labour and organs' removal and sale.<sup>2</sup> Therefore, the Director of Interpol recently underscored the significance of financial investigations into human trafficking.<sup>3</sup> However, such investigations are complex. Therefore, this article proposes research-based solutions for the enhancement of financial investigations into human trafficking. These solutions take into account that it is hard to make estimates in this field, because this offence is, *inter alia*, riddled with a dark number.<sup>4</sup> Despite these difficulties pertaining to knowing empirically how much money and how many victims are affected, also legally and thus normatively it is important to focus on the essence of this crime: perpetrators strip victims of their personal autonomy by either intending to, or succeeding in, exploitation.<sup>5</sup> Financial investigations are particularly useful to prove the exploitative purposes of human traffickers, as they provide a better understanding of how much perpetrators intended to gain, or actually gained, from taking advantage of their victims.

### *A. Research Question, Methods and Definition of Proactive Financial Investigations*

This article explains, based on, *inter alia*, literature research, case law analysis, focus groups and interviews, how to enhance financial investigations

- 1 International Labor Organization (ILO), 'Profits and Poverty: The Economics of Forced Labor (2014)', available online at [http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS\\_243391/lang-en/index.html](http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_243391/lang-en/index.html) (visited 18 February 2020). Less than 1% of global illicit financial flows is currently seized and frozen, according to United Nations Office on Drugs and Crimes, in: 'Estimating illicit financial flows resulting from drug trafficking and other transnational organized crime' (2011), available online at [https://www.unodc.org/documents/data-and-analysis/Studies/Illicit\\_financial\\_flows\\_2011\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/Studies/Illicit_financial_flows_2011_web.pdf).
- 2 ILO and Walk Free Foundation, 'Global Estimates of Modern Slavery: Forced Labor and Forced Marriage' (2017), available online at [https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms\\_575479.pdf](https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/publication/wcms_575479.pdf) (visited 18 February 2020), see, for the breakdown into sexual and labor exploitation, section 2.
- 3 F. Teixeira, 'Follow the Money to Fight Human Trafficking, Top Interpol Director Says', Reuters available online at <https://www.reuters.com/article/us-interpol-trafficking-financial/follow-the-money-to-fight-human-trafficking-top-interpol-director-says-idUSKCN1VX1D0> (visited 18 February 2020).
- 4 See also Center for the Study of Democracy, 'Financing of Organized Crime – Human trafficking in Focus' (2019), available online at <https://biblio.ugent.be/publication/8601388/file/8601393.pdf> (visited 18 February 2020).
- 5 The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, entered into force on 25 December 2003, ratified or acceded to it by 174 states as of August 2019. United Nations (2003), United Nations Convention against Transnational Organized Crime and the Protocols Thereto, available online at <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html> (visited 18 February 2020).

into human trafficking by making them proactive. Proactive financial investigations are defined here as employing innovative investigative techniques that enable the detection of potential victims in bank records and thereupon — on the basis of data analysis — follow financial flows pertaining to human trafficking, in order to ultimately have better information on the structures, networks, patterns and interactions deployed in the commission of the crime. Bank records may be a relatively unorthodox data source for detecting possible victims of human trafficking; however, new data sources are urgently needed even in countries that are most active against human trafficking.<sup>6</sup> Proactive financial investigations take place mostly in the intelligence phase, rather than in the criminal investigation stage; they call on banks to go beyond their current (fairly passive) reporting mandated by anti-money laundering and anti-terrorism financing legislation, or their responses to requests for information by law enforcement after a suspicion of human trafficking has arisen.<sup>7</sup> Instead, through proactive financial investigations, banks detect in their data potential victims who may otherwise remain undetected, pass on such (financial) intelligence, and ultimately improve law enforcement's knowledge, kick-starting criminal cases that may otherwise have never been opened.

### ***B. Proactive Financial Investigations' Contribution to the Holistic Anti-Human Trafficking Approach***

Proactive financial investigations are important for a holistic approach against human trafficking, known by its 4P's: *prevention*, *prosecution*, *protection* of victims and *partnerships*.<sup>8</sup> First, these investigations can strengthen *prevention* by obtaining (financial) intelligence which can be used to disrupt perpetrators and/or facilitators. As they enable the identification of (potential) new victims who are not yet known to authorities, they may also help discovering — via data analysis — new *modi operandi* of perpetrators. Secondly, proactive financial investigations can aid *prosecution* by providing proof of (intended) exploitation. Many prosecutions still depend on reports by victims, their testimonies, witness statements or reports about unfair competition by companies.<sup>9</sup> However, victims and witnesses are often intimidated by perpetrators who thereby prevent law enforcement from obtaining sufficient evidence to convict. Financial evidence, on the other

6 See section 3.

7 See for this same conclusion about mostly passive compliance by banks, for example Royal United Service Institute (RUSI) (2018), 'Leaning In: Advancing the Role of Finance Against Modern Slavery, Occasional Paper', available online at [https://rusi.org/sites/default/files/20181212\\_leaning\\_in\\_web.pdf](https://rusi.org/sites/default/files/20181212_leaning_in_web.pdf) (visited 18 February 2020).

8 For example, *Rantsev v. Cyprus and Russia*, ECtHR (2010), Application no. 25965/04; *Siliadin v. France*, ECtHR (2005), Application no. 73316/01.

9 For example, Dutch Supreme Court's Chinese restaurant case, 27 October 2009, ECLI:NL:HR:2009:BI7099 available online at <http://www.rechtspraak.nl> (visited 18 February 2020).

hand, is ‘hard’ evidence in that the numbers are difficult to manipulate. Additionally, some victims may not realize they have been exploited, as they may earn more in the destination country than in their home country or they may not know how lucrative their labour or services are for their trafficker. In these circumstances, it helps when law enforcement can indicate to victims the difference between what they earned and what they ought to have earned. This may help victims understand they were exploited or that their trafficker intended to exploit them in the future. In theory, prosecution also supports prevention through general and specific deterrence. However, empirically, such causation is always difficult to prove — this is particularly true for human traffickers whose risk of getting caught is often low. Nonetheless, prosecution is important in its own right, so as to ensure norm-setting, criminal convictions and victim protection. Protection of victims can also entail reparations for the damages sustained through asset recovery and freezing, especially when deriving from confiscated illegal proceeds and financial evidence of (intended) exploitation. Finally, a public–private partnership is needed to develop these financial innovations. Banks do not possess the information pertaining to human traffickers’ *modi operandi*, whilst law enforcement does not have access to, or is unable to recognize the value of, bank records. Hence, neither the public nor the private sector can tackle human trafficking alone. This is why this socio-legal research involved a financial public–private partnership that jointly created proactive financial investigations which detect possible victims, follow financial flows, uncover (part of the financial) structures and networks, and identify patterns and interactions between their different actors and/or facilitators.<sup>10</sup> In no way will it be suggested here that proactive financial investigations are a silver bullet, or that they would ever be or become that panacea. What this article will elucidate is how such investigations can uncover the traffickers’ ‘business model’, which otherwise would likely remain hidden.<sup>11</sup> Also, as a disclaimer, this article will not explain all contextual and financial indicators, so as to not alert human traffickers to innovations that assist in the detection of their crime. Only indicators agreed upon between all three research partners are disclosed here.<sup>12</sup>

This article starts with providing the theoretical framework for the development of proactive financial investigations into human trafficking in the Netherlands. Thereafter, research findings and ways forward in countries other than the Netherlands are addressed. Finally, conclusions and recommendations are presented.

10 This research recently won the Computable Award 2019 and Amsterdam Science Innovation Award 2019.

11 For example referred to in Association of Law Enforcement Forensic Accountants (ALEFA), financial investigations handbook on trafficking in human beings (2018), available online at <http://www.alefa.eu/> (visited 18 February 2020).

12 Initial partners were ABN AMRO bank and the Inspectorate of Social Affairs and Employment.

## 2. Theoretical Framework: Three Axes of Human Trafficking, Exploitation and Illegal Proceeds

The crime of human trafficking is riddled with many stereotypes. Often, this offence is reduced to forced prostitution 'only'. However, the most recent global estimates show that for every 1 person exploited in sex trafficking, 4 persons are exploited in sectors other than the sex industry.<sup>13</sup> This ratio between sexual and non-sexual exploitation also makes sense from a statistical perspective. There are many more sectors outside of the sex industry that are vulnerable to human trafficking, ranging from transportation to tourism, from agriculture to domestic work, and from construction to meat processing.<sup>14</sup> Therefore, whilst exploitation in the sex industry is often most known, human trafficking may be more prevalent outside of this sphere. Currently, both in the Netherlands and worldwide, most trafficked persons detected are nationals who are victims of sexual exploitation, rather than victims exploited in the aforementioned other labour sectors.<sup>15</sup> Therefore, the present research took a data-driven approach by focusing particularly on detecting victims including those who are non-nationals in sectors other than the sex industry.

### A. Focus on Human Trafficking for Labour Exploitation

Though the data remains scarce on forms of non-sexual exploitation such as organ removal<sup>16</sup> or criminal exploitation, including forced commission of crimes like drug production or drug running and selling, shop-lifting and robberies, this research highlights human trafficking for labour exploitation.<sup>17</sup> With regard to the forced commission of crimes, law enforcement often remains unaware of the fact that some perpetrators may commit crimes under exploitative conditions and are, therefore, victims rather than criminals. This problem of perpetrator–victim duality and the non-punishment principle is exacerbated by the fact that criminalization can be a very local phenomenon. For example, some cities criminalize begging, whereas others

13 ILO and Walk Free Foundation, *supra* note 2.

14 K. Bales, *Disposable people: New Slavery in the Global Economy* (California University Press, 2012).

15 UNODC, Global Report on Trafficking in Persons, (2018), available online at [https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTIP\\_2018\\_BOOK\\_web\\_small.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTIP_2018_BOOK_web_small.pdf) (visited 18 February 2020).

16 In 2007, the World Health Organization estimated that between 5% and 10% of all organ transplants conducted worldwide were conducted 'illegally', which could comprise human trafficking for the purpose of removal of organs, for which Global Financial Integrity seeks to estimate its illegal proceeds, e.g. J. Haken, *Transnational Crime in the Developing World*, Global Financial Integrity, Washington DC (2011), available online at [www.gfintegrity.org/storage/gfip/documents/reports/transcrime/gfi\\_transnational\\_crime\\_web.pdf](http://www.gfintegrity.org/storage/gfip/documents/reports/transcrime/gfi_transnational_crime_web.pdf) (visited 18 February 2020).

17 For example, EU Directive 2011/36/EU: 'forced begging should be understood as a form of forced labor or services' and 'exploitation of criminal activities' should be understood as the exploitation of a person to commit, inter alia, pick-pocketing, shoplifting, drug trafficking and other similar activities which are subject to penalties and imply financial gain.'

do not.<sup>18</sup> Another complicating factor worth mentioning is that human trafficking can be a national, transnational and — though not without controversy — international crime. It is a national crime when victims are subjected to human trafficking in the same country where they reside. It is a transnational crime where victims are taken to another country or subjected to (intended) exploitation in country other than where they resided. An organized crime group may or may not commit transnational human trafficking: transnational and organized crime are not mutually exclusive.<sup>19</sup> Thus it can be a transnational or organized crime, or both. Finally, human trafficking can be, provided one reads it into the crime against humanity of enslavement, an international offence under the Rome Statute that established the International Criminal Court.<sup>20</sup>

### B. The ‘Palermo Protocol’ Definition

The definition of human trafficking was agreed upon for the first time by the international community as recently as 2000 in the Palermo Protocol to the United Nations Conventions on Transnational Organized Crimes.<sup>21</sup> This definition is helpful because it distinguishes human trafficking from migrant smuggling<sup>22</sup> and it lists its three constitutive elements: actions, means and purpose. First, actions include recruitment, transportation and housing. Second, means encompass, inter alia, force, deceit and abuse of a vulnerable position. Third, the purpose is (intended) exploitation through forced prostitution, labour exploitation or organ removal. Where the victim is a child, none of the aforementioned means are required. Importantly, exploitation does not have to be concluded; the intent to exploit may suffice for a trafficker to be convicted. There is a simple explanation for this: if the intent to exploit did not suffice, this

18 In the Netherlands, Amsterdam has criminalized begging, whereas Utrecht has not.

19 For example, UNODC, ‘Issue paper: Organized crime involvement in trafficking in persons and smuggling of migrants’, (2010), available online at [https://www.unodc.org/documents/human-trafficking/FINAL\\_REPORT\\_06052010\\_1.pdf](https://www.unodc.org/documents/human-trafficking/FINAL_REPORT_06052010_1.pdf) (visited 18 February 2020) and A. Aronowitz, *Human Trafficking, Human Misery: the Global Trade in Human Beings* (Greenwood Publishing Group, 2009), at 66.

20 N. Siller, ‘Modern Slavery: Does International Law Distinguish between Slavery, Enslavement and Trafficking?’, 14 *Journal of International Criminal Justice* (2016) 14–2, at 405–427.

21 For example, Art. 273f of the Dutch Criminal Code.

22 The definition of ‘smuggling of migrants’ in Art. 3(a) of the ‘Protocol against the smuggling of migrants by land, sea and air’ explains how it can exist on a spectrum with human trafficking but is also fundamentally different in three ways. First, migrant smuggling is specific as to consent in that migrants agree to being taken over a border, even though done in dangerous or degrading conditions. Human trafficking victims, on the other hand, have either never consented or, if they initially consented, that consent is rendered meaningless by the coercive, deceptive or abusive actions of the traffickers. Secondly, migrant smuggling ends with the arrival of the migrants at their destination, whereas trafficking involves the ongoing exploitation of the victims. Finally, migrant smuggling is always transnational, whereas trafficking need not be. Trafficking can occur regardless of whether victims are taken to another country or subjected to human trafficking in the same country where they reside, without any movement taking place.

would hinder efforts to prevent traffickers from making (more) victims. This tripartite structure of actions, means and purpose helps clarify this complex and multi-faceted crime by highlighting how exploitation is oftentimes the essence of the crime of human trafficking whilst it is usually committed for financial gain.

### *C. Differing Financial Traces of Human Trafficking for Labour and Sexual Exploitation*

The financial aspects of human trafficking can be further explained through a review of Dutch case law, though admittedly with some simplifications.<sup>23</sup> The Dutch system offers an important perspective as a country where prostitution is legalized, because it facilitates the comparison between exploitation within and outside of the sex industry, as all such work is deemed legal. Dutch case law shows how sexual exploitation often results in high proceeds in cash, whereas labour exploitation leads to reduced prices of products and services that traffickers frequently profit from electronically. This difference is understandable in light of the type of crime involved. Paying cash guarantees anonymity to those who pay for sex. Consequently, forced prostitution, webcam sex or other forms of sexual exploitation often result in cash gains for traffickers. The perpetrator will then usually have to launder such cash before using it, for example, to conduct a luxurious lifestyle.<sup>24</sup> At that point, the illegal proceeds will enter into the financial system and thus also banks' systems. On the other hand, labour exploitation usually ensures reduced labour costs for products made or services delivered which appear to be produced (or provided) in entirely legitimate ways. Thanks to lower costs, consumers end up paying lower prices whilst traffickers benefit from lower labour costs. Most customers pay electronically for such products and services, and such digital payments have the additional advantage of not having to be disguised, as is the case for sex work-related transactions. Therefore, labour exploitation often leaves direct financial traces in bank systems. Whilst these financial aspects of non-sexual exploitation are known, comparable data on organ removal, criminal exploitation, links to supporting terrorism, migrant smuggling and kidnapping for ransom are still mostly lacking.<sup>25</sup> Future research should therefore focus on the financial traces these other forms of human trafficking leave behind in bank systems. But at this stage, it is important to stress that, whilst different types of human trafficking leave different financial traces, their illegal proceeds often end up in the regular economy regardless, whether directly or through

23 All previous publications by the author, available online at <https://www.uva.nl/faculteit/faculteit-der-rechtsgeleerdheid/onderzoek/onderzoeksthemas/arbeidsuitbuiting-en-mensenhandel.html> (visited 18 February 2020).

24 See also Ghent University, 'FINOCA, 2.0 De financiering van mensenhandel in België' (2018), available online at <https://biblio.ugent.be/publication/8601404> (visited 18 February 2020).

25 See section 4.1.



money laundering. Consequently, bank records form an important data source for information on human trafficking.

#### *D. The Theoretical Framework Used in this Research*

The theoretical framework underpinning this research is composed of three axes of human trafficking, its (intended) exploitation and its illegal proceeds, thereby building on, and adding to, cited studies — some of which were recently also included in an OSCE report summarizing 23 publications on financial investigations into human trafficking.<sup>26</sup> Even more so, this research focuses on what the OSCE report concluded is often overlooked: human trafficking for labour exploitation, particularly in Europe.<sup>27</sup> This article details concrete results from proactive financial investigations as developed and tested in a public–private partnership including criminal investigations opened, and explains how those results formed the evidence base for scaling to all forms of human trafficking, money laundering and corruption, at the national and international level.<sup>28</sup>

### **3. Research in a Dutch Financial Anti-Human Trafficking Public–Private Partnership**

In June 2016, after an initial year of preparation, a Dutch bank and law enforcement agency entered into a financial public–private partnership with the author, aiming to jointly and holistically combat human trafficking for labour exploitation. Other actors such as the Dutch Public Prosecution Service also supported this initiative by providing expertise. This socio-legal research pooled knowledge from the public and private financial sector, built trust between all partners, and ensured expert exchange. From the outset, the partnership set two objectives. First, it sought to improve financial investigations into human trafficking for labour exploitation. Secondly, it explored how banks can have a ripple effect by also helping their (business) customers to combat this type of crime. This article publishes the results after the hypothesis was tested that proactive financial investigations can indeed ensure detection of potential victims in bank records. Previously, this study was deliberately kept off the radar, so as to enable this innovative research to reach a sufficient level

26 Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSCE), ‘Following the Money, Compendium of Resources and Step-by-Step Guide to Financial Investigation Related to Trafficking in Human Beings’, (2019), available online at <https://www.osce.org/secretariat/438323> (visited 18 February 2020).

27 *Idem*, at 32, referring to *inter alia* FINTRAC and Polaris.

28 Research findings were presented, *inter alia*, during three sessions of the final consultation of ‘the Liechtenstein Initiative for a Financial Sector Commission against Modern Slavery and Human Trafficking’ including two Dutch research partners, ABN AMRO bank and the Dutch Financial Intelligence Unit (FIU) in June 2019 in the Netherlands, organized by the Secretariat which assisted the preparation of this OSCE report, *supra* notes 26 and 27.

of maturity, avoid putting criminals on notice, and prevent criminals from hiding their illegal activity by, for example, changing banks.

### *A. Explaining the Dutch Human Trafficking Context*

One may wonder why this research was carried out in the Netherlands, considering it was the only state that scored an 'A' on the Walk Free Foundation Global Slavery Index in 2018.<sup>29</sup> This NGO considered the Netherlands, of all 167 countries assessed, most active against human trafficking. Likewise, in the annual Trafficking in Persons (TIP) reports of the United States government, which assess states' compliance with US anti-human trafficking minimum standards, the Netherlands consistently receives a so-called 'Tier 1' score.<sup>30</sup> It is certainly true that the Netherlands vigorously attempts to combat human trafficking. For example, it was one of the first countries appointing a national rapporteur to independently monitor the effectiveness of anti-human trafficking laws, policies and actions. However, despite all these efforts, it is estimated the Netherlands currently only detects a ninth of the victims.<sup>31</sup> Four years ago, estimates showed that fourth or fifth of victims were detected: this steep drop is worrying.<sup>32</sup> The national rapporteur ascribes this downward trend to the lack of investigative capacity and witness cooperation, whilst acknowledging that there is no reason to believe that the crime itself occurs less often. Also, the Dutch conviction rate continuously falls by an average of 25% per year.<sup>33</sup> This is not to say that convictions are per se a good indicator of the effectiveness of anti-human trafficking efforts, but it does connect to the related problem of how few cases of human trafficking for labour and criminal exploitation are brought to court every year. On average, these cases reach court 23 times

29 Walk Free Foundation's Global Slavery Index, available online at <https://www.globalslaveryindex.org/> (visited 18 February 2020).

30 For example, United States Department of State, Trafficking in Persons Report, (2018), available online at <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/243543.htm> (visited 18 February 2020).

31 Dutch national rapporteur on human trafficking and sexual abuse of children, 'Victim monitoring Report 2014-2018' (2019), available online at <https://www.nationaalrapporteur.nl/Publicaties/slachtoffermonitor-mensenhandel-2014-2018.aspx> (visited 18 February 2020), including with regard to the estimation and methodology used: UNODC and Rapporteur, 2017, Chapter 2, available online at <https://www.nationaalrapporteur.nl/actueel/2017/voortet-eerst-inzicht-in-werkelijke-aantal-slachtoffers-mensenhandel.aspx> (visited 18 February 2020).

32 Dutch national rapporteur on human trafficking and sexual abuse of children, 'Victim Monitoring Report 2014-2018', (2019), available online at <https://www.nationaalrapporteur.nl/Publicaties/slachtoffermonitor-mensenhandel-2014-2018.aspx> (visited 18 February 2020), at 27.

33 In 2013, the Dutch Public Prosecution Service still registered 257 cases, but in 2017 this number dropped to almost half: 144. Corresponding with a drop of some 25% per year, Dutch national rapporteur on human trafficking and sexual abuse of children, 'Victim Monitoring Report 2012-2016' (2017), available online at <https://www.nationaalrapporteur.nl/Publicaties/Slachtoffermonitor-mensenhandel-2012-2016/slachtoffermonitor-mensenhandel-2012-2016.aspx> (visited 18 February 2020).

annually.<sup>34</sup> In contrast, in 2018 there were 88.000 criminal cases in total. This means that labour and criminal exploitation cases currently constitute 0,02% of all criminal court cases. To conclude, the detection of victims and the criminal law response in the Netherlands is flailing, whilst the crime is now recognized as not only a crime that undermines the rule of law, but also constitutes a national security threat,<sup>35</sup> particularly because human traffickers now seem to access large sums of money, which they often use to ‘buy’ severe forms of violence and influence government officials, businesses, citizens and petty criminals at the local and potentially at the national level.<sup>36</sup> It is foreseeable that these current problems may be compounded by other expected future challenges, such as new climate change-induced conflicts, whilst competition over lower prices of products and services persists and makes migrants vulnerable to human trafficking.<sup>37</sup> Another foreseeable complicating factor is perpetrators’ increased use of digital means to recruit and exploit victims, which helps them (further) escape the public eye.

### ***B. Research Design: The First ‘Socio’-limb of this Research***

This interdisciplinary research sought to overcome current and foreseen challenges in a socio-legal study comprising two components. First, the ‘socio’ component involved developing and empirically testing contextual and financial indicators for a programmed search strategy that banks run automatically on their data to detect potential victims. Developing such indicators involved a review of literature, case law and law enforcement information on indicators for financial investigations into human trafficking developed abroad and in the Netherlands.<sup>38</sup> Both domestic and foreign existing contextual and financial

34 A comparable law enforcement agency, the National Crime Agency in the United Kingdom, registers 1:3. For each case of sexual exploitation, they investigate three cases outside thereof. Currently, in the Netherlands 83% of criminal investigations pertain to sexual exploitation, whereas 17% concerns other forms, Dutch national rapporteur on human trafficking and sexual abuse of children, ‘Perpetrator Monitoring Report 2012-2017’, (2018), available online at <https://www.nationaalrapporteur.nl/Publicaties/Dadermonitor-seksueel-geweld-tegen-kinderen-2013-2017/dadermonitor-seksueel-geweld-tegen-kinderen-2013-2017.aspx> (visited 18 February 2020).

35 F. Boerman et al., Dienst Landelijke Informatieorganisatie, ‘National Threat Assessment’ (2017), available online at <https://www.politie.nl/binaries/content/assets/politie/algemeen/nationaal-dreigingsbeeld-2017/bronnenboek-ndb2017.pdf> (visited 18 February 2020).

36 Regional Intelligence and Expertise Center detailing rule-of-law-undermining criminality in The Hague and potentially the Netherlands, (2019), available online at <https://www-omroepwest-nl.cdn.ampproject.org/c/s/www.omroepwest.nl/nieuws/amp/3977520/Tientallen-criminele-netwerken-in-drugs-en-mensenhandel-actief-in-Den-Haag> (visited 18 February 2020).

37 See findings from one of the author’s previous research projects on the nexus between human trafficking and migrant smuggling, available online at <https://www.nwo.nl/en/research-and-results/research-projects/i/21/28321.html>.

38 For example, Financial Crime Enforcement Network (FINCEN), United States State Department of Treasury, ‘Guidance on Recognizing Activity that May be Associated with Human Smuggling and Human Trafficking — Financial Red Flags’ FIN-2014-A008, (2014), available online at <https://www.fincen.gov/resources/advisories/fincen-advisory-fin-2014-a008> (visited 18 February 2020).

indicators were used, whilst new indicators were developed in focus groups. An additional case law review helped determine relevant evidence standards for both types of indicators. An example of a contextual indicator is registration to a particular address of multiple victims within a certain age bracket. This may be used by traffickers who seek to house all victims at one home address for the sake of ensuring control of their movements. An example of a financial indicator is income that is withdrawn quickly and regularly after receipt on the bank account. This is a particular *modus operandi* of human traffickers who can thereby ensure that it appears they give regular wages on paper, but in fact ensure that victims do not have access to their money.<sup>39</sup> Whilst this research started with six indicators, ultimately 26 contextual and financial indicators were tried and tested. None of these indicators alone is likely to constitute (sufficient) proof of human trafficking, as this requires a combination of several indicators. This socio-legal research also had to sieve out false positives. Namely, some (combinations of) weighted indicators pointed to situations that were clearly not indicative of human trafficking. In addition to and after the search strategy, the bank analyst conducts transaction monitoring and open-source investigations. For example, the bank analyst examines what the counterpart of the money transferred from the account of a potential victim of human trafficking is, whether a property, when looked at on Google Street View, can reasonably house the people registered at that location, or whether adverse media references can be found on social media. The resulting mix of innovative financial investigative techniques constitute proactive financial investigations into human trafficking.

### C. Legal Framework

The second, 'legal' component of this socio-legal research entailed finding the optimal framework for information sharing so that the bank could adequately report information on human trafficking into the financial intelligence and criminal justice chain. The legal basis used was not only Dutch criminal law but also anti-money laundering and countering terrorism financing (AML/CTF) legislation. The latter requires a Dutch bank, like any other of the more than

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Nowadays there are more resources, like Financial Transactions and Reports Analysis Centre of Canada, 'Guideline 2: Suspicious Transactions', (2017), available online at [www.fintrac-canafe.gc.ca](http://www.fintrac-canafe.gc.ca); 'Project PROTECT. Public Service Renewal in Action', (2018), available online at [www.fintrac-canafe.gc.ca/emplo/guardian-eng%3Fwbdisable%3Dtrue+%&cd=1&hl=nl&ct=clnk&gl=nl](http://www.fintrac-canafe.gc.ca/emplo/guardian-eng%3Fwbdisable%3Dtrue+%&cd=1&hl=nl&ct=clnk&gl=nl) (visited 18 February 2020); Caribbean Financial Action Task Force, 'Recommendation 29: Financial intelligence units', (2018), available online at <https://www.cfatf-gafic.org/index.php/documents/fatf-40r/395-fatf-recommendation-29-financial-intelligence-units> (visited 18 February 2020); Financial Action Task Force, 'Financial Flows from Human Trafficking', (2018), available online at [www.fatf-gafi.org/publications/methodandtrends/documents/human-trafficking.html](http://www.fatf-gafi.org/publications/methodandtrends/documents/human-trafficking.html) (visited 18 February 2020); and 'Thomson Reuters Foundation Launches Resource to Help Financial Institutions Tackle Human Trafficking' (2018), available online at <https://www.trust.org/i/?id=928ac731-8e74-40db-985a-5e5a4464a86b> (visited 18 February 2020).

39 This required particular knowledge of Dutch law, as explained in section 3.D.

9.500 private entities including accountants, lawyers and tax consultants, to report unusual transactions to the Financial Intelligence Unit (FIU).<sup>40</sup> In turn, under AML/CTF legislation, the FIU explores whether those unusual transaction can be declared suspicious. If declared suspicious, the FIU reports those to law enforcement. Where involving human trafficking for labour exploitation, the Inspectorate of the Ministry of Social Affairs and Employment has a mandate to criminally investigate. Any form other than human trafficking for labour exploitation requires the Public Prosecution Service to follow up. Additionally, all banks are regulated by the Dutch national bank (DNB).<sup>41</sup> Using this legal basis, the research ensured that both the bank and the law enforcement agency strictly kept to their mandates and that all privacy and fair trial guarantees were ensured. During information exchange, the academic monitored that all data only concerned trends and phenomena, rather than subject-level information.

In the Netherlands, exposure of human traffickers and their victims to banks is increased thanks to specific legislation as well. For example, the Dutch Statute on the Combat of Pretend Legal Structures (*Wet Aanpak Schijnconstructies*) requires that, since 1 January 2016, any employer must pay wages on a bank account.<sup>42</sup> This Statute helps detecting, through the aforementioned financial indicator, potential victims whose wages were withdrawn from their account quickly after receipt.<sup>43</sup> There remain some difficulties with this Statute in that income must be deposited on ‘a’ bank account, rather than the employee’s bank account.<sup>44</sup> However, this Statute does increase interaction with the bank and, in turn, constitutes an important part of the legal basis for detecting possible human trafficking victims in banks’ records.

Finally, the bank and FIU operate in the intelligence phase before a reasonable suspicion of human trafficking arises under Article 27 of the Dutch Criminal Procedural Code. In effect, one could argue that intelligence work that would otherwise be done by law enforcement is outsourced to banks. This is important in the context of scarce resources of law enforcement. This way, law enforcement can receive high-quality financial intelligence on human trafficking from banks, whilst the criminal procedure, its fair trial guarantees and privacy regulations are respected. Questions pertaining to the involvement of private sector actors in this intelligence phase however do remain, as covered in future aspects of this research.

40 This article explains reporting of unusual transactions, whilst noting other jurisdictions have suspicious activity reports (SARs) or suspicious transaction reports (STRs). See for the latter, section 4.

41 This article refers to the division of roles between the FIU and the DNB, whilst noting that some countries like Canada have an FIU that is also a regulator, FINTRAC, see section 4.

42 This article explains this Statute, whilst realizing that not all jurisdictions similarly increase exposure to the formal financial sector, see section 4.

43 See section 3.2.

44 For a related recommendation, see section 4.

#### *D. Results and Lessons Learned*

This research resulted in two ongoing criminal investigations and one regulatory action that has taken place in December 2019. One criminal case deals with a situation about which the Dutch Inspectorate already had information, while the other was new. This proves how proactive financial investigations can detect potential victims who would have otherwise remained undetected, whilst also providing (better financial) information on a situation that is already under criminal investigation. Further, this shows how a variety of interventions can follow, including but not limited to a criminal and administrative response.

These results are promising because the search strategy ran on a limited data set of one bank (approximately 2% of all its data). After high-ranking search strategy findings were followed up by transaction monitoring and open-source investigations, the bank reported 72 unusual transactions to the FIU. The FIU, independently from any other actors, deemed 50 of those suspicious. Consequently, the success rate was 70% in that 50 of the 72 transactions were potentially related to human trafficking for labour exploitation. Those suspicious transactions related to 50 potential victims. Also, by 'following-the-money', the data gave insights into certain actions of perpetrators like housing and recruitment, patterns and interactions between possible traffickers and facilitators, and the (financial) network and structure of the potential greater criminal enterprise behind possible instances of human trafficking.

One of the most important lessons learned is that this mix of innovative financial investigative techniques came about thanks to trust between all private and public partners. With regard to compliance and privacy law guarantees, all three parties understood the mandates, roles and capabilities of each, which allowed each partner to keep to their own mandate whilst working towards the common goal of combatting human trafficking for labour exploitation holistically. Consequently, based on a granular understanding of (the financial aspects of) this form of human trafficking, the partnership could improve reporting of unusual transaction and provide a better perspective on associated money laundering.

Another significant lesson learned is the importance of combining insights from the public and private sector and valuing the different characteristics of the data involved. Banks conduct open-source investigations, which most often will also be done quite similarly by law enforcement. Consequently, future research will invest in the exchange of expertise between the public and private sector on, inter alia, open-source investigations. International criminal investigators and investigative (journalist) groups will help by providing insights into rapidly improving (forensic) methods and techniques. Additionally, attention has to be paid to data from a more theoretical perspective as well. This research found a three-point data structure: hard, soft and open-source data. Whereas financial data are often hard data, soft data like a suspicion by a bank relation manager who gains information about a business

customer when performing ‘know your customer’ (KYC) activities constitute soft data. Future research seeks to include all such data in the intelligence and criminal justice chain.

As a third lesson learned, this research found that banks have an invaluable amount of information that helps detecting human trafficking through contextual indicators like information about account holders, passport information, and residency details. Combined with financial data, such information helps to provide a rich picture of the behaviour and financial flows of the potential perpetrator, victim and/or the launderer of the illegal proceeds obtained through human trafficking.

As a penultimate lesson learned, it was important that the aforementioned search strategy was developed in the public interest and therefore given to all other interested banks. After an initial information session about proactive financial investigations into human trafficking at the University of Amsterdam, other banks took up this initiative and developed this search strategy further. This not only indicates the interest of banks in getting involved in combatting this crime, but also how knowledge-sharing between the public and private sector can help a more holistic anti-trafficking approach when carried out and sustained by a larger network.<sup>45</sup>

Finally, this research gives more insight into the one specific form of human trafficking, but also shows how incredibly diverse *modi operandi* are. Consequently, it may very well be that each type of human trafficking requires different proactive financial investigations as the (financial) methods perpetrators use may differ between and within human trafficking forms. Thanks to a better understanding of these differences and the results which constitute the evidence base for how proactive financial investigations work, this study is now scaled as follows.

### ***E. Next Steps***

When this research proved successful, four Dutch banks and nine Dutch public sector organizations entered into a new research consortium headed by the author.<sup>46</sup> In addition to the principal investigator, who is a lawyer and sociologist, the research team now consists of a criminal law sanctions expert and a rule-of-law-undermining criminality expert, an academic specialized in artificial intelligence and a forensic big data scientist. The latter ensures financial information gathered can ultimately also be used as evidence in court. Additionally, the research team will be aided by experts in financial

<sup>45</sup> A new bank which shall remain nameless has reported seven unusual transactions, of which six were deemed suspicious.

<sup>46</sup> Information on the research consortium is available online at: <https://www.nwo.nl/onderzoek-en-resultaten/programmas/nationale+wetenschapsagenda/onderzoek+op+routes+door+consortia+orc/conflict+en+coöperatie#BCC>. 1916 *Combatting crimes that undermine the rule of law in a smart and comprehensive manner, in a financial public-private partnership and through artificial intelligence — with a focus on human trafficking, money laundering and corruption* (visited 18 February 2020).

computational modelling and network analysis, which will improve the existing search strategy, develop comparable search strategies for all forms of human trafficking, and branch out to money laundering and corruption. This will not only involve academic research but also applied research thanks to the involvement of the police academy which will use findings to educate (future) financial and human trafficking investigators.

Three large banks that also operate internationally (ABN AMRO bank, ING bank Rabobank) and one smaller bank (Knab) partnered. The involvement of the three large banks is important because of their potential to detect most crime, while the one small bank's commitment is crucial as its size may unwillingly attract crimes as larger banks may sometimes be better regulated. As regards each bank, short-term, longer-term and long-term agreements concern four types of human trafficking: labour exploitation, sexual exploitation, organ removal and criminal exploitation, as well as the link between migrant smuggling and human trafficking.

The law enforcement agencies involved are the Dutch FIU, Inspectorate and Public Prosecution Service. They all aid in testing the lawfulness and effectiveness of the proactive financial investigations, as well as use of their results as financial intelligence and legal evidence in the intelligence and criminal justice chain.

The nine other cooperating partners include the Bureau of the National Rapporteur, which will help with the co-development of new financial indicators for proactive financial investigations into all forms of human trafficking. Another partner is the Co van Ledden Hulsebosch Center, which will adopt results into its future academic forensic research and education. The NGOs CoMensha and Fairwork are involved in, inter alia, interviewing the victims of all forms of human trafficking for the co-development of new financial indicators for proactive financial investigations that span all forms of human trafficking. The involvement of these NGOs serves to create new indicators on the basis of the victims' experiences without causing re-traumatization or secondary traumatization. This aspect of the research also requires a gender studies component because not all women are allowed to have bank accounts, save money or exercise their property rights. Finally, the Ministry of Justice and Security and the Ministry of Social Affairs and Employment are cooperating to take up proposals for changes to, or entirely new proposals for, laws and policies.

This research does not have a solely national orientation; it also takes an international perspective,<sup>47</sup> as it seeks, inter alia, to contribute to the Sustainable Development Goals.<sup>48</sup> Human trafficking is the only crime that

47 This research has been referred to in the Liechtenstein Initiative, available online at <https://www.fastinitiative.org/the-blueprint/>, including the previous report written by its Secretariat, *Unlocking Potential: A Blueprint for Mobilizing Finance Against Slavery & Trafficking*, available online at <https://www.fastinitiative.org/the-blueprint/>, though not referencing the entire consortium (visited 18 February 2020).

48 United Nations Sustainable Development Goals, available online at <https://www.un.org/sustainabledevelopment/sustainable-development-goals/> (visited 18 February 2020).



is mentioned under three goals (5.2, 8.7 and 16.2). The proactive financial investigations into human trafficking developed here assist in combatting this crime holistically, which is urgently needed if we are to leave no one behind in our global economy.

Finally, this new research will contribute to national and regional statistics and other contextual information, seeking to provide, *inter alia*, an estimated number of victims of each type of human trafficking, broken down per form. Particular attention will be paid to finding information on the provenance, facilitation and transit arrangements of the victims for each type of human trafficking. An attempt will also be made to calculate the estimated average proceeds earned, and how they are earned, for each victim and for each form of trafficking. By following the money, patterns and networks will be explored so as to get a deeper understanding of *modi operandi*. This is done with an aim of also ensuring financial intelligence and evidence for prosecutions. Another aim is to categorize typical financial flows related to each type of human trafficking in the Netherlands and beyond. Also tracked will be methods and indicators of money laundering utilized by crime groups and typical assets (e.g. cash, real estate, expensive cars) related to illegal proceeds from human trafficking. Finally, this research aims to explore whether profits stay in the jurisdiction of the Netherlands or are moved elsewhere. Such granular knowledge of human trafficking and associated money laundering will hopefully also help national authorities to appropriately design measures mitigating risks.

#### 4. How May Other Jurisdictions Follow Suit?

Foreign private and public actors may similarly want to proactively and holistically combat human trafficking.<sup>49</sup> Banks in countries other than the Netherlands can move beyond mere passive reporting on alerts or responding to law enforcement's information requests as well, by detecting potential victims in their data and then passing on financial intelligence and evidence to the intelligence and criminal justice chain. This requires the exchange of expertise in a public–private partnership, which an academic can ensure, alongside monitoring and evaluation of (the added value of) proactive financial investigations into human trafficking. They can similarly use existing anti-human trafficking and AML/CFT legislation as follows.<sup>50</sup>

49 Two models acting under separate AML/CFT frameworks and information-sharing legislation, are Canada's Project PROTECT and the United Kingdom's Joint Money Laundering Intelligence Task Force.

50 In 2018, the FATF examined 28 AML/CFT risk assessments, 14 of which specifically mention human trafficking as a money laundering risk and none as a terrorist financing risk. On labour exploitation, FATF finds that *inter alia* the distribution of beneficiaries complicates identifying the proceeds of this crime, stating that 'these types of cases provide material benefit for the individuals/entities for whom the victims are forced to work, but also for the perpetrators who trafficked the victims, who may or may not be the same individual. In some instances, the material benefit can be readily identified as the direct output of an individual over time or when an entire entity's business model is based around forced labour. In other instances, the

### *A. Necessary Conditions to Proactively Tackle Human Trafficking under, inter alia, AML/CFT Legislation*

This present research which took place in the Netherlands can be replicated abroad provided the following four conditions are in place. First, as in the Netherlands, it helps if there are Statutes that ensure the exposure of the perpetrator and/or victim to the formal financial sector and government. Examples include requiring the opening of a bank account, registering for tax purposes, or payment of wages into a possible victim's account. In addition, regulations pertaining to employment agencies or some form of registered business are helpful, as this will enable some degree of formal interaction with financial institutions or potentially government agencies. For this purpose, it is helpful to engage Ministries for such laws or policies, as done in the Dutch research consortium.

Conversely, where a victim has hardly any interaction with the private sector, such as in the case of domestic servitude, it can be much more difficult to identify signs of human trafficking unless a victim deposits cash on their bank account or transfers money to another country at a bank. In such cases, a bank employee may notice clues in physical appearance, such as clothing not commensurate with gainful employment or deferring to a third party with no apparent relationship for no apparent reason. This requires training. A trained bank employee may pass on subjective signs or even the expression of a 'bad feeling' as soft data, so as to ultimately help law enforcement in identifying a potential case of human trafficking.<sup>51</sup>

Another relevant condition is, as in the Dutch public-private partnership, the pooling of expertise from the public and private sectors under conditions of trust. An effective and more holistic approach to human trafficking requires working with non-traditional partners. For example, the academic in the Dutch public-private partnership was a non-traditional partner for the FIU, law enforcement and the banks. Other relevant non-traditional partners may be labour, employment and work safety agencies and NGOs. As in the Dutch research project, partnerships can be designed without breaching the confidentiality of the information provided as required for all reporting entities under AML/CTF and criminal law. The legal framework used in the Dutch research can be used in other countries as well.

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individuals merely contributed to a gradual enrichment of individuals or entities over time. Such 'balance sheet' improvements are difficult to trace back to the specific predicate crime that have been committed'. An important caveat for this conclusion is that there is no standard form for compliance with this recommendation. The countries studied, are Armenia, Australia, Austria, Bhutan, Canada, Cook Islands, Denmark, Fiji, Ghana, Ireland, Isle of Man, Jersey, Japan, Lithuania, New Zealand, Palau, Panama, Philippines, Portugal, Serbia, Singapore, Sri Lanka, Sweden, Switzerland, Tunisia, Ukraine, United Kingdom and the United States, in: FATF-APG, 'Financial Flows from Human Trafficking', (2018), available online at [www.fatf-](http://www.fatf-)

51 See section 3.3.

As a penultimate condition, in the reporting process, it is helpful for the bank to flag the reports to the FIU with a specific marker, so as to monitor to what extent such reports ultimately lead to suspicions of human trafficking. Such a simple identification tool also helps following the reporting from bank to FIU to law enforcement. For anonymized feedback loops, it is necessary that it becomes known that reports by banks are indeed helpful to the ultimate objective of identifying possible victims of human trafficking. Additionally, it helps when all partners learn how to conduct enhanced open source investigations which provide, for example, addresses, phone numbers and email addresses associated with human trafficking. This requires a proper understanding of financial/technological developments, which is currently labour intensive, but can potentially be automated when methods and techniques improve.

As a last requisite condition, it is important to develop and provide both specialist and generalist training programmes to all involved. For banks to be able to proactively detect possible victims in their data, they must know more about, inter alia, the complex crime, its financial aspects and how to conduct proactive financial investigations into this offence. Likewise, other partners, like those from academia, the FIU, law enforcement and courts, will have to learn about information available in bank records and their statutory obligations to report transactions pertaining to human trafficking. Similarly, it would be helpful for courts to learn how to value the financial intelligence and evidence presented to them, as this will help judges to pose the right questions to experts presenting this evidence. Posing good questions requires a basic understanding of not only the law, but also the investigative techniques used and the relevance, reliability and probative value of the financial intelligence and evidence obtained. The latter is also important for judges to ensure correct victim reparations.

### ***B. International Cooperation on Proactively Tackling Human Trafficking***

The aforementioned examples concerned the national level, but another pervasive problem is the lack of international cooperation on holistically combating human trafficking.<sup>52</sup> In all, 164 FIUs are part of the Egmont Group, an international network working on the exchange of financial intelligence, including on human trafficking.<sup>53</sup> Before sharing information, FIUs will have to be careful as to the integrity of the cooperating FIU. When deemed trustworthy, the FIUs can cooperate to tackle human trafficking financially.

In this regard, it is important to note that, under the United Nations Convention on Transnational Organized Crime (UNTOC), states can cooperate in tackling human trafficking by using their measures to combat money

52 *Supra* note 49, e.g. The Bali Process provides a model for such international co-ordination, information sharing and technical assistance, FATF, at 95.

53 See Dutch FIU, 'Annual report', (2018), available online at <https://www.fiu-nederland.nl/nl/jaaroverzicht-2018-gepubliceerd> (visited 18 February 2020).

laundering (Article 7 UNTOC). While this convention refers to reporting 'suspicious transactions', the *travaux préparatoires* indicate that these include unusual transactions. The UNTOC defines the latter as, by reason of their amount, characteristics and frequency, inconsistent with the customer's business activity, exceeding the normally accepted parameters of the market, or having no clear legal basis and constituting or being connected with unlawful activities in general. These are the same objective and subjective indicators adopted in the Dutch research. For example, whereas an amount is an objective aspect, frequency can be rather subjective. When seen in conjunction, they can result in detecting potential human trafficking instances, which states which have ratified this convention can tackle in cooperation.

For Council of Europe states, there is a legal obligation to cooperate internationally to holistically combat human trafficking, as articulated in *Rantsev v Cyprus and Russia*.<sup>54</sup> This case of the ECtHR laid down a positive obligation to cooperate with other States when tackling human trafficking and has been widely cited by other courts and bodies, for example shaping the 'practical measures required of States' on human trafficking' from the Council of Europe's Group of Experts on Trafficking in Human Beings (GRETA).<sup>55</sup>

For European Union (EU) states, it is also possible to focus on financial aspects of human trafficking in a Joint Investigation Team (JIT), for example pertaining to Libya.<sup>56</sup> On 14 June 2018, the Council of the EU transposed into EU law sanctions adopted by the United Nations (UN), imposing a travel ban and asset freeze on six human traffickers and smugglers operating in Libya.<sup>57</sup> This was the first time that the UN sanctioned human traffickers and smugglers. Consequently, Libya, which also has a case pending before the International Criminal Court, might present a first opportunity to enhance financial investigations into not only national and transnational (organized) human trafficking but also international human trafficking.

## 5. Conclusions and Recommendations

This article explained how proactive financial investigations into human trafficking can detect potential victims in bank records and thereupon follow the

<sup>54</sup> *Supra* note 8.

<sup>55</sup> See Group of Experts on Action against Trafficking in Human Beings (GRETA), 'Opinion No. 6/2010 of the Group of Experts on Trafficking in Human Beings of the European Commission: On the Decision of the European Court of Human Rights in the Case of *Rantsev v. Cyprus and Russia*', (2010), available online at [https://www.coe.int/t/democracy/migration/bodies/greta\\_en.asp](https://www.coe.int/t/democracy/migration/bodies/greta_en.asp) (visited 18 February 2020).

<sup>56</sup> For example, United States Department of State, 'Trafficking in Persons Report – Libya' (2019), available online at <https://ly.usembassy.gov/2019-trafficking-in-persons-report-libya/>, accessed 16 August 2019 (visited 18 February 2020).

<sup>57</sup> See United Nations Security Council Resolution 2388, 2017, UNSC (2017), available online at <https://www.consilium.europa.eu/en/press/press-releases/2018/06/14/fight-against-human-trafficking-in-libya-eu-sanctions-six-human-traffickers-and-smugglers-in-line-with-un-decision/> (visited 18 February 2020).

financial flows of this crime, so as to enhance the holistic approach to this low-risk and money-driven offence. The meaning of ‘proactive’ propounded in this article is manifold. First, banks should understand compliance as more than merely passively reporting on alerts or reactively responding to law enforcement’s information requests. Rather, banks can proactively detect indications of potential cases of human trafficking in their data and improve their transaction reports specific to this crime. Secondly, the FIUs and law enforcement should improve their subsequent financial investigations by benefitting from better transaction reports by banks and other reporting entities. They can use the enhanced financial intelligence to improve their financial investigations and to present as financial evidence in criminal proceedings against human traffickers. Proving the exploitative purpose of human trafficking benefits particularly from financial evidence because it increases the understanding of how much perpetrators intended to gain or actually gained from exploiting their victims. This should also help to counter the difficulties most countries face in combatting human trafficking for labour exploitation. All of this can be achieved when all private and public actors stay within their own mandates while investing in building trust and improving their work through expertise exchange under the common objective of holistically tackling human trafficking. Finally, an academic can ensure the exchange of academic and practical (financial) expertise, and monitor and evaluate the benefits of these new proactive financial investigations into human trafficking. While this research was conducted in the Netherlands, this article also presented evidence-based actionable ways forward for other countries under existing anti-human trafficking and AML/CTF laws. Recommendations based upon this research involve opportunities for the international community to improve the effectiveness of its anti-human trafficking work in the future. For example, this type of research helps to gain a better understanding of the proceeds derived from human trafficking for labour exploitation, and can potentially do the same for sexual exploitation and the other under-researched types of exploitation, that is, removal of organs and criminal exploitation. Finally, this article also indicated concrete ways forward to achieve these goals, such as effecting a global estimate of illegal proceeds derived from all forms of human trafficking. Ultimately, these are all necessary steps towards an evidence base which the international community needs in order to achieve its aim of leaving no one behind in our global economy, as pledged under the Sustainable Development Goals. The latter feature human trafficking more often than any other crime because of its detrimental effects on global sustainable development for all.