

# Vulnerable persons recruited and used for migrant smuggling

Information report

Centre of Expertise  
on Human Trafficking  
& Migrant Smuggling



- Indications of criminal exploitation
- Research period 1 January 2019 to 1 January 2022
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## Colophon

The Centre of Expertise on Human Trafficking and Migrant Smuggling (Expertisecentrum Mensenhandel & Mensensmokkel, EMM) is a collaboration between the Netherlands Police, the Royal Netherlands Marechaussee, the Netherlands Labour Authority, the Immigration and Naturalization Service, and the Public Prosecution Service.

At the EMM, indications and criminal investigations into human trafficking and migrant smuggling converge and are subsequently translated into operational, tactical, and strategic products based on which the partner organizations can apply their criminal or civil law authorities.

The EMM uses stock photography; the persons depicted in the images are not part of the cases discussed in this report.

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# Introduction

## Reason for the report

During the EMM's Operational Consultations on 25 October 2021, it was decided that the EMM will assess the nature and scope of the involvement and use of vulnerable persons in migrant smuggling. Reason is a report from the police liaison officer for Croatia, Slovenia, Bosnia and Herzegovina, and Montenegro. She noted that the number of Dutch passport holders who were arrested and convicted for migrant smuggling in Croatia and Slovenia had risen considerably in 2021. This trend was confirmed by the Dutch Ministry of Foreign Affairs (BZ). In addition to Croatia and Slovenia, BZ also noted a significant increase in the number of Dutch passport holders in Hungarian and Austrian prisons. Contact with the Dutch Probation Service (RN) and the consular services of said countries brought to light that a large number of these prisoners show aspects of vulnerability, such as a slight mental impairment or a drug addiction. This means that criminal exploitation may play a role. The criminal investigations into migrant smuggling in which vulnerable people are used to rent and/or drive the vehicles used to smuggle the migrants to the Netherlands were also discussed during the consultations of the public prosecutors with human trafficking/smuggling in their portfolio in September 2021.

## Objective

The objective was to create a figure-based assessment of the registered involvement of vulnerable persons in migrant smuggling during the research period of January 2019 to 1 January 2022, because aspects of vulnerability may be an indication of criminal exploitation.

## Definition

Criminal exploitation is a form of human trafficking that, contrary to sexual and labour exploitation, has only recently come to the attention of the authorities. Criminal exploitation in the context of migrant smuggling is an entirely new phenomenon. Victims of criminal exploitation are forced to commit criminal offences, such as financial or drugs offences. They are often vulnerable persons who are purposefully recruited because of their age or personal circumstances, and used to commit criminal offences. Think of minors or people with a slight mental impairment, a drug addiction, or living in an institution, who may be exposed to violence or other forms of coercion, such as deception. After these people are arrested for the criminal offence, the fact that they may be victims is not always recognized by the authorities.

# Research method

To gain insight into the involvement of vulnerable persons in migrant smuggling, the EMM searched its own database, and submitted requests for information to its partner organizations and relevant external partners. At present, the EMM database is being filled with information about human trafficking and migrant smuggling investigations and incidents provided by the Netherlands Police (NP), the Royal Netherlands Marechaussee (KMar), and the Netherlands Labour Authority (NLA). The database now contains a large part of the investigations that were launched in 2021. Forms of vulnerability are not always recorded in investigation files. This is why investigation teams have been asked explicitly whether a form of vulnerability was or is involved in their investigations into migrant smuggling. In addition, the EMM asked its partner organizations more generally whether any vulnerable persons, irrespective of their nationality

or country of birth, were involved in investigations or whether involvement of vulnerable persons came to the fore in Immigration and Naturalization Service (IND) interviews. From an international perspective, based upon specific information Europol and Belgium were asked whether the phenomenon is recognized and what information is available. In conclusion, BZ and RN were requested to share figures regarding the number of vulnerable Dutch passport holders in foreign prisons due to their involvement in migrant smuggling.

## Research findings

### Ministry of Foreign Affairs (BZ)

The figures for Croatia, Slovenia, Hungary, and Austria provided by a BZ consular affairs case manager show that in 2021, the number of Dutch citizens imprisoned for migrant smuggling in this region increased significantly. This case manager manually went through the files of prisoners for the period 2020 to November 2021 to gain insight into the number and characteristics of persons imprisoned for migrant smuggling. No files from 2019 were checked, but according to information from BZ, no Dutch nationals whatsoever were imprisoned in Slovenia in 2019. By the end of 2021, a rise also became apparent in Poland, which prompted the case manager to also share the number of Dutch nationals imprisoned for migrant smuggling in Poland in 2021 with the EMM. Case managers of other regions were asked whether any or an increased number of Dutch people were arrested for migrant smuggling in their regions, but according to file study, this did not appear to be the case in Serbia and Italy. Table 1 shows the number of Dutch prisoners as known to BZ. In this context it is worth mentioning that at least Hungary sees a general increase in the number of foreigners imprisoned for involvement in migrant smuggling. A new approach is being considered.

Table 1. Number of Dutch nationals imprisoned for migrant smuggling per year and per country

Countries	2019	2020	2021	Total per country
Croatia	unknown	1	10	11
Slovenia	0	2	7	9
Hungary	unknown	2	10	12
Austria	unknown	0	6	6
Poland	unknown	unknown	5	5
<b>Total per year</b>	<b>0</b>	<b>5</b>	<b>38</b>	<b>43</b>

It is highly likely that more Dutch nationals are imprisoned for migrant smuggling than is represented in Table 1. BZ does not have a comprehensive overview of all Dutch nationals imprisoned abroad. If prisoners indicate to the local authorities they do not want consular assistance<sup>1</sup>, BZ is not informed of the detention. In addition, notices often do not contain information about the reason for the imprisonment. This information is often only obtained if a prisoner is visited by embassy personnel or an RN volunteer. It is not standard procedure to ask about the reason for the detention. In addition, most prisoners do not want to provide information about it for fear of reprisals. A few prisoners have indicated that they want to talk to the police once they have been released. Two of these persons are already known to or in

<sup>1</sup> BZ only provides consular assistance to Dutch passport holders, not to aliens with Dutch residence permits.

contact with the NP and the KMar.

The BZ case manager manually consulted the files of 38 persons who were imprisoned in Croatia, Slovenia, Hungary, Austria, and Poland in 2020 and 2021. What stands out is that:

- most of them have double nationality;
- they are usually men (there were only a few women);
- half of them is aged 31-50, a slightly smaller part aged 18-30, and about 10 percent aged 51-100;
- Dutch asylum permit holders with a refugee passport are involved too<sup>2</sup>;
- a few of them can be designated as vulnerable in terms of a mental disorder, autism, psychological problems, drug use and/or debts.

In this context it should be mentioned that BZ has little information about possible underlying problems of the prisoners. In principle, local embassy personnel only pay one visit per detention to provide consular assistance. The conversation during these visits is basically aimed at detention circumstances, the criminal trial, and the prisoner's health. The fact that the BZ case manager characterized a few persons as vulnerable is mostly based on information received from parents, partners, and friends who inform about their loved one in a foreign prison, or has reached BZ via visit reports of RN volunteers that have been included in the prisoners' files.

#### Dutch Probation Service (RN)

Mid-November 2021, RN's Foreign Bureau manually gathered information about the number of Dutch nationals imprisoned abroad for migrant smuggling since 2020 and their potential vulnerable aspects by means of quick screening. This has provided insight into 22 persons, all but one arrested in 2021, in the countries Hungary (9), Slovenia (7), and Croatia (6). These persons are also known to BZ, so the numbers overlap those in Table 1. Mid-November 2021, RN did not have information about prisoners in Poland and, like BZ, was not aware of any prisoners in Serbia and Italy. In other words: RN has also observed the significant increase in the number of persons imprisoned for migrant smuggling, specifically in Croatia, Slovenia, and Hungary.

RN does not have a comprehensive overview of Dutch nationals in foreign prisons either as they too only get involved at the request of the prisoner. But after RN is notified, they are better informed about the prisoner's social situation and therefore better equipped to identify vulnerable aspects. Volunteers visit the prisoner every six to eight weeks and extensively discuss their personal situation. In addition, RN employees have received information about human trafficking so they will be alert to signs.

According to RN, there is a suspicion of vulnerability or underlying problems, such as debts, a slight mental impairment, or health problems, in the larger part of the prisoners (86%). RN established that a few persons probably had a more leading role in the smuggling of migrants. During visits by RN volunteers, several detainees gave a similar account of how they were recruited, the sum of money they were to receive per person smuggled, the number of migrants to be smuggled turning out to be much higher than previously agreed, and the degree of control they experienced during the journey.

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<sup>2</sup> A residence permit proving the admission of the person as a refugee is required for a refugee passport.

### National criminal investigations

The EMM has identified 7 recent investigations into migrant smuggling (in an organized setting), in which vulnerable individuals are involved. At least ten individuals in these investigations can be characterized as vulnerable. Almost all of them are viewed as suspects. These are individuals who were deployed for (facilitating) the transport and housing of migrants to, in or from the Netherlands, for the purpose of sexual exploitation in the Netherlands or for the purpose of migrant smuggling with rubber boats to the United Kingdom. The individuals' vulnerability emerges from the fact that they have a low IQ or an intellectual disability, are minors, have financial problems, have spent time in a psychiatric institution, have an addiction and/or do not have a residence permit for the Netherlands.

### International criminal investigations

International investigations have also produced evidence of vulnerable Dutch nationals being recruited and used for migrant smuggling. In 2020, the EMM received Siena messages via Europol about a few incidents in Croatia and Slovenia where Dutch vulnerable young adults were used by criminal groups as drivers to smuggle a large number of migrants. This criminal group also used Belgian persons to smuggle migrants from Italy and Slovenia. Enquiry by the EMM led to the information that the Belgian Federal Police's human trafficking and migrant smuggling department was aware of an organized criminal group involved in the recruitment of vulnerable persons with Belgian nationality or a Belgian residence permit. They are being used to transport migrants from Turkey via the Balkans to Belgium, with vehicles rented in Belgium. The individuals, who are deployed to transport migrants from Turkey to Belgium via the Balkan countries, have the Belgian nationality or a Belgian residence permit. Vulnerable Belgian individuals were also recruited and used to smuggle migrants to the United Kingdom.

### Dutch Immigration and Naturalization Service (IND)

The IND does not have any concrete information about the involvement of vulnerable persons in migrant smuggling. If a follow-up study would be conducted, interviews with asylum seekers who stated to have been smuggled to the Netherlands may form a relevant source of information to further detect the involvement of vulnerable persons in migrant smuggling.

## Conclusion

Prompted by indications that Dutch vulnerable persons are increasingly being used for migrant smuggling, which may mean that criminal exploitation is involved, the EMM has gathered and analysed information about this phenomenon for the period of 1 January 2019 to 1 January 2022.

In 2021, the number of Dutch passport holders imprisoned for migrant smuggling in Croatia, Slovenia, Hungary, and Poland increased significantly. According to information from BZ, at least 38 persons are involved, an increase of 760 percent compared to 2020. It is likely that the numbers are higher, as BZ does not have a comprehensive overview of all Dutch persons in foreign prisons. Prisoners themselves can choose whether they want to report the detention to the embassy in order to receive consular assistance. BZ reports often don't contain information about the reason for the detention. Hungary has noticed a general rise in the number of foreign prisoners detained for migrant smuggling and considers a different approach.

Despite the fact that embassy personnel only pays one visit per detention without attention for the prisoners' social situation, BZ qualifies about a quarter of the prisoners as vulnerable. These include Dutch status holders with a refugee passport, persons with a mental disorder, autism, psychological problems, drug addiction and/or debts.

More than half of the Dutch prisoners who notified BZ are also known to RN (22 persons). Unlike embassy employees, RN volunteers visit the prisoners regularly, pay attention to their social situation, and are trained to recognize indications of human trafficking. According to RN, most prisoners (86%) are thought to be vulnerable or have underlying problems, such as debts, a slight mental impairment, or health problems. In addition, at least three prisoners told a similar story about how they had been recruited, the sum of money they would receive for each smuggled person, the number of migrants that was much larger than previously agreed, and the degree of control they experienced during the journey.

Information from national and international investigations also shows that vulnerable Dutch persons are being recruited and used for migrant smuggling, whether or not in an organized context. Information from Europol shows that in a number of incidents in Croatia and Slovenia, vulnerable young adults were used as drivers to smuggle large numbers of migrants. In addition, it came to the fore that in no less than seven Dutch investigations into organized migrant smuggling, at least ten vulnerable persons were used for migrant smuggling. Nearly all of them are considered suspects. These people were used to facilitate the transport or accommodation of migrants to, in or from the Netherlands for sexual exploitation in the Netherlands or migrant smuggling by rubber boats to the United Kingdom. Their vulnerability is a result of a low IQ, a mental impairment, financial problems, a stay in a mental institution, drug addiction, and/or illegal residence in the Netherlands.

Interpretation of the prisoners' social situation and the question whether they were intentionally recruited and used for migrant smuggling because of their vulnerability requires further investigation. But the significant increase in the number of Dutch nationals imprisoned for migrant smuggling and the similar way in which they were recruited and used leads to the assumption that this is a new *modus operandi* of organized criminal migrant smuggling networks.

## Recommendations

Based on the research findings, the recommendations are the following:

- Ensure that investigative services are alert to aspects of vulnerability in people involved in migrant smuggling, for instance by including information about this form of criminal exploitation in training materials and in the intelligence-led working method of recognizing and acting upon indications, with attention for awareness at the international level;
- Educate the target group, so they won't get involved in migrant smuggling, and educate care organizations to alert them to indications so they can report them;
- Have BZ explore whether Dutch embassies can be structurally informed about the *number* of Dutch prisoners abroad, including the reason for their detention, so that such trends can be detected at an early stage and action can be taken by the relevant government agencies.



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