



Money Laundering Resulting from the Human Trafficking and Migrant Smuggling Crimes

August 2021





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Executive Summary

Money laundering is one of the crimes that created a considerable stir and aroused the interest of countries at their highest levels to combat it, particularly that launderers use and devise various methods and techniques to commit these crimes and keep abreast of the developments by resorting to the latest innovations in technology and financial services. They also exploit some areas which are not fully or effectively regulated through which it is possible to process the funds and to conduct financial transactions, in the light of the difficulties that may encircle or limit the effective supervision, either due to the characteristics of these sectors or to the gaps in the supervisory and monitoring systems and the non-compliance with the implementation of the supervision and compliance requirements, etc.

By taking a deeper look at the human trafficking and migrant smuggling crimes, we find that the international and regional ad-hoc reports issued in this regard clearly highlight the steady rise in these crimes at the regional and international level, irrespective of the Arab and MENA countries, particularly in countries situated on the migration routes and trajectories taken by migrants or those which share sea or land borders with countries which are a destination for migrants. This report tackled the regional and international efforts exerted to combat the human trafficking and migrant smuggling crimes, the MENAFATF member countries status with respect to conventions and treaties against human trafficking and migrant smuggling, their efforts to implement these conventions and to establish legal frameworks that address these crimes, the harmonization of existing laws in this regard and the challenges they are facing in signing the related regional and international treaties which are the starting point in the combating efforts.

The report pays especial attention to the effects of the Corona virus - COVID 19 pandemic which coincided with the period for the implementation of this project. The report presented an overview of the impact of the pandemic on the human trafficking and migrant smuggling victims, due to the closure of shelters and the suspension of health care, provided to them and the changes which occurred to the exploitation forms and methods used by traffickers and smugglers. All these are factors that largely contribute to the limitation of the competent authorities' ability to combat the crimes of money laundering, human trafficking and migrant smuggling, for fear of COVID-19 contagion and due to the precarious working conditions for their staff, which would consequently lead to the reduction of their activities.

The methods and techniques used to commit human trafficking and migrant smuggling crimes represent a challenge to combat them and pose many challenges for competent authorities to fight them as well, clearly putting the countries' ability to face the risks of these crimes to the test, to implement proactive precautions, to try to reach a clear understanding and a clear vision of the ways used to commit these crimes and assess their risks, to establish combating strategies and engage all the stakeholders from government and non-government bodies, while asserting the role of the private sector, NPOs and the civil society in understanding the risks of these

crimes and establishing the necessary measures to monitor the financial flows associated with them.

Based on the methods and techniques mentioned above, the exchange of information and best practices on international cooperation among the countries in the MENA region and between them and other member countries of counterpart regional task forces which participated in the study, the discussion of challenges and obstacles in combating the financial flows associated with the human trafficking and migrant smuggling crimes, by identifying the traits and characteristics of the money laundering resulting from the human trafficking and migrant smuggling crimes in the MENA region.

And for the reasons already presented and also guided by an interest to examine the methods and patterns which may be potentially used to execute ML operations, through human trafficking and migrant smuggling, in addition to the importance of this topic and the necessity to bring it into focus, considering its significant effects on the economies of countries and on the sound performance of their financial institutions, the 30th Plenary Meeting held in Cairo, the Arab Republic of Egypt from 26 to 28 November 2019 approved upon the execution of a new Typologies Project on “Money Laundering through the Human Trafficking and Migrant Smuggling Crimes”, from the beginning of 2020, based on the recommendation made by the Technical Assistance and Typologies Working Group (TATWG) at its 29th meeting held on the margins of the Plenary Meeting, also based on the proposal of the State of Libya, where the project will be co-led by the Arab Republic of Egypt and the Republic of Tunisia, in addition to a working group specifically formed to execute this project, with the participation of the Hashemite Kingdom of Jordan, the Republic of Sudan, the State of Libya and the Kingdom of Morocco, together with the MENAFATF Secretariat which assumed the coordination and secretarial tasks. It is worth noting that the United Nations Office on Drugs and Crime (UNODC) is efficiently contributing to the support of the project’s execution and is also participating in the preparation of the project report and in the provision of supporting references, statistics and indicators which are available in its database.

Preliminary Chapter

Introduction

Human trafficking and migrant smuggling are among the most serious crimes in modern times. They are not a single crime but each of them is rather seen as a separate phenomenon. Even if the second is among the causatives of the first, they both involve high risks for being associated with victims of all types and ages and have impacts on all civilized and traditional societies alike. There are also ancillary offenses deriving from these crimes, causing a challenge to counter them because of their ramification and the constant evolution of the techniques and methods through which they are committed. According to the reports and studies made in this regard, these crimes can be a gateway for widespread criminal operations worldwide, and thus a source of high revenues and profits if committed.

According to the recommendations of the Financial Action Task Force (FATF), the crimes of human trafficking and migrant smuggling impose a number of obligations on the entities which are required to combat the money laundering resulting from these crimes. The reports issued by the FATF and other regional and international bodies show that there are many activities associated with these crimes worldwide, namely in the MENA region. This has caused additional risks that may arise from the money generated from these crimes and the laundering of their proceeds by every means not far from the formal frameworks of financial transactions related to banks and other financial institutions. Besides, these proceeds can be directed toward sectors which are less regulated and poorly monitored by supervisors.

Based on the foregoing, there was a need to execute a typologies project on money laundering resulting from human trafficking and migrant smuggling that would study the scale of the risks related to the money laundering operations resulting from these crimes and the ability of the AML regulations and measures in place to mitigate these risks and that would present several case studies on the detection of some schemes that enable the execution of relevant criminal plans, in addition to the identification of several related guiding indicators.

In view of the overlap existing between entities which have the responsibility for combating the human trafficking and migrant smuggling crimes and the need for further research and studies to serve the objectives of scientific research and the interests of the entities which are fighting these crimes, such as the law enforcement agencies (LEAs) and other entities, mainly the financial and non-financial institutions, this report documents important practices and presents several valuable guidelines, guidebooks and information that serve the interests of these entities.

Importance of the Project

The subject of the study is known as ((money laundering resulting from the human trafficking and migrant smuggling crimes)), as part of the MENAFATF work on the typologies and the mechanism adopted in this regard. In consideration of the priorities of the MENAFATF presidency for 2019, the State of Libya suggested studying a new typologies project on “Money Laundering Through Human Trafficking and Migrant Smuggling”, and providing a basis to introduce MENAFATF member countries to the effects of these crimes and their repercussions on the policies adopted to combat them, and which can eventually contribute to the efforts

made to prevent, detect and disrupt them, considering that the MENAFATF has not prepared, since its establishment in 2009, any typologies report on the laundering of money generated from the criminal proceeds of migrant smuggling and human trafficking.

Description and Objectives of the Project

Description of the Project

1. This project will tackle the methods used by criminals and criminal organizations to launder the illicit proceeds relating to the human trafficking and migrant smuggling crimes.
2. Present and determine the scope of study of the typologies project on money laundering resulting from human trafficking and migrant smuggling, identify the difference between the human trafficking crime and the migrant smuggling crime and reflect these concepts on the objectives of executing the project, in order to link the illicit proceeds generated by these crimes with the ML offense, in addition to a presentation of the major publications and studies issued on the subject, the resources required to carry out the project and the schedule of the project that the working group in charge of the project execution should follow.

Objectives of the Project

The main objective of the project is to shed light on the crimes of human trafficking and migrant smuggling through a new typologies project which was among the priorities of the MENAFATF in 2019, by studying the various aspects linked to the topic of laundering the proceeds generated from human trafficking and migrant smuggling, supporting the MENAFATF member countries in their efforts to combat and face these crimes effectively, with the hope that this report would contribute to the following: (a) Help countries to better understand the methods and techniques used to launder the proceeds generated from the human trafficking and migrant smuggling crimes in the Middle East and North Africa region; (b) increase the capacities of member countries in the Middle East and North Africa region to prevent, detect and reduce the risk of these crimes; (c) improve the AML/CFT systems of the MENAFATF member countries.

In order to achieve this purpose, the main objectives of this project are as follows:

1. To develop a clear understanding of the human trafficking and migrant smuggling crimes and highlight this problem and its dimensions at the national and regional levels, by collecting data and reviewing available studies.
2. To detect methods, trends and techniques used in laundering the proceeds generated from human trafficking and migrant smuggling and to provide various sample cases.
3. To identify the main challenges and the problems faced by the MENAFATF member countries in detecting and disrupting the proceeds of the human trafficking and migrant smuggling operations.
4. To put in place a 2020-2023 regional strategy for the MENAFATF member countries in order to combat the phenomenon of laundering proceeds generated from human trafficking and migrant smuggling and to collect the red flags indicators and/or any additional information which may be used later to develop best practices to prevent, detect and disrupt money laundering resulted from these two crimes.

The Most Important Sources and References Used

1. Information and case studies provided by member countries, Where the number of 24 case studies covered by the study related to money laundering operations associated with human trafficking and smuggling of migrant crimes from the MENAFATF member countries, while a number of 3 case studies were received from the member states of the Financial Action Task Force, and 2 case studies were received from the member states of the West African Group Against Money Laundering (GIABA).
2. Experiences and case studies which were presented at the ad-hoc session for the benefit of this typologies project on “money laundering resulting from the human trafficking and migrant smuggling crimes” at the joint typologies and capacity building workshop between MENAFATF and the financial action task forces in Africa, which was held in Cairo, the Arab Republic of Egypt from 29 July to 02 August 2019.
3. Laws, regulations, rules and instructions issued by several MENAFATF and FATF member countries.
4. Studies/papers issued by international and regional bodies on human trafficking and migrant smuggling in relation to ML operations.
5. Some information through news, press investigations and press releases published on news and media websites and the Internet.

Scope of the Project

The scope of this study covers three main determinants, as follows:

Temporal determinants of the study

Trafficking in human beings is an ancient trade, present in our world for ages, from slave trade by Arabs during the Age of Ignorance “Al Jahiliyya”, and by Persians, ancient Indians, Chinese, Greeks and Romans, to the trafficking in children and prostitution. It has evolved into multiple forms nowadays, such as sending young people to hotbeds of tensions, forced begging and organ trafficking, in addition to other forms that affect all the societies in both the developed and developing worlds. These crimes affect both genders (males and females) and all age groups of both genders (children, youth and the elderly).

Spatial determinants of the study

They are associated with the practices that fall under the human trafficking and migrant smuggling activities, in order to carry out ML operations, within the scope of the member countries of the FATF Global Network, with a focus on the MENAFATF member countries.

Thematic determinants of the study

Studies have also shown that the crimes of human trafficking and migrant smuggling pose a problem in many countries worldwide, including countries in the MENA region and also cause serious damages to countries at the political, social and economic levels, in addition to the fact that they are exploited by terrorist groups to realize financial revenues and profits used to fund their activities. The study will also tackle the link between these crimes and the ML crime, how the illicit gains derived from this criminal activity are concealed and how the illicit gains can be spent without fear of confiscation.

Simply¹, the “**money laundering**” offense is the act of legitimizing funds of illicit origin. The international standards issued by the FATF² provide a definition of the money laundering offense according to the Vienna and Palermo Conventions. The ML offense should apply to all the serious crimes so as to cover the largest number possible of predicate offenses. Article 6 of this Convention provides for the criminalization of the laundering of proceeds of crime as follows:

1- Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offenses, when committed deliberately:

(a) 1, The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offense to evade the legal consequences of his or her action;

2, The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime;

(B) Subject to the basic concepts of its legal system:

1, The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime;

2, Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counseling the commission of any of the offenses.

The definition of the term “**trafficking in persons**” is set out in the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. It entered into force on 25 December 2003 and it was ratified or accessed by 173 countries as of January 2018. It defines human trafficking as follows: “The recruitment, transportation, transfer, harboring 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 labor or services, slavery or practices similar to slavery, servitude or the removal of organs.”³

The “**migrant smuggling crime**” as defined according to the legislations of various countries is: a transnational crime where the illegal transportation of a person or persons is arranged from one country to another, in order to obtain, directly or indirectly, any tangible or intangible benefit or for any other purpose. Article 3 of the United Nations Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime provided for the following definition: “Smuggling of migrants” shall mean the procurement, in order to obtain, directly or indirectly, a financial or

¹ Money Laundering - Financial Action Task Force (FATF) (fatf-gafi.org)

² FATF Recommendations 2012.pdf (fatf-gafi.org)

³ FINANCIAL FLOWS FROM HUMAN TRAFFICKING (fatf-gafi.org)

other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident; (b) “Illegal entry” shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State; (c) “Fraudulent travel or identity document” shall mean any travel or identity document: (i) that has been falsely made or altered in some material way by anyone other than a person or agency lawfully authorized to make or issue the travel or identity document on behalf of a State; or - 3 - (2) that has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or “3” that is being used by a person other than the rightful holder; (d) “Vessel” shall mean any type of water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water, except a warship, naval auxiliary or other vessel owned or operated by a Government and used, for the time being, only on government non-commercial service”⁴.

There are several studies published by FATF, the Egmont Group, the European Union, the World Bank and the IMF. This fact highlights the particular importance of fighting these crimes and the need to combat them. These studies show that the human trafficking crime, for instance, ranks third on the list of organized crimes at the international level, in terms of revenue and income which is approximately US\$ 150 billion annually⁵, while the revenues from migrant smuggling are estimated at US\$ 5.5 to 7 billion⁶.

There are many international initiatives and conventions to prevent these crimes, through the United Nations, and specifically the International Organization for Migration, the UNODC, as well as the US Department of State which issues an annual report in this regard on the classification of countries based on their role in combating these crimes.

Legal frameworks will be briefly addressed, in particular the UN conventions concerning this subject and their integration with the international AML/CFT standards (FATF Recommendations), including the important role of FIUs in providing assistance and cooperation, as well as national coordination with national committees or bodies specialized in combating human trafficking and migrant smuggling and introducing them to the FIU’s role.

The importance of parallel financial investigation, conducted namely by LEAs and its role in tracing funds used in criminal activities are also addressed, such as determining the scope of criminal networks and tracing assets subject to confiscation, and finding evidence that can be used to punish the perpetrators and confiscate their funds.

The Methodical Technique Used in The Preparation of the Report

- **The descriptive (analytical) approach:** By collecting and analyzing all the data and information on the human trafficking and migrant smuggling crimes in ML operations, particularly those which will be collected through the questionnaire for the collection of information and case studies presented by the FATF and MENAFATF member countries, and by analyzing them and drawing the conclusions from them.

⁴ [SoM_Protocol_English.pdf \(unodc.org\)](#)

⁵ [FINANCIAL FLOWS FROM HUMAN TRAFFICKING \(fatf-gafi.org\)](#)

⁶ According to the UNODC Global Report issued in 2018

- **The inductive (inferential) approach:** By exploring the roots and cause of the problem until reaching the results and finding the appropriate solutions.

Resource Plan

1. The Republic of Tunisia volunteered to lead the project working group within the working group entrusted with its completion and the Arab Republic of Egypt also volunteered as a second leader with the Republic of Tunisia. Beside the co-leaders of the working group, the remaining members consist of the following member countries: The Hashemite Kingdom of Jordan, the Republic of Sudan, the State of Libya, the Kingdom of Morocco, together with the MENAFATF Secretariat which assumed the coordination and secretarial tasks. It is worth noting that the United Nations Office on Drugs and Crime announced its efficient contribution to the support of the project's execution and its participation in its execution and in the provision of supporting references, statistics and indicators which are available in its database.
2. Send a questionnaire for the request of information and case studies to the FATF and MENAFATF member countries to be filled out by stakeholders concerned with the subject of the study and the authorities specialized in combating these crimes, and in particular highlight the role of LEAs and FIUs in detecting the illicit proceeds generated from human trafficking and migrant smuggling and the actions taken to this end, the policies and strategies adopted to combat them in the short and medium term, in order to address the problems and find solutions.
3. The typologies reports issued by countries, international organizations and institutions, the FATF and the FSRBs, including but not limited to:
 - Relevant typologies reports issued by the MENAFATF.
 - The UNODC report [on the human smuggling](#) phenomenon.
 - The UNODC report [on the human trafficking](#) phenomenon.
 - Any other studies and publications issued regarding the subject which can be referred to in the course of the project.

Key Findings Expected

The working group will prepare a report outlining the methods and trends of laundering the proceeds of human trafficking and migrant smuggling based on studies and questionnaires submitted by competent authorities of member countries. The report will also assess the volume and nature of money laundering through the crimes of human trafficking and migrant smuggling.

Chapter I

International and Regional Efforts to Combat the Human Trafficking and Migrant Smuggling Crimes

First Topic: Regional and International Treaties and Conventions on Combating the Human Trafficking and Migrant Smuggling Crimes

First: Overview of money laundering through the human trafficking and migrant smuggling crimes

Money laundering is one of the most serious crimes that have economic, social and security impacts. Money launderers are continuously devising renewed methods and techniques and are trying to find gaps in the legislative and financial systems that would enable them to commit these crimes. They are also taking advantage and exploiting some areas and sectors that are ineffectively or not monitored in a way that facilitates the processing of money and the execution of operations.

Money laundering crimes are represented in many illegal activities through which criminals can make enormous profits. These crimes include activities related to the sale of arms and drugs, tax evasion, human trafficking, migrant smuggling and many other activities undertaken by criminals and criminal groups. Therefore, seeking to control these proceeds is necessary through their legitimization by concealing their origin, changing their form or nature, or moving them to locations, which makes them hard to trace.

According to the description of the FATF of the extent to which the human trafficking and migrant smuggling crimes are linked to the crime of money laundering resulting from the proceeds generated by the activities of these two crimes, it is currently difficult for countries or concerned organizations to identify an accurate aggregate figure of the total illicit proceeds from human trafficking and migrant smuggling as these figures are rather based on estimates and formal statistics⁷.

Second: Overview of the human trafficking and migrant smuggling crimes

- **Human trafficking crimes**

The crime of human trafficking has no limits, not only does it exploit vulnerable people but also those who are looking for better opportunities for themselves or their families. It is often described as a “crime that involve other crimes” in many countries, namely in conflict situations. It is characterized by violence, brutality and coercion, while traffickers can operate with impunity.

Money has always been the key objective behind the human trafficking crimes. The International Labor Organization (ILO) estimates⁸ the profits of forced labor at approximately US\$ 150 billion annually, divided as follows:

⁷ FATF Report-Financial Flows from Human Trafficking-July, 2018.

⁸ ILO says forced labor generates annual profits of US\$ 150 billion. 21 May 2014.

https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_243201/lang-en/index.htm

- US\$ 99 billion result from commercial sexual exploitation (profits of the organized criminal groups).
- US\$ 51 billion result from forced economic exploitation, such as:
 - US\$ 34 billion in construction, manufacturing, and mining.
 - US\$ 9 billion in agriculture, including forestry and fishing.
 - US\$ 8 billion saved by private households by not paying or underpaying domestic workers held in forced labor.

The revenues from human trafficking estimated at US\$ 150 billion place it third or fourth on the list of criminal activities (in terms of profits)⁹. The following table illustrates the size of annual financial estimates of the crimes with highest proceeds, according to the estimates of the Global Financial Integrity¹⁰ in its report issued on 29 March 2017:

Table No.1 illustrates the size of annual financial estimates of the crimes with highest proceeds in March 2017

Transnational Crime	Estimated Annual Value (US \$)
Counterfeiting	\$923 Billion to \$1.3 Trillion
Drug Trafficking	\$426 Billion to \$652 Billion
Illegal Logging	\$ 52 Billion to \$157 Billion
Human Trafficking	\$150.2 Billion
Illegal Mining	\$12 Billion to \$45 Billion
IUU Fishing	\$15.5 Billion to \$36.4 Billion
Illegal Wildlife Trade	\$5 Billion to \$23 Billion
Crude Oil Theft	\$5.2 Billion to \$ 11.9 Billion
Small Arms and Light Weapons Trafficking	\$1.7 Billion to \$3.5 Billion
Organ Trafficking	\$840 Million to \$1.7 Billion
Total	\$1.6 Trillion to \$2.2 Trillion

The International Criminal Police Organization - the Interpol¹¹ - describes human trafficking as a multi-billion-dollar form of international organized crime, where victims of trafficking are merely a commodity that can be used - and even sold - for financial gain, with a total disregard for human dignity and rights. It is also linked to a number of crimes, including illicit money flows, the use of fraudulent travel documents and cybercrime.

- **Migrant smuggling crimes**

Migrant smuggling is the facilitation, for financial or other material gain, of illegal entry into a country where the person is not a national or resident. It affects almost all the countries in the world, as it undermines the safety of the States and communities and costs thousands of people their lives every year² .

⁹Global Financial Integrity, Transnational Crime and the Developing World, 27 March 2017.

¹⁰ Transnational Crime is a \$1.6 trillion to \$2.2 trillion Annual "Business", Finds New GFI Report « Global Financial Integrity (gointegrity.org)

¹¹ Interpol, Crimes, Human Trafficking <https://www.interpol.int/en/Crimes/Human-trafficking>

¹² The United Nations Office on Drugs and Crime, Smuggling of Migrants <https://www.unodc.org/unodc/en/human-trafficking/smuggling-of-migrants.html?ref=menuaside>

Criminals are increasingly providing smuggling services to irregular migrants to evade national border controls, migration regulations, visa requirements. The enhanced border controls prevent migrants from trying to cross the borders irregularly and thus turn to smugglers.

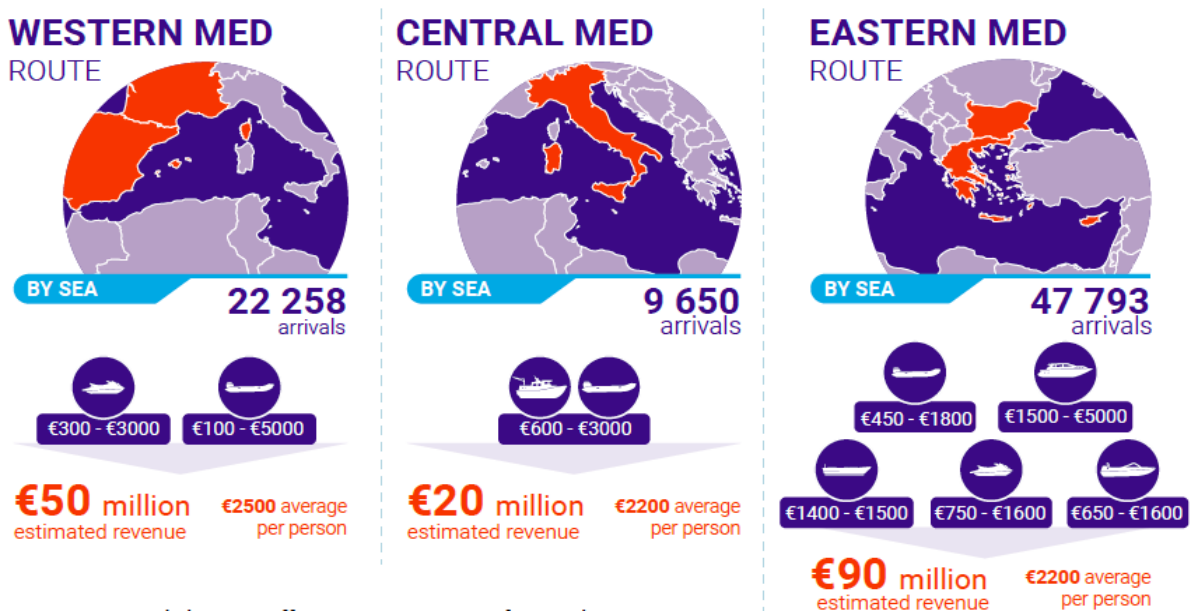
Migrant smuggling is seen as a highly profitable business, mainly with a decreased risk of detection and punishment for criminals. As a result, criminals are becoming more inclined to committing these crimes. Migrant smugglers are now working in more structured frameworks and have built professional networks across the borders and beyond¹³.

According to the assessments of two of the major smuggling routes - (1) east, north and west Africa to Europe and (2) south America to north America, the profits made by the migrant smugglers operating only¹⁴ in these regions are estimated at approximately US\$ 6,75 billion every year.

Since the migration crisis in 2015, the migrant smuggling business has established itself as a large, lucrative criminal market and it continues to represent a highly profitable business. In 2019, the European Union Agency for Law Enforcement Cooperation (Europol) estimated the overall number of arrivals by sea and land at around 91,699, by using three main routes through the Mediterranean Sea - the western route, the central route and the eastern route, with an estimated revenue of around €190 million¹⁵.

The following figure illustrates these routes, along with their respective financial estimates, according to Europol in 2019:

Figure No.1 illustrates three main routes for migration to Europe through the Mediterranean Sea - the west route, the central route and the eastern route, with their respective financial estimates, according to the Europol reports in 2019



¹³ Previous reference.

¹⁴The United Nations Office on Drugs and Crime, Transnational Organized Crime:

¹⁵Europol, European Migrant Smuggling Center, EMSC The PROFITS OF SMUGGLERS - INFOGRAPHIC, 27 November 201

The migrant smuggling trade is also linked to the increased risks of dying along these illicit routes, particularly through the three Mediterranean routes. A total of 104 deaths was recorded as of January 2021, while the cases of deaths in 2020 were estimated at 1378 (out of 96,279 arrivals)¹⁶ (see also the Global Migration Data Analysis Centre related to the International Organization for Migration¹⁷), as shown in the following figure:

Figure No.2 illustrates the number of migrants who died across the Mediterranean Sea in 2021 according to the International Organization for Migration



Third: Regional and international treaties and conventions on combating the human trafficking and migrant smuggling crimes

This section briefly outlines the global and regional efforts made to combat the trafficking in persons and the smuggling of migrants and the status of the MENAFATF member countries with respect to the signature of these treaties and conventions, as set forth in Annex of this report.¹⁸ In order to combat the emergence of these two crimes, several international treaties were put in place, the most important of which are briefly presented as follows:

1. The United Nations Convention against Transnational Organized Crime and the Protocols Thereto

The General Assembly ratified, by virtue of its resolution 55/25 of 15 November 2000, **the United Nations Convention against Transnational Organized Crime**, which is the main international instrument in the fight against transnational organized crime¹⁹.

¹⁶ The International Organization for Migration - Flow Monitoring - Missing <https://migration.iom.int/europe?type=missing>

¹⁷ The Global Migration Data Analysis Center related to the International Organization for Migration - Missing Migrants <https://missingmigrants.iom.int/region/mediterranean>

¹⁸ The MENAFATF members: The People's Democratic Republic of Algeria, the Kingdom of Bahrain, the Republic of Djibouti, the Arab Republic of Egypt, the Republic of Iraq, the Hashemite Kingdom of Jordan, the State of Kuwait, the Lebanese Republic, the State of Libya, the Islamic Republic of Mauritania, the Kingdom of Morocco, the Sultanate of Oman, the State of Palestine, the State of Qatar, the Kingdom of Saudi Arabia, the Federal Republic of Somalia, the Republic of Sudan, the Arab Republic of Syria, the Republic of Tunisia, the United Arab Emirates and the Republic of Yemen. <http://www.menafatf.org/about/members-observers/members>

¹⁹ The United Nations Convention against Transnational Organized Crime and the Protocols Thereto <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>

The States which ratify this instrument commit to take a range of measures to combat the transnational organized crime, such as:

- Commission of domestic criminal offenses (participation in an organized criminal group, money laundering, corruption and obstruction of justice);
- Adoption of new comprehensive frameworks for extradition, mutual legal assistance and law enforcement cooperation; and
- Promotion of training and technical assistance for building or upgrading the necessary capacity of national authorities.

The United Nations Convention against Transnational Organized Crime came into force on 29 September 2003 and the MENAFATF member countries can check their status through the United Nations Treaties Collection²⁰. It is further supplemented by three protocols (the Palermo Protocols) which target specific areas and manifestations of organized crime, which include: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. The First Protocol which was ratified by the General Assembly by virtue of its decision 55/25 is the first global legally binding instrument which includes an agreed definition on trafficking in persons. The intention behind this definition is to facilitate convergence in national approaches with regard to the establishment of domestic criminal offenses that would support efficient international cooperation in investigating and prosecuting trafficking in persons cases. The Protocol also aims to protect and assist the victims of trafficking in persons with full respect for their human rights.

The first Protocol entered into force on 25 December 2003 and countries may check their status through the United Nations Treaties Collection²¹. One of the key elements of this Protocol consists in the globally agreed upon definition of the constituent elements of the human trafficking crime - Acts, Means, and Purpose - and each of these elements should be incorporated into the domestic legislations, to cover aiding and abetting the commission of these acts.

Table No.2 - Elements of the globally agreed upon definition of the constituent elements of the human trafficking crime

Act	Means	Purpose
Recruitment of persons	Threat through the use of force	Sexual exploitation
Transportation of persons	Coercion	Forced labor
Transfer of persons	Abduction	Debt bondage
Harboring of persons	Fraud	Slavery in domestic work

²⁰ The United Nations Treaties Collection, Chapter XVIII, Penal Matters 12, the United Nations Convention against Transnational Organized Crime https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&clang=en

²¹ The United Nations Treaties Collection, Chapter XVIII, Penal Matters 12a, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=en

Receipt of persons	deception	Removal of organs
	Abuse of power or of a position of vulnerability	Forced begging
	Giving of payments or benefits to persons having control over the victim	Forced marriage
		Recruitment of children

The General Assembly ratified, by virtue of its decision 55/25, **the Protocol against the Smuggling of Migrants by Land, Sea and Air**. This Protocol deals with the growing problem of organized criminal groups that smuggle migrants, often at high risk to the migrants and at great profit for the criminals. A major achievement of the Protocol is the fact that it was the first global international instrument that sets an agreed upon definition of smuggling of migrants. It aims at preventing and combating the smuggling of migrants, as well as promoting cooperation among States parties, while protecting the rights of smuggled migrants and preventing the worst forms of their exploitation which often characterize the smuggling process.

It entered into force on 28 January 2004 and the MENAFATF member countries can check their status through the United Nations Treaties Collection²² .

The full text of the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air can be read in different languages²³ .

The UNODC provides **the SHERLOC** portal (a portal on Electronic Resources on Laws on Crime)²⁴ to facilitate the dissemination of information regarding the implementation of the United Nations Convention against Transnational Organized Crime, the three Protocols thereto and the international legal framework against terrorism.

Beside the United Nations Convention against Transnational Organized Crime and the Protocols on human trafficking/migrant smuggling, many other treaties and conventions to which the countries may be a party were concluded, with respect to the crimes associated with the trafficking in persons, as follows:

- International Labor Organization Convention No.182 - Elimination of the Worst Forms of Child Labor
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

²² The United Nations Treaties Collection, Chapter XVIII, Penal Matters 12b, the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-b&chapter=18&clang=en

²³ United Nations Convention against Transnational Organized Crime and the Protocols Thereto, in Arabic, Chinese, English, French, Russian and Spanish. <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>

²⁴ The United Nations Office on Drugs and Crime <https://sherloc.unodc.org/cld/v3/sherloc/>

- ILO Forced Labor Convention No.29
- ILO Abolition of Forced Labor Convention No.105
- ILO Convention No.189 concerning decent work for domestic workers, 2011

2. International Labor Organization (ILO) / International Organization for Migration (IOM)

The ILO is a UN agency that brings together governments, employers and workers of member States, to set labor standards, develop policies and devise programs promoting decent work for all women and men.

In 2012, the ILO identified 11 indicators²⁵ that represent the most common “signs” or “clues” that point to the possible existence of a forced labor case. These indicators are intended to help “front-line” criminal law enforcement officials, labor inspectors, trade union officers, NGO workers and others to identify persons who are possibly trapped in a forced labor situation, and who may require urgent assistance. These indicators are represented in the following:

- Abuse of a position of vulnerability
- Deception
- Restriction of movement
- Isolation
- Physical and sexual violence
- Intimidation and threats
- Retention of identity documents
- Withholding of wages
- Debt bondage
- Abusive working and living conditions
- Excessive overtime

In 2017, the ILO in partnership with the IOM and the Walk Free Foundation released a study under the title of “Global Estimates of Modern Slavery: Forced Labor and Forced Marriage”²⁶ which focused on two main issues: Forced labor and forced marriage. The estimate of forced labor in the private economy comprises forced sexual exploitation of adults and commercial sexual exploitation of children, and State-imposed forced labor.

A research report²⁷ which has recently been issued by the IOM for 2019 under the title of “Migrants and their Vulnerability to Human Trafficking, Modern Slavery and Forced Labor” highlights the connection between migrants who are being trafficked. A previous study²⁸

²⁵ IOM/ILO Indicators of Forced Labor (2012)

https://www.ilo.org/global/topics/forced-labour/publications/WCMS_203832/lang--en/index.htm

²⁶ILO Global Estimates of Modern Slavery: forced labor and forced marriage (19 September 2017)

https://www.ilo.org/global/publications/books/WCMS_575479/lang--en/index.htm

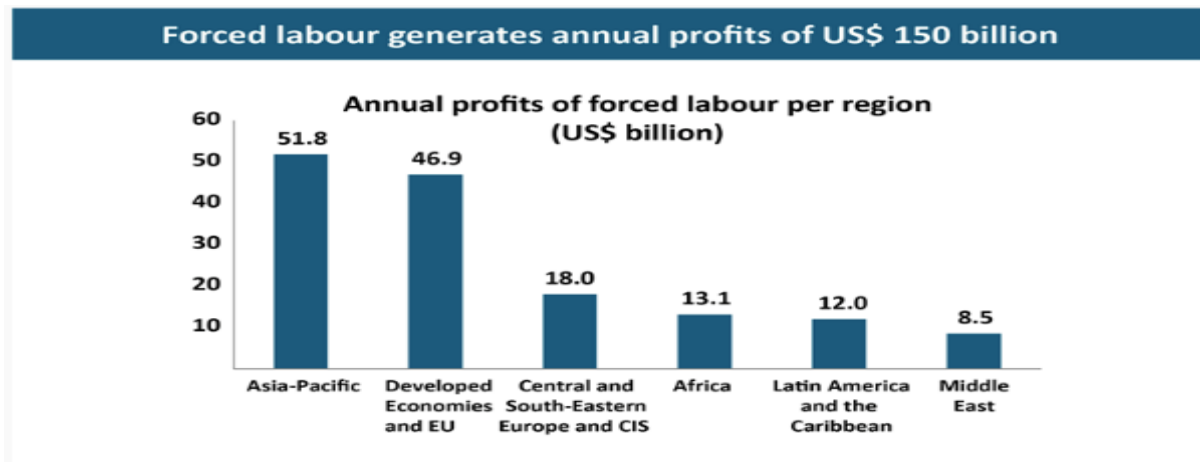
²⁷ The International Organization for Migration, Migrants and their Vulnerability to Human Trafficking, Modern Slavery and Forced Labor (2019) <https://publications.iom.int/books/migrants-and-their-vulnerability-human-trafficking-modern-slavery-and-forced-labour>

²⁸The International Organization for Migration, Migrant Vulnerability to Human Trafficking and Exploitation: Evidence from the Central and Eastern Mediterranean Migration Routes (2017).

<https://publications.iom.int/books/migrant-vulnerability-human-trafficking-and-exploitation-evidence-central-and-eastern>

(2017) shed light on “Migrant Vulnerability to Human Trafficking and Exploitation: Evidence from the Central and Eastern Mediterranean Migration Routes”.

Table No.3 - illustrates the estimated profits generated from forced labor according to the ILO report “Migrants and their Vulnerability to Human Trafficking, Modern Slavery and Forced Labor” for 2019



3. The United Nations Convention against Corruption

Corruption is an endemic feature in human trafficking and migrant smuggling, the enabler for traffickers and smugglers to operate with impunity and often evade justice. Targeting corruption (and bribery) is one of the key pillars identified in the new paradigm in fighting trafficking in persons / smuggling of migrants, along with the use of the Anti-Money Laundering (AML) / Countering the Financing of Terrorism (CFT) framework. Much progress has been made, in many countries, in the use of anti-corruption laws and legal frameworks to prosecute illicit or ill-gotten wealth and assets from corruption.

The United Nations Convention against Corruption entered into force on 14 December 2005 and most of the United Nations Member States are parties to the Convention. The MENAFATF members can check their status through the UNODC signature and ratification page²⁹.

4. UN Security Council Resolution No.2331 (for 2016)

Under the UN Security Council resolution (S/RES/2331 (2016) issued in December 2016³⁰, the UN Security Council condemned all acts of trafficking, particularly the sale or trade in persons undertaken by various designated terrorist groups, in areas of armed conflict, and the use of sexual violence. Furthermore, the resolution³¹

²⁹ The United Nations Office on Drugs and Crimes, the United Nations Convention against Corruption: - Signature and Ratification Status <https://www.unodc.org/unodc/en/corruption/ratification-status.html>

³⁰ UN Security Council Resolution(2016) [https://www.un.org/securitycouncil/s/res/2331-%282016%29United Nations Security Council Resolution](https://www.un.org/securitycouncil/s/res/2331-%282016%29United%20Nations%20Security%20Council%20Resolution)

³¹ UN Security Council resolution (S/RES/2331 (2016) https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2331.pdf

- encourages Member States to consider establishing jurisdiction in line with article 15 of the UN Convention against Transnational Organized Crime;
- encourages the Financial Action Task Force (FATF) and FATF-Style Regional Bodies (FSRBs) to consider including an analysis of financial flows associated with trafficking in persons to finance terrorism as part of its ongoing work; and
- calls on Member States to develop the expertise of their Financial Intelligence Units (FIUs) to analyze cases of trafficking in persons that finance terrorism and encourages them to work together to develop that capacity.

This Resolution highlighted the powerful role and use of financial investigations as being a core part in understanding, mapping, and acting against networks involved in trafficking of persons and smuggling of migrants.

A specialized sub-report³² entitled “**UNODC Global Report on Trafficking in Persons – in the context of armed conflict 2018**”, has been prepared, in accordance with this Resolution. In and around conflict areas, the vulnerability of displaced persons allows other forms of trafficking in persons, such as sexual slavery (as a reward for fighters), recruitment of children into armed groups (as soldiers), forced labor, and the abduction of women and girls for forced marriages (to fighters); these are the most commonly reported forms of trafficking in conflict areas. Armed groups use trafficking as part of their strategy to increase their military power and economic resources, and also to project a violent image of themselves and instill fear in local populations to control them.

5. UN Security Council Resolution No.2388 (for 2017)

On 21 November 2017, the Security Council issued Resolution No.2388³³ condemning all acts of human trafficking, particularly women and children, and focused on the human trafficking crimes in the context of armed conflict. It recognized the need to strengthen the identification, registration, protection, and assistance for the victims of trafficking and underscores the importance of collecting and preserving evidence relating to such acts in order to ensure that those responsible can be held accountable. The Resolution also referred to the high numbers of women and children subjected to trafficking in armed conflicts and to the fact that the acts of trafficking in persons are often associated with other violations of the international law and other abuses, including those involving recruitment and use, abduction and sexual violence including, inter alia, prostitution, sexual slavery, forced prostitution and forced pregnancy.

The Resolution also reiterates its condemnation of all acts of trafficking, particularly the sale or trade in persons undertaken by the “Islamic State of Iraq and the Levant” (ISIL, also known as Da’esh), including of Yazidis and other persons belonging to religious and ethnic minorities, and of any such trafficking in persons crimes and other violations and abuses committed by Boko Haram, Al-Shabaab, the Lord’s Resistance Army, and other terrorist or armed groups for the purpose of sexual slavery, sexual exploitation, and forced labor, and underscores the

³² UNODC Global Report on “Trafficking in Persons – in the context of armed conflict 2018”

https://www.unodc.org/documents/data-and-analysis/glotip/2018/GloTIP2018_BOOKLET_2_Conflict_embargoed.pdf

³³ UN Security Council resolution No.(S/RES/2388) (2017)

[https://undocs.org/ar/S/RES/2388\(2017\)](https://undocs.org/ar/S/RES/2388(2017))

importance of collecting and preserving evidence relating to such acts in order to ensure that those responsible can be held accountable; it also requests the Analytical Support and Sanctions Monitoring Team, when consulting with Member States, to continue including in their discussions the issue of trafficking in persons in areas of armed conflict and the use of sexual violence in armed conflict as it relates to ISIL (also known as Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities and to report to the Security Council Committee established pursuant to resolutions 1267 (1999), 1989 (2011), 2253 (2015) and 2368 (2017) on these discussions as appropriate.

Fourth: Dedicated reports issued by regional and international bodies, namely the UNODC report

Numerous ad-hoc reports were issued by ad-hoc bodies to monitor the human trafficking and migrant smuggling crimes. There are also other reports released as part of typologies projects issued by the FATF and FSRBs. All these reports give an overview of the scale of the human trafficking and migrant smuggling problem and the other crimes associated with them. The following are examples of these reports:

- **Typologies reports issued by the FATF and FSRBs**

The Financial Action Task Force (FATF) is an independent inter-governmental body established in 1989 by the Ministers of its Member jurisdictions “G 7”. The mandate of the FATF is to set standards and to promote effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and the financing of proliferation, and other related threats to the integrity of the international financial system. In collaboration with other international stakeholders, the FATF also works to identify national-level vulnerabilities with the aim of protecting the international financial system from misuse. Over the past years, the FATF and FSRBs issued, in cooperation with concerned organizations, several reports and studies on the subject of human trafficking and migrant smuggling crimes which focused on the risks of these crimes, the assessment of their scale, the detection of the methods, trends and techniques created to commit them, the related red flag indicators to detect and reduce them and the social, the political and economic effects resulting from the conduct of these illicit activities, in addition to the associated violations of the international laws, legislations and conventions on the protection and promotion of human rights.

In order to prevent these illegal activities and to stop the harm they bring to the society, the FATF included the “trafficking in human beings and migrant smuggling” in its glossary³⁴ that comprises 21 categories of offenses - “designated categories of offenses” that each country decides, in accordance with its domestic law, how it will define those offenses and the nature of any particular elements of those offenses that make them serious offenses. Therefore, by implementing the FATF recommendations, these countries are being subject to the AML/CFT laws and requirements.

The list of designated categories of offenses also covers other crimes that should be included as predicate offenses for money laundering and terrorist financing which may be committed by

³⁴ The Financial Action Task Force, Designated Categories of Offenses <http://www.fatf-gafi.org/glossary/d-i/>

persons implicated in “human trafficking and migrant smuggling” and which are often described as being “the most serious crimes” such as:

- Participation in an organized criminal group and racketeering.
- Sexual exploitation, including sexual exploitation of children.
- Corruption and bribery.
- Kidnapping, illegal restraint and hostage-taking

Realizing the importance of providing a sharp vision and a clear idea of the main predicate offenses, the FATF Plenary Meeting established in 2004 a working group on typologies. The typologies report for 2004-2005³⁵ included a research on the “**proceeds generated from human trafficking and migrant smuggling**”.

In 2011, the FATF issued a comprehensive report³⁶ under the title of “**Money Laundering Risks Arising from Trafficking of Human Beings and Smuggling of Migrants**” describing the financial flows related to human trafficking and migrant smuggling and presenting a range of red flag indicators pertaining to various origin/destination countries and various sectors to help financial institutions better identify the relevant suspicious financial activities.

In 2018, the FATF issued, according to the directives of UNSCR No.(S/RES/2331) (2016), a revised comprehensive report³⁷ under the title of “Financial Flows from Human Trafficking” to increase awareness of the type of financial intelligence required to identify the cases of human trafficking for the purpose of sexual exploitation or forced labor and to provide good practices (see Part Three) to help countries develop measures to address money laundering and terrorist financing from human trafficking and includes red flag indicators to help identify those who are laundering the proceeds of these crimes. It also shed light on the potential links between human trafficking and terrorist financing.

- **The UNODC (biennial) report on the phenomenon of migrant smuggling**

This research presents the major land, sea and air smuggling routes, transits and destinations, the magnitude, scope and value of the major smuggling routes, in addition to the global overviews. It also tackles the regional trends in Africa, America, Asia and Europe. The latest version of this report was released in 2018.

- **The UNODC (biennial) report on the phenomenon of trafficking in human beings**

One of the main sources of information on the trends/techniques/payments related to human trafficking and migrant smuggling includes the semi-annual reports issued by the UNODC, such as “**the UNODC Global Report on Trafficking in Persons**”³⁸. This research presents a global picture of the observations/patterns/trends in addition to regional distributions which

³⁵ The Financial Action Task Force, Money Laundering and Terrorist Financing Typologies 2004-2005 (10 June 2005)

http://www.fatf-gafi.org/media/fatf/documents/reports/2004_2005_ML_Typologies_ENG.pdf

³⁶ The Financial Action Task Force, Money Laundering Risks Arising from Trafficking of Human Beings and Smuggling of Migrants, (July 2011), <http://www.fatf-gafi.org/publications/methodsandtrends/documents/moneylaunderingrisksarisingfromtraffickingofhumanbeingsandsmugglingofmigrants.html>

³⁷ The Financial Action Task Force, Financial Flows from Human Trafficking (August 2018)

<http://www.fatf-gafi.org/publications/methodsandtrends/documents/human-trafficking.html>

³⁸ The UNODC Global Report on Trafficking in Persons 2020 (February 2021),

https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf

provide: an overview of the victims, the forms of exploitation, the profile of the traffickers, the flows of trafficking in humans which affect the region and the criminalization of trafficking in persons. The latest edition of this report was released in 2020.

- **The International Organization for Migration report:**

The International Organization for Migration is a governmental organization established in 1951 and has 151 member States. The mandate of IOM is to encourage orderly and human migration, in the best interest of societies, to promote international cooperation on migration issues, to provide humanitarian assistance to migrants and refugees, including displaced people and others. In 2018, IOM issued a comprehensive report on human trafficking and migrant smuggling issues that comprised an overview of the current initiatives and cases related to both crimes and sheds light on the supporting activities that address these cases. It also provides a brief summary on the countries mentioned in it which are facing challenges related to the human trafficking and migrant smuggling activities, the initiatives proposed to face the challenges and a future vision on addressing human trafficking and migrant smuggling cases³⁹.

Second Topic: Challenges and difficulties faced by countries in the Middle East and North Africa region in implementing international conventions:

It was noticed in the 2020 UNODC Global Report on Trafficking in Persons⁴⁰ that more traffickers in persons are being convicted every year since 2003 when the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (“UN Trafficking in Persons Protocol”) entered into force, possibly reflecting a better criminal justice response and/or an increase of the trafficking scale.

More than 90% of the countries criminalized trafficking in line with **the UN Trafficking in Persons Protocol**. As a result, the number of people convicted per 100,000 population has almost tripled since 2003, globally. While European countries have historically recorded much higher conviction rates than in other parts of the world, this number has been stagnating or decreasing over the last few years. On the other hand, countries in Asia and Middle East have recorded increasing numbers since the same Protocol entered into force. This is noted as a positive development.

As mentioned in the previous section, most of the MENAFATF member countries have signed and ratified all the main international conventions which are the following:

- **The United Nations Convention against Transnational Organized Crime**
- **The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.**
- **The Protocol against the Smuggling of Migrants by Land, Sea and Air**
- **The United Nations Convention against Corruption**

Regarding the implementation of **the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**, the UNODC has lately (2020) updated two guidebooks to assist the countries:

³⁹ https://eulacfoundation.org/en/system/files/trafficking_in_human_beings.pdf

⁴⁰ The Global Report issued by the UNODC on Trafficking in Persons for 2020 (February 2021)
https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf

- Model Legislative Provisions against Trafficking in Persons⁴¹ .
- Legislative Guide for the Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children⁴²

Despite the efforts made to implement measures against human trafficking and migrant smuggling, many of them sometimes face obstacles and challenges, some of which are cited as follows:

Challenges at the national level

- Lack of understanding of the laws (and procedures) related to trafficking in persons/migrant smuggling by some key stakeholders (such as LEAs, public prosecutors and judges);
- Absence of normative procedures (and training) to identify the victims;
- Absence of normative procedures (and training) to properly treat and (protect) the victims, including the criminalization of victims;
- Absence of inter-agency coordination and cooperation on investigations into crimes of trafficking in human beings/migrant smuggling; and
- Failure to prosecute and interrogate traffickers in persons due to the absence of evidence and full reliance on testimonies of the victims.

The latest **UNODC Global Report on Trafficking in Persons**⁴³ (2020) summarizes the need to undertake the following:

- Follow a multi-sectoral approach, including multidisciplinary investigation and prosecution units; to promote measures for the identification, protection and redress of victims, as well as investigative actions targeting the different forms of trafficking in humans, based on a victim-centered, child and gender sensitive, and human rights-based approach; and
- Establish a **specialized national anti- human trafficking agency (or working group)** in each country, while seeking the assistance of multiple agencies and/or multi-disciplinary expertise and involving multiple institutions from law enforcement and anti-organized crime agencies to labor inspectors, national human rights institutions, child protection services, social and mental health organizations and other services, including civil society organizations.

In order to counter these challenges and build successful and effective investigations and prosecutions, the last report issued by the Organization for Security and Cooperation in Europe⁴⁴ recommends LEAs and Public Prosecutors to incorporate evidence from the financial sector into their cases, where such evidence can contribute to the following:

- Assist in identifying victims and alert authorities to human trafficking crimes, even before receiving a victim's report;

⁴¹ Model Legislative Provisions against Trafficking in Persons issued by the UNODC (2020)

https://www.unodc.org/documents/human-trafficking/2020/TiP_ModelLegislativeProvisions_Final.pdf

⁴² Legislative Guide for the Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children issued by UNODC (2020) https://www.unodc.org/documents/human-trafficking/2020/TiP_LegislativeGuide_Final.pdf

⁴³ The UNODC Global Report on Trafficking in Persons for 2020 (February 2021)

https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf

⁴⁴The Organization for Security and Cooperation in Europe, OSCE Office of Special Representative and Co-coordinator for Combating Trafficking in Human Beings, - Following the Money - Compendium of Resources and Step-by-Step Guide to Financial Investigations Related to Trafficking in Human Beings. (October 2019) https://www.osce.org/files/f/5/438323_0.pdf

- Corroborate a victim's testimony and provide additional context as to the scope of criminal activity;
- Help identify associates and institutions that may be complicit in the crime.

Mainstreaming financial investigations into the prosecutions of human trafficking crimes can counter the impunity of human traffickers and increase the perception of risk for criminal actors. Human traffickers often assume this crime is low risk with high financial reward. Therefore, incorporating financial investigation and confiscations into the criminal justice response can undermine the assumed profitability of the human trafficking and migrant smuggling crimes.

Finally, the report⁴⁵ adds that addressing the financial implications of human trafficking can build better partnerships across sectors, in particular public and private institutions. Because many of the touch points between human trafficking and migrant smuggling and the financial services industry are located in the private sector, public anti-human trafficking response systems must build partnerships with private companies to this end. Likewise, the private sector has strong incentive to identify and eliminate misuse of their businesses for human trafficking and can thus benefit from partnerships with the public sector, including law enforcement agencies.

Despite the clear benefits of including financial investigations into anti-human trafficking responses, one of the areas least explored and understood is the profit generated by human trafficking and the financial investments of traffickers. Thus, addressing the financial implications of human trafficking presents significant opportunities for combating these crimes.

However, there are several challenges to successful financial investigations. On this note, institutions must identify what to look for in their efforts to identify illegal activity. Therefore, the starting point for effective financial investigations is the use of accurate indicators (and typologies) of human trafficking and migrant smuggling. Relevant indicators tell institutions what to look for, increase the likelihood of effective reporting and assist law enforcement with actionable intelligence. Indicators can help financial institutions take steps to halt the misuse of their systems by traffickers and develop better information law enforcement agencies can make use of in their investigations. Thus, development of financial indicators has been a priority over the past several years in various initiatives from government, civil society and the private sector to address the financial service industry's nexus with the human trafficking and migrant smuggling crimes. However, these indicators (and typologies) are sprinkled throughout publications across disparate regions of the world and not mainstreamed or synthesized. Relatedly, the challenges that hinder the successful financial investigations also include the prevalent use of cash to make payments related to the human trafficking and migrant smuggling crimes, and the use of informal money transfer services.

The reports to law enforcement must be relevant; some systems experience very low reporting because practitioners do not know what to look for or perceive low value in reporting; others experience over-submission of suspicious reports that contain no real value to investigating

⁴⁵The previous reference.

human trafficking/migrant smuggling cases. These outcomes are the result of a variety of factors such as lack of appropriate investigator training, financial institutions not having the appropriate tools to promptly identify and report suspicious transactions out of the millions of transactions facilitated, and the co-mingling of funds by traffickers between money transmitters or money couriers and banks. Furthermore, issues also exist with the underutilization of suspicious transaction reports by law enforcement officers.

Additionally, some practitioners have an abundance of quality intelligence, yet certain access points remain limited, and dissemination of good practices is low. Communication of findings within many documents is still not structured in a way that allows for the most effective impact. Furthermore, in the absence of clear communication across multiple jurisdictions and groups, the fight against human trafficking and migrant smuggling still largely rests on the shoulder of law enforcement agencies as opposed to civil society or private enterprises such as financial institutions, highlighting once again the need for partnerships.

Challenges at the regional level

Common reported⁴⁶ challenges, on a regional level, occur between States in implementing international agreements and include the following:

- Difference between the countries' interpretation and prioritization on the human trafficking crime and the migrant smuggling crime;
- Differences between countries in victim management and support, especially as witnesses in prosecution;
- The need to enhance cooperation between origin, transit, destination countries; and
- The need for better collecting, sharing, and analyzing of smuggling and trafficking data.

A FATF similar regional working group⁴⁷ reported that multinational working groups facilitated breaking down challenges by:

- increasing understanding of what other countries are doing to disrupt trafficking and smuggling networks;
- establishing or maintaining bilateral relationships for information exchange / investigation / evidence and witness requests; and
- enabling connections with investigators or other law enforcement officials from other countries.

Furthermore, the mentioned regional working group outlined⁴⁸ future needs for such forums, which should include the following:

- bringing together representatives with operational experience on cases of trafficking and smuggling and the authority to make decisions / initiate joint action;

⁴⁶ Bali Process Working Group On The Disruption of People Smuggling and Trafficking in Persons, 5th Joint Period of Action Planning Workshop, (July 2019) <https://www.baliprocess.net/UserFiles/baliprocess/File/Co-chair%20statement%20-%205th%20JPOA%20Planning%20Workshop%20--.pdf>

⁴⁷ Bali Process Working Group On The Disruption of People Smuggling and Trafficking in Persons, 5th Joint Period of Action Planning Workshop, (December 2019) <https://www.baliprocess.net/UserFiles/baliprocess/File/5th%20Joint%20Period%20of%20Action%20Debrief%20Workshop%20-%20Co-Chairs%27%20Statement%20---.pdf>

⁴⁸The previous reference.

- bringing together representatives with active cases, intelligence, investigative opportunities, details of initiatives to be shared; and
- bringing together **Joint Investigation Teams (JIT)** ⁴⁹ with pre-planned agendas for discussion / information exchange.

One key organization in each MENA country, especially with respect to financial investigations of human trafficking/migrant smuggling, at both a national level and regional level, is the Financial Intelligence Unit⁵⁰. FIUs are playing vital intermediary role between financial institutions (able to obtain additional information from reporting entities), government investigative and law enforcement agencies.

Established FIUs are strongly encouraged to join the Egmont Group of FIUs⁵¹ - the global body of Financial Intelligence Units (FIUs) - of which one principal function is to provide a platform for the secure exchange of financial intelligence to combat money laundering and terrorist financing (ML/TF).

This is especially relevant as FIUs are uniquely positioned to cooperate and support national and international efforts to counter terrorist financing and are the trusted gateway for sharing financial information domestically and internationally in accordance with global Anti Money Laundering and Counter Financing of Terrorism (AML/CFT) standards. To help facilitate such exchanges, between peer FIUs, without the need for Memorandum of Understanding (MoU) or Mutual Legal Assistance Treaties (MLAT), the following principles have been agreed upon:

- Operational Guidance for FIU Activities and the Exchange of Information⁵²
- Principles for Information Exchange Between Financial Intelligence Units⁵³

Often cited on a regional and international level is inability to send and receive financial information linked to inquiries and investigations into trafficking in persons/migrant smuggling (or any other predicate AML / CFT offense). The use of the Egmont Information Exchange principles, facilitated by the Egmont Secure Web (EWS) (secure communications platform), that all Egmont members are required to use, significantly enhances the ability of FIUs to help law enforcement agencies obtain information from regional or international FIUs, in a timely, secure, confidential manner. This has been described as a “powerful game-changer” in the fight to use financial investigations to understand and target the proceeds from trafficking in persons/migrant smuggling and their use in financing other crimes.

⁴⁹ Europol, JOINT INVESTIGATION TEAMS - JITS - are an international cooperation tool based on an agreement between competent authorities – both judicial (judges, prosecutors, investigative judges) and law enforcement – of two or more States, established for a limited duration and for a specific purpose, to carry out criminal investigations in one or more of the involved States.

<https://www.europol.europa.eu/activities-services/joint-investigation-teams>

⁵⁰ Financial Intelligence Unit (FIU) - a national center for the receipt and analysis of: (a) suspicious transaction reports; and (b) other information relevant to money laundering, associated predicate offenses and financing of terrorism, and for the dissemination of the results of that analysis. <https://egmontgroup.org/en/content/financial-intelligence-units-fius>

⁵¹ Egmont Group of Financial Intelligence Units <https://egmontgroup.org/en/content/about>

⁵² Egmont Group of Financial Intelligence Units OPERATIONAL GUIDANCE FOR FIU ACTIVITIES AND THE EXCHANGE OF INFORMATION (July 2013, revised February 2017) https://egmontgroup.org/en/filedepot_download/1658/38

⁵³ Egmont Group of Financial Intelligence Units PRINCIPLES FOR INFORMATION EXCHANGE BETWEEN FINANCIAL INTELLIGENCE UNITS (July 2013) https://egmontgroup.org/en/filedepot_download/1658/79

Third Topic: COVID 19-related challenges in combating the human trafficking and migrant smuggling crimes

No doubt that the COVID-19 pandemic had and still has a profound and unprecedented impact on all the aspects of society in all countries and communities. We do not only mean the direct impact from the risk of catching the virus but also the impact of the measures taken by countries to contain its spread, which in turn, are causing a social and economic crisis that is affecting all the sectors, namely, low-income sectors, professions requiring limited skills, as well as the migrants and the refugees. Estimates for the MENA region suggest that the COVID-19 pandemic is the factor that caused 133,017 deaths (as at 19 February 2021) out of 2862,628 deaths at the global level (as at 19 February 2021). This number is expected to rise to 174,058 cases of the death due to the virus in the MENA region by the 1st of June 2021.

The International Criminal Police Organization (Interpol)⁵⁴ highlights the impact of the COVID-19 pandemic and the measures taken by countries to contain it on crime around the world, including migrant smuggling and human trafficking. Some of the examples that can be provided consist of misinformation being used by human traffickers to convince desperate people to use their services, and at high financial costs and at high life-threatening risks due to travel restrictions. Thus, the routes and techniques have changed; the cessation of international travel caused migrant smuggling by air, notably intercontinental travel, to stop. Additionally, the restrictions on the maritime sector also had an impact on smuggling routes by sea, particularly those crossing the Mediterranean from North Africa to Europe.

Impact of the pandemic on the current victims

Current victims of human trafficking (and those who are smuggled as migrants) are exposed to increased risks of COVID-19 infection, in addition to other risks from the changes imposed on the freedom of movement in many countries and the effect of the pandemic on commercial activities and human interaction.

The UNODC⁵⁵ highlights that the identification of trafficking victims is difficult, even under normal circumstances, given that they are often exploited in illegal, informal or unregulated sectors and they often lack confidence in local authorities or agencies concerned with providing them with assistance, including medical assistance. As a result of the spread of the Covid-19 pandemic, this task has become even more difficult in view of the actions taken to contain it.

In addition to the foregoing, given that the identification of victims is impossible and that they are being trafficked “clandestinely”:

- They are more exposed to contracting (or spreading) the virus and also;
- They are not well equipped to prevent it, and
- They often lack access or have less chance to access health care services to help them treat the virus.

⁵⁴ Interpol - COVID-19 impact on migrant smuggling and human trafficking (June 2020)

<https://www.interpol.int/en/News-and-Events/News/2020/COVID-19-impact-on-migrant-smuggling-and-human-trafficking>

⁵⁵ The UNODC, impact of the COVID-19 Pandemic on trafficking in persons (2020),

<https://www.un.org/ruleoflaw/wp-content/uploads/2020/05/Thematic-Brief-on-COVID-19-EN-ver.21.pdf>

The UNODC paper sheds light on several ways in which the COVID-19 pandemic affects the current victims: For example:

- **Detention of the victim** - particularly the victims of domestic or sexual slavery which threatens their personal safety and minimizes the chances of discovering (and rescuing) them; also;
- **Precarious working and living conditions** of trafficking victims and irregular migrants expose them to the risks of contracting the disease and make them more vulnerable to exploitation;
- **Closure of shelters and suspension of health care provided to the victims by the civil society organizations**, either due to local restrictions or to lack of funding, make them more vulnerable, more likely to be infected and expose them to re-exploitation;

The IOM identifies additional risks⁵⁶ that threaten the current victims, such as:

- **Inability to access information about COVID-19** - victims of exploitation are likely to be physically confined or unable to escape their situation. As a result, they will have less timely access to information, support and services related to the pandemic, making them more vulnerable to it; on the other hand;
- **Victims are often not in an optimal state of health** - as many trafficking victims experience grave forms of mistreatment, including rape, forced labor, physical beatings, torture, starvation, psychological abuse, and the deprivation of medical treatment, which weaken their health and which can make them more vulnerable to severe infections, such as COVID-19. Moreover, some other risks are:
- **Inability to maintain social distancing** - trafficking victims may have no ability to self-isolate or socially distance themselves from others, especially if they are forced to provide sexual services or labor and they may also suffer from the following:
- **Not having documentation which makes access to health services difficult** - Often, the victims' identification or passports are retained by the traffickers, which hinders their access to health services, and leaves them vulnerable to mistreatment, detention and re-victimization by the authorities enforcing quarantines and managing checkpoints who have strengthened control measures during the pandemic. In addition to the foregoing,
- **Maybe the forms of exploitation used by traffickers may change** - for example, people who were previously sexually exploited in physical or public places may now be exploited online or in private homes; and
- **More violence due to a lack of profit** - The potential loss of financial gains from traffickers can expose their victims to even worse treatment.

To sum up the foregoing, the risks to which the victims of trafficking and migrant smuggling are exposed are noticeably increasing during this period, which is witnessing the spread of the global pandemic, due to the set of factors above, which is exacerbated by the decrease in the number of departments and agencies providing assistance or changing their areas of focus or

⁵⁶IOM, Why has the vulnerability of victims of human trafficking increased during COVID-19?
<https://rosanjose.iom.int/site/en/blog/why-has-vulnerability-victims-human-trafficking-increased-during-covid-19>

simply dropping out. This is often attributed to a steep decline in funding, namely⁵⁷ the funding allocated by civil society organizations and non-profit groups to combat trafficking in humans.

COVID-19 and combating money laundering and terrorist financing

The Financial Action Task Force⁵⁸ issued a guiding paper that presents a set of risk factors detected due to the COVID-19 pandemic and the government responses to it, and more specifically with respect to the predicate offense represented in **human trafficking/migrant smuggling** (and labor exploitation in general). Therefore, we find that:

- Criminals may take advantage of the pandemic to exploit vulnerable groups. This may lead to an increase in the exploitation of workers and human trafficking; also
- The suspension or reduced activity of government agencies regularly engaged in detecting human trafficking cases and identifying victims of trafficking (including workplace inspectors and social and health care workers) means that the victims of these crimes may not be discovered;
- The shutdown of workplaces, slowdown in the economy, rising unemployment, and financial insecurity are factors that could result in an increase in human exploitation. On the other hand
- the rise in the production and distribution of online child exploitation material, often for profit and with children increasingly using the internet with the closure of schools could lead to an increase in online child exploitation. There are also reports that “lockdowns and travel bans” are increasing demand for this material.

In brief, serious and increasing risks are threatening trafficking victims or migrants, ranging from heightened risks of getting infected, their inability to access medical services, being forced to take higher risks and to be exposed to even worse exploitation due to the deteriorating economic situation of those who control them. Currently, migrant workers who are often at the lower ends of society and refugees fleeing civil commotions were left stranded in large numbers amidst an ill-defined legal status, also as migrants, without any possibility of being repatriated or often suffering from a noticeable lack of assistance, since governments are re-arranging and re-directing their limited resources in an attempt to reduce the impact of COVID-19 pandemic.

In addition, the socio-economic effects of COVID-19 exposed around 1,25 billion workers who lost their jobs and suffered a reduction in their income and that of their dependents, to the risk of falling prey to traffickers and smugglers who try to benefit from the pandemic to exploit these categories of people, by taking advantage of their feeling of despair and providing them with false information.

There is no doubt that the true “cost” of COVID-19 consequences on human trafficking and migrant smuggling is still imprecise but is likely to be much higher than the previous estimates. Therefore, financial institutions, namely those engaged in combating money laundering and the financing of terrorism, have a vital importance in detecting, limiting and reporting activities suspected to be associated with human trafficking and migrant smuggling.

⁵⁷ See Tech Against Trafficking, The Effect of Covid 19: Five Impacts on Human Trafficking: Five Impacts on Human Trafficking <https://techagainstrafficking.org/the-effect-of-covid-19-five-impacts-on-human-trafficking/>

⁵⁸The FATF: COVID-19-related Money Laundering and Terrorist Financing Risks and Policy Responses May 2020 <https://www.fatf-gafi.org/media/fatf/documents/COVID-19-AML-CFT.pdf>

Chapter II

Legal and Institutional Framework for Combating the Human Trafficking and Migrant Smuggling Crimes and the Laundering of Their Proceeds in the MENA Region

First Topic: Concept, Scale and Scope of the Human Trafficking Crimes and the Migrant Smuggling Crimes

1. Overview of the human trafficking crimes

The human trafficking crime as defined according to the legislations in many countries is “the recruitment, enticement, transportation, harboring or receipt of persons (including persons who are under 18 years of age) for the purpose of exploitation in: Slavery, forced labor, servitude, removal of organs, prostitution and any other forms of sexual exploitation. Exploitation also includes exploitation through pornographic material, including means of communication and information communication, exploitation through begging or slavery-like practices, extraction or sale of human tissues, through medical experiments and research on living humans, exploitation of a person to commit criminal acts or in armed conflicts, by means of threat, abduction, fraud, deception or abuse of power or of a position of vulnerability”. The use of any of the afore-mentioned means is not required to establish the commission of the human trafficking crime against children who are under 18 years of age once the purpose of the exploitation is achieved.

In addition, these activities were criminalized in many laws, where a person who commits the crime of human trafficking shall be considered one who deals in any manner in a natural person, including: the sale, offer for sale, purchase, or promise thereof; or the use, transport, delivery, harboring, reception, or receipt, whether within the country or across its national borders if this occurred through the use of force, violence, or threat thereof; or through abduction, fraud, deception, abuse of power, or exploitation of a position of vulnerability or need; or through a promise to give or receive payments or benefits in exchange for obtaining the consent of a person to traffic another having control over him; or if the purpose of the transaction was exploitation in any forms, as mentioned above.

Human trafficking is a crime against morals, traditions, the Abrahamic faiths and the human rights. It is a form of modern slavery and one of the most violent forms of violation of human dignity and freedom, as well as a predicate offense for money laundering.

2. Overview of the migrant smuggling crimes

The migrant smuggling crime as defined according to the legislations of various countries is: A transnational crime where the illegal transportation of a person or persons is arranged from one country to another, in order to obtain, directly or indirectly, any tangible or intangible benefit or for any other purpose.

3. Differences and similarities between human trafficking and migrant smuggling

Many similarities and differences between human trafficking and migrant smuggling were examined through the responses of some countries to the project questionnaire, either by the MENAFATF or the FATF members or members of other task forces, where most of them agreed on the following:

A. Similarities:

- Human trafficking and migrant smugglings are crimes committed against persons.
- Both are noted as serious crimes, since they undermine the human dignity and consider that the human being is merely a “commodity” that can be sold or bought, as set forth in most of the religious legislations, national Constitutions and international charters and conventions.
- These crimes in all their forms and dimensions are an explicit violation of the human rights and an infringement of the human dignity and the sanctity of the human body.
- Actors in human trafficking and migrant smuggling seek to make financial profit from their criminal activity, since both crimes are very profitable, involve humans and are committed by structured groups.
- Both crimes are predicate offenses for money laundering.
- The links between the crimes (human trafficking and migrant smuggling) consist of the fact that migrant smuggling can turn into a trafficking in persons at any point, given that during some or all the stages of the smuggling process, they can be deprived of their freedom and ability to make decisions whether through deception, the use of force or intimidation.

B. Differences:

Table no. 4: Illustrates the difference between human trafficking and migrant smuggling

Analogies	Human trafficking	Migrant smuggling
Magnitude of the crime	It is a crime against persons and endangers human safety, it is committed by the trafficker against the trafficked persons without their knowledge or against their will.	It is a crime against the State and one that jeopardize the safety of national security, where traffickers and those who are seeking illegal migration consent to this act.
Boundaries of the crime	It can be within one State or at a regional and international scale, where trafficking in humans can take place inside the country (internal trafficking) or across the borders (international trafficking).	Migrant smuggling is only conducted across the borders between more than one State, unofficially and in violation of the laws and regulations on crossing the borders and entering into the States.
Scope of victim management	Consent is disregarded because the trafficked person is the victim (of deception, need or under threat) and has no option but to give in to being exploited.	The person consents to enter the host country illegally and there is an agreement between both parties, even that the person wishing to migrate is the one who turns to the smuggler's services against a fee.

Dealing with victims	The victim has the right to receive physical and psychological treatment to remedy the effects caused by the process, particularly the process which is conducted by force or through deception. This needs awareness and new job opportunities for those who were subject to trafficking because of the financial need and those who are being transported through this crime to other States deserve the chance of getting a residence permit in the countries to which they were moved if they wish so.	Persons should be repatriated.
Relationship of the victims with the traffickers	The relationship between the traffickers and the victims involves a constant exploitation of the victims in order to achieve a profit for the traffickers. The relationship between the trafficker and the person being trafficked does not end and victims are either forced or deceived, where the intention of the trafficker is to exploit them.	The relationship between the migrant and the trafficker ends after the crossing of the international borders.
Continuity of the crime	It is a perpetual crime based on the continuous exploitation of victims by traffickers.	Temporary crime that ends with the arrival of the migrant who contracted with the smuggler to the foreign country agreed upon.
Payment methods	Trafficking in persons rarely involves payment made in advance.	Advance payment is necessary in case of migrant smuggling.

4. Overview of competent authorities in combating human trafficking and migrant smuggling bodies and their efforts in the field of combating these crimes

Responses provided by the MENAFATF member countries to the project questionnaire concerning the bodies specialized in combating these crimes resulted in the following:

Table No.5 shows the anti-human trafficking and anti-migrant smuggling bodies

Country	Anti-human trafficking bodies	Anti-migrant smuggling bodies
Jordan	A branch for combating trafficking in humans related to the Morality and Public Places Division at the Criminal Investigation Department was established, before the promulgation of the Law on the Prevention of Human Trafficking in 2008. Based on a national strategy to prevent human trafficking which provided for the establishment of a qualified executive body specialized in combating human trafficking, a Memorandum of Understanding was signed between the	

	<p>Ministry of Labor and the Public Security Directorate on 04/06/2016. It included and determined the work steps in the legal and administrative frameworks. It was extended until 08/08/2018 for a renewable period of 3 years.</p> <p>A unit charged with combating human trafficking, called “Anti-Human Trafficking Unit” and related to the Criminal Investigation Department was established in the beginning of 2013. Its competences include the following:</p> <p>Public awareness campaigns through conferences, workshops and brochures to raise awareness about the human trafficking crime, its causes and how to mitigate it and disseminate them to the public.</p> <p>Awareness campaigns at the airports, by distributing awareness brochures that can be affixed on the passports of workers coming to Jordan, to inform them of their rights.</p> <p>Providing legal, health and psychological assistance to victims and persons affected by the human trafficking crime in cooperation with the civil, regional and international society organizations.</p> <p>Bringing the cases to the competent judicial authorities through police directorates and their security stations which are spread across all the provinces of the country.</p> <p>Receiving potential victims at the Anti-Human Trafficking Unit and providing them with the necessary assistance.</p> <p>Visiting incoming female labor which were detained to verify that they were not exposed to human trafficking.</p> <p>Arresting and investigating with criminals (offenders) using modern and documented techniques, relying on new basis, through preliminary investigation, filming and documenting the crime scene, providing the material to the courts and following up on the matter.</p> <p>Sheltering victims and affected persons in asylums to protect and harbor them in cooperation with (the Jordanian Women’s Union shelter and Dar Karama shelter related to the Ministry of Social Development).</p>	
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	<p>Securing travel tickets to victims and affected persons in case of voluntary return.</p> <p>Studying international, regional and local reports on human trafficking and taking the necessary actions to combat this crime.</p> <p>Creating databases, records and statistics that reflect inputs and outputs of the Unit's work.</p>	
Lebanon	<p>Human Trafficking and Moral Protection Bureau at the Internal Security Forces at the Ministry of Interior and Municipalities - Article 1 of the Law No.17/90 regulating the internal security forces stipulates that the Internal Security Forces are general armed forces whose authorities cover all the Lebanese territories and related airspace and regional waters. Their mandates are to protect people, property and freedom under the law, undertake the function of judicial police and ensure the enforcement of the law. Combating trafficking in humans is among the powers of the judicial police, more specifically the Human Trafficking and Moral Protection Bureau whose functions consist of tracing, searching and preventing the crime of human trafficking and conducting judicial investigation under the supervision of the competent public prosecution.</p>	<p>There are law enforcement bodies, including the Lebanese Customs and particularly the General Directorate of the General Security whose functions consist of gathering political, economic, social and security evidence for the benefit of the State, monitoring foreigners and granting passports and transit permits. - According to legislative decree No. 139 dated 13/06/1959 and regulatory decree No.2873 dated 16/12/1959, the Lebanese General Security handles the collection of information, through a structure that relies on central inquiry and geographic inquiry.</p> <p>Security officers and staff collect information which falls within the framework of migration, passports, exit and entry control through border stations and derive data therefrom.</p>
Morocco	<p>The Kingdom of Morocco has an important experience in this field and has several specialized bodies and departments that take part in the supervision, control and combating of the human trafficking and migrant smuggling crimes, each within its competences.</p> <p>The General Directorate for National Security has a range of centralized and decentralized agencies for the judicial police, concerned with criminal investigations in the field of combating human trafficking and migrant smuggling, as follows:</p> <p>Specialized brigades and units created at all the state and regional agencies of the judicial police in Morocco, whose role basically consists of completing the criminal research in relevant cases and prosecuting the parties implicated within their territorial jurisdiction, under the supervision of competent judicial authorities.</p>	

- Anti-Illegal Immigration Service, related to the Anti-Transnational Organized Crime Department at the Judicial Police Directorate.

- Anti-Illegal Immigration National Office, related to the National Squad of the Judicial Police whose authority extends all over the national territory.

In the same context, the General Directorate for National Security created 20 regional squads for criminal intelligence, supporting research done by decentralized agencies of the judicial police in various crimes, including human trafficking and migrant smuggling.

In an attempt to improve the competences of investigators in this type of crimes, the General Directorate for National Security organized training workshops and courses for these investigators at the national or international level.

It also seeks to support the international cooperation efforts to fight the human trafficking and migrant smuggling crimes, through its effective engagement and dynamic activity with international clusters and initiatives involved in the fight of these crimes.

The Royal Gendarmerie consists of a range of units whose functions include the fight and prevention of the human trafficking and migrant smuggling crimes.

The Presidency of the Public Prosecution supervises the implementation of criminal policy in the field of combating human trafficking and migrant smuggling, through a specialized unit called “the unit on following-up cases of human trafficking, asylum and categories with special needs” which is managed and supervised under judicial frameworks. This unit follows up on human trafficking and migration cases with all the public prosecutions at all the courts in the country, monitors their approach in implementing the legal stipulations related to the fight against human trafficking and migrant smuggling, collects statistical data related to these crimes and interacts with the concerned national and international agencies and bodies. It also organizes training session for the Public Prosecution magistrates to develop a thorough knowledge of the best practices and sound

implementation of the legal texts, ensuring dissuasion for criminals and protection for the victims at the same time.

There is also the National Commission for the Coordination of Measures to Combat and Prevent Trafficking in Persons. The lawmaker entrusted it with the following competences:

- Make any proposal it deems useful to the government in order to develop a public policy and a national action plan to combat human trafficking, monitor its development, prevent it and protect its victims, and follow up and assess the implementation of this policy by engaging stakeholders.
- Propose various forms of coordination and cooperation between competent authorities, international organizations and national and international non-government organizations involved in the combating and protection against human trafficking.
- Propose all the necessary measures to support the projects of civil society associations to protect and assist the trafficking victims and to prevent this crime.
- Prepare or contribute to the preparation of a database to collect data and information related to the prevention and fight against human trafficking.
- Adopt educational programs, on-going training, and sensitization and outreach programs in the field of combating human trafficking for all the concerned agencies, bodies and associations.
- Propose the conduct of studies and research in the field of combating human trafficking and present them to concerned authorities and bodies.
- Propose the preparation of guidance on combating human trafficking.
- Prepare an annual national report on the efforts made in combating and preventing human trafficking and the related obstacles and challenges.
- Detect new aspects of human trafficking.
- The Commission may be consulted regarding the preparation of legislative and regulatory draft texts on combating human trafficking.

Sudan	<p>1. The National Committee for Combating Human Trafficking is the highest authority charged with fighting and presenting solutions to the causes of human trafficking crimes. It was established in accordance with article (4) of the Anti-Human Trafficking Law of 2014. This law determined its functions and powers in article (5), the most important of which are as follows:</p> <ul style="list-style-type: none">• Develop a national strategy to address the roots and causes of the offense of human trafficking.• Prepare the annual budget and submit it through the Minister to the Council of Ministers, for approval.• Review the legislations pertaining to combating human trafficking and submit the necessary proposals and recommendations to this end.• Coordinate between official and non-official entities concerned with the prevention of crimes of human trafficking, including such measures to be taken to facilitate the return of victims to their homeland. and the competent authorities in the State and authorities concerned in other States to facilitate the repatriation of alien victims to their homeland in accordance with the necessary procedures applicable in the State.• Disseminate awareness of issues relating to the crimes of human trafficking by organizing conferences, symposiums and issuing bulletins, arranging training and such other means, in particular among employers and dealers in the field of employees and labor recruitment.• Promote the national potentials of employees in the scope of combating crimes of human trafficking.• Study international regional and national reports on combating human trafficking and take the necessary measures and procedures in respect thereof.• Cooperate with official and non-official entities for the implementation of such programs as may be necessary for the physical, psychological and social recuperation of victims, oversee	
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	<p>their harboring in places designated for this purpose and make the necessary arrangements for their protection.</p> <ol style="list-style-type: none"> 2. The Anti-Human Trafficking Department as a branch of the Ministry of Interior is responsible for human trafficking reporting, records and inquiry. 3. Specialized prosecutions to investigate human trafficking crimes were previously established and report to the Public Prosecution in the Capital city and the eastern provinces. 	
Tunisia	<ol style="list-style-type: none"> 1. A National Committee against Trafficking in Persons is established under Organic Law No.61 of 2016 dated 03 August 2016 on the prevention and fight against trafficking in persons. The functions of the said Committee are represented in the following: <ul style="list-style-type: none"> • Issue guiding principles for the identification and provision of necessary assistance to trafficking victims. • Facilitate communication between various agencies and stakeholders in this field and coordinate their efforts and represent them at the national and international levels. • Cooperate with civil society organizations and other organizations concerned with combating human trafficking and assist them in implementing their programs in this field; collect facts, data and statistics related to human trafficking in order to create a database to be used in performing its functions, propose mechanisms and procedures for reducing the demand which prompts all forms of exploitation of persons and raising social awareness of the risks of being trafficked through sensitization campaigns and educational and cultural programs and the organization of conferences, symposiums and training courses, supervise the training programs at the national and international levels in the fields related to its activities, introduce the measures taken by the State to combat human trafficking, prepare responses to the issues regarding 	

	<p>which international organizations request relevant opinions related to its scope of competence, contribute to the activation of research and studies in order to update the legislations regulating the fields related to human trafficking, based on the international standards and best practices, thereby ensuring the implementation of the State programs to fight this phenomenon, activate cooperation among its counterparts in foreign countries with which it has cooperation agreements and expedite the exchange of information with them, to ensure early alert to the crimes covered by this law and to prevent their commission, prepare an annual report on its activity that would necessarily include its proposals to develop national mechanisms for combating human trafficking for presentation to the Prime Minister and for dissemination to the public, and issue notices about its activities and programs.</p> <p>2. Direction of Borders and Foreigners: Related to the Ministry of Interior, the General Direction of the National Guard, the General Direction of Customs, and the Civil Protection Office also related to the Ministry of Interior.</p>	
<p>Egypt</p>	<p>The Public Funds Prosecution - Its functions in human trafficking cases: The Public Prosecution applies the legislative regulation issued and clarified in Migrant Smuggling Law No."82 of 2016" and Human Trafficking Law No."64 of 2010" to all the cases detected. The Public Prosecution plays a significant role in all stages of evidence collection and investigation of human trafficking cases. It oversees the works of evidence collection and the conduct of investigations in these crimes and bringing the accused to trial if the evidence proves that they have committed them. It issues decisions ordering temporary prohibition from disposing of funds and property until the cases are decided. It also follows up trials, prepares pleadings and submits defenses, demands and appeals against judgments in cases that so require.</p>	<p>The National Coordinating Committee for Preventing and Combating Illegal Migration and Human Trafficking: The National Coordinating Committee for Preventing and Combating Illegal Migration and Human Trafficking (NCCPIMTIP) was officially established according to law No. 82 of 2016 promulgated on 07 November 2016 and was formed on 23 January 2017 by virtue of Prime Minister decision No.192 of 2017. The Committee has 27 members from ministries, bodies and national agencies. This initiative asserted the Egyptian government's vision on combating human trafficking and illegal migration. In this context, the National Coordinating Committee for Combating and Preventing Trafficking in Persons was established in 2007 by virtue of Prime Minister decision No.1584 of 2007</p>

<p>It applies criminal procedures against perpetrators of human trafficking crimes, while always giving due attention to the right of people to life, abolition of slavery, ill-treatment of all forms, their right to travel and migrate to earn their lawful and secured living in accordance with the Egyptian Constitution and international charters, through its role in representing the interests of the society and protecting its members.</p> <p>The Public Prosecution also participates in preparing thorough responses to questionnaires received from the UN office as part of the global anti-trafficking action plan.</p> <p>The Prosecution member induces the aggravated circumstances for the sanction “the Lawmaker enhanced the sanction of the human trafficking crime which is life imprisonment and a fine not less than 100,000 pounds and does not exceed 500,000 pounds”, in case he initiates the investigation.</p> <p>He proceeds with a thorough judicial investigation of crimes involving a suspicion of human trafficking crimes “such as the crimes of prostitution which presuppose the existence of organized criminal groups to exploit the victims and facilitate child begging”. He annotates it in the human trafficking case ledger at the Prosecution and takes all the necessary measures to induce all the elements of this crime and the related aggravating circumstances, without hastening to dispose thereof before the investigation reaches its objective in order not to be labeled as failed.</p> <p>He sends a detailed explanatory note to the International Cooperation Bureau at the Public Prosecutor’s Office after each of the fundamental investigation procedures is carried out and after the court judgments are rendered in these facts and the appeals made against them, subject to the dates legally prescribed for these procedures.</p> <p>He orders provisional measures against the funds, as required by articles (208 bis a, 208 bis b and 208 bis c) of the Criminal Procedures Code, including: He orders that the accused, his spouse and minor children be prevented from disposing of their funds or prohibition to manage these funds and</p>	<p>and then, the National Coordinating Committee for Combating and Preventing Illegal Migration was established on 09 March 2014, by virtue of Prime Minister decision No.380 of 2014. On 07 November 2017, both committees were eventually merged through the promulgation of Law No.82 of 2016 on Combating Illegal Migration. It reports to the Prime Minister, with its headquarters located at the Ministry of Foreign Affairs. The NCCPIMTIP is the focal point, at the national and international, for the policies, plans and programs established to combat and prevent illegal migration. It provides care and services to smuggled migrants and protection for witnesses in the context of the international obligations stemming from bilateral or multilateral international conventions in force in the Arab Republic of Egypt, by undertaking the following:</p> <p>Acting as advisory body to national authorities and agencies.</p> <p>Providing care and services to smuggled migrants and trafficking victims and protecting witnesses through the entities represented in the Committee and proposing the necessary actions to help them, in accordance with the international standards.</p> <p>Establishing a national strategy for combating and preventing illegal migration, migrant smuggling and another national strategy for combating human trafficking.</p> <p>Shaping a unified Egyptian vision that can be expressed at international and regional events and can reflect all the legal and security dimensions and related policies.</p> <p>Following up Egypt's implementation of its international obligations arising from related international conventions.</p> <p>Proposing legislative and executive measures and procedures as may be necessary.</p> <p>Coordinating with the concerned executive and judicial bodies represented in the Committee, to complete the data received by Egypt on the measures taken by the country to implement its international obligations.</p>
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<p>orders the tracking, freezing or seizure of the funds subject of human trafficking crimes or their revenues.</p> <p>He gives effect to the stipulations of periodical letters No.1 of 2011 and No.11 of 2016, and in particular notifies the technical office of the Prosecutor General and the International Cooperation Bureau of the reports regarding the human trafficking crimes received by the Prosecution.</p> <p>He implements the rules set out in clauses 11 and 12 of periodical letter No.1 of 2011 on the collection and provision of the proceeds of the fines to the Trust Fund for Victims of Trafficking in Persons.</p> <p>The prosecution member oversees the protection of the victim, secures his safety and takes the measures as may be necessary to protect him from threat and instructs him about the procedures and his role in these procedures.</p> <p>He secures the right of the victim to legal assistance, in particular the right to counsel in the investigation and trial stages; if the victim has not chosen a lawyer, the public prosecutor may assign him a lawyer.</p> <p>He protects the victim's right to privacy and confidentiality of his data.</p> <p>If it was discovered during investigations of human trafficking cases that a child is involved, the Public Prosecution should immediately notify the District Child Protection Committee.</p> <p>The Administrative Control Authority:</p> <p>It is an independent oversight body with public corporate personality and is affiliated with the President of the Republic. It has technical, financial and administrative autonomy and aims to combat corruption in all its forms and to take all necessary measures to prevent it, in order to ensure the good functioning of public services and to protect public funds and other State money.</p> <p>It has the authority, among others, to conduct inquiries with respect to civil servants, whenever it deems it necessary. If these inquiries result in issues that need investigation, the papers are referred to the Administrative Prosecution, the Public Prosecution or the competent investigative authority after approval of the President or Vice-President of the Administration.</p>	<p>Reviewing the related national legislations to achieve their consistency with the international conventions ratified by Egypt.</p> <p>Establishing related policies and programs and also plans to raise awareness in addition to the preparation of research and awareness media campaigns.</p> <p>Supporting efforts aimed at training and advancing the level of national staff involved in enforcing the provisions of the related international conventions and ensuring that these conventions are respected.</p> <p>Preparing training programs and supporting the capacities of those in charge of the criminal justice management and other LEAs specialized in combating illegal migration and migrant smuggling, based on the local needs.</p> <p>Coordinating awareness raising and capacity building efforts among the people and the categories which are most exposed to the risks, in cooperation with government, non-government and civil society organizations.</p> <p>Preparing a centralized database in coordination with the national research centers and the national specialized councils to collect and analyze information, data and expertise concerning human trafficking and illegal migration.</p> <p>Activating cooperation with the United Nations and its specialized bodies to receive all forms of support in order to assist the Egyptian government in combating the crimes of human trafficking and illegal migration and in order to train those in charge of law enforcement and to obtain counseling services.</p> <p>Cooperating with counterparts at the regional and international levels to exchange experiences and expertise.</p> <p>Promoting international legal and judicial cooperation mechanisms in penal matters and concluding multilateral cooperation agreements to optimize the use of international cooperation mechanisms.</p> <p>Coordinating with the National Council for Childhood to establish the measures</p>
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	<p>The Administrative Prosecution, the Public Prosecution or the competent investigative authority will in turn inform the ACA of the investigation results.</p> <p>Its functions include the following:</p> <p>Discover and detect crimes aimed at reaping or attempting to reap any profit or benefit by abusing the capacity of a civil servant or anyone occupying a government position at the civil bodies, the crimes related to the regulation of foreign currency transactions which are set out in the Central Bank, the banking sector and money law issued by virtue of law No.88 of 2003 according to its provisions, the crimes set out in Law No.5 of 2010 on regulating the human organ transplantation and the crimes set out in Law No.64 of 2010 on combating human trafficking.</p> <p>Conducting investigations on suspicious financial operations that might include money laundering crimes by coordinating and exchanging information with Anti Money Laundering Unit in the Central Bank of Egypt.</p>	<p>and controls as may be necessary to deal with children migrating without any of their parents and to find their relatives or their legal representatives.</p> <p>Preparing an annual report on the national efforts made in combating the crimes of human trafficking and illegal migration and presenting it to the Prime Minister.</p>
Kuwait	<p>Kuwait applied several measures to limit these practices (human trafficking and migrant smuggling) through many related government entities, such as the Ministry of Interior, the Public Prosecution, the Public Authority of Manpower and other government entities, by conducting unexpected inspection campaigns at the locations which are being potentially exploited for such matters. It also coordinates with embassies through hot lines, in case of complaints received in such cases. It issued several guidebooks to educate nationals and residents about the criminalized acts and to avoid being exploited for such acts and to reduce them, through community awareness and other works undertaken to combat such crimes.</p>	

4. Overview of the bodies responsible for parallel financial investigations related to human trafficking and migrant smuggling and the money laundering cases associated with these crimes

The MENAFATF member countries have multiple and diverse entities responsible for parallel financial investigations related to human trafficking and migrant smuggling, each acting within its competences and functions and according to the country's legal system, as evidenced through the questionnaire for the request of information related to the project which was filled out by these entities. Despite this disparity, they all agree for the purpose of combating the

human trafficking and migrant smuggling crimes. The following is an overview of the entities responsible for investigations in the MENAFATF member countries and some of their relevant competences, as mentioned below:

Table No.6 - shows the entity responsible for parallel financial investigations

Country	Entity responsible for parallel financial investigations
Jordan	Competent judicial courts, through the Public Prosecutor, article (14) of Jordanian Law No.(9) of 2009 on the Prevention of Human Trafficking stipulated that the court should order the confiscation of any funds resulted by the commission of any of the crimes set out in this law; while the AML/CFT Unit is concerned with receiving, analyzing and referring any reports or notifications it receives regarding transactions suspected to relate to money laundering resulting from human trafficking crimes.
Lebanon	Parallel financial investigations are conducted under the supervision of the Public Prosecution office at the Court of Cassation and the Internal Security Forces have an Office for Combating Financial Crimes and Money Laundering. The Special Investigation Commission (the Lebanese Financial Intelligence Unit) conducts investigations of money laundering and terrorist financing.
Morocco	All the judicial police agencies are legally qualified to conduct parallel financial inquiries in all the crimes, including human trafficking and migrant smuggling. As to the money laundering offenses related to these two crimes, the National Squad of the Judicial Police is entrusted with the task of looking into these crimes, while its related district squads in Rabat, Fes, Casablanca and Marrakesh are responsible for the remaining predicate offenses, in addition to the financial and economic squads affiliated with the state, district and regional services of the judicial police, they all play an important role as they consider the parallel financial inquiries they usually conduct as part of the inquiry into the predicate offenses, including the crimes of human trafficking and migrant smuggling and which enable to detect money laundering suspicions.
Sudan	The Financial Information Unit undertakes, in cooperation with the specialized departments of LEAs the financial analysis and tracking of the proceeds of the criminals and informs these stakeholders of the analysis results.
Tunisia	<ul style="list-style-type: none"> • The Tunisian Financial Analysis Committee. • The judicial, economic and financial pole. (The Public Prosecution). • the Law enforcement authorities specialized in combating these crimes can also conduct the parallel financial investigation.
Egypt	<ul style="list-style-type: none"> • The Public Funds Prosecution • The Prosecution for the financial and commercial affairs.

Second Topic: National laws and legislations regulating the laundering of the proceeds of human trafficking and migrant smuggling in the MENA region

1. Laws and regulations issued in countries of the MENA region on combating the laundering of the proceeds generated from human trafficking and migrant smuggling

The legislations and laws issued in the MENA region countries defined and criminalized both crimes, identified the competent entities concerned with combating these crimes and the sanctions these legislations impose on the perpetrators of human trafficking and migrant smuggling crimes and also identified the measures taken by the country to rehabilitate those affected by these crimes.

The following is a brief overview of the laws related to human trafficking and migrant smuggling in different member countries of the MENAFATF:

Table No.7 shows the anti-human trafficking and anti-migrant smuggling legislations

Country	Legislations related to human trafficking	Legislations related to migrant smuggling
Jordan	<p>Law No.(9) of 2009 on the Prevention of Human Trafficking:</p> <p>Article 4 of the Law provides for the formation of a national committee on preventing human trafficking called (the National Committee on Preventing Human Trafficking), which is presided by the Minister of Justice. Its functions are as follows: Establish a general policy on preventing human trafficking and developing the necessary plans to implement it and oversee its application. Article 7 of the law provided for the establishment of one or more shelters for the victims and those affected by the human trafficking crimes.</p>	<p>Law No.(60) of 1960 on Preventing the Smuggling of Humans.</p>
Lebanon	<p>Law No.164 dated 24/08/1964 on the Punishment for the Crime of Trafficking in Persons:</p> <p>According to this law, the forms of the human trafficking crimes include prostitution or exploitation of the prostitution of others, sexual exploitation, begging, slavery or practices similar to slavery, forced or compulsory labor, forced or compulsory recruitment of children for use in armed conflicts, forced involvement in terrorist acts and removal of organs or tissue from the victim's body.</p> <p>Law no. 44 "Fighting Money Laundering and Terrorist Financing" dated 24/11/2015 which considers the crime of human trafficking as a predicate offense for money laundering.</p> <p>Law No.682 dated 24/08/2005:</p> <p>Which permits the Lebanese government to accede to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.</p>	<ol style="list-style-type: none"> 1. Law issued on 10/07/1962 concerning the entry, stay and exit of foreigners. 2. Regulatory decree No.10188 dated 28/07/1962. 3. Law no. 44 "Fighting Money Laundering and Terrorist Financing" dated 24/15/2015 which considers the crime of migrant smuggling as a predicate offense for money laundering. 4. Law No. 681 dated 24/08/2005: <p>Which permits the Lebanese government to accede to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.</p>

<p>Morocco</p>	<ol style="list-style-type: none"> 1. The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing this convention: It was ratified on 07 May 2009 and the accession procedures were finalized on 25 April 2011. 2. Law No.27.14 on combating human trafficking: This law comprised some themes, such as: <ul style="list-style-type: none"> • Approving new preventive measures, reviewing the sanctions of some crimes, criminalizing and punishing new acts, and defining some terms, such as trafficking in human, exploitation, forced labor and the victim of human trafficking. • Law No.27-14 on combating human trafficking established legal requirements with a protective character for the victims of this crime and enabling the identification of the offenders, which is manifested through the following requirements: <ol style="list-style-type: none"> 1. In all stages of search, investigation and trial, the victim, his identity, nationality, and age should be immediately identified. 2. Competent judicial authorities may order the prohibition of the suspect or the accused from contacting or approaching the trafficking victim. 3. Competent judicial authorities may order the authorization for the foreign victims to stay on the Moroccan territory until the completion of the proceedings. 4. Amending the measures set out in article 82-7 of the Code of Criminal Procedure to ensure the protection of witnesses and experts with respect to human trafficking crimes. • Victims or their beneficiaries also benefit from the judicial assistance in each lawsuit by virtue of the law. • In May 2019, the National Committee for Combating Human Trafficking was delegated to make proposals to prepare a 	<ul style="list-style-type: none"> • The lawmaker enacted law No.02.03 which entered into force on 11 November 2003, relating to the entry and stay of foreigners in the Kingdom of Morocco and relating to illegal immigration. • Under the regional and international stressful circumstances, Morocco made amendments to the arsenal of laws regulating the stay of foreigners in the country, namely the Dahir Sharif issued on 15 November 1934 on controlling the affairs of migration to the Western Region of Morocco, which remained applicable until 13 November 2003, when the new law regulating the entry and stay of foreigners in the Kingdom of Morocco became enforceable. • Article 574-2 of Law No.43.05 stipulated that the migrant smuggling crime is a predicate offense for the money laundering crimes. It is realized when committed deliberately and knowingly: <ol style="list-style-type: none"> 1. The acquisition, possession, use, replacement, conversion or transfer of property or its returns, with the aim to conceal the funds or disguise their true nature or illicit source in favor of the doer or others, when the funds are the proceeds of a predicate offense (including the migrant smuggling crime). 2. The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of any of the predicate offenses (including the migrant smuggling crime). 3. Assisting any person involved in perpetrating any of the predicate
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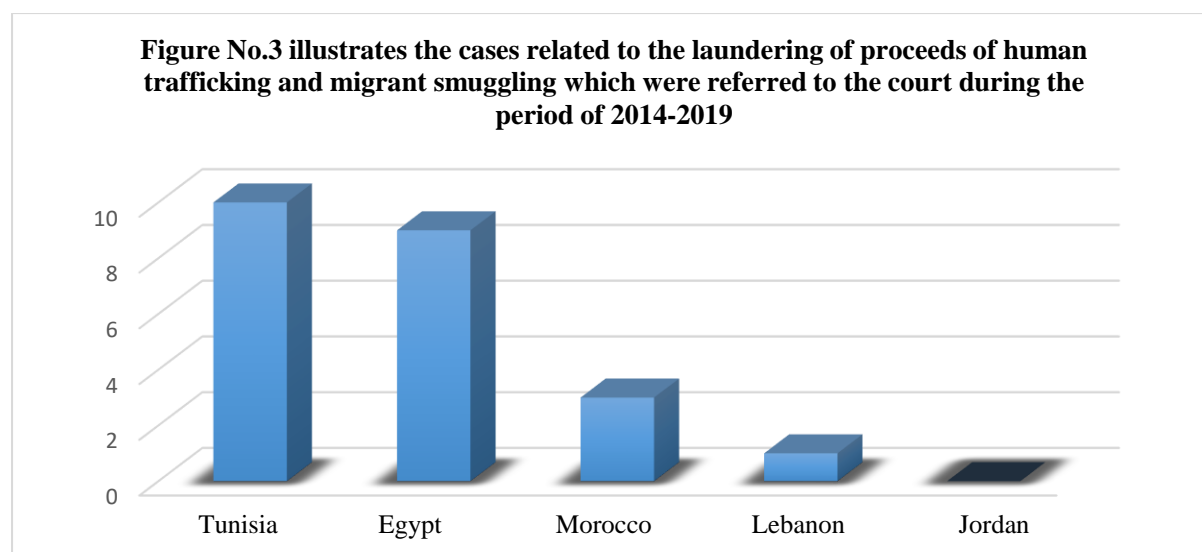
	<p>useful national plan and mechanisms to combat the phenomenon of human trafficking, to cope with the requirements of the quality breakthrough our country is witnessing in the human rights field and to keep abreast of the important reforms accomplished to mainstream and support these rights at the legal and institutional levels.</p> <ul style="list-style-type: none"> • The human trafficking crime is a predicate offense for the money laundering crimes (as explicitly provided for in article 574-2 of Anti-Money Laundering Law No.43.05), which is realized when it is committed deliberately and knowingly: The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of any of the predicate offenses (including the human trafficking crime). • The victim shall not be criminally or civilly liable for any act he has committed under threat as long as the act was directly related to being a victim of human trafficking, unless he has willingly committed a criminalizing act without being exposed to any threat. 	<p>offenses (including the migrant smuggling crime) to evade the effects of the law on his acts.</p> <ol style="list-style-type: none"> 4. Facilitating false justification, by any means, of the source of property or revenues of the perpetrator of any predicate offense (including the migrant smuggling crimes) through which he received direct or indirect profit. 5. Providing assistance or counseling in guarding, placing, concealing, replacing, converting or moving the proceeds generated directly or indirectly from committing any predicate offense (including the migrant smuggling crimes).
Sudan	Sudanese Anti-Human Trafficking Law of 2014.	Protocol against the Smuggling of Migrants by Land, Sea and Air which was ratified in September 2019, supplementing the United Nations Convention against Transnational Organized Crime of 2000; the country is currently working on the establishment of a national legislation related to migrant smuggling.
Tunisia	The Republic of Tunisia ratified the most important international conventions on human rights, namely the United Nations Convention against Transnational Organized Crime of 2000, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing it, by virtue of Law No.5 of	Regulated by Law No.40 of 1975 dated 14 May 1975 on passports and travel documents.

	<p>2003, dated 21 January 2003 and ordinance No.698 of 2003 dated 25 March 2003.</p> <p>Relatedly, the Constitution of the Republic of Tunisia for 2014 enshrined the respect of individual and public rights of citizens, namely the right to human dignity, the right to decent working conditions and to a fair wage, the provision of all types of protection to all children without discrimination and in accordance with their best interest, the protection of women's accrued rights and the implementation of all the measures in order to eradicate violence against women.</p> <p>In order to harmonize the national legislation with Tunisia's Constitution and all the charters and conventions ratified in this context, Organic Law No.61 of 2016 on preventing and combating human trafficking was promulgated on 03 August 2016.</p>	
Egypt	<p>1. <u>Law No.64 of 2010 on combating trafficking in human beings:</u></p> <p>It criminalized human trafficking in article 2, imposed sanctions on anyone who establishes an organized group for the purposes of human trafficking, anyone who acts by way of threats of death or physical or psychological abuse, anyone who is a relative of the victim in any way whatsoever, anyone who exploits his office as public servant, anyone who conceals the perpetrator or funds derived from the crime or its instrumentalities and anyone who discloses the identity of the witness or causes him any harm.</p> <p>2. <u>The regulation of the previously mentioned law issued by virtue of Prime Minister decision No.3028 of 2010</u></p>	<p>1. <u>Law No.82 of 2018 on combating illegal migration:</u></p> <p>It criminalized migrant smuggling and imposed sanctions on anyone who commits, attempts or mediates in the crime, including the establishment or management of an organized criminal group, anyone who exploits his position in a public office, or anyone who threatens the migrants and any other acts set out in the law.</p> <p>2. <u>The regulation of the previously mentioned law issued by virtue of Prime Minister decision No.983 of 2018.</u></p>
Kuwait	Human trafficking is criminalized in the State of Kuwait by virtue of Law No. (91 of 2013) on combating human trafficking and migrant smuggling.	

2. Statistics illustrating the magnitude of the issue

By analyzing the information mentioned in the questionnaires filled out by many member countries of the Financial action Task Force (FATF), the Middle East and North Africa Financial Action Task Force (MENAFATF), the Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) and the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA), many important facts were reached, in the context of

highlighting the magnitude of the problem, starting with the cases related to the laundering of the proceeds of human trafficking and migrant smuggling, which were referred to the court during the period 2014-2019, as shown in the following graph:



Regarding the gender of victims who were exploited during 2017 and 2018, the Arab Republic of Egypt reported that males (adults, minors, and children) were exploited the most, at a rate of 52%, while the share of female victims (adults, minors and children) reached 48%. On its part, Sudan reported that the gender breakdown of the exploited victims during 2014-2019 was 87% male and 13% female, between the ages of 20 and 30.

Regarding the nationalities of the victims, the Arab Republic of Egypt reported that most of them are Egyptian citizens, while other foreign nationalities account for a small percentage that is no more than 1%. Sudan stated that 20% of the victims are Sudanese citizens, while 80% are from neighboring countries. Burkina Faso also informed that the majority of the victims are locals, while other nationalities account only for 10%, for the year 2016.

3. Sanctions imposed by national legislations on perpetrators of human trafficking and migrant smuggling crimes

The sanctions imposed by countries' legislations provided for the legal provisions and the penalties prescribed against the perpetrators of these crimes. The responses and answers provided in the questionnaire for the request of information submitted by the member countries in the MENA region provided a clear picture of these provisions and sanctions, as presented in detail in the following table below:

Table No.8 shows the sanctions for human trafficking and migrant smuggling

Country	Sanctions for human trafficking	Sanctions for migrant smuggling
Jordan	<ul style="list-style-type: none"> Article (8) of law No. (9) issued on 01/03/2009 stipulates that a anyone who commits any of the crimes provided for under item (1) of paragraph (A), article (3) of this Law shall be sentenced to 	Article (153) Bis of the Jordanian Penal Code No.(60) of 1960 and its amendments determined the penalty for smuggling persons as follows: <ol style="list-style-type: none"> Anyone who enters or exits the kingdom illegally shall be punished with imprisonment for a period not less than three months and

	<p>imprisonment for a period of not less than six months or to a fine of an amount not less than JD1000 and not more than JD5000 or to both penalties.</p> <ul style="list-style-type: none"> • Article (9) stipulates that life imprisonment with hard labor for a period not more than ten years and a fine not less than JD5000 and not more than JD20000 shall be imposed on anyone who, attracts, transports, moves, lodges, or receives people who are under the age of 18 for the purpose of abusing them and anyone who commits any of the human trafficking crimes in the following cases: <ol style="list-style-type: none"> 1. If the person who committed the crimes has established or controlled or managed or joined or participated in an organized criminal group for human trafficking. 2. If any of the victims was a female or a disabled person. 3. If the crime is committed by exploitation in prostitution or any form of sexual exploitation or removal of organs. 4. If the crime is committed by using or threatening to use a weapon. 5. If the victim falls ill with a kind of incurable disease because of committing any of the crimes provided for under this Law. 6. If the perpetrator of the crime is the spouse of the victim, any of his/her ascendants or descendants or his/her custodian or guardian. 7. If the perpetrator of the crime is a public officer or assigned to a public duty and commits the crime by abuse his position or his public service. 8. If the crime is transnational. 	<p>anyone who helps him will be punished with the same penalty.</p> <ol style="list-style-type: none"> 2. The penalty shall not be less than imprisonment for two years at least if the person was one of those who are transporting the victims or working at the border stations, whether from the public or the private sector. 3. The penalty will be temporary hard labor if he was carrying a weapon.
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- Any person who knows because of his position that there is an intent to commit one of the crimes described in article (9) of this Law or that one of those crimes has been committed and does not report it to the official competent authorities, shall be sentenced to imprisonment for a period not more than six months.
- Any person who holds, hides or disposes of any funds with the knowledge that these funds are acquired because of committing any of the crimes provided for under this Law shall be sentenced to imprisonment for a period that shall not exceed one year and to a fine that shall not be less than JD200 and not more than JD1000 or to both penalties.
- Any juristic person who commits any of the crimes provided for under this Law shall be sentenced to a fine that shall not be less than JD10000 and not more than JD50000, without prejudice to the criminal responsibility of its representative who committed this crime.
- In addition to the penalties stipulated in this Law, the court may issue an order to, completely or partially, stop the juristic person from operating for a period not less than one month and not more than one year, if it commits any of the crimes stipulated in the afore-mentioned articles (8) and (9) of this Law.
- In case of the juristic person repeats any of the crimes provided for in the afore-mentioned articles (8) and (9) of this Law, the court may decide to strike off its registration or to liquidate it. If it is established that

	<p>the chairman and the members of the juristic person's board of directors or the chairman and members of its directors committee as the case may, or its director or any partner is personally liable for committing this crime, they shall be prohibited from participating in or contributing to the capital of or participate in the management of any other juristic person having the same objectives.</p>	
Lebanon	<p>Imprisonment from 5 years to 15 years and a fine ranging between 100 times to 600 times the minimum wages.</p>	<ul style="list-style-type: none"> • Imprisonment from 6 months to 3 years a fine from LL 100,000 to LL. 1,000,000. The penalty shall double in some of the cases mentioned in article 656 of the Penal Code. • AML/CFT Law No.44/2015 also provided for the penalty of imprisonment from 3 to 7 years and a fine not more than twice the amount laundered against anyone who undertakes or attempts to undertake or incites or facilitates or intervenes or participates in money laundering operations.
Sudan	<p>The penalties imposed on the human trafficking crimes which are provided for by the law start from 5 to 20 years, up to capital punishment.</p>	<p>Human trafficking cases are dealt with in Sudan according to the Passports and Immigration Act for 2015. This law regulates the acts considered as a smuggling crime and their penalties. Article 30 of this law governs these penalties, where the competent authority is given the right to apprehend any alien who enters or stays in Sudan without permit and to place him in custody until trial. It has the right to prevent an alien from entering Sudan without permit and to deport him. The law also provides for the penalty for smuggling people from and to Sudan by imprisonment for five years and a fine.</p>
Morocco	<ul style="list-style-type: none"> • Anyone who commits the human trafficking crimes is punishable by imprisonment from 5 to 10 years with a fine from 10,000 Dirhams to 500,000 Dirhams. • Punishment by imprisonment from 10 to 20 years and a fine from 100,000 Dirhams to 1,000,000 Dirhams shall be 	<ul style="list-style-type: none"> • Anyone who leaves the Moroccan territory, clandestinely, by using a fraudulent means while crossing any of the land, sea or air border stations, to escape from submitting the necessary official documents or from completing the procedures required by the applicable laws and regulations or by using forged documents or assuming a false name and anyone who infiltrates into the Moroccan territory or leaves it through the border exits

	<p>imposed on anyone for human trafficking in the following cases:</p> <ul style="list-style-type: none"> - If the crime is committed by threats of death, harm, torture, detention or defamation. - If the perpetrator of the crime is carrying an apparent or hidden weapon. - If the perpetrator of the crime is a civil servant who used his position to commit or to facilitate the commission of the crime. - if the victim who is exploited in the human trafficking crime is permanently disfigured or is infected by an incurable physical, psychological or mental disease. - if the crime is committed by two or more persons as main doers, contributors or participants. - If the person who committed the act is used to committing it. - If the crime is committed against several persons collectively. • Punishment by imprisonment from 20 to 30 years and a fine from 200,000 Dirhams to 2.000.000 Dirhams shall be imposed on anyone for human trafficking in the following cases: <ul style="list-style-type: none"> - If the crime is committed against a minor who is under 18 years of age. - If the crime is committed against a person suffering from a difficult situation due to advanced age, illness, disability, or physical or psychological impairment, or against a pregnant woman, whether its pregnancy was evident or known to the author. - If the perpetrator was the spouse, one of the ascendants or descendants, or custodian or guardian of the victim, or was 	<p>or places other than the border stations specifically intended for this purpose shall be punishable by a fine from 3,000 Dirhams to 10,000 Dirhams and imprisonment from one to six months, or both penalties only.</p> <ul style="list-style-type: none"> • Any person who provides assistance or help to commit the afore-mentioned acts, or if he is entrusted with leading a public force or belongs to it, or if he is entrusted with supervision, or if this person is an official, associate, or employee working in land, sea or air transport or any other means of transport, whatever the purpose of the use of these means, shall be punishable by imprisonment from 2 to 5 years and a fine from 50,000 Dirhams to 500,000 Dirhams. • Anyone who organizes or facilitates entry or exit of Moroccan or foreign persons clandestinely from the Moroccan territory, illegally, especially by transporting them for free or against a fee shall be punishable by imprisonment from six months to three years and a fine from 50,000 Dirhams to 500,000 Dirhams. • If permanent disability results from the structured transportation of persons into or out of the Moroccan territory clandestinely, the punishment by imprisonment from 15 to 20 years will be imposed. • Life sentence will be imposed if the illegal migration acts lead to death. • If the commission of any of the migrant smuggling crimes by the juristic person is established, it shall be punished with a fine from 10,000 Dirhams to 1,000,000 Dirhams. • The court may order the publication of abstracts of the decision of conviction in three newspapers that it shall explicitly determine. It may also order that this decision be displayed, at the expense of the convicted person, outside his offices or in the places he occupies.
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responsible for the care or had authority over the victim.

- Punishment by imprisonment from 20 to 30 years and a fine from 1.000.000 Dirhams to 6.000.000 Dirhams shall be imposed if the crime is committed by an organized criminal group or in the context of a transnational crime or if the crime results in the death of the victim. The penalty shall be increased to life sentence if the crime is committed by use of torture or barbarism.
- Any juristic person that commits the human trafficking crime of trafficking shall be liable to the punishment of a fine from one million Dirhams to 10.000.000 Dirhams, without prejudice to the penalties imposed on the natural person who represents, manages or works for the juristic person. The court should order that the legal person be dissolved.
- Anyone who knew that the human trafficking is or will be committed and fails to report it to the competent authorities shall be punishable by imprisonment from one to five years and a fine from 5,000 Dirhams to 50,000 Dirhams. Exemption from this penalty is possible if the person who refrained from reporting is the spouse, one of the ascendants or descendants of the perpetrator.
- Any person who uses violence, threatens to use violence, promises to provide a benefit to prevent the person from providing testimony or evidence or induces him to provide a false testimony or to refrain from providing evidence or to provide untrue declarations or statements or evidence related to the human

trafficking crime to any competent authority shall be punishable by imprisonment from one to five years and a fine from 5,000 Dirhams to 50,000 Dirhams.

- Anyone who deliberately endangers the life of a trafficking victim or a witness by disclosing his identity or place of residence or obstructs the measures taken to protect him shall be punishable by imprisonment from one to five years and a fine from 5,000 Dirhams to 50,000 Dirhams.
- Anyone who profited, with his knowledge of the human trafficking crime, from a service, benefit or work provided by the trafficking victim, shall be punishable by imprisonment from one to five years and a fine from 5,000 Dirhams to 50,000 Dirhams. The penalty is doubled if the trafficking victim is a minor under 18 years of age.
- Anyone who attempts to commit the human trafficking crime shall be liable to the penalty prescribed for the complete crime.
- If one of the perpetrators takes the initiative to notify the competent authorities about what he knows of the human trafficking crime before committing or attempting to commit it or was able to prevent its perpetration, he shall be exempted from the penalties prescribed from the human trafficking crimes. If the crime is reported, the reporting perpetrator may be exempted from the penalty or the penalty may be reduced, depending on the reporting circumstances, if he enabled the competent authorities to apprehend the remaining

	<p>perpetrators during investigation. The exemptions shall not apply to crimes that lead to the death of the victim or to their suffering from a permanent disability or a physical, psychological or mental illness.</p>	
<p>Tunisia</p>	<ul style="list-style-type: none"> • Anyone who commits any of the human trafficking crimes shall be punishable by imprisonment for ten years and a fine of 50,000 Dirhams. • Anyone who publicly incites to the commission of the human trafficking crime by any means shall be punishable by half of the penalties prescribed for human trafficking crimes which are set out in Organic Law No.61 of 2016 dated 03 August 2016 on preventing and combating human trafficking. If the punishment imposed is capital punishment or life imprisonment, it will be compensated by imprisonment for a period of twenty years. • Anyone who engages or participates inside or outside the country’s territory in an organized criminal group or an arrangement aiming at preparing or committing any of the human trafficking crimes set out in this law shall be punishable with imprisonment for seven years and a fine of 40,000 Dinars. The period of the sentence shall be 15 years of imprisonment and a fine of 100,000 Dinars for those who establish and manage the said groups or arrangements. Anyone who deliberately commits any of the following acts shall be punishable by imprisonment for ten years and a fine of 50,000 Dirhams: 	<ul style="list-style-type: none"> • Any Tunisian who deliberately leaves or enters the Tunisian territory without an official travel document shall be punishable with imprisonment from 15 days to six months and a fine from 30 Dinars to 120 Dinars or with either penalty. • In case of repetition, the violator can be punished with twice the penalty provided for in the previous paragraph. • However, the penalties mentioned in this chapter do not apply to anyone enters the Tunisian territory without a travel document in case of force majeure or particular circumstances. • Anyone who directs, arranges, facilitates, assists, mediates or organizes, by any means, even for free, the clandestine entry or departure of a person from the Tunisian territory, by land, sea or air, from the crossing points or other places shall be punishable with imprisonment for three years and a fine of 8,000 Dinars. • The attempt is also punishable, as well as the acts directly intended for the commission of the crime. • Anyone who harbors the persons entering or leaving the Tunisian territory clandestinely or the perpetrators of the crimes set out in this section or who allocates a place to harbor or hide them or who ensured their escape, their evasion from being detected or their impunity shall be punishable with imprisonment for four years and a fine of 10,000 Dinars. • Anyone who provides a means of transportation of any type for the purpose of committing or assisting in the commission of the crimes prescribed in this section shall be punishable with the same penalty set out in the previous paragraph.

	<ol style="list-style-type: none"> 1. Preparing a meeting place for members of the organized criminal group or the arrangement or of persons linked to the human trafficking crimes set out in this law, lodging or hiding them, securing their escape, their evasion from being detected or their impunity, or benefiting from the proceeds of their acts. 2. Providing funds, weapons, materials, equipment, means of transportation, supplies, provisions or services, by any means, to a criminal organized group or an arrangement⁵⁹ or to persons linked to the human trafficking crimes set out in this law. 3. Directing, arranging, facilitating, assisting, mediating or organizing, by any means, even for free, the legal or clandestine entry or departure of a person from the Tunisian territory, by land, sea or air, from the crossing points or other places, for the purpose of committing any of the human trafficking crimes set out in this, or if this person was victim of these crimes. 4. Placing competences or expertise at the disposal of an organized criminal group, arrangement or persons linked to the human trafficking crimes set out in this law. 5. Disclosing, providing or publishing information, directly or indirectly, to an organized criminal group or an arrangement or to persons linked to the human trafficking crimes set out in this law, with the aim to assist in committing the crime, hide it, 	<ul style="list-style-type: none"> • Anyone who deliberately transports a person or persons in order to bring them in or out of the Tunisian territory, clandestinely, regardless of the means used, shall be punishable with imprisonment for five years and a fine of 12,000 Dinars. • Anyone who participates in an arrangement or who forms an organization that aims at preparing or committing the acts mentioned in the previous chapters, or at managing, engaging in it or cooperating with it or assists it in any manner whatsoever, whether inside or outside the country, shall be punishable with imprisonment for six years and a fine of 20,000 Dinars. • The arrangement or the organization takes place once two persons or more agree and resolve to commit the acts mentioned in the previous chapters. • The punishment shall be imprisonment for ten years and a fine of 30,000 Dinars if the crimes set out in the previous chapters are committed in the context of an organization or an arrangement. • The punishment shall be imprisonment for twelve years and a fine of 40,000 Dinars if the crimes set out in the previous chapters of this section are committed: <ul style="list-style-type: none"> – By anyone entrusted with the control or monitoring of the borders, crossing points or ports, whether directly or indirectly. – By anyone entrusted by the law with the examination of these crimes and reprimanding their perpetrators. – By officers of the internal security forces or officers of the military forces or officers of the Customs. – By anyone who exploited his capacity or influence due to his position or work. – Against a child or by exploiting a child.
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⁵⁹According to the Tunisian practice, an arrangement is a group formed of two to three persons, implying arrangements in plural.

benefit from it or ensure the impunity of its perpetrators.

6. Producing or falsifying identity, travel or residence documents or other documents such as permits, and certificates mentioned in chapters 193 to 199 of the Penal Code in favor of an organized criminal group or an arrangement or of persons linked to the human trafficking crimes set out in this law.
 - Anyone who deliberately uses communication and information networks to commit any of the crimes set out in this law shall be punishable with imprisonment for a period of three years and a fine of 10,000 Dinars, irrespective of the penalties prescribed for these crimes.
 - Anyone who, for the purpose of committing or facilitating the commission of any of the human trafficking crimes set out in this law, conceals, withholds or destroys any travel, identity or residence document, shall be punishable with imprisonment for a period of three years and a fine of 10,000 Dinars.
 - Anyone who deliberately refrains from notifying competent authorities about information or directives that came to his knowledge or about acts he may have been informed of concerning the commission of any of the human trafficking crimes set out in this law shall be punishable with imprisonment for one year and a fine of 5,000 Dinars. Anyone who is subject to professional secrecy and fails to carry out the reporting obligations set out in the previous paragraph, if the victim is a child, an

	<p>incapacitated person or a mentally handicapped person or who deliberately refrains from reporting information or directives that came to his knowledge and any acts he may have been informed of concerning the potential commission of any of the human trafficking crimes set out in this law, shall be considered a perpetrator of the non-reporting crime. The court may exempt the spouse, ascendants, descendants or siblings of the convict from the punishment provided for in paragraph 1. No lawsuit for compensation or criminal action may be filed against anyone who carries out the reporting obligation in good faith.</p>	
<p>Egypt</p>	<p>Chapter 2 (articles 4 - 12) of Law No.64 of 2010 on combating trafficking in human beings comprised all the penalties against the perpetrators of this crime, by stipulating the following:</p> <ul style="list-style-type: none"> • Aggravated imprisonment and a fine not less than 50,000 pounds and not to exceed 200,000 pounds or a fine equal to the value of the benefit gained, whichever is greater, shall be imposed on anyone who committed the crime of human trafficking. • Life imprisonment and a fine not less than 100,000 pounds and not to exceed 500,000 pounds shall be imposed on anyone who committed the crime of human trafficking in the following cases: <ol style="list-style-type: none"> 1. If the perpetrator established, organized, or managed an organized criminal group for the purposes of human trafficking, if he was a leader thereof, if he was one of its members or belonged 	<p>Chapter 2 (articles 4 - 21) of Law No.82 of 2018 on combating illegal migration comprised all the penalties against the perpetrators of this crime, by stipulating the following:</p> <ul style="list-style-type: none"> • Without prejudice to any more severe penalty provided for in any other law, the offenses provided for in the following articles shall be punished with the prescribed penalties. • The penalty of imprisonment shall befall each person establishing, organizing, or managing an organized criminal group for the purposes of smuggling migrants, or assuming any leading role in such groups, or being a member of such groups or associated thereto. • The penalty of imprisonment and a fine of no less than fifty thousand pounds and no more two hundred thousand pounds, or a fine equivalent to the achieved profits, whichever is greater, shall befall each person who commits, attempts or mediates in the crime of smuggling migrants. • The penalty of aggravated imprisonment and a fine between two hundred thousand pounds and five hundred thousand pounds or a fine equal to the value of the achieved profit,

<p>thereto, or if the crime was of a transnational nature.</p> <ol style="list-style-type: none"> 2. If the act was committed by way of threats of death, serious harm or physical or psychological torture; or if the act was committed by a person carrying a weapon. 3. If the perpetrator was the spouse, one of the ascendants or descendant s, or custodian or guardian of the victim, or was responsible for the supervision or care or had authority over the victim. 4. If the perpetrator was a public official or was assigned to carry out a public service and committed the crime by exploiting the office or public service. 5. If the crime resulted in the death of the victim or caused him to suffer a permanent disability or an incurable disease. 6. If the victim was a child, was incapacitated or was a person with disabilities. 7. If the crime was committed by an organized criminal group. <ul style="list-style-type: none"> • Imprisonment shall be imposed on anyone who uses force, threats, or offers gifts or benefits of any kind or a promise thereof to induce another to provide false testimony, to conceal a matter, or to provide untrue statements or information in any stages of evidence collection, investigation, or trial in procedures related to the commission of any of the crimes stipulated in this law. • Imprisonment shall be imposed on anyone who knowingly conceals one of the perpetrators, objects or funds derived from any 	<p>whichever is greater, shall apply in any of the following cases:</p> <ol style="list-style-type: none"> 1. If the criminal established, organized, or managed an organized criminal group for the purposes of smuggling migrants, or assumed command therein, or was a member thereof or joined it. 2. If the offense has a transnational character. 3. If the offense was committed by several criminals or by a person carrying a weapon. 4. If the criminal was a public official or assigned to a public service and committed the offense by abusing his position or the public service. 5. If the offense might threaten the life of the smuggled migrants or compromise their well-being or is considered inhumane or degrading treatment. 6. If the smuggled migrant was a woman, a child, an incompetent person or a person with a disability. 7. If a forged travel or identity document was used to commit the offense, or if a travel or identity document was used by someone other than its legal holder. 8. If a vessel was used to commit the offense in violation of its proper purpose or its defined routes. 9. If the criminal repeated the offense provided for in the first paragraph of this article. <ul style="list-style-type: none"> • The penalty of life imprisonment and a fine no less than two hundred thousand Pounds and no more than five hundred thousand Pounds or a fine equal to the value of the achieved profit, whichever is greater, shall be applicable if any of the offenses provided for in the first clause of the previous article were committed under any of the following circumstances: <ol style="list-style-type: none"> 1. If the offense was committed by an organized criminal group. 2. If the offense was committed for a terrorist purpose according to the applicable laws in this regard. 3. If the offense resulted in the death, permanent disability or incurable illness of the smuggled migrant.
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<p>of the crimes stipulated in this law or dealt therein or concealed any traces of the crime or its instrumentalities. The court may exempt from penalty a person who concealed the perpetrators if he was the spouse, one of the ascendants or descendants.</p> <ul style="list-style-type: none"> • Imprisonment shall be imposed on anyone who disclosed or revealed the identity of a victim or witness, endangering him; or caused him to suffer harm, facilitated the perpetrator's contact with him, or provided him with inaccurate information regarding his legal rights, with the intent to harm him or to violate his physical, psychological or mental well-being. • Imprisonment shall be imposed on anyone who induces another by any means to commit a crime referenced to in the aforementioned articles, irrespective of whether the inducement had an effect. • The person responsible for the actual management of a juristic person shall be punished if any of the crimes stipulated in this law was committed by one of the employees of the juristic person in his name and for his benefit with the same penalties specified for the committed crime if it is proven that he had knowledge of the crime or if the crime occurred due to breach of the duties of his job. • A juristic person shall be jointly liable for fulfilling the financial penalties and damages prescribed in the judgment; if the crime was committed by one of the employees in his name and for his benefit, and the court shall order 	<ol style="list-style-type: none"> 4. If the criminal used or threatened to use drugs, medications, weapons, force, or coercion in committing the offense. 5. If the number of the smuggled migrants is more than 20 persons or less provided that it includes women, children, incompetent persons or persons with disabilities. 6. If the criminal seized or destroyed the travel or identity documents of the smuggled migrant. 7. If the criminal used force or weapons to resist authorities. 8. If the criminal used children to commit the offense. 9. If the criminal repeated the offense in the aggravated circumstances provided for in the second paragraph of article (6). <ul style="list-style-type: none"> • Every person facilitating or managing a place to harbor, gather or transport smuggled migrants, or facilitating or providing them with any services purposefully shall be penalized by imprisonment. • The court shall oblige the criminal, in the offenses provided for in articles (6, 7 and 8) of this Law, to bear all the housing and living expenses for the migrant and his escorts until finalizing the necessary judicial and administrative procedures, along with the expenses of returning this person to his country or place of residence. • Each person who uses force or threat or offers or promises to offer a gift or an advantage of any kind to urge another person to commit perjury, withhold facts, make false statement or give any misrepresentations in any phase of collecting inferences, conducting investigations or trials in procedures related to committing any of the offenses provided for in this Law, shall be penalized by imprisonment. • The same penalty shall be applicable for each person who reveals or discloses the identity of the smuggled migrant or the witness endangering or harming them, or who facilitates communication the perpetrator's contact with him or provides him with inaccurate information regarding his legal
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in its decision of conviction the publication of the decision at the expense of the juristic person in two widely circulated daily newspapers and may order a cessation of the activity of the juristic person for a period not to exceed one year.

- Imprisonment shall be imposed for a period not less than six months and a fine not less than 10,000 pounds and not to exceed 20,000 pounds or one of these two penalties on anyone who had knowledge of the commission of one of the crimes stipulated in this law or of an attempt to commit such a crime and did not notify the competent authority; if the perpetrator was a public official and the crime occurred in breach of the duties of his job, the maximum imprisonment shall be five years.
- The court may exempt from punishment a person who fails to make a notification, if the person was a spouse of the perpetrator, one of his ascendants or descendants, or one of his brothers or sisters.
- Without prejudice to the rights of a bona fide third party, in all cases, confiscation of funds, possessions, means of transport, or tools derived from any of the crimes stipulated in this law or used in its commission shall be ordered.

rights, with the intent to harm him or to violate his physical, psychological or mental well-being.

- The penalty of imprisonment shall befall those who make false statements or provide false information in any phase of collecting evidence, the investigation or the trial relating to committing any of the offenses provided for in this Law.
- The imprisonment term shall be of no less than one year if the criminal was assigned by the judicial authority or prosecution to carry out a task of expertise or interpretation.
- Each person who abetted this offense shall be subject to the same penalty, even if the abetting did not have an effect.
- The penalty of imprisonment shall befall anyone who conceals any criminal, items or funds gained through any of the offenses provided for in this Law, or who intentionally conceals or damages any evidence or tool used in the offense.
- The court may exempt the perpetrator from punishment, if he was harboring a spouse, or any of the ascendants or descendants.
- The penalty of imprisonment shall befall each person abetting, by any means, to commit one of the offenses provided for in the previous articles of this Law, except for article (11), even if the abetting did not have an effect.
- The same penalties prescribed for the committed offense shall befall the person in charge of the actual management of the legal person if any of the offenses provided for in this Law was committed by one of the employees who work under the name of the legal person and for its benefit while having knowledge of the offense and the offense had occurred due to violating the duties of his position.
- The legal person shall be jointly liable for paying the financial penalties and compensations ordered, if an employee working under its name and for its benefit commits the offense. The court shall order, in the judgment of conviction, to publish the judgment in two widely distributed daily

newspapers at the expense of the legal person. The court may cease the business activity of the legal person for a period not more than one year.

- The court may order the dissolution or liquidation of the legal person if the offense was repeated by one of its employees under its name and for its benefit.
- The penalties of imprisonment for no less than 6 months and a fine of no less than ten thousand Pounds and no more than twenty thousand Pounds, or either of the two penalties, shall befall each person who has knowledge of the committed offenses or of the attempt to commit the offenses provided for in this Law without reporting the same to competent authorities.
- If the perpetrator was a public official and the crime had occurred due to violating the duties of its position, the penalty shall be imprisonment for a period of no less than one year and no more than five years.
- The court may consider exemption if the offense was committed by the spouse, any of the ascendants or descendants or the siblings of the perpetrator.
- The commercial carrier shall ensure that the passenger has the necessary documents for their destination.
- Failing to observe this obligation shall render the commercial carrier liable to a fine of no less than fifty thousand Pounds and no more than one hundred thousand Pounds. The fine shall multiply according to the number of passengers.
- Without prejudice to the rights of third parties of goodwill, it is to be judged in all circumstances to confiscate the funds, possessions, means of transportation or tools obtained through any of the offenses provided for in this Law or the ones used in committing the offense.
- The confiscated tools and transportations shall be allocated to the confiscation authority, if decided by the concerned minister that they are directly necessary to his activity.

- The provisions of articles 208 bis (a), 208 bis (b) and 208 bis (c) of the Criminal Procedure Code, shall apply to the offenses provided for in this Law.
- If one of the criminals reported any of the offenses provided for in this Law or the perpetrators to any of the competent authorities before they became aware of them, the court shall exempt him from punishment if his report led to the apprehension of the remaining criminals and seizure of the funds derived from this offense.
- The court may decide an exemption from the original punishment, if the reporting took place after the authorities became aware of the offense, provided that the reporting has led to the identification and apprehension of the remaining criminals and the seizure of the funds derived from the offense.
- The provisions of the two previous paragraphs shall not apply if the offense resulted in the death, incurable illness or permanent disability of the smuggled migrant.
- Subject to the provisions of article (4) of the Penal Code, the provisions of this Law shall apply to every non-Egyptian person, who committed any of the offenses provided for in this Law outside the Arab Republic of Egypt, if the act was criminalized in the country in which it was committed, according to its internal law or an international convention to which it has acceded, in any of the following cases:
 - 1- If the offense was committed using any of the means of transportation by air, land or, sea and is registered in the Arab Republic of Egypt or carries its flag.
 - 2- If one or all of the smuggled migrants were Egyptians.
 - 3- If the offense was prepared, planned, directed, supervised or funded in the Arab Republic of Egypt.
 - 4- If the offense was committed by an organized criminal group, which practices its criminal activities in more than one country including the Arab Republic of Egypt.

	<p>5- If the offense would jeopardize the well-being of any of the citizens or residents of the Arab Republic of Egypt, its security or any of its interests whether inside or outside the Arab Republic of Egypt.</p> <p>6- If the perpetrator was found in the Arab Republic of Egypt after committing the crime and was not extradited.</p> <ul style="list-style-type: none"> • In the cases provided for in article (20) of this Law, the competence for carrying out the procedures of prosecution, investigation and trial shall extend to the competent Egyptian authorities. • If migrants were smuggled in a vessel, the Egyptian authorities shall take the appropriate measures whether they were in a territorial sea or contiguous zone according to the provisions of the International Law of the Sea.
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4. Legal basis for identifying, tracing, freezing and confiscating the proceeds and assets related to human trafficking or migrant smuggling:

Based on the responses and answers provided in the questionnaire for the request of information which was filled out by the member countries in the MENA region, a number of legal basis for identifying, tracing, freezing and confiscating the proceeds and assets related to human trafficking or migrant smuggling were identified.

Table No.9 - indicates the legal basis for tracing, freezing and confiscating the proceeds and assets related to human trafficking or migrant smuggling

Country	Legal basis
Jordan	<p>Regarding human trafficking, Law No.(9) of 2009 issued on 01/03/2009 determined and granted the court the right to decide the confiscation of any funds generated from the commission of the crime (human trafficking) provided for in this law, as well as the Convention Against Transnational Organized Crime which included legal texts that indicate the same.</p> <p>Article (12), paragraph (b) of the law granted the Public Prosecutor the power to issue a decision to close a business place, in which the owner of this business place, its directors or any of its employees commits any of the crimes provided for in this Law and for a period not to exceed six months. Such order shall be ratified by the Attorney General.</p>
Lebanon	<p>Law No. 44 on Fighting Money Laundering and Terrorist Financing dated 24/11/2015 and Law No.164/2011 on the Punishment for the Crime of Trafficking in Persons state that the sums of money that are earned from the human trafficking crimes shall be confiscated and deposited in a special account with the Ministry of Social Affairs to assist the victims of these crimes. Regulations for this account shall be determined by</p>

	statute to be issued by the Council of Ministers based upon a proposal from the Minister of Social Affairs.
Morocco	<p>The Kingdom of Morocco has the legal basis for confiscating criminal proceeds, in addition to qualified mechanisms for the proper management of assets seized, frozen or confiscated. The legal system permits freezing by temporarily prohibiting the transfer or replacement of property suspected to relate to the ML offense and seizure of property owned by natural or legal persons suspected of being involved with persons, organizations or activities associated with ML offenses, or prohibiting from disposing of them or moving them, through an order issued by the Royal Prosecutor or the investigation judge under article (19) of AML law No.43.05.</p> <p>The scope of application of these two measures extends to include all the tools, objects, property and assets which were used or intended for use in the crime, or which resulted from the crime, or which were given or intended to be given to the perpetrator as a reward, provided that the funds or property are by nature fit for seizure and freezing, while necessarily observing the rights of bona fide third parties.</p> <p>It is worth noting that the confiscation of criminal proceeds and property of equivalent value generated from predicate offenses is pursued as a general criminal policy objective. Confiscation remains mandatory in ML crimes and even includes the confiscation of value. Chapter 574-5 of the Penal Code stipulates to always order the whole confiscation of the objects, tools and property used or intended for use in committing the money laundering crime, and the resulting proceeds or the equivalent value of these objects, tools, property and proceeds. in case of a money laundering conviction, while observing the right of bona fide third parties.</p> <p>Article 53 of law No.02.03 relating to the entry and stay of foreigners in the Kingdom of Morocco and relating to illegal immigration stipulates that the court orders, in case of conviction in any of the crimes referred to in this section, the confiscation of the means of transportation used to commit the crime, whether these means were used for private or public transportation or for rental, provided that they are the property of the perpetrators, their associates or the members of the criminal group, including those who did not participate in the commission of the crime or the property of any party who has knowledge that it was used or intended for use to commit it.</p>
Sudan	<ul style="list-style-type: none"> • The Anti-Human Trafficking Law of 2014, where the court may order, upon conviction, the confiscation of the funds, possessions, means of transportation or tools used in or derived from the commission of the crime, in favor of the government of Sudan. • AML/CFT law for 2014. • Passports and Immigration Act for 2015.
Tunisia	<ul style="list-style-type: none"> • Organic Law No.61 of 2016 dated 03 August 2016 on preventing and combating human trafficking. • Organic Law No.26 of 2015 as amended by Organic Law No. 09 of 2019 on the Fight Against Terrorism and Prevention of Money Laundering.
Egypt	<ul style="list-style-type: none"> • The human trafficking law provided for the right of confiscation, where article 13 of Law No.64 of 2010 on combating human trafficking stipulated that “without prejudice to the rights of a bona fide third party, in all cases, confiscation of funds, possessions, means of transport, or tools derived from any of the crimes stipulated in this law or used in its commission shall be ordered”.

	<ul style="list-style-type: none"> • Article 14 of the same law also stipulated that the human trafficking crime shall be considered a predicate offense for the money laundering crime. That was before the amendment of the anti-money laundering law (when the list of predicate offenses for the money laundering crime was exclusively relied on), where any crime, either a felony or a misdemeanor, is considered a predicate offense for the money laundering crime. It stipulated the following “the crimes stipulated in this law shall be considered principal crimes provided for in Article (2) of the Anti-Money Laundering Act No. 80 of 2008, which also applies to the money laundering derived therefrom”. • Article 19 of the same law provided for the right to freeze and track, by stipulating that the Egyptian and foreign judicial authorities may request the necessary legal procedures for the tracking, seizure, or freezing of funds that are the subject of the crimes of trafficking or their revenues and retain them without prejudice to the rights of bona fide third parties”. • With respect to the migrant smuggling law No.82 of 2016 on combating illegal migration, it provided for the same issues provided for in the anti-human trafficking law, where article 17 stipulated that “without prejudice to the rights of a bona fide third party, in all cases, confiscation of funds, possessions, means of transport, or tools derived from any of the crimes stipulated in this law or used in its commission shall be ordered”. <p>The confiscated tools and transportations shall be allocated to the confiscation authority, if decided by the concerned minister that they are directly necessary to his activity.</p> <ul style="list-style-type: none"> • Article 23 of the same law also stipulated that the competent Egyptian or foreign judicial bodies may request taking necessary legal actions to trace, confiscate, freeze or placing attachments on monies related to smuggling migrants or any revenues contained therein. • The provisions of articles 208 bis (a), 208 bis (b) and 208 bis (c) of the Criminal Procedure Code, which are articles related to the seizure measures, shall apply to these offenses
Kuwait	Human trafficking is criminalized in the State of Kuwait by virtue of Law No.(91 of 2013) on combating human trafficking and migrant smuggling.

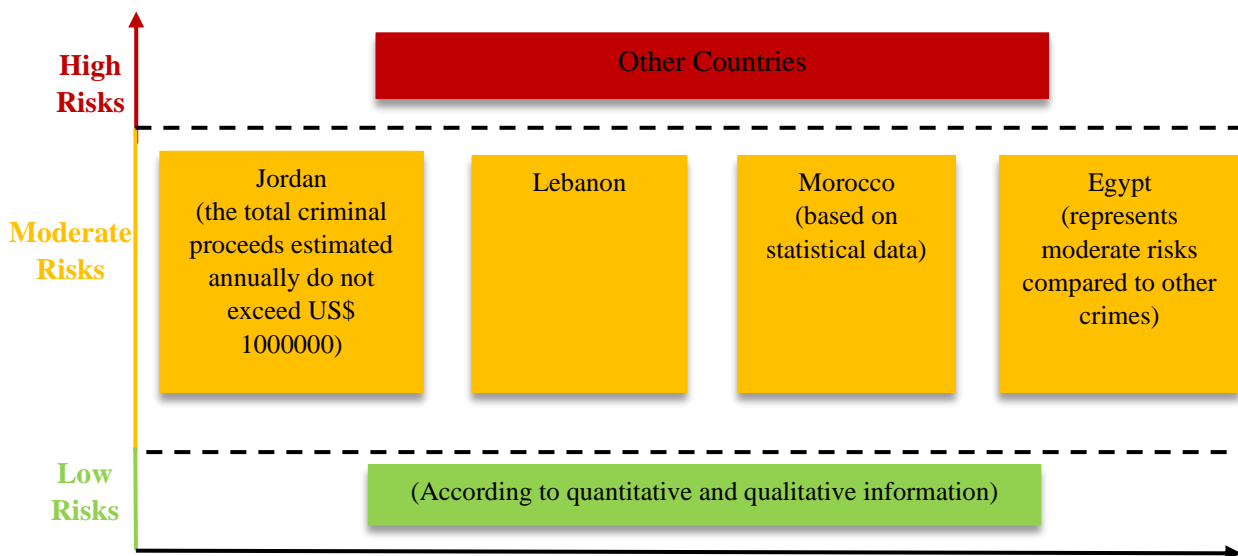
Chapter III

National risk assessment, methods and techniques used to launder money resulting from human trafficking and migrant smuggling

First topic: Overview of the national risk assessment and its coverage of money laundering crimes resulting from human trafficking and migrant smuggling in the MENA region

Based on the responses of countries provided in the questionnaire related to this project, it was found that most of the MENAFATF member countries have conducted their national money laundering risk assessment associated with human trafficking and migrant smuggling, in the sense that these crimes were addressed in their national risk assessment processes. These assessments resulted in ranking human trafficking and migrant smuggling as crimes of moderate to low risk/threat, while the number of suspicious reports or notifications these financial intelligence units received denotes the gravity of such crimes and the significance of the threats they may pose. The risks and threats associated to these crimes can be displayed as indicated in this chart below:

Figure No.4 - indicates the national assessment of the risks of ML crimes resulting from human trafficking and migrant smuggling in the countries of the MENA region



Second Topic: Methods and techniques used in committing the human trafficking and migrant smuggling crimes

1. FATF report on trafficking in persons for 2018

The FATF report on the crimes of trafficking in persons for 2018⁶⁰ addressed the various methods used to commit the crimes of trafficking in persons and admitted the difficulty to identify these crimes through one indicator alone in most cases and rather using a set of primary and secondary indicators that may signify money laundering from human trafficking. Human trafficking may be easiest to identify based on indicators at the victim level or at the level of a

⁶⁰ [http://www.fatf-gafi.org/publications/?hf=10&b=0&q=human%2520trafficking&s=desc\(fatf_releasedate\)](http://www.fatf-gafi.org/publications/?hf=10&b=0&q=human%2520trafficking&s=desc(fatf_releasedate))

criminal organization (for more information see Chapter 1, clause 4: ad-hoc reports issued by regional and international bodies, namely the UNODC report).

2. Methods and techniques used based on the analysis of the questionnaire for the request of information and case studies

The responses of countries provided in the questionnaire related to this study demonstrated that several various techniques were used to commit this crime which is seen as the most common crime in the Horn of Africa and North Africa region, due to the geographic proximity to the European continent. Those who wish to migrate irregularly are attracted by a number of intermediaries and should pay amounts of money in return.

Cases studies sent by the countries which participated in the responses to the draft questionnaire revealed that criminals have money remittance offices to arrange money transfers between countries and to conceal the true origin of funds, in addition to travel agencies that organize the trips. Falsified identities are used when sending money to avoid the appearance of the smugglers. As indicated by the responses above, there is a close link between migrant smuggling and detention for ransom, as some persons wishing to migrate irregularly may face shortages in paying the dues to smugglers during the journey, which results in holding them captive and their relatives are contacted to pay a fee for their release.

Case No.1: Smuggling of migrants - detention for ransom

A request for a parallel financial analysis was sent by the Anti-Human Trafficking and Migrant Smuggling department to the FIU regarding a person called (a).

The case showed red flag indicators represented in large amounts of financial deposits made by several persons in the account of the so-called (a) and money transfers made to the accounts of the suspect from border areas.

Results of the financial analysis: The financial analysis revealed that the suspect (a) had two bank accounts opened within a short period of time and that both accounts recorded financial flows from several persons, which amounted to US\$54,270 in bank (1) and US\$45,243 in bank (2). Sums of money were also transferred to the account from border areas well-known for illegal migration. The plurality of the depositors of these funds showed that the deposits were made by the families of some persons held captive by the suspect (a).

The size of financial flows or criminal proceeds reached: US\$99513.

Case No.2: On smuggling migrants using exchange or “Hawala” offices

A migrant smuggling network from country (4) smuggled 4 persons from country (1) and country (2) to country (3) during the period from August 2014 to June 2015. The size of funds transferred for this network was not less than 3,125,000 Euros within a period of roughly 9 months. 125 confirmed cases of illegal migration were identified, with 10 persons per trip for a smuggling price of 2500 Euros per person

(125 x 10 persons x 2500 Euros). Financial inquiries conducted proved that this network used both the “Hawala” system and the exchange offices.

They also proved that one of the persons implicated in this network has a “Hawala” office in country (5) and handles the coordination of the payment transactions between country (5) and country (3), in addition to a travel agency in country (5) specialized in organizing trips to country (4). The same source proved that these smugglers used exchange and money transfer offices as well.

The persons wishing to migrate used different and falsified identities when sending funds from country (3) in order to keep the smugglers out of the police's sight. The person responsible for collecting the money is in country (5) and delivering it to the smugglers receives a commission of approximately 100 Euros. Smugglers also used the pizza delivery service and it appeared that this method is one of the common practices used in human smuggling.

Despite the common use of cash in migrant smuggling operations, the case studies submitted indicated that the use of remittances is also common to transport the funds and arrange the payments for intermediaries and smugglers. Furthermore, smugglers have many bank accounts through which they receive cash deposits from several persons and from various areas.

Sexual exploitation and prostitution of others

Sexual exploitation often consists of attracting girls to work in nightclubs and as domestic helpers through social media networks and deceiving them toward working in prostitution networks. Most girls endure beating and extortion and they are treated as a commodity, or a merchandise offered for sale. Some cases proved that massage parlors and beauty salons are exploited to entice clients for prostitution.

The cases show that the crime of sexual exploitation and prostitution of others is very lucrative for criminals and bank accounts are used to deposit the proceeds of prostitution in cash and to receive remittances from abroad through money transfer agencies from different persons. In addition, companies are established, and luxurious property and fancy cars are bought for this purpose.

Trafficking in human organs

Trading in human organs is considered illegal in many countries for various reasons. Although this activity is conducted at a large scale, it is still difficult to obtain data on how widespread this phenomenon is. There is much debate on the regulation and organization of organ trafficking to combat the illegal trade in organs. The trafficking in human organs often starts with the establishment of criminal groups specialized in the trade of human organs and the exploitation of citizens in need, through intermediaries who entice people to sell their organs and accompany them to private hospitals and sell organs to wealthy people without being licensed by government bodies. Medical report forms are stolen, and official documents are falsified.

Criminals make large fortunes out of trafficking in human organs and the proceeds are deposited in bank accounts in cash, money transfers and cheques. Most organ traffickers' resort to the purchase of real estate and cars in their names or in the names of their relatives and gold crafts as well, to disguise and conceal the source of funds.

Human Trafficking Crimes and Related Offenses:

1. Sexual exploitation.
2. Organ trafficking.
3. Organized begging.
4. Forced service.

5. Forgery of official documents and papers.
6. Exploitation of persons in trafficking in narcotic drugs.
7. Prostitution of others.
8. Information technology crimes.
9. Sale of children.
10. Bribery.
11. Deceiving minors.
12. Abduction, coercion and use of violence.

Migrant Smuggling Crimes and Related Offences:

1. Forgery of official documents and papers.
2. Bribery.
3. Information technology crimes.
4. Abduction, coercion and use of violence.
5. Sending young people to hotbeds of tensions.
6. Clandestine migration.
7. Detention of ransom.
8. Hiding and harboring irregular migrants.
9. Assuming the identity of others.

Models of methods and techniques used in committing the human trafficking and migrant smuggling crimes in the MENA region

First: The Migrants smuggling crime

The crimes of human trafficking and migrant smuggling are one of the phenomena that are threatening the national security of countries and represent a real challenge for security agencies to build security and financial stability in societies. The unsteady security situations perhaps play a significant role in increasing the spread of these two crimes, thus helping organized criminal groups exploit these circumstances by investing their criminal activities in these crimes in order to make financial profits.

Since these crimes are ranked among the transnational organized crimes, the geographic location has a particular connotation, in a way that some countries of the African continent serve as a gateway to the European countries which are the final destination. The topography and absence of natural barriers between the borders of most of these countries and the poor economic conditions amidst a deteriorating situation, compared to the living conditions of the populations in these countries, increase the demand for migration, namely illegal.

Based on the foregoing, the methods and techniques used by criminal groups in committing these crimes will be presented below, according to the analytical approach adopted to describe them:

First model

People wishing to emigrate are usually attracted through spotters from these countries who verify the financial situation of these persons and smugglers receive amounts mostly in cash and in advance. The smuggling process takes place through several routes, by airports and requires huge amounts of money and also by land, using four-wheel drive vehicles. Migrants are then lodged in houses rented by the smugglers and an amount not less than US\$300 is paid for the housing period in exchange for accommodation and food. During the smuggling process, migrants may be sold to another smuggler who can hold them captive somewhere else and inquires with them to contact their families to demand a ransom. In some cases, he tortures the victims and informs their parents of this treatment for them to expedite the payment of the ransom money.

Migrant smuggling gangs make sure to keep their proceeds away from the financial systems at this point, where human traffickers undertake a number of commercial activities at a later stage, such as purchasing a large number of cars, real estate and foreign currency and buying livestock in remote areas where there is supposedly no apparent economic activity or supervision undertaken by entities specialized in combating crimes. One of the pictures shows that the proceeds of the migrant smuggling can be kept in the form of gold bars because it is easy to justify the source of gold, as domestic gold mining is widespread in the countries engaged in this business.

Based on the records and investigations made by law enforcement agencies, the movement of these funds is made through exchange offices which are not licensed to deal in foreign currency and outside the scope of the banking system. Money transfer through mobile phones is also used (bank phone or value transfer service) from one telephone number to another, using phone numbers which are not registered at the telecommunication companies, which makes it difficult to trace these funds. This method is used to transfer large amounts, particularly that the amounts of the remittances did not have any specific threshold in the past. As a result, human smugglers would transfer the funds through these phone numbers and convert them into solvent cash. Therefore, thresholds were fixed for these transfers later, yet, smugglers of persons circumvent these thresholds by collecting many phone numbers from several telecommunication companies and fragmenting the amounts among many of these numbers.

It also appeared that most of the transfers received through licensed exchange offices come from high-risk countries or areas in large amounts by many persons who are mostly foreigners or from high-risk countries and who are identified as refugees and have multiple passports to conceal their identity upon entry and exit.

Criminals are known for living in high-class areas and have many places of residence and telephone numbers. They also own commercial shops, such as furniture shops and car dealerships to disguise the nature of their activity. Inquiries also proved the existence of a link

between some employees at embassies and government institutions to send women and children to work in some Arab countries.

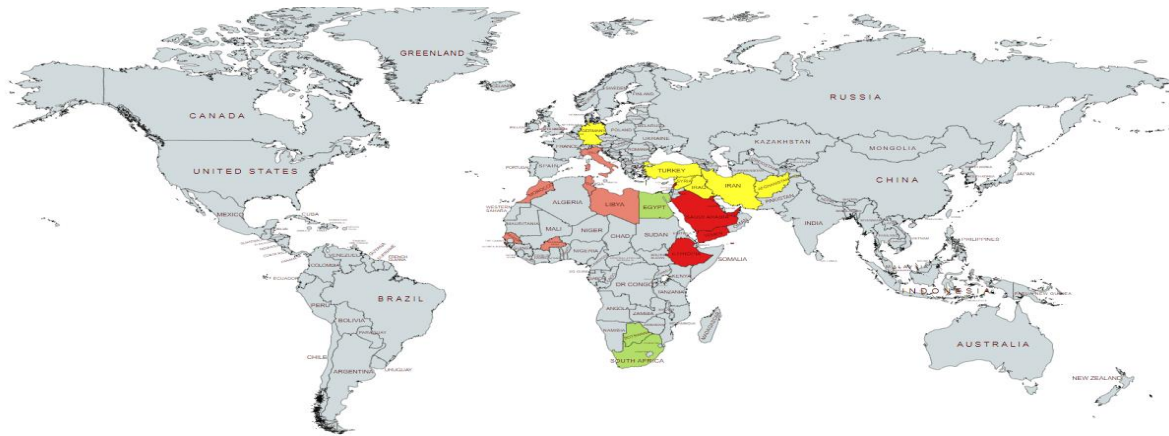
Second Model

The stages mentioned below are drawn from the security reports and records of competent agencies to describe the migrant smuggling crime which is staged in the following order:

- 1. The stage of thinking about migrating** - the idea to migrate takes shape in the mind of the migrant due to economic, social, security or political dimensions which drive the migrant whether directly or indirectly to risk his life away from his unpleasant condition in search of a safe and better life.
- 2. The stage of agreement** - this stage is considered as the first quality shift where the migrant will be faced with the law according to the acts he commits, considering that the penal code does not punish the person for his intentions as much as it does for his acts. This stage starts with the search for the smuggling person, usually through the available means, such as telephones, social media or meetings at coffee shops, where the migrant falls into the trap of the smuggler and agrees with him upon the modality and the price and where the smuggler clarifies that his transportation and smuggling affairs are at their best.
- 3. The stage of smuggling** - this stage is considered as the first point of action in the risky process where coordination is made with the migrant after he pays to the smuggler the amount of money agreed upon, by starting from a meeting point previously coordinated, that may be farms or old houses that are out of sight and away from security patrols. Afterward, the date is fixed for the deportation of this group which usually consists of more than ten persons loaded in desert crossing trucks or four-wheel drive cars that depart from the origin countries to the transit countries through desert routes away from security patrols, until reaching the first delivery point. This is when another stage begins in other cars, with new smugglers and new amounts of money that the migrant pays to the smuggler. They get ready to move in regular means of transportation, taxis or cars for the transportation of merchandise, depending on the security circumstances on the road, starting from this point across desert routes, where the migrants stay in warehouses and farms run by smugglers, for a certain period, based on the reckoning of the smuggler and the security situation of the routes taken. At this stage, they prepare themselves to depart again to the coastal cities where the vessels or boats are boarded and depart to sea toward the destination countries (south Europe).
- 4. The stage of boarding the boat** - this is the final stage to leave dry land into the sea by using rubber dinghies or wooden boats manufactured or imported for this business and which board large numbers of migrants, in coordination with the chief smuggler and his other assistants operating in the coastal areas from which the smugglers depart at a secret time depending on the security circumstances surrounding the departure point.

The following are some trajectories and routes taken for human trafficking as concluded from the analysis of the answers and responses provided in the questionnaire for the request of information related to the project:

Some of Migrant Smuggling Routes



Based on the responses of the FATF countries, the MENAFATF countries, GIABA and ESAAMLG about the questionnaire and practical cases submitted by these countries, some of Smuggling of Immigrants routes were identified:

- Ethiopia/Lebanon, Yemen, Saudi Arabia, Kuwait, United Arab Emirates (in Red).
- Egypt/Botswana, South Africa (in Green).
- Germany/Syria, Iraq, Iran, Afghanistan, Turkey (in Yellow).
- Italy/Morocco, Tunisia, Libya (in Pink).
- Morocco/Burkina Faso, Senegal (in Pink).

Some of the geographic routes taken in human trafficking and smuggling of migrants from/to Morocco:

The geographical route followed in human trafficking is from Morocco towards some foreign countries, especially the Arab Gulf countries, Europe and West Africa.

As for the route adopted in the smuggling of migrants, it often starts from sub-Saharan countries (by air or land) towards Europe (by sea or air) through Morocco.

Some of the geographic routes taken in human trafficking and smuggling of migrants from/to Tunisia:

- **Libya-Tunisia:** Smuggling Africans to Tunisia with the intention of later smuggling them to European coasts.
- **Tunisia-Italy:** For clandestine immigration (people of Tunisian nationality or foreigners)
- **Tunisia-Europe/Asia:** As for human trafficking.

Some of the geographic routes taken in human trafficking and smuggling of migrants from/to Lebanon:

Mostly through Lebanese Syrian borders.

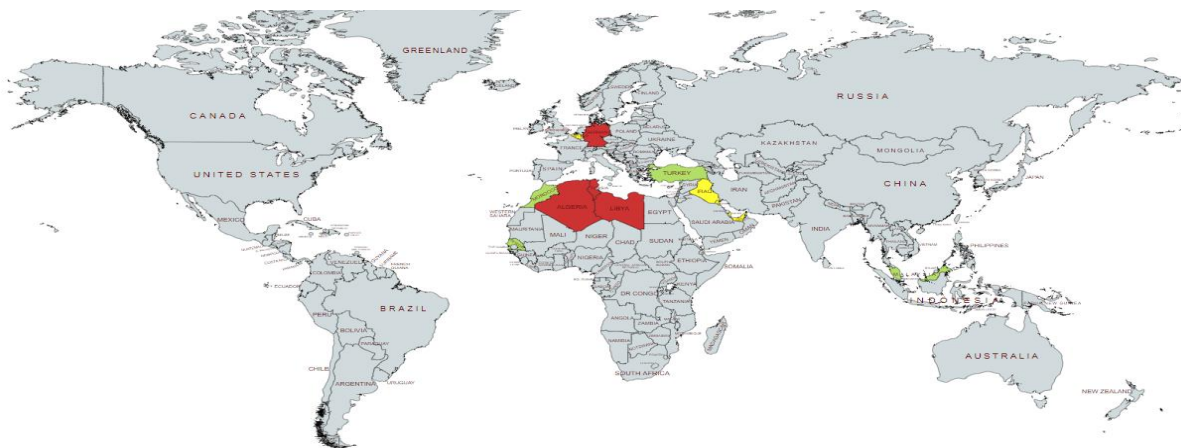
Second: The Human trafficking crime

The human trafficking crime is an operation conducted for the purpose of selling, buying or kidnapping persons, whether men, women or children, and exploiting them to perform acts against their will, under inhumane circumstances. Human trafficking has many forms such as (domestic work, work at factories - sexual exploitation - sale of human organs).

There is no doubt that the crime of human trafficking stems from the crime of migrant smuggling. According to this model, the emergence of the migrant smuggling phenomenon has caused the financial ambitions of the smugglers to expand by using and exploiting the migrants into being trafficked, under the same circumstances indicated in the migrant smuggling operations; when migrants are gathered inside warehouses and farms, the sale of the migrant takes place between one smuggler and another after locking him up and receiving sums of money for his release (ransom). Another form of human trafficking is when the smuggler takes the migrant out of the detention place to the person who wants to use him in an industrial and agricultural job against a material consideration as wage. In addition to the foregoing, migrants can be exploited and employed by radical organizations in order to exploit and enslave them in their criminal business and personal ambitions.

The following are some trajectories and routes taken for human trafficking as concluded from the analysis of the answers and responses provided in the questionnaire for the request of information related to the project:

Some Human Trafficking Routes



Based on the responses of the FATF countries, the MENAFATF countries, GIABA and ESAAMLG about the questionnaire and practical cases submitted by these countries, some of human trafficking routes were identified:

- Germany/Morocco, Algeria, Tunisia, and Libya (in Red).
- Belgium/United Arab Emirates, Kuwait, Qatar, Iraq (in Yellow).
- Morocco/Turkey, Malaysia, Senegal (in Green).

Some of the geographic routes taken in human trafficking and smuggling of migrants from/to Egypt

The geographical routes of illegal immigration to and from Egypt include 3 main routes:

- **First Route:** Related to immigrants from Eastern Africa, especially the Horn of Africa, which crosses the Egyptian border from the south to the Sinai Peninsula.
- **Second Route:** Which passes through the cities on the course of the Nile River to Alexandria and Marsa Matrouh in the northwest, and Kafr El-Sheikh in the northeast.
- **Third Route:** Passes through the western desert.

Some of the geographic routes taken in human trafficking and smuggling of migrants from/to Sudan

Western Route: Passes through North Darfur and Chad to Libya or Dongola to Libya

Eastern Route: Bab al-Mandab Strait to Aden and to Saudi Arabia, then to the Gulf

Northern Route: The northeastern border of Sudan to Sinai and then to Israel

Southern Route: Through Djibouti to South Africa.

Third Topic: Strategies for combating human trafficking and migrant smuggling crimes and mitigating financial measures

Human trafficking and migrant smuggling are seen as two global transnational phenomena with serious repercussions at various levels. Promotion of international cooperation is therefore needed in order to take effective measures to combat them. This endeavor requires joint efforts at the domestic, international and regional levels. These crimes became significantly important given their increased financial profitability and proceeds, which heightens the risks of using them in committing money laundering crimes. Given the nature of these crimes, their elements often expand to more than one country, therefore, they are predominantly international. As a result, the civil society became more convinced of the need to increase the coordination of international efforts against them.

It has become necessary for countries to develop national strategies aimed at preventing and combating human trafficking and migrant smuggling, in consistency with the international treaties and conventions issued in this regard and to engage national stakeholders concerned with these crimes. In addition, a framework should be established for implementing these strategies by activating partnerships between various sectors and entities at the domestic and international levels.

In view of the foregoing, the establishment of strategies is meant to form a clear picture and a solid basis for responding to human trafficking and migrant smuggling. These strategies include the entities concerned with combating these crimes, provide clear strategic priorities to combat them, describe the responsibilities of each entity in a conclusive and specific manner, determine tangible actions to achieve the objectives sought, and promote mutual understanding and coordinated work to ensure that all the stakeholders are committed to the implementation of the national response to combat the human trafficking and migrant smuggling crimes.

Therefore, in order to improve the effective implementation of the strategies established for combating human trafficking and migrant smuggling, it would be appropriate to develop subtopics that elaborate the roles required from the participating entities, the functions entrusted to them and the expected results, and also to assess the findings, identify the vulnerabilities and address the deficiencies. The focuses that the countries may adopt in this context include the following:

1. **Prevention:** This point of focus aims at promoting the prevention of human trafficking and migrant smuggling, at the national regional and international levels, reviewing and amending the legislations and policies on the prevention of human trafficking and migrant smuggling and ensuring the protection of labor rights and human rights.
2. **Protection:** This point of focus aims at ensuring early and also timely identification of the victims and those affected by the human trafficking and migrant smuggling crimes, by reinforcing the capacities of various stakeholders and improving coordination among them, providing comprehensive and appropriate protection and assistance to the victims and those affected by the human trafficking and migrant smuggling crimes at all the stages, and ensuring their physical and psychological recuperation and their voluntary and safe return.
3. **Legal prosecution:** This point of focus aims at improving the effectiveness of the re-active and pro-active investigation among all the parties concerned with preventing human trafficking and migrant smuggling, at the national, regional and international levels and optimizing the use of the prosecution and investigation procedures.
4. **Partnership and international cooperation:** This point of focus aims at undertaking international cooperation to reduce the cases of labor exploitation and international cooperation to activate the participatory approach in the field of combating human trafficking and migrant smuggling, to strengthen national response to prevent and combat these crimes and to expand the scope of the participatory concept to cover the civil society institutions.

Fourth Topic: Challenges and risks related to combating the human trafficking and migrant smuggling crimes

i. Through the regional and international dedicated reports and studies

Multiple challenges are faced by countries, in view of the resources and systems they are establishing to combat the human trafficking and migrant smuggling crimes. Many reports and studies made by regional and international organizations and by stakeholders mentioned that the challenges lie directly in the tracing, investigation and prosecution of crimes related to the laundering of criminal proceeds generated from human trafficking and migrant smuggling. Several studies add that the challenges also include issues relevant to the limited international cooperation between various counterparts involved in combating human trafficking and migrant smuggling crimes, in addition to the lack of awareness from law enforcement entities and the difficulty to follow the money dealt with to commit these crimes⁶¹. The challenges are also represented in the absence of legal frameworks that permit to preserve the rights of the victims of these crimes and appropriate mechanisms to deal with their psychological, health or social condition, as well as many other challenges that countries may face in combating the human trafficking and migrant smuggling crimes.

On the other hand, the level of risks facing countries and resulting from the human trafficking and migrant smuggling crimes may rise, whenever countries are lenient in establishing a particular legal framework that would improve the effectiveness of combating both crimes. This fact would increase the cost of confronting these risks, with time passing by and with the evolving methods used to commit these crimes. Therefore, it is necessary to race against time

⁶¹ <https://www.fatf-gafi.org/media/fatf/content/images/human-trafficking-2018.pdf>

and get ahead of the evolving criminal thought that is keeping pace with the modern developments. This requires clear and serious engagement from countries to give their due attention to this matter and harness the material and human capacities and rather gear their external relations toward supporting international cooperation with other countries in every way that ensures effective participation with the international community in combating these crimes and serves their interests.

ii. Through the analysis of the questionnaire for the request of information and case studies

Through the analysis of the questionnaire for the request of information and based on the information provided in it concerning the legal frameworks regulating the human trafficking and migrant smuggling crimes, many common traits were identified in most of the responses and answers. It appeared that:

- Clandestine migration is not criminalized as a predicate offense for the money laundering crime in some countries.
- There is a delay in rendering the judgments related to the crime of money laundering resulting from the human trafficking and migrant smuggling crimes.
- Law enforcement authorities are exclusively detecting human trafficking and migrant smuggling crimes compared to FIUs.
- Parallel financial investigation is relied on in several cases.
- There is a confusion between human trafficking and migrant smuggling.
- Gangs are not criminalized in both crimes.
- There is a delay in detecting human trafficking crimes, which means after the execution of the operation and there are no pro-active measures.
- The confiscation and freezing processes are weak.

Fifth topic: Preventive measures proposed to face the risks and challenges resulting from human trafficking and migrant smuggling

The need to apply remedies proposed to fill the gaps and to make the criminals miss their opportunity has arisen. By seeking the opinion of countries about similar measures, they provided several proposals that were prone more than others to the proposals relevant to legislative and legal issues, since they are considered as the starting point in the reform journey. These proposals are briefly tackled as follows:

- Harmonize the national legislations with respect to combating human trafficking and migrant smuggling with the international conventions and treaties and update them in line with the evolving crime.
- Issue laws regulating migration in order to address the difficulties facing countries in collecting information on the flows of migrants and laws on migrant smuggling in line with the protocol and the convention.
- Conclude bilateral and regional agreements to control the flows of migrants and their smuggling through common borders.
- Increase the efforts made to identify the victims of human trafficking and to give effect to the anti-trafficking laws, provide training to the police forces, magistrates, public

prosecutors and social service providers and conduct awareness campaigns to prevent human trafficking and secure the protection of victims.

- Amend the labor laws and accede to conventions related to migrant laborers, also child laborers and unaccompanied migrant children, in a way that guarantees their rights and ensures their protection.
- Apply effective measures to dismantle the human trafficking networks.
- Promote national and international efforts to combat migrant smuggling, especially women and children, in ways that include the implementation of appropriate steps to detect the illicit or clandestine transportation of migrant laborers and their family members and to bring those in charge to justice.
- Protect women working in domestic service, including their access to legal migration, labor authorities taking interest in monitoring their working conditions and encouraging their access to mechanisms for complaining against their employers.
- Criminalize the behavior also linked to human trafficking, such as the criminalization of kidnapping, illegal restraint and abduction in general. They can be referred to in order to address certain elements of the whole range of crimes that involve human trafficking.
- Establish the liability of legal entities for participating in the human trafficking crimes. Trafficking and other associated serious crimes are often committed through legal entities, such as fake charitable companies or organizations or under their cover. And criminal organizations with a complex structure are often able to conceal the ownership, customers or certain transactions related to trafficking.
- Criminalize the laundering of proceeds from human trafficking as an important part of a overarching strategy for combating human trafficking that provides for the identification, seizure and confiscation of the money illicitly gained.
- Implement effective and proportionate sanctions against individuals or legal persons found guilty of human trafficking and migrant smuggling or constituent acts or associated behaviors.
- Enact legislations that comprise provisions on legal and civil liability and as necessary, criminal liability assumed by legal persons for the crimes of human trafficking, including the liability of natural persons and review the existing laws, administrative parameters and conditions related to the licensing and operation of commercial business which may be used as a cover for human trafficking, such as marriage offices, recruitment agencies, travel agencies, hotels and ancillary services.
- Guarantee that the legislations prevent the trafficked persons from being subject to prosecution, detention or punishment for irregular entry or stay or for their involvement in activities directly resulted by their situation as trafficked persons.
- Guarantee the protection of the law to the right of the victims of human trafficking to file civil proceedings against alleged traffickers.
- Establish legislative provisions to punish the public sector for its implication or lingering in human trafficking cases or its recourse to disclaimer in this regard.

Sixth topic: Actions and initiatives taken to raise the awareness of the private sector, NPOs and the civil society on the cash flows related to human trafficking and migrant smuggling and understanding their risks

It is undeniable that NPOs have an effective role in society, in terms of protection against all forms of crimes, namely through awareness campaigns they organize. They are also seen as a major link between local, regional and international government and non-government bodies.⁶²

In the context of combating the human trafficking and migrant smuggling crimes, it appears that the role of NPOs is important at many levels. They provide lodging and support to migrants and protect them from trafficking activities, given their preferential advantage when providing these services, in view of their direct contact with the targeted categories, particularly women and children. Therefore, they seek to reduce the risk of human trafficking and to inform migrants of the forms of exploitation and risks they are facing, through various forms of awareness programs addressed to local societies from which the migrants arrive (migration spots), in participation with local authorities that execute and encourage the programs aimed at reducing migrations. These organizations also participate in forming working groups concerned with combating human trafficking and migrant smuggling, introducing the related crimes, establishing shelter and support centers, providing information on the rights of migrants, labor rights and forms and techniques used in human trafficking and information on the migrants themselves, reaching out to other sectors in the society, opening communication channels with them and engaging them in these efforts and seeking to connect them with agencies engaged in the field of combating human trafficking and migrant smuggling.

The foregoing reveals the important role assumed by NPOs in reducing the risks of money laundering resulting from the human trafficking and migrant smuggling crimes by limiting the root causes leading to migration and to being exposed to the risks of human trafficking, and by identifying its patterns and techniques. They are also seen as a major database in providing migrant information, awareness and educational guidelines on the human trafficking and migrant smuggling crimes, in addition to the deprivation of criminals from significant revenues from the crimes they committed. Therefore, it is important to reach out to these organizations to ensure that they are assuming this role according to the AML/CFT measures issued by the FATF, to increase their awareness of the risks of the human trafficking and migrant smuggling crimes and to hold continuous meetings with them.

Regarding regulation and supervision of the work of these organizations, the adoption of the risk-based approach to their oversight and supervision should be verified, taking into consideration many points of focus, such as: Establishing a list of NPOs which are exploited either by natural or legal persons implicated with terrorists or by transnational criminal networks implicated in human trafficking through certain activities, verifying that the standards adopted by the FATF in the Interpretive Note are applicable to the definition of NPOs, following up the financial resources which are under the control of this sector and the potential international and domestic activities they undertake and how well these activities are consistent with their declared objectives. These NPOs should be also required to keep records of information on their transactions, the donations they receive in the context of the declared

⁶² Awareness campaigns to avoid human trafficking, Nepal / IFRC Global Review on Migration

objectives and the identity of the persons who are related to the activities and managements of these NPOs. This is a legal obligation to be verified by a government authority that oversees the fund-raising licensing and that monitors the issuance of annual financial statements by these NPOs and accounting books that truly reflect their liabilities and financial status. These documents evidencing the accounting entries and books should be kept for at least five years. Furthermore, these NPOs should remain compelled to the presentation of their annual accounts at the general meeting of its members, for ratification, attended by a representative of the competent authorities, by virtue of the law.

Considering the nature of the human trafficking and migrant smuggling crimes, their financial flows and their connection with money laundering and terrorist financing, it is necessary to increase international cooperation between the countries on the exchange of information with respect to human trafficking and migrant smuggling cases, to strengthen the channels of communication with national and international government and non-government institutions, and to encourage debate sessions with the said institutions on how to deal with human trafficking and migrant smuggling cases.

Chapter IV

Most Important Traits and Characteristics of Money Laundering Crimes Resulting from Human Trafficking and Migrant Smuggling in the MENA Region

First Topic: Most Important Results and Outputs of the Analysis of the Questionnaire and Case Studies

Following the analysis of the questionnaire for the request of information and according to the outcomes of this analysis, some important facts were reached, as follows:

First: Results of the analysis

1. The categories which are exploited the most (gender and age)

- In sexual exploitation and prostitution, which involves women in particular.
- In organized begging, which involves children in particular.
- In organ trafficking crimes, which involve all the categories, including children.
- In migrant smuggling crimes, which involve all the categories, young men in particular.

Exploitation has various forms, such as:

- All forms of sexual exploitation, namely prostitution of others, exploitation through pornographic material, including means of communication and information communication.
- Exploitation through forced labor or servitude.
- Begging, slavery, servitude or practices similar to slavery.
- Removal of organs or extraction or sale of human tissues.
- Exploitation through medical experiments and research on living humans.
- Exploitation of a person in criminal acts or in armed conflicts.

2. The most exploited entities (financial and non-financial institutions)

Entities exploited in money laundering resulting from human trafficking and migrant smuggling are mostly financial institutions, with banks in the first place, then exchange offices and money transfer offices. There are also some non-profit organizations which got implicated in human trafficking operations, namely in the field of sending young people to hotbeds of tension.

3. Methods used to commit the human trafficking and migrant smuggling crimes

- Threat or use of force or other forms of coercion, and violence.
- Abduction, fraud, deception, abuse of power, position or influence or abuse of a position of vulnerability or need.
- Promise to give or receive payments or benefits to achieve the consent of a person having control over those persons.

4. Most important instruments and techniques used to commit the money laundering crime through the human trafficking and migrant smuggling crimes (financial instruments, Internet websites, others)

Results of the questionnaire analysis proved that the most important instruments and techniques used to commit the money laundering crime through the human trafficking and migrant smuggling crimes are chiefly represented in financial instruments (cash, remittances and bank transfers), followed by the social media, particularly Facebook, with respect to the crimes of sexual exploitation and prostitution of others, and the exploitation of unregulated exchange offices, with respect to the migrant smuggling crimes.

5. The techniques used the most in the transportation and transfer of cash proceeds resulting from human trafficking and migrant smuggling (informal remittances, cross-border physical transportation, etc...)

- Cash is seen as the primary and most fortunate financial technique in most of the cases received in the context of responding to the request for information, according to the facts of the analysis, given that it fits with the nature of these crimes that take place, at most of their stages, in remote areas.
- Transfers in foreign currency are seen as an important channel during and after the human trafficking and migrant smuggling operations. Some incoming reports on suspicious cases highlighted the presence of red flag indicators concerning transfers made through persons to peripheral areas in favor of one beneficiary for example and revealed some reliance on exchange and Hawala offices which constitute a double-edged technique, as they are at times used to transport funds used or generated from proceeds of human trafficking and migrant smuggling, and at other time as front shops for the criminal organizations themselves which are behind the human trafficking and migrant smuggling operations.
- Reliance on personal bank accounts, in many of the cases received, bank accounts played a chief role in receiving proceeds suspected of being generated from human trafficking and migrant smuggling crimes.
- Hiding behind professions, companies and NPOs, this technique is favored by criminals because it enables them to communicate with their victims openly without drawing attention to them.

Second: Investigation methods and traditional techniques with respect to the crimes of human trafficking and migrant smuggling, parallel financial investigations for the purpose of identifying and tracing criminal proceeds and assets

Investigations are an important key to unveil the circumstances surrounding the crimes of human trafficking and migrant smuggling and the resulting money laundering. The size of the financial profits made from these crimes is increasing every day despite the efforts made at the domestic, regional and international levels and the elements of this crime are often spread over more than one country, which gives them an international character and they are now tightening their criminal grip around the global economy.

Therefore, the civil society became more convinced of the need to increase the coordination of international efforts against the criminal groups and to improve the effectiveness of the

investigations conducted as part of the search, inquiry and bringing criminals to justice, by adopting innovative ways in conducting investigations and supporting them with parallel financial investigation, in order to secure their success. In addition, efforts should be also made to overcome the obstacles standing in the way of their success, namely in cases where the investigations need joint international coordination and the conclusion of international agreements that ensure cooperation in these areas, until the criminals are brought to justice. On another note, capacities of investigation authorities are key to the success of these investigations. It is therefore necessary for those who are engaged in these areas, in particular, law enforcement entities, to receive the appropriate technical training⁶³.

In view of the actions taken during investigations in general, a number of relevant parties should be taken into consideration, such as those in charge of investigation which include law enforcement agencies, the prosecution and judicial authorities, and the victims of human trafficking themselves, given that the investigation into human trafficking and migrant smuggling cases is conducted through three primary focuses that comprise the known stages of the criminal investigation, the elements that should be applicable to the criminal investigation and the process of the investigation and legal prosecution. The investigation into human trafficking and migrant smuggling cases goes through three primary stages that include the stage of evidence gathering (LEAs), the stage of preliminary investigation (the public prosecutor) and the stage of final investigation (judiciary).

Regarding the elements that should be applicable when conducting the investigation with respect to human trafficking and migrant smuggling, they comprise:

1. Establishing that the human trafficking crime has occurred.
2. Determining where the human trafficking crime has occurred.
3. Determining when the human trafficking crime was committed.
4. Determining how the human trafficking crime was committed.
5. Determining the reasons and motives of the human trafficking crime.
6. Verifying that the elements of the human trafficking crime exist.

The process of the investigation and the legal prosecution

1. Notifications and complaints are received and checked for their veracity and victims are identified.
2. Measures to secure the crime scene.
3. Rescue and relief.
4. Initiating the investigation, apprehending the suspects/offenders and referring them to the competent authorities.
5. Lodging the victims in coordination with the civil society organizations and the government bodies and providing transfer, psychological and physical care and reintegration services.
6. Providing airplane tickets for the victims and taking them to the airport for their voluntary return to their country.

Regarding financial investigations on crimes of human trafficking and migrant smuggling, they usually fall within the scope of the financial data which is used and analyzed to reach the

⁶³ United Nations publications, UNODC Toolkit to Combat Trafficking in Persons, Global Initiative to Fight Human Trafficking, circular No.V.07.89373, without date, p.214.

criminals and to find evidence establishing these crimes based on the indicators relative to each crime. A competent authority such as the FIU or several entities such as the LEAs, central banks and others may conduct the parallel financial investigations; however, they all have one target which is to serve the evidence that supports the stage of the investigation into the human trafficking and migrant smuggling crimes.

One of the best practices that can be used in this context is to establish an ad-hoc body or to designate an entity entrusted with the task of conducting both conventional and financial investigations into human trafficking crimes or to assign this task to an entity specialized in combating money laundering and terrorist financing crimes. Here, the importance and expertise of the FIU will stand out in a remarkable manner, as it is a central entity specialized in receiving notifications related to any transaction suspected of being associated with money laundering or terrorist financing and requesting, and when necessary, inquiring, analyzing and providing the relevant information to the competent authorities. It also acts as an active channel of communication for the direct coordination it undertakes with entities involved in combating human trafficking and migrant smuggling at the domestic and international levels. Therefore, it would be appropriate to have a liaison officer who undertakes direct coordination with the entity involved in combating human trafficking - if any, in case there are any suspicions with respect to cases of money laundering resulting from human trafficking and migrant smuggling crimes. Furthermore, it would be also better to have a department specialized in combating human trafficking and migrant smuggling, in case there is no entity specialized in looking into these crimes.

Among the objectives and outputs of using parallel financial investigations in the investigation into human trafficking and migrant smuggling crime is to identify and trace the associated criminal proceeds and assets, which would effectively support the criminal investigations, such as:

1. Identifying the members of the criminal networks and dismantling them, by analyzing the nature of their financial activities conducted through banking institutions or others;
2. Assessing the size of the revenues and financial resources used in the criminal act and assisting in the provision of evidence as may be necessary to seize and confiscate them;
3. Identifying red flag indicators that can serve as reference guides in conducting the judicial investigation and detecting the criminal activity associated with the human trafficking and migrant smuggling activities which are being investigated.
4. Promoting the national capacities engaged in combating the human trafficking and migrant smuggling crimes by participating in training courses and in workshops in the areas that help understand and apply the parallel financial analysis in their work.
5. Dealing with a different type of investigations, such as digital investigations, and investigations that rely on open sources, such as social media and their link to human trafficking and migrant smuggling crimes, and deepening interest in learning more about cyberspace and cybercrime.
6. Undertaking different types of investigation techniques, such as interviews, training competent staff on conducting these interviews with the victims of trafficking in persons, while keeping the interactive character of the training.

Many challenges hinder the course of the investigations into the human trafficking and migrant smuggling crimes, namely the cases where digital technology poses a challenge to the security agencies at the national and international levels, such as the use of digital currency that helps to hide personal information, like the identification of the concerned parties and the location of the persons. Electronic dealing also permits to make payments of unknown source, without disclosing the purpose of the transaction. In this context, the organized criminal gangs' resort to what is known as "the dark web" to ensure the secrecy of communication between the victims and members of these criminal organizations, where tracking and access to personal information is not possible, which makes it difficult for competent authorities to trace these transactions (human trafficking, forging passports and identity cards...).

In order to counter these practices, competent staff should be trained to monitor and track this hidden world and to monitor the latest trends of online trafficking, while giving special attention to social media and its role in facilitating access to victims, in the light of the difficulties human traffickers are facing in using the most traditional ways to recruit, transport or shelter people, particularly during the special circumstances caused by the COVID-19 pandemic.

Based on the foregoing, there is evidence of the importance of promoting international cooperation on the exchange of information between national departments and entities and their foreign counterparts and of seeking to diversify and find alternatives to improve the effectiveness of this cooperation through a number of mechanisms which are able to deal with these cases in a professional manner, such as the Interpol. In addition, dealing in the field of requesting financial intelligence for the purpose of parallel financial analysis through the FIU should be encouraged, as the FIU is experienced in dealing with counterparts, namely through secure communication channel of the Egmont Group of Financial Intelligence Units.

Third: Findings of the dedicated session held at the joint workshop on typologies and capacity building in the Middle East and Africa Region, 31 July - 02 August 2019:

A dedicated session regarding the project was held on the margins of the joint typologies and capacity building workshop between the financial action task forces in the Middle East and Africa, which took place in Cairo, the Arab Republic of Egypt from 31 July to 02 August 2019. The session was actively attended by international and regional bodies, namely: The UNODC, the FATF, GIABA, the Republic of Tunisia, the Kingdom of Morocco, the Arab Republic of Egypt and a number of member countries of these groups.

This session mainly focused on the provision of case studies, which include another presentation on the latest developments of the nature and scope of human trafficking and migrant smuggling, the provision of new indicators on combating human trafficking and related risks, in addition to best practices, highlighting the challenges and good practices to combat human trafficking and migrant smuggling and provision of the best practices for cooperation among stakeholders in the Middle East and Africa. The content of these findings is presented as follows:

The most important issues discussed

1. A regional and international perspective on the financial flows associated with human trafficking and migrant smuggling and the role of international bodies and organizations (the United Nations and FATF) and the ad-hoc programs they are implementing in this regard.
2. Identification of the magnitude of the problem and the size of the resulting proceeds, some available statistics and the most important considerations to be taken into account when tracking crimes. such as, the importance of encouraging FIs to file STRs, by relying on some indicators and not just one.
3. The crime of trafficking in person ranks third internationally among the organized crimes in terms of proceeds and revenues, in the amount of approximately US\$150 billion annually, according to specialized reports and studies, while the proceeds from migrant smuggling are estimated between US\$ 5.5 and 7 billion⁶⁴.
4. The regional and international studies and typologies projects and their most important outcomes were reviewed. The most important of which are as follows:
 - a. The importance of the role of FIUs in providing assistance and cooperation, as well as national coordination with national committees or bodies specialized in combating the human trafficking and migrant smuggling crimes and introducing them to the role of the FIU.
 - b. The importance of parallel financial investigation and its role in tracing the funds used in criminal activity (1. Identifying the scope of the criminal networks. 2. Identifying and tracing assets subject to confiscation. 3. Finding evidence that can be used in criminal proceedings).
5. The role of the UNODC in providing technical assistance to countries to ensure consistency between the laws and the international standards was reviewed.
6. A proposal on the establishment of a specialized international office to combat trafficking in human beings (Traffic Human Pol) was presented. Discussion also covered the consideration to amend the labor laws and recruitment conditions and the requirement for recruitment offices to be licensed in order to facilitate the follow-up of their activities.
7. The need to include the human trafficking and migrant smuggling in the NRA, develop national strategies and action plans and harmonize national legislations accordingly.
8. The importance of having national anti-human trafficking and anti-migrant smuggling bodies, adopting mechanisms to investigate these crimes, activating the role of national cooperation among stakeholders and announcing their functions and responsibilities.

Challenges

1. Difficulty to distinguish between human trafficking and migrant smuggling.
2. Weak border control in some countries, which resulted in the increase of human trafficking and migrant smuggling operations.
3. Challenges associated with effectiveness and implementation, such as the slow rendering of judgments regarding human trafficking and migrant smuggling crimes.
4. Weak training and low human and technical capacities allocated to entities engaged in the field of combating.

⁶⁴ Previous reference, UNODC report on Trafficking in Persons for 2018.

5. Low level of domestic and international cooperation in human trafficking and migrant smuggling, which makes it difficult to trace the proceeds of crime.

Second topic: Case studies on money laundering crimes resulting from human trafficking and migrant smuggling

Case No.3: Forgery of documents and migrant smuggling

In 2019, the FIU received an assistance request from a counterpart FIU, stating in it that the law enforcement entities in the country are conducting an investigation into a case of structured smuggling of persons, through the forgery of documents. The investigation revealed that a group of smugglers organized and conducted smuggling operations from country “c” through country “s” and other countries. The FIU provided some names related to the case and requested any available information about them.

Accordingly, the FIU initiated its inquiries and reached out to relevant bodies to provide it with any information LEAs have (criminal precedents, movement of entry/exit from the country) and information held by the real estate registry. Banks and financial institutions working in the country were also contacted and the FIU managed to identify two bank accounts and multiple cash transfers made at the request or in favor of one of the names concerning which information is required. It was declared that the funds were the result of a business activity in the foreign country from which the assistance request was received. The FIU immediately decided to freeze the balances of both accounts and provided the

Case No.4: Child trafficking

Airport security agents in country (1) arrested a woman called (a) and handed her to the Moral Protection and Anti-Narcotics Police Department after deporting her from country (2) in order to interrogate her about a human trafficking case.

It appeared that the so-called (a) had two passports, one service passport and one ordinary passport from country (1), in addition to two other passports also issued from country (1), in the name of two women having the nationality of country (1), called respectively (b) and (c), as well as identification papers for children and copies of birth certificates.

The investigation revealed that the so-called (a) is the president of a foundation that takes care of children and women going through distressing circumstances. Therefore, she was making multiple trips for humanitarian purposes. That is why she issued a service passport that helped her to make two trips to country (3) to assume and provide health care to two pregnant women (b) and (c).

As part of the activities of the foundation, the so-called (a) approached the two so-called (b) and (c) who were both pregnant and sent them to country (3), after she convinced the families of these two victims that she will be taking care of them. During the trip, (b) and (c) were both surprised to learn from the president of the foundation that after they give birth, their babies will be given to European families for adoption.

Quite indeed, the so-called (a) took the baby of victim (b) after its birth and delivered it to unknown people. Victim (b) reported the incident to the competent authorities in country (3). The so-called (a) was then summoned, interrogated, then deported to country (1), through country (2) and handed to the police in country (1), after the child was found and returned to his mother.

When the so-called (a) appeared before the investigation judge, she denied the charges laid out against her and said that she just wanted to offer help to the two ladies who were in a difficult situation, through her work at the foundation.

However, during the investigation, it appeared that the so-called (a) used the foundation that she has already established for the protection of children and women in distress to facilitate her work and conceal the criminal intent. She also presided this foundation with intent to approach pregnant women and hand their babies over to European families for adoption against a significant amount of money per child. It also appeared that she issued a service passport to facilitate her multiple trips and various criminal activities.

Case No.5: Human trafficking and prostitution of others

The so-called (a) entices girls from country (2) and country (3) through the Internet by promising them a well-paid decent job in country (1), knowing that he owns a nightclub in country (1). When the girls arrive to country (1), the so-called (a) confiscates their passports and forces them to engage in a prostitution network with professionals from the nightclub he owns.

The financial investigations conducted showed that the cash deposit transactions represent 100% of the credit transactions made on the bank account of the so-called (a) and which are in fact the revenues of the prostitution activity. The so-called (a) also opened a second bank account in the name of the nightclub and the financial transactions recorded on that account are similar to those recorded on the first. It also appeared that the so-called (a) owns shares in company (A) which is specialized in manufacturing and that he is the biggest shareholder in it. The so-called (b) is the second shareholder in company (A) and is the subject of a suspicious report in country (1).

Based on the inquiries conducted, it appeared that a bank transfer was made from the nightclub account to the account of company (A), which leads to the fact that the proceeds of prostitution are merged into other legitimate activities and investments.

The stages of money laundering can be concluded from this process, as follows:

The placement stage: Through the so-called (a) making multiple cash deposits in significant amounts in bank accounts opened in his name and in the name of the nightclub, which are not consistent with the normal margins of profit that a similar business can generate.

The layering stage: Through the cash withdrawals from the bank accounts.

The integration stage: Through the establishment of company (A) specialized in manufacturing and company (B) specialized in the construction and purchase of some real estate, where a transaction involving a cheque drawn in the amount of 60000 Euros in favor of a notary public was detected.

Case No.6: Forgery of official documents (passports and government stamps) to facilitate irregular migration.

The FIU in country (1) received a notification from a bank about a person named (a) who works at a key ministry and has one current account to receive his monthly salary and another savings account that he opened almost a year ago.

The bank suspected that some activities of different nature and pattern and larger than usual have been recorded on the savings account over the last months and the total amount of the transactions conducted on it was in no way consistent with the income and job of the so-called (a). The activities of the account consisted of transfers of almost equal amounts from the current account which were mostly undertaken on a monthly basis and two large transfers for the purpose of selling real estate, in addition to cash deposits made by himself and by two other persons named (b) and (c). In parallel, almost no withdrawals were made from the account except for one activity that involved a large amount. The bank employee casually knew from the customer that he will be purchasing a real estate with this amount. With respect to the FIU during the preliminary examination and registration process on the database, it appeared that a previous notification concerning the so-called (c) was also received from a money transfer company and it was confirmed that the national number data of the same person, his address and profession matched. The final stages of examination of the notification showed that the person (c) received several transfers from abroad from different persons whose names and data held in the company's system indicated that they are from country (1), most of them are of close age (twenties) and also from persons having the nationality of country (2). The transfer slip read that these transfers were made either to settle personal debts or to buy goods from country (1).

Both notifications were examined and linked to each other as they involved a common person who is the so-called (c), which increased the level of risks associated with him. As a result, it was found that the so-called (a) had large transactions that were inconsistent with his income earned from his job and that the relationship he has with the parties he is dealing with is not clear, in addition to the fact that a suspicious report concerning one of them was received by the FIU. Both notifications were referred to two concerned LEAs to request that investigations be conducted, and evidence collected as may be necessary.

These two LEAs reported the following:

- 1- The employment file of the employee (a) comprises several administrative penalties for his frequent absence from work and his failure to comply with the attendance and leaving times, which infers that he was involved in some business other than his job.
- 2- By intensifying inquiries and monitoring, he appeared to have friendships and partnerships with other persons, some of them from the public sector and others from the private sector. All of them were implicated in crimes of forgery of official passport documents and government stamps, as well as irregular migration, child marriage, facilitation of prostitution, and practices similar to human trafficking crimes.
- 3- crimes of forgery of official passport documents and government stamps, as well as irregular migration, child marriage, facilitation of prostitution, and practices similar to human trafficking crimes

- 4- Key red flag indicators - the bank suspected that some unusual financial activities of different nature and pattern have been recorded on the savings account of the suspect over the last months and the total amount of the transactions conducted on it was in no way consistent with the income earned from his job and the relationship between the person subject of the notification and the parties he was dealing with is not clear. There were also other indicators represented in the following:
- The first suspect opened a current account with the bank to transfer his monthly salary to it.
 - He opened a savings account with the same bank.
 - The savings account received approximate amounts from his current account and cash deposits in large amounts, alleged to be proceeds from the sale of real estate, in addition to cash deposits made by the account holder or other persons.
 - The second suspect received transfers through a money transfer company from different persons from country (1) and foreigners from country (2) abroad, allegedly to settle debts and buy some goods.

The financial analysis and inquiries results indicated that the examination of the previous notification showed that the person (c) received several transfers from abroad from different persons whose names and data held in the company's system indicated that they are from country (1), most of them are of close age (twenties) and also from some persons having the nationality of country (2). The transfer slip read that these transfers were made either to settle personal debts or as an advance payment to buy goods from country (1).

Charges were laid against the suspects for committing the money laundering crime resulting from the afore-mentioned offenses which are all considered as predicate offenses for money laundering, given that they purchased real estate and movable property and undertook cash dealings in various currencies. The case is still under investigation.

The incident was referred to the Public Prosecution which permitted to proceed with the legal proceedings and the case was then referred to the competent court which issued its judgment sentencing all the persons accused in the predicate offense to 3 to 10 years of imprisonment and fines from US\$5540 to US\$27200, in addition to the removal of all the civil servants from their offices as a result of the commission of crimes attributed to them. The money laundering crime is still under investigation at the Public Prosecution with a view to referring it to the court.

Case No.7: Fake job offers abroad.

The so-called (a) offered the victim (c) in a neighboring country to work as a driver in country (1) at company (d) for US\$550 as a monthly salary for a period of one year, provided that the victim pays a sum of US\$4900 against this job. The victim paid this sum to a relative of the first accused (a) at his request and the payment was made by hand.

When the victim arrived to country (1), he was surprised by the so-called (a)'s refusal to appoint him in his company and was asked to pay the amount of US\$2614 against a residence permit that the so-called (a) would obtain for him and he threatened to file an absence report against the victim if he refuses to make the payment, so that he would be deported from the country after his apprehension.

Case No.8: Organ trafficking

The so-called (a) is a doctor at a public hospital, born in 1970 and has a monthly income of approximately US\$95. He holds several bank accounts and the total financial transactions recorded on the account of the suspect are not consistent with his monthly income that he declared and with the nature of his work (as doctor at a public hospital). The red flag indicators related to the case are represented in the following:

- The so-called (a) opened several bank accounts with the bank which reported the suspect.
- By examining the said transactions, it appeared that their total reached around US\$12,628 within less than a year and they consisted of cash deposits made by the so-called (a) or by other persons.
- These deposited amounts were withdrawn in cash or by cheques.

The financial analysis results which were reached, in light of the inquiries conducted by the FIU following cooperation with one of the concerned LEAs, indicated that the suspect and other persons represent a network specialized in the trafficking of human organs, namely kidneys and in the exploitation of some citizens and children in need, through some intermediaries and persons who entice the citizens to sell their organs and who accompany them to a private hospital rented by one of the accused, where they undergo surgeries to remove the kidneys and sell them to rich wealthy people without a license from competent government authorities.

Inquiries revealed that the accused persons built up huge fortunes out of their criminal activity, where they laundered them to conceal and disguise their nature and cut the ties between them and their criminal origin, through various techniques, such as the purchase of real estate and cars.

Case No.9: Exploitation of social media in human trafficking crimes

The so-called (a) induced a domestic worker (b) through Facebook and enticed her to run away from her sponsors' house and lured her into working in a barbershop for US\$1150 per month.

The so-called (a) transported the victim (b) to one of the regions in the country and sold her to the so-called (c) for US\$1636.

The so-called (c) started beating the victim (b), taking pictures of her naked and threatening her of publishing them if she does not obey his orders. Then, he took her to an apartment in a building guarded by the so-called (d) who was collaborating with the so-called (c).

The victim (b) was held captive by the so-called (d) inside the apartment and was prohibited from leaving it for any reason.

It appeared later that the so-called (c) was making arrangements with the customers wishing to have sexual services against the amount of US\$16, while the so-called (d) would receive them down the building and organize their entrance to the apartment.

The victim (b) and others were sexually abused against sums of money collected from the customers, at an average of 28 customers per day for each victim.

Case No.10: Abuse of power in a position, profiteering and trafficking in human organs

The FIU in country (1) received a suspicious report from a local bank about a suspect who has two accounts, one in local currency (L.C) and another in US dollars. The national number card data revealed that he is an associate professor at a faculty of medicine in a public university. By examining the activity of his accounts, it appeared that:

The total credit movements in the first account reached around 4,2 million (L.C) and consisted of various cash deposits, cashed cheques and incoming transfers, while the debit movements reached a total of 3,4 million (L.C) and consisted of cash withdrawals, outgoing transfers and deducted cheques.

The total credit movements on the second account reached around US\$90,000 and consisted mostly of cash deposits, while the debit movements reached around US\$76,000 and consisted mostly of withdrawals and outgoing transfers.

The red flag indicators related to the case were represented in the following:

- The large amounts of the transactions recorded on the accounts of the suspect over a short period of time.
- The suspect opened a current account in (LC) currency and a savings account in dollar with the bank.
- Both accounts received large amounts of cash deposits and incoming transfers in (LC) and in US\$.
- Large amounts of withdrawals and transfers in (LC) currency were made on the account.

Results of the financial analysis: In light of the foregoing, the FIU made a request for the conduct of inquiries to one of the concerned LEAs which found evidence showing that the suspect and other persons have acquired, possessed, managed and invested funds generated from their commission of crimes of abuse of powers, profiteering, human organ trade in violation of the law, in addition to various ways of disposing of these funds, either by depositing them in bank accounts or by acquiring assets (real estate) in their names or in the names of their relatives, with intent to conceal their nature and prevent the detection of their origin. A document record on the commission of the money laundering crime was drawn up and the suspect, together with other doctors, the nursing staff and the officials working at the public hospital and at one of the private hospitals were all arrested. The case was referred to the court for the charge of exploiting their positions to receive sums of money from many patients in country (1) and from foreigners visiting their workplace and wishing to make human organ transplant surgeries (kidney transplant); stealing medical report forms, some equipment and tools belonging to the hospitals where they work; making these surgeries for the patients in violation of the law; and forging official documents (admission and discharge documents, as well as medical certificates they know that they are approved by their employer, and others...) in order to circumvent the law regulating the transfer and transplantation of human organs and the law on combating human trafficking for the purpose of making large profits for themselves and others. By inspecting their homes, large amounts in US dollars, an amount in (L.C) currency and many gold crafts generated from the crime were discovered, as recorded in the public prosecution investigations.

A record document on the documents and accompanying papers evidencing the title of the accused persons to real estate property and movables obtained from these crimes was also drawn up.

The case was referred to the court which ruled on the types of the crime in the presence of the parties, as follows: Crimes of abuse of power in a position, profiteering and trafficking in human organs. Accordingly,

The main accused was sentenced to aggravated imprisonment for 15 years, a fine of USD\$31645 and his removal from his position, while penal judgments and fines of varying amounts were ruled against another number of accused in predicate cases. The money laundering case is still under investigation with a view to referring it to the court, according to the results of the investigations.

Case No.11: Money laundering crime and sexual exploitation

Receiving rewards in bank accounts from foreign sexual service sites and distributing them through money transfer companies: the size of the suspicious financial flows exceeded US\$109,000. Several methods were used in this case, such as international bank transfers, cash remittances and PayPal.

The red flag indicators related to the case are represented in the following:

- Unknown and suspicious sources of funds,
- Unusual increase in wealth.,
- Difficulty to identify the economic purpose of the money transfer,
- Large number and size of the transactions on the accounts of a person of a young age,
- Absence of information on the nature of the services offered against the payments,

The case is still under investigation.

Case No.12: Human trafficking and prostitution of others

It is about a human trafficking crime, where a group of persons formed of the so-called (a) and the so-called (b) set up to force girls to emigrate from country (1) to country (2) to exploit them at a nightclub, where the owner would benefit from 80% of the money paid by customers for each exploited girl and the latter would benefit from only 20%. The first suspect (a) earned a total of US\$5755 from many foreign countries (African, Arab, European and Asian) from different persons, while the second suspect (b) earned US\$4951 also from different persons but only from Arab countries and all these transfers were made through authorized money transfer agencies.

The red flag indicators related to the case are represented in persons (a) and (b) receiving significant amounts of money from foreign countries from persons with whom they do not have any relationship and within very close dates. As a result, investigations and search were initiated at all the banking institutions and concerned departments in order to identify the living standard and sources of income of the relatives of the members of this criminal network and to know whether those members have undertaken projects or exploited funds generated from this predicate offense in order to freeze them. In addition, each of the so-called (a) and the so-called (b) were arrested and the search is still in process.

Case No.13: Human trafficking and prostitution of others

The so-called (a) prepared locations for prostitution and enticed girls to put them at the disposal of his clients to practice prostitution, while exploiting their urgent need for money and considering them as a commodity offered for sale, in addition to subjecting them to all sorts of pressure and violence. He earned significant financial benefits through his criminal activity. Regarding the size of the financial flows and criminal proceeds which were detected through the search and financial inquiries conducted at the FIU level, the Unit was able to discover two bank accounts that belonged to the concerned person, the first with a balance of US\$40850 and the second US\$64500, in addition to a fancy car and luxurious real estate property. The red flags indicators related to the case were represented in the large financial flows recorded on both accounts of the concerned person within a short period of time being inconsistent with the nature of his business (manager of a popular coffee shop).

The case was referred to the court and the suspect admitted that the financial amounts detected resulted from his criminal activity.

Case No.14: Migrant smuggling

Incoming information reported that a criminal network was engaged in illegal migration. Its members would entice those who wish to migrate irregularly to country (1), knowing that they would use countries (2) and (3) as transit points.

The criminal network members would charge between US\$2690 and US\$3228 per candidate for migration and they would pay the intermediaries engaged in this operation sums of money between US\$108 and US\$215 per each person attracted.

All the amounts recorded on the accounts of the members of this network (13 individuals) and their real estate and movable property were frozen.

Through the search conducted and financial inquiries initiated in the context of the money laundering law, it was possible to discover that a money transfer company run by one of the suspects was used to disguise and conceal the true origin of the funds obtained from the proceeds of the illegal migration which was pre-arranged with participants who were active at the level of country (2), as part of a specialized network by using the Hawala system.

The case was referred to the court.

Case No.15: Migrant smuggling

The FIU received a parallel financial analysis request from the Anti-Human Trafficking and Anti-Migrant Smuggling department concerning a large cell engaged in migrant smuggling from border areas to country (1). A large number of books comprising financial transactions made to smuggling brokers were detected, in addition to the sum of US\$36000 and a four-wheel drive vehicle that helps smuggle the migrants.

The red flag indicators related to the case are represented in cash transactions in large amounts of money and internal money transfers made in informal ways through unregulated offices.

The analysis conducted by the FIU revealed the following:

- The large number of brokers and the significant sums of money found in these books uncovered a large movement of illegal migration and specific periods for deportation after gathering the largest number possible of migrants.
- Some books also indicate the food and beverage expenses for those migrants,
- and it was possible to identify from these books the number of migrants annually and the annual and monthly income of each broker.
- It also appeared that there were financial settlements made between the brokers themselves by facilitating the transportation of the migrant through another broker.
- The size of financial flows or criminal proceeds reached: US \$1281200

Case No.16: Smuggling girls for forced labor

The FIU received a suspicious report from a money transfer company concerning a foreign person called (a) with the status of refugee who received money transfers amounting to US\$15,120 from different persons from an Arab country within a period of ten days. He claimed that these transfers were expenses.

A citizen called (b) from country (1) who works at a government body received the amount of US\$7,000 from the same persons who transferred money to the so-called (a).

The red flag indicators related to the case:

- The suspect (a) who is a refugee does not have an apparent job.
- Frequency of transfers within a limited period of time and the customer mentioned that the amounts of money were expenses.
- There is no apparent relationship between the senders and the beneficiaries.
- The incoming amounts are large.
- The originating country is ranked as high-risk according to the compliance policy of the reporting entity.

The financial analysis clarified that the suspected persons do not have financial accounts, assets or companies. But during the analysis, another amount of US\$2100 was sent to the suspect (a) and the FIU requested information from country (2) from which the so-called (a) came and from country (3) from which the amounts of money were transferred. It also asked LEAs to conduct field inquiries which also revealed that the suspected persons were involved in a large network for smuggling girls to an Arab country for forced labor and they are now detained by the security agencies.

Case No.17: Exploitation of social media in human trafficking crimes

A suspicious report was received concerning the so-called (a) from country (1) and residing in country (2). According to the “Know Your Customer” card information, he owns a massage parlor and a beauty salon for women.

Regarding the reasons for filing the report, it appeared that the person concerned received significant amounts of money in his bank account opened in country (1) from person (b) residing in country (2), as “donations”, through an exchange office. These transfers totaled US\$500000 within less than a year.

By examining the bank statements of the so-called (a), it appeared that directly after he collected the money, he issued several bank cheques in favor of airline companies, travel agencies and a number of persons, being the so-called (c), the so-called (d), the so-called (k) and the so-called (g).

It was also found that the cheques issued from the account of the so-called (a) in favor of the airline companies and travel agencies involved important sums of money, from which it can be concluded that these transactions were made to buy tickets for more than one person.

At a later stage, the FIU corresponded with the Direction of Borders and Foreigners asking for a statement about the border movements recorded during the last three years, for each of the so-called(a) and a number of persons who have benefited from sums of money issued from the account

of the concerned person, being the so-called (c), the so-called (d), the so-called (k) and the so-called (g). The following was noticed:

- The comparison of the border movements of the so-called (k), the so-called (c), the so-called (d) and the so-called (g) resulted in the identification of a travel pattern, which was almost regular, to 5 destinations only, at intervals that did not exceed a few days between the trips.

- By comparing the dates on which the so-called (c), the so-called (d), the so-called (k) and the so-called (g) collected the cheques issued from the account of the so-called (a), it appeared that these financial transactions have directly preceded or followed the dates of their travel each time, where it can be inferred that the money that the concerned persons benefited from and which was withdrawn from the account of the so-called (a) was against services that seemed to have been provided to the countries they frequently visited. This would explain the financial transactions that preceded their travel which were as a “down payment” and those which followed as “a settlement of their remaining financial entitlements”.

By visiting the “Facebook” page of the concerned person, it appeared that he was exploiting the massage parlor and the beauty salon to attract customers and entice them for the practice of prostitution.

At a later stage, the FIU corresponded with a LEA to inquire about the so-called (a), the so-called (c), the so-called (d), the so-called (k) and the so-called (g). It appeared that the so-called (a) was running a house intended for prostitution in country (1) and the so-called (c), the so-called (d), the so-called (k) and the so-called (g) were engaged in a prostitution network in 5 countries (2), (3), (4), (5) and (6), which was led by the so-called (a) for the benefit of the so-called (b).

Case No.18: Economic exploitation of children and suspicion of belonging to a terrorist organization

The FIU in country (1) received a request for national cooperation to inquire about the financial activity of a Quran society that harbors a group of children and young people in unfavorable conditions who are subjected to mistreatment and economic exploitation. 12 children and 27 adults were found lodged in the same dorm related to Quranic school, in conditions that do not meet the minimum requirements of health, hygiene and safety and they are all out of school. They are subjected to violence and mistreatment and exploited in agriculture or construction works, while teaching them radical thoughts and practices.

Regarding the financial analysis results and the size of the financial flows and criminal proceeds, it appeared that the account of the society did not record any financial transaction, while the accounts of the owner of the society recorded transactions in significant amounts estimated at US\$370000 approximately and suspicious relationships with natural persons, travel agencies and other organizations were also identified.

Results of the financial inquiries:

- The case was referred to the Public Prosecution.
- The funds and assets of the president of the organization were frozen.
- The society was dissolved.
- The organization and its president were designated on the national list of persons, organizations and entities associated with terrorist crimes.

Third topic: Main red flag indicators

Indicators related to the conduct of financial transactions

1. General indicators:

- A. The total amount of the financial transactions recorded on the account are not consistent with the job of the suspect.
- B. Purchasing valuable real estate and movable property within a short period of time in the name of the suspects and that of their relatives, with intent to conceal their nature and prevent the detection of their origin.
- C. The financial transactions recorded on the account of the suspect are not consistent with his monthly income.
- D. Unusual increase in wealth.
- E. Cash deposits in large amounts.
- F. Financial transfers received in the accounts of the suspect from border areas and from different persons who have no relationship with him.
- G. Suspicious financial transactions recorded on the accounts of:
 - Doctors: for the possibility of trading in human organs.
 - Officials working at hospitals: For the possibility of stealing medical report forms, some equipment and tools belonging to the hospitals where they work to facilitate the conduct of such surgical operations in violation of the law and forging official documents (admission and discharge documents for the patients, as well as medical

certificates) to circumvent the law regulating the transfer and transplantation of human organs.

- Persons holding sensitive positions or officials holding prominent positions at entities associated with the human trafficking and migrant smuggling crimes, such as embassies, consulates, some relevant ministries and government bodies, who provided facilities to obtain some documents required for migration or human trafficking.
- Associations engaged in the protection of children and women in distressing situations.

2. Red flag indicators related to the opening of bank accounts

- Various bank accounts associated with the same beneficiary or agent are opened and the same data, addresses and job details are given for all the accounts.
- According to open-source reports, the name of a person or an entity may have been linked to a previous crime or a previous criminal record, namely crimes related to human trafficking or migrant smuggling.
- Opening accounts for foreign laborers or for students, where the employer or the recruitment agency is the custodian of the account or where they always accompany the account holder to the bank.
- Attempts to open bank accounts by using documents which seem forged by the foreigners.
- The customer or the beneficial owner being from a country or a region well-known for human trafficking and migrant smuggling and informing the customer that he will be dealing with regions well-known for these crimes.
- The principal and the account holder being of different nationalities, namely when the foreign person is from a country where human trafficking or migrant smuggling crimes are widespread.
- The customer shows signs of concern and confusion and there is no real knowledge of the reason behind opening the account or of the address details, namely when he is taken to the bank by another person.
- The customer being relatively young without a clear purpose for opening the account or an unclear source of funds or values of transactions that will be made on the account.
- A third party translates or gives directives to the account holder, when withdrawing or depositing money in the bank account, namely during peak business times at the banks and he would always keep the identity of the customer.
- Foreign persons who could be of different nationalities from neighboring countries or who have the same address of residence or who are staying at small hotels/motels are conducting financial transactions in a manner similar to structuring.
- Receiving deposits from different cities where the customer does not reside or work and then quickly withdrawing the money (on the same day, for instance), after the deposits are made, without any apparent commercial or economic purpose.
- Frequent financial transactions which are not consistent with the activity and commercial professions undertaken by the customer,

- Transactions that indicate that a logistic support is being provided through a large group of individuals (for example, the payment of housing and accommodation fees, rental of vehicles and buying large quantities of food).
- Frequent withdrawal and deposit through the ATM which may reach the daily withdrawal limit, instead of going to the bank.
- Unjustified lifestyle, which is not consistent with the business activity, where the profits/deposits are much higher than those who are working in similar professions/businesses.
- Frequent use of prepaid cards, namely by feeding them from various locations inside the country.
- Frequently purchasing and selling foreign currency without identifying their origin or the relation of the foreign currency with the customer's activity.

3. Red flag indicators related to financial transfers

- Using exchange companies and money transfer companies.
- Using several methods to transfer money and postal remittances.
- The customer having expired or invalid papers, particularly the residence permit in the country from which the transfer is to be made or in which the cheque is to be collected.
- Financial transfers in foreign currency from some rich countries to persons living in poor villages, without identifying the nature of the relationship.
- Inconsistency of the financial transactions related to females, particularly of young age, with the nature of their activity or undertaking incoming or outgoing money transfers which are not consistent with this activity.
- The accounts and those requiring the financial transactions are from countries which are well-known for human trafficking.
- Frequent outgoing financial transfers, without an apparent trade business or legal purpose that is consistent with the customer's activity, and which are bound to countries which are exposed the most to the risk of human trafficking and migrant smuggling.
- Receiving frequent transfers from online payment companies or virtual currency payment companies.
- Sending or receiving multiple financial transfers from foreign persons inside the country, without having a fixed profession in the country or the transferrer or the transferee has a short-stay tourist visa.
- Multiple customers who are not related to each other sending financial transfers to the same beneficiary.
- Financial transfers made in informal ways through unregulated offices.
- International bank transfers from different persons and from several foreign countries.
- Difficulty to identify the economic purpose of the money transfer.
- Using the mobile wallet application to perform transfers between the dealers without an apparent relationship, namely in various locations in the country.
- Transfers to countries which are known to be situated on the main trafficking routes in the region, regardless of the amounts which are being transferred.

- Transfers/deposits by and to customers working in the field of transportation and logistic industries, for no apparent reasons.
- Transfers/deposits by individuals/companies situated in villages or in geographic locations known for facilitating illegal migration.
- Transfers to persons/entities in high-risk countries known for trafficking in human organs.
- Customers transferring or receiving large sums to legal persons, where the purpose mentioned is for “treatment”.

4. Red flag indicators related to transactions associated with crimes of sexual exploitation

- Moving from rural to urban cities - human trafficking is conducted between countries and within the borders of one State (forced labor, sexual exploitation).
- Inconsistency of the financial transactions of some legal persons, such as beauty salons and others, with the nature of their usual activity or having foreigners dealing with these accounts.
- Negative information mentioned in open sources of information stating that a customer committed crimes of sexual exploitation or organized marriages for girls.
- Providing banking products or services the obtainment of which is conditioned upon marrying foreigners (for example, some countries require savings certificates to be issued for the wife if the age difference is more than 25 years).
- Cheques continuously issued by one person in favor of airline companies and travel agencies in significant amounts, where these transactions are made to purchase tickets for more than one person.

5. Red flag indicators related to transactions associated with crimes of forced labor

- Payments made to work or recruitment agencies targeting students which are not consistent with the nature of their business or to parties who do not appear to be related.
- Financial dealings with recruitment agencies in countries or jurisdictions representing high risks of human trafficking.
- Foreign laborers not making cash deposits or any transfers to the relatives abroad or any other transactions on their accounts.

6. Red flag indicators related to transactions associated with crimes of organ trafficking

- Cash deposits from/to doctors, nurses, paramedical professionals and workers at hospitals which are inconsistent with the age or the experience.
- Unjustified transactions between charities, their staff and workers in medical professions.
- The customer performing financial transactions which show his role as intermediary between multiple persons and therapeutic institutions without identifying the relevant cause.
- Suspecting medical centers, namely small ones, of buying medical equipment in amounts which may not be consistent with their capital, their dealings or the nature of their actual activity.

- Negative news about the misuse of the account of a doctor/hospital in performing transfer of organs illegally.
- Doctors, nurses and paramedical workers performing financial transactions in foreign currency, while the origin of the funds is unknown.
- Identifying information of customers of the financial institution through social media, indicating that they are facilitating organ transplant operations.

7. Red flag indicators related to transactions associated with crimes of migrant smuggling

- Financial transactions made by individuals/companies located in border cities, in a manner that is inconsistent with the nature of their activities.
- Information received by officers of the financial institutions about human traffickers in a specific geographic area.
- Financial deposits made through a number of persons in the account of one person at a location known for human trafficking and migrant smuggling or at border points.
- The customer's place of residence located in a residential area known for being concentrated with expatriates, particularly holders of certain nationalities known for migration to foreign countries.

Chapter VI

International Cooperation to Combat Money Laundering Crimes Resulting from Human Trafficking and Migrant Smuggling in the MENA Region

First Topic: International Cooperation and Best Practices to Combat the Human Trafficking and Migrant Smuggling Crimes and Status of the Countries in the Region

International cooperation is an important theme in the context of combating money laundering resulting from the human trafficking and migrant smuggling crimes. This is evident from the studies which were examined while preparing this report, and the practices which are prevalent in this context are seen as part of the major factors that help combat money laundering crimes resulting from human trafficking and migrant smuggling.

Member countries in the MENA region took a number of effective actions that can be listed among the best practices aimed at combating human trafficking and migrant smuggling, such as encouraging participation in relevant regional and international conferences, holding local conferences for the bodies involved in combating these crimes, preparing multiple national workshops that bring together these bodies to discuss important topics such as cooperation and exchange of expertise, information and financial intelligence with respect to human trafficking and migrant smuggling, for the purpose of strengthening the understanding among members of these bodies of the relevance of some combating aspects, such as the topic of using parallel financial investigations in the original investigations into the human trafficking and migrant smuggling and the exchange of expertise and best practices on tracing and detecting the illicit financial flows associated with the smuggling of migrants and trafficking in persons, and also asserting the role that financial institutions can have in detecting the suspicious financial transactions associated with both crimes.

In addition to the foregoing, the responses to the questionnaire for the request of information focused on some best practices regarding the exchange of information among competent authorities with respect to the fight against money laundering crimes and predicate offenses associated with the human trafficking and migrant smuggling crimes, in the context of the cooperation at the security level with their foreign counterparts and the activation of the available channels for an effective international cooperation, such as:

- Using the Interpol channel;
- Using the outreach mechanism in place at the internal communication division of the Arab Interior Ministers Council;
- Using the outreach mechanism to communicate with the foreign liaison officers approved by embassies
- The need to identify and list the facts in detail, when making requests for legal and judicial assistance (which enables the implementing country to distinguish between the crime of human trafficking and the crime of migrant smuggling), in order to implement the measures as required.
- The need to have a database related to these acts in order to resort to it as necessary.
- Non-physical exchange of documents related to the procedure governing the judicial cooperation requests, in order to save time in imposing the sanctions legally prescribed

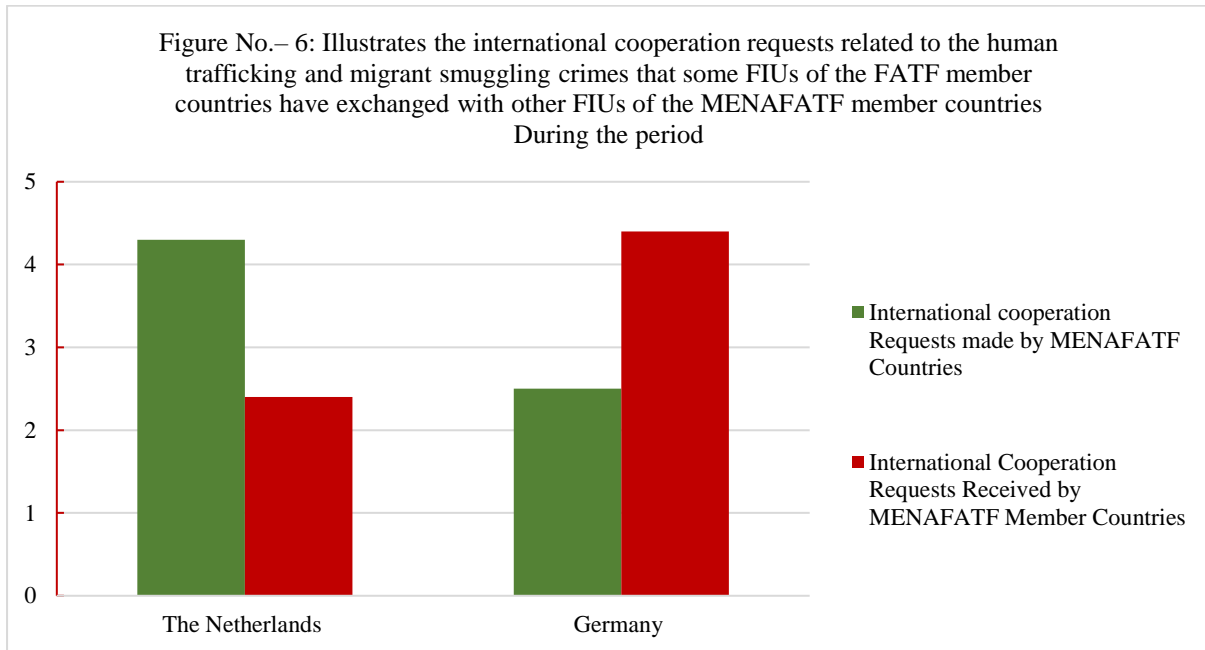
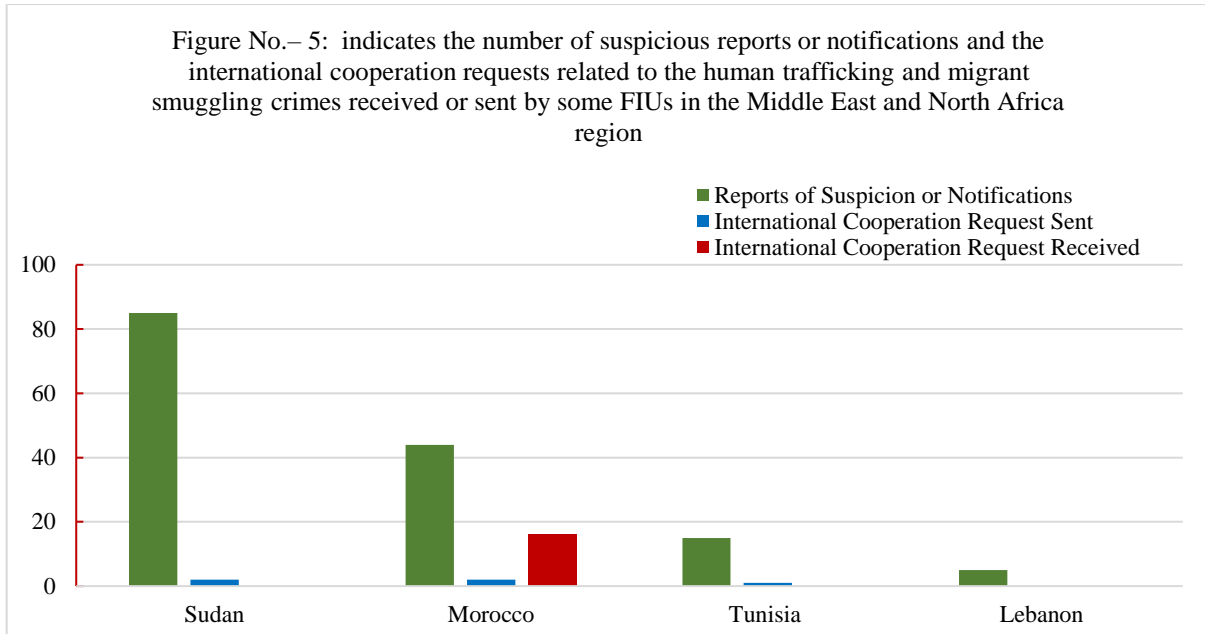
against the accused persons, without presenting them with the opportunity to benefit and use the revenues and proceeds of crime.

- Developing national legislations and harmonizing them with the international conventions and the protocols supplementing them in order to reduce refusals of international cooperation due to the absence of a procedural legal framework in the national legislations.
- Including explicit items concerning the prevention of illegal migration and human trafficking in the national strategies.

On the other hand, by analyzing the questionnaire for the request of information and by comparing the number of international cooperation requests that some FIUs in the MENA region sent to other counterparts with the number of suspicious reports or notifications they have received during the period of 2014-2019 regarding human trafficking and migrant smuggling crimes, it appeared that the international cooperation requests sent by the FIUs in the MENA region did not exceed 7% at most out of the total number of suspicious reports or notifications they have received during the same period, which means that a FIU would send only one international cooperation request against every 7 suspicious reports it receives, while human trafficking and migrant smuggling, on the other hand, are seen as transnational crimes and usually involve more than one State.

It also appeared that the number of international cooperation requests exchanged between the MENAFATF member countries and the FATF member countries has largely exceeded the number of international cooperation requests exchanged between the MENAFATF member countries and the GIABA or ESAAMLG member countries.

(Figure No.5) below indicates the number of suspicious reports or notifications and the international cooperation requests related to the human trafficking and migrant smuggling crimes received or sent by some FIUs in the Middle East and North Africa region during the period of 2014-2019. (Figure No.6) indicates the international cooperation requests related to the human trafficking and migrant smuggling crimes that some FIUs of the FATF member countries have exchanged with other FIUs of the MENAFATF member countries during the period of 2014-2019. (Figure No.7) illustrates the international cooperation requests related to the human trafficking and migrant smuggling crimes that some FIUs of the GIABA and ESAAMLG member countries have exchanged with other FIUs of the MENAFATF member countries during the period of 2014-2019:



As for requests for international cooperation related to crimes of human trafficking and smuggling of migrants exchanged by some financial intelligence units for each of the countries of the West African Financial Action Task Force (GIABA), the countries of the Eastern and Southern African Financial Action Task Force (ESAAMLG) and the financial investigation units in the countries of The Middle East and North Africa Financial Action Task Force (MENAFATF) during the period from 2014 to 2019 was limited to one request for international cooperation by Senegal with one of the countries of the Financial Action Task Force for the Middle East and North Africa, one request by Ethiopia and two requests by Lesotho with countries from the Financial Action Task Force for the region. Middle East and North Africa.

Second topic: Main challenges and difficulties facing the international cooperation on combating the human trafficking and migrant smuggling crimes:

1. Main challenges and obstacles in the field of cooperation between the countries in the region in combating the financial flows associated with human trafficking and migrant smuggling

The second topic of Chapter I of this report has already tackled some of the challenges and difficulties faced by the countries of the MENA region in the context of international cooperation, which are represented in difficulties that hinder their efforts to implement the international conventions.

This topic will look at the responses of the countries in the MENA region which were covered by the survey concerning the challenges that are hindering the international cooperation. They mentioned that among the main obstacles is that the national legislations that are hindering the exchange of information concerning the cases whose examination requires inquiries at the international level do not match and that the procedures of the judicial international cooperation are slow. These countries also reported that those who are interested in this type of crimes are mostly of different nationalities and these incidents take place in several countries. They added that it is in the nature of these crimes to depend on the transportation of funds. So, in order to detect them, effective means of international cooperation across the national borders should be used, such as the use of financial investigations which are seen as important evidence to establish the relationship between the accused persons in many countries, which would require cooperation between the financial investigation authorities in various countries and the exchange of information and red flag indicators expeditiously. However, there are challenges facing LEAs in combating money laundering related to the human trafficking and migrant smuggling crimes, as follows:

- The fast evolution of the criminal patterns and routes adopted by criminals which sometimes outrun investigators' efforts to thwart them, as the criminals engaged in these criminal acts demonstrate high skill and intelligence in devising new techniques to avoid the strategies established by investigation and monitoring agencies to combat them,
- Increasingly using modern technological means that require complex search procedures.
- Lack of cooperation by the victims either for fear of the criminal organizations which are exploiting them or for fear of not reaching their targets (receiving a material consideration for practicing prostitution, reaching the destination country with respect to migrants).
- Criminals using cash and avoiding the banking sector, which results in cash flows being concealed.
- Absence of specific and known national points of contact to combat trafficking and migration crimes.
- Failure to identify and analyze the transactions related to human trafficking and migrant smuggling in the private sector.

By analyzing the responses provided in the questionnaire for the request of information, it clearly appears that the countries in the MENA region are suffering from a shortage at the level of effectiveness in international cooperation, particularly between FIUs and LEAs. Most of the

cases referred are initiated by security units with a lack of cooperation with the FIUs (parallel financial analysis), paired with a difficulty to uncover the crime, trace the networks and the criminals and the dealing between the criminals themselves and their cooperation in executing the various stages of the crime. In addition, the overlapping of some stages renders the task of these agencies even more difficult. It also appears that among the most important means to detect the persons involved in such crimes is to hear the statements of the victims, which is not possible for FIUs. The lack of resources and methods that help in the tracing and prosecution process, also the need to have modern devices that can be used to track criminals, accounts and proceeds create a relative advantage for criminals with high financial capacity, in addition to the need to provide training to the staff working in the law enforcement field and to support them with the technical skills as may be necessary. On the other hand, the wide borders of countries play a significant role, as they increase the difficulty to trace and monitor smugglers and traffickers in persons.

2. Proposal to create a regional database that includes a list of the persons and entities associated with the human trafficking and migrant smuggling crimes in the MENA region

In the context of promoting coordination and cooperation at the international level, it is proposed to create a regional database that includes a list of the persons and entities associated with the human trafficking and migrant smuggling crimes in the MENA region and to assign the task of establishing and overseeing the said platform to the regional task force, without any party being able to access the data and information which is held by another country; however, the role of the platform consists of communicating with the countries' database in order to find whether a natural person or legal persons which are subject of the inquiry were involved in human trafficking or migrant smuggling cases. This platform relies on the block chain system, which means that it ensures the confidentiality of the information related to each country without having a direct supervisor for the platform, where the method for communication between the systems is that each country would establish its own database to communicate with the platform, without any other party being able to access the content of the platform or the database. In addition, it is possible to keep the access confidential and to record any communication between the systems within the platform and no party has the ability to thwart the process of accessing or communicating with the platform.

It should be noted that the International Police Organization - the Interpol - has installed a number of platforms related to persons or entities which are internationally wanted for several crimes. The analysis of the questionnaire also revealed that some jurisdictions around the world have installed similar systems to help in the early detection of persons implicated in serious cases, such as the Netherlands and Switzerland.

It should be stressed that the creation of a platform for the MENA region will set a precedent for promoting regional cooperation to combat such serious crimes and will stimulate other regional task forces to prepare and create joint databases of the sort, knowing that the platform is not subjected to the control of any country and the information of each country will be protected because its database cannot be accessed but only reached out in order to expedite the obtainment of information. It is also worth noting that this platform will not affect the

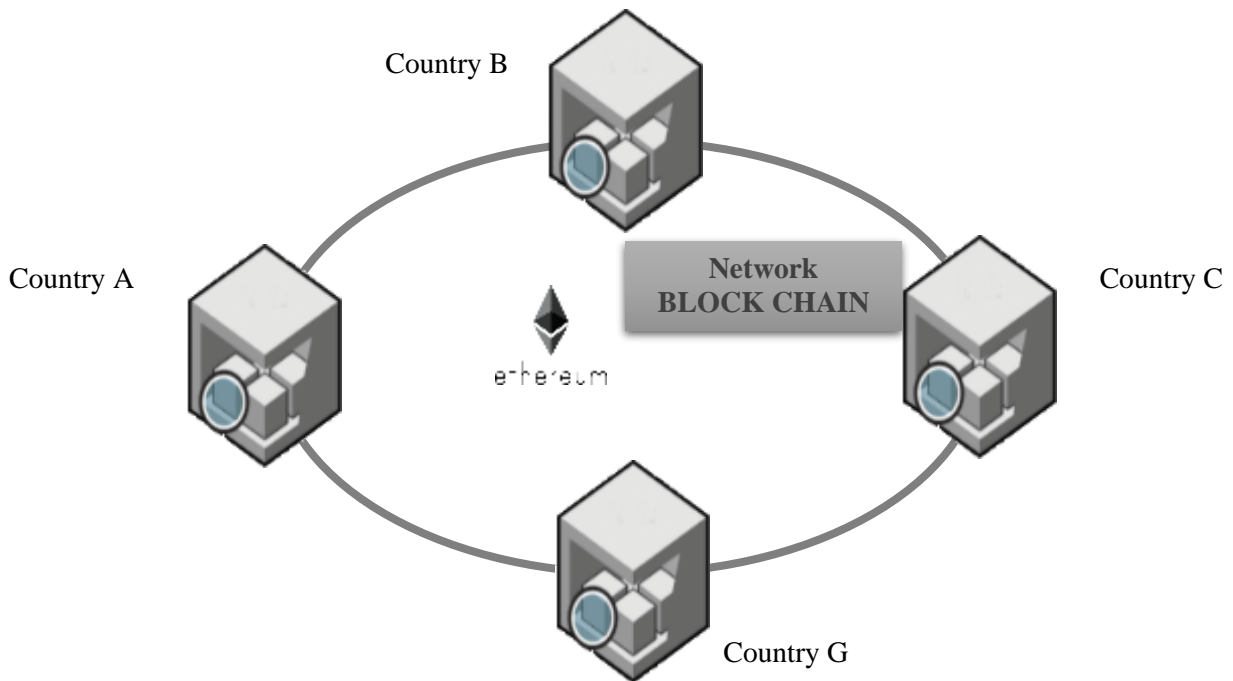
cooperation from the Egmont group but will rather boost effectiveness and rapidity of FIUs in detecting persons and entities implicated in money laundering crimes at the national and regional levels at an early stage and in determining the extent to which they are associated with serious crimes that are directly linked to human trafficking and migrant smuggling.

The following graph shows the process of creating the platform for combating human trafficking and migrant smuggling crimes:

The informatics engineering of the platform for combating trafficking in persons and migrant smuggling

Feeding the platform with available data

Accessing the required information



Role of the MENAFATF in creating the platform and urging countries to participate in it

Recommendations and best practices

The recommendations mentioned in this study were reached by examining and analyzing the content of this report, in addition to other recommendations that were drawn during the session which was specifically held for the project on the margins of the typologies workshop organized by the MENAFATF in Cairo, the Arab Republic of Egypt, in July 2019. They also include recommendations made by other various sources. All these recommendations were addressed in themes divided by topic of the recommendation and bodies concerned with their implementation. Their relevant details are the following, as previously mentioned:

Theme on promoting the results of the National Risk Assessment Process

1. Include the human trafficking or migrant smuggling in the NRA reports which is prepared by the countries.
2. Resort to the national money laundering and terrorist financing risk assessment to learn about the results of the countries' classification of the risks of human trafficking and migrant smuggling crimes in the country, in addition to the methods of illegal migration and payment modalities, etc.
3. Prepare national strategies to combat human trafficking and migrant smuggling by focusing on important principles that include prevention, protection, prosecution and partnership, in order to set up a comprehensive national system to combat these crimes.

Theme on promoting the role of competent authorities and LEAs

1. The importance of the legal characterization which is typical of each crime of human trafficking and migrant smuggling.
2. Urge countries to establish national departments specialized in combating the human trafficking and migrant smuggling crimes.
3. The importance of having a coordinating mechanism between the bodies involved in combating these crimes at the domestic level, by training entities specialized in combating them and activating them to play a bigger role in coordinating the efforts of other national bodies.
4. The importance of updating and developing red flag indicators of the human trafficking and migrant smuggling crimes for LEAs and all the stakeholders, to facilitate the detection of human trafficking and migrant smuggling gangs.
5. Increase spontaneous exchange of intelligence information concerning the proceeds of human trafficking which contribute to money laundering and terrorist financing.
6. Prepare a list comprising the names of cities and villages well-known for this conduct, whether for patterns of human trafficking crimes which are known in the country and the migrant smuggling crimes.
7. Fight the exploitation and trafficking of migrants more effectively and focus on law enforcement and criminal justice measures.
8. There is a strong need for bilateral cooperation among national LEAs which should be broadened to include other government bodies such as (FIUs). Criminal networks are spreading domestically, and it is possible to effectively dismantle them only through the exchange of information and operations between stakeholders.

9. Enhance the procedures for combating corruption associated with human trafficking and migrant smuggling cases, particularly across the government institutions and the public sector.

Theme on promoting and activating regional and international cooperation on combating the human trafficking and migrant smuggling crimes

1. The importance of criminalizing human trafficking and migrant smuggling in accordance with international conventions.
2. Countries should strengthen the legal and institutional framework for combating human trafficking and migrant smuggling, as well as strengthen national and international cooperation.
3. Human trafficking and migrant smuggling became a factor that instigates conflicts and threatens the peace and security of some countries. Therefore, imposing international sanctions against individuals and entities responsible for human trafficking and migrant smuggling is inevitable and extremely necessary.
4. Understanding and analyzing the human trafficking and migrant smuggling networks is necessary to find solutions for the problem, as the crime is associated with the tribes distributed across several countries, namely African.
5. The importance of exchanging expertise between LEAs and their counterparts in other countries in order to examine the latest developments and the best techniques to fight and reduce these crimes.
6. Promote the role and engagement of international organizations in the regional initiatives in law enforcement and border protection and strengthen the role of cooperation between the regional organizations with a view to combating these crimes.
7. Activate the judicial pursuit of the human trafficking and migrant smuggling proceeds.
8. Establish a regional strategy for the MENAFATF countries to cooperate on combating these two crimes and sign a uniform agreement to combat them, provided that it includes important items such as: (1) establishing mechanisms enabling the exchange of information, the coordination of efforts, judicial representation, execution of judgments and extradition of criminals, (2) mutual and joint training for the staff of the agencies involved in combating, (3) establishing programs for the rehabilitation and reintegration of the victims of these crimes, (4) presenting the opportunity to accede and sign the agreement through other countries outside the MENAFATF member countries if they wish to join it.

Theme on the importance of the role of financial and non-financial institutions in the efforts made to combat human trafficking and migrant smuggling

1. Give particular attention to awareness and training for those who work at the financial institutions in the field of combating human trafficking and migrant smuggling and raise awareness among authorities and financial institutions.
2. Bank should review the internal procedures, policies and systems to enable them to assist in the identification of human trafficking and migrant smuggling operations.
3. Manage risks, activate financial analysis and effectively participate in the assessment and understanding of the risks resulting from human trafficking and migrant smuggling because human trafficking is still a largely hidden crime that realizes enormous financial profits.

4. Report the results of inquiries and examination to the supervisory bodies, such as evidence proving the money transportation crime or any of the crimes associated with human trafficking and migrant smuggling.
5. Provide information on the individuals and entities engaged in this crime to the competent bodies (inside or outside the country) for the purposes of combating this phenomenon and implement the sanctions.
6. Create internal units at the compliance sector to monitor the customers information available through the open sources, namely social media.
7. Prepare a guiding list comprising the names of countries which are well-known for the human trafficking and migrant smuggling crimes to follow up the financial transactions coming from there.

The social theme and the public awareness campaigns

1. The importance of focusing on the qualification and training of those who are working in the NPO sector and devote campaigns that target awareness raising about the seriousness of human trafficking and migrant smuggling and their negative impacts.
2. Government bodies and civil society organizations should conduct campaigns aimed at promoting cooperation with competent entities to urge societies which were harmed by human trafficking and migrant smuggling and provide information on both the traffickers and the smugglers. Public awareness would also positively affect the data collected by the local and national law enforcement teams.
3. The importance of the governments taking interest in setting programs to improve the living standards among the poor, creating projects that provide job opportunities with fair wages that encompass members of the marginalized class who turn to illegal migration in search of a better life and fall prey to the human trafficking brokers.
4. The importance of educating the civil society and involving them in the combating efforts. Fight non-profit organizations involved in smuggling and trafficking and not only focus on natural persons.
5. The importance of international and regional organizations such the European Union and the United Nations participating in the intervention to address the root causes of migrant smuggling and human trafficking by striving to establish peace, stability and economic growth, regulate the legal migration channels and provide technical counseling and specialized training.

Annex

Status of the MENAFATF Member Countries with Respect to The Signature of Conventions and Protocols Against Human Trafficking and Migrant Smuggling

MENAFATF Members - Status (as at 31 Jan 2021) - Ratification (R), Acceptance(A), Approval (AA), Accession (a), Succession(d) - (1) UNTOC⁶⁵, (2) Palermo Protocol (Trafficking in Persons)⁶⁶, (3) Protocol against the Smuggling of Migrants⁶⁷, (4) UNCA⁶⁸, and (5) membership of Egmont Group of Financial Intelligence Units (FIU)⁶⁹.

The members of the Middle East and North Africa Financial Action Task Force	(1) The United Nations Convention against Transnational Organized Crime	(2) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	(3) The Protocol against the Smuggling of Migrants by Land, Sea and Air	(4) The United Nations Convention against Corruption	(5) Membership of the Egmont Group of Financial Intelligence Units (by region)
The People's Democratic Republic of Algeria	7 October 2002 (R)	9 March 2004 (R)	9 March 2004 (R)	25 August 2004 (R)	3 July 2013 MENA
The Kingdom of Bahrain	7 June 2004 (a)	7 June 2004 (a)	7 June 2004 (a)	5 October 2010 (R)	1 December 2007 MENA
The Republic of Djibouti	20 April 2005 (a)	20 April 2005 (a)	20 April 2005 (a)	20 April 2005 (R)	
The Arab Republic of Egypt	5 March 2004 (R)	5 March 2004 (R)	1 March 2005 (R)	25 February 2005 (R)	30 June 2004 MENA
The Republic of Iraq	17 March 2008 (a)	9 February 2009 (a)	9 February 2009 (a)	17 March 2008 (a)	
The Hashemite Kingdom of Jordan	22 May 2009 (R)	11 June 2009 (a)		24 February 2005 (R)	12 July 2012 MENA
The State of Kuwait	12 May 2006 (R)	12 May 2006 (a)	12 May 2006 (a)	16 February 2007 (R)	5 July 2017 MENA
The Lebanese Republic	5 October 2005 (R)	5 October 2005 (R)	5 October 2005 (R)	22 April 2009 (a)	23 July 2003 MENA
The State of Libya	18 June 2004 (R)	24 September 2004 (R)	24 September 2004 (R)		

⁶⁵ The United Nations Treaties Collection, Chapter XVIII, Penal Matters - 12, the United Nations Convention against Transnational Organized Crime https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&clang=en

⁶⁶ The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=en

⁶⁷ The United Nations Treaties Collection, Chapter XVIII, Penal Matters 12 (b), the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-b&chapter=18&clang=en

⁶⁸ The United Nations Office on Drugs and Crimes, the United Nations Convention against Corruption: - Signature and Ratification Status <https://www.unodc.org/unodc/en/corruption/ratification-status.html>

⁶⁹ Membership of the Egmont Group of Financial Intelligence Units - membership list <https://egmontgroup.org/en/membership/list>

The Islamic Republic of Mauritania	22 July 2005 (a)	22 July 2005 (a)	22 July 2005 (a)	25 October 2006 (a)	
The Kingdom of Morocco	19 September 2002	25 April 2011 (a)		9 May 2007 (R)	13 July 2011 MENA
The Sultanate of Oman	13 May 2005 (a)	13 May 2005 (a)	13 May 2005 (a)	9 January 2014 (R)	
The State of Palestine	2 January 2015 (R)	29 December 2017(R)		2 April 2014 (R)	3 July 2019 MENA
The State of Qatar	10 March 2008 (a)	29 March 2009 (a)		30 January 2007 (R)	1 June 2005 MENA
The Kingdom of Saudi Arabia	18 January 2005 (R)	20 July 2007	20 July 2007 (R)	29 April 2013 (R)	28 May 2009 MENA
The Federal Republic of Somalia					
The Republic of Sudan	10 December 2004 (R)	2 December 2014 (a)	9 October 2018 (a)	5 September 2014 (R)	5 July 2017 MENA
The Arab Republic of Syria	8 April 2009 (R)	8 April 2009 (R)	8 April 2009		30 May 2007 MENA
The Republic of Tunisia	19 June 2003 (R)	14 July 2003 (R)	14 July 2003 (R)	23 September 2008 (R)	11 July 2012 MENA
The United Arab Emirates	7 May 2007 (R)	21 January 2009 (a)		22 February 2006 (R)	5 June 2002 MENA
The Republic of Yemen	8 February 2010 (R)			7 November 2005 (R)	

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Money Laundering Resulting from the Human Trafficking and Migrant Smuggling Crimes

