



Trafficking in human beings in the EU

9th EMN Slovakia's Educational Seminar on Migration

*Office of the EU Anti-Trafficking
Coordinator*

WHAT IS TRAFFICKING IN HUMAN BEINGS?

Victims of trafficking in human beings are often forced or duped into various forms of exploitation. They can be exploited in their own country or in another country. Trafficking in human beings is a violation of fundamental rights and a complex crime. It consists of:

- **1. an intentional act**, such as the recruitment, transportation, transfer, harbouring or reception of persons;
- **2. committed by means** of 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;
- **3. for the purpose of exploitation**, including sexual exploitation, labour exploitation, forced begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs.

WHAT IS NOT (NECESSARILY) TRAFFICKING IN HUMAN BEINGS?

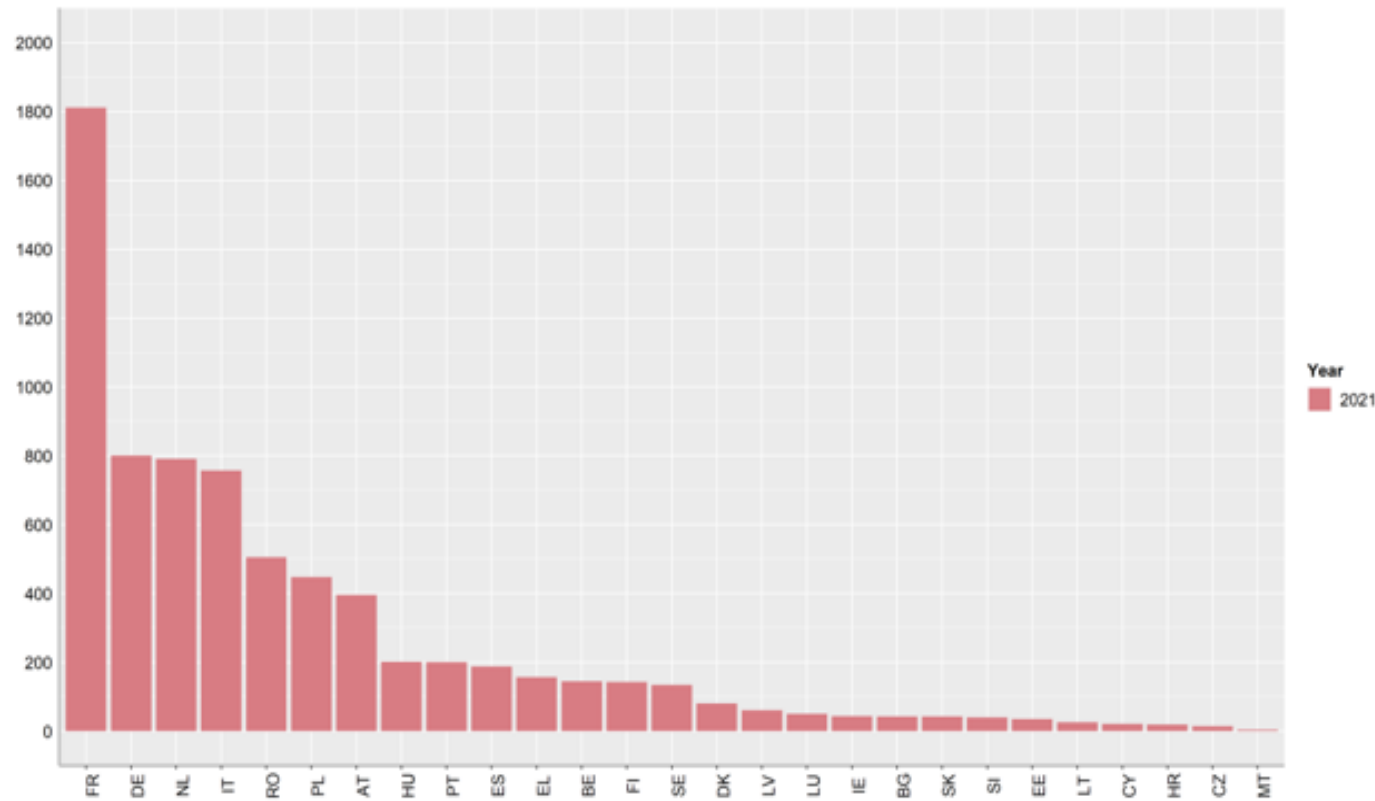
- Migrant smuggling
- Pimping
- Prostitution
- Violence against women
- Child sexual abuse
- *Illegal adoption*
- *Forced marriage*

Situation in the EU

Report on the progress made in the fight against
trafficking in human beings (fourth report)

TRENDS IN 2021

Number of victims per Member State and year

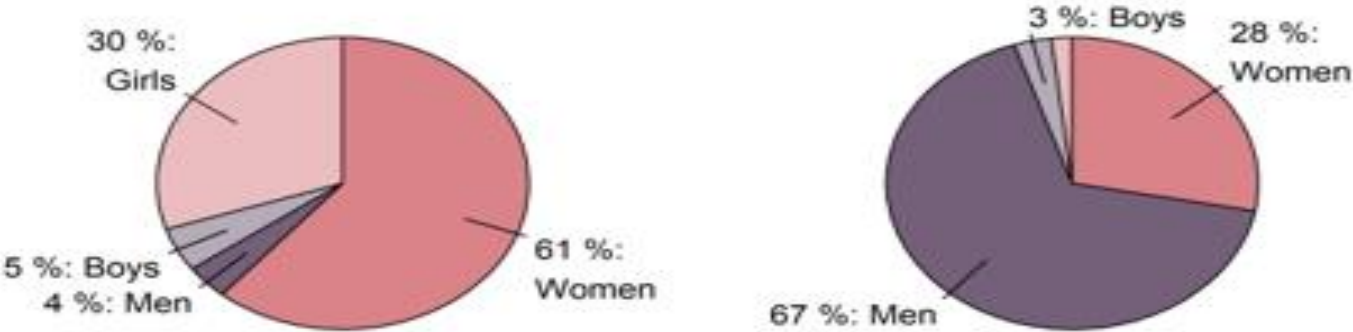


- On average 7000 victims registered in the EU per year
- Actual number likely significantly higher
- EU Member States registering the most victims in 2021: **France, Germany, the Netherlands, Italy and Romania** (absolute numbers)
- EU Member States registering the most victims proportionate to the population: **Luxembourg, the Netherlands, Austria, Latvia, France**

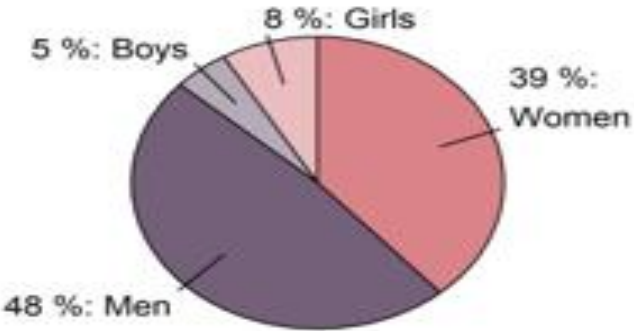
FORMS OF EXPLOITATION ACCORDING TO SEX AND AGE IN 2021

11

2021 Sexual exploitation 2021 Forced labour

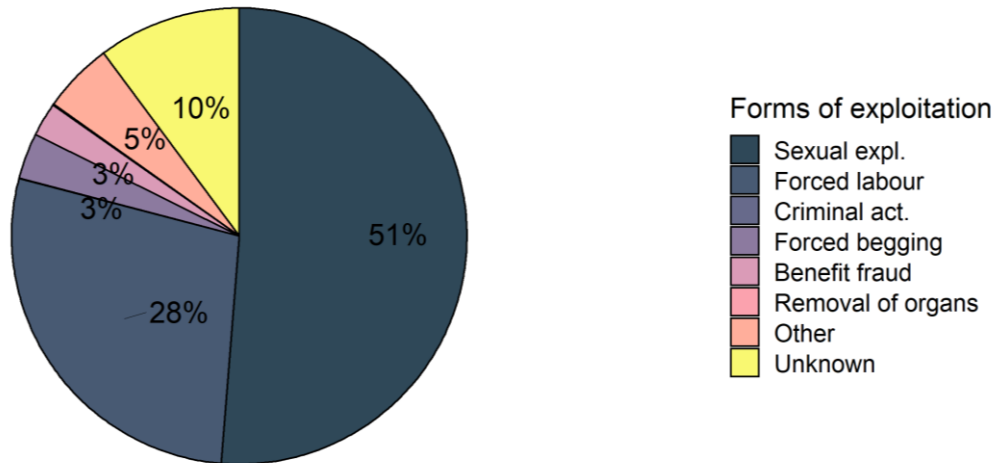


2021 Other



TRENDS FOR THE 2019-2020 PERIOD

Victims per form of exploitation

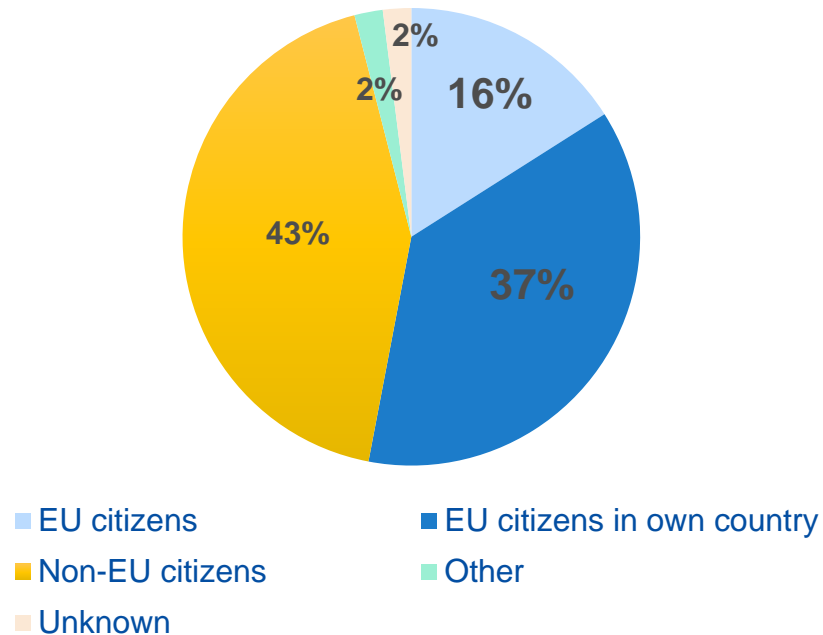


- While **sexual exploitation** remains the main form of trafficking, **labour exploitation** has **nearly doubled**
- 87% of victims of trafficking for sexual exploitation are female (73% women and 27% girls)
- 66% of victims of trafficking for labour exploitation are male and 34% are female
- 11% of victims are trafficked for other forms of exploitation

SLIDO 1

TRENDS FOR THE 2019-2020 PERIOD

Victims per EU and non-EU citizenship

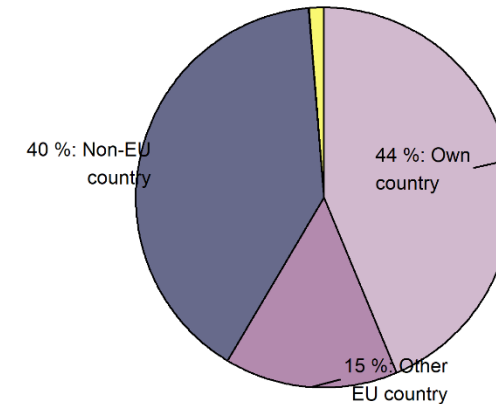


- The main countries of **EU citizenship** of victims are Romania, France, Italy, Bulgaria and Poland (absolute numbers)
- The main countries of **EU citizenship proportionate to the population** are Romania, Bulgaria and Hungary
- The countries registering the highest rates of their **own citizens** are Estonia, Hungary, Bulgaria, Romania and Slovakia
- The main countries of **non-EU citizenship** are Nigeria, China, Moldova and Pakistan

NON-EU PRIORITY COUNTRIES (2021)

- Trafficking in human beings is a **trans-national crime**.
- About **half of the victims** identified in the EU are **non-EU citizens**.
- **Top-8 non-EU countries of origin of victims:** Nigeria, China, Morocco, Colombia, Pakistan, Brazil, Moldova, and Ukraine.
- Same countries of origin as 2019-2020 (but different order)

2021



SLIDO 2

EU approach

International approach on trafficking in human beings

- 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organized Crime was the first comprehensive international instrument dealing with trafficking in human beings. The European Union signed the Protocol on 12 December 2000 and approved it on 21 May 2004.
- The Council of Europe Convention on Action against Trafficking in Human Beings, adopted in 2005, also provided a comprehensive and coherent framework covering prevention, cooperation between different actors, protection of and assistance to victims, and an obligation to criminalise trafficking in human beings

EU LEGAL AND POLICY FRAMEWORK AGAINST TRAFFICKING IN HUMAN BEINGS

- Article 82(2) and Article 83(1) of the Treaty on the Functioning of the European Union (*legal basis*)
- Directive 2011/36/EU on preventing and combating trafficking in human beings, and protecting its victims
- Directive 2009/52/EC providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals
- Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities
- EU Strategy on Combatting Trafficking in Human Beings (2021-2025)
- EU Strategy on victim rights (2020-2025)
- The EU Anti-Trafficking Coordinator is responsible for improving coordination and coherence among EU institutions, EU agencies, Member States and international actors.

EU approach on trafficking in human beings

- **EU Charter of Fundamental Rights** that explicitly prohibits trafficking in human beings as well as slavery and forced labour (art. 5).
- **Article 83(1) TFEU** states that the EU “*establishes minimum rules concerning the definition of criminal offences and sanctions in the **areas of particularly serious crime with a cross-border dimension.***” Trafficking in human beings is one of the areas covered under this Article.
- According to **Article 82(1) TFEU** these minimum rules shall concern: “(a) *mutual admissibility of evidence between Member States;* (b) *the rights of individuals in criminal procedure;* (c) *the rights of victims of crime;* (d) *any other specific aspects of criminal procedure which the Council has identified in advance by a decision...*”

Anti-trafficking Directive

Directive 2011/36/EU on preventing and combating trafficking in human beings, protecting its victims

- 1) Common definition aligned with the UNTOC Convention
- 2) Agreed forms of exploitation
- 3) Minimum level of penalties with the possibility to criminalise the use of services extracted from the victim
- 4) Expanded law enforcement and judicial response by referring seizure, confiscation and financial investigations
- 5) Comprehensive protection of the victims with a gender-sensitive and child focused approach
- 6) Institutional framework: national referral mechanisms and EU Anti-trafficking Coordinator
- 7) Monitoring framework with regular reporting

Offence of trafficking in human beings

*“**exploitation** shall include, **as a minimum**, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs”*

Problems:

- different interpretation of certain terms (forced begging, vulnerability, abuse of power)*
- New forms of exploitations are not necessarily covered in the national transposition (forced marriage, social benefit fraud, illegal surrogacy, child soldiers, etc.)*

THE FOUR AREAS OF ACTIONS OF THE STRATEGY

Built on the EU's comprehensive legal and policy framework in place to address trafficking in human beings, rooted in the Anti-trafficking Directive, it focuses on **4 main priorities**:

- Reducing demand that fosters trafficking
- Breaking the criminal model to halt victims' exploitation
- Protecting, supporting and empowering the victims, especially women and children
- International dimension

THE EU STRATEGY ON COMBATTING TRAFFICKING IN HUMAN BEINGS (2021-2025)

- The **international dimension** is one of the **four priorities** of the **EU Strategy on Combatting THB 2021-2025**.
- The Strategy takes a **comprehensive** approach to combatting THB from prevention through protection of victims to prosecution and conviction of traffickers.
- **The other three priorities of the Strategy** i.e., Reducing demand that fosters THB; Breaking the criminal model to halt victims' exploitation; and Protecting, supporting and empowering the victims, especially women and children, **also apply to the international dimension**.

TRAFFICKING IN HUMAN BEINGS IN THE CONTEXT OF MIGRATION

- **Victims are often trafficked in mixed migration flows to the EU via all routes**, with women and children being here at particular risks
- **Migrant smuggling** is often intertwined with other forms of organised crime, such as trafficking in human beings. The current global and regional migration situation heightens the risks of trafficking, with traffickers abusing asylum procedures, including by legalising their own status and that of their victims.
- The **identification and detection of victims or potential victims** of trafficking in these flows remains a challenge, which has to be addressed in a comprehensive way and across all the routes.

VICTIMS OF TRAFFICKING

- Victims often experience or witness serious violence before they become trafficked.
- Long-lasting and repeated victimhood with extreme violence to break the will, resistance and the personality.
- Intimidation and control with blackmailing (victims are often young mothers).
- Victims are subjected to one or multiple addictions (drugs and alcohol) to assert control and dependence.
- High risk of re-victimisation (about 80%).

SIGNIFICANCE OF VICTIM RIGHTS IN THE CONTEXT OF TRAFFICKING IN HUMAN BEINGS

- In the context of trafficking in human beings victim rights are instrumental to build up a **trusted relationship** of presumed and identified victims in order to:
 - detect the crime
 - identify and punish the criminals
- Assistance and protection measures start to apply before the criminal proceeding and remain in force during and after the criminal proceeding.
- They are not necessarily linked to the criminal proceeding as victims, who are not formally identified as trafficking victims, also may receive assistance.

SPECIFIC CHALLENGES

- Lack of access to the victims due to cultural or linguistic barriers.
- Insufficient infrastructure to accommodate victims with special needs and to separate women, men and children or to accommodate families.
- Lack of complex medical and mental care.
- Deficiencies in national referral mechanisms and lack of a European referral mechanism.
- Major role for NGOs and cooperation between competent authorities and NGOs.
- Lack of sufficient data on victim support and compensation.

SLIDO 3

SUPPORT REGIME OF THE ANTI-TRAFFICKING DIRECTIVE

- Early identification, support and assistance (humanitarian)
- Appropriate protection based upon an individual risk assessment
- Special rules on children and UAMs
- Victims with special needs: pregnancy, age, mental or physical disability, suffering from serious forms of violence
- Assistance and support during criminal proceedings (legal)
- Vulnerability as legal concept
 - defined concept (objective and subjective elements)
 - abuse of vulnerability as a mean
 - aggravating circumstance
 - children are always considered vulnerable

CHALLENGES TO SUPPORT VICTIMS OF TRAFFICKING BASED UPON THE EVALUATION

- The Directive has made a significant contribution to increasing the availability of protection, assistance and support measures for victims and to taking into account the gender specific dimension of the crime.
- The evaluation found that issues related to **assistance, support and protection of victims** mainly stem from gaps in the implementation of the Directive in the Member States, in particular regarding:
 - the application of the **principles of non-prosecution and non-punishment** of victims;
 - the **protection of victims in criminal proceedings**;
 - the provision of **assistance and support services targeted to the specific needs of particularly vulnerable victims**, including children and vulnerable groups;
 - access to **compensation**.

ACTIONS FOR EARLY IDENTIFICATION, ASSISTANCE AND PROTECTION OF THE VICTIMS

Actions at Member States level:

- Detection and assessment tools used in reception centres; guidelines and protocols for the early identification of, and referral of victims of THB; handbooks; indicators to detect THB signs
- Multidisciplinary training of stakeholders likely to come into contact with (potential) victims of THB on early identification and referral
- Improving informal or formal national referral mechanisms, and setting up national referral mechanisms
- Housing and specialised shelters for victims; medical, psychological and legal assistance, counselling services; education, etc. provided by Member States and civil society organisations
- Measures aimed at improving victims' access to compensation and protection of victims in criminal proceedings

International dimension of trafficking in human beings

EU STRATEGY: INTERNATIONAL DIMENSION

Key actions at EU level:

- EU Action Plan against Migrant Smuggling (2021-2025)
- Engagement with main non-EU countries of origin and transit of victims of trafficking through operational actions, policy dialogues and targeted funding
- 3 Action plans on Western Balkans, Central and Western Mediterranean
- Launch of the EU Support Hub for Internal Security and Border Management in Moldova
- EU funded actions with anti-trafficking impact under EU external funding
- Cooperation with international and regional organisations (UNODC, OSCE, CoE - GRETA, ICAT)

RECENT MEETINGS ON THE INTERNATIONAL DIMENSION

- Meeting of the **EU Network of National Rapporteurs and Equivalent Mechanisms** (25-26 April 2023)
- Meeting of **National Anti-Trafficking Co-ordinators and Rapporteurs or equivalent mechanisms** (6-7 June 2023), co-organised by CoE and OSCE.
- Exchange between the **EU ATC and CoE - GRETA** (27 June 2023)
- Meeting between the **EU ATC and NAPTIP Director-General** (4 July 2023)

EU FUNDING (1)

- *Organised Crime: West African Response to Trafficking (OCWAR - Trafficking)* – 20 MEUR – ongoing at multi-country/regional level.
- *Appui à la lutte contre la traite des personnes dans les pays du golfe de Guinée* – 17.4 MEUR - ongoing at multi-country/regional level.
- *Global action to prevent and address trafficking in persons and the smuggling of migrants in Asia and the Middle East (GLO.ACT)* – 12.5 MEUR – ongoing at multi-country/regional level.
- *Support to Free Movement of Persons and Migration in West Africa Phase II (FMM West Africa II)* – 34 MEUR – adopted at multi-country/regional level.
- *Better Migration Management (BMM III)* – 46MEUR – adopted at multi-country/regional level.

EU FUNDING (2)

- *The Action Against trafficking in Persons and Smuggling of Migrants in Nigeria (ATIPSOM)* – 28 MEUR – ongoing at national level.
- *ECI-Migration Phase III. Equipe Conjointe d'Investigation (ECI) pour la lutte contre les réseaux criminels liés à l'immigration irrégulière, la traite des êtres humains et le trafic des migrants* – 13 MEUR – ongoing at national level.
- *Appui à la stabilité et la sécurité intérieure* – 15 MEUR – adopted at national level.
- *Support to Migration Governance* – 28.4 MEUR – adopted at national level.
- *Maitrise du territoire, stabilité des zones frontalières et gestion des migrations* – 10.5 MEUR - adopted at national level.

EU FUNDING – (3)

- *Dismantling the criminal networks involved in migrant smuggling and human trafficking – 15 MEUR – ongoing at regional/multi-country level.*
- *Strengthening the operational capacity of the Egyptian Coast Guard and Egyptian Border Guards to manage migration flows through effective border surveillance and search and rescue at land and sea – 23 MEUR – ongoing at national level (phase 2 financed with 88 MEUR is upcoming)*
- *EU support to strengthen the fight against migrant smuggling and trafficking in human beings in the Western Balkans – 30 MEUR – upcoming*
- *EU support to strengthen the fight against migrant smuggling and trafficking in human beings in North Africa (Central Mediterranean route) – 51 MEUR – upcoming*

COMMON ANTI-TRAFFICKING PLAN

- **Common Anti-Trafficking Plan to address the risks of trafficking in human beings and support potential victims among those fleeing the war in Ukraine adopted on 11 May 2022.**
- **Aims at addressing the risks of THB and support potential victims among those fleeing Ukraine through:**
 - Reinforcing prevention and awareness raising, and setting up helplines
 - Enhancing the law enforcement and judicial response to THB
 - Improving the early identification, support and protection of victims of THB
 - Addressing the risks of THB in non-EU countries, especially Ukraine and Moldova

New rules to fight trafficking in human beings

Proposal for an amendment of
the Anti-trafficking Directive

PACKAGE ON TRAFFICKING IN HUMAN BEINGS (THB)

- Adopted on 19 December 2022
- The package contains:
 - The Commission's report on the progress made in the fight against THB (fourth report)
 - The evaluation of the Anti-trafficking Directive
 - The Impact Assessment of the Anti-trafficking Directive
 - A proposal for a modification of the Anti-trafficking Directive

CONTEXT OF THE PROPOSAL

- The Anti-trafficking Directive was a key development to enhance EU efforts to prevent and combat trafficking in human beings.
- The evaluation of the Directive confirmed that it is still a valid and very good legal instrument.
- A number of challenges have arisen or gained importance since its adoption in 2011 – these are addressed through a targeted revision of the Directive.
- Six main amendments.

FORMALISING THE ESTABLISHMENT OF NATIONAL REFERRAL MECHANISMS AND NATIONAL FOCAL POINTS FOR REFERRAL

- Differences in the structure and functioning of referral mechanisms across the Member States hamper timely identification, support and protection of victims.
- The identification and referral in cross-border cases remains difficult.
- ❖ **Article 11(4) to require Member States to formalise the establishment of their National Referral Mechanisms through laws, regulations or administrative provisions and to appoint national focal points for the referral of victims.**
- Harmonise the structure and practices at the national level to ensure that victims of trafficking receive adequate assistance support and protection across the EU, including in cross-border cases.
- First step towards the establishment of a European Referral Mechanism

Annual EU-wide data collection on trafficking indicators

- Data gaps and lack of comparable and systematically collected data.
- ❖ **A new Article 19a to require Member States to provide annually, as a minimum, disaggregated data:**
 - **For trafficking offences:** on registered victims, suspects, prosecutions, prosecution decisions, convictions, judgments.
 - **For the knowing use of exploited services:** on suspects, prosecutions and convictions.
- Improve the completeness, coherence and comparability of data; increase understanding of the full scope of trafficking and emerging trends in the EU.
- Enhance the available information and data to inform evidence-based anti-trafficking policies and actions.

THANK YOU!



HOME-ANTITRAFFICKING@ec.europa.eu



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