

Implementing the Anti-trafficking Directive

Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims is the main EU legislative tool addressing this phenomenon. It had to be transposed into national law by 2013. However, certain obstacles to full implementation remain almost ten years after its adoption. At the February plenary session, the European Parliament is due to debate an own-initiative report assessing the directive's effectiveness.

Background

Trafficking in human beings (THB) is a serious crime, driven by profit and often committed in connection with organised crime. It is a grave violation of fundamental rights that causes not only long-term harm to its victims, but also significant [economic, social and human costs](#) to society. The real scale of this phenomenon in the EU is difficult to establish, as many victims remain undetected, despite efforts to enhance [data collection](#) at EU level. It is clear, however, that THB is a deeply gendered crime: in 2017-2018 women and girls represented 72 % of all [registered victims](#) and 92 % of victims trafficked for sexual exploitation; at the same time, over 70 % of traffickers were male. Women and unaccompanied minors are also at higher risk of trafficking in the context of [migration](#). More recently, the [Covid-19](#) crisis has contributed to increased risk of trafficking, by exacerbating inequalities – one of the root causes of THB – and making it more difficult to identify and assist victims. In this context, [Europol](#) warns against a potential increase in demand for labour and sexual exploitation and in intra-EU trafficking of victims, and highlights the role of [digital technologies](#) in broadening criminals' ability to recruit and control victims.

The directive and its implementation

[Directive 2011/36/EU](#) establishes a legal and policy framework for addressing THB at EU level, focusing on criminal prosecution, prevention and victim protection. It adopts a holistic, child-sensitive and gender-specific approach. The directive requires the Commission to report on progress made in the fight against THB every two years. To date, three reports have been issued, depicting similar patterns and trends. The [2020 report](#) indicates that THB has not diminished, but has evolved within the EU with new risks arising. While pointing to considerable progress, it also identifies a number of gaps, such as low conviction rates, inconsistent data recording and reporting, insufficient consideration of victims' specific needs and differing legal approaches to criminalising those who knowingly use the services of THB victims.

European Parliament position

On 27 January 2021, Parliament's Committees on Civil Liberties, Justice and Home Affairs (LIBE) and Women's Rights and Gender Equality (FEMM) jointly [adopted](#) an [own-initiative report](#) on the implementation of the directive, focusing inter alia on migration and the gender perspective. The report makes a series of recommendations, e.g. on the role of online technologies in both the proliferation and prevention of THB; early identification of victims; the need to strengthen the gender approach across all forms of trafficking and to allocate adequate funds to combating THB. It proposes that the directive be amended to improve prevention and prosecution of trafficking for sexual exploitation and ensure that Member States criminalise knowing use of the services of THB victims, and calls on the Commission to swiftly adopt a specific EU strategy on eradicating THB. Among other sources, the report relies on an [Implementation Assessment](#) by EPRS and expert contributions to a [workshop](#) on gender aspects of THB. In 2016, Parliament had already [assessed](#) proper implementation of the directive from a gender perspective.

Own-initiative report: [2020/2029\(INI\)](#); Committees responsible: LIBE/FEMM; Rapporteurs: Juan Fernando López Aguilar (S&D, Spain), María Soraya Rodríguez Ramos (Renew, Spain).

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