

Understanding EU action against human trafficking

SUMMARY

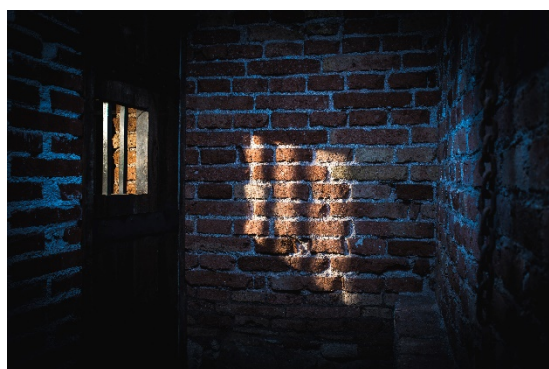
On 14 April 2021, the European Commission presented its new 2021-2025 strategy on combating trafficking in human beings – 10 years after the adoption of Directive 2011/36/EU, the core EU instrument addressing this phenomenon and protecting its victims. Despite some progress achieved in recent years, a number of challenges still lie ahead.

Human trafficking is not only a serious and borderless crime, but also a lucrative business, driven by demand for sexual (and other) services. Criminals exploit vulnerable people (increasingly children), making high profits and taking relatively low risks. Vulnerability can result from a whole range of factors, including socio-economic ones, and migrants are a particularly vulnerable group.

Gender also plays an important part, as women and men are not trafficked in the same way or for the same purpose. Women and girls represent a disproportionately high number of victims, both globally and at EU level, especially in terms of sexual exploitation. This form of exploitation is still dominant in the EU, even though other forms are on the rise, such as exploitation for forced labour and for criminal activities.

The Covid-19 pandemic has brought new challenges for victims, as well as amplifying the vulnerabilities of those most at risk. Traffickers – like legal businesses – moved to digital *modi operandi*, making victims even less visible and less able to ask for help and protection.

In its efforts to eradicate human trafficking, the EU has not only created a legal framework, comprising an anti-trafficking directive and instruments to protect victims' rights and prevent labour exploitation; it has also put in place an operational cooperation network involving EU decentralised agencies, including Europol, Eurojust, CEPOL and Frontex. Moreover, trafficking in human beings is a priority of the EU policy cycle for organised and serious international crime. The European Parliament plays a major role, not only in designing policies but also in evaluating their implementation.



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- International and EU action against trafficking
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Understanding the phenomenon

Definition of human trafficking

Human trafficking (also referred to as trafficking in human beings, THB, and trafficking in persons) is a serious crime and a flagrant violation of human rights, recognised as such by the international community. Although there is no universal definition of human trafficking,¹ attempts have been made at international level to agree on one, culminating in the adoption of a [Protocol](#) to the 2000 [UN Convention against Transnational Organised Crime](#), referred to as the Palermo Protocol. The Protocol's descriptive definition – having served as the basis for the definition included in the [EU Anti-trafficking Directive](#) of 2011 – is composed of three distinct elements:

- the activity: the recruitment, transport, harbouring or receipt of persons;
- the means: including the threat or use of force, deception, coercion or abuse of power, or of a position of vulnerability; and
- the purpose: the exploitation of trafficked persons.

Under this widely recognised definition, a criminal activity does not qualify as trafficking unless all these elements are present. The victim's consent to the intended exploitation is irrelevant if any of the above means has been used; for child victims, the use of any specific means is not even required.

Trafficking at global and EU levels: Main trends

Although it is not a new phenomenon, human trafficking has taken on new dimensions in the context of globalisation and has been facilitated by increased mobility, especially in the EU, and the development of the internet and new technologies. Among the reasons why human trafficking is an ever more flourishing business is the fact that it involves low risks and brings in high profits. As victims, through fear or shame, tend not to declare themselves to the authorities, traffickers are hardly ever prosecuted and the real number of victims is difficult to establish.

The Covid-19 pandemic, which unfolded in 2020, has created new [risks and challenges](#) for victims and opportunities for traffickers (including in cyberspace). It has exacerbated the socio-economic problems, such as unemployment, that generate the vulnerabilities exploited by traffickers, and it is likely to have a long-term impact on human trafficking. Domestic violence, another driver of trafficking, has [reportedly](#) surged under the current pandemic, as was the case with past crises, including the outbreaks of SARS and swine flu.

Meanwhile, the state response to human trafficking has been seriously hindered, with services for victims and survivors disrupted (e.g. shelters temporarily closed), law enforcement resources diverted to enforcing lockdowns, and labour inspections increasingly infrequent. In this context, trafficking victims are becoming even more difficult to detect, and this has been exacerbated by closures of sex establishments and the prohibition of street prostitution during lockdowns.

Even though collecting data on human trafficking is difficult because of its invisible nature, recent years have seen considerable progress at both international and EU levels, and extensive reports have been published by the United Nations Office on Drugs and Crime (UNODC) and the European Commission. Nevertheless, the figures presented in these reports (as outlined below) are based on registered or identified victims, which represent only the tip of the iceberg. According to different estimation attempts made at EU and global level, the real number of victims could be 5 to 10 (or even 20) times higher than the number of detected ones.² As regards the EU, there is no universally accepted method for estimating the real number of victims. This is because of differences in national legal frameworks, in reporting and monitoring systems and the entities involved. Moreover, these [differences](#) in data collection and recording make it difficult to make any comparisons, either between Member States or over time.

Prevalence

According to International Labour Organization (ILO) [estimates](#), between 2012 and 2016 around 89 million persons globally experienced some form of exploitation, for periods of time ranging from a few days to the whole five years. In 2016, approximately 25 million people were in forced labour³ and over 15 million in a forced marriage. 25 % of victims were children.

According to the UNODC [Global Trafficking in Persons report 2020](#), in 2018, 65 % of all victims of trafficking in persons detected globally were women and girls (46 % and 19 % respectively), while 35 % were men and boys (20 % and 15 %). Female victims continue to be the worst affected by trafficking, yet it appears that over the last 15 years the number of men, boys, and girls detected has risen more than that of women: the share of adult women fell from over 70 % in 2004 to under 50 % in 2018. In contrast, there has been an alarming upward trend in trafficking in children, as the proportion of child victims increased during the same period from 13 % to 34 %, i.e. over a third of all detected victims.

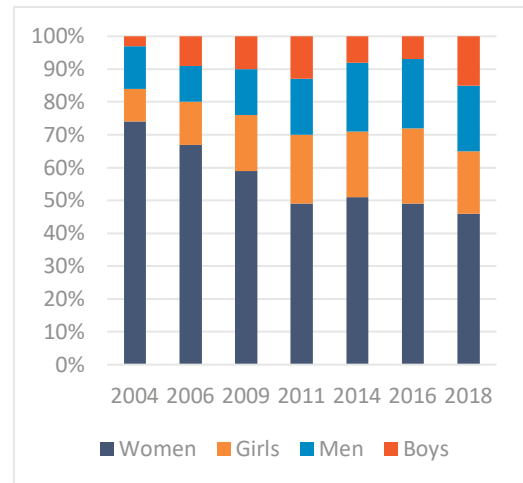
The data collected for the EU by the European Commission show a similar picture. According to the latest [2020 report](#), in the 2017-2018 period, women and girls represented the largest proportion of 'registered or presumed' victims – 71 % in the EU-27. Children accounted for nearly a quarter (21 %), of which the vast majority were girls (78 %). Girls represented 17 % of all registered victims and adult women – 54 %, while male victims made up less than a quarter of the total (18 % for men and 4 % for boys).

Trafficking flows

The UNODC 2020 report reveals 534 different trafficking flows⁴ and identifies victims from 140 different countries of origin in 120 countries across the world. Migrants make up a significant share of the detected victims in most global regions: e.g. 65 % in western and southern Europe and 50 % in central and south-eastern Europe. At the same time, it appears that victims are increasingly trafficked inside their own country: this was the case for over half of victims detected in 2018.

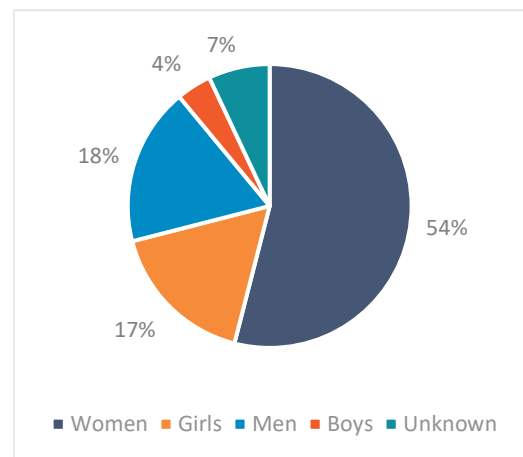
Furthermore, in the EU human trafficking happens largely within its borders. According to the European Commission, during the 2017-2018 period, nearly half of the victims (49 %) were EU nationals, with a significant proportion (more than a third) of victims trafficked within their own Member State. This is especially true for child victims: in the EU-27, nearly three quarters (74 %) were EU citizens, the vast majority of whom were registered in their country of origin. The top five EU countries of citizenship of registered victims in the EU-27 (in absolute numbers) were Romania, Hungary, France, the Netherlands and Bulgaria. Europe is also a destination for trafficking from Asia, Africa and South America. Trafficking from Nigeria, predominantly of women and young girls for sexual exploitation, is one of the most persistent flows to Europe. In the 2017-2018 period, Nigeria was once again the top country of citizenship of non-EU victims, followed by China, Ukraine,

Victims by age and sex, selected years



Source: [UNODC 2020](#).

Victims by age and sex, EU-27, 2017-2018



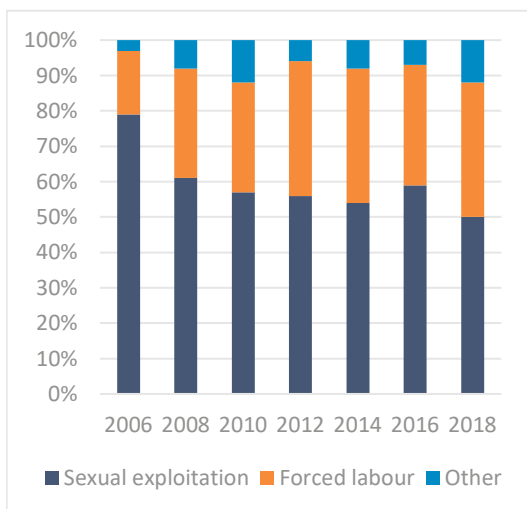
Source: [European Commission, 2020](#).

Morocco and India.⁵ In contrast, [according to Europol](#), the EU's law enforcement agency, the traditional flow from eastern to western Europe of trafficking for sexual exploitation has been replaced by multiple and diverse flows of victims from all over the EU.

Data also shows that there is increased trafficking in relation to migration flows, as traffickers profit from the migration crisis to transport their victims along migration routes, but also to recruit new ones, in particular from [hotspots](#). Unaccompanied minors are at a higher [risk of trafficking and exploitation](#), however the exact scale of the phenomenon remains unknown.

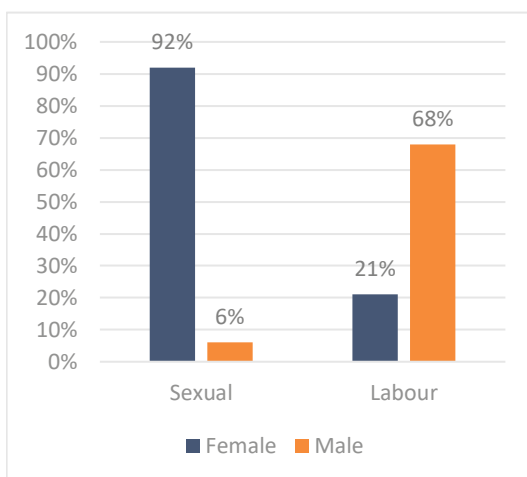
Main forms of exploitation

Forms of exploitation, selected years



Source: [UNODC 2020](#).

Victims by gender and type of exploitation, EU-27, 2017-2018



Source: [European Commission, 2020](#).

Trafficking for sexual exploitation remains the most prevalent form of human trafficking, both globally and in Europe. According to UNODC, 50 % of victims are trafficked for this purpose worldwide (92 % of them female), even though the share of those trafficked for forced labour among detected cases grew from 18 % to 38 % between 2006 and 2018 (59 % male). The UNODC findings also point to more victims trafficked for the purpose of forced criminality (6 %). Children are often exploited for begging and forced criminal activities, including drug trafficking and theft. However, most child victims globally are trafficked for sexual exploitation (72 % of girl victims), followed by forced labour (66 % of boys).

At EU level (EU-27), over the 2017-2018 period, more than half (60 %) of victims had been trafficked for sexual exploitation (92 % of whom were women and girls), while 15 % of victims were trafficked for labour exploitation (68 % of men) and another 15 % for other purposes. There is considerable variation between Member States regarding the different forms of exploitation that are registered by authorities and other registering bodies. Even though trafficking for sexual exploitation dominates in the majority (15) of EU Member States, an increase in trafficking for labour exploitation has been reported in several of them. The statistics gathered by the Council of Europe attest to the overall increase in this form of trafficking, emerging as the predominant form of exploitation in some European countries.⁶

Sexual exploitation

Trafficking for sexual exploitation can take various forms: some more visible, as in the case of street prostitution, but most clandestine, in brothels or private homes. Public venues, such as massage parlours and strip clubs can also be used for trafficking and sexual exploitation. Violence is a common tool used to control victims, and they are sometimes raped by their traffickers and drugged to prevent them from escaping. Even when victims know that they are being recruited to provide

sexual services, they can still end up in exploitative situations and suffer deception, coercion and violence.

Trafficking for sexual exploitation is recognised at global and EU level as a severe form of violence against women, deeply rooted in gender inequalities. According to an earlier [EPRS paper](#), most women and girls trafficked for sexual exploitation also report having experienced violence prior to their trafficking experience. While being trafficked, they suffer threats and psychological control, sexual and physical violence, and deprivation of freedom, which have a deep impact on their physical and mental health. Those who manage to escape exploitation are at high risk of re-trafficking, and the recovery is long. According to a [report](#) by the European Institute for Gender Equality (EIGE), 'it is crucial to differentiate victims of trafficking for sexual exploitation from victims of other forms of trafficking (such as forced labour), and to contextualise the former as victims of violence against women'. For the EIGE, this differentiation allows for a better understanding of how victims got into exploitative situations and of their needs, and contributes to better identification of victims.

Labour exploitation

The problem of labour exploitation has only come under the spotlight in the past ten years, as for a long time it was believed to concern purely illegal markets and not to affect mainstream industries. Even now, trafficking for labour exploitation often goes undetected due to workers being either unaware of the exploitative nature of their work or reluctant to turn to law enforcement (owing, for instance, to their unlawful or undocumented status).

According to the [UNODC](#), compared with other forms of exploitation, trafficking for forced labour is more frequently detected as a cross-border phenomenon than it is as a domestic one and seems to be closely connected with labour migration, particularly in high income countries. It can be argued that, in the EU, labour exploitation is of a systemic nature. On the one hand, it is often (but not only) fuelled by irregular migration feeding the EU labour market with a cheap and easily exploitable workforce having no recourse to any form of protection. On the other hand, deregulation and increased flexibility of the labour market have created conditions favourable to the exploitation of workers. Goods and services are sold at prices that cannot possibly reflect production costs, and savings are made by cutting wages and lowering the standard of working conditions. In countries with well-developed labour inspection systems capable of enforcing labour laws, risks are passed on through cascade subcontracting to a whole range of entities that are very difficult to monitor, and often bogus.⁷

Some sectors of the economy are more affected than others and they tend to include construction, agriculture, forestry, food processing, hospitality, cleaning services, and domestic work. In most sectors, the majority of victims identified are men, domestic work being one notable exception. In some of them, work is seasonal and employers repeatedly recruit and lay off (mostly low-skilled) workers who in turn are highly mobile and change employers more often than in other sectors. Hence, employers searching for flexibility in recruitment have to rely on recruitment agencies capable of providing a workforce at short notice. In the EU, recruitment services are largely private, and this partly unregulated field has been left to small companies active in both source and destination countries. Some of them operate on the margins of legality or are even effectively part of trafficking networks. The plight of [seasonal agricultural workers](#) is one example of how temporary work agencies, assuming the roles of both recruiter and employer, may exploit workers, submitting them to harsh conditions, now exacerbated by the pandemic.

The exploitation takes numerous forms including non-payment or deduction of wages and charging the victims exorbitant prices for (often imaginary) services provided by the traffickers, such as transport to the workplace, housing, etc. It is interesting to note that most victims are not physically confined to their workplaces, which according to [European Court of Human Rights](#) is not necessary for their situation to be considered as forced labour. Debt bondage arrangements, retention of

identity documents and the absence of a work permit are often reason enough for the victim to remain in the exploitative situation.

Other forms of trafficking

Among other forms of trafficking prevalent in the EU, Europol's 2021 EU Serious and Organised Crime Threat Assessment ([SOCTA 2021](#)) enumerates trafficking for the purposes of forced criminal activities, forced begging and obtaining financial and social benefits, as well as trafficking for the removal of organs and tissues. It also points to female victims being trafficked to participate in illegal surrogacy programmes and conclude sham marriages.⁸

Whereas the [Palermo Protocol](#) makes no explicit mention of trafficking for forced criminal activities or begging, Directive 2011/36 has extended the definition of trafficking to cover this phenomenon, which is on the rise in the EU. A large share of forced criminality trafficking cases concern drug-related crimes, such as forced work in cannabis cultivation and drug distribution, and organised property crime, including pickpocketing, shoplifting and cash machine theft.⁹

Women as perpetrators

Whereas most traffickers in human beings are men, [around 25 %](#) of perpetrators in the EU are women. The number of female traffickers is higher in some regions, such as eastern Europe, where trafficked women see a chance to escape sexual exploitation by becoming perpetrators themselves. In Nigeria, women are implicated in a highly structured way, with a [well-established system](#) of 'madams' (Nigerian women resident in Europe who handle the exploitation of victims in European countries).

The identification of victims of this form of human trafficking is highly problematic, not least owing to challenges in differentiating between the offender and victim statuses of the trafficked person. This is best illustrated by the complexity of cases involving victims of trafficking for sexual exploitation recruiting new victims, a criminal activity they might be coerced to undertake. Authorities' lack of awareness of this type of trafficking, the prevalence of stereotypes of ideal or innocent victims of trafficking, as well as the problem of victims not identifying as such are among the elements that make such identification difficult.¹⁰

Limited statistics and research, available only for some EU Member States, indicate that this form of trafficking affects children particularly, with criminal groups targeting families in difficult social and economic circumstances. A 2014 RACE in Europe Project [report](#) indicated that in the EU Member States covered, the victims, both adults and children, originated mainly from south-east Europe (and were often of Roma ethnicity) and from south-east Asia (notably Vietnam and China).¹¹

Root causes

Factors contributing to human trafficking can be categorised as 'push' and 'pull' factors. Push factors may include poverty, unemployment, a lack of social security and education, gender inequalities, conflict and violence. Possible examples of pull factors are deceptive promises of better living conditions and demand for cheap unskilled labour and sexual services. Victimisation and exploitation often result from a combination of these factors.

Economic factors

Many forms of trafficking are rooted in the global economy, and there is ample research drawing direct parallels between socio-economic factors and the risk of trafficking. It is argued that human trafficking thus 'emerges as an integral part of globalization and economics'.¹² The 2020 UNODC report attests to the importance of these factors: based on the analysis of trafficking court cases, it shows that the majority of victims were in a situation of vulnerability resulting from them being unable to have their most basic needs satisfied. The victims were recruited at a moment in life when they were experiencing either persistent or deteriorating economic hardship and were thus ready to take a high level of risk, in some cases without deception by the offenders. Being in economic

need may not only push a victim into an exploitative situation, but also hinder their capacity to leave it, by allowing for practices, such as debt bondage and financial control.

Migration

Socio-economic factors are among the principal drivers of mass migration, a phenomenon producing an additional set of conditions conducive to trafficking. The prolonged EU refugee and migrant crisis, combined with restrictive migration policies offering few paths for legal migration, create a category of individuals particularly vulnerable to abuse. Lack of legal status and language skills, limited access to employment, and social isolation push irregular migrants into exploitative situations that they either fail to recognise or choose to accept, having few other options. What begins as [migrant smuggling](#) may become a trafficking situation, as individuals start their journey by paying to be smuggled into a country, but later along the way get forced or deceived into exploitation.

Demand for services

The vulnerabilities described above do not provide the full explanation, as human trafficking can only occur if supply meets demand. Sexual and labour exploitation do not exist just because their victims are vulnerable but because there is demand for sexual services and cheap labour from which traffickers can profit.

When it comes to trafficking for sexual exploitation, the way demand for the services of trafficked persons is addressed by legislation differs across Europe. Countries such as [Sweden](#), Norway and Iceland have adopted the so-called Nordic model, which penalises buyers of sexual services while decriminalising prostitutes and providing them with social support and help if they want to leave the exploitative situation. [France](#) has gone in the same direction, penalising sex clients while exempting those who sell sex. Some other countries, such as [Germany and the Netherlands](#), have legalised prostitution, enabling prostitutes to work as service providers (regulatory approach). The idea behind this approach is to draw a clear line between legal prostitution, and illegal activities involving sexual exploitation. However, according to [Europol](#), the fact that prostitution is legal facilitates the exploitation of victims within a legal environment.

Gender dimension of human trafficking

The data of both the UNODC and the European Commission tend to demonstrate that human trafficking has a clear gender dimension. Women and men are not trafficked in the same way or for the same purpose, and their experience of trafficking can be very different. Arguably, the whole trafficking cycle is highly gendered, from the root causes through to policy approaches and measures aimed at combating human trafficking.¹³

The position of women in societies differs from that of men, as do perceived gender roles resulting from sociocultural beliefs. The difference in the economic, social or political power held by men and women, often resulting from gender-based discrimination, may increase women's vulnerability to human trafficking. Combined with the sexualisation of female bodies, the disadvantaged position of women makes them particularly vulnerable to sexual exploitation, and this is a connection that has been recognised in public discourse for a long time. Indeed, commercial sexual services in Europe are consumed almost exclusively by men and provided mainly by women.

Arguably, the gender dimension should not be understood narrowly to refer only to women and to sexual exploitation. Forced labour, which mainly affects men, is a case in point: the strongly entrenched expectation that men must provide for their families makes them particularly prone to such exploitation and less likely to admit to having been exploited. It has been demonstrated that gender-sensitive policies designed for female victims of trafficking for sexual exploitation may result in men being disadvantaged in accessing services.¹⁴

Modus operandi

Recruitment

To recruit their victims, traffickers use different means, involving coercion, force or deception. The use of deception is a common feature in the recruitment process for different forms of exploitation. Victims are lured by false promises of employment, good working conditions, perhaps even free housing and a good salary. Women and girls can be 'offered' jobs as models or dancers, or the opportunity to participate in beauty contests or 'study abroad' programmes. Yet another method, used mainly by male perpetrators to abuse female victims, especially young girls, involves feigned romantic interest (the 'lover-boy' method), where the trafficker enters into a romantic relationship with the victim, just to gain her trust, and then manipulates or coerces her into sexual exploitation.

As reported by [Europol](#), victims are usually recruited within their country of origin by their own nationals using ethnic ties. In many cases acquaintances or even family members take part in the recruitment process. Sometimes, victims voluntarily leave their countries of origin hoping for better life, and once abroad, they are approached by fellow nationals and trapped into exploitation. Once the victims fall in the hands of traffickers, their passports are taken so they are not able to seek support from authorities. Even though there may be no physical violence involved, victims are coerced through 'soft methods', such as verbal manipulation, psychological pressure and threats.

Role of the internet and new technologies

With the development of new technologies, most criminal activities have gone online and human trafficking is no exception. This trend has been largely accelerated and amplified by the pandemic.

Already in 2016, Europol [warned](#) that 'the global development of online infrastructures has made the Internet a crucial tool for human traffickers, and it is likely to become more significant in the future'. In a more recent [2020 report](#), the agency affirmed that human trafficking has transformed into 'a new business model, in which the online component is an essential part of criminals' modus operandi'. Today, digital technologies facilitate human trafficking at all its different stages: from recruiting and advertising, to control and exploitation of victims.

Traffickers engage in online profiling to identify and recruit their victims, using both active recruitment strategies (such as posting false job advertisements on job portals and social media marketplaces or setting up fake employment agency websites) and 'passive' ones (such as surfing the internet and social media and replying to announcements posted by job-seekers looking for jobs abroad).

Modern technologies also offer perfect control tools: whereas traditionally control over victims involved violence and physical restriction of movement, today, it can be exerted through blackmail (for instance with threats to share photos or videos of sex acts online) or through virtual forms of movement restriction and real-time monitoring (e.g. GPS, smartphone cameras, and location-sharing applications).

Internet has broadened the geographical scope of traffickers' operations and increased their ability to reach a large audience: they can operate across borders and in multiple locations at the same time, while physically exploiting the victims in a single location. They use cyberspace to connect with each other, with victims and with the final consumers of exploitative services.

Technology also offers traffickers increased anonymity and allows them to operate online without the need to create a physical, criminal infrastructure, making their activities more difficult to detect.

Finally, technology enables the commercialisation and exploitation of victims on a massive scale, including repeated exploitation (i.e. replication of the same adverts or livestreaming on multiple platforms), increasing traffickers' profits and amplifying the victimisation of trafficked persons.

International and EU action against trafficking

Until the end of the 20th century, the international community, equated the concept of trafficking in persons with exploitation for commercial sex, as evidenced by the [UN Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others](#). It assumed that prostitution was the sole precursor for trafficking and failed to protect persons trafficked for purposes other than prostitution. Adopted in 2000 as part of the 'Palermo Convention' (see box on international instruments), the UN Trafficking Protocol extended the scope of trafficking to include various non-sexual forms of exploitation, such as forced labour, and marked a milestone in redefining the problem.¹⁵ However, it took a crime-based approach towards trafficking, and considered it solely from a law enforcement perspective. This has changed in recent years, with an ever greater focus on victims' human rights. The 2005 Council of Europe Convention on Action against Trafficking in Human Beings played an important role in this shift, as it placed the human rights of victims at its heart and demanded that states offer them satisfactory protection and services. Both global and EU policies on combating trafficking now follow a multi-disciplinary approach that goes beyond law enforcement and includes a wide range of prevention, protection and victim-support measures.

International instruments

The 2000 [UN Convention against Transnational Organized Crime](#) ('Palermo Convention') which also includes a Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children ('The UN Trafficking Protocol'), has been ratified by all EU Member States. It provided the first globally accepted definition of 'trafficking in persons', which served as a basis for subsequent international and EU instruments.

In 2005, the Council of Europe adopted a [Convention on Action against Trafficking in Human Beings](#). It entered into force in 2008 and has been [ratified](#) by the 27 EU Member States. Its scope of application is broader than that of the UN Protocol as it applies to transnational as well as domestic trafficking in human beings, whether or not it is linked to organised crime.

EU legal framework

At EU level, human trafficking is recognised as a violation of fundamental rights, explicitly prohibited by Article 5 of the EU Charter of Fundamental Rights. Article 83 of the Treaty on the Functioning of the European Union (TFEU) identifies 'trafficking in human beings and sexual exploitation of women and children' among serious crimes with a cross-border dimension for which there is a possibility to establish common minimum rules on the definition of criminal offences and sanctions. Article 82(2) TFEU concerning the rights of individuals in criminal procedure and the rights of victims of crime and Article 79 TFEU on immigration policy provide complementary bases for EU action in this area.

The main EU instrument addressing human trafficking is [Directive 2011/36/EU](#) – the Anti-trafficking Directive – adopted in 2011. The directive builds on the UN Trafficking Protocol and the Council of Europe's Convention on Action against Trafficking in Human Beings. It also represents a step further from the 2002 [Council Framework Decision](#), which focused on crime control and left little room for prevention and victim protection. The directive adopts a victim-centred approach and, in addition to prosecution of offenders, addresses prevention and support, which must be gender-specific and child-sensitive. It recognises that women and men are often trafficked for different purposes, and that assistance and support measures should therefore also be gender-specific. It also seeks to undermine demand for services provided by victims of trafficking, by requiring Member States to consider criminalising the knowing use of services resulting from the exploitation of trafficking victims. At EU level, [Directive 2009/52/EC](#) (the Employers' Sanctions Directive) already criminalises demand for the labour of trafficked persons. It provides for minimum standards on sanctions and measures against employers who use the work or services of illegally staying third-country nationals knowing that they are victims of human trafficking. In addition, [Directive 2011/93/EU](#) (the Child Sexual Abuse Directive) defines as a criminal offence the fact of engaging in sexual activity with children in the context of child prostitution, thus contributing indirectly to combating child

trafficking for sexual exploitation (in this case, the conduct is punishable independently of the awareness of the client about the trafficking condition of the victim).

Protection of victims is another important element of the EU's anti-trafficking efforts. According to EU law, victims of human trafficking have a number of [rights](#), including the right to assistance and health care, labour rights, access to justice, legal defence and compensation. As regards protecting and assisting victims, [Directive 2012/29/EU](#) (the Victims' Rights Directive) obliges Member States to ensure that victims of crime – including victims of human trafficking, who often require special support and protection because of the high risk of secondary and repeat victimisation, intimidation and retaliation – receive appropriate information, support and protection. Moreover, [Directive 2004/81/EC](#) defines the conditions for granting residence permits to third-country victims of human trafficking who cooperate with the competent authorities. It also states that it is for Member States to lay down the rules on victims' access to the labour market.

Policy framework and operational cooperation

While Member States bear primary responsibility for eradicating human trafficking, the European Commission coordinates their efforts and sets priorities through dedicated policy documents and mechanisms.

The first [EU dedicated strategy](#) was adopted in 2012. It provided guidelines on how to transpose and implement Directive 2011/36/EU and defined a series of measures to address the gender dimension of trafficking. The Commission [updated](#) the strategy in 2017, identifying further concrete actions aimed at disrupting traffickers' business models, enabling victims to exercise their rights more effectively and improving coordination of the internal and external aspects of EU action. In April 2021 – ten years after the adoption of the Anti-trafficking Directive – the Commission presented its new [strategy on combatting trafficking in human beings](#) for the 2021–2025 period. The strategy adopts a comprehensive approach, encompassing prevention, protection of victims and prosecution of offenders. It focuses on early identification of victims and facilitating their re-integration (with a specific focus on women and children), on ways to turn trafficking into high-risk and low-return crime, on reducing demand for services and on promoting international cooperation.

Implementation of the EU strategy is monitored by the [EU anti-trafficking coordinator \(EU ATC\)](#). The coordinator's main task is to improve coordination between EU institutions, EU agencies, Member States, third countries and international actors, and to increase the coherence between different policy fields, such as police and judicial cooperation, protection of human rights, external relations, migration policies and social and labour law.

The EU ATC also facilitates the work of the [EU network of national rapporteurs or equivalent mechanisms](#) (NREMs), established following the Council conclusions of June 2009. The NREMs, appointed by all Member States as required by the Anti-trafficking Directive, are responsible for monitoring implementation of anti-trafficking policy at national level, and play a crucial role in collecting data on human trafficking at both national and EU levels.

In addition, an [EU Civil Society Platform against Trafficking in Human Beings](#) was launched in 2013 and gathers around 100 civil society organisations from all over the EU and selected priority non-EU Member States. In 2014, the Platform was complemented by an online ePlatform to include additional participants.

The role of the relevant EU agencies has been significantly stepped up since 2011, when seven of them – [Europol](#), [Eurojust](#) (EU Agency for Criminal Justice Cooperation), [CEPOL](#) (EU Agency for Law Enforcement Training), [EASO](#) (European Asylum Support Office), [EIGE](#), [FRA](#) (EU Agency for Fundamental Rights) and [Frontex](#) (European Border and Coast Guard Agency) – signed a [joint statement](#), committing to work closely together to address human trafficking, according to their areas of competence, which range from gathering intelligence and facilitating prosecution in trafficking cases, to coordinating Member States' efforts to support victims and prevent (repeat)

victimisation. The [commitment](#) was renewed in 2018, with the additional involvement of three other EU agencies: [eu-LISA](#) (EU Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice), [EMCDDA](#) (European Monitoring Centre for Drugs and Drug Addiction) and [Eurofound](#) (European Foundation for the Improvement of Living and Working Conditions).

As key EU actors in police and judicial cooperation, Europol and Eurojust play a central role. In 2019, Europol launched an operational platform – the Joint Liaison Task Force Migrant Smuggling and Trafficking in Human Beings ([JLT-MS](#)) – coordinated by its [European Migrant Smuggling Centre](#) (EMSC) to facilitate the joint development of operational strategies and execute cross-border operations, as well as to support investigations of an increased number of high priority cases. Eurojust, meanwhile, facilitates cross-border cooperation on investigation and prosecution and has seen its caseload relating to [human trafficking](#) grow over the years.

The fight against human trafficking for all forms of exploitation is also a [priority](#) of the 2018-2021 EU policy cycle for organised and serious international crime ([EMPACT](#)), the four-year plan to combat crime adopted by the Council in 2017. It has been identified once again as one of the 10 [EU crime priorities](#) agreed by the Council for the coming 2022-2025 policy cycle, based on recommendations from Europol's Serious and Organised Crime Threat Assessment ([SOCTA 2021](#)).

Role of the European Parliament

Since first addressing the problem in 1989, with a resolution on the exploitation of prostitution and the traffic in human beings, the European Parliament has played a major role in developing anti-trafficking policies at EU level.

In 2016, Parliament [assessed](#) the implementation of the EU Anti-trafficking Directive from a gender perspective, emphasising that trafficking is a gendered phenomenon and thus calling on Member States to adopt gender-specific prevention, assistance and support measures in line with the directive. In another 2016 [resolution](#) on the fight against trafficking in human beings in the EU's external relations, it noted that trafficking is a global transnational crime and expressed concern at the insufficient level of international co-operation.

In February 2021, Parliament adopted a comprehensive [resolution](#) on the implementation of Directive 2011/36/EU, based on an own-initiative report adopted jointly by the Committees on Civil Liberties, Justice and Home Affairs (LIBE) and Women's Rights and Gender Equality (FEMM). The resolution stressed the need for a coordinated, harmonised and coherent EU framework, with more efficient assessment and follow-up mechanisms. It also made a series of recommendations, e.g. on the role of online technologies in both the proliferation and prevention of human trafficking, early identification of victims, and strengthening of a horizontal gender- and child-sensitive perspective across all forms of trafficking. Moreover, it proposed 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 the victims of human trafficking.

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ENDNOTES

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- ² For more detail on the different estimates and statistical techniques used, see A. Dinu, '[Implementation of Directive 2011/36/EU: Migration and gender issues](#)', EPRS, European Parliament, September 2020, p. 30.
- ³ The ILO estimate of forced labour comprises forced labour in the private economy, forced sexual exploitation of adults and commercial sexual exploitation of children, and state-imposed forced labour. For more details on methodology, see the [report's](#) 'Annex: Note on methodology', p.57.
- ⁴ UNODC defines 'flow' as a combination of one origin country and one destination where at least five victims were detected during the period considered. See UNODC report, p.54, note 83.
- ⁵ European Commission, '[Third report on the progress made in the fight against trafficking in human beings \(2020\)](#)', p. 3.
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