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REPORT

on implementation of the Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims from a gender perspective
(2015/2118(INI))

Committee on Women's Rights and Gender Equality

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(*) Associated committee - Rule 54 of the Rules of Procedure

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(*) Associated committee – Rule 54 of the Rules of Procedure

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on implementation of the Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims from a gender perspective (2015/2118(INI))

The European Parliament,

- having regard to Article 2 and Article 3(3), second subparagraph, of the Treaty on European Union (TEU) and Articles 8, 79 and 83 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Articles 3, 5 and 23 of the Charter of Fundamental Rights of the European Union,
- having regard to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), in particular to Article 6, which seeks to combat all forms of traffic in women and the exploitation of the prostitution of women,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR),
- having regard to the 1948 Universal Declaration of Human Rights,
- having regard to the 1949 UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,
- having regard to the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995 and to the subsequent outcome documents adopted at the United Nations Beijing+5 (2000), Beijing +10 (2005) and Beijing +15 (2010) special sessions and at the Beijing +20 review conference,
- having regard to the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and in particular the internationally agreed definition of trafficking in human beings (THB) therein, supplementing the United Nations Convention against Transnational Organised Crime,
- having regard to the 1989 UN Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and to the European Parliament resolution of 27 November 2014 on the 25th anniversary of the UN Convention on the Rights of the Child¹,
- having regard to the Oviedo Convention on Human Rights and Biomedicine,
- having regard to the Hague Adoption Convention,

¹ Texts adopted, P8_TA(2014)0070.

- having regard the Joint UN Commentary on the EU Directive on preventing and combating trafficking in human beings and protecting victims, which demands that international protection be provided to victims of human trafficking in a gender-sensitive manner,
- having regard to ILO Convention No 29 on forced or compulsory labour, Article 2 of which defines forced labour,
- having regard to the Council of Europe Convention on Action against Trafficking in Human Beings and to the Council of Europe’s recommendations in this field,
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),
- having regard to Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA¹,
- having regard to European Parliament and Council Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA²,
- having regard to European Parliament and Council Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA³,
- having regard to Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals⁴,
- having regard to Directive 2008/115/EC of the European Parliament and the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals⁵,
- having regard to Council 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 authorities⁶,
- having regard to the Commission communication entitled ‘EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016’ (COM(2012)0286),
- having regard to the Commission staff working document entitled ‘Mid-term report on the implementation of the EU Strategy towards the Eradication of Trafficking in Human

¹ OJ L 319, 4.12.2015, p. 1.

² OJ L 315, 14.11.2012, p. 57.

³ OJ L 101, 15.4.2011, p. 1.

⁴ OJ L 168, 30.6.2009, p. 24.

⁵ OJ L 348, 24.12.2008, p. 98.

⁶ OJ L 261, 6.8.2004, p. 19.

Beings' (SWD(2014)0318),

- having regard to the Commission communication entitled 'The European Agenda on Security' (COM(2015)0185),
 - having regard to the Commission staff working document entitled 'Strategic engagement for gender equality 2016-2019' (SWD(2015)0278),
 - having regard to the Europol Situation Report: Trafficking in human beings in the EU (February 2016),
 - having regard to the Eurostat report 'Trafficking in human beings', 2015 edition,
 - having regard to the EPRS European Implementation Assessment of Directive 2011/36/EU, produced by the Directorate-General for Parliamentary Research Services,
 - having regard to the study on the gender dimension of trafficking in human beings, commissioned by the Commission, 2016,
 - having regard to its resolution of 25 February 2014 with recommendations to the Commission on combating Violence Against Women¹,
 - having regard to its resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality²,
 - having regard to its resolution of 9 June 2015 on the EU Strategy for equality between women and men post 2015³,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Women's Rights and Gender Equality and the opinion of the Committee on Civil Liberties, Justice and Home Affairs (A8-0144/2016),
- A. whereas trafficking in human beings (THB) is a terrible violation of fundamental rights, as outlined in Article 5(3) of the EU Charter on Fundamental Rights, and a violation of human dignity and of the victims' physical and psychological integrity, causing severe damage that often affects them for the rest of their lives, as well as a serious form of, mostly organised, crime driven by high demand and profits, estimated at some USD 150 billion a year⁴, which undermines the rule of law; whereas differences between legislation in Member States greatly facilitate the activities of organised crime, there is still too low a risk of prosecution, and the sanctions applied to deter this crime are inadequate in comparison with the potentially high profits;
- B. whereas THB is defined in Article 2 of Directive 2011/36/EU as the recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or

¹ Texts adopted, P7_TA(2014)0126.

² Texts adopted, P7_TA(2014)0162.

³ Texts adopted, P8_TA(2015)0218.

⁴ ILO estimates, 2014, Profits and poverty the economics of forced labour.

transfer of control over those 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; whereas exploitation includes, 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;

- C. whereas THB takes many different forms, and victims of THB are found in different legal and illegal activities, including, but not limited to, agriculture, food processing, the sex industry, domestic work, manufacturing, care, cleaning, other industries (particularly the service industries), begging, criminality, forced marriage, sexual exploitation of children online, illegal adoptions and the trade in human organs;
- D. whereas, as stated by the Joint UN Commentary on the EU Directive – A Human Rights-Based Approach (2011), several UN agencies recall that ‘trafficking in both men and women should be acknowledged, and the similarities and differences in the experiences of women and men in relation to vulnerabilities and violations should be addressed’;
- E. whereas the current refugee crisis has shown up the lack of proper tools at a European level for jointly combating THB, especially when its aim is the sexual exploitation of women and children;
- F. whereas a ‘one size fits all’ strategy is not efficient and whereas the different forms of trafficking, such as trafficking for sexual exploitation, trafficking for labour exploitation and child trafficking, need to be addressed with specific and tailored policy measures;
- G. whereas Directive 2011/36/EU (‘the Directive’) should be commended for its human-rights and victim-centred approach, whereby victims of THB are entitled to certain rights and services under international law, regardless of their willingness or ability to take part in criminal proceedings (under Article 11.3 of the Directive);
- H. whereas all support services for victims of trafficking must be made truly non-conditional and ensure that there is no further victimisation;
- I. whereas THB is, on the one hand, the result of global economic and social inequalities and, on the other, is exacerbated by economic, societal and education and training inequality between women and men;
- J. whereas recent statistics show that most of the victims of THB are women; whereas gender itself does not inherently create vulnerability, and there are many contributing factors to create a situation of vulnerability for women and girls, including poverty, social exclusion, sexism and discrimination;
- K. whereas women and girls make up 80 % of registered victims of THB¹, and this can be attributed partly to structural violence and discrimination against women and girls;

¹ Eurostat report, ‘Trafficking in human beings’, 2015 edition.

- L. whereas the demand for women, girls, men and boys in the prostitution industries is a decisive pull factor for THB for sexual exploitation; and whereas the demand for cheap labour and incapacity to uphold labour rights are pull factors for THB for labour exploitation;
- M. whereas societal tolerance of gender inequality and violence against women and girls and the lack of public awareness of the issues surrounding THB perpetuate a permissive environment for THB;
- N. whereas trafficking in women, girls, men and boys for sexual exploitation has decreased in countries that have criminalised demand, including both pimping and the buying of sexual services;
- O. whereas minority and immigrant groups such as Roma people make up a disproportionate number of victims of THB as a result of being socially and economically marginalised;
- P. whereas gender expectations and discrimination are harmful to everyone, with men less likely to admit that they have been the victims of exploitation;
- Q. whereas economic and social empowerment of women and minority groups would reduce their vulnerability to becoming victims of THB;
- R. whereas identification of victims remains a challenge, and whereas, in order to help victims of trafficking and to prosecute and convict traffickers, victim support and protection needs to be reinforced, including the right of the victim to legally reside and work in the Member State to which the victim has been trafficked, as well as improving victims' access to justice and compensation;
- S. whereas children make up approximately 16 %¹ of registered victims of THB, with girls representing to 13 %², and whereas they are particularly vulnerable, with child victims facing severe and lasting physical, psychological and emotional harm;
- T. whereas 70 % of the identified victims of THB and 70 % of suspected traffickers in the EU are EU nationals, and the most reported victims for the purpose of sexual exploitation are female EU nationals from Central and Eastern Europe³; whereas statistical information must be taken into account when developing identification systems in order to better identify all victims of THB;
- U. whereas the majority of the registered victims are women and girls trafficked for the purposes of sexual exploitation, together comprising up to 95 % of the victims trafficked for sexual exploitation⁴; whereas trafficking is a form of violence against women and girls;
- V. whereas THB is a complex transnational phenomenon that can be tackled effectively only if the EU institutions and Member States work together in a coordinated manner in

¹ Idem, Eurostat report.

² Idem, Eurostat report.

³ Europol, Situation Report: Trafficking in human beings in the EU (February 2016).

⁴ Idem, Eurostat report.

order to prevent ‘forum shopping’ by criminal groups and individuals, but with the focus being placed on identifying and protecting potential and actual victims with an integrated intersectional perspective; whereas there is a clear distinction between THB and human smuggling, but particular attention should be given to asylum seekers, refugees, migrants and other vulnerable groups, especially children, unaccompanied minors and women as they face multiple risks and are particularly vulnerable to exploitation and further victimisation;

- W. whereas THB is often perceived as being carried out only by organised criminal groups, but in fact can also be carried out by the victim's family members, friends, relatives, romantic partners and ordinary employers;
- X. whereas the majority (70 %) of suspected, prosecuted and convicted traffickers are male, although female perpetrators form a sizeable minority (29 %) and can play a significant role in the process of THB¹, especially in the case of child trafficking;
- Y. whereas in order to be effective any legislation to combat trafficking must be accompanied by a clear cultural shift from a culture of impunity to a culture of zero tolerance of trafficking;
- Z. whereas victims often lack information about their rights and how to exercise them effectively;
- AA. whereas THB as a concept is distinct from slavery and broader discussions of exploitation; whereas not all types of exploitation would qualify as THB;

General assessment of measures taken to address the gender dimension of THB in the implementation of the directive

1. Notes that Directive 2011/36/EU was due to be transposed into Member States’ national laws by 6 April 2013, and that all Member States except one have notified the Commission of the transposition of this directive into national law;
2. Calls on the Member States to speed up the full and correct enforcement of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims;
3. Emphasises that the EU’s legal and political framework recognises that trafficking is a gender-specific phenomenon, and calls on Member States to adopt gender-specific measures²; recalls that Article 1 of the Directive stresses the need to adopt a gender-sensitive approach to THB; highlights that women and men, girls and boys are vulnerable in different ways, and are often trafficked for different purposes, and that prevention, assistance and support measures must therefore be gender-specific; points out, further, that the EU strategy identifies violence against women and gender inequalities as being among the root causes of trafficking, and lays down a series of measures to address the gender dimension of trafficking;

¹ 2015 Eurostat report.

² ‘Mid-term report on the implementation of the EU strategy towards the eradication of trafficking in human beings’ SWD(2014) 318 final, page 9.

4. Notes that the Commission is required to publish a number of reports in relation to the various aspects of implementation of the directive; expresses deep concern that these reports will be delivered late as this sends a worrying signal regarding their priorities on enforcement; calls on the Commission to meet the reporting obligations and timetable as outlined in the directive;
5. Recalls the Commission's obligation under Article 23, paragraph 1, of Directive 2011/36/EU to submit in April 2015 a report to the Parliament and Council with an assessment of the extent to which Member States have taken the necessary measures to comply with the Directive; underlines that this reporting task has not been completed on schedule;
6. Stresses that the gender dimension must be consistently monitored in the implementation of EU anti-trafficking legislation, and urges the Commission to continue to monitor this in its assessment of Member States' compliance and implementation of the Directive;
7. Commends the good work done by the EU Anti-Trafficking Coordinator in developing knowledge and evidence on the various aspects of THB, including research into the gender dimension and the particular vulnerability of children; is, however, of the view that in order to accelerate the EU's response to THB, the mandate of the EU Anti-Trafficking Coordinator could be extended;
8. Regrets that Europol's capabilities are not fully utilised among Member State law enforcement authorities in order to increase information sharing with Europol so that links can be made between investigations in different Member States and a broader intelligence picture on the most threatening organised crime networks active in the EU can be drawn;
9. Welcomes the Commission's creation of a webpage against trafficking that contains a database of EU-funded projects in the EU and elsewhere, up-to-date information on EU legal and political instruments, measures to combat people trafficking in the Member States, funding possibilities and EU initiatives;
10. Highlights the importance of having clear, consistent information for victims and for frontline staff who may come into contact with victims, security forces, judicial authorities, police and social services, including information on rights with regard to emergency assistance, medical treatment and healthcare, residence permits, employment rights, access to the courts and to a lawyer, the possibilities for seeking redress, the specific rights of children, etc.;
11. Emphasises that it is also important to pay greater attention to labour market intermediaries, contractors, subcontractors and employment agencies, especially in high-risk sectors, as a way of preventing people trafficking, particularly for the purpose of labour exploitation but also for the purpose of sexual exploitation concealed behind what purport to be contracts for services in the hotel and catering industry and personal care services;
12. Emphasises that the EU's legal and political framework on THB combines the internal and external dimensions, recognising that action to combat trafficking, which is a

serious human rights violation, constitutes a clear objective of the EU's external action; emphasises, likewise, that countries outside the EU are often the countries of origin and transit for trafficking within the EU and that trafficking, as an illegal cross-border activity, is an important area for cooperation with non-Community countries; welcomes, in this connection, the fact that, at the request of the Council, the Commission and the European External Action Service have put together a package of information on activities carried out to combat people trafficking in priority countries and regions, as well as a list of the tools and instruments available to the EU and Member States, including external policies that deal with trafficking, and projects funded by the EU and Member States in this field; calls on Member States to cooperate with the Commission and the EEAS in combating people trafficking;

13. Considers that asylum seekers, refugees and migrants are particularly vulnerable to trafficking and that special attention should be given to the trafficking of women, children and other vulnerable groups; calls on the Commission and the Member States to investigate the link between the increasing numbers of refugees arriving and THB; calls on Member States to increase cooperation, including in the hotspots, to identify potential victims and to use all means to combat traffickers and smugglers, including by improving data collection and ensuring compliance with existing protection standards; recalls the role of EU agencies and networks in the early identification of victims at EU borders and the fight against THB, and in this context underlines the need for greater cooperation between EUROPOL, Eurojust, national authorities and third countries, and through the use of ECRIS; calls for more resources for the JHA agencies to enable the appointment of gender-trained agency officers, especially in those Member States faced with increased mixed migratory flows; emphasises that the new 'hotspot' approach outlined in the Agenda for Migration should not be limited to quick processing and clearing of backlogs, but should include a proportionate anti-trafficking component geared towards the effective referral of potential victims";
14. Calls on the Member States to critically assess their registration of refugees and the relevant services and care structures, as this group, particularly unaccompanied minors, are very vulnerable to exploitation by criminal gangs and subsequent trafficking in human beings;
15. Considers that greater consideration should be paid to the situation of transgender victims, who often experience discrimination, stigmatisation and threats of violence because of their gender identity; is of the opinion that transgender people should be considered to be a vulnerable group, as they are particularly at risk of falling into the hands of traffickers seeking to exploit their despair; believes that this vulnerability factor should be taken into account when Member States conduct individual risk assessments, so as to ensure that victims of trafficking receive appropriate protection and care; calls on the Member States to provide officials likely to come into contact with victims or potential victims of trafficking in human beings with adequate training on the specificities of transgender victims, so as to be able to identify them more proactively and adapt assistance services to meet their needs;

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16. Underlines that under Article 11 of the Directive, Member States have an obligation to

establish mechanisms to ensure the early identification of, assistance to, and support for victims, in cooperation with the relevant support organisations; stresses the need for an approach based on four key strategies: prevention, prosecution, victim protection and multi-level partnership;

17. Calls on the Member States to combat impunity, criminalise trafficking and ensure that perpetrators are brought to justice and that sanctions are strengthened; urges the Member States, therefore, to ratify all relevant international instruments, agreements and legal obligations which will make the efforts to combat trafficking in human beings more effective, coordinated and coherent, including the Council of Europe Convention on Action against Trafficking in Human Beings;
18. Calls for a consistent approach to prosecution of offences related to human trafficking, and for the Member States to step up their investigations and prosecutions; calls, in that regard, for the Member States to increase cross-border cooperation and collaboration with the relevant EU agencies;
19. Recalls that women and children may be compelled to exchange sex for protection, in order to survive, in order to advance along their migratory route, and for basic sustenance; underlines that women and children engaging in survival sex are not considered trafficking victims, and thus cannot receive the required assistance;
20. Stresses that, in order to prevent THB and people smuggling, it is important to create safe legal migration channels for women and children (such as humanitarian visas); points out that it is also important for destination countries to ensure that women migrants who have been granted legal residency in the destination countries have access to language teaching and other means of social integration, education and training in particular, with the aim of enabling them to exercise their rights as citizens;
21. Calls on the Member States to make use of properly structured victim interview techniques to help achieve a precise reconstruction of events without at the same time placing psychological pressure on victims who are already frightened and confused;
22. Stresses that all counter-trafficking efforts must balance the focus on prosecution with a responsibility to protect victims; notes that support for victims plays an important role in prevention of THB, as victims who are well supported are more able to recover from the trauma of their experience and to assist in the prosecution of offenders, preparation of prevention programmes and informed policy making, as well as to avoid being re-trafficked;
23. Stresses that the internet plays a key role in facilitating THB, thereby adding to the challenges in combating this serious form of organised crime; denounces the fact that, the internet is being used more and more for the recruitment of victims both within and outside the EU through false job offers, with advertising services provided by exploited victims, and for the exchange of information among criminal networks; calls on the Member States to ensure that their respective anti-trafficking policies take account of this, and that law enforcement efforts addressing cyber technologies have the gender expertise needed to prevent and efficiently fight against all forms of this crime, particularly in relation to THB for the purposes of sexual exploitation; stresses that new technologies, social media and the internet should also be used to disseminate good

practices to fight THB and to raise awareness and alert potential victims on the risks of trafficking; in this context calls on the Commission to investigate further the role of the internet in THB and to keep Parliament duly informed;

24. Regrets that the identification of victims remains one of the most difficult and incomplete aspects of implementation, but stresses that this does not diminish the responsibility of the Member States to protect these vulnerable people; highlights that owing to the coercive and deceptive nature of the crime, victims may be unable to recognise their own vulnerability; stresses that the actions that victims of THB are compelled to perform are criminal acts in some Member States, which in some cases impairs trust between victims and the authorities; notes that Directive 2011/36/EU prohibits the criminalisation of victims of THB; calls on Member States to implement Articles 11 to 17 of the Directive concerning protection and support of victims with a gender-sensitive approach (in particular by increasing the number of shelters for victims and by strengthening programmes for victims' reintegration into society) and to fully apply Directive 2012/29/ EU on establishing minimum standards on the rights, support and protection of victims of crime in order to ensure proper support and assistance for victims of THB, including as regards the right to reside in and access the labour market of the Member State to which the victim has been trafficked; stresses that these provisions should not be conditional on victims lodging complaints or cooperating in criminal investigations; calls on the Commission to strengthen the exchange of best practices on the protection of victims;
25. Stresses that non-governmental organisations (NGOs) and individuals working to protect and help victims of THB should not be held responsible for any crime;
26. Is strongly critical of the fact that it is not already a criminal offence to use the services of trafficked persons across all Member States, but acknowledges the difficulty of proving knowledge in a judicial context, and considers that this would be an important step towards recognising the seriousness of this crime, ensuring a real framework for the prevention of THB and for stopping the culture of impunity;
27. Calls on the Member States to put in place strong criminal penalties for crimes of human trafficking, modern slavery and exploitation; and to establish as a criminal offence the act of knowingly using the services of victims of human trafficking, including victims of trafficking in prostitution, 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; notes the low number of prosecutions and convictions for the crime of trafficking at a national level;
28. Notes that the principal source of information for the registration of victims is the police, pointing to the need for sufficient human and financial resources, including targeted and specialist training for law enforcement authorities, and for a greater gender balance among staff ; highlights the fact that the registration of victims of THB through prisons and detention centres in some Member States shows gaps in the system and in the knowledge of the professionals involved; insists that EU Member States must apply legislation against THB effectively, and stresses, likewise, that in order to improve the identification of victims and develop understanding of subtle means of trafficking, the

criminal justice system should focus more on the dynamics of exploitation and the application of the law; notes in this context that according to Regulation (EU) 2015/2219, CEPOL should promote common respect for and understanding of fundamental rights in law enforcement, including the rights, support and protection of victims;

29. Calls for greater priority and resourcing to be given by Europol and national police forces to the prosecution of those facilitating human trafficking, paying special attention to raising awareness among police forces and the general public alike about new forms of human trafficking;
30. Calls on Europol and the Member States to strengthen their action against recruiters, whether via a proactive approach or on the basis of a victim's testimony, in accordance with Article 9 of Directive 2011/36/EU; stresses that recruiters use a variety of channels, including social networks and internet sites (online recruitment agencies); calls on the Commission to expand the mandate of Europol's EU Internet Referral Unit (IRU) in the fight against trafficking in human beings;
31. Calls on the Commission to assess the effectiveness of cooperation between the Member States and Europol in combating trafficking in human beings; stresses the importance of systematic exchange of data and of all Member States contributing to the European databases used for this purpose, including the Europol databases Focal Point Phoenix and Focal Point Twins; stresses the need for border guards and coast guards to have access to Europol databases;
32. Notes that victims experience exploitation differently, and that a method of identification using a 'check list' of indicators can hinder formal identification and thereby have an impact on victims' access to services, help and protection;
33. Stresses that, to encourage victims of trafficking to report these crimes to the authorities and thus facilitate the early identification of victims, the law must be amended to recognise victims of trafficking as rights-holders in the eyes of the law; takes the view that victims of trafficking should be entitled to assistance and protection even if their case is dismissed by the courts; stresses the need to give more power to social workers, medical staff and immigration services to determine what constitutes trafficking and who is to be provided with assistance and protection by law;
34. Calls for better implementation and monitoring of Article 8 of Directive 2011/36/EU, so as to ensure the non-prosecution of and non-application of sanctions or penalties to victims of THB, and emphasises that this includes the non-application of sanctions or penalties to people in prostitution and non-punishment for irregular entry or residence in countries of transit and destination;
35. Notes with concern the evidence of some of the victims of THB being subject to arrest and deportation rather than being allowed and aided to access their rights as victims and the necessary help, as they should be under Directive 2004/81/EC;
36. Calls on the Commission to develop guidelines based on best practices to develop and mainstream gender expertise into the activities of law enforcement authorities across EU;

37. Calls on the Member States to cooperate in better developing guidelines on identifying victims of trafficking in human beings, which would help consular services and border guards in this task;
38. Stresses the importance of 'following the money' as a key strategy for investigating and prosecuting the organised crime networks that profit from THB, and calls on Europol and Eurojust to reinforce their capacities in the field of combating THB; calls for the Member States to work closely with Europol and each other in order to investigate the financial aspects and the laundering of money in human trafficking cases; stresses that Member States should strengthen cooperation in freezing and confiscating the assets of individuals involved in trafficking, as this could be an effective means of changing THB from a 'low risk-high profit' business into a 'high risk-low profit' one; calls on the Member States, in this context, to use more efficiently all existing tools available such as mutual recognition of court judgments, joint investigation teams and the European investigation order; believes that the confiscated assets of people convicted of trafficking offences should be used to support and compensate victims of trafficking; also notes that the huge funds raised by human trafficking and exploitation fund other kinds of serious crime;
39. Calls on Justice and Home Affairs (JHA) agencies such as Eurojust, Europol, the FRA, Frontex, CEPOL and the EASO to develop a sustained programme of improving gender balance in decision-making relevant to trafficking; calls for figures on the gender composition of their management boards and staff to be released, followed by discussions with Member States on the benefits of equitable recruitment and promotion in law and border enforcement services; calls likewise for programmes such as Europol's Female Factor to be rolled out across the most male-dominated JHA agencies on a periodic, rather than a one-off, basis;
40. Recalls that training of practitioners and officials is crucial for the early identification of potential victims and the prevention of crime; calls on the Member States, therefore, to fully apply Article 18(3) of Directive 2011/36/EU and to share best practices, in particular when creating gender-sensitive training programmes for those coming into contact with victims of THB in an official capacity, including police officers and other security forces, border officers, judges, magistrates, lawyers and other judicial authorities, front-line medical staff, social workers and psychological counsellors; stresses that training should include the development of understanding of gender-based violence and exploitation, the detection of victims, the formal identification process and appropriate, gender-specific assistance for victims;
41. Calls for the wider development and dissemination of awareness-raising publications aimed at improving the knowledge within professions, such as the 'Handbook for consular and diplomatic staff on how to assist and protect victims of human trafficking'¹;
42. Recognises the importance of developing long-term relationships between law enforcement, service providers, various stakeholders and victims in order to build trust and sensitively address the needs of the latter; stresses that support organisations require

¹ https://ec.europa.eu/anti-trafficking/publications/handbook-consular-and-diplomatic-staff-how-assist-and-protect-victims-human-trafficking_en.

sufficient funding for projects, and expresses concern that many, especially women's organisations, are struggling because of funding cuts;

43. Stresses that funding from the Commission and the Member States should be targeted to the most suitable service provider, based on the needs of the victims, including gender- and child-specific requirements, the expertise of the provider and scope for the provider to engage in far-reaching and long-term assistance and care;
44. Calls on the Member States to actively include social partners, the private sector, trade unions and civil society, particularly NGOs working to combat trafficking and provide assistance to victims, in their initiatives to prevent THB, particularly in the field of labour exploitation, including as regards the identification of victims and awareness-raising activities;
45. Notes that while sexual exploitation is illegal in all Member States, this does not prevent trafficking for sexual exploitation; calls on the Member States to fully implement Directive 2011/92/EU on combating the sexual abuse and sexual exploitation of children and child pornography and to step up their police and judicial cooperation to prevent and combat child sexual exploitation; calls on the Commission, in cooperation with the Member States, to examine how the demand for sexual services drives THB, including child trafficking, and how best to reduce demand; in this regard, recalls the obligation of Member States to pay special attention to child victims of trafficking, including unaccompanied minors coming from third countries, and to provide special protection to children in criminal procedures, with the best interests of the child being considered paramount at all times;
46. Notes that data collection on child trafficking should be based on a common definition of this criminal phenomenon; notes likewise that some Member States consider child trafficking to be a separate form of exploitation and others include child victims with adults, hindering the possibility of creating a comprehensive intelligence picture and of defining the best investigative responses at EU level;
47. Underlines the Commission's obligation under Article 23, paragraph 2, of the Directive to come forward, by 2016, with a report assessing the impact of existing national laws on the criminalisation of the knowing use of the services of a victim of THB, and the need for further action; stresses that the Commission should not rely solely on the reporting of a Member State, but should also assess compliance through engagement with civil society and other relevant bodies, such as GRETA and the country reports produced by the OSCE Special Representative on Human Trafficking and the UN Special Rapporteur on Trafficking and Contemporary Forms of Slavery;
48. Notes the lack of a common understanding among the Member States about what constitutes demand for exploitation, and calls on the Commission and the Member States to propose guidelines on the punishment of the client based on the Nordic Model, while raising awareness about all forms of THB, especially sexual exploitation, and making other forms of exploitation like domestic servitude visible;
49. Notes that the increased vulnerability of certain groups of people puts them at particular risk of falling victim to trafficking; deplores, however, the fact that trafficking takes place as a result of the high demand for products and services dependent upon the

exploitation of human beings, which is a very profitable form of organised crime;

50. Emphasises the data which confirm the deterrent effect that criminalisation of the purchase of sexual services has had in Sweden; highlights the normative effect of this model of regulation and its potential to change social attitudes in order to reduce overall demand for the services of victims of THB;
51. Calls on the Member States to fully implement Article 18(4) of the Directive and to develop specific strategies for reducing demand for trafficking for sexual exploitation, such as exit programmes and schemes to empower and protect the rights of those in prostitution and reduce their vulnerability to exploitation, and campaigns to discourage demand for the sexual services of trafficked persons, while also noting that the regulation of prostitution is a competence of the Member States; calls on the Commission to further examine any links between demand for sexual services and THB; believes that demand reduction can be achieved through legislation that shifts the criminal burden onto those who purchase the sexual services of trafficked persons rather than onto those who sell it;
52. Calls for the EU to pay attention to and make visible the new forms of trafficking and exploitation of human beings, including reproductive exploitation and trafficking in new-born children;
53. Notes with concern that very few Member States have clearly defined demand reduction programmes, and that, generally speaking, these have been focussed on trafficking for sexual exploitation; calls on the Member States to develop demand reduction programmes for all types of THB;
54. Notes that sham marriages can qualify as THB under certain circumstances if there is a forced or exploitative element, and that women and girls are more likely to become victims;
55. Stresses that efforts to improve gender equality contribute to the prevention of THB, and should contain strategies for education and empowerment programmes for women and girls in order to strengthen their position in society and make them less vulnerable to trafficking; calls on Member States to take more proactive preventative actions such as information and awareness-raising campaigns, training specifically designed for men, targeted workshops with vulnerable groups and education activities in schools, including promoting equality, combating sexist stereotypes and gender-based violence, as equal treatment should be an objective of the whole of society;
56. Highlights the effectiveness of awareness-raising schemes in educating consumers to select products from corporations that ensure a slavery-free supply chain, but notes that this in itself is not enough to reduce demand for THB;
57. Notes that it is already illegal under Directive 2009/52/EC for employers to use the work or services of third-country nationals with no legal residency status in the EU with the knowledge that they are victims of THB; acknowledges that EU nationals who are victims of THB are not included under this legislation; calls on the Member States to ensure that in their national legislation EU nationals who are victims of trafficking are protected from labour exploitation, and relevant sanctions are put in place;

58. Recalls that, according to Europol, about 10 000 unaccompanied children have disappeared after arriving in the EU in 2015, and that these children could be victims of trafficking and exposed to all kinds of exploitation and abuse; calls on the Member States to fully implement the asylum package and register children upon their arrival in order to ensure their inclusion in child protection systems; calls on the Member States to increase information sharing in order to better protect migrant children in Europe;
59. Expresses concern about the lack of data regarding Romani women and children at risk of being trafficked for forced labour or services, which include begging; calls on the Commission to provide data regarding Romani women and children recognised as trafficking victims, how many have received victim assistance and in which countries;
60. Stresses that forced marriage can be regarded as a form of trafficking in human beings if it contains an element of exploitation of the victim, and calls on all Member States to include this dimension; stresses that exploitation may be sexual (marital rape, forced prostitution or pornography) or economic (domestic work or forced begging), and that the ultimate aim of trafficking can be forced marriage (selling a victim as a spouse or entering a marriage under duress); stresses that it is difficult for the authorities to detect such trafficking, as it takes place in private; calls on the Member States to provide appropriate refuge services for these victims; calls on the Commission to strengthen the exchange of best practices in this regard;
61. Is concerned at the growing phenomenon of sexual grooming; points out that the victims are often in a state of emotional dependence, which hinders investigative work, as they are less easily identified as victims of trafficking in human beings and often refuse to testify against the people grooming them; calls on the Commission to strengthen the exchange of best practices in this regard; calls on the Member States to provide a specific refuge for these victims and to ensure that law enforcement and judicial services recognise their status as victims, in particular if they are minors, so as to avoid stigmatising them for 'deviant behaviour';

The gender dimension of assistance and support to, and protection of, victims

62. Expresses concern that not all victims are able to access services easily or have knowledge of them; stresses that there must be no discrimination in access to services;
63. Notes that victims of THB require specialised services, including access to safe short- and long-term accommodation, witness protection schemes, healthcare and counselling, translation and interpretation services, legal redress, compensation, travel assistance, access to education and training, including teaching of the language of their country of residence, job placement, (re)integration, family mediation and resettlement assistance, and that these services should be further individualised case by case, with specific consideration given to the issue of gender;
64. Stresses that the gender dimension of THB entails an obligation for Member States to address it as a form of violence against women and girls; highlights the fact that more attention must be paid to the exploitative dynamic and the long-term emotional and psychological harm that is associated with this; asks the Commission to come forward with a European strategy for combating gender violence, containing a legislative proposal on violence against women that includes THB;

65. Highlights the good work done by a number of government services and civil society in identifying victims of human trafficking and providing assistance and support to victims, although this work is not carried out consistently across Member States or with respect to the different types of THB;
66. Underlines the need to ensure adequate funding for independent NGOs and gender-specific refuges to adequately meet needs at all points of the victim pathway in destination countries and to work preventatively in relevant source, transit and destination countries;
67. Calls on the Member States to establish hotlines which victims of human trafficking and exploitation can call to seek assistance and advice; notes that such hotlines have proved to be successful in other areas such as radicalisation and child abduction;
68. Urges the Member States to ensure gender-specific provision of services to victims of THB that is appropriate to their needs, recognising any needs that may be specific to the form of trafficking to which they have been subjected; highlights that while a majority of victims are women and girls, there should be specialised services for victims of all genders;
69. Stresses that many victims of sexual exploitation are drugged for the purpose of keeping them in a state of physical and psychological dependence; calls, therefore, on the Member States to provide specialised support programmes for these victims and to recognise this as an aggravating circumstance in their criminal justice response to trafficking in human beings;
70. Stresses that the cumulative effect of different types of discrimination on the grounds of sexual orientation or gender identity makes LGBTI people particularly vulnerable to trafficking in human beings; calls on the Member States to address the unique needs of LGBTI people; calls on the Commission to promote the exchange of best practices in this regard;
71. Underlines the importance for all Member States to recognise systematically the right to access to safe abortion services for female victims of THB whose pregnancy is a result of their exploitation;
72. Takes the view that Article 11(5) of Directive 2011/36/EC should be expanded to introduce aid for future integration (language learning, familiarisation with the culture and community, etc.) where the victims' circumstances allow them to opt for a residence permit;
73. Notes that irregular legal residence status does not preclude one from being a victim of THB, and that such victims should therefore have the same rights as others; calls on the Member States not to conflate the issues of migration and THB, highlighting the principle of unconditionality of assistance set out in the directive;
74. Calls on all Member States to effectively guarantee the rights of victims and calls for the implementation of Directive 2011/36/EU to be analysed in the light of the provisions of Directive 2012/29/EU; calls on the Member States to provide free legal aid, including legal assistance and representation, psychological and medical support,

and information on the rights to assistance and health care, including the right to an abortion for victims of sexual exploitation, to all of those who either self-identify, or meet an adequate number of the criteria for identification, as victims of THB, to help them access their rights, compensation and/or legal redress; stresses that self-identification should never be the only requirement in order to access victims' rights and services;

75. Calls on the Member States to make legal aid available to victims of trafficking not only in criminal proceedings, but also in any civil, labour or immigration/asylum proceedings in which they are involved;
76. Calls on the Member States to recognise the longer time needed to recover from the harm of trafficking for purposes of sexual exploitation, as compared with the time needed to recover from other forms of trafficking, when deciding on limits to victim support; calls for protection measures offered to victims trafficked for sexual exploitation to be extended, in order to minimise harm, prevent re-trafficking and secondary victimisation and cater in every case for individual needs;

Assessment of other gender-sensitive measures taken in the implementation of the Directive

77. Stresses that any obligation for victims to take part in the prosecution of traffickers can be harmful; highlights that in a human rights-based approach, such an obligation should not be a condition for access to services;
78. Underlines that all victims of THB should be systematically informed of the possibility of benefiting from a recovery and reflection period, and should actually be granted such a period; regrets that in some Member States these rights have only been transposed into migration laws and therefore do not apply to all victims of THB, but only to those in an irregular situation; recalls that these rights must be granted to all THB victims;
79. Recalls that, according to Directive 2004/81/EC, Member States are obliged to allow a period of reflection and recovery for victims of trafficking in human beings; calls on the Member States, when determining the duration of such a period, to take into account Article 13 of the Council of Europe Convention on action against trafficking in human beings and to extend the minimum 30-day recovery and reflection period included in this convention for victims trafficked for the purposes of sexual exploitation, given the significant and sustained harm caused by this form of violence;
80. Notes that the current EU Strategy towards the Eradication of THB comes to an end in 2016, and calls on the Commission to evaluate the current strategy and to introduce a new one that follows a human-rights-based approach, focusing on victims, includes a clear gender dimension and contains concrete actions in this regard, adequately and effectively addresses prevention, and continues to discourage the demand that fosters all forms of trafficking; calls for this strategy to be integrated and made coherent with other policy areas, with a view to ensuring effective implementation of anti-trafficking measures, including, but not limited to, security, gender equality, migration, cybersecurity and law enforcement;
81. Commends those Member States that have established effective national reporting mechanisms and national rapporteurs, and calls on them to ensure that these measures

are adequately resourced and independent, in order that they fulfil their tasks in the best way possible;

82. Calls on Member States to appoint, with a view to assessing their strategies and activities and improving efforts to combat trafficking, an independent national rapporteur with the legal right to appear before the national parliament and make recommendations on how best to combat THB;
83. Calls on the Member States to collect more detailed and up-to-date data by compiling reliable statistical information gathered from all the main actors, by ensuring that the data is homogeneous and disaggregated by gender, age, type of exploitation (within the subsets of types of THB), country of origin and destination, and by including internally trafficked people, in order to better identify potential victims and prevent crime; calls on the Member States to increase data sharing in order to better assess the gender dimension and recent trends in THB and combat trafficking more effectively ; calls on the Members States to ensure that national rapporteurs play a more significant role in the coordination of data collection initiatives, in close cooperation with relevant civil society organisations active in this field;
84. Notes that despite the clear definition of THB given in the Directive, a number of different definitions have been adopted in Member States' national legislation; calls on the Commission to conduct research on this and to report on what these differences in definition mean in practical terms for the application of the Directive; stresses the importance of conceptual clarity in order to avoid conflation with other related but separate issues;
85. Notes that stakeholders generally confirm that the vast majority of victims of THB go undetected; recognises that the trafficking of certain vulnerable groups such as (homeless) youth, children, and disabled and LGBTI people, has been somewhat overlooked; stresses the importance of improved data collection to enhance victim identification efforts with regard to these groups and developing best practice in dealing with the specific needs of these victims;
86. Stresses that, to improve efforts to combat THB in the European Union, the EU institutions must carefully assess the implementation of EU legislation in the Member States, and take further legislative and other measures, if necessary;
87. Calls on the Commission to develop standardised guidelines, including data protection, for data collection for the relevant bodies, such as law enforcement, border and immigration services, social services, local authorities, prisons, NGOs and other contributors;
88. Calls on the Commission to ensure that anti-trafficking is given greater priority in the European Agenda on Migration (COM (2015)0240), so as to facilitate the engagement of victims in the prosecution of traffickers, by reform to rules on residency of victims of trafficking;
89. Calls on the Commission to address the abuse of self-employment in the employment of migrant labour in some EU Member States in order to avoid local labour standards and employment obligations, recognising that bogus self-employment is often used in the

migrant labour domains most prone to trafficking;

90. Calls for the EU and the Member States to strengthen regional cooperation on trafficking in human beings along known routes, such as from the East to the EU, by using the Instrument for Stability and the ongoing continuing responsibilities of candidate countries;
91. Calls for the EU to provide, through Eurostat, estimates on the number of victims of trafficking in human beings, registered or otherwise, in line with the general pattern followed by organisations such as the International Organisation for Migration (IOM), the United Nations Office on Drugs and Crime (UNODC) and the International Labour Organisation (ILO);
92. Calls on the Member States to include the principle of non-refoulement in their anti-trafficking directives, following the example of the UN Trafficking Protocol and the Council of Europe Trafficking Convention, and in accordance with states' obligations under international refugee law and international human rights law;
93. Encourages the EU and the Member States to conduct research into the newest trends and forms of THB, including the influence that the current migration crisis could have on THB, in order to address the new developments with an adequate and targeted response;
94. Asks that the Commission produce an analysis of the links between different types of trafficking and the routes between them in the upcoming report on the Implementation of Directive 2011/36/EU, as victims are often exploited in different ways simultaneously or move from one type of trafficking to another; and that it promote continued research into the main causes of THB and their impact on gender equality;
95. Calls on the Commission to assess the need to review the mandate of the future European Public Prosecutor's Office to include powers, once established, to tackle trafficking in beings;
96. Urges the European Commission, taking into account that the Istanbul Convention is an effective tool to prevent and combat violence against women, including trafficking, and to protect and assist the victims, to promote the Member States' ratification of the Convention;
97. Instructs its President to forward this resolution to the Council, the Commission and the governments of the Member States.

EXPLANATORY STATEMENT

Trafficking in human beings (THB) is a violation of fundamental human rights under Article 5 of the Charter on Fundamental Rights of the EU, as well as a violation of the victim's personal integrity and a serious organised crime that undermines the state and the rule of law. It has been addressed at many levels of governance, most notably in the EU with Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, which established a legal framework to better enable criminal prosecutions against traffickers. More crucially, Directive 2011/36/EU (hereafter 'the Directive') aims to better protect the victims of trafficking in human beings and reduce the vulnerability of potential victims. The Directive is generally acknowledged to be a comprehensive piece of legislation with a commendable human-rights approach, and clearly stressing the gender dimension of THB.

The Directive was due to be transposed by 6 April 2013. 26 Member States (MS) have officially notified the Commission of transposition, with only Germany having not done so. Denmark is not bound by the anti-trafficking legislation.

In the Directive, the Commission was given a number of reporting obligations. Under Article 23, The Commission is obliged to report by 6 April 2015 assessing the measures MS have taken in order to comply with the directive. Within this report, there should be a description of the establishment of a criminal offence the use of services which are the objects of exploitation with the knowledge that the person is a victim of trafficking in human beings. According to the Commission, these reports are due to be published in late 2016. The Commission is also obliged to come forward with a report by 6 April 2016 assessing the impact of criminalisation of the use of services, accompanied if necessary with adequate proposals. The Commission has failed to follow the timetable as outlined in the Directive.

Gender dimension

Although victims include a broad range of people across all genders, ages and backgrounds, the statistics clearly show that the majority (80%) of victims are women and girls. Gender is a vulnerability factor, for both men and women. For women, vulnerability can be attributed to barriers of access to education, the gender pay gap, unequal access to decent work opportunities, gender-based violence, unemployment or under-employment, feminisation of poverty and migration, gender-insensitive development strategies, restrictive migration laws and policies, and armed conflict. These inequalities mean that women are potentially less likely to see their experience as exploitation, but rather that they are fulfilling their role as caregivers and service providers. Socialisation of gender also affects men as they are socialised into understanding that their role is to provide for the family, and that to be exploited is showing weakness and is a failure to fulfil their role as 'provider'.

Under Article 1 of the Directive MS are obliged to integrate the gender perspective into their anti-trafficking initiatives, but it is not clearly defined what this obligation means in practice. MS have not clearly indicated that they have implemented this requirement in full, and victims of all gender face barriers in access to assistance services. For transgender victims there is an even bigger issue with adequate service provision.

As the majority of victims are women and girls, it is important that this report has its focus on

the identification, treatment and protection of victims and the support that is available to them. Despite the Directive, victims of THB are still not being identified early enough or consistently, and continue to struggle with access to justice, services and fair treatment as they are entitled to by EU law.

Trafficking, defined

The definition used in the Directive broadens the issue from the previous instruments. THB is made up of a large range of activities including sexual exploitation, forced labour, forced marriages, domestic servitude, organ harvesting, forced begging, illegal adoptions, forced marriage and other activities. These exploit different victims in different ways, and we should be adopting more detailed strategies accordingly. However, it is important to remember that there is a degree of overlap between these, in terms of the perpetrators having multiple interests and the movement of victims between the different forms of trafficking. For example, a girl who is initially trafficked into forced begging may later become a victim of sexual exploitation.

It is also very important to ensure that we do not prioritise one type of trafficking over another. The legal definition of trafficking makes no distinction between the different forms of trafficking and qualifies all as serious crimes, yet experience on the ground across the EU show that this is not the case. For example trafficking for labour exploitation is often considered a lesser crime than sexual exploitation, as it more likely to be seen as illegal work and breach of employment regulations rather than a crime. Alternatively, trafficking for sexual exploitation gets caught up in broader discussions on the sex industry (whether that is legal or illegal) and the focus on victims is lost.

Data

Statistics do not give an exact representation of the real situation as there are a significant number of victims who are never identified. As THB is a crime that predominantly affects so-called 'hidden populations', there is significant underreporting of the crime in general and a poor record of identification of the victims of trafficking of all genders.

The Directive emphasised that 'the Union should continue to develop its work on methodologies and data collection methods to produce comparable statistics on THB' and provides for specific measures under Article 19. The national rapporteurs established in the implementation of the Directive should be adequately resourced and independent in order to provide the best quality data to feed into future initiatives to prevent THB.

Some MS provide more detail than others, but the full implementation of the Directive should help with this. Data is mostly provided by the police, but also comes from NGOs, border and immigration services, social services, local authorities and most distressingly, prisons and detention centres.

The use of different definitions leading to data that is not comparable. These differences in definitions mean that the data collected varies between MS. Furthermore, only 24 MS were able to provide gender specific data. In order to better assess the gender dimension of trafficking, MS should collect gender disaggregated and specific data.

Prevention

Prevention is essential in tackling THB, and MS must ensure that they are doing all that they can in order to prevent people from becoming victims in the first place.

Initiatives to tackle gender inequality and empower women and girls (and marginalised groups) would reduce their vulnerability to trafficking. Education and empowerment schemes would assist with this. Furthermore, as has been requested previously by the Parliament, the Commission should come forward with a legislative proposal to tackle violence against women.

Many MS have campaigns in order to raise awareness in the general population to the risks of THB, but these need to be targeted in order to be effective. For example, some MS have made use of more proactive preventative actions like workshops targeted at specific populations who are vulnerable to trafficking and those working with them. Targeted action in schools could help to protect child victims.

Furthermore, the development of prevention initiatives should include those most relevant stakeholders. Therefore MS should formulate their prevention initiatives with social partners, civil society and survivors of trafficking, with reference to best practice.

Identification of victims

Under the Directive, MS have an obligation to set up systems for early detection, identification and assistance to victims. However, the identification of victims is consistently flagged as an issue in tackling THB, and this has a number of different causes. Whilst there are a number of initiatives and projects funded by the Commission to assist with the identification of victims, practice on the ground demonstrates a clear implementation gap, indicating a lack of political will. The conflation of THB with other highly political issues such as migration or the arrival of refugees challenges progress that has been made and further endangers those people who are vulnerable to THB.

MS are obliged under Article 9 of the Directive to ensure that persons, units or services responsible for investigating or prosecuting THB are trained accordingly. This is clearly not the case consistently across MS. Training programmes should be expanded further to cover other relevant professionals including but not exclusive to police officers, judges, magistrates, lawyers, front line medical staff and social workers. This training should be focussed on the detection of victims, with particular regard to their vulnerability and specific needs, including gender-specific needs. Identification procedures that rely solely on a ‘check-list’ of indicators do not take into account the variety of experience that victims of THB have and their different outcomes. A ‘one-size-fits-all’ approach is too simplified and lets down some of the most vulnerable.

The Commission has produced a number of publications that are publicly available in order to raise awareness of these issues in specific professions, such as consular or diplomatic staff, and this should be developed to include other professions and disseminated more widely.

Awareness-raising initiatives in the general population are also hugely important, as there is often a misconception that THB cannot happen where you live. Awareness-raising on THB is as relevant in destination countries as it is in source countries. In source countries awareness-raising can help to prevent trafficking, but in destination countries it can help in identifying where trafficking victims are ending up.

Victim assistance

According to the Directive, a person should be provided with assistance and support as soon as there is an indication that they might have been trafficked and irrespective of their willingness to act as a witness. These services should take the gender dimension into account, acknowledging that different genders (experiencing different types of trafficking) have

different needs from assistance.

According to the Commission's study on the gender dimension of trafficking in human beings, there are gender-specific harms for victims trafficked for the purposes of sexual exploitation compared to other forms, and therefore the services and assistance offered to victims should reflect this.

Interestingly, a 2014 study in Austria found that male victims tend to be disadvantaged in access to services in comparison with women because most services for victims have been designed with female victims of trafficking for sexual exploitation in mind. The study also found that male victims proved to be more defiant when it came to compliance with service provision rules.

Irrespective of their gender, the services for victims outlined in the Directive include accommodation, material assistance, medical treatment, including psychological assistance, counselling and information, and translation and interpretation services. Victims with special needs should receive additional help. Likewise victims are entitled to legal counselling and representation, including for the purpose of claiming compensation. This should be free of charge where the victim does not have the financial resources. The nature of trafficking means that victims are unlikely to have the resources to pay for this kind of assistance, therefore this should be free.

Adequate services and fair treatment for victims also acts as prevention, as victims who are well supported are more able to recover from the trauma of their experience and reintegrate into the economy and society, assist with prosecutions and raise awareness with public and policy makers. Furthermore, they are less likely to be re-trafficked.

11.4.2016

OPINION OF THE COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS(*)

for the Committee on Women's Rights and Gender Equality

on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims from a gender perspective
(2015/2118(INI))

Rapporteur: Malin Björk

SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Women's Rights and Gender Equality, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- having regard to Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims and replacing Council Framework Decision 2002/629/JHA,
 - having regard to the 1948 Universal Declaration of Human Rights,
 - having regard to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
 - having regard to the UN Convention on the Rights of the Child of 20 November 1989,
 - having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention),
 - having regard to the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995, and to the subsequent outcome documents adopted at the United Nations Beijing +5, Beijing +10 and Beijing +15 special sessions and the Beijing +20 review conference,
 - having regard to Article 5 of the Charter of Fundamental Rights of the European Union,
- A. whereas, over the three-year period 2010-2012, 69 % of registered victims of trafficking in human beings (THB) were trafficked for sexual exploitation, 19 % for forced labour

and 12 % for other forms of exploitation such as removal of organs or criminal activities; whereas women account for 67 % of registered victims of THB in this period, men for 17 %, girls for 13 % and boys for 3 %, including transgender people; whereas different forms of trafficking need to be addressed with specific and tailored policy measures;

- B. whereas, as stated by the Joint UN Commentary on the EU Directive – A Human Rights-Based Approach (2011), several UN agencies recall that ‘trafficking in both men and women should be acknowledged, and the similarities and differences in the experiences of women and men in relation to vulnerabilities and violations should be addressed’;
- C. whereas THB is a modern kind of slavery that cannot be accepted in a society that is based on respect for human rights, including gender equality; whereas trafficking in human beings is transnational in nature; whereas a European approach, both in monitoring the phenomenon and in coordinating responses to it, is needed in order to effectively tackle this type of organised crime;
- D. whereas under Directive 2011/36/EU the following intentional acts are punishable: the recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those 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; whereas the own-initiative report on which this opinion is based is limited to an analysis of the implementation of Directive 2011/36/EU;
- E. whereas any effective anti-THB efforts must address the root causes of THB and the associated push and pull factors, including decreasing the demand and use of services involving victims of THB;
- F. whereas the demand for women, girls, men and boys in the prostitution industries is a decisive pull factor for THB for sexual exploitation; and whereas the demand for cheap labour and incapacity to uphold labour rights are pull factors for THB for labour exploitation;
- G. whereas there are contradictions between Directives 2004/81/EC and 2009/52/EC and Directive 2011/36/EU which prevent victims of THB from accessing proper support and assistance that are non-conditional on their participation in legal proceedings;
- H. whereas identification of victims remains a challenge, and whereas, in order to help victims of trafficking and to prosecute and convict traffickers, victim support and protection needs to be reinforced, including the right of the victim to legally reside and work in the Member State to which the victim has been trafficked, as well as improving victims’ access to justice and compensation;
- I. whereas the exploitation of others for sex shows should be considered to be trafficking in human beings;
- J. whereas new technologies and the internet can facilitate the recruitment of victims and the advertising and selling of services connected with trafficking in human beings on a global scale;

- K. whereas effective efforts against THB requires a strong framework for action with an integrated intersectional perspective on victims that includes for example gender and disabilities, and whereas special attention must be given to people living in extreme poverty, and vulnerable groups such as Roma, people with disabilities, lesbian, gay, bisexual, transgender and intersex (LGBTI) people, domestic workers, undocumented workers, asylum seekers, refugees and children, including unaccompanied minors;
- L. whereas women and children may be compelled to exchange sex for protection, in order to survive, in order to advance along their migratory route and for basic sustenance; whereas survival sex is frequently a direct consequence of gaps in assistance, failures of registration systems, family separations and the absence of safe and legal entry channels into the EU;
1. Calls on the Member States and the Commission to ensure that the implementation of Directive 2011/36/EU is based on an integrated, holistic and human rights approach, with an emphasis on victim assistance, support and protection;
 2. Stresses that migrant smuggling and THB are different phenomena but that they often overlap and need to be tackled in a consistent manner; recalls the role of EU agencies and networks in the early identification of victims at EU borders and in the fight against THB; insists therefore on the need for a better exchange of best practices, adequate training in THB for law enforcement personnel, with an emphasis on the gender dimension and the special needs of trafficked women, children and other vulnerable groups so that those involved fully understand the phenomenon they are seeking to tackle and know how to recognise it at an early stage, and greater cooperation between Europol, Eurojust, national authorities and third countries, and through the use of the European Criminal Records Information System (ECRIS), in order to prevent and combat all forms of human trafficking, including sexual exploitation in the EU;
 3. Calls on the Member States to cooperate in better developing guidelines on identifying victims of trafficking in human beings, which would help consular services and border guards in this task;
 4. Calls on the Member States to pay particular attention to vulnerable groups, which naturally include children; reiterates that Member States must consider poverty, gender, disability, pregnancy, state of health, migration status and the fact of belonging to an ethnic minority as factors when assessing the vulnerability of a victim;
 5. Considers that greater consideration should be paid to the situation of transgender victims, who often experience discrimination, stigmatisation and threats of violence because of their gender identity; is of the opinion that transgender people should be considered to be a vulnerable group, as they are particularly at risk of falling into the hands of traffickers seeking to exploit their despair; believes that this vulnerability factor should be taken into account when Member States conduct individual risk assessments, so as to ensure that victims of trafficking receive appropriate protection and care; calls on the Member States to provide officials likely to come into contact with victims or potential victims of trafficking in human beings with adequate training on the specificities of transgender victims, so as to be able to identify them more proactively and adapt assistance services to meet their needs;

6. Calls on the Member States to combat impunity, criminalise trafficking and ensure that perpetrators are brought to justice and that sanctions are strengthened; urges the Member States, therefore, to ratify all relevant international instruments, agreements and legal obligations which will make the efforts to combat trafficking in human beings more effective, coordinated and coherent, including the Council of Europe Convention on Action against Trafficking in Human Beings;
7. Calls on the Member States and intergovernmental organisations to ensure that their interventions address the factors that increase vulnerability to trafficking, including inequality, poverty and all forms of discrimination;
8. Calls on the Member States to accelerate the full and correct enforcement of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims;
9. Calls on the Member States to put in place strong criminal penalties for crimes of human trafficking, modern slavery and exploitation; and to establish as a criminal offence the act of knowingly using the services of victims of human trafficking, including victims of trafficking in prostitution, 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; notes the low number of prosecutions and convictions for the crime of trafficking at a national level;
10. Calls for greater priority and resourcing to be given by Europol and national police forces to the prosecution of those facilitating human trafficking, paying special attention to raising awareness among police forces and the general public alike about new forms of human trafficking;
11. Calls on the Member States and the Commission to develop concrete measures to decrease the demand for women, girls, men, and boys in prostitution as a key strategy to prevent and decrease THB; urges the Member States, in this context, to fully implement Article 18(4) of Directive 2011/36/EU, and the Commission to report back on the outcome;
12. Stresses that the cumulative effect of different types of discrimination on the grounds of sexual orientation or gender identity makes LGBTI people particularly vulnerable to trafficking in human beings; calls on the Member States to address the unique needs of LGBTI people; calls on the Commission to promote the exchange of best practices in this regard;
13. Calls on the Member States to establish hotlines which victims of human trafficking and exploitation can call to seek assistance and advice; notes that such hotlines have proved to be successful in other areas such as radicalisation and child abduction;
14. Calls on the Member States to make legal aid available to victims of trafficking not only in criminal proceedings, but also in civil, labour or immigration/asylum proceedings in which they are involved;
15. Stresses that forced marriage can be regarded as a form of trafficking in human beings if it

contains an element of exploitation of the victim, and calls on all Member States to include this dimension; stresses that exploitation may be sexual (marital rape, forced prostitution or pornography) or economic (domestic work or forced begging), and that the ultimate aim of trafficking can be forced marriage (selling a victim as a spouse or entering a marriage under duress); stresses that it is difficult for the authorities to detect such trafficking, as it takes place in private; calls on the Member States to provide appropriate refuge services for these victims; calls on the Commission to strengthen the exchange of best practices in this regard;

16. Is concerned at the growing phenomenon of sexual grooming; points out that the victims are often in a state of emotional dependence, which hinders investigative work, as they are less easily identified as victims of trafficking in human beings and often refuse to testify against the people grooming them; calls on the Commission to strengthen the exchange of best practices in this regard; calls on the Member States to provide a specific refuge for these victims and to ensure that law enforcement and judicial services recognise their status as victims, in particular if they are minors, so as to avoid stigmatising them for 'deviant behaviour';
17. Calls for the EU and the Member States to strengthen regional cooperation on trafficking in human beings along known routes, such as from the East to the EU, by using the Instrument for Stability and the ongoing continuing responsibilities of candidate countries;
18. Stresses that many victims of sexual exploitation are drugged for the purpose of keeping them in a state of physical and psychological dependence; calls, therefore, on the Member States to provide specialised support programmes for these victims and to recognise this as an aggravating circumstance in their criminal justice response to trafficking in human beings;
19. Calls for the Member States and the EU to collect and exchange reliable and detailed information regarding human trafficking;
20. Recalls that Regulation (EU) 2015/2219/EU on the European Union Agency for Law Enforcement Training (CEPOL) provides for CEPOL to promote, in its training activities, common respect for, and understanding of, fundamental rights in law enforcement, such as the rights, support and protection of victims, including safeguarding the rights of victims of gender-based violence; stresses the importance of these provisions in the context of trafficking in human beings, given the vulnerability of the victims, and calls on CEPOL to take full account of this dimension in the development of all future training;
21. Calls on the Member States to combat human trafficking by clamping down on those individuals using the internet and social networks to both recruit and exploit individuals;
22. Notes that Directive 2011/36/EU prohibits the criminalisation of victims of THB; calls on the Member States, in the light of the cross-border and intra-EU nature of THB, to fully implement Articles 11 to 17 of Directive 2011/36/EU on protection and support of victims of trafficking in human beings (in particular by increasing the number of shelters for victims and by strengthening programmes for victims' reintegration into society) and to fully implement Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime so as to ensure consistency and proper support and assistance, including as regards the right to reside in and access the labour market of

the Member State to which the victim has been trafficked; stresses that these provisions should not be conditional on victims lodging complaints or cooperating in criminal investigations; calls on the Commission to strengthen the exchange of best practices on the protection of victims;

23. Calls on the Member States to critically assess their registration of refugees and the relevant services and care structures, as this group, particularly unaccompanied minors, are very vulnerable to exploitation by criminal gangs and subsequent trafficking in human beings;
24. Recalls that, according to Europol, about 10 000 unaccompanied children have disappeared after arriving in the EU in 2015, and that these children could be victims of trafficking and exposed to all kinds of exploitation and abuse; calls on the Member States to fully implement the asylum package and register children upon their arrival in order to ensure their inclusion in child protection systems; calls on the Member States to increase information sharing in order to better protect migrant children in Europe;
25. Calls on all Member States to effectively guarantee the rights of victims, in particular by providing access to legal aid, legal assistance and representation, psychological and medical support, information on their rights to assistance and health care, including the right to an abortion for victims of sexual exploitation, their rights regarding access to justice and to a lawyer, and any possible compensation as well as possible access to witness protection programmes; notes that Directive 2012/29/EU lays down minimum standards on the rights, support and protection of victims of crime and that the implementation of Directive 2011/36/EU should be analysed in the light of the provisions of Directive 2012/29/EU; notes that special measures may also be put in place to protect victims from further victimisation and trauma during investigations and trials;
26. Stresses that prevention in terms of taking appropriate measures, such as education and training, to discourage and reduce demand, as well as information and awareness-raising campaigns, including on modern slavery, research and educational programmes aimed at reducing the risk of people becoming victims of trafficking, is of crucial importance to effectively combat trafficking in human beings; calls on the Commission and the Member States, therefore, to take targeted actions to discourage demand for THB; also calls on the Member States to put in place stronger penalties against the many employers and landlords who facilitate human trafficking by further exploiting individuals; asks that the Member States and law enforcement authorities also strengthen their cooperation with labour, social, health and safety inspectors, as well as fisheries inspectors;
27. Calls on the Commission to assess the effectiveness of cooperation between the Member States and Europol in combating trafficking in human beings; stresses the importance of systematic exchange of data and of all Member States contributing to the European databases used for this purpose, including the Europol databases Focal Point Phoenix and Focal Point Twins; stresses the need for border guards and coast guards to have access to Europol databases;
28. Calls on the Commission to investigate further, in the light of Directive 2011/36/EU, the role of the internet, social networks and new technologies in trafficking in human beings, in particular with regard to sexual exploitation on pornographic sites and sites offering online sex shows;

29. Calls on Europol and the Member States to strengthen their action against recruiters, whether via a proactive approach or on the basis of a victim's testimony, in accordance with Article 9 of Directive 2011/36/EU; stresses that recruiters use a variety of channels, including social networks and internet sites (online recruitment agencies); calls on the Commission to expand the mandate of Europol's EU Internet Referral Unit (IRU) in the fight against trafficking in human beings;
30. Calls on the Commission to develop a privileged partnership with the major internet companies and to keep Parliament duly informed;
31. Calls for better implementation and monitoring of Article 8 of Directive 2011/36/EU, so as to ensure the non-prosecution of and non-application of sanctions or penalties to victims of THB, and emphasises that this includes the non-application of sanctions or penalties to people in prostitution and non-punishment for irregular entry or residence in countries of transit and destination;
32. Stresses the importance of 'following the money' as a key strategy for investigating and prosecuting the organised crime networks that profit from THB, and calls on Europol and Eurojust to reinforce their capacities in the field of combating THB; calls for the Member States to work closely with Europol and each other in order to investigate the financial aspects and the laundering of money in human trafficking cases; stresses that Member States should strengthen cooperation in freezing and confiscating the assets of individuals involved in trafficking, as this could be an effective means of changing THB from a 'low risk-high profit' business into a 'high risk-low profit' one; calls on the Member States, in this context, to use more efficiently all existing tools available such as mutual recognition of court judgments, joint investigation teams and the European investigation order; believes that the confiscated assets of people convicted of trafficking offences should be used to support and compensate victims of trafficking; also notes that the huge funds raised by human trafficking and exploitation fund other kinds of serious crime;
33. Takes the view that Article 11(5) of Directive 2011/36/EC should be expanded to introduce aid for future integration (language learning, familiarisation with the culture and community, etc.) where the victims' circumstances allow them to opt for a residence permit;
34. Insists on the need for Member States to enhance their police and judicial cooperation, particular via Europol and Eurojust, including information sharing and combating online recruitment of people for THB;
35. Calls for the Member States to implement Directive 2011/36/EC, as well as all other relevant legal frameworks on THB, without delay; urges the Commission to take legal action against Member States neglecting their obligations;
36. Stresses that non-governmental organisations (NGOs) and individuals working to protect and help victims of THB should not be held responsible for any crime;
37. Calls on the Member States to educate their citizens on THB and victim identification through information campaigns; calls for the Member States and the EU to target funding to NGOs supporting victims of THB;

38. Calls on the Commission to examine how the different approaches to prostitution in national legislation affect trafficking in human beings;
39. Calls for the EU to pay attention to and make visible the new forms of trafficking and exploitation of human beings, including reproductive exploitation and trafficking in new-born children;
40. Calls for a consistent approach to prosecution of offences related to human trafficking, and for the Member States to step up their investigations and prosecutions; calls, in that regard, for the Member States to increase cross-border cooperation and collaboration with the relevant EU agencies;
41. Calls on the Member States to include the principle of non-refoulement in their anti-trafficking directives, following the example of the UN Trafficking Protocol and the Council of Europe Trafficking Convention, and in accordance with states' obligations under international refugee law and international human rights law;
42. Recalls that training of practitioners and officials is crucial to the early identification of potential victims and the prevention of crime; calls therefore on the Member States to fully apply Article 18(3) of Directive 2011/36/EU and to share best practices;
43. Calls on the Commission to assess the need to review the mandate of the future European Public Prosecutor's Office to include powers, once established, to tackle trafficking in beings;
44. Calls for the EU to provide, through Eurostat, estimates on the number of victims of trafficking in human beings, registered or otherwise, in line with the general pattern followed by organisations such as the International Organisation for Migration (IOM), the United Nations Office on Drugs and Crime (UNODC) and the International Labour Organisation (ILO);
45. Calls for stronger cooperation with online platforms on projects aimed at raising awareness of the risks of being targeted and recruited over the internet and via social networks;
46. Considers that migrants are particularly vulnerable to trafficking, especially children; calls on the Member States to increase cooperation, including in hotspots, in identifying potential victims and combating traffickers and smugglers; recalls, in this regard, the obligation of Member States to pay special attention to child victims of trafficking, including unaccompanied minors coming from third countries, and to provide special protection to children in criminal procedures – the best interests of the child must be considered paramount at all times (Articles 13, 14, 15 and 16);
47. Encourages the EU and the Member States to conduct research into the newest trends and forms of THB, including the influence that the current migration crisis could have on THB, in order to address the new developments with an adequate and targeted response;
48. Considers that safe and legal channels of entry into the EU would decrease vulnerability and trafficking in human beings;

49. Appreciates the work of the EU Anti-Trafficking Coordinator, who is responsible for improving coordination and coherence among EU institutions, EU agencies, Member States and international actors and developing existing and new EU policies to address trafficking in human beings; is of the view, however, that in order to accelerate the EU's response to THB, the mandate of the EU Anti-Trafficking Coordinator could be extended.

RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

Date adopted	7.4.2016
Result of final vote	+: 31 -: 1 0: 18
Members present for the final vote	Jan Philipp Albrecht, Malin Björk, Michał Boni, Caterina Chinnici, Rachida Dati, Cornelia Ernst, Laura Ferrara, Monika Flašíková Beňová, Kinga Gál, Sylvie Guillaume, Jussi Halla-aho, Monika Hohlmeier, Sophia in 't Veld, Eva Joly, Sylvia-Yvonne Kaufmann, Timothy Kirkhope, Barbara Kudrycka, Kashetu Kyenge, Juan Fernando López Aguilar, Monica Macovei, Claude Moraes, Péter Niedermüller, Judith Sargentini, Birgit Sippel, Branislav Škripek, Csaba Sógor, Traian Ungureanu, Kristina Winberg, Tomáš Zdechovský
Substitutes present for the final vote	Laura Agea, Carlos Coelho, Anna Maria Corazza Bildt, Pál Csáky, Miriam Dalli, Daniel Dalton, Gérard Deprez, Anna Hedh, Jean Lambert, Jeroen Lenaers, Andrejs Mamikins, Morten Helveg Petersen, Emil Radev, Barbara Spinelli, Jaromír Štětina, Elissavet Vozemberg-Vrionidi
Substitutes under Rule 200(2) present for the final vote	Petras Auštrevičius, Herbert Dorfmann, José Inácio Faria, Eugen Freund, David McAllister, Marita Ulvskog

RESULT OF FINAL VOTE IN COMMITTEE RESPONSIBLE

Date adopted	19.4.2016
Result of final vote	+: 26 -: 0 0: 6
Members present for the final vote	Maria Arena, Catherine Bearder, Beatriz Becerra Basterrechea, Malin Björk, Vilija Blinkevičiūtė, Anna Maria Corazza Bildt, Viorica Dăncilă, Iratxe García Pérez, Anna Hedh, Teresa Jiménez-Becerril Barrio, Elisabeth Köstinger, Agnieszka Kozłowska-Rajewicz, Angelika Mlinar, Maria Noichl, Marijana Petir, Pina Picierno, João Pimenta Lopes, Terry Reintke, Jordi Sebastià, Michaela Šojdrová, Ernest Urtasun, Elissavet Vozemberg-Vrionidi, Jadwiga Wiśniewska, Anna Záborská, Jana Žitňanská
Substitutes present for the final vote	Rosa Estaràs Ferragut, Kostadinka Kuneva, Constance Le Grip, Evelyn Regner, Marc Tarabella
Substitutes under Rule 200(2) present for the final vote	Julia Reid, Marco Zanni

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

26	+
ALDE	Catherine Bearder, Beatriz Becerra Basterrechea, Angelika Mlinar
EFDD	Marco Zanni
GUE/NGL	Malin Björk, Kostadinka Kuneva, João Pimenta Lopes
PPE	Anna Maria Corazza Bildt, Rosa Estaràs Ferragut, Teresa Jiménez-Becerril Barrio, Agnieszka Kozłowska-Rajewicz, Constance Le Grip, Elisabeth Köstinger, Elissavet Vozemberg-Vrionidi
S&D	Maria Arena, Vilija Blinkevičiūtė, Viorica Dăncilă, Iratxe García Pérez, Anna Hedh, Maria Noichl, Pina Picierno, Evelyn Regner, Marc Tarabella
VERTS/ALE	Terry Reintke, Jordi Sebastià, Ernest Urtasun

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6	0
ECR	Jadwiga Wiśniewska, Jana Žitňanská
EFDD	Julia Reid
PPE	Marijana Petir, Michaela Šojdrová, Anna Záborská

Key to symbols:

+ : in favour

- : against

0 : abstention