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REPORT

on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims
(2020/2029(INI))

Committee on Civil Liberties, Justice and Home Affairs
Committee on Women's Rights and Gender Equality

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(Joint committee procedure – Rule 58 of the Rules of Procedure)

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EXPLANATORY STATEMENT - SUMMARY OF FACTS AND FINDINGS

The Report aimed to assess the implementation of Directive 2011/36/EU establishing minimum rules concerning the definition of criminal offences and sanctions in the area of trafficking in human beings with a focus on migration and gender perspective. It covers the legal transposition measures at the Member States (MS) level, the practical implementation of the Directive in MS, the positive developments, as well as the challenges encountered. As concluding remarks, the Report provides a number of recommendations to the Commission and the MS for further promoting the implementation of the Directive in the future.

Background - the Anti-Trafficking Directive (Directive 2011/36/EU)

As the Anti-Trafficking Directive states, trafficking in human beings is a serious crime, often committed within the framework of organised crime, a gross violation of fundamental rights. This Directive, adopted in 2011, brings a holistic, gender-specific and human rights approach to the fight against trafficking in human beings.

According to the Directive, trafficking in human beings means: ‘the recruitment, transportation, transfer, harbouring or reception of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception of the abuse of power or of the 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’ (Article 2(2)).

The Directive contains criminal law provisions concerning prosecution of offenders, protection and assistance for victims including upholding their rights in criminal proceedings. It seeks to strengthen the prevention of this crime and prescribes the monitoring of the implementation. It has a strong link to the Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime and recognizes gender-specific phenomenon of trafficking - that women and men are often trafficked for different purposes and for this reason, assistance and support measures should also be gender-specific.

The Directive had to be transposed into national law by 6 April 2013 and the Commission reported to the Parliament and Council by 6 April 2015 on Member State compliance with the Directive. Further, the Commission issued its first periodic report on the progress made in the fight against trafficking in human beings as required under Article 20 of Directive in 2016, the second one in December 2018, while the third one is to be published in October 2020.

From these reports and the reports of other relevant stakeholders, it remains evident that certain obstacles to full implementation remain almost ten years after the Directive’s adoption. This implementation report seeks to identify and highlight these obstacles as well as to offer specific recommendations to the Commission, Member States and other relevant stakeholders as to how to align the practices most effectively in order to overcome the obstacles to the Directive’s full and effective implementation.

Methodology of the report on the Implementation of Directive 2011/36/EU

For the drafting of this report, many activities were undertaken by the two co-rapporteurs.

These included: Implementation assessment by Parliament's EPRS services, on "Trafficking in Human Beings: Migration and Gender Issues" published in September 2020, the workshop on gender elements held in FEMM in February 2020 and a number of consultations with institutional and civil society stakeholders. Several meetings with non-governmental organisations (NGOs) have also been conducted in order to have a clear picture of the reality on the ground, with the following organisations: UNODC, UN Women, EIGE, FRA, EASO, European Women Lobby, Women Link Worldwide, CEAR, APRAMP, ACCEM, Proyecto Esperanza.

Summary of the report and assessment

Many victims and traffickers remain undetected and are not included in the official statistics. Therefore much of the statistical data and reports are therefore incomplete and do not reflect the situation adequately. Member States should intensify efforts to address trafficking in human beings in the context of migration, focusing on new patterns such as the disproportionate targeting of women and girls trafficked for the purpose of sexual exploitation. More effort is needed to counter impunity by bringing to justice those who exploit and abuse the victims including those who knowingly use the victims' services;

A more coordinated approach in transnational aspects of identifying the crime perpetrators by following the flows of profits is needed. Almost all country reports emphasize that inadequate funding has been a major obstacle for efforts to protect and assist victims of trafficking.

Protection, assistance and support to victims:

It has been reported that detection and identification rates of victims remain low despite a willingness from Member States to develop proactive detention efforts. Various reasons can explain it such as limited self-reporting (which may be related to victims' distrust for law enforcement bodies, experienced trauma, fear of perpetrators, etc.). On the other hand, Member States' criminal justice systems still offer only moderate incentives to encourage victims' coming forward, especially when weighed against the possible risks, such as retaliation or deportation.

People most likely to be in contact with victims of trafficking (enforcement officers, prosecutors, healthcare providers, educators, child welfare officials, labour inspectors etc.) still need their capacities strengthened in order to be able to identify them and provide assistance and referral according to the Anti-Trafficking Directive. Skilled staff must provide adequate tools and resources to victims, such as gender-sensitive and child-sensitive trainings.

Besides, the lack of data on the number of identified THB victims in international protection procedures does not allow a full assessment of the effectiveness of mechanisms for identification adopted by national authorities. Member States should ensure accessible, especially in situations of crisis and emergency such as the COVID-19 pandemic, free legal assistance and representation, employment services, psychological and medical support.

THB as a gendered crime: Addressing trafficking for sexual exploitation:

Statistics and data clearly indicate clearly that sexual exploitation remains the most prevalent form of trafficking in the European Union.

Nearly three quarters of all victims in the EU are women and girls, mainly trafficked for

sexual exploitation. Women and girls have consistently formed the majority of victims since 2008, while the majority of child victims are girls trafficked for sexual exploitation. 60% of victims are trafficked for sexual exploitation, over half of them being EU citizens. More than 90% of victims of trafficking for sexual exploitation are women and girls, while 70 % of suspected, prosecuted and convicted traffickers are male.

These data highlight the gender dimension of the crime of trafficking. Women and girls still account for the majority of victims of trafficking for all forms of exploitation. These trends are consistently underlined by the Commission, Member States, civil society organisations and EU agencies. Therefore, trafficking in human beings requires a gender approach and Member States should strengthen and further develop the gender dimension in the monitoring of the implementation of EU anti-trafficking legislation.

A crucial aspect of trafficking in human beings is the impunity of the crime, which is particularly relevant for sexual exploitation. The actual number of victims is higher than the registered ones and most victims remain undetected, while the number of prosecutions and convictions of perpetrators continue to remain low. A further challenge for investigations and persecutions is represented by the use of internet, social media and digital technologies to recruit victims of trafficking.

Societal tolerance of gender inequality and violence against women and girls perpetuate a permissive environment for trafficking for sexual exploitation; countering this culture of impunity and increasing accountability require further efforts and cooperation in police investigations and judicial prosecutions and convictions, not only against traffickers, but also against those who profit from the crime and exploit the victims.

For this reason, a significant aspect of the prevention of THB is the reduction of demand through criminalising the use of services provided by victims of THB, in particular victims of sexual exploitation, accompanied by exit programs or awareness campaigns to discourage demand for the sexual services of trafficked persons, in compliance with Article 18(4) of the Anti-Trafficking Directive. It would be an important step towards recognizing the seriousness of this crime, ensuring a real framework for the prevention of trafficking and for stopping the culture of impunity.

THB in the context of asylum and migration:

Heavy migration flows could increase the risk of trafficking in human beings in Europe. Migrants are likely to be exposed to trafficking at various stages of asylum processes. The key factors that increase the vulnerability of migrants to fall victims to trafficking include:

- (1) limited access to information about migration procedures,
- (2) lack of understanding of employment systems and regulations in countries of destination,
- (3) the role of third-party intermediaries in the migration process, and
- (4) the lack of safe, legal and orderly channels of migration available to asylum seekers.

Furthermore, refusal of asylum status and return decisions can increase the risks of migrants becoming a victim to trafficking.

According to a 2017 IOM survey, based upon 9000 migrants and refugees travelling along the central and eastern Mediterranean route, the prevalence of trafficking in human beings among them is high: almost two-thirds of male and female migrants reported personal experiences of being kept against their will and some migrants (9% of male and 15% of female) reported

direct experience of the four exploitative practices.

There is a very low number of registered THB victims in international protection procedures even though many Member States have put systems in place to allow victims of trafficking to be detected, identified, and referred to appropriate procedures for international protection (through individual assessment, interview questions).

Nevertheless, research shows that the lack of data on the number of identified THB victims in international protection procedures does not allow a full assessment of the effectiveness of mechanisms for identification adopted by national authorities.

Specific to the context of increased migration flows to the EU, the “hotspots approach” was launched as part of the European agenda on migration in April 2015. Several hotspots were set up to facilitate cooperation on the ground between Member States on the frontline, who faced the arrival of asylum seekers and other migrants, and the relevant EU agencies. Nevertheless, identification of victims in the hotspots remains much reduced and the practices at Member States level are not coherent, which are some of the reasons the co-rapporteurs include recommendations on stepping up efforts as regarding identification of potential victims, including by involving civil society organisation and other actors but also by providing the necessary training to the staff involved.

Trafficking of children:

A third of asylum seekers arriving within the EU are children and unaccompanied minors¹. As stated by a recent study by the EPRS² “in the context of mixed migration flows, women and children are especially likely to fall victim to traffickers”. It was noted that nearly a quarter of all victims in the EU are children with girls representing approximately 78% of victims and that nearly 75% of all child victims in the EU were EU citizens. They are particularly vulnerable, with child victims facing severe and lasting physical, psychological and emotional harm.

Directive 2011/36/EU also provides that Member State authorities should take due account of the personal and special circumstances of the unaccompanied child victim of trafficking. In this regard, they should take protection measures based on the best interests of the child and where appropriate, appoint a guardian of the unaccompanied minor.

Reports highlight that, often in the context of migration, children are also punished for offences committed under duress exerted by traffickers. Some of the identified cases are not only failures to implement the victim-centred approach enshrined in the Anti-Trafficking Directive, but most of all violations of human rights.

Under the Directive, children should be provided free legal resources and assistance, and protective measures should be available for child victims with particular attention on unaccompanied child victims, such as guardians. Although improvements, still many MS lack adequate child protection and assistance services.

Efficiency of criminal systems and criminalisation of demand:

While some improvements can be observed, low level of investigation, few successful

¹ EPRS Implementation assessment p. 69

² Scherrer, Detecting and protecting victims of trafficking in hotspots: Ex-Post Evaluation, EPRS, 2019

prosecutions and low conviction rates remain a common and repeatedly recognised pattern among the Member States. What is more, the EU-wide data collection shows variations in court judgements between Member States. For 3691 court judgements issued during 2015-2016, 302 led to acquittal, 2925 to conviction and 464 to other decisions³.

Member States have legal provisions that allow the authorities not to prosecute or punish THB victims. However, their practical application still leads to victims, both adult and children being punished, including imprisonment. This is a serious human rights violation and can reinforce distrust towards the respective criminal justice system by the victims. Lack of clarity in adopted legal provisions and deficiencies of identification processes negatively influence the implementation of Article 8 across Member States.

The need for greater specialisation of professionals involved at various stages of proceedings has been reported.

According to the Directive, but also policy documents such as the Strategy and the follow-up Communication, one of the key elements of prevention of THB which Member States are urged to implement is the criminalisation of knowingly using the services of victims of trafficking.

Cooperation between Member States and with EU agencies:

Member States' collaboration is important to prevent, detect, and ensure the rights of THB victims. Also, several EU agencies play an important role in supporting individual Member States in their effort to counter THB and in fostering cooperation between two or more MS. EASO and FRONTEX both increase MS capacities regarding the registration of newly arrived migrants, in particular in the setting of "hotspots" through offering capacity building instruments in the area of detection of victims of THB, such as trainings, toolkits, and guiding documents.

A lack of experience in cross-border cooperation was noted as potentially negatively impacting investigations and criminal proceedings and several national authorities have proceeded to either bilateral cooperation or other channels, such as via Europol or Interpol.

Research revealed that:

- 1) Effective cooperation between the MS has been progressively increasing over the years and examples of good pan-EU, regional and bilateral practices can be identified,
- 2) MS benefit from and appreciate different form of support provided by various EU agencies and instruments,
- 3) A number of challenges and areas for improvement remain, in particular relating to a need for more accountability of 'multi-agency' approaches.

It is noteworthy that data collection amongst the Member States revealed limited importance assigned to FRA in the framework of the fight against THB. FRA can play a stronger role in screening criminal and judicial processes, in particular those involving multiple Member

³ Data Collection on Trafficking in Human Beings in the EU, 2018, p. 101. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181204_data-collection-study.pdf

States and law enforcement agencies. This would mean stronger monitoring of fundamental rights impacts falling under the EU law in this area.

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (2020/2029(INI))

The European Parliament,

- having regard to Articles 2 and 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 European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR),
- 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 (‘the Anti-Trafficking Directive’)⁴,
- 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 Universal Declaration of Human Rights,
- having regard to the United Nations Convention against Transnational Organised Crime (‘the Palermo Convention’) and the Protocols thereto, and, in particular, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (‘the UN Trafficking Protocol’), and the Protocol against the Smuggling of Migrants by Land, Sea and Air,
- having regard to the 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’s resolution of 26 November 2019 on children’s rights on the occasion of the 30th anniversary of the UN Convention on the Rights of the Child⁵,
- having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- having regard to the work of the UN Special Rapporteur on trafficking in persons, especially women and children,
- having regard to the UN Convention on the Elimination of All Forms of Discrimination

⁴ OJ L 101, 15.4.2011, p. 1.

⁵ Texts adopted, P9_TA(2019)0066.

- against Women (CEDAW), in particular to Article 6 thereof, which seeks to combat all forms of traffic in women and the exploitation of the prostitution of women,
- having regard to the 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 the Joint UN Commentary on the EU Directive on preventing and combating trafficking in human beings and protecting victims, which calls for international protection to be provided to victims of human trafficking in a gender-sensitive manner,
 - having regard to the International Labour Organization (ILO) Forced Labour Convention, 1930 (No 29), the Protocol of 2014 to the Forced Labour Convention, 1930, the Abolition of Forced Labour Convention, 1957 (No 105) and the Forced Labour (Supplementary Measures) Recommendation, 2014 (No 203), the Worst Forms of Child Labour Convention, 1999 (No 182) and the Domestic Workers Convention, 2011 (No 189),
 - having regard to the UN Guiding Principles on Business and Human Rights,
 - having regard to the UN Committee on the Elimination of Discrimination against Women (CEDAW) General recommendation No. 33 of 23 July 2015 on women’s access to justice,
 - having regard to the United Nations resolution entitled ‘Transforming our World: the 2030 Agenda for Sustainable Development’, adopted by the General Assembly on 25 September 2015, in particular its Sustainable Development Goal (SDG) 5.2 on eliminating all forms of violence against women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation,
 - having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (‘the Istanbul Convention’),
 - having regard to Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (‘the Victims’ Rights Directive’)⁶,
 - having regard to Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA⁷,
 - having regard to Directive 2009/52/EC of the European Parliament and of the Council

⁶ OJ L 315, 14.11.2012, p. 57.

⁷ OJ L 018, 21.1.2012, p. 7

- of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals⁸,
- 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 nationals⁹,
 - 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 authorities ('the Residence Permit Directive')¹⁰,
 - having regard to Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence¹¹, and to Council framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence¹²,
 - having regard to the Commission communication of 24 June 2020 on an EU Strategy on victims' rights (2020-2025) (COM(2020)0258),
 - having regard to the Commission communication of 19 June 2012 entitled 'The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016' (COM(2012)0286),
 - having regard to the Commission staff working document of 17 October 2014 entitled 'Mid-term report on the implementation of the EU strategy towards the eradication of trafficking in human beings' (SWD(2014)0318) and to the first (COM(2016)0267), second (COM(2018)0777) and third (COM(2020)0661) progress reports thereon,
 - having regard to the Commission report assessing the extent to which Member States have taken the necessary measures in order to comply with Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims in accordance with Article 23(1) (COM(2016)0722),
 - having regard to its resolution of 23 October 2020 on Gender Equality in EU's foreign and security policy¹³,
 - having regard to its resolution of 28 November 2019 on the EU's accession to the Istanbul Convention and other measures to combat gender-based violence¹⁴,
 - having regard to its resolution of 5 July 2016 on the fight against trafficking in human beings in the EU's external relations¹⁵,

⁸ OJ L 168, 30.6.2009, p. 24.

⁹ OJ L 348, 24.12.2008, p. 9.

¹⁰ OJ L 261, 6.8.2004, p. 19.

¹¹ OJ L 328, 5.12.2002, p. 17.

¹² OJ L 328, 5.12. 2002, p. 1.

¹³ Texts adopted, P9_TA(2020)0286

¹⁴ Texts adopted, P9_TA(2019)0080.

¹⁵ OJ C 101, 16.3.2018, p. 47.

- having regard to its resolution of 12 May 2016 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 perspective¹⁶,
- having regard to its resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality¹⁷,
- having regard to the Commission communication of 4 December 2017 entitled ‘Reporting on the follow-up to the EU Strategy towards the Eradication of trafficking in human beings and identifying further concrete actions’ (COM(2017)0728),
- having regard to the Commission communication of 5 March 2020 entitled ‘A Union of Equality: Gender Equality Strategy 2020-2025’ (COM(2020)0152),
- having regard to the Commission’s 2020 Study on the economic, social and human cost of trafficking in human beings within the EU, its 2020 Study on reviewing the functioning of Member States’ National and Transnational Referral Mechanisms, its 2020 Study on Data collection on trafficking in human beings in the EU, and its 2016 Study on the gender dimension of trafficking in human beings,
- having regard to the 2018 Joint Statement of commitment to working together against trafficking in human beings signed by the European Asylum Support Office (EASO), the European Union Agency for Fundamental Rights (FRA), the EU Agency for Law Enforcement Cooperation (Europol), the EU Agency for Criminal Justice Cooperation (Eurojust), the European Foundation for the Improvement of Living and Working Conditions (Eurofound), the EU Agency for Law Enforcement Training (CEPOL), the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), the European Border and Coast Guard Agency (Frontex) and the European Institute for Gender Equality (EIGE),
- having regard to the Europol Situation Report ‘Trafficking in human beings in the EU’ of 18 February 2016,
- having regard to the Europol report entitled ‘The challenges of countering human trafficking in the digital era’ of 18 October 2020,
- having regard to Europol’s 2017 Serious and organised crime threat assessment (SOCTA),
- having regard to the 4th annual report of the European Migrant Smuggling Centre of Europol of 15 May 2020,
- having regard to the report of the European Union Agency for Fundamental Rights of the EU entitled ‘Severe labour exploitation: workers moving within or into the European Union’ of 29 May 2015,
- having regard to the Eurostat report ‘Trafficking in human beings’ of 17 October 2014,

¹⁶ OJ C 76, 28.2.2018, p. 61.

¹⁷ OJ C 285, 29.8.2017, p. 78.

- having regard to resolution 9/1 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime (UNTOC) on the Establishment of the Mechanism for the Review of the Implementation of UNTOC and the Protocols thereto,
 - having regard to the UNHCR guidelines of 7 April 2006 on international protection entitled ‘The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked’,
 - having regard to the United Nations Office on Drugs and Crime (UNODC) 2018 Global Report on Trafficking in Persons,
 - having regard to the UN Committee on the Elimination of Discrimination against Women (CEDAW) General recommendation No. 38 of 6 November 2020 on trafficking in women and girls in the context of global migration,
 - having regard to the European Implementation Assessment of Directive 2011/36/EU: Migration and gender issues, published by its Directorate-General for Parliamentary Research Services on 15 September 2020¹⁸,
 - having regard to Rule 54 of its Rules of Procedure, as well as Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,
 - having regard to the joint deliberations of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women’s Rights and Gender Equality under Rule 58 of the Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women’s Rights and Gender Equality (A9-0011/2021),
- A. whereas trafficking in human beings (THB) constitutes a violation of human dignity, of the physical and psychological integrity of a human being, surrounding us in our everyday life, and is a profound violation of fundamental rights, as outlined in Article 5(3) of the Charter of Fundamental Rights of the European Union;
- B. whereas trafficking is a highly gendered phenomenon, with nearly three quarters¹⁹ of all reported victims in 2017 and 2018 in the EU being women and girls, who were predominantly trafficked for sexual exploitation; whereas sexual exploitation has been the most reported reason for trafficking in the EU since 2008;
- C. whereas the number of registered victims of THB has grown in the Commission’s last study period (2017 and 2018) compared to the previous one, and continues to increase²⁰; whereas the actual number of victims is most likely considerably higher than

¹⁸ European implementation assessment – ‘Implementation of Directive 2011/36/EU: Migration and gender issues’, Directorate-General for Parliamentary Research, Ex-Post Evaluation Unit, 15 September 2020.

¹⁹ The Commission’s Third report on the progress made in the fight against trafficking in human beings (2020) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings (COM(2020)0661)

²⁰ COM(2020)0661

in the reported data, as many victims remain undetected;

- D. whereas children account for a considerable number of the victims of THB; whereas 78 % of all children trafficked are girls and 68 % of adults trafficked are women²¹;
- E. whereas gender inequality, poverty, forced displacement, unemployment, lack of socio-economic opportunities, lack of access to education, gender-based violence, discrimination and marginalisation, and corruption are some of the contributing factors that make persons, especially women and children, vulnerable to trafficking; whereas the root causes of THB remain insufficiently tackled;
- F. whereas the victims of THB are often subject to multiple and intersecting forms of discrimination and violence, including on the grounds of gender, age, race, disability, ethnicity, culture and religion, as well as national or social origin or other statuses, and whereas these forms of discrimination may themselves fuel trafficking in persons²²;
- G. whereas there are many forms of trafficking, but they are all based on the abuse of the inherent vulnerability of the victims and are aimed at the exploitation of human beings, and whereas the victims of THB are found engaging in different legal and illegal activities, including, but not limited to, the agricultural sector, food processing, the sex industry, domestic work, manufacturing, care, cleaning, other industries (particularly the service industries), begging, criminality, forced marriage, sexual exploitation on- and offline, illegal adoptions and the trade in human organs; whereas there are other forms of trafficking that remain under-recorded and under-reported, including some that are highly gendered, such as forced marriage and domestic servitude;
- H. whereas the last few years have shown that migrants and asylum seekers are particularly at risk of being trafficked; whereas, among these, unaccompanied minors and women are a special target group for trafficking networks;
- I. whereas Europol has warned that the impact of the COVID-19 pandemic could further increase the numbers of victims²³, and decrease the likelihood of traffickers being detected by law enforcement, and that an economic recession in the wake of the COVID-19 crisis could also result in dangerous consequences in the area of THB²⁴; whereas the situation of trafficked victims has worsened since the beginning of the crisis and support services have encountered difficulties in assisting victims;
- J. whereas according to Europol²⁵, the use of digital technologies has broadened criminals' ability to traffic human beings for different types of exploitation; whereas new technologies are exploited by traffickers during every phase of sexual exploitation, from the recruitment and advertisement of victims, to blackmail and controlling their movements; whereas these new tools offer increased anonymity for traffickers and pose difficulties for law enforcement in detection; whereas online interaction creates both

²¹ Data Collection on Trafficking in Human Beings in the EU (2020)

²² COM(2020)661, p.1.

²³ COM(2020)661, p.1

²⁴ <https://www.europol.europa.eu/publications-documents/challenges-of-counterering-human-trafficking-in-digital-era>

²⁵ <https://www.europol.europa.eu/publications-documents/challenges-of-counterering-human-trafficking-in-digital-era>

risks and opportunities for criminals, victims and law enforcement;

- K. whereas THB remains a complex and prevalent crime affecting the possibility of reaching all the SDGs, in particular SDGs 5 (gender equality), 8 (decent work and economic growth), 16 (peace, justice and strong institutions) and 17 (partnerships for the goals);
- L. whereas trafficking in persons is first and foremost a serious crime against individual persons, it also generates costs to society such as the extra use of public services, including law enforcement, specialised services, health services and social protection, lost economic output, the value of lost quality of life, and the coordination of anti-trafficking prevention work; whereas this cost is estimated at EUR 3 700 524 433 for the EU-28²⁶;
- M. whereas trafficking in human beings is a complex transnational phenomenon that can be tackled effectively only if the EU institutions, Member States, third countries and EU and international organisations work together in a coordinated manner; whereas international cooperation is essential to eradicate trafficking through the synergy of various existing internal and external policies such as the Global Strategy for the European Union's Foreign and Security Policy and the Action Plan on Human Rights and Democracy 2020-2024, as well as through the relevant information campaigns in the countries involved; whereas THB should be taken into account in the legislative work on the Gender Action Plan III;
- N. whereas the effective detection of THB victims continues to be a challenge in most Member States owing to various reasons, such as the lack of language knowledge and reluctance to report to the police or limited law enforcement capacities; whereas the identification of child victims is often made more challenging because they do not understand they are victims; whereas Member States have an obligation to exercise due diligence to prevent THB, to investigate instances of trafficking and punish perpetrators, to support and empower victims and respect their dignity, and to provide for their protection and access to remedies, and whereas not doing so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of victims;
- O. whereas the Anti-Trafficking Directive sets out minimum standards to be applied throughout the European Union in preventing and combating trafficking in human beings and protecting victims, and provides the definition of what constitutes trafficking in human beings; whereas the complete and correct transposition of the Directive, followed by its full implementation, is not only compulsory, but also necessary in order to make progress in addressing trafficking in human beings;
- P. whereas all monitoring reports show that almost 10 years after the Directive's adoption, obstacles to its full implementation at Member State level remain, with most victims remaining undetected and the prosecution and conviction rates of perpetrators remaining low; whereas significant gaps in the coverage and implementation of national laws and policies surrounding THB can be actively exploited by organised crime groups and leave large groups of people more vulnerable to exploitation;
- Q. whereas the implementation of the Victims' Directive has not been satisfactory,

²⁶ Study on the economic, social and human costs of trafficking in human beings within the EU (2020)

particularly due to incomplete and/or incorrect transposition;

- R. whereas trafficking in human beings is a very profitable form of organised crime and is therefore demand and profit driven; whereas reducing demand, also with regard to the sexual exploitation of women and girls, needs to be a focus in the fight against trafficking; whereas physical, psychological and sexual violence are constitutive elements of trafficking for sexual exploitation and violence against women;
- S. whereas the EU's ratification of the Istanbul Convention could complement the EU's and Member States' efforts in the fight against trafficking in human beings;
- T. whereas severe labour exploitation occurs in many economic sectors in the EU and affects various groups of cross-border workers, including both EU and non-EU citizens; whereas, as recommended by the FRA²⁷, such practices should be addressed, among other ways, through a comprehensive system of targeted inspections of working conditions;
1. Points out the need for a coordinated, harmonised and coherent framework at EU level, based on more efficient assessment and follow-up mechanisms, that guarantees that the prevention of THB is strengthened, together with support, assistance and protection of its victims, and aiming for the complete elimination of trafficking, including through coordinated implementation with the rights conferred by the Victims' Rights Directive, the Residence Permit Directive, the Directive on the fight against sexual abuse and child pornography and the Compensation Directive¹⁵, as trafficking is a crime with a cross-border dimension and thus cannot be dealt with at national level alone;
 2. Commends the good work done by the Commission in coordinating the EU's response to THB and developing knowledge and the findings on the various aspects of THB, including research into the gender dimension and the particular vulnerability of children; calls on the Commission to ensure the continuity of the work being done by appointing a full-time EU Anti-Trafficking Coordinator with the relevant expertise and a clear mandate, working with a network of national representatives from the Member States and civil society to ensure consistent cooperation;
 3. Stresses the importance of the funding of the Asylum, Migration and Integration Fund (AMIF), the Daphne Programme, the European Social Fund+ and Internal Security Fund (ISF) programmes to continue to be used for projects tackling THB, as well as using other available instruments, including EU programmes such as the citizens, equality, rights and values programme, financial instruments such as the Neighbourhood, Development and International Cooperation Instrument (NDICI) and the EU Emergency Trust Fund for Africa, and initiatives such as EMPACT, and the EU-UN Spotlight and Glo.ACT Initiatives; recalls the need for initiatives and projects related to the gender dimension of trafficking, and calls for a comprehensive policy review of EU-financed projects; calls on the Member States to ensure stable funding and adequate staff to identify and protect victims and expresses concern about the lack of adequate funding for victims' organisations, especially those providing support to women, which, owing to severe funding cuts, are struggling to continue providing

²⁷ Severe labour exploitation: workers moving within or into the European Union
<http://fra.europa.eu/en/publication/2015/severe-labour-exploitation-workers-moving-within-or-european-union>

services to victims;

4. Highlights that the lack of consistent, comparable and detailed data continues to hamper the adequate and evidence-based assessment of the scale of and trends in THB; calls on the Member States to increase their efforts in and funding for research, analysis and collection of data on all forms of THB, and to improve coordination among data sources at national and EU level, as well as the collection of more up-to-date, centralised and comprehensive data disaggregated by type of trafficking, age and gender, racial and ethnic origin, and including internally trafficked people, by compiling statistical information with due respect for the rights to privacy and personal data protection, in cooperation with the institutional actors involved, civil society, the EIGE and all relevant international organisations; calls on the Commission to regularly compile and publish such data for the EU;
5. Urges the Commission and the Member States to ensure differentiation between trafficking and smuggling, which require deeper analysis and different responses in law and policy; highlights that the confusion between them often leads to failings in correctly identifying victims and in ensuring that they can access protection measures and avoid secondary victimisation;
6. Calls on the Commission and the Member States to assess and evaluate the use of digital technologies, social media and internet services as the predominant tools used to recruit trafficking victims, and that they empower law enforcement authorities and civil society organisations in the fight against THB by providing them with the necessary technical knowledge and dedicated resources to respond to the challenges posed by the new technologies; further calls on them to adopt third-party liability rules for technology companies hosting exploitative material, to improve the legislative tools used in judicial proceedings and in the prosecution of traffickers, to promote the exchange of information and cooperation between the relevant authorities, internet service providers and social media companies, to promote public information campaigns across the EU on THB while respecting the victims' right to privacy and safety, as well as ensuring their fundamental rights and data protection, and to increase support for building transnational expertise and technology-based solutions, for example to block the recruitment of victims;
7. Urges the Commission and the Member States to make cyber-awareness a priority in campaigns aimed at schools, universities, companies and research bodies, and to build on existing expertise such as the Better Internet for Kids portal; underlines that awareness-raising in relation to online human trafficking on social media is essential to prevent new victims from entering into the trafficking networks; calls on the Commission to actively engage with platforms in developing common guidelines and action plans that prevent and combat online trafficking;

Identification, protection, assistance and support to victims

8. Highlights that the early identification of victims remains one of the main challenges to implementation, and is one of the most crucial in terms of enabling victims to exercise their rights; calls on the Member States to protect them, to give more actors responsibility and awareness-raising opportunities for identifying victims of THB at all stages of the process, including representatives of civil society organisations, law

enforcement officers, immigration and asylum officials, labour inspectors and social workers or healthcare staff, as well as other relevant professionals and actors; stresses the need for an approach based on the four key strategies of prevention, prosecution, victim protection and multi-level partnership; calls on all Member States to earmark adequate funds for the identification, protection, assistance and support of victims of THB at all stages; highlights that early identification should take into account the specificities of high-risk sectors and groups such as victims who are women and girls;

9. Calls on all Member States to effectively guarantee the rights of victims through legal assistance at the earliest possible stage, including accessible information about their legal rights, to protect and support them with a gender- and child-sensitive approach while ensuring complementarity with the Victims' Rights Directive; recalls that the Anti-Trafficking Directive obliges the Member States to take the necessary measures to ensure that the competent authorities are entitled not to prosecute or impose penalties on victims of THB for their involvement in criminal activities which they have been compelled to commit;
10. Regrets the lack of targeted protection programmes for vulnerable victims in many Member States; stresses the importance of providing measures for the special needs of victims in vulnerable situations and specific guidance to victims of trafficking for sexual exploitation; highlights the need to ensure unconditional and individualised protection, assistance and support) to victims, also taking their direct dependants into account, including in the context of legal proceedings related to criminal, civil or other actions against traffickers or exploiters; calls for the effective implementation in all Member States of the Victims' Rights Directive and any related legislation, with a gender- and victim-based approach; recalls that people working to protect and help the victims of THB should not be criminalised for their work related to this;
11. Notes that the 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, access to education and training, including being taught the language of their country of residence, access to the labour market and job placement, (re-)integration, resettlement assistance and individualised services, with a specific gender perspective; urges the Member States to ensure gender-specific, appropriate and targeted provision of services to victims of THB;
12. Regrets the fact that the specific needs of victims in vulnerable situations such as women, children, LGBTI people, persons with disabilities and people from racialised groups are often overlooked, and urges the Member States to ensure gender-specific services and support to victims appropriate to their needs; calls on the Member States to address in particular the needs of LGBTI people, as they are highly vulnerable to THB owing to the cumulative effect of different types of discrimination on the grounds of sexual orientation and gender identity;
13. Points out the high vulnerability of Roma communities to all forms of trafficking and exploitation, especially of women and children, according to the Commission's three progress reports; calls on the Commission and the Member States to design specific measures to combat trafficking through the national Roma integration strategies for 2020-2030; calls on the Commission and the Member States to collect statistical data on

the victims of trafficking based on their ethnic background;

14. Is concerned that victims of THB are often not adequately informed of their rights or of the assistance and support measures that are available to them; underlines the importance of having clear and consistent information for victims and for front line staff who may come into contact with victims;
15. Highlights that while the full impact of the COVID-19 pandemic is not yet measurable, it is nevertheless clear that the crisis disproportionately affects the most vulnerable victims of THB, especially women, children and those in precarious situations, and that it has forced many shelters to close or suspend their services as a result of reported infections, leaving victims of trafficking without housing, healthcare, and legal assistance; in this context, stresses that access to care and social services should be guaranteed without discrimination; recalls that the root causes driving THB have been exacerbated by the pandemic, exposing vulnerable populations to higher risks of trafficking, increasing the number of online advertisements featuring victims of THB, of sexual predators targeting children, of cases of sexual exploitation online, and the demand for child pornography; calls on the Member States to take effective action with the support of civil society organisations and EU agencies such as Europol, which released a report entitled ‘Pandemic profiteering: how criminals exploit the COVID-19 crisis’ in March 2020; calls on the Commission to carry out a deeper analysis of the effects of the COVID-19 pandemic on potential victims of THB, and on the structure and functioning of THB in general, in order to create specific measures to eliminate THB;
16. Points out the need for fully functioning, coherent National Referral Mechanisms (NRM) coordinated with transnational referral mechanisms and funded through specific dedicated financial allocations, to meet the challenges in coordinating different actors, and the shortcomings that lead to limited trust among victims, which may have a negative impact on effective referrals; underlines that good cooperation between the police and non-governmental organisations (NGOs) should be complementary to a fully fledged NRM defining the roles and responsibilities of all relevant actors²⁸ so as to protect and promote the fundamental rights of victims; encourages the Member States to set up national centres specialised in the support and reception of victims of THB and to facilitate direct and efficient cross-border cooperation between these centres, as well as between law enforcement agencies and the relevant EU agencies;
17. Calls on the Commission to monitor and assess the situation of compensation to victims in the Member States and across borders in terms of access, enforcement and actual payments, and to come forward with specific measures to ensure better, faster and free legal aid and access to compensation in all Member States without prejudice to other forms of reparation;
18. Welcomes the adoption of the establishment of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto in 2018 and the launch of its review process in 2020; calls on the Commission to position itself as a role model in this review process;

²⁸ The recommendations by the Council of Europe’s Group of Experts on Action against Trafficking in Human Beings (GRETA) include ensuring the application of the NRM to asylum seekers and persons in immigration detention

underlines the importance of increasing the understanding of THB as a complex and evolving crime; calls on the Member States and the EU institutions to ensure that a human rights-based response remains at the core of the analysis of and the responses to THB, and recalls the need to engage with citizens and civil society organisations; stresses the important role played by the European Parliament and national parliaments; invites the Commission and the Member States to join the UN's international campaign against trafficking in persons; urges the Member States to ratify all relevant international instruments on THB, including the Council of Europe Convention on Action against Trafficking in Human Beings;

THB as a gendered crime and addressing trafficking for sexual exploitation

19. Highlights that sexual exploitation remains the most prevalent and reported form of trafficking in the EU since 2008, as 60 % of victims are trafficked for sexual exploitation; notes that 92 % of these victims are women and girls, and that more than 70 % of traffickers are male²⁹, reflecting how trafficking for sexual exploitation is rooted in gender inequalities;
20. Urges, therefore, the Member States to adopt specific measures to address gender-based violence, violence against women and minors, the social acceptance of violence and the culture of impunity, and structural gender inequalities and stereotypes as root causes of trafficking, especially through education, information and awareness-raising campaigns complemented with an exchange of best practices, including programmes and training courses to engage with men and boys; recommends that the Commission strengthen and develop the gender dimension in the monitoring of the implementation of EU anti-trafficking legislation and urges the Commission to continue to monitor this in its assessment of Member States' compliance with and implementation of the Directive;
21. Calls on the Commission, in cooperation with the Member States, to examine how the demand for sexual services drives trafficking, as Europol has reported that 'there are Member States where prostitution is legal, making it much easier for traffickers to use a legal environment in order to exploit their victims'³⁰; recalls Europol's finding that in some EU Member States where prostitution is legal, suspects were able to exploit children alongside adult victims³¹; underlines that THB is fuelled by the high profits for traffickers and by the demand that encourages all forms of exploitation; stresses that the use of legal businesses as a cover for exploitative activities is quite common among human traffickers; recalls that Member States have a legal obligation to discourage and reduce the demand for all forms of exploitation, which should be a key target for prevention and prosecution efforts;
22. Calls on the Commission to prioritise the prevention of the crime of trafficking for sexual exploitation, including through information, awareness-raising and education campaigns, adopting measures and programmes to discourage and reduce demand, and to possibly adopt future dedicated legislation, and calls on the Member States to include the knowing use of the services of victims of trafficking as a criminal offence in their national statutes, as recommended by Article 18 of the Anti-Trafficking Directive and

²⁹ Data collection on trafficking in human beings in the EU, 2020

³⁰ Europol, Situation Report 'Trafficking in Human Beings in the EU', 18 February 2016.

³¹ Second progress report on the implementation of the Directive, COM(2018)0777, p. 6

reiterated by the Commission in 2018³², and to provide for effective, proportionate and dissuasive penalties; urges the Member States to work closely with civil society organisations working with trafficked persons;

23. Urges the Member States and the Commission to focus on the recurring and emerging patterns of THB for sexual exploitation, such as the increasing exploitation of children and women, including through grooming and sextortion, and the use, among other things, of the ‘lover boy’ method as the most frequent means of recruiting victims and making them compliant by using online technologies, through developing digital skills, including online safety, in cooperation with all relevant actors; notes that the increased use of technology by criminal networks engaged in THB has significantly transformed their traditional modus operandi, especially during some stages of the trafficking process;
24. Highlights the importance of and asks for more gender- and child-sensitive training programmes for all officials, judges, stakeholders and actors dealing with trafficking cases, investigations, and potential victims to enhance the early identification of those who may be victims of trafficking for sexual exploitation and encourages Member States to adopt measures to support victims, such as exit programmes, psychological support measures, decent social and professional reintegration opportunities, education and access to comprehensive sexual and reproductive health services, access to justice and related rights, while involving civil society, the social partners and the private sector; underlines further, in this context, the importance of awareness-raising programmes for the general public in order to identify and protect potential victims; highlights the need to earmark adequate funds for training purposes and therefore calls for the Member States to provide adequate resources;
25. Urges the Member States to adopt comprehensive age- and developmentally appropriate sexuality education as a key means of preventing all forms of violence against women and girls, including trafficking and sexual exploitation, to include consent and relationships education promoting healthy attitudes of respect and equality in all interactions;

Trafficking for labour exploitation

26. Strongly regrets the fact that several Member States and civil society organisations have reported an increase in trafficking for labour exploitation³³; deplores the fact that children have also increasingly fallen victim to trafficking for labour exploitation and calls for urgent action by national labour inspectorates in the Member States to detect and put an end to such practices; calls further on the European Labour Authority to address the issue of severe labour exploitation as a matter of priority and to support the Member States with capacity building on this matter with a view to better identifying and sanctioning severe labour exploitation practices through targeted inspections; highlights the importance of considering the inclusion of labour exploitation in the training programmes for officials attending victims to enhance the early identification of those who are victims of trafficking for forced labour; calls on the Commission, in

³² Second progress report on the implementation of the Directive, COM(2018)0777, p. 6

³³ The Commission’s Third report on the progress made in the fight against trafficking in human beings (2020) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings (COM(2020)0661)

cooperation with the Member States, to examine how the demand for cheap labour services drives trafficking for labour exploitation; urges the Member States' authorities to increase their efforts to eliminate all forms of informal and unregulated work, thereby ensuring labour rights for all workers; highlights that the precarious working status of the workers concerned makes them dependent on their employers, and allows the perpetrators of human trafficking to exploit their victims;

Other forms of exploitation

27. Urges the Member States and the Commission to focus on the recurring and emerging patterns of all forms of THB, including for labour exploitation, forced begging, forced and sham marriage, and forced criminality, among other purposes; underlines that THB is fuelled by high profits for traffickers and by the demand that fosters all forms of exploitation; notes with concern that many EU Member States do not have adequate legislation for victims of all forms of exploitation; calls on the Member States to take into account all forms of trafficking when giving protection, assistance and support to victims; notes that in spite of recent reports of criminal networks trafficking people across the EU for the purposes of labour and other forms of exploitation, adequate data, legislation and access to support services for victims of these forms of exploitation are nevertheless lacking;
28. Notes that trafficking for other forms of exploitation accounted for 18 % of victims³⁴, involving activities in the area of forced begging, forced criminalities, the selling of babies, organ removal, illegal adoption, financial exploitation through fraud and THB through surrogacy; points out that many of the victims of forced begging and forced criminality often come from marginalised Roma communities and are often children;
29. Emphasises that the EU's legal and policy framework on THB combines both the internal and external dimensions, recognising that action to combat trafficking, which is a serious crime and a human rights violation, constitutes a clear objective of the EU's external action; calls on the Commission and the Member States to enhance cooperation with third countries in order to combat all forms of THB and to strengthen opportunities for joint investigations and specialised prosecutions;

THB in the context of asylum and migration

30. Emphasises that, while the majority of victims are EU nationals, criminal organisations have been misusing migration routes for trafficking victims into the EU, with humanitarian crises exacerbating the exposure of migrants, refugees and asylum seekers to traffickers; points out that there has been a sharp increase in recent years concerning the number of women and girls trafficked through the Central Mediterranean route for sexual exploitation in the EU³⁵; calls for the Member States and the EU to identify these women and girls and to prevent similar cases in the future by using a coherent and coordinated rights-based and gender- and child-sensitive approach to prevent and address human trafficking; recalls that women and children often become victims of sexual abuse along the migration route, in exchange for protection and basic sustenance; underlines that the criteria for these women and children to be granted the official status of THB victim are often too rigid to fulfil, and that they are therefore unable to receive

³⁴ COM(2020)0661

³⁵ Second progress report, COM(2018)0777, p. 3

the required assistance to address the harm that they face;

31. Reiterates that asylum seekers, refugees and migrants, and, in particular, unaccompanied and separated minors, are vulnerable to trafficking and that special attention should be given to the trafficking of women, children and other vulnerable groups; highlights that there are vulnerabilities and risks at the different stages in the migration process prior to migration itself, en route to the EU, at the destination and for those that might be returned; notes that limited knowledge of a local language and/or of understanding of their rights, limited access to viable livelihood opportunities or quality education, and restrictions on their freedom of movement also contribute to their risk of becoming victims of trafficking;
32. Highlights the very low number of registered THB victims in international protection procedures; calls on the Member States to strengthen the provision of information to arriving individuals, including with the help of translation and interpretation, on their rights and the applicable procedures under EU legislation, including on the possibilities for obtaining support through lawyers and cultural mediators working to prevent human trafficking and exploitation;
33. Points out that in some Member States, applicants for international protection who are identified as victims of THB might have decided, or been obliged, to change procedures and claim a residence permit under Directive 2004/81/EC³⁶; calls on the Member States to ensure that the anti-trafficking and the asylum procedures are interconnected and complement each other;
34. Calls on the Member States to ensure a coherent application of the provisions set out in the Dublin III Regulation, the Anti-Trafficking Directive and the Residence Permit Directive to prevent the practice employed in some Member States of transferring victims of human trafficking to the country where they were exploited when they first arrived, thereby leaving them more exposed to the risk of being re-trafficked and re-traumatised;
35. Calls on the Member States to step up their efforts to identify potential victims early on, in particular within migration flows and hotspots, and to adopt protection and prevention measures; highlights that potential victims who have been identified should be provided with protection and access to a safe place where they can be provided with information and legal aid; calls on the Member States to take action to ensure that all victims, including migrant victims, have access to justice irrespective of their residence status;
36. Calls on the Member States to provide adequate resources and specialised facilities for the actual and presumed victims of trafficking, including women, unaccompanied and separated minors, and to ensure sufficient places in shelters; calls on the Member States to ensure the presence of gender-trained staff in reception facilities and to provide adequate support and funding to civil society organisations working with them;
37. Calls on the Member States to ensure the right to family life of the victims of THB and to assess the potential extension of international protection granted to victims to their

³⁶ European implementation assessment – ‘Implementation of Directive 2011/36/EU : Migration and gender issues’, Directorate-General for Parliamentary Research, Ex-Post Evaluation Unit, 15 September 2020, p. 49

- family members; calls on the Member States to speed up family reunification procedures for the family members of the victims at risk in the country of origin;
38. Points to the need to set up national mechanisms for data collection on THB victims in international protection procedures in order to be able to ensure follow-up in identified cases;
 39. Is concerned that the recovery and reflection period is linked to cooperation by the victim during the investigation and is granted by law enforcement agencies; deplores the fact that in some Member States³⁷ the period is provided neither to victims of trafficking who are EU and/or EEA nationals nor to asylum seekers; calls on the Commission to monitor the implementation of available legal solutions at Member State level, in particular the granting of a recovery and reflection period;
 40. Points out that, according to Europol, migrant smuggling and THB are sometimes carried out by the same criminal organisations³⁸ and investigations show that traffickers are increasingly targeting migrants and asylum seekers in the EU for exploitation³⁹; stresses the importance of prevention and the fight against THB when cooperating on working against smuggling with third countries, either of origin or of transit, together with the protection of the victims, ensuring comprehensive support, reintegration and rehabilitation programmes;
 41. Reminds the Member States that the lack of safe and legal migration pathways for asylum seekers increases their vulnerability to trafficking as they can be exploited both during transit and upon arrival; calls on the Member States to provide more safe and legal routes for migration such as humanitarian visas in order to prevent the exploitation of vulnerable individuals;
 42. Notes that being undocumented, or having dependent status, increases the likelihood of victimisation and reduces the likelihood that victims will seek help or report abuse owing to fear of immigration consequences, thereby putting them at risk of exploitation and abuse; notes that the significant gaps in the coverage and implementation of national laws and policies surrounding THB give perpetrators additional leverage to exploit victims with an irregular status, leaving large groups of people more vulnerable to exploitation; calls on the Member States to decouple migration enforcement actions from law enforcement activities; stresses that safe reporting and effective complaints mechanisms should be established for vulnerable persons;

Trafficking of children

43. Notes that children constitute nearly a quarter of all victims in the EU, with girls (78 %) making up the vast majority of child victims in the EU; points out that nearly 75 % of all child victims in the EU were EU citizens; is particularly concerned about the violence, abuse and exploitation faced by child victims in the EU, especially those trafficked for sexual exploitation⁴⁰;

³⁷ 9th General Report on GRETA's activities, p. 57

³⁸ The 4th annual report of the European Migrant Smuggling Centre of Europol (2020).

³⁹ Europol's 2017 Serious and organised crime threat assessment (SOCTA).

⁴⁰ Europol, European Migrant Smuggling Centre, 4th Annual Activity Report, 2020.

44. Recalls the obligation of Member States to pay special attention to child victims of trafficking with the best interests of the child being considered paramount in all actions; emphasises the physical and psychological harm suffered by trafficked children and their increased vulnerability to exploitation; calls on the Member States to ensure strong child protection measures, the presumption of childhood and child age assessment, protection before and during criminal proceedings, access to unconditional assistance, compensation, non-punishment, and assistance and support to the family member of a child victim, as well as prevention;
45. Calls on the Member States to focus on identifying child victims and helping them to avail themselves of their rights; emphasises the need for well-trained and properly supported guardians, including temporary guardians as an emergency measure, to be appointed immediately for child victims, including unaccompanied child victims, and stresses the importance of child-friendly justice and specialist services; further calls for Member States to take measures to ensure adequate and appropriate training, in particular legal and psychological training, for those working with child victims of trafficking, and to increase the number of guardians by organising awareness campaigns;
46. Calls on Member States to ensure that consular staff pay particular attention to the correct verification of the identity of minors and the link with the person or persons exercising parental authority or legal guardianship when taking the minor's biometric data in the visa application procedure; calls on the Commission, in close cooperation with Europol and civil society organisations, and on the Member States to provide targeted and effective education and training, as well as information on the methods used by the traffickers, to national, local and regional authorities in order to prevent child trafficking;
47. Calls on the Member States to fully implement Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography⁴¹, and to reinforce police and judicial cooperation to prevent and combat sexual exploitation at EU level; urges the Member States to cooperate with civil society organisations and EU agencies, in particular with Europol and Eurojust, to step up information exchanges and to support cross-border investigations;
48. Notes with great concern the prevalence of child sexual abuse, and the pattern and normalisation of the trafficking and sexual exploitation of children, and calls for an adequate response by online platforms to avoid abusive material involving children becoming available;
49. Notes the use of means such as the internet and social media to recruit and attract potential victims; calls for special attention by the internet platforms to develop adequate tools; calls for the new Digital Services Act to address this use of cyber-violence methods; calls on the Member States to develop a model of identification, early support and assistance for children who are victims of online sexual exploitation and abuse, as well as awareness-raising programmes and child-friendly reporting mechanisms; encourages the Commission and the Member States to take further action in fighting these online crimes and to reinforce preventive measures; therefore reiterates the need to improve cross-border collaboration and exchange among law enforcement

⁴¹ OJ L 335, 17.12.2011, p. 1.

and child protection authorities, as well as to develop rapid family tracing and alternative care arrangements for unaccompanied minors;

50. Points out that child victims need specific support, taking into account their best interests and specific vulnerabilities; encourages the Member States to ensure that professionals who come into contact with child victims, such as law enforcement staff, border guards, civil servants, the judiciary, and social and health workers, including those who work in youth care facilities, are sufficiently trained in identifying, supporting and referring child victims of THB; notes that specialised teams within law enforcement, trained in the audio-visual recording of child testimonies, are not consistently involved in the questioning of all child victims of THB; urges the Member States to make this standard practice and to train law enforcement staff in this type of child-friendly questioning; advises the Member States to develop a strong 'chain approach', with close links between specific THB support, such as specialised centres for the support and reception of THB victims, and mainstream youth care modules, while responding to the specific needs of every child THB victim;
51. Notes that Roma children are especially vulnerable to exploitation and trafficking and are at high risk of being subjected to sexual exploitation, labour exploitation and forced begging;
52. Welcomes the Commission's decision to include in the EU strategy for a more effective fight against child sexual abuse of 24 July 2020 the possibility of creating a European Centre to prevent and counter child sexual abuse, as called for in the European Parliament's resolution of 26 November 2019 on children's rights, as the cornerstone of a coordinated and multi-stakeholder European approach to preventing and tackling child abuse, and assisting victims;
53. Notes that children in migration, and, in particular, unaccompanied and separated migrant children, continue to be at high risk of violence, trafficking and exploitation along migration routes, en route to and within the EU; notes that girls are at risk of sexual exploitation and gender-based violence throughout the migration routes; requires the Member States to provide unaccompanied child victims of trafficking with assistance, support and protection measures that meet their specific needs, to assign them a guardian upon arrival, and to provide them with proper and adapted living conditions; recalls that such measures should take into account the best interests of the unaccompanied children from a short-term, as well as a long-term perspective; condemns the fact that some Member States have been using detention as a means of 'protection' for unaccompanied minors, including in police cells; recalls that the Member States should examine alternatives to detention, in particular of children; recalls that detention is not in the best interests of the child and that Member States should provide non-custodial child-friendly accommodation;
54. Notes that traffickers have frequently used reception centres to identify potential victims and to arrange for them to be transported to places of exploitation, and that the relevant public authorities and other competent actors in the Member States must therefore be particularly vigilant and monitor and safeguard these centres, paying specific attention to the most vulnerable, such as children, while reinforcing their protection by, at the same time, informing and empowering them by raising awareness in schools, youth centres and youth movements; stresses that a coordinated European approach is

necessary to find and protect unaccompanied migrant children when they go missing;

Efficiency of criminal justice systems and criminalisation of the use of services of victims

55. Notes the low number of prosecutions and convictions for the crime of trafficking; urges the Member States to take measures to improve and speed up the investigation of trafficking cases, through strengthened police efforts both nationally and transnationally, and to put in place strong criminal sanctions for the crime of human trafficking; emphasises that the existing national sanctions and the means of their execution still differ considerably between Member States; highlights that special attention should be paid to under-reported and under-investigated areas, especially employment of a seasonal and temporary nature in the low-skilled and low-paid sectors, such as labour exploitation in the agricultural sector; calls on the Member States to counter impunity through a coordinated approach between the relevant EU agencies in partnership with Member States, the EU institutions, civil society organisations and other partners, thereby enhancing the effectiveness of investigations and prosecutions, including by effective use of the existing platforms run by agencies such as Europol and Eurojust; calls, therefore, on the competent authorities responsible for the prevention, detection, investigation or prosecution of serious crime, including cases of THB, to use large-scale IT systems, including the Schengen Information System (SIS II), in accordance with the provisions enshrined in the relevant legislation in order to support them;
56. Points out that not all Member States have introduced legislation relevant to Article 18 of the Anti-Trafficking Directive⁴²; notes that the differing legal landscapes on criminalising the use of services exacted from victims hampers efforts to reduce demand; regrets the fact that prosecution and conviction rates in the EU for knowingly using victims' services and for sexual exploitation are low; reiterates its urgent call on the Member States to establish the act of knowingly using the services of victims of human trafficking as a criminal offence;
57. Underlines the crucial importance for the EU law enforcement community of developing efficient and expanded analytical capabilities in response to the ever-increasing online-facilitated THB criminal patterns; calls on the Commission to provide financial support to EU agencies such as Europol and through dedicated EU sectoral funds such as the ISF to Member States to secure the highest analytical standards and adequate tools in order to process increasingly complex amounts of information;
58. Notes that women are disproportionately criminalised owing to their socio-economic situation or migration status and are prevented from enjoying equal access to justice as a result of gender stereotyping, discriminatory laws, intersecting or compounded discrimination, and procedural and evidentiary requirements and practices; calls on the Commission and the Member States to ensure that access to justice is physically, economically, socially and culturally available to all women; calls on the Commission and the Member States to address the obstacles to access to justice by women;
59. Regrets the fact that the conditions for a victim to receive the official status of THB victim are often too rigid to fulfil, especially for minors and other vulnerable victims who are financially and emotionally dependent on their traffickers; deplores the fact that

⁴² Second progress report, COM(2018)0777, p. 29.

victims are still subject to criminal charges and convictions for offences they have been compelled to commit, often in relation to the illegal entry into a Member State's territory, which is often inherent to being trafficked; calls on the Member States to adopt clear provisions on the non-prosecution or non-punishment of THB victims and on decoupling victims' protection from cooperation with law enforcement agencies, which currently puts the complete burden of proof on the victim; requests that the Member States instead fulfil victims' needs as regards psychological support; calls further on the Member States to take the necessary measures to ensure that assistance and support for a victim are not made conditional on the victim's willingness to cooperate in the criminal investigation, prosecution or trial in accordance with Article 11 of the Anti-Trafficking Directive;

60. Deplores the fact that data on the identity of THB victims appear in police reports and throughout proceedings, making it hard for victims to speak out or to be protected from retaliation; encourages the Member States to keep victims' names and other identity data in separate files accessible to the police and the prosecution, but not to be disclosed to the suspected traffickers or their lawyers, while respecting the right to a fair trial;
61. Stresses the importance of financial investigation and 'following the money' as a key strategy for investigating and prosecuting the organised crime networks that profit from THB; calls on the Member States to launch financial investigations and work with money laundering specialists when starting a new trafficking investigation; calls on Member States to strengthen cooperation in freezing and confiscating the assets of individuals involved in trafficking and in providing compensation to victims, including by using confiscated proceeds to support victims' assistance and protection, as encouraged by Recital 13 of the THB Directive; calls on the Commission to assess and promote the use of existing judicial and police cooperation, and the available tools, such as mutual recognition of court judgments, joint investigation teams and the European investigation order; in this regard, calls for an enhanced holistic approach which seeks to increase joined-up thinking across all sectors, such as migration, employment, workplace health and safety, and many other sectors;

Cooperation between Member States and with EU Agencies

62. Recalls the role of EU agencies in the early identification of victims and the fight against THB; calls for more resources for the Justice and Home Affairs (JHA) Agencies to enable their staff to be trained and capacity-building instruments to be developed in the area of detecting victims, including the appointment of adequately trained staff in gender- and child-sensitive approaches, especially in Member States faced with increased mixed migration flows; calls on the Commission to develop guidelines to mainstream gender and human rights expertise in the activities of law enforcement authorities across the EU, including by developing sustained programmes of improving gender balance in decision-making processes and in the staffing of the JHA agencies, particularly those relevant to THB;
63. Welcomes the conclusion by JHA agencies of the Joint Statement of Commitment to working together against trafficking in human beings; calls, in this regard, for the Member States to increase cross-border cooperation and knowledge sharing with the relevant EU agencies such as Eurojust, Europol, the FRA, Frontex, CEPOL, the EIGE and the EASO in the fight against THB;

64. Points out the vital role played by Eurojust in the cooperation and coordination of complex investigations and prosecutions among judicial authorities in the Member States, including through the European Arrest Warrant and the European Investigation Order, as well as through the use of Joint Investigative Teams; calls on the Member States to ensure more and timely referrals of THB cases to Eurojust in order to enhance the coordination of judicial investigations and prosecutions between Member States and with third countries; encourages the increased use of Joint Investigation Teams with the support of Eurojust and Europol, as this judicial cooperation tool has proven to be particularly effective in the fight against THB;
65. Encourages the Member States to increase the exchange of data and information to fight trafficking against human beings by using Europol's relevant resources and databases;
66. Calls on CEPOL to provide training for the competent law enforcement authorities in order to ensure standardised approaches to investigation and the protection of victims;

Recommendations

67. Calls on the Commission to revise the Anti-Trafficking Directive after a thorough impact assessment in order to improve the measures for the prevention, tackling and prosecution of all forms of trafficking, especially for sexual exploitation as the largest area of THB; to address the use of online technologies in both the proliferation and the prevention of THB; to improve measures for prevention and the early identification of victims and easy and unconditional access to assistance and protection, while strengthening a horizontal gender- and child-sensitive perspective across all forms of trafficking;
68. Calls on the Commission to amend the Anti-Trafficking Directive with a view to ensuring that Member States explicitly criminalise the knowing use of all services provided by victims of trafficking which involve exploitation, as suggested by Article 18 of the Anti-Trafficking Directive, given the serious and extensive nature of this crime across the EU and the low number of prosecutions; regrets the fact that proving knowledge in using the services of a victim of human trafficking is a difficult matter for the prosecution authorities; stresses that the difficulty of finding evidence is not necessarily a conclusive argument for not treating a given type of conduct as a criminal offence; notes that restricting criminal liability only to the situation where the user has direct and actual knowledge that the person is a victim of human trafficking creates a very high threshold for achieving prosecutions; considers that the level of knowledge that should be required for this offence should be a matter for close examination; considers that the user should demonstrate that all reasonable steps were taken to avoid the use of services provided by a victim; is concerned about the fact that law enforcement has insufficient knowledge of the knowing use of services provided by victims of trafficking, the lack of judicial practice of the relevant provision and the insufficient and inadequate human resources deployed; stresses the importance of Member States strengthening efforts to increase the number of investigations and prosecutions, and reducing the burden placed on victims and their testimonies during proceedings for evidence gathering; calls for regular and tailor-made training for investigators, prosecutors and judges, and for the systematic use of financial investigations and other effective intelligence-led investigative tools, which can provide a range of types of evidence to be used in addition to victims' testimonies; calls on the

Member States to dedicate sufficient financial and human resources to properly address this crime;

69. Calls on the Commission to publish a specific and dedicated EU Strategy towards the Eradication of Trafficking in Human Beings without further delay, to address THB in the EU as a priority area, and through a comprehensive, gender- and child-specific and victim-centred legal and policy framework;
70. Recalls that the Directive needs to be fully implemented and consistently and diligently applied by all actors in the field, including legislators, judges, prosecutors, police and public administrations; stresses that the proper training of all these actors is essential, as are preventive awareness-raising campaigns and cooperation between public administrations and civil society organisations; urges the Commission and the Member States to step up efforts in this direction;
71. Calls on the Commission to regularly assess and review the implementation of the Anti-Trafficking Directive by the Member States and submit a report in line with Article 23(1), assessing the extent to which the Member States have taken the necessary measures in order to comply with the Directive and the impact of existing national law, and to introduce urgently infringement procedures where there has been a lack of effective implementation, report to the European Parliament and to come forward with proposals to revise it;
72. Calls on the Commission to assess a review of Directive 2004/81/EC on granting residence permits to victims of trafficking who are third country nationals with a view to ensuring that victims are not returned on the expiry of the reflection period and that residence permits for trafficked persons are not made conditional on the participation or willingness to participate of the trafficked person in the investigation or criminal proceedings of the case; calls on the Member States to ensure that the unconditional access to assistance and support mandated by Directive 2011/36/EU is reconciled with Directive 2004/81/EC and its application;
73. Calls on the Member States and the Commission to define, allocate and earmark adequate funds in the battle against THB, either at national or European level, through the funding possibilities provided by European funds and projects, such as the Asylum, Migration and Integrational Fund (AMIF), the ISF and the Daphne strand of the citizens, equality, rights and values programme in the new multiannual financial framework;
74. Calls on the Commission and the Member States to organise information campaigns reaching out to potential victims and informing them about assistance, protection and their rights across all EU countries;
75. Calls on the Commission to conduct evidence-based research on the risk factors for potential victims and on how different policy areas intersect with THB in risk sectors;
76. Calls on the Commission and the Member States to implement a human rights-based approach to the prevention of trafficking with a focus on the rights of the victims, to work with civil society in providing the necessary services and assistance to victims, and to ensure that they have access to justice, compensation and reparation;

77. Emphasises the importance of a coherent approach to improve the identification of potential victims in the context of migration flows and in the hotspots, of improving access to asylum procedures and of ensuring their complementarity with the procedures related to trafficking; calls on the Commission to assess the implementation of the Anti-Trafficking Directive and to come forward with proposals to revise it;
78. Calls on the Commission and the Member States to take urgent measures against criminal groups active in migrant smuggling and trafficking in human beings, given the likelihood of smuggled persons becoming victims of trafficking, and to assess the risk faced by migrants and the most vulnerable, especially unaccompanied minors, separated children and women; underlines, in this context, the need for more legal and safe routes for migration in order to prevent the exploitation of vulnerable people with irregular status;
79. Calls on the Member States, as a response to COVID-19, to elaborate a contingency plan in order to ensure the minimum functioning of anti-trafficking systems in emergency conditions; notes that the contingency plan should ensure a minimum package of services available to the victims to meet their immediate needs during the period of reduced opportunities for referral, protection, investigation of the case and court proceedings;
80. Calls on the Commission to ensure the continuity of the EU Anti-Trafficking Coordinator's work by appointing a full-time EU Anti-Trafficking Coordinator, and to include this in the new strategy on THB;
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81. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	27.1.2021
Result of final vote	+: 80 -: 10 0: 10
Members present for the final vote	Magdalena Adamowicz, Konstantinos Arvanitis, Malik Azmani, Simona Baldassarre, Katarina Barley, Fernando Barrena Arza, Pietro Bartolo, Nicolas Bay, Robert Biedroń, Vladimír Bilčík, Vasile Blaga, Vilija Blinkevičiūtė, Ioan-Rareș Bogdan, Patrick Breyer, Saskia Bricmont, Annika Bruna, Jorge Buxadé Villalba, Damien Carême, Caterina Chinnici, Clare Daly, Marcel de Graaff, Margarita de la Pisa Carrión, Anna Júlia Donáth, Lena Düpont, Rosa Estaràs Ferragut, Laura Ferrara, Nicolaus Fest, Frances Fitzgerald, Cindy Franssen, Hélène Fritzon, Jean-Paul Garraud, Maria Grapini, Sylvie Guillaume, Balázs Hidvéghi, Alicia Homs Ginel, Evin Incir, Sophia in 't Veld, Livia Járóka, Marina Kaljurand, Assita Kanko, Fabienne Keller, Peter Kofod, Łukasz Kohut, Arba Kokalari, Moritz Körner, Alice Kuhnke, Jeroen Lenaers, Juan Fernando López Aguilar, Elżbieta Katarzyna Łukacijewska, Lukas Mandl, Nuno Melo, Roberta Metsola, Nadine Morano, Javier Moreno Sánchez, Andżelika Anna Możdżanowska, Maria Noichl, Maite Pagazaurtundúa, Pina Picierno, Sirpa Pietikäinen, Nicola Procaccini, Emil Radev, Samira Rafaela, Paulo Rangel, Evelyn Regner, Terry Reintke, Diana Riba i Giner, Eugenia Rodríguez Palop, María Soraya Rodríguez Ramos, Christine Schneider, Ralf Seekatz, Michal Šimečka, Birgit Sippel, Martin Sonneborn, Sylwia Spurek, Jessica Stegrud, Tineke Strik, Ramona Strugariu, Annalisa Tardino, Tomas Tobé, Isabella Tovaglieri, Dragoș Tudorache, Milan Uhrík, Ernest Urtasun, Tom Vandendriessche, Hilde Vautmans, Bettina Vollath, Elissavet Vozemberg-Vrionidi, Jadwiga Wiśniewska, Elena Yoncheva
Substitutes present for the final vote	Isabella Adinolfi, Abir Al-Sahlani, Bartosz Arłukowicz, Malin Björk, Gwendoline Delbos-Corfield, Andor Deli, Romeo Franz, Beata Kempa, Radka Maxová, Domènec Ruiz Devesa, Juan Ignacio Zoido Álvarez

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

80	+
ECR	Assita Kanko, Beata Kempa, Andželika Anna Mozdzanowska, Jadwiga Wiśniewska
NI	Isabella Adinolfi, Laura Ferrara, Martin Sonneborn
PPE	Magdalena Adamowicz, Bartosz Arłukowicz, Vladimír Bilčík, Vasile Blaga, Ioan-Rareş Bogdan, Lena Düpont, Rosa Estaràs Ferragut, Frances Fitzgerald, Cindy Franssen, Arba Kokalari, Jeroen Lenaers, Elżbieta Katarzyna Łukacijewska, Lukas Mandl, Nuno Melo, Roberta Metsola, Sirpa Pietikäinen, Emil Radev, Paulo Rangel, Christine Schneider, Ralf Seekatz, Tomas Tobé, Elissavet Vozemberg-Vrionidi, Juan Ignacio Zoido Álvarez
Renew	Abir Al-Sahlani, Malik Azmani, Anna Júlia Donáth, Sophia in 't Veld, Fabienne Keller, Moritz Körner, Radka Maxová, Maite Pagazaurtundúa, Samira Rafaela, María Soraya Rodríguez Ramos, Michal Šimečka, Ramona Strugariu, Dragoş Tudorache, Hilde Vautmans
S&D	Katarina Barley, Pietro Bartolo, Robert Biedroń, Vilija Blinkevičiūtė, Caterina Chinnici, Heléne Fritzon, Maria Grapini, Sylvie Guillaume, Alicia Homs Ginel, Evin Incir, Marina Kaljurand, Łukasz Kohut, Juan Fernando López Aguilar, Javier Moreno Sánchez, Maria Noichl, Pina Picierno, Evelyn Regner, Domènec Ruiz Devesa, Birgit Sippel, Bettina Vollath, Elena Yoncheva
The Left	Konstantinos Arvanitis, Pernando Barrena Arza, Malin Björk, Eugenia Rodríguez Palop
Verts/ALE	Patrick Breyer, Saskia Bricmont, Damien Carême, Gwendoline Delbos-Corfield, Romeo Franz, Alice Kuhnke, Terry Reintke, Diana Riba i Giner, Sylwia Spurek, Tineke Strik, Ernest Urtasun

10	-
ECR	Jorge Buxadé Villalba, Margarita de la Pisa Carrión
ID	Nicolas Bay, Annika Bruna, Nicolaus Fest, Jean-Paul Garraud, Marcel de Graaff, Tom Vandendriessche
NI	Milan Uhrík
PPE	Nadine Morano

10	0
ECR	Nicola Procaccini, Jessica Stegrud
ID	Simona Baldassarre, Peter Kofod, Annalisa Tardino, Isabella Tovaglieri
PPE	Andor Deli, Balázs Hidvéghi, Livia Járóka
The Left	Clare Daly

Key to symbols:

+ : in favour

- : against

0 : abstention