



2022/0426(COD)

7.7.2023

AMENDMENTS 29 - 294

Draft report

Eugenia Rodríguez Palop, Malin Björk
(PE749.081v01-00)

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

Proposal for a directive
(COM(2022)0732 – C9-0431/2022 – 2022/0426(COD))

Amendment 29

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Citation 5 a (new)

Text proposed by the Commission

Amendment

having regard to the United Nations Convention against Transnational Organised Crime ('the Palermo Convention'),

Or. en

Amendment 30

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Citation 5 b (new)

Text proposed by the Commission

Amendment

having regard to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children ('the UN Trafficking Protocol') supplementing the United Nations Convention against Transnational Organized Crime,

Or. en

Amendment 31

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Citation 5 c (new)

Text proposed by the Commission

Amendment

having regard to the Council of Europe Convention on Action against Trafficking in Human Beings,

Amendment 32
Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive
Citation 5 d (new)

Text proposed by the Commission

Amendment

*having regard to the UN Convention
Relating to the Status of Refugees of 28
July 1951,*

Amendment 33
Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive
Citation 5 e (new)

Text proposed by the Commission

Amendment

*having regard to the UN Protocol
Relating to the Status of Refugees of 31
January 1967,*

Amendment 34
Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive
Citation 5 f (new)

Text proposed by the Commission

Amendment

*having regard to the Charter of
Fundamental Rights of the European
Union,*

Amendment 35

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Citation 5 g (new)

Text proposed by the Commission

Amendment

*having regard to the European
Convention for the Protection of Human
Rights and Fundamental Freedoms
(ECHR),*

Or. en

Amendment 36

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Citation 5 h (new)

Text proposed by the Commission

Amendment

*having regard to the UN Convention on
the Rights of the Child,*

Or. en

Amendment 37

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Citation 5 i (new)

Text proposed by the Commission

Amendment

*having regard to the UN Convention on
the Rights of Persons with Disabilities,*

Or. en

Amendment 38

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Citation 5 j (new)

Text proposed by the Commission

Amendment

having regard to Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted,

Or. en

Amendment 39

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Citation 5 k (new)

Text proposed by the Commission

Amendment

having regard to Directive EU/XX/YY of the European Parliament and of the Council [Proposed Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection],

Or. en

Amendment 40

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Citation 5 l (new)

Text proposed by the Commission

Amendment

having regard to Regulation EU/XX/YY of the European Parliament and of the Council [Proposed Regulation establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU],

Or. en

Amendment 41

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

**Proposal for a directive
Citation 5 m (new)**

Text proposed by the Commission

Amendment

having regard to Directive 2004/81/EC of the European Parliament and the Council 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,

Or. en

Amendment 42

Alice Kuhnke

**Proposal for a directive
Recital 1**

Text proposed by the Commission

Amendment

(1) Trafficking in human beings is a serious crime, often committed within the framework of organised crime, a gross violation of fundamental rights and explicitly prohibited by the Charter of Fundamental Rights of the European Union. Preventing and combatting

(1) Trafficking in human beings is a serious crime, often committed within the framework of organised crime, a gross violation of fundamental rights and explicitly prohibited by the Charter of Fundamental Rights of the European Union. Preventing and combatting

trafficking in human beings remains a priority for the Union and the Member States.

trafficking in human beings *as well as ensuring the protection and support for victims of all forms of trafficking* remains a priority for the Union and the Member States. *Member States have primary responsibility to respect, protect and promote the rights of all trafficked persons regardless of their country of origin.*

Or. en

Amendment 43

Maria-Manuel Leitão-Marques, Juan Fernando López Aguilar

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) Trafficking in human beings is a serious crime, often committed within the framework of organised crime, a gross violation of fundamental rights and explicitly prohibited by the Charter of Fundamental Rights of the European Union. Preventing and combatting trafficking in human beings remains a priority for the Union and the Member States.

Amendment

(1) Trafficking in human beings is a serious crime, often committed within the framework of organised crime, a gross violation of fundamental rights and explicitly prohibited by the Charter of Fundamental Rights of the European Union. Preventing and combatting trafficking in human beings remains a priority for the Union and *a legal obligation of* the Member States.

Or. en

Amendment 44

Alice Kuhnke

Proposal for a directive

Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The root causes why persons fall victim to human trafficking are divers. Poverty, conflict, inequality, gender based violence, the absence of viable

employment opportunities or social support, discrimination and marginalization are some among the main contributing factors that make persons, especially women, children and other marginalized groups, vulnerable to trafficking and exploitation. The lack of safe and legal migration opportunities and the general demand for cheap and exploitative labour, services and acts, combined with the lack of legal protection, exposes people to a considerable risk of exploitation and abuse. Many migrant workers with precarious, dependent or irregular status experience conditions below those required by minimum labour standards, in terms of pay, working time, rest periods, sick leave, holiday, health and safety.

Or. en

Amendment 45
Peter Pollák

Proposal for a directive
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Whereas, the chaos generated by conflicts, including war in Ukraine as well as migration crisis, has exponentially increased the risk of human trafficking and exploitation, especially of the most vulnerable persons.

Or. en

Amendment 46
Abir Al-Sahlani, Sylvie Brunet

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) Directive 2011/36/EU of the European Parliament and the Council²⁸ constitutes the main Union legal instrument on preventing and combating trafficking in human beings and protecting the victims of this crime. That Directive sets out a comprehensive framework to address trafficking in human beings by establishing minimum rules concerning the definition of criminal offences and sanctions. It also includes common provisions to strengthen prevention and protection of victims, taking into account the gender perspective.

²⁸ 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, OJ L 101, 15.4.2011, p. 1–11.

Amendment

(2) Directive 2011/36/EU of the European Parliament and the Council²⁸ constitutes the main Union legal instrument on preventing and combating trafficking in human beings and protecting the victims of this crime. That Directive sets out a comprehensive framework to address trafficking in human beings by establishing minimum rules concerning the definition of criminal offences and sanctions. It also includes common provisions to strengthen prevention and protection of victims, taking into account the gender ***and disability*** perspective, ***as well as the perspective of the best interest of the child, as set out in the 1989 United Nations Convention on the Rights of the Child. This includes both preventive measures, as well as protective and supportive ones for child victims of trafficking, in particular for unaccompanied children and children deprived of parental care.***

²⁸ 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, OJ L 101, 15.4.2011, p. 1–11.

Or. en

Amendment 47

Yana Toom, Abir Al-Sahlani, Hilde Vautmans

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) Directive 2011/36/EU of the

Amendment

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European Parliament and the Council²⁸ constitutes the main Union legal instrument on preventing and combating trafficking in human beings and protecting the victims of this crime. That Directive sets out a comprehensive framework to address trafficking in human beings by establishing minimum rules concerning the definition of criminal offences and sanctions. It also includes common provisions to strengthen prevention and protection of victims, taking into account the gender perspective.

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²⁸ 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, OJ L 101, 15.4.2011, p. 1–11.

²⁸ 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, OJ L 101, 15.4.2011, p. 1–11.

Or. en

Amendment 48 **Alice Kuhnke**

Proposal for a directive **Recital 2**

Text proposed by the Commission

(2) Directive 2011/36/EU of the European Parliament and the Council²⁸ constitutes the main Union legal instrument on preventing and combating trafficking in human beings and protecting the victims of

Amendment

(2) Directive 2011/36/EU of the European Parliament and the Council²⁸ constitutes the main Union legal instrument on preventing and combating trafficking in human beings and protecting the victims of

this crime. That Directive sets out a comprehensive framework to address trafficking in human beings by establishing minimum rules concerning the definition of criminal offences and sanctions. It also includes common provisions to strengthen prevention and protection of victims, taking into account the gender perspective.

²⁸ 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, OJ L 101, 15.4.2011, p. 1–11.

this crime. That Directive sets out a comprehensive framework to address trafficking in human beings by establishing minimum rules concerning the definition of criminal offences and sanctions. It also includes common provisions to strengthen prevention and protection of victims, taking into account the gender perspective. ***Directive 2011/36/EU also requires Member States to provide adequate protection and support to child victims, namely unaccompanied children and children deprived of parental care.***

²⁸ 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, OJ L 101, 15.4.2011, p. 1–11.

Or. en

Amendment 49

Maria-Manuel Leitão-Marques, Juan Fernando López Aguilar

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) Directive 2011/36/EU of the European Parliament and the Council²⁸ constitutes the main Union legal instrument on preventing and combating trafficking in human beings and protecting the victims of this crime. That Directive sets out a comprehensive framework to address trafficking in human beings by establishing minimum rules concerning the definition of criminal offences and sanctions. It also includes common provisions to strengthen prevention and protection of victims, taking into account the gender perspective.

Amendment

(2) Directive 2011/36/EU of the European Parliament and the Council²⁸ constitutes the main Union legal instrument on preventing and combating trafficking in human beings and protecting the victims of this crime. That Directive sets out a comprehensive framework to address trafficking in human beings by establishing minimum rules concerning the definition of criminal offences and sanctions. It also includes common provisions to strengthen prevention and protection of victims, taking into account the gender ***and disability*** perspective.

²⁸ 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, OJ L 101, 15.4.2011, p. 1–11.

²⁸ 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, OJ L 101, 15.4.2011, p. 1–11.

Or. en

Amendment 50
Margarita de la Pisa Carrión

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) Directive 2011/36/EU of the European Parliament and the Council²⁸ constitutes the main Union legal instrument on preventing and combating trafficking in human beings and protecting the victims of this crime. That Directive sets out a comprehensive framework to address trafficking in human beings by establishing minimum rules concerning the definition of criminal offences and sanctions. It also includes common provisions to strengthen prevention and protection of victims, ***taking into account the gender perspective.***

²⁸ 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, OJ L 101, 15.4.2011, p. 1–11.

Amendment

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²⁸ 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, OJ L 101, 15.4.2011, p. 1–11.

Or. en

Amendment 51

Lena Düpont, Frances Fitzgerald, Maria Walsh, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Recital 2

Text proposed by the Commission

(2) Directive 2011/36/EU of the European Parliament and the Council²⁸ constitutes the main Union legal instrument on preventing and combating trafficking in human beings and protecting the victims of this crime. That Directive sets out a comprehensive framework to address trafficking in human beings by establishing minimum rules concerning the definition of criminal offences and sanctions. It also includes common provisions to strengthen prevention and protection of victims, taking into account the gender perspective.

²⁸ 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, OJ L 101, 15.4.2011, p. 1–11.

Amendment

(2) Directive 2011/36/EU of the European Parliament and the Council²⁸ constitutes the main Union legal instrument on preventing and combating trafficking in human beings and protecting the victims of this crime. That Directive sets out a comprehensive framework to address trafficking in human beings by establishing minimum rules concerning the definition of criminal offences and sanctions. It also includes common provisions to strengthen prevention and protection of **all** victims, taking into account the gender perspective.

²⁸ 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, OJ L 101, 15.4.2011, p. 1–11.

Or. en

Amendment 52

Lena Düpont, Frances Fitzgerald, Maria Walsh, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Member States should also note that the offence of harbouring described in Article 2(1) also means that the exploited victims are housed at

disproportionately high prices in housing that is not proportionate to the rent. Harboursing therefore also means cases where either the trafficker himself or another landlord takes advantage of the ignorance or lack of alternatives of the exploited victims and makes substantial profits from this. Another landlord does not have to be part of the criminal infrastructure of the traffickers. It is sufficient that the landlord takes advantage of the predicaments that the traffickers have brought about.

Or. en

Amendment 53
Alice Kuhnke

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) The EU Strategy on Combatting Trafficking in Human Beings 2021-2025²⁹ sets out a policy response adopting a multi-disciplinary and comprehensive approach from prevention through protection of victims, to prosecution and conviction of traffickers. It included a series of actions to be implemented with the strong involvement of civil society organisations. In order to address evolving trends in the area of trafficking in human beings, as well as shortcomings identified by the Commission, and to further step up efforts against this crime, it is necessary, nevertheless, to amend Directive 2011/36/EU. Identified threats and trends, which require the adoption of new rules concern in particular regarding the modi operandi of traffickers, including the commission or facilitation of offences concerning trafficking in human beings by means of information and communication technologies. Identified shortcomings of

Amendment

(3) The EU Strategy on Combatting Trafficking in Human Beings 2021-2025²⁹ sets out a policy response adopting a multi-disciplinary and comprehensive approach from prevention through protection of victims, to prosecution and conviction of traffickers. It included a series of actions to be implemented with the strong involvement of civil society organisations. In order to address evolving trends in the area of trafficking in human beings, as well as shortcomings identified by the Commission **and experts, as well as civil society organisations working in the field and in direct contact with the victims**, and to further step up efforts against this crime, it is necessary, nevertheless, to amend Directive 2011/36/EU. Identified threats and trends, which require the adoption of new rules concern in particular regarding the modi operandi of traffickers, including the commission or facilitation of offences concerning trafficking in human beings by

the criminal law response requiring an adaptation of the legal framework relate to offences concerning trafficking in human beings committed in the interest of legal persons, to the data collection system, and to the national systems aimed at the early identification of, assistance to and support for victims of trafficking.

means of information and communication technologies, ***and the need to adopt a holistic, human rights and intersectional approach to all measures aimed at preventing and combating trafficking in human beings, as well as at supporting and protecting victims.*** Identified shortcomings of the criminal law response requiring an adaptation of the legal framework relate to offences concerning trafficking in human beings committed in the interest of legal persons, to the data collection system, and to the national systems aimed at the early identification of, assistance to and support for victims of trafficking.

²⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy on Combatting Trafficking in Human Beings 2021–2025, COM(2021) 171 final, 14.4.2021.

²⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy on Combatting Trafficking in Human Beings 2021–2025, COM(2021) 171 final, 14.4.2021.

Or. en

Amendment 54

Maria Walsh

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) The EU Strategy on Combatting Trafficking in Human Beings 2021-2025²⁹ sets out a policy response adopting a multi-disciplinary and comprehensive approach from prevention through protection of victims, to prosecution and conviction of traffickers. It included a series of actions to be implemented with the strong involvement of civil society organisations. In order to address evolving trends in the area of trafficking in human beings, as well

Amendment

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as shortcomings identified by the Commission, and to further step up efforts against this crime, it is necessary, nevertheless, to amend Directive 2011/36/EU. Identified threats and trends, which require the adoption of new rules concern in particular regarding the modi operandi of traffickers, including the commission or facilitation of offences concerning trafficking in human beings by means of information and communication technologies. Identified shortcomings of the criminal law response requiring an adaptation of the legal framework relate to offences concerning trafficking in human beings committed in the interest of legal persons, to the data collection system, and to the national systems aimed at the early identification of, *assistance to and support for* victims of trafficking.

as shortcomings identified by the Commission, and to further step up efforts against this crime, it is necessary, nevertheless, to amend Directive 2011/36/EU. Identified threats and trends, which require the adoption of new rules concern in particular regarding the modi operandi of traffickers, including the commission or facilitation of offences concerning trafficking in human beings by means of information and communication technologies. Identified shortcomings of the criminal law response requiring an adaptation of the legal framework relate to offences concerning trafficking in human beings committed in the interest of legal persons, to the data collection system, and to the national systems aimed at the early identification of victims of trafficking, *the provision of targeted and specialised assistance and support to those victims and of the cooperation and coordination at EU level.*

²⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy on Combatting Trafficking in Human Beings 2021–2025, COM(2021) 171 final, 14.4.2021.

²⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy on Combatting Trafficking in Human Beings 2021–2025, COM(2021) 171 final, 14.4.2021.

Or. en

Amendment 55

Lena Düpont, Frances Fitzgerald, Maria Walsh, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive Recital 3

Text proposed by the Commission

(3) The EU Strategy on Combatting Trafficking in Human Beings 2021-2025²⁹ sets out a policy response adopting a multi-

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disciplinary and comprehensive approach from prevention through protection of victims, to prosecution and conviction of traffickers. It included a series of actions to be implemented with the strong involvement of civil society organisations. In order to address evolving trends in the area of trafficking in human beings, as well as shortcomings identified by the Commission, and to further step up efforts against this crime, it is necessary, nevertheless, to amend Directive 2011/36/EU. Identified threats and trends, which require the adoption of new rules concern in particular regarding the modi operandi of traffickers, including the commission or facilitation of offences concerning trafficking in human beings by means of information and communication technologies. Identified shortcomings of the criminal law response requiring an adaptation of the legal framework relate to offences concerning trafficking in human beings committed in the interest of legal persons, to the data collection system, and to the national systems aimed at the early identification of, assistance to and support for victims of trafficking.

²⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy on Combatting Trafficking in Human Beings 2021–2025, COM(2021) 171 final, 14.4.2021.

disciplinary and comprehensive approach from prevention through protection of victims, to prosecution and conviction of traffickers. It included a series of actions to be implemented with the strong involvement of civil society organisations. In order to address evolving trends in the area of trafficking in human beings, as well as shortcomings identified by the Commission, and to further step up efforts against this crime, it is necessary, nevertheless, to amend Directive 2011/36/EU. Identified threats and trends, which require the adoption of new rules concern in particular regarding the modi operandi of traffickers, including the commission or facilitation of offences concerning trafficking in human beings by means of information and communication technologies. Identified shortcomings of the criminal law response requiring an adaptation of the legal framework relate to offences concerning trafficking in human beings committed in the interest of legal persons, to the data collection system, and to the national systems aimed at the early identification of, *targeted and specialised* assistance to and support for victims of trafficking *and of the cooperation and coordination at EU level*.

²⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy on Combatting Trafficking in Human Beings 2021–2025, COM(2021) 171 final, 14.4.2021.

Or. en

Amendment 56
Patricia Chagnon

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) The EU Strategy on Combatting Trafficking in Human Beings 2021-2025²⁹ sets out a policy response adopting a multi-disciplinary and comprehensive approach from prevention through protection of victims, to prosecution and conviction of traffickers. It included a series of actions to be implemented with the strong involvement of civil society organisations. In order to address evolving trends in the area of trafficking in human beings, as well as shortcomings identified by the Commission, and to further step up efforts against this crime, it is necessary, nevertheless, to amend Directive 2011/36/EU. Identified threats and trends, which require the adoption of new rules concern in particular regarding the modi operandi of traffickers, including the commission or facilitation of offences concerning trafficking in human beings by means of information and communication technologies. Identified shortcomings of the criminal law response requiring an adaptation of the legal framework relate to offences concerning trafficking in human beings committed in the interest of legal persons, to the data collection system, and to the national systems aimed at the early identification of, assistance to and support for victims of trafficking.

²⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy on Combatting Trafficking in Human Beings 2021–2025, COM(2021) 171 final, 14.4.2021.

Amendment

(3) The EU Strategy on Combatting Trafficking in Human Beings 2021-2025²⁹ sets out a policy response adopting a multi-disciplinary and comprehensive approach from prevention through protection of victims, to prosecution and conviction of traffickers **and consumers of the services offered**. It included a series of actions to be implemented with the strong involvement of civil society organisations. In order to address evolving trends in the area of trafficking in human beings, as well as shortcomings identified by the Commission, and to further step up efforts against this crime, it is necessary, nevertheless, to amend Directive 2011/36/EU. Identified threats and trends, which require the adoption of new rules concern in particular regarding the modi operandi of traffickers, including the commission or facilitation of offences concerning trafficking in human beings by means of information and communication technologies. Identified shortcomings of the criminal law response requiring an adaptation of the legal framework relate to offences concerning trafficking in human beings committed in the interest of legal persons, to the data collection system, and to the national systems aimed at the early identification of, assistance to and support for victims of trafficking.

²⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy on Combatting Trafficking in Human Beings 2021–2025, COM(2021) 171 final, 14.4.2021.

Or. fr

Amendment 57

Abir Al-Sahlani, Yana Toom, Sylvie Brunet

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) In order to tackle the steady increase of the number and relevance of offences concerning trafficking in human beings committed for purposes other than sexual or labour exploitation, it is necessary to include forced marriage *and* illegal adoption in the forms of exploitations explicitly listed in the Directive and to ensure that the Member States address within their national legal systems the widest range of forms of exploitation, insofar as these fulfil the constitutive elements of trafficking in human beings.

Amendment

(4) In order to tackle the steady increase of the number and relevance of offences concerning trafficking in human beings committed for purposes other than sexual or labour exploitation, it is necessary to include forced marriage, illegal adoption *and institution-related trafficking* in the forms of exploitations explicitly listed in the Directive and to ensure that the Member States address within their national legal systems the widest range of forms of exploitation, insofar as these fulfil the constitutive elements of trafficking in human beings. *In addition, according to Europol, children are considered to be one of the most vulnerable groups targeted by organised criminal groups involved in trafficking of human beings^{1b}. Often, these children are exploited by forcing them into committing criminal activities. To this end, the trafficking of children into committing criminal activities should also be included in the forms of exploitation explicitly listed in the Directive.*

^{1b} <https://www.europol.europa.eu/media-press/newsroom/news/fighting-child-trafficking-main-priority-for-eu-law-enforcement>

Or. en

Justification

Amendment necessary to justify changes made in Article 1 of the recast.

Amendment 58

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) In order to tackle the steady increase of the number and relevance of offences concerning trafficking in human beings committed for purposes other than sexual or labour exploitation, it is necessary to include forced marriage **and** illegal adoption in the forms of exploitations explicitly listed in the Directive and to ensure that the Member States address within their national legal systems the widest range of forms of exploitation, insofar as these fulfil the constitutive elements of trafficking in human beings.

Amendment

(4) In order to tackle the steady increase of the number and relevance of offences concerning trafficking in human beings committed for purposes other than sexual or labour exploitation, it is necessary to include forced marriage, illegal adoption **and institution-related trafficking** in the forms of exploitations explicitly listed in the Directive and to ensure that the Member States address within their national legal systems the widest range of forms of exploitation, insofar as these fulfil the constitutive elements of trafficking in human beings. ***In addition, according to Europol, children are considered to be one of the most vulnerable groups targeted by organised criminal groups involved in trafficking of human beings^{1a}. Often, these children are exploited by forcing them into committing criminal activities. To this end, the trafficking of children into committing criminal activities should also be included in the forms of exploitation explicitly listed in the Directive.***

^{1a} <https://www.europol.europa.eu/media-press/newsroom/news/fighting-child-trafficking-main-priority-for-eu-law-enforcement>

Or. en

Amendment 59
Patricia Chagnon

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) In order to tackle the steady increase of the number and relevance of offences concerning trafficking in human beings committed for purposes other than sexual or labour exploitation, it is necessary to include forced marriage and illegal adoption in the forms of exploitations explicitly listed in the Directive and to ensure that the Member States address within their national legal systems the widest range of forms of exploitation, insofar as these fulfil the constitutive elements of trafficking in human beings.

Amendment

(4) In order to tackle the steady increase of the number and relevance of offences concerning trafficking in human beings committed for purposes other than sexual or labour exploitation, it is necessary to include forced marriage and illegal adoption in the forms of exploitations explicitly listed in the Directive and to ensure that the Member States address within their national legal systems the widest range of forms of exploitation, insofar as these fulfil the constitutive elements of trafficking in human beings. ***To avoid any abuse, it is necessary that persons are able to provide law enforcement authorities with evidence that they have been victims of trafficking in human beings.***

Or. fr

Amendment 60
Peter Pollák

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) In order to tackle the steady increase of the number and relevance of offences concerning trafficking in human beings committed for purposes other than sexual or labour exploitation, it is necessary to include forced marriage and illegal adoption in the forms of exploitations explicitly listed in the Directive and to ensure that the Member States address within their national legal systems the widest range of forms of exploitation, insofar as these fulfil the constitutive elements of trafficking in human beings.

Amendment

(4) In order to tackle the steady increase of the number and relevance of offences concerning trafficking in human beings committed for purposes other than sexual or labour exploitation, it is necessary to include forced marriage, ***including those involving children, surrogacy*** and illegal adoption in the forms of exploitations explicitly listed in the Directive and to ensure that the Member States address within their national legal systems the widest range of forms of exploitation, insofar as these fulfil the constitutive elements of trafficking in human beings.

Amendment 61
Alice Kuhnke

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) In order to tackle the steady increase of the number and relevance of offences concerning trafficking in human beings committed for purposes other than sexual or labour exploitation, it is necessary to include forced marriage **and** illegal adoption in the forms of exploitations explicitly listed in the Directive and to ensure that the Member States address within their national legal systems the widest range of forms of exploitation, insofar as these fulfil the constitutive elements of trafficking in human beings.

Amendment

(4) In order to tackle the steady increase of the number and relevance of offences concerning trafficking in human beings committed for purposes other than sexual or labour exploitation, it is necessary to include forced marriage, illegal adoption **and institution-related trafficking** in the forms of exploitations explicitly listed in the Directive and to ensure that the Member States address within their national legal systems the widest range of forms of exploitation, insofar as these fulfil the constitutive elements of trafficking in human beings.

Amendment 62
Vincenzo Sofo, Jadwiga Wiśniewska, Margarita de la Pisa Carrión

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) In order to tackle the steady increase of the number and relevance of offences concerning trafficking in human beings committed for purposes other than sexual or labour exploitation, it is necessary to include forced marriage **and** illegal adoption in the forms of exploitations explicitly listed in the Directive and to ensure that the Member States address within their national legal

Amendment

(4) In order to tackle the steady increase of the number and relevance of offences concerning trafficking in human beings committed for purposes other than sexual or labour exploitation, it is necessary to include forced marriage, illegal adoption, **surrogacy and sale of children** in the forms of exploitations explicitly listed in the Directive and to ensure that the Member States address

systems the widest range of forms of exploitation, insofar as these fulfil the constitutive elements of trafficking in human beings.

within their national legal systems the widest range of forms of exploitation, insofar as these fulfil the constitutive elements of trafficking in human beings.

Or. en

Amendment 63

Annika Bruna, Jean-Paul Garraud, Margarita de la Pisa Carrión, Mathilde Androuët, Philippe Olivier, Balázs Hidvéghi, Anders Vistisen, Maria Veronica Rossi, Patricia Chagnon, Cristian Terheş, Livia Járóka

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) In order to tackle the steady increase of the number and relevance of offences concerning trafficking in human beings committed for purposes other than sexual or labour exploitation, it is necessary to include forced marriage *and* illegal adoption in the forms of exploitations explicitly listed in the Directive and to ensure that the Member States address within their national legal systems the widest range of forms of exploitation, insofar as these fulfil the constitutive elements of trafficking in human beings.

Amendment

(4) In order to tackle the steady increase of the number and relevance of offences concerning trafficking in human beings committed for purposes other than sexual or labour exploitation, it is necessary to include forced marriage, illegal adoption *and surrogacy* in the forms of exploitations explicitly listed in the Directive and to ensure that the Member States address within their national legal systems the widest range of forms of exploitation, insofar as these fulfil the constitutive elements of trafficking in human beings.

Or. en

Amendment 64

Abir Al-Sahlani, Yana Toom, Sylvie Brunet

Proposal for a directive

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Institution-related trafficking refers to when children are exploited by placing, keeping and accommodating

them in institutional care settings against their will, with the purpose to profit from the exploitation of the children. The entity or entities performing the trafficking convert the institutions into profitable activities by setting up structures where they receive funds from governments of the Member State they are settled in or from others, as well as donors from third countries, to finance the operations of the institutions^{1a}. Considering that where the purpose of involuntarily placing children in institutions is to enable gainful financial activities stemming from this exploitation, and that the funding of institutions originates from multiple sources, often located outside the Member State where the institutions are settled, trafficking of children into institutions should also be added as a form of exploitation explicitly listed in the Directive, as it has a clear cross-border element.

1a

https://lumos.contentfiles.net/media/documents/document/2021/12/LUMOS_Cycles_of_exploitation.pdf

Or. en

Justification

Institution-related trafficking is a common practice in multiple Member States, where girls in particular are vulnerable to being placed, accommodated and kept there. The funding of these institutions often derive from governments in the same Member State or others, it has a clear cross-border element which requires action on EU-level, as the Member States cannot tackle it on their own. This amendment is also necessary for internal coherence due to changes made in Article 1 and Recital 4.

Amendment 65

Yana Toom, Abir Al-Sahlani, Hilde Vautmans

Proposal for a directive

Recital 4 a (new)

(4a) Institution-related trafficking refers to when children are exploited by placing, keeping and accommodating them in institutional care settings against their will, with the purpose to profit from the exploitation of the children. The entity or entities performing the trafficking convert the institutions into profitable activities by setting up structures where they receive funds from governments of the Member State they are settled in or from others, as well as donors from third countries, to finance the operations of the institutions^{1a}. Considering that where the purpose of involuntarily placing children in institutions is to enable gainful financial activities stemming from this exploitation, and that the funding of institutions originates from multiple sources, often located outside the Member State where the institutions is settled, trafficking of children into institutions should also be added as a form of exploitation explicitly listed in the Directive, as it has a clear cross-border element.

1a

https://lumos.contentfiles.net/media/documents/document/2021/12/LUMOS_Cycles_of_exploitation.pdf p. 7, 49, 80

Or. en

Amendment 66
Alice Kuhnke

Proposal for a directive
Recital 4 a (new)

(4a) The commitment of Member States in preventing and combating trafficking

in human being should be shown by the adoption of National anti-trafficking Action Plans. The National anti-trafficking Action Plans should contain comprehensive measures, including preventive, monitoring, data collection, coordination, due diligence, measures to prevent re-trafficking, and should be developed and updated regularly in consultation with civil society organisations.

Or. en

Amendment 67

Vincenzo Sofo, Jadwiga Wiśniewska, Margarita de la Pisa Carrión

Proposal for a directive

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Surrogacy exposes both to high risk of exploitation - due to the lack of harmonised or clear rules banning this practice at international level - and to unscrupulous commercialization. This situation causes a significant increase in demand for trafficking in human beings and must be taken into account when identifying and combating this phenomenon.

Or. en

Amendment 68

Margarita de la Pisa Carrión

Proposal for a directive

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The regulation of surrogacy in some Member States has made it possible

to register minors who have been taken from their parents with the intention of selling them and making them victims of human trafficking networks;

Or. es

Amendment 69
Alice Kuhnke

Proposal for a directive
Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) In order for Member States to comply with their primary responsibility to respect, protect and promote the rights of all trafficked persons regardless of their country of origin, Member States should ensure that the standard of due diligence along with the principle of State responsibility, as well as the use of a holistic, human-rights and intersectional based-approach methodology affirming the centrality of victims as rights-holders, are incorporated in their national legislation. Member States should also ensure that their national frameworks to prevent and combat trafficking in human beings contribute to the elimination of all forms of discrimination on grounds such as gender, sex, race or ethnicity, immigration or other status, or a combination of those, and that they are implemented in a way that do not affect victims negatively.

Or. en

Amendment 70
Lena Düpont, Frances Fitzgerald, Maria Walsh, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) An increasing number of offences concerning trafficking in human beings is committed or facilitated by means of information or communication technologies. Traffickers use the internet and social media inter alia *to* recruit, advertise or exploit victims, exercise control and organise transport. Internet and social media are also used to distribute exploitative materials. Information technology also hampers timely detection of the crime and identification of the victims and perpetrators. It is therefore important to explicitly include the online dimension of the crime into the legal framework.

Amendment

(5) An increasing number of offences concerning trafficking in human beings is committed or facilitated by means of information or communication technologies ***leading to a sharp increase of victims exploited online. The online dimension has become a significant and growing threat in regards to trafficking in human beings as*** traffickers use the Internet and social media inter alia ***as a method to establish comprehensive trafficking networks, communicate with other traffickers,*** recruit, advertise or exploit victims, exercise control and organise transport ***and accommodations.*** Internet and social media are also used to distribute exploitative materials. Information technology also hampers timely ***and geographical*** detection of the crime and identification of the victims and perpetrators. It is therefore important to explicitly include the online dimension ***in all its aspects and the linkage between the online and offline dimension*** of the crime into the legal framework ***in all its dimensions and to address it from prevention to prosecution.***

Or. en

Amendment 71

Vincenzo Sofò, Jadwiga Wiśniewska, Margarita de la Pisa Carrión

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) An increasing number of offences concerning trafficking in human beings is committed or facilitated by means of information or communication technologies. Traffickers use the internet

Amendment

(5) An increasing number of offences concerning trafficking in human beings is committed or facilitated by means of information or communication technologies. Traffickers use the internet

and social media inter alia to recruit, advertise or exploit victims, exercise control and organise transport. Internet and social media are also used to distribute exploitative materials. Information technology also hampers timely detection of the crime and identification of the victims and perpetrators. It is therefore important to explicitly include the *online* dimension of the crime into the legal framework.

and social media inter alia to recruit, advertise or exploit victims, exercise control and organise transport. Internet and social media are also used to distribute exploitative materials. Information technology also hampers timely detection of the crime and identification of the victims and perpetrators. It is therefore important to explicitly include the *on-line* dimension of the crime into the legal framework. *As the pandemic has contributed to an increase in crimes committed via the internet and many perpetrators of trafficking in human beings have moved to cyber space, activities aimed at monitoring the internet should be intensified, as well as international cooperation in the field of detecting and prosecuting perpetrators of trafficking in human beings should be enhanced.*

Or. en

Amendment 72
Alice Kuhnke

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) An increasing number of offences concerning trafficking in human beings is committed or facilitated by means of information or communication technologies. Traffickers use the internet and social media inter alia to recruit, advertise or exploit victims, exercise control and organise transport. Internet and social media are also used to distribute exploitative materials. *Information technology also hampers timely detection of the crime and identification of the victims and perpetrators.* It is therefore important to explicitly *include* the online dimension of the crime into the legal

Amendment

(5) An increasing number of offences concerning trafficking in human beings is committed or facilitated by means of information or communication technologies. Traffickers use the internet and social media inter alia to recruit, advertise or exploit victims, exercise control and organise transport. Internet and social media are also used to distribute exploitative materials. It is therefore important to explicitly *address* the online dimension of the crime into the legal framework *and to establish safeguards to prevent technology-facilitated trafficking, while ensuring that competent*

framework.

authorities' efforts directed at preventing, detecting, investigating and prosecuting trafficking online are limited to what is necessary and proportionate and that victims' rights to privacy and protection of personal data are respected.

Or. en

Amendment 73

Alice Kuhnke

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) In combatting trafficking in human beings, full use is to be made of existing instruments on the freezing and confiscation of proceeds and instrumentalities of crime, such as Directive EU/XX/YY of the European Parliament and of the Council [Proposed Directive on asset recovery and confiscation]³⁰. ***The use of*** frozen and confiscated instrumentalities and proceeds from the offences referred to in Directive 2011/36/EU to support victims' assistance and protection, including compensation of victims ***and Union trans-border law enforcement counter-trafficking activities,*** should be *encouraged*.

Amendment

(7) In combatting trafficking in human beings, full use is to be made of existing instruments on the freezing and confiscation of proceeds and instrumentalities of crime, such as Directive EU/XX/YY of the European Parliament and of the Council [Proposed Directive on asset recovery and confiscation]³⁰. Frozen and confiscated instrumentalities and proceeds from the offences referred to in Directive 2011/36/EU ***should be used, as a matter of priority,*** to support victims' assistance and protection, including ***through direct*** compensation of victims. ***Where it is not possible to use frozen and confiscated instrumentalities and proceeds to support victims' assistance and protection through direct compensation, frozen and confiscated assets*** should be ***used for social purposes, in particular through assignment to organisations carrying out work of social interest to assist and support victims of trafficking. Frozen and confiscated assets should not constitute the only means of providing compensation, support, or assistance to victims. Member States should, to that effect, establish a national fund for***

³⁰ COM (2022) 245.

³⁰ COM (2022) 245.

Or. en

Amendment 74

Lena Düpont, Frances Fitzgerald, Maria Walsh, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) In combatting trafficking in human beings, full use is to be made of existing instruments on the freezing and confiscation of proceeds and instrumentalities of crime, such as Directive EU/XX/YY of the European Parliament and of the Council [Proposed Directive on asset recovery and confiscation]³⁰. The use of frozen and confiscated instrumentalities and proceeds from the offences referred to in Directive 2011/36/EU to support victims' assistance and protection, including compensation of victims and Union trans-border law enforcement counter-trafficking activities, should be encouraged.

³⁰ COM (2022) 245.

Amendment

(7) In combatting trafficking in human beings, full use is to be made of existing instruments on the freezing and confiscation of proceeds and instrumentalities of crime, such as Directive EU/XX/YY of the European Parliament and of the Council [Proposed Directive on asset recovery and confiscation]³⁰. The use of frozen and confiscated instrumentalities and proceeds from the offences referred to in Directive 2011/36/EU to support victims' assistance and protection, including compensation of victims, ***should be made a priority. Member States should, to that effect, establish a national victims fund based on the confiscated assets*** and Union trans-border law enforcement counter-trafficking activities, should be encouraged.

³⁰ COM (2022) 245.

Or. en

Amendment 75

Lívía Járóka

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) In combatting trafficking in human beings, full use is to be made of existing instruments on the freezing and confiscation of proceeds and instrumentalities of crime, such as Directive EU/XX/YY of the European Parliament and of the Council [Proposed Directive on asset recovery and confiscation]³⁰. The use of frozen and confiscated instrumentalities and proceeds from the offences referred to in Directive 2011/36/EU to support victims' assistance and protection, including compensation of victims **and** Union trans-border law enforcement counter-trafficking activities, should be encouraged.

³⁰ COM (2022) 245.

Amendment

(7) In combatting trafficking in human beings, full use is to be made of existing instruments on the freezing and confiscation of proceeds and instrumentalities of crime, such as Directive EU/XX/YY of the European Parliament and of the Council [Proposed Directive on asset recovery and confiscation]³⁰. The use of frozen and confiscated instrumentalities and proceeds from the offences referred to in Directive 2011/36/EU to support victims' assistance and protection, including compensation of victims, ***should be made a priority***, Union trans-border law enforcement counter-trafficking activities, should be encouraged. ***Member States should, to that effect, establish a national victims fund.***

³⁰ COM (2022) 245.

Or. en

Amendment 76

Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) In order to increase coordination of all bodies working on trafficking in human beings, and reinforce national policy responses, it is necessary to establish National Anti-trafficking Coordinators (NATC). Member States should ensure the allocation of sufficient resources to national anti-trafficking coordinators for the effective and adequate performance of their tasks.

Amendment 77
Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) In order to enhance the national capability to identify victims at an early stage, and to refer them to the appropriate protection, assistance and support services, it is necessary to establish by laws, regulations or administrative provisions National Referral Mechanisms in the Member States. Establishing formal national referral mechanisms and appointing national focal points for the referral of victims are essential measures to enhance cross-border cooperation.

Amendment

(8) In order to enhance the national capability to ***detect and*** identify victims at an early stage, and to refer them to the appropriate protection, assistance and support services, it is necessary to establish by laws, regulations or administrative provisions National Referral Mechanisms in the Member States. Establishing formal national referral mechanisms and appointing national focal points for the referral of victims are essential measures to enhance cross-border cooperation.

National referral mechanisms should ensure a human-rights centred system aimed at detecting, identifying, supporting and assisting victims of trafficking and their referral to responsible national organisations and bodies, including focal points. It should be based on a multi-stakeholder approach, involving competent authorities and relevant civil society organisations active in this field. It should be possible to have several focal points for different forms of trafficking.

Justification

This amendment is needed to ensure coherence with amendments made in Article 11.4.

Amendment 78
Abir Al-Sahlani, Yana Toom, Sylvie Brunet

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) In order to enhance the national capability to identify victims at an early stage, and to refer them to the appropriate protection, assistance and support services, it is necessary to establish by laws, regulations or administrative provisions National Referral Mechanisms in the Member States. Establishing formal national referral mechanisms and appointing national focal points for the referral of victims are essential measures to enhance cross-border cooperation.

Amendment

(8) In order to enhance the national capability to identify victims at an early stage, and to refer them to the appropriate protection, assistance and support services, it is necessary to establish by laws, regulations or administrative provisions National Referral Mechanisms in the Member States. Establishing formal national referral mechanisms and appointing national focal points for the referral of victims are essential measures to enhance cross-border cooperation. ***When dealing with child victims, particularly girls, the mechanisms should provide support in a manner that is particularly adapted to their vulnerability, as set out in the context of this Directive.***

Or. en

Amendment 79

Yana Toom, Abir Al-Sahlani, Hilde Vautmans

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) In order to enhance the national capability to identify victims at an early stage, and to refer them to the appropriate protection, assistance and support services, it is necessary to establish by laws, regulations or administrative provisions National Referral Mechanisms in the Member States. Establishing formal national referral mechanisms and appointing national focal points for the referral of victims are essential measures to enhance cross-border cooperation.

Amendment

(8) In order to enhance the national capability to identify victims at an early stage, and to refer them to the appropriate protection, assistance and support services, it is necessary to establish by laws, regulations or administrative provisions National Referral Mechanisms in the Member States. Establishing formal national referral mechanisms and appointing national focal points for the referral of victims are essential measures to enhance cross-border cooperation. ***When dealing with child victims, the mechanisms should provide support in a manner that is particularly adapted to***

their vulnerability, as set out in the context of this Directive.

Or. en

Amendment 80
Patricia Chagnon

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) In order to enhance the national capability to identify victims at an early stage, and to refer them to the appropriate protection, assistance and support services, it is necessary to establish by laws, regulations or administrative provisions National Referral Mechanisms in the Member States. Establishing formal national referral mechanisms and appointing national focal points for the referral of victims are essential measures to enhance cross-border cooperation.

Amendment

(8) In order to enhance the national capability to identify victims at an early stage, and to refer them to the appropriate protection, assistance and support services, it is necessary to establish by laws, regulations or administrative provisions National Referral Mechanisms in the Member States. Establishing formal national referral mechanisms and appointing national focal points for the referral of victims are essential measures to enhance cross-border cooperation. ***Those national points should also be used to check the accuracy of statements regarding a possible victim of trafficking in human beings.***

Or. fr

Amendment 81
Alice Kuhnke

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) In order to enhance the national capability to identify victims at an early stage, and to refer them to the appropriate protection, assistance and support services, it is necessary to establish by laws,

Amendment

(8) In order to enhance the national capability to identify victims at an early stage, and to refer them to the appropriate protection, assistance and support services, it is necessary to establish by laws,

regulations or administrative provisions National Referral Mechanisms in the Member States. Establishing formal national referral mechanisms and appointing national focal points for the referral of victims are essential measures to enhance cross-border cooperation.

regulations or administrative provisions National Referral Mechanisms in the Member States. Establishing formal national referral mechanisms and appointing national focal points for the referral of victims are essential measures to enhance cross-border cooperation **and ensure the early identification of, assistance to and support for victims, in cooperation with the relevant support organisations.**

Or. en

Amendment 82

Lena Düpont, Frances Fitzgerald, Maria Walsh, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive Recital 8

Text proposed by the Commission

(8) In order to enhance the national capability to identify victims at an early stage, and to refer them to the appropriate protection, assistance and support services, it is necessary to establish by laws, regulations or administrative provisions National Referral Mechanisms in the Member States. Establishing formal national referral mechanisms and appointing national focal points for the referral of victims are essential measures to enhance cross-border cooperation.

Amendment

(8) In order to enhance the national **prevention** capability to identify victims at an early stage, and to refer them to the appropriate **and specialised** protection, assistance and support services, it is necessary to establish by laws, regulations or administrative provisions National Referral Mechanisms in the Member States. Establishing formal national referral mechanisms and appointing national focal points for the referral of victims are essential measures to enhance cross-border cooperation **and coordination.**

Or. en

Amendment 83 Alice Kuhnke

Proposal for a directive Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Victims of trafficking should not be detained, charged or prosecuted with administrative or criminal offences or excluded from assistance, support and protection measures because of their residence, immigration, or labour status. Fears of forced return to their country of origin, or of criminal prosecution and punishment can prevent victims from seeking protection and assistance, thus limiting their access to justice, and decreasing the likelihood that they will report trafficking offenders to the authorities.

Or. en

Amendment 84

Yana Toom, Abir Al-Sahlani, Hilde Vautmans

Proposal for a directive

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Refugees, asylum seekers, displaced persons and stateless persons are widely noted to be vulnerable to exploitation. Lack of income and material deprivation, isolation from family and other social support and lack of status are risk factors to become a victim of human trafficking. It is therefore crucial to ensure that these persons have adequate access to apply for asylum and are protected by the principle of non-refoulement.

Or. en

Amendment 85

Lena Düpont, Frances Fitzgerald, Maria Walsh, Christine Schneider, Elżbieta Katarzyna Łukacijewska

**Proposal for a directive
Recital 8 a (new)**

Text proposed by the Commission

Amendment

(8a) *In order to ensure sufficient protection, support and assistance to potential victims of trafficking, it is necessary to ensure that victims are not charged with administrative or criminal offences or excluded from physical and psychological support measures because of their residence status.*

Or. en

**Amendment 86
Lívía Járóka**

**Proposal for a directive
Recital 8 a (new)**

Text proposed by the Commission

Amendment

(8a) *The importance of involving civil society organisations, who are involved in victim protection is crucial when looking to enhance identification of victims and ensure the effectiveness of national referral mechanisms.*

Or. en

**Amendment 87
Malin Björk, Eugenia Rodríguez Palop**

**Proposal for a directive
Recital 8 a (new)**

Text proposed by the Commission

Amendment

(8a) *With a view to strengthening the national capability regarding detection, identification and referral, Member States*

should also develop National Action Plans and review and update them at regular intervals.

Or. en

Amendment 88
Alice Kuhnke

Proposal for a directive
Recital 8 b (new)

Text proposed by the Commission

Amendment

(8b) Protection of and support to victims of trafficking, including by regularisation of their residence, migration, or labour status, should not be conditional on their cooperation in the criminal investigation, prosecution or trial for offences related to their situation as trafficked persons, or on the success of such proceedings. Victims of trafficking should not be detained, charged or prosecuted with administrative or criminal offences or excluded from support measures because of their decision not to cooperate with investigating or prosecuting authorities.

Or. en

Amendment 89
Lena Düpont, Frances Fitzgerald, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive
Recital 8 b (new)

Text proposed by the Commission

Amendment

(8b) International protection and residence status applications are conditional on the cooperation of the victim with competent authorities to

ensure sufficient incentives for collaboration leading to an effective investigation, thus addressing the cynical business of traffickers and ensuring an access point for law enforcement to combat trafficking networks.

Or. en

Amendment 90

Lena Düpont, Frances Fitzgerald, Maria Walsh, Christine Schneider, Elżbieta Katarzyna Łukacijewska

**Proposal for a directive
Recital 8 c (new)**

Text proposed by the Commission

Amendment

(8c) Given that 3 out of 4 trafficking cases concern women and that women and men are often trafficked for different purposes, it is important to have a gender-specific approach where appropriate in regards to support and assistance measures.

Or. en

Amendment 91 Abir Al-Sahlani

**Proposal for a directive
Recital 9**

Text proposed by the Commission

Amendment

(9) In order to further reinforce and harmonise the criminal justice efforts on demand reduction across Member States, it is important criminalise the use of services which are the objects of exploitation with the knowledge that the person is a victim of an offence concerning trafficking in human beings. Establishing this as a criminal offence is part of a comprehensive

(9) In order to further reinforce and harmonise the criminal justice efforts on demand reduction across Member States, it is important *to* criminalise the use of services which are the objects of exploitation with the knowledge that the person is a victim of an offence concerning trafficking in human beings. Establishing this as a criminal offence is part of a

approach to demand reduction, which aims to tackle the high levels of demand that fosters all forms of exploitation.

comprehensive approach to demand reduction, which aims to tackle the high levels of demand that fosters all forms of exploitation. ***However, considering that crimes of trafficking vary to a great extent, the provisions on the criminalisation of these crimes should also be adapted and differentiated accordingly. In particular, criminalising the purchase of sexual services which are the objects of exploitation with the knowledge that the person is a victim of an offence defined as an exploitation in Article 2 of this Directive would not achieve one of the main purposes of this Directive, namely to reduce demand. Considering that prostitution should be seen as an exploitation regardless of the circumstances under which the sexual service was provided to the person purchasing it, it is necessary to differentiate between the purchase of such services and the purchase of other services that are the objects of an exploitation with the knowledge that the person is a victim of trafficking.***

Or. en

Amendment 92
Alice Kuhnke

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) In order to further reinforce and harmonise the criminal justice efforts on demand reduction across Member States, it is important criminalise the use of services which are the objects of exploitation ***with the*** knowledge that the person is a victim of ***an offence concerning*** trafficking ***in human beings***. Establishing this as a criminal offence is part of a comprehensive approach to demand reduction, which aims

Amendment

(9) In order to further reinforce and harmonise the criminal justice efforts on demand reduction across Member States, it is important ***to*** criminalise the use of services ***and acts*** which are the objects of exploitation, ***taking into particular consideration instances where more than one form of exploitation has occurred. Restricting criminal liability only to the situation where the user has direct and***

to tackle the high levels of demand that fosters all forms of exploitation.

actual knowledge that the person is a victim of *human* trafficking *creates a very high threshold for achieving prosecutions. The user should therefore demonstrate that all reasonable steps were taken to avoid the use of services provided by a victim.* Establishing this as a criminal offence is part of a comprehensive approach to demand reduction, which aims to tackle the high levels of demand that fosters all forms of exploitation.

Or. en

Amendment 93

Vincenzo Sofo, Jadwiga Wiśniewska, Margarita de la Pisa Carrión

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) In order to further reinforce and harmonise the criminal justice efforts on demand reduction across Member States, it is important criminalise the use of services which are the objects of exploitation *with the knowledge that the person is a victim of an offence concerning* trafficking in human beings. Establishing this as a criminal offence is part of a comprehensive approach to demand *reduction*, which aims to tackle the high levels of demand that fosters all forms of exploitation.

Amendment

(9) In order to further reinforce and harmonise the criminal justice efforts on demand reduction across Member States, it is important *to* criminalise the *intentional* use of services which are the objects of exploitation *in relation to* trafficking in human beings. Establishing this as a criminal offence is part of a comprehensive approach to *reduce* demand *for illegal goods*, which aims to tackle the high levels of demand that fosters all forms of exploitation *and trafficking in human beings. In this context, Member States shall clarify and apply definition of "intentionality" in accordance with their criminal law provisions and legal practice.*

Or. en

Amendment 94

Maria Walsh

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) In order to further reinforce and harmonise the criminal justice efforts on demand reduction across Member States, it is important criminalise the use of services which are the objects of exploitation with the knowledge that the person is a victim of an offence concerning trafficking in human beings. Establishing this as a criminal offence is part of a comprehensive approach to demand reduction, which aims to tackle the high levels of demand that fosters all forms of exploitation.

Amendment

(9) In order to further reinforce and harmonise the criminal justice efforts on demand **and supply** reduction across Member States, it is important criminalise the use of services which are the objects of exploitation with the knowledge that the person is a victim of an offence concerning trafficking in human beings. Establishing this as a criminal offence is part of a comprehensive approach to demand reduction **and eliminate the current culture of impunity**, which aims to tackle the high levels of **supply and** demand that fosters all forms of exploitation.

Or. en

Amendment 95
Maria-Manuel Leitão-Marques, Juan Fernando López Aguilar

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) In order to further reinforce and harmonise the criminal justice efforts on demand reduction across Member States, it is important criminalise the use of services which are the objects of exploitation **with the knowledge that the person is a victim of an offence concerning trafficking in human beings**. Establishing this as a criminal offence is part of a comprehensive approach to demand reduction, which aims to tackle the high levels of demand that fosters all forms of exploitation.

Amendment

(9) In order to further reinforce and harmonise the criminal justice efforts on demand reduction across Member States, it is important criminalise the use of services which are the objects of exploitation. Establishing this as a criminal offence is part of a comprehensive approach to demand reduction, which aims to tackle the high levels of demand that fosters all forms of exploitation.

Or. en

Amendment 96
Yana Toom, Hilde Vautmans

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) In order to further reinforce and harmonise the criminal justice efforts on demand reduction across Member States, it is important criminalise the use of services which are the objects of exploitation ***with the*** knowledge that the person is a victim of ***an offence concerning trafficking in human beings***. Establishing this as a criminal offence is part of a comprehensive approach to demand reduction, which aims to tackle the high levels of demand that fosters all forms of exploitation.

Amendment

(9) In order to further reinforce and harmonise the criminal justice efforts on demand reduction across Member States, it is important criminalise the use of services which are the objects of ***sexual exploitation in cases where the user of such services had knowledge, or could have reasonably assumed,*** that the person is a victim of trafficking . Establishing this as a criminal offence is part of a comprehensive approach to demand reduction, which aims to tackle the high levels of demand that fosters all forms of exploitation.

Or. en

Amendment 97
Abir Al-Sahlani

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) To the same end, exploitation through the removal of human organs from a living or deceased donor, in exchange for any type of remuneration or a non-financial nature, as well as exploitation through the use of services which derive from slavery, servitude or practices similar to slavery, should also be differentiated. Considering that the World Health Organisation has adopted the WHA63.22^{1a} resolution at the Sixty-Third World Health Assembly where it states its opposition to “the seeking of financial gain or comparable advantage in

transactions involving human body parts, organ trafficking and transplant tourism”, removing and purchasing human organs from a living or a deceased donor should be criminalised, regardless of whether the person purchasing the organs removed from the victim has or does not have knowledge that the person is a victim of trafficking. This should also apply to the use of services deriving from slavery, servitude or practices similar to slavery, considering the very nature of this exploitation being exploitative regardless of whether the person using the services arising from the slavery has knowledge that the provider of the services is exploited under these conditions.

1a

https://apps.who.int/iris/bitstream/handle/10665/3096/A63_R22-en.pdf?sequence=1&isAllowed=y

Or. en

Justification

Amendment necessary for internal coherence after changes made to Article 18a

Amendment 98

Yana Toom, Abir Al-Sahlani, Hilde Vautmans

Proposal for a directive

Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Persons with any type of disability are at an increased risk of becoming victims of trafficking. Perpetrators may view and target them in particular due to their increased vulnerability and the barriers they face in accessing justice. Considering that the Member States of the European Union are parties to the United

Nations' Convention on the rights of Persons with Disabilities, they should take extra consideration when providing support measures to victims of trafficking with disabilities, and that civil servants have received adequate training to assist the victims in a disability-friendly manner. Legal processes should also be adapted to meet the needs of victims of trafficking with disabilities, to ensure they can participate equally in the processes.

Or. en

Amendment 99
Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) In order to effectively prevent and combat trafficking for sexual exploitation, it is important to acknowledge that efforts to criminalise the knowing use of services of victims of trafficking in human beings have not resulted in demand reduction. Also, traffickers tend to drive their victims to countries where prostitution is regulated and lawfully practised since it is easier for them to use legal environments in order to exploit the victims. Countries that legislated on demand globally with measures targeting the purchase of sexual acts and criminalising the exploitation of the prostitution of others, focusing on the roots of the prostitution and its links with trafficking systems have proven effective.

Or. en

Amendment 100
Alice Kuhnke

**Proposal for a directive
Recital 9 a (new)**

Text proposed by the Commission

Amendment

(9a) To achieve the objective of discouraging the demand that encourages trafficking, criminal justice efforts need to be combined with other measures. Such measures should include victim-centre information and awareness-raising campaigns, training, including training specifically designed for men, education activities promoting equality and combating sexist stereotypes, racism, and gender based violence, as well as research to analyse the relationship between situations of vulnerability and exposure to risks of trafficking.

Or. en

**Amendment 101
Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques**

**Proposal for a directive
Recital 9 a (new)**

Text proposed by the Commission

Amendment

(9a) Persons with disabilities, including women and girls with disabilities, and persons with intellectual or psychosocial disabilities, are at an increased risk of becoming victims of trafficking of human being. Perpetrators may target them due to their disability and the barriers they face to report the offence and access justice.

Or. en

**Amendment 102
Abir Al-Sahlani**

**Proposal for a directive
Recital 9 b (new)**

Text proposed by the Commission

Amendment

(9b) However, for other types of exploitation of victims of trafficking as set out in this Directive and not already mentioned in Recital 9 or 9a of this Directive, a person should only be liable of a criminal offence if they purchase services which are the objects of exploitation with knowledge that the person is a victim of trafficking.

Or. en

**Amendment 103
Abir Al-Sahlani, Yana Toom, Sylvie Brunet**

**Proposal for a directive
Recital 9 c (new)**

Text proposed by the Commission

Amendment

(9c) Persons with any type of disability, in particular girls with disabilities, are at an increased risk of becoming victims of trafficking. Perpetrators may view and target them in particular due to their increased vulnerability and the barriers they face in accessing justice. Considering that the Member States of the European Union are parties to the United Nations' Convention on the rights of Persons with Disabilities, they should take extra consideration when providing support measures to victims of trafficking with disabilities, and that civil servants have received adequate training to assist the victims in a disability-friendly manner. Legal processes should also be adapted to meet the needs of victims of trafficking with disabilities, to ensure they can participate equally in the processes.

Or. en

Amendment 104

Maria-Manuel Leitão-Marques, Juan Fernando López Aguilar

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) The collection of accurate **and** coherent **data and** the timely publication of collected data and statistics are fundamental to ensure full knowledge on the scope of trafficking in human beings within the Union. Introducing a requirement for Member States to collect and report to the Commission statistical data on trafficking in human beings every year in a harmonised way is expected to constitute a relevant step to enhance the general understanding of the phenomenon and to ensure the adoption of data-informed policies and strategies. Due to the importance of having up-to-date statistical data as soon as possible it is appropriate to determine the date of the application of the article on data collection at the earliest point in time, which is the entry into force of this Directive.

Amendment

(10) The collection of accurate, **reliable**, coherent, **anonymised data disaggregated by at least gender, racial and ethnic origin, age, socio-economic class and nationality and comparable across Member States as well as** the timely publication of collected data and statistics are fundamental to ensure full knowledge on the scope of trafficking in human beings within the Union. Introducing a requirement for Member States to collect and report to the Commission statistical data on trafficking in human beings every year in a harmonised way is expected to constitute a relevant step to enhance the general understanding of the phenomenon and to ensure the adoption of data-informed policies and strategies. Due to the importance of having up-to-date statistical data as soon as possible it is appropriate to determine the date of the application of the article on data collection at the earliest point in time, which is the entry into force of this Directive.

Or. en

Amendment 105

Lena Düpont, Frances Fitzgerald, Maria Walsh, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) The collection of accurate and

Amendment

(10) The collection of accurate and

coherent data and the timely publication of collected data and statistics are fundamental to ensure full knowledge on the scope of trafficking in human beings within the Union. Introducing a requirement for Member States to collect and report to the Commission statistical data on trafficking in human beings every year in a harmonised way is expected to constitute a relevant step to enhance the general understanding of the phenomenon and to ensure the adoption of data-informed policies and strategies. Due to the importance of having up-to-date statistical data as soon as possible it is appropriate to determine the date of the application of the article on data collection at the earliest point in time, which is the entry into force of this Directive.

coherent data and the timely publication of collected data and statistics are fundamental to ensure full knowledge on the scope of trafficking in human beings within the Union. Introducing a requirement for Member States *in cooperation with relevant EU Agencies* to collect and report to the Commission statistical data on trafficking in human beings every year in a harmonised way is expected to constitute a relevant step to enhance the general understanding of the phenomenon and to ensure the adoption of data-informed policies and strategies. Due to the importance of having up-to-date statistical data as soon as possible it is appropriate to determine the date of the application of the article on data collection at the earliest point in time, which is the entry into force of this Directive.

Or. en

Amendment 106
Alice Kuhnke

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) The collection of accurate *and* coherent data and the timely publication of collected data and statistics are fundamental to ensure full knowledge on the scope of trafficking in human beings within the Union. Introducing a requirement for Member States to collect and report to the Commission statistical data on trafficking in human beings every year in a harmonised way is expected to constitute a relevant step to enhance the general understanding of the phenomenon and to ensure the adoption of data-informed policies and strategies. Due to the importance of having up-to-date statistical data as soon as possible it is appropriate to

Amendment

(10) The collection of accurate, coherent *and detailed* data and the timely publication of collected data and statistics are fundamental to ensure full knowledge on the scope of trafficking in human beings within the Union. Introducing a requirement for Member States to collect and report to the Commission statistical data on trafficking in human beings every year in a harmonised way is expected to constitute a relevant step to enhance the general understanding of the phenomenon and to ensure the adoption of data-informed policies and strategies. Due to the importance of having up-to-date statistical data as soon as possible it is appropriate to

determine the date of the application of the article on data collection at the earliest point in time, which is the entry into force of this Directive.

determine the date of the application of the article on data collection at the earliest point in time, which is the entry into force of this Directive.

Or. en

Amendment 107

Lena Düpont, Frances Fitzgerald, Maria Walsh, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) In the light of the Stockholm Programme and with a view to developing a consolidated Union strategy against trafficking in human beings aimed at further strengthening the commitment of, and efforts made, by the Union and the Member States to prevent and combat such trafficking, Member States should, in order to commend the good work done by the EU Anti-Trafficking Coordinator in coordinating the EU's response to trafficking in human beings and developing knowledge and findings on the various aspects of trafficking in human beings, including research into the gender dimension and the particular vulnerability of children, facilitate the tasks of an anti-trafficking coordinator, which may include for example improving coordination and coherence, avoiding duplication of effort, between Union institutions and related agencies as well as between Member States and inter-national actors, contributing to the development of existing or new Union policies and strategies relevant to the fight against trafficking in human beings or reporting to the Union institutions.

Or. en

Amendment 108

Vincenzo Sofo, Jadwiga Wiśniewska, Margarita de la Pisa Carrión

Proposal for a directive

Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) In combating trafficking in human beings in migration contexts Member States should implement comprehensive measures including efficient diagnosis of cases of trafficking of human beings, constant monitoring of this phenomenon, providing support and protection to victims and conducting training for persons likely to come into contact with victims.

Or. en

Amendment 109

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) The child's best interests must be a primary consideration when carrying out any measures to combat the offences referred to in this Directive in accordance with the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child.

Or. en

Amendment 110

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

**Proposal for a directive
Recital 10 b (new)**

Text proposed by the Commission

Amendment

(10b) The assessment of whether the victims of human trafficking needs special procedural guarantees and special reception needs, as provided for in the Regulation EU/XX/YY of the European Parliament and of the Council [Proposed Regulation establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU] and Directive EU/XX/YY of the European Parliament and of the Council [Proposed Directive on laying down standards for the reception of applicants for international protection], is hardly practiced or carried out partially in certain Member States.

Or. en

**Amendment 111
Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques**

**Proposal for a directive
Recital 10 c (new)**

Text proposed by the Commission

Amendment

(10c) All Member States must comply with the principle of non-refoulement, which prohibits States from transferring or removing individuals from their jurisdiction or effective control when there are substantial grounds for believing that the person would be at risk of irreparable harm upon return, including persecution, torture, ill-treatment or other serious human rights violation. The principle of non-refoulement binds all Member States in accordance with the Treaty on the Functioning of the European Union and the Charter of Fundamental Rights of the

Amendment 112

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Recital 10 d (new)

Text proposed by the Commission

Amendment

(10d) Short-term assistance and support are not sufficient for victims of trafficking who fear persecution or other serious human rights violations and cannot return home. Such persons need international protection as provided for in the Convention Relating to the Status of Refugees and the Directive EU/XX/YY of the European Parliament and of the Council [Proposed Directive on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted], in international human rights law or subsidiary forms of protection under regional and national law. This entails protection against refoulement and in some instances, the granting of asylum, subsidiary protection or another protection status.

Amendment 113

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Recital 10 e (new)

Text proposed by the Commission

Amendment

(10e) Inherent in the trafficking experience are different forms of severe exploitation as abduction, incarceration, rape, sexual enslavement, enforced prostitution, forced labour, removal of organs, physical beatings, starvation, the deprivation of medical treatment, among others. Such acts constitute serious violations of human rights, which might amount to persecution and therefore, justify the granting of International Protection to the person of concern.

Or. en

Amendment 114

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Recital 10 f (new)

Text proposed by the Commission

Amendment

(10f) There is a very low number of registered victims of human trafficking in International Protection procedures across the European Union. Applicants for International Protection who are identified as victims of human trafficking might have been obliged to change from the asylum procedure and claim a residence permit under the 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 in some Member States.

Or. en

Amendment 115

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Recital 10 g (new)

Text proposed by the Commission

Amendment

(10g) In view of the complexities of the asylum applications of victims of trafficking, their applications should not be examined in the framework of a border procedure. Such applications require a fully-fledged examination by the competent national authorities through the established asylum procedure in accordance with Regulation EU/XX/YY of the European Parliament and of the Council [Proposed Regulation establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU].

Or. en

Amendment 116

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Recital 10 h (new)

Text proposed by the Commission

Amendment

(10h) The trafficking of individuals across international borders gives rise to a complex situation, which requires a broad analysis taking into account the various forms of harm that have occurred at different points along the trafficking route. The continuous and interconnected nature of the range of persecutory acts involved in the context of transnational trafficking should be given due consideration.

Or. en

Amendment 117

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Recital 10 i (new)

Text proposed by the Commission

Amendment

(10i) Members of a certain race or ethnic group in a given country may be especially vulnerable to trafficking and/or less effectively protected by the authorities of the country of origin. Therefore, victims may be targeted on the basis of their ethnicity, nationality, religious, political views or belonging to a particular social group.

Or. en

Amendment 118

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Recital 10 j (new)

Text proposed by the Commission

Amendment

(10j) Humanitarian crises exacerbate the exposure of migrants, refugees and asylum-seekers to traffickers. The lack of safe and legal migration pathways for asylum seekers increases their vulnerability to trafficking.

Or. en

Amendment 119

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Recital 10 k (new)

Text proposed by the Commission

Amendment

(10k) In certain Member States, an approach based on the protection of the victims' human rights is lacking in the implementation of national actions regarding the fight against trafficking. Certain Member States adopt an approach focused on prosecuting crimes during the identification process, instead of an approach focused on the victim's rights and protection.

Or. en

Amendment 120

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Recital 10 l (new)

Text proposed by the Commission

Amendment

(10l) Member States should provide for special assistance and support to address the specific vulnerabilities of victims of trafficking. In doing so, Member states should provide assistance and support in a manner which takes into account the age, gender and special needs of victims of trafficking.

Or. en

Amendment 121

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Recital 10 m (new)

Text proposed by the Commission

Amendment

(10m) If protected and assisted, victims are less likely to abscond with the risk of being re-victimized and re-trafficked, and

they are likely to be more open to participating voluntarily in criminal proceedings by giving evidence against traffickers, once trust has been built with support services and authorities.

Or. en

Amendment 122

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Recital 10 n (new)

Text proposed by the Commission

Amendment

(10n) Member States should integrate counter-trafficking measures as part of any emergency response plans, including in crisis migratory situations, natural disasters, and pandemic contexts. Such measures should be carried out from the onset of any crisis and should include child protection measures.

Or. en

Amendment 123

Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive

Recital 11

Text proposed by the Commission

Amendment

(-1) Recital 11 is amended as follows:

(11) In order to tackle recent developments in the phenomenon of trafficking in human beings, this Directive adopts a broader concept of what should be considered trafficking in human beings than under Framework Decision 2002/629/JHA and therefore includes additional forms of exploitation. Within the context of this Directive,

forced begging should be understood as a form of forced labour or services as defined in the 1930 ILO Convention No 29 concerning Forced or Compulsory Labour. Therefore, the exploitation of begging, including the use of a trafficked dependent person for begging, falls within the scope of the definition of trafficking in human beings only when all the elements of forced labour or services occur. In the light of the relevant case-law, the validity of any possible consent to perform such labour or services should be evaluated on a case-by-case basis. However, when a child is concerned, no possible consent should ever be considered valid. The expression ‘exploitation of criminal activities’ should be understood as the exploitation of a person to commit, inter alia, pick-pocketing, shop-lifting, drug trafficking and other similar activities which are subject to penalties and imply financial gain. The definition also covers trafficking in human beings for the purpose of the removal of organs, which constitutes a serious violation of human dignity and physical integrity, as well as, for instance, other behaviours such as illegal adoption, forced marriage and surrogacy, in so far as they fulfil the constitutive elements of trafficking in human beings.

Or. en

Amendment 124

Loránt Vincze, François-Xavier Bellamy, Ivan Štefanec, György Hölvényi, Miriam Lexmann, Michaela Šojdrová

**Proposal for a directive
Recital 11 a (new)**

Text proposed by the Commission

Amendment

(11a) In order to clarify a legal uncertainty in the definition of trafficking in human beings, this Directive adopts a broader concept of what it should be considered than under Directive 2011/36/EU and Framework Decision

2002/629/JHA, and therefore includes additional forms of exploitation. The contract, usually called surrogacy, through which a natural or legal person agrees with a woman that she will carry a child for the purpose of handing it upon birth, regardless of the name and terms and conditions of such contract, is considered human trafficking, both of the woman who carries or is to carry the child and of the child.

Or. en

Amendment 125

Maria-Manuel Leitão-Marques, Juan Fernando López Aguilar

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) The Directive respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, in particular the respect and protection of human dignity, the prohibition of slavery, forced labour and trafficking in human beings, the right to the integrity of the person, the prohibition of torture and inhuman or degrading treatment or punishment, the right to liberty and security, the protection of personal data, the freedom of expression and information, the freedom to choose an occupation and right to engage in work, the equality between women and men, the rights of the child, the rights of persons with disabilities, and the prohibition of child labour, the right to an effective remedy and to a fair trial, the principles of legality and proportionality of criminal offences and penalties. In particular, this Directive seeks to ensure full respect for these rights and principles, which are to be implemented

Amendment

(12) The Directive respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, in particular the respect and protection of human dignity, the prohibition of slavery, forced labour and trafficking in human beings, the right to the ***bodily and mental*** integrity of the person, the prohibition of torture and inhuman or degrading treatment or punishment, the right to liberty and security, the protection of personal data, the freedom of expression and information, the freedom to choose an occupation and right to engage in work, the equality between women and men, the rights of the child, the rights of persons with disabilities, and the prohibition of child labour, the right to an effective remedy and to a fair trial, the principles of legality and proportionality of criminal offences and penalties. In particular, this Directive seeks to ensure full respect for these rights and principles, which are to be

accordingly.

implemented accordingly.

Or. en

Amendment 126

Abir Al-Sahlani, Sylvie Brunet

Proposal for a directive

Recital 12

Text proposed by the Commission

(12) The Directive respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, in particular the respect and protection of human dignity, the prohibition of slavery, forced labour and trafficking in human beings, the right to the integrity of the person, the prohibition of torture and inhuman or degrading treatment or punishment, the right to liberty and security, the protection of personal data, the freedom of expression and information, the freedom to choose an occupation and right to engage in work, *the equality between women and men*, the rights of the child, the rights of persons with disabilities, and the prohibition of child labour, the right to an effective remedy and to a fair trial, the principles of legality and proportionality of criminal offences and penalties. In particular, this Directive seeks to ensure full respect for these rights and principles, which are to be implemented accordingly.

Amendment

(12) The Directive respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, in particular the respect and protection of human dignity, the prohibition of slavery, forced labour and trafficking in human beings, the right to the integrity of the person, the prohibition of torture and inhuman or degrading treatment or punishment, the right to liberty and security, the protection of personal data, the freedom of expression and information, the freedom to choose an occupation and right to engage in work, *gender* equality, the rights of the child, the rights of persons with disabilities, and the prohibition of child labour, the right to an effective remedy and to a fair trial, the principles of legality and proportionality of criminal offences and penalties. In particular, this Directive seeks to ensure full respect for these rights and principles, which are to be implemented accordingly.

Or. en

Amendment 127

Loránt Vincze, François-Xavier Bellamy, Ivan Štefanec, György Hölvényi, Miriam Lexmann, Michaela Šojdrová

Proposal for a directive

Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) In accordance with the European Parliament resolution of the 21st of January 2021 on the EU Strategy for Gender Equality (2019/2169(INI)), in its paragraph 32, which “acknowledges that sexual exploitation for surrogacy and reproductive purposes or purposes such as forced marriages, prostitution and pornography is unacceptable and a violation of human dignity and human rights”. In accordance with the European Parliament resolution of the 10th of February 2021 on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (2020/2029(INI)), in its paragraph 28, that classifies surrogacy as a Traffic in Human Beings. In accordance with the European Parliament resolution of 5th of May 2022 on the impact of the war against Ukraine on women (2022/2633(RSP)), that “underlines the serious impact of surrogacy on women, their rights and their health, the negative consequences for gender equality and the challenges stemming from the cross-border implications of this practice, as has been the case for the women and children affected by the war against Ukraine; asks the EU and its Member States to investigate the dimensions of this industry, the socio-economic context and the situation of pregnant women, as well as the consequences for their physical and mental health and for the well-being of babies; calls for the introduction of binding measures to address surrogacy, protecting women’s and newborns’ rights”.

Or. en

Amendment 128
Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive
Recital 16 b (new)

Text proposed by the Commission

Amendment

(16b) Member States should ensure that a guardian is appointed to unaccompanied child victims of trafficking in human beings to represent, assist and act on their behalf in order to safeguard their best interests and general well-being. When, in accordance with this Directive, a guardian and/or a representative are to be appointed for a child, those roles may be performed by the same person or by a legal person, an institution or an authority.

Or. en

Amendment 129
Abir Al-Sahlani, Yana Toom, Sylvie Brunet

Proposal for a directive
Article 1 – paragraph 1 – point 1
Directive 2011/36/EU
Article 2 – paragraph 3

Text proposed by the Commission

Amendment

(1) in Article 2, paragraph 3, “or forced marriage, **or** illegal adoption” is added at the end of the paragraph.

(1) in Article 2, paragraph 3, “or forced marriage, illegal adoption **or trafficking of children into institutions**” is added at the end of the paragraph, **and "including exploitation of children to commit or participate in criminal activities" is added after "or the exploitation of criminal activities"**.

Or. en

Justification

Institution-related trafficking is a common practice in multiple Member States, where girls in particular are vulnerable to being placed, accommodated and kept there. The funding of these institutions often derive from governments in the same Member State or others, it has a clear cross-border element which requires action on EU-level, as the Member States cannot tackle it on their own.

In addition, exploitation of children to commit or participate in criminal activities should be added, as it has a cross-border element to it as these gangs operate in multiple Member States.

Amendment 130

Yana Toom, Abir Al-Sahlani, Hilde Vautmans

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2011/36/EU

Article 2 – paragraph 3

Text proposed by the Commission

(1) in Article 2, paragraph 3, “or forced marriage, *or* illegal adoption” is added at the end of the paragraph.

Amendment

(1) in Article 2, paragraph 3, “or forced marriage, illegal adoption *or trafficking of children into institutions*” is added at the end of the paragraph, *and "including exploitation of children to commit or participate in criminal activities" is added after "or the exploitation of criminal activities"*.

Or. en

Amendment 131

Loránt Vincze, François-Xavier Bellamy, Ivan Štefanec, György Hölvényi, Miriam Lexmann, Michaela Šojdrová

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2011/36/EU

Article 2 – paragraph 3

Text proposed by the Commission

(1) in Article 2, paragraph 3, “or forced marriage, or illegal adoption” is added at

Amendment

(1) in Article 2, paragraph 3, “or forced marriage, or illegal adoption”, *"or the*

the end of the paragraph.

exploitation of a woman for reproductive purposes through surrogacy” is added at the end of the paragraph.

Or. en

Amendment 132
Peter Pollák

Proposal for a directive
Article 1 – paragraph 1 – point 1
Directive 2011/36/EU
Article 2 – paragraph 3

Text proposed by the Commission

(1) in Article 2, paragraph 3, “or forced marriage, or illegal adoption” is added at the end of the paragraph.

Amendment

(1) in Article 2, paragraph 3, “or forced marriage, ***including those involving children, surrogacy*** or illegal adoption” is added at the end of the paragraph.

Or. en

Amendment 133
Vincenzo Sofo, Jadwiga Wiśniewska, Margarita de la Pisa Carrión

Proposal for a directive
Article 1 – paragraph 1 – point 1
Directive 2011/36/EU
Article 2 – paragraph 3

Text proposed by the Commission

(1) in Article 2, paragraph 3, “or forced marriage, or illegal adoption” is added at the end of the paragraph.

Amendment

(1) in Article 2, paragraph 3, “or forced marriage, or illegal adoption, ***or surrogacy, or sale of children***” is added at the end of the paragraph.

Or. en

Amendment 134
Alice Kuhnke

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2011/36/EU

Article 2 – paragraph 3

Text proposed by the Commission

(1) in Article 2, paragraph 3, “or forced marriage, or illegal adoption” is added at the end of the paragraph.

Amendment

(1) in Article 2, paragraph 3, “or forced marriage, or illegal adoption, ***or trafficking into institutions***” is added at the end of the paragraph.

Or. en

Amendment 135

Annika Bruna, Jean-Paul Garraud, Margarita de la Pisa Carrión, Mathilde Androuët, Philippe Olivier, Balázs Hidvéghi, Anders Vistisen, Maria Veronica Rossi, Patricia Chagnon, Cristian Terheş, Livia Járóka

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2011/36/EU

Article 2 – paragraph 3

Text proposed by the Commission

(1) in Article 2, paragraph 3, “or forced marriage, or illegal adoption” is added at the end of the paragraph.

Amendment

(1) in Article 2, paragraph 3, “or forced marriage, or illegal adoption, ***or surrogacy***” is added at the end of the paragraph.

Or. en

Amendment 136

Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2011/36/EU

Article 2 – paragraph 3

Text proposed by the Commission

(1) in Article 2, paragraph 3, “or forced marriage, ***or*** illegal adoption” is added at

Amendment

(1) in Article 2, paragraph 3, “or forced marriage, illegal adoption ***and surrogacy***”

the end of the paragraph.

is added at the end of the paragraph.

Or. en

Amendment 137

Vincenzo Sofo, Jadwiga Wiśniewska, Margarita de la Pisa Carrión

Proposal for a directive

Article 1 – paragraph 1 – point 1 a (new)

Directive 2011/36/EU

Article 2 – paragraph 3

Text proposed by the Commission

Amendment

(1a) in Article 2, paragraph 3, the following sentence is added at the end of the paragraph :

With regard to the inclusion of "forced marriage, or illegal adoption, or surrogacy, or sale of children" as forms of trafficking in human beings, Member States' exclusive competences shall be respected, in particular with regard to the definition of marriage and the conditions for marriage and adoption.

Or. en

Amendment 138

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Article 1 – paragraph 1 – point 1 a (new)

Directive 2011/36/EU

Article 2 – paragraph 3

Text proposed by the Commission

Amendment

(1a) in Article 2, paragraph 3, "including pornography" is added after "other forms of sexual exploitation".

Or. en

Amendment 139

Lena Düpont, Frances Fitzgerald, Maria Walsh, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Article 1 – paragraph 1 a (new)

Directive 2011/36/EU

Article 2 – paragraph 3

Present text

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

Amendment

In Article 2, paragraph 3 is replaced by the following:

"3. Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs. It shall also include cases of in-person interaction and intimate acts committed remotely through the misuse of information and communication technologies."

Or. en

(32011L0036)

Amendment 140

Alice Kuhnke

Proposal for a directive

Article 1 – paragraph 1 – point 1 a (new)

Directive 2011/36/EU

Article 2 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

(1a) in Article 2, the following paragraph is added:

6a. Exploitation referred to in this Article shall include acts committed remotely through the use of information and communication technologies.

Amendment 141

Vincenzo Sofo, Jadwiga Wiśniewska, Margarita de la Pisa Carrión

Proposal for a directive

Article 1 – paragraph 1 – point 1 b (new)

Directive 2011/36/EU

Article 2 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

(1b) in Article 2, the following paragraph is added:

"6a. Exploitation referred to in this article should include cases of in-person interaction and acts committed remotely through the misuse of technology and electronic means."

Or. en

Amendment 142

Sirpa Pietikäinen

Proposal for a directive

Article 2 b (new)

Directive 2011/36/EU

Article 2 b (new)

Text proposed by the Commission

Amendment

Article 2b

The following Article is inserted:

1. Member States shall provide adequate resources and specialised facilities for the actual and presumed victims of trafficking, including women, unaccompanied and separated minors, and to ensure safe places in shelters; Member States shall ensure the presence of gender-trained staff in reception facilities and to provide adequate support and funding to civil society organisations

working with them.

2. Member States shall automatically provide an asylum for the victims of human trafficking; returns are problematic, as it may be difficult for returnees to enter the home community and in the worst case, victims may even be re trafficked or punished and discriminated against.

3. Member States shall take special cases into consideration; for example big sport events increase human trafficking and for this the Member States must take all measures of preventive action.

Or. en

Amendment 143

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Article 1 – paragraph 1 – point 2 a (new)

Directive 2011/36/EU

Article 4 – paragraph 2 – point a

Present text

(a) was committed against a victim who was particularly vulnerable, which, in the context of this Directive, shall include at least child victims;

Amendment

(2a) in Article 4, paragraph 2a the following sentence is added:

"(a) was committed against a victim who was particularly vulnerable, which, in the context of this Directive, shall include at least child victims *and persons with a state of physical, mental, intellectual or sensory disability*;"

Or. en

(Directive 2011/36/EU)

Amendment 144

Alice Kuhnke

Proposal for a directive

PE750.067v02-00

72/174

AM1282466EN.docx

Article 1 – paragraph 1 – point 2 b (new)

Directive 2011/36/EU

Article 4 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(2b) In Article 4, paragraph 2, point (a) is replaced by the following:

"(a) was committed against a victim who was particularly vulnerable, which, in the context of this Directive, shall include at least child victims and victims in a situation of dependence or a state of physical, mental, intellectual or sensory disability;"

Or. en

Amendment 145

Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive

Article 1 – paragraph 1 – point 2 a (new)

Directive 2011/36/EU

Article 4 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(2a) in article 4, paragraph 2, a new indent is added :

(aa) was committed placing a child in residential or closed-type institutions or taking advantages of the vulnerability of children already living in these institutions;

Or. en

Justification

This amendment is needed to ensure coherence with articles 2.3 and 18a.

Amendment 146

Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive
Article 1 – paragraph 1 – point 2 b (new)
Directive 2011/36/EU
Article 4 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(2b) in article 4, paragraph 2, a new point is added after (d):

"(da) was committed by means of information or communication technologies sharing or threatening to share images, videos or other material linked to the exploitation of the victim to other users or sending messages with the intention to keep the victim in a situation of exploitation, to place the victim in a situation of vulnerability, to cause psychological harm or to obtain economic benefits.

Or. en

Justification

This amendment is needed to ensure coherence with article 2a and article 18a proposed by the Commission.

Amendment 147
Alice Kuhnke

Proposal for a directive
Article 1 – paragraph 1 – point 2 c (new)
Directive 2011/36/EU
Article 4 – paragraph 2 – points d a, d b and d c (new)

Text proposed by the Commission

Amendment

(2c) In Article 4, paragraph 2, the following points (da), (db) and (dc) are added:

"(da) the offence was committed by causing the victim to take, use or be affected by drugs, alcohol or other intoxicating substances;

(db) the offence resulted in the death of

the victim or severe physical or psychological harm for the victim;
(dc) the offender has previously been convicted of offences of the same nature."

Or. en

Amendment 148

Vincenzo Sofo, Jadwiga Wiśniewska, Margarita de la Pisa Carrión

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2011/36/EU

Article 4 – paragraph 2 – point e (new)

Text proposed by the Commission

Amendment

(e) was committed through creation of sexually explicit content featuring a victim of trafficking and shared through technology and electronic means to a wider audience.

Or. en

Amendment 149

Maria-Manuel Leitão-Marques, Juan Fernando López Aguilar

Proposal for a directive

Article 1 – paragraph 1 – point 2 a (new)

Directive 2011/36/EU

Article 4 – paragraph 2 – point e (new)

Text proposed by the Commission

Amendment

(2a) in paragraph 2 of Article 4, the following point e) is inserted:

“(e) was committed by causing the victim to take, use or be affected by drugs, alcohol or other intoxicating substances”

Or. en

Amendment 150
Maria Walsh

Proposal for a directive
Article 1 – paragraph 1 – point 2 a (new)
Directive 2011/36/EU
Article 6 – paragraph 2 – point e (new)

Present text

Amendment

Text proposed by the Commission

"(e) was committed through the creation of sexually explicit content featuring a victim of trafficking and shared through technology and electronic means to a wider audience."

Or. en

(<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:en:PDF>)

Amendment 151
Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive
Article 1 – paragraph 1 – point 2 b (new)
Directive 2011/36/EU
Article 4 – paragraph 2 – point e (new)

Text proposed by the Commission

Amendment

(2b) In Article 4, paragraph 2, the following point is inserted:

"(e) new the offender has previously been convicted of offences of the same nature."

Or. en

Amendment 152
Vincenzo Sofo, Jadwiga Wiśniewska, Margarita de la Pisa Carrión

Proposal for a directive
Article 1 – paragraph 1 – point 2
Directive 2011/36/EU
Article 4 – paragraph 2 – point f (new)

Text proposed by the Commission

Amendment

(f) was committed in migration contexts particularly those acts carried out in such a manner as to expose the persons to danger for their life or safety or by subjecting them to inhuman or degrading treatment.

Or. en

Amendment 153

Maria-Manuel Leitão-Marques, Juan Fernando López Aguilar

Proposal for a directive

Article 1 – paragraph 1 – point 2 b (new)

Directive 2011/36/EU

Article 4 – paragraph 2 – point f (new)

Text proposed by the Commission

Amendment

(2b) In paragraph 2 of Article 4, the following point (f) is inserted:

“(f) was committed through creation of sexually explicit content featuring a victim of trafficking and shared through electronic means to a wider audience.”

Or. en

Amendment 154

Alice Kuhnke

Proposal for a directive

Article 1 – paragraph 1 – point 2 a (new)

Directive 2011/36/EU

Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(2a) in Article 4, a new paragraph is added:

"4a. Member States shall take the necessary measures to ensure that, in

addition to the penalties referred to in paragraphs 1 and 2, intentional acts and means referred to in Article 2(1), and exploitation as set out in Article 2(3) are punishable by fines proportionate to the gravity and duration of the harm caused to the victim of human trafficking, as well as to the financial benefits accrued by committing the offence."

Or. en

Amendment 155
Margarita de la Pisa Carrión

Proposal for a directive
Article 1 – paragraph 1 – point 2 a (new)
Directive 2011/36/EU
Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(2a) in Article 4, a new paragraph is added:

(4a) Member States shall take the necessary measures to ensure that an offence referred to in Articles 2 or 3 entail the loss of any European or national residence permits and immediate deportation for non-EU citizens after the strict enforcement of the penalties.

Or. en

Amendment 156
Alice Kuhnke

Proposal for a directive
Article 1 – paragraph 1 – point 2 d (new)
Directive 2011/36/EU
Article 4 b (new)

Text proposed by the Commission

Amendment

(2d) The following Article 4 b is included:

"Liability of natural persons

Member States shall ensure that natural persons that commit an offence referred to in Article 2 can be held liable under civil law, where relevant, for any harm or damage they cause as a result of that offence, and, in conformity with national law, can be required to compensate the persons who have suffered that harm or damage."

Or. en

Amendment 157

Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive

Article 1 – paragraph 1 – point 2 c (new)

Directive 2011/36/EU

Article 5 – paragraphs 1 and 2

Text proposed by the Commission

Amendment

(2c) in Article 5, paragraphs 1 and 2 are amended as follows:

1. Member States shall take the necessary measures to ensure that legal persons can be held liable for the offences referred to in Articles 2, 3 and 18a committed for their benefit by any person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, based on:

(a) a power of representation of the legal person;

(b) an authority to take decisions on behalf of the legal person; or

(c) an authority to exercise control within the legal person.

2. Member States shall also ensure that a legal person can be held liable

where the lack of supervision or control, by a person referred to in paragraph 1, has made possible the commission of the offences referred to in Articles 2, 3 and 18a for the benefit of that legal person by a person under its authority.

Or. en

Justification

This amendment is needed to ensure coherence with article 6 proposed by the Commission.

Amendment 158
Alice Kuhnke

Proposal for a directive
Article 1 – paragraph 1 – point 2 e (new)
Directive 2011/36/EU
Article 5 – paragraphs 2 a (new) and 2 b (new)

Text proposed by the Commission

Amendment

(2e) In Article 5, the following paragraphs are included:

"2a. Member States shall ensure that legal persons that commit an offence referred to in Article 2 can be held liable under civil law, where relevant, for any harm or damage they cause as a result of that offence, and, in conformity with national law, can be required to compensate the persons who have suffered that harm or damage.

2b. Member States shall ensure that online platforms can be held liable under civil law if they fail to promptly remove illegal content related to the trafficking in human being, when such content is reported by users or identified by the platforms' own-initiative monitoring."

Or. en

Amendment 159

Vincenzo Sofo, Jadwiga Wiśniewska, Margarita de la Pisa Carrión

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2011/36/EU

Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

in Article 5, a new paragraph is added:

"4a. Members States shall take the necessary measures to ensure that legal persons operating, managing or controlling websites offering sexual services, no matter the place of their legal registration, can be held liable for the advertising of minors for sexual services on their websites."

Or. en

Amendment 160

Maria-Manuel Leitão-Marques, Juan Fernando López Aguilar

Proposal for a directive

Article 1 – paragraph 1 – point 2 c (new)

Directive 2011/36/EU

Paragraph 5 – point 4 a (new)

Text proposed by the Commission

Amendment

(2c) in Article 5, a new paragraph is inserted:

"4a. Members States shall take the necessary measures to ensure that legal persons operating, managing or controlling websites offering sexual services, no matter the place of their legal registration, can be held liable for the advertising of minors for sexual services on their websites"

Or. en

Amendment 161

Maria-Manuel Leitão-Marques, Juan Fernando López Aguilar

Proposal for a directive

Article 1 – paragraph 1 – point 2 d (new)

Directive 2011/36/EU

Article 5 a (new)

Text proposed by the Commission

Amendment

(2d) the following article is inserted after article 5:

"Article 5a

Measures to combat technology-facilitated trafficking

1. Member States shall take the necessary measures to ensure that online platforms, as defined by Article 3 (i) of Regulation 2022/2065 on a Single Market For Digital Services and amending Directive 2000/31/EC, no matter the place of their legal registration, and whose services are being used to facilitate or commit acts within the territory of Member States, carry out the following measures:

a. Implement age verification mechanisms for, at minimum:

(i) visitors of websites with sexually explicit content;

(ii) individuals uploading content to higher-risk sites such as sexual service sites or pornographic sites;

(iii) individuals depicted in sexually explicit materials;

b. Implement consent verification mechanisms for individuals depicted in pornographic and sexually explicit content that is uploaded to any online platform prior to its distribution;

c. Implement clear and publicly-accessible content-removal request mechanisms for non-consensual, sexually explicit materials."

Amendment 162

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 2011/36/UE

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

in Article 7, the following paragraph is inserted:

"1a. Member States shall take the necessary measures to ensure that the confiscated assets are used to fund victims' services and further invest into investigation and prosecution of trafficking cases."

Amendment 163

Alice Kuhnke

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 2011/36/EU

Article 7 – paragraph 2 (new)

Text proposed by the Commission

Amendment

Member States shall take the necessary measures to ensure that their competent authorities are entitled to trace, freeze, manage and confiscate, in accordance with Directive EU/XX/YY of the European Parliament and of the Council [Proposed Directive on asset recovery and confiscation]³², the proceeds derived from, and instrumentalities used or intended to be used for the commission, or contribution to the commission, of the offences referred to in this Directive.

I. Member States shall take the necessary measures to ensure that their competent authorities are entitled to trace, freeze, manage and confiscate, in accordance with Directive EU/XX/YY of the European Parliament and of the Council [Proposed Directive on asset recovery and confiscation]³², the proceeds derived from, and instrumentalities used or intended to be used for the commission, or contribution to the commission, of the offences referred to in this Directive.

2. Member States shall take the necessary measure to ensure that frozen and confiscated instrumentalities and proceeds from the offences referred to in Article 2 are used, as a matter of priority, to provide victims support, assistance and protection, including through direct compensation of victims. Where it is not possible to use frozen and confiscated instrumentalities and proceeds to provide support, assistance, and protection directly to victims concerned from the offences referred to in Article 2, frozen and confiscated assets should be used for social purposes, in particular through assignment to organisations carrying out work of social interest to assist and support victims of trafficking. Frozen and confiscated assets should not constitute the only means of providing compensation, support, or assistance to victims. To that effect, Member States should establish a dedicated national fund for victims of trafficking.

³² COM (2022) 245.

³² COM (2022) 245.

Or. en

Amendment 164

Lena Düpont, Frances Fitzgerald, Maria Walsh, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 2011/36/EU

Article 7 – Paragraph 2 (new)

Text proposed by the Commission

Member States shall take the necessary measures to ensure that their competent authorities are entitled to trace, freeze, manage and confiscate, in accordance with Directive EU/XX/YY of the European Parliament and of the Council [Proposed

Amendment

In article 7, the following paragraph is added:

Directive on asset recovery and confiscation]³², the proceeds derived from, and instrumentalities used or intended to be used for the commission, or contribution to the commission, of the offences referred to in this Directive.

1. Member States shall take the necessary measures to ensure that their competent authorities are entitled to trace, freeze, manage and confiscate, in accordance with Directive EU/XX/YY of the European Parliament and of the Council [Proposed Directive on asset recovery and confiscation]³², the proceeds derived from, and instrumentalities used or intended to be used for the commission, or contribution to the commission, of the offences referred to in this Directive.

2. Member States shall, in accordance with the basic principles of their legal systems, take the necessary measures to reverse the burden of proof in order to facilitate the freezing and confiscation in cases referred to in Articles 2 and 3.

³² COM (2022) 245.

³² COM (2022) 245.

Or. en

Amendment 165
Alice Kuhnke

Proposal for a directive
Article 1 – paragraph 1 – point 3
Directive 2011/36/EU
Article 8

Text proposed by the Commission

Amendment

3a. Article 8 is replaced by the following:
"Non-prosecution or non-application of penalties to the victim

1. Member States shall, in

accordance with the basic principles of their legal systems, take the necessary measures to ensure that competent national authorities do not exclude victims of trafficking in human beings from support measures, or prosecute or impose administrative or criminal penalties on victims of trafficking in human beings in reason of their residence, immigration, or labour status, or for their involvement in activities which they have been compelled to commit as a consequence of being subjected to any of the acts referred to in Article 2.

2. Member States shall take the necessary measures to ensure that decisions of the competent national authorities referred to in paragraph 1 as well as decisions related to the protection of and support to victims of trafficking, including by regularisation of their residence, migration, or labour status, are not made conditional on the victims cooperation in the criminal investigation, prosecution or trial for offences related to their situation as trafficked persons.

3. Member States shall take the necessary measures to ensure that victims of trafficking in human beings are not be detained, charged or prosecuted with administrative or criminal offences or excluded from support measures because of their decision not to cooperate with investigating or prosecuting authorities."

Or. en

Amendment 166
Lívia Járóka

Proposal for a directive
Article 1 – paragraph 1 – point 3
Directive 2011/36/EU
Article 8

3a. Article 8 is replaced by the following:

"Non-prosecution or non-application of penalties to the victim

1. Member States shall, in accordance with the basic principles of their legal systems, take the necessary measures to ensure that competent national authorities are entitled not to prosecute or impose penalties on victims of trafficking in human beings for their involvement in unlawful acts which they have been compelled to commit as a direct consequence of being subjected to any of the acts referred to in Article 2.

2. Member States shall take the necessary measures to ensure that any decision concerning the application of provisions referred to in paragraph 1 is taken following an individual assessment by trained and qualified officials.

3. In the case of children involved in unlawful activities by being compelled to commit them as a direct consequence of being subjected to any of the acts referred to in Article 2, special procedures shall be taken by Member States to determine whether detention, prosecution and application of any penalties for their involvement is necessary."

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

(See wording of Article 8, of Directive 2011/36/EU)

Justification

This amendment is necessary to ensure coherence. This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.

Amendment 167

Proposal for a directive

Article 1 – paragraph 1 – point 3 a (new)

Directive 2011/36/EU

Article 8

Text proposed by the Commission

Amendment

(3a) Article 8 is replaced by the following:

"Article 8 Non-punishment of the victim

1. Member States shall take the necessary measures, including specific penal provisions and prosecutorial guidelines, to ensure that victims of trafficking in human beings are not held liable under criminal, civil or administrative law, and are not detained, charged, prosecuted or otherwise punished for their involvement in unlawful activities, including criminal activities to the extent that such involvement is a direct consequence of their situation as victims of trafficking in human beings.

2. Member States shall take the necessary measures to ensure that any proceedings against a victim of trafficking in human beings is discontinued and any restrictions of victims' rights including deprivation of liberty are terminated, when grounds for the application of the non-punishment provision have been found by competent authorities.

3. Member States shall take the necessary measures to ensure that police and criminal records of victims of trafficking in human beings are cleared and any sanctions including fines or other administrative sanctions are cancelled, when competent authorities have wrongfully failed to apply the non-punishment provision, and a criminal, civil or administrative proceeding has been initiated or a sentence has been pronounced against a victim.

4. Member States shall take the necessary measures to ensure that the application of the non-punishment principle is not made conditional on the cooperation of the victim in the criminal investigation, prosecution or trial.

5. Member States shall take the necessary measures to ensure that any decision concerning the application of the non-punishment provision is taken following an individual assessment by trained and qualified officials."

Or. en

Amendment 168

Yana Toom, Abir Al-Sahlani, Hilde Vautmans

Proposal for a directive

Article 1 – paragraph 1 – point 3 a (new)

Directive 2011/36/EU

Article 8

Text proposed by the Commission

Amendment

(3a) Article 8 is replaced by the following:

Non-prosecution or non-application of penalties to the victim

1. Member States shall, in accordance with the basic principles of their legal systems, take the necessary measures to ensure that victims of human trafficking are not detained, charged, prosecuted or imposed fines upon for the illegality of their entry into or residence in Member States of transit or destination or other breaches of immigration law, or for their involvement in unlawful activities to the extent that such involvement is a direct consequence of being subjected to any of the acts referred to in Article 2.

2. Member States shall ensure that procedures and processes are in place for receipt and consideration of asylum

claims from victims of human trafficking and that the principle of non-refoulement is respected and upheld at all times, regardless of the illegality of entry into or residence in Member States of transit or destination or other breaches of immigration law and regardless of the status of the person, such as undocumented or stateless.

Or. en

Justification

This amendment is necessary for coherence with amendment 5 and 11

Amendment 169
Patricia Chagnon

Proposal for a directive
Article 1 – paragraph 1 – point 3 a (new)
Directive 2011/36/EU
Article 8

Present text

Amendment

Article 8

Non-prosecution or non-application of penalties to the victim

Member States shall, in accordance with the basic principles of their legal systems, take the necessary measures *to ensure that* competent national authorities *are entitled* not to prosecute or impose penalties on victims of trafficking in human beings for their involvement in *criminal activities* which they have been compelled to commit as a direct consequence of being subjected to any of the acts referred to in Article 2.

(3a) Article 8 is replaced by the following:

“Article 8

Non-prosecution or non-application of penalties to the victim

1. Member States shall, in accordance with the basic principles of their legal systems, take the necessary measures *so* competent national authorities *have the right* not to prosecute or impose penalties on victims of trafficking in human beings for their involvement in *unlawful acts* which they have been compelled to commit as a direct consequence of being subjected to any of the acts referred to in Article 2, *to accordingly discontinue any proceedings against the victim, terminate any restriction of victims’ rights, annul related penalties and expunge their police and criminal records for acts they commit as a*

direct consequence of being subjected to any of the acts referred to in Article 2.

2. Member States shall take the necessary measures to ensure that decisions of the competent national authorities referred to in paragraph 1 are conditional on the victim's willingness to cooperate in the criminal investigation, prosecution or trial.

3. In the case of children, the principle prohibiting detention, prosecution and application of any penalties for their coerced involvement in illegal activities in one of the acts referred to in Article 2 shall apply. Where appropriate, Member States shall set up a specific court for minors if one does not already exist."

Or. fr

(Directive 2011/36/EU)

Amendment 170

Maria Walsh, Lena Düpont

Proposal for a directive

Article 1 – paragraph 1 – point 3 a (new)

Directive 2011/36/EU

Article 8

Present text

Member States shall, in accordance with the basic principles of their legal systems, take the necessary measures to ensure that competent national authorities are entitled not to prosecute or impose penalties on victims of trafficking in human beings for their involvement in criminal activities which they have been ***compelled to commit*** as a direct consequence of being subjected to any of the acts referred to in Article 2.

Amendment

(3a) Article 8 is replaced by the following:

"1. Member States shall, in accordance with the basic principles of their legal systems, take the necessary measures to ensure that ***the appointed competent national authorities are entitled not to prosecute or impose penalties on victims of trafficking in human beings for their involvement in criminal activities which they have been ***exploited into committing*** as a direct consequence of being subjected***

to any of the acts referred to in Article 2.

2. In accordance with the principle of non-discrimination, the principle of protection of victims and the right to effective access to justice, Member States shall ensure support and prevention measures apply to all victims in order to avoid their re-victimisation.

3. Member States shall support a close cooperation between law enforcement authorities and competent non-governmental organizations, particularly those which have already a trusted link with European and national law enforcement agencies, in order to support a linkage between victims and law enforcement with regards to the significance of the testimony of victims and their willingness to cooperate for the prosecution of any act referred to in Article 2 and 3."

Or. en

(<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:en:PDF>)

Amendment 171

Lena Düpont, Frances Fitzgerald, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Article 1 – paragraph 1 b (new)

Directive 2011/36/EU

Article 8

Present text

Member States shall, in accordance with the basic principles of their legal systems, take the necessary measures to ensure that competent national authorities are entitled not to prosecute or impose penalties on victims of trafficking in human beings for

Amendment

in Article 8, the following paragraphs are added:

"1. Member States shall, in accordance with the basic principles of their legal systems, take the necessary measures to ensure that competent national authorities are entitled not to prosecute or impose penalties on victims of trafficking in

their involvement in criminal activities which they have been compelled to commit as a direct consequence of being subjected to any of the acts referred to in Article 2.

human beings for their involvement in criminal activities which they have been compelled to commit as a direct consequence of being subjected to any of the acts referred to in Article 2.

2. Member States shall take the necessary measures to ensure that the competent national authorities take decisions referred to in paragraph 1 depending on the efficient cooperation of the victim in the criminal investigation, prosecution or trial, if this conditionality is considered necessary for the prosecution by the competent authorities.

3. In accordance with the principle of non-discrimination, the principle of protection of victims and the right to effective access to justice, Member States shall ensure support and prevention measures apply to all victims in order to avoid their re-victimisation.

4. Member States shall support a close cooperation between law enforcement authorities and competent non-governmental organizations, which have already an established trustful link with European and national law enforcement agencies, in order to support a linkage between victims and law enforcement with regards to the significance of the testimony of victims and their willingness to cooperate for the prosecution of any act referred to in Article 2 and 3."

Or. en

(32011L0036)

Amendment 172
Patricia Chagnon

Proposal for a directive
Article 1 – paragraph 1 a (new)
Directive 2011/36/EU

Article 8 a (new)

Text proposed by the Commission

Amendment

The following Article is inserted:

Article 8a (new): Presumed victims shall cooperate with Member States' law enforcement services to help dismantle criminal networks. When such cooperation takes place, it is necessary to ensure that administrative or criminal proceedings are not initiated against presumed victims. It is therefore necessary to review Directive 2011/36/EU in order to ensure the non-prosecution, non-application of penalties and support to victims is conditional on their cooperation in the criminal investigation, prosecution or trial.

Or. fr

Amendment 173

Lívía Járóka

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 2011/36/EU

Article 9 – paragraph 3

Text proposed by the Commission

Amendment

In Article 9 paragraph 3 is replaced by the following:

3. Member States shall take the necessary measures to ensure that persons, units or services responsible for investigating or prosecuting the offences referred to in Articles 2 and 3 are trained accordingly. Member States encouraged to ensure that professionals likely to come into contact with victims of trafficking, such as law enforcement authorities, health care personnel, social services, general and specialist support services and judicial authorities, receive evidence-

based training and targeted information on a level appropriate to their contacts with victims, to enable them to detect, prevent and address trafficking in human beings and avoid revictimisation. Such training shall be developed in consultation with women's specialist support services and support services specialised in victims of trafficking, and shall be human rights based, child rights based, victim-centred, sex-, disability-, ethnicity-, language- and child- sensitive and trauma-informed."

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

(See wording of Article 9, paragraph 3 of Directive 2011/36/EU)

Justification

This amendment is necessary to ensure coherence. It applies throughout the text. Adopting it will necessitate corresponding changes throughout.

Amendment 174

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Article 1 – paragraph 1 – point 3 a (new)

Directive 2011/36/EU

Article 9 – paragraph 3

Present text

3. Member States shall take the necessary measures to ensure that persons, units or services responsible for investigating or prosecuting the offences referred to in Articles 2 and 3 are trained accordingly

Amendment

(3a) In Article 9, paragraph 3 is replaced by the following:

"3. Member States shall take the necessary measures to ensure that persons, units or services responsible for investigating or prosecuting the offences referred to in Articles 2 and 3 are trained accordingly. ***Member States should ensure the creation of specialized units on the fight against trafficking within Member***

States' police forces and prosecution."

Or. en

(Directive 2011/36/EU)

Amendment 175
Alice Kuhnke

Proposal for a directive
Article 1 – paragraph 1 – point 3
Directive 2011/36/EU
Article 9 – paragraph 4

Text proposed by the Commission

Amendment

3b. in Article 9, paragraph 4 is amended as follows:

4. Member States shall take the necessary measures to ensure that effective investigative tools, such as those which are used in organised crime or other serious crime cases are available to persons, units or services responsible for investigating or prosecuting the offences referred to in Articles 2, 2a, and 3. Member States shall ensure that measures taken to detect, prevent, investigate and prosecute the offences referred to in Articles 2, 2a, and 3 are proportionate to the offence committed or the accusation against the person concerned, and are ordered without prejudice to the procedural safeguards established under national law, and the guarantees provided under the Union data protection acquis. Member States shall ensure that measures taken by competent authorities to investigate or prosecute the offences referred to in Article 2a respect victims' rights to privacy.

Or. en

Amendment 176

PE750.067v02-00

96/174

AM1282466EN.docx

Maria Walsh

Proposal for a directive

Article 1 – paragraph 1 a (new)

Directive 2011/36/EU

Article 9

Present text

1. Member States shall ensure that investigation into or prosecution of offences referred to in Articles 2 and 3 is not dependent on reporting or accusation by a victim and that criminal proceedings may continue even if the victim has withdrawn his or her statement. 2. Member States shall take the necessary measures to enable, where the nature of the act calls for it, the prosecution of an offence referred to in Articles 2 **and 3** for a sufficient period of time after the victim has reached the age of majority. 3. Member States shall take the necessary measures to ensure that persons, units or services responsible for investigating or prosecuting the offences referred to in Articles 2 and 3 are trained accordingly. 4. Member States shall take the necessary measures to ensure that effective investigative tools, such as those which are used in organised crime or other serious crime cases are available to persons, units or services responsible for investigating or prosecuting the offences referred to in Articles 2 and 3.

Amendment

Article 9 is replaced by the following:

"1. Member States shall ensure that investigation into or prosecution of offences referred to in Articles 2 and 3 is not dependent on reporting or accusation by a victim ***or their legal representative*** and that criminal proceedings may continue even if the victim has withdrawn his or her statement ***of formal accusation.***

2. Member States shall take the necessary measures to enable, where the nature of the act calls for it, the prosecution of an offence referred to in Articles 2 **and 3** for a sufficient period of time after the victim has reached the age of majority.

3. Member States shall take the necessary measures to ensure that persons, units or services responsible for investigating or prosecuting the offences referred to in Articles 2 and 3 are trained accordingly, ***in a gender sensitive way.***

4. Member States shall take the necessary measures to ensure that effective investigative tools, such as those which are used in organised crime or other serious crime cases are available to persons, units or services responsible for investigating or prosecuting the offences referred to in Articles 2 and 3."

Or. en

(<https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32011L0036>)

Amendment 177

Lena Düpont, Frances Fitzgerald, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Article 1 – paragraph 1 c (new)

Directive 2011/36/EU

Article 9

Present text

1. Member States shall ensure that investigation into or prosecution of offences referred to in Articles 2 and 3 is not dependent on reporting or accusation by a victim and that criminal proceedings may continue even if the victim has withdrawn his or her statement.

2. Member States shall take the necessary measures to enable, where the nature of the act calls for it, the prosecution of an offence referred to in Articles 2 and 3 for a sufficient period of time after the victim has reached the age of majority.

3. Member States shall take the necessary measures to ensure that persons, units or services responsible for investigating or prosecuting the offences referred to in Articles 2 and 3 are trained accordingly.

Amendment

Article 9 is replaced by the following:

"1. Member States shall ensure that investigation into or prosecution of offences referred to in Articles 2 and 3 is not dependent on reporting or accusation by a victim ***or their legal representative*** and that criminal proceedings may continue even if the victim has withdrawn his or her statement ***or formal accusation***.

2. Member States shall take the necessary measures to enable, where the nature of the act calls for it, the prosecution of an offence referred to in Articles 2 and 3 for a sufficient period of time after the victim has reached the age of majority.

3. Member States shall take the necessary measures to ensure that persons, units or services responsible for investigating or prosecuting the offences referred to in Articles 2 and 3 are trained accordingly, ***in a gender sensitive way***.

4. Member States shall take the necessary measures to ensure that effective investigative tools, such as those which are used in organised crime or other serious crime cases are available to persons, units or services responsible for investigating or prosecuting the offences referred to in Articles 2 and 3.

4. Member States shall take the necessary measures to ensure that effective investigative tools, such as those which are used in organised crime or other serious crime cases are available to persons, units or services responsible for investigating or prosecuting the offences referred to in Articles 2 and 3.

5. Member States shall take the necessary measures to ensure that penalties caused by an offence referred to in Articles 2 and 3 are reduced in case of a user's voluntary willingness to cooperate in the investigation.

6. Member States shall, in accordance with the basic principles of their legal systems, take the necessary measures to ensure that competent national authorities are entitled not to prosecute or impose penalties for an offence referred to in Article 18a (1), if the accused person is cooperating with the authorities and the testimony given is of substantial value for the prosecution of offences referred to in Articles 2 and 3."

Or. en

(32011L0036)

Amendment 178
Alice Kuhnke

Proposal for a directive
Article 1 – paragraph 1 – point 3 a (new)
Directive 2011/36/EU
Article 11 – title

Text proposed by the Commission

Amendment

(3a) In Article 11, the title is replaced by the following:

Assistance, support and protection for victims of trafficking in human beings

Amendment 179

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Article 1 – paragraph 1 – point 3 b (new)

Directive 2011/36/EU

Article 11 – paragraph 1

Present text

1. Member States shall take the necessary measures to ensure that assistance and support are provided to victims before, during and for an appropriate period of time after the conclusion of criminal proceedings in order to enable them to exercise the rights set out in Framework Decision 2001/220/JHA, and in this Directive.

Amendment

(3b) in Article 11, paragraph 1 is replaced by the following:

"1. Member States shall take the necessary measures to ensure that assistance and support are provided to victims before, during and for an appropriate period of time after the conclusion of criminal proceedings in order to enable them to exercise the rights set out in Framework Decision 2001/220/JHA, and in this Directive. **Member States shall ensure that the victims have access to assistance free of charge and in a language they can understand.**"

(Directive 2011/36/EU)

Amendment 180

Lívia Járóka

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive 2011/36/EU

Article 11 – paragraph 1

Text proposed by the Commission

Amendment

In article 11, paragraph 1 is replaced by the following:

1. Member States shall take the necessary measures to ensure that

assistance and support are provided to victims before, during and for an appropriate period of time determined by the Member States after the conclusion of criminal proceedings on the basis of an individual assessment.

Or. en

(See wording of Article 11, paragraph 1 of Directive 2011/36/EU)

Justification

This amendment is necessary to ensure coherence. It applies throughout the text. Adopting it will necessitate corresponding changes throughout.

Amendment 181
Patricia Chagnon

Proposal for a directive
Article 1 – paragraph 1 – point 4 a (new)
Directive 2011/36/EU
Article 11 – paragraph 1

Present text

Article 11

Assistance and support for victims of trafficking in human beings

1. Member States shall take the necessary measures to ensure that assistance and support are provided *to victims* before, during and for an appropriate period of time after the *conclusion of* criminal proceedings *in order to enable them to exercise the rights set out in Framework Decision 2001/220/JHA, and in this Directive.*

Amendment

(4a) Article 11(1) is replaced by the following:

“Article 11

Assistance and support for victims of trafficking in human beings

1. Member States shall take the necessary measures to ensure that assistance and support are provided before, during and for an appropriate period of time after the criminal proceedings *and then, where appropriate, escort, to their state of origin as a matter of priority, victims who have been brought to the territory of a Member State by force or deception.*”

Or. fr

(Directive 2011/36/EU)

Amendment 182

Lena Düpont, Frances Fitzgerald, Maria Walsh, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Article 1 – paragraph 1 d (new)

Directive 2011/36/EU

Article 11 – paragraph 1

Present text

1. Member States shall take the necessary measures to ensure that assistance and support are provided to victims before, during and for an appropriate period of time after the conclusion of criminal proceedings in order to enable them to exercise the rights set out in Framework Decision 2001/220/JHA, and in this Directive.

Amendment

In Article 11, paragraph 1 is replaced by the following:

"1. Member States shall take the necessary measures to ensure that assistance and support are provided to victims before, during and for an appropriate period of time after the conclusion of criminal proceedings in order to enable them to exercise the rights set out in Framework Decision 2001/220/JHA, and in this Directive ***in a child and gender sensitive approach. This assistance and support should be available even if the victim does not want to pursue charges.***"

Or. en

(32011L0036)

Amendment 183

Maria Walsh, Lena Düpont

Proposal for a directive

Article 1 – paragraph 1 – point 4 a (new)

Directive 2011/36/EU

Article 11 – paragraph 2

Present text

2. Member States shall take the necessary measures to ensure that a person is provided with assistance and support as

Amendment

(4a) In Article 11, paragraph 2 is replaced by the following:

"2. Member States shall take the necessary measures to ensure that a person is provided with ***the necessary specialised***

soon as the competent authorities have a reasonable-grounds indication for believing that the person might have been subjected to any of the offences referred to in Articles 2 and 3.

physical and psychological assistance and support as soon as the competent authorities have a reasonable-grounds indication for believing that the person might have been subjected to any of the offences referred to in Articles 2 and 3. ***All victims must be referred to the necessary specialised victims' supports services in order to conduct an individual assessment on their needs.***"

Or. en

(<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:en:PDF>)

Amendment 184

Lena Düpont, Frances Fitzgerald, Maria Walsh, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Article 1 – paragraph 1 e (new)

Directive 2011/36/EU

Article 11 – paragraph 2

Present text

2. Member States shall take the necessary measures to ensure that a person is provided with assistance and support as soon as the competent authorities have a reasonable-grounds indication for believing that the person might have been subjected to any of the offences referred to in Articles 2 and 3.

Amendment

In Article 11, paragraph 2 is replaced by the following:

"2. Member States shall take the necessary measures to ensure that a person is provided with ***specialised physical and psychological*** assistance and support as soon as the competent authorities have a reasonable-grounds indication for believing that the person might have been subjected to any of the offences referred to in Articles 2 and 3."

Or. en

(32011L0036)

Amendment 185

Lívia Járóka

Proposal for a directive
Article 1 – paragraph 1 – point 3
Directive 2011/36/EU
Article 11 – paragraph 3

Text proposed by the Commission

Amendment

In article 11, paragraph 3 is replaced by the following:

3. Member States are encouraged 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.

Or. en

(See wording of Article 11, paragraph 3 of Directive 2011/36/EU)

Justification

This amendment is necessary to ensure coherence. It applies throughout the text. Adopting it will necessitate corresponding changes throughout.

Amendment 186
Maria Walsh

Proposal for a directive
Article 1 – paragraph 1 – point 4 b (new)
Directive 2011/36/EU
Article 11– paragraph 3

Present text

Amendment

3. Member States shall 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, without prejudice to Directive 2004/81/EC or similar national rules.

(4b) Article 11– paragraph 3 is replaced by the following:

"3. Member States shall 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 ***and shall extend beyond the lifetime of the investigation where necessary***, without prejudice to Directive 2004/81/EC or

similar national rules."

Or. en

(<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:en:PDF>)

Amendment 187

Alice Kuhnke

Proposal for a directive

Article 1 – paragraph 1 – point 4 – introductory part

Directive 2011/36/EU

Article 11

Text proposed by the Commission

(4) in Article 11, **paragraph 4 is** replaced by the following:

Amendment

(4) In Article 11, **paragraphs 1, 2, 3 and 4 are** replaced by the following:

Or. en

Amendment 188

Alice Kuhnke

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2011/36/EU

Article 11 – paragraph 4

Text proposed by the Commission

Amendment

-4. In Article 11, the following paragraphs are added:

1. Member States shall take the necessary measures to ensure that gender-sensitive assistance, support and protection are provided to victims, including before, during and for an appropriate period of time after the conclusion of criminal proceedings necessary for their physical and psychological recovery on the basis of a timely and individual assessment including a risk assessment. and in order

to enable them to exercise the rights set out in Directive 2012/29/EU and in this Directive.

2. Member States shall take the necessary measures to ensure that a person is considered and treated as a victim, provided with assistance, support and protection as soon as the competent authorities have a reasonable-grounds indication for believing that the person might have been subjected to any of the offences referred to in Articles 2 and 3.

3. Member States shall ensure that assistance, and support and protection for a victim are not made conditional on the victim's willingness to cooperate in the criminal investigation, prosecution or trial. Member States shall ensure that professionals likely to come into contact with victims of trafficking, including law enforcement authorities, health care personnel, social services, general and specialist support services and judicial authorities, receive evidence-based training and targeted information on a level appropriate to their contacts with victims, to enable them to detect, prevent and address trafficking in human beings and avoid secondary victimisation. Such training shall be developed through an intersectional lens in consultation with relevant stakeholders including support services specialised in victims of trafficking, and shall be victim-centred.

Or. en

Amendment 189
Alice Kuhnke

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2011/36
Article 11 – paragraph 4

Text proposed by the Commission

4. Member States shall take the necessary measures to establish by laws, regulations or administrative provisions, national referral mechanisms aimed at the early identification of, assistance to, and support for victims, in cooperation with relevant support organisations, and to appoint a national focal point for the referral of victims.

Amendment

4. ***In Article 11, paragraph 4 is replaced by the following:***

Member States shall take the necessary measures to establish by laws, regulations or administrative provisions, national referral mechanisms aimed at the early identification of, assistance to, and support for victims, in cooperation with relevant support organisations, and to appoint a national focal point for the referral of victims. ***National referral mechanisms shall include close cooperation and establish protocols with national asylum authorities to ensure that protection, support and assistance is provided to victims of trafficking who are also in need of international protection, taking into account the victim's individual circumstances, including whether they experience discrimination based on grounds such as gender, sex, race or ethnicity, disability, age, sexual orientation, gender identity, gender expression and sex characteristics, or a combination of those. Member States shall ensure compliance with the principle of non-refoulement and the right of victims to claim for international protection.***

Or. en

Amendment 190

Abir Al-Sahlan, Yana Toom, Sylvie Brunet

Proposal for a directive

Article 1 – paragraph 1 – point 4

Text proposed by the Commission

4. Member States shall take the necessary measures to establish by laws, regulations or administrative provisions, national referral mechanisms aimed at the early identification of, assistance to, and support for victims, in cooperation with relevant support organisations, and to appoint a national focal point for the referral of victims.

Amendment

4. ***In Article 11, paragraph 4 is replaced by the following:***

Member States shall take the necessary measures to establish by laws, regulations or administrative provisions, national referral mechanisms aimed at the early identification of, assistance to, and support for victims, in cooperation with relevant support organisations, and to appoint a national focal point for the referral of victims. ***In addition, when dealing with child victims, in particular, girls, the referral mechanisms shall provide support in a manner that is particularly adapted to their vulnerability, as set out in the context of this Directive.***

Or. en

Justification

Amendment necessary for internal coherence

Amendment 191
Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2011/36/EU
Article 11 – paragraph 4

Text proposed by the Commission

4. Member States shall take the necessary measures to establish by laws,

Amendment

4. ***In Article 11, paragraph 4 is replaced by the following:***

regulations or administrative provisions, national referral mechanisms aimed at the **early** identification of, assistance to, and support for victims, in cooperation with relevant support organisations, and to appoint a national focal point for the referral of victims.

Member States shall take the necessary measures to establish by laws, regulations or administrative provisions, national referral mechanisms aimed at the **detection**, identification of, assistance to, and support for **presumed and formally identified** victims, in cooperation with relevant support organisations, and to appoint a national focal point for the referral of victims. **Detection and identification shall incorporate an articulated multi-stakeholder approach.**

Or. en

Justification

This amendment is needed to ensure coherence with the amendment made by the Commission in article 11.4.

Amendment 192

Lívia Járóka

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2011/36/EU

Article 11 – paragraph 4

Text proposed by the Commission

4. Member States **shall** take the necessary measures to establish by laws, regulations or administrative provisions, national referral mechanisms aimed at the **early** identification of, assistance to, and support for victims, in cooperation with relevant support organisations, and to appoint a national focal point for the referral of victims.

Amendment

4. ***In Article 11, paragraph 4 is replaced by the following:***

Member States **are encouraged to** take the necessary measures to establish by laws, regulations or administrative provisions, national referral mechanisms aimed at the **detection**, identification of, assistance to, and support for **presumed and formally identified** victims, in cooperation with relevant support organisations, and to appoint a national focal point for the referral of victims.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

(See wording of Article 11, paragraph 4 of Directive 2011/36/EU)

Justification

This amendment is necessary to ensure coherence.

Amendment 193

Yana Toom, Abir Al-Sahlani, Hilde Vautmans

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2011/36/EU

Article 11 paragraph 4

Text proposed by the Commission

4. Member States shall take the necessary measures to establish by laws, regulations or administrative provisions, national referral mechanisms aimed at the early identification of, assistance to, and support for victims, in cooperation with relevant support organisations, and to appoint a national focal point for the referral of victims.

Amendment

4. Member States shall take the necessary measures to establish by laws, regulations or administrative provisions, national referral mechanisms aimed at the early identification of, assistance to, and support for victims, in cooperation with relevant support organisations, and to appoint a national focal point for the referral of victims. ***In cases involving children and child victims, the referral mechanisms shall provide support in a manner that is particularly adapted to their vulnerability, as set out in the context of this Directive***

Amendment 194
Patricia Chagnon

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2011/36/EU
Article 11 – paragraph 4

Text proposed by the Commission

4. Member States shall take the necessary measures to establish by laws, regulations or administrative provisions, national referral mechanisms aimed at the early identification of, assistance to, and support for victims, in cooperation with relevant support organisations, and to appoint a national focal point for the referral of victims.”

Amendment

4. ***In Article 11, paragraph 4 is replaced by the following:***

Member States shall take the necessary measures to establish by laws, regulations or administrative provisions, national referral mechanisms aimed at the early identification of, assistance to, and support for victims, in cooperation with relevant support organisations, and to appoint a national focal point for the referral of victims ***and, once the legal proceedings have ended, to allow them to return to their states of origin as a matter of priority.***

Or. fr

Amendment 195
Vincenzo Sofo, Jadwiga Wiśniewska, Margarita de la Pisa Carrión

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2011/36/EU
Article 11 – paragraph 4

Text proposed by the Commission

4. Member States shall take the necessary measures to establish by laws, regulations or administrative provisions, national referral mechanisms aimed at the early identification of, assistance to, and support for victims, in cooperation with relevant support organisations, and to appoint a national focal point for the referral of victims.

Amendment

4. ***In Article 11, paragraph 4 is replaced by the following:***

Member States shall take the necessary measures to establish by laws, regulations or administrative provisions, national referral mechanisms aimed at the early identification of, assistance to, and support for victims, in cooperation with relevant support organisations, ***including hotlines***, and to appoint a national focal point for the referral of victims.

Or. en

Amendment 196

Yana Toom, Abir Al-Sahlani, Hilde Vautmans

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2011/36/EU

Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In Article 11, the following paragraph is inserted:

“4a.

Member States shall take the necessary measures to ensure identification and referral of victims of human trafficking by relevant State authorities and officials such as police, border guards, immigration officials and others involved in the detection, detention, reception and processing of irregular migrants, refugees, asylum seekers, displaced persons and stateless persons, to permit

the rapid and accurate identification of victims of human trafficking.

Or. en

Justification

The amendment is necessary for coherence with amendment 5 and 9

Amendment 197

Lena Düpont, Frances Fitzgerald, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2011/36/EU

Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In Article 11, the following paragraph is inserted:

Member States shall ensure that victims of human trafficking can claim international protection or similar forms of protection provided by national legislation where the willingness of victims to cooperate with national law enforcements is sufficiently assessed.

Or. en

Amendment 198

Lívia Járóka

Proposal for a directive

Article 1 – paragraph 1 – point 4 a (new)

Directive 2011/36/EU

Article 11 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(4a) in Article 11, the following paragraph is inserted:

Member States need to take the necessary measures to ensure identification and referral of victims of trafficking in human beings during international protection procedures and among applicants for international protection, and ensure that victims of trafficking in human beings can claim international protection or similar forms of protection provided for by national legislation, including where the victim is receiving assistance and support referred to in paragraph 3 of this Article.

Or. en

(See wording of Article 11, of Directive 2011/36/EU)

Justification

This amendment is necessary to ensure coherence. It applies throughout the text. Adopting it will necessitate corresponding changes throughout.

Amendment 199

Livia Járóka

Proposal for a directive

Article 1 – paragraph 1 – point 4 b (new)

Directive 2011/36/EU

Article 11 – paragraph 4

Text proposed by the Commission

Amendment

(4b) Member States need to ensure that victims of trafficking who are applicants for or beneficiaries of international protection have access to assistance and support measures laid down under anti-trafficking and asylum regimes.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

(See wording of Article 11, of Directive 2011/36/EU)

Justification

This amendment is necessary to ensure coherence.

Amendment 200

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Article 1 – paragraph 1 – point 4 a (new)

Directive 2011/36/EU

Article 11 – paragraph 5

Present text

5. The assistance and support measures referred to in paragraphs 1 and 2 shall be provided on a consensual and informed basis, and shall include at least standards of living capable of ensuring victims' subsistence through measures such as the provision of appropriate and safe accommodation and material assistance, as well as necessary medical treatment including psychological assistance, counselling and information, and translation and interpretation services where appropriate.

Amendment

(4a) in Article 11, paragraph 5, is replaced by the following:

"5. The assistance and support measures referred to in paragraphs 1 and 2 shall be provided on a consensual and informed basis, and shall include **long-term assistance and** at least standards of living capable of ensuring victims' subsistence through measures such as the provision of appropriate and safe accommodation and material assistance, **access to education and labour market** as well as necessary medical treatment including psychological assistance, counselling and information, and translation and interpretation services where appropriate."

Or. en

(Directive 2011/36/EU)

Amendment 201

Maria Walsh, Lena Düpont

Proposal for a directive

Article 1 – paragraph 1 – point 4 c (new)

Directive 2011/36/EU

Article 11 – paragraph 5

Present text

5. The assistance and support measures referred to in paragraphs 1 and 2 shall be provided on a consensual and informed basis, and shall include at least standards of living capable of ensuring victims' subsistence through measures such as the provision of appropriate and safe accommodation and material assistance, as well as necessary medical treatment including psychological assistance, counselling and information, and translation and interpretation services where appropriate.

Amendment

(4c) Article 11– paragraph 5 is replaced by the following:

"5. The assistance and support measures referred to in paragraphs 1 and 2 shall be provided on a consensual and informed basis, and shall include at least standards of living capable of ensuring victims' subsistence through measures such as the provision of appropriate and safe accommodation and material assistance, as well as necessary medical treatment including psychological assistance, counselling and information, and translation and interpretation services where appropriate. ***Support measures are also necessary for protection to be adequately afforded to those child victims who go through adoption and welfare services.***"

Or. en

(<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:en:PDF>)

Amendment 202

Lena Düpont, Frances Fitzgerald, Maria Walsh, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Article 1 – paragraph 1 f (new)

Directive 2011/36/EU

Article 11 – paragraph 5

Present text

5. The assistance and support measures referred to in paragraphs 1 and 2 shall be provided on a consensual and informed basis, and shall include at least standards of living capable of ensuring victims' subsistence through measures

Amendment

In Article 11, paragraph 5 is replaced by the following:

"5. The assistance and support measures referred to in paragraphs 1 and 2 shall be provided on a consensual and informed basis, and shall include at least standards of living capable of ensuring victims' subsistence through measures

such as the provision of appropriate and safe accommodation and material assistance, as well as necessary medical treatment including psychological assistance, counselling and information, and translation and interpretation services where appropriate.

such as the provision of appropriate and safe accommodation and material assistance, as well as necessary medical treatment including psychological assistance, counselling and information, and translation and interpretation services where appropriate, ***together with providing the resources for their economic and social recovery through access to training and employment. As for child victims, they should have access to specialised child protection and support services, including child friendly shelters and facilities.***"

Or. en

(32011L0036)

Amendment 203
Alice Kuhnke

Proposal for a directive
Article 1 – paragraph 1 – point 4
Directive 2011/36/EU
Article 11 – paragraph 7

Text proposed by the Commission

Amendment

4a. In Article 11, paragraph 7 is replaced by the following:

7. Member States shall attend to victims with special needs, where those needs derive, in particular, from whether they are pregnant, their health, a disability, or a serious form of psychological, physical or sexual violence they have suffered.

Or. en

Amendment 204
Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Article 1 – paragraph 1 – point 4 b (new)

Directive 2011/36/EU

Article 11 – paragraph 7

Present text

7. Member States shall attend to victims with special needs, where those needs derive, in particular, from whether they are pregnant, their health, a disability, ***a mental or psychological disorder they have***, or a serious form of psychological, physical or sexual violence they have suffered.

Amendment

(4b) In Article 11, paragraph 7, is replaced by the following:

"7. The assistance and protection mechanisms provided to the victims must be adapted to the type of trafficking or exploitation of human beings suffered and the profile of the victim. Member States shall attend to victims with special needs, where those needs derive, in particular, from whether they are pregnant, their health, a disability or a serious form of psychological, physical or sexual violence they have suffered."

Or. en

(Directive 2011/36/EU)

Amendment 205

Maria Walsh, Lena Düpont

Proposal for a directive

Article 1 – paragraph 1 – point 4 d (new)

Directive 2011/36/EU

Article 11– paragraph 7

Present text

7. Member States shall attend to victims with special needs, where those needs derive, in particular, from whether they are pregnant, their health, a disability, a mental or psychological disorder they have, or a serious form of psychological, physical or sexual violence they have suffered.

Amendment

(4d) In Article 11– paragraph 7 is replaced by the following:

"7. Member States shall attend to victims with special needs, where those needs derive, in particular, from whether they are pregnant, their health, a disability, a mental or psychological disorder they have, or a serious form of psychological, physical or sexual violence they have suffered. All psychological and physical assistance and support offered should therefore have a gender-specific and child

sensitive approach where applicable, in order to appropriately protect the physical and mental wellbeing of victims."

Or. en

(<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:en:PDF>)

Amendment 206

Maria-Manuel Leitão-Marques, Juan Fernando López Aguilar

Proposal for a directive

Article 1 – paragraph 1 – point 4 a (new)

Directive 2011/36/EU

Article 11

Text proposed by the Commission

Amendment

(4a) In Article 11, the following paragraph is inserted:

"8. Support services for victims of trafficking in human beings shall have sufficient capacities to accommodate victims with disabilities, taking into consideration their specific needs, including personal assistance."

Or. en

Amendment 207

Alice Kuhnke

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2011/36/EU

Article 11

Text proposed by the Commission

Amendment

4b. In Article 11, the following paragraphs are added:

8. Member States shall ensure that assistance, support and protection services

for victims of trafficking have sufficient capacities to accommodate victims, taking into consideration their specific needs, including personal assistance. These services shall be provided free of charge, in a language they can understand and shall include the provision of information on legal, social and practical matters, including on access to legal aid and the referral to specialised services.

9. Member States shall ensure that family members have access to assistance, support and protection in accordance with their needs and the degree of harm suffered as a result of the criminal offence committed against the victim.

10. Member States shall adopt National anti-trafficking Action Plans which shall include:

i. preventive measures, including analysis aimed at the identification of economic and social sectors where the risk of trafficking is present;

ii. the development of due diligence schemes to be applied by natural and legal persons operating in the economic and social sectors where risk of trafficking is identified;

iii. strategies for monitoring the correct application of the diligence schemes developed for specific sectors where risk of trafficking is identified, including through inspections by and reporting to competent administrative authorities, and related follow-up measures;

iv. measures for systematic data collection and elaboration of statistics in accordance with Article 19a of this Directive;

v. appropriate mechanisms for coordination and cooperation at strategic and operational levels among all competent authorities. appropriate financial resources appropriate training and appropriate legal capabilities made available to competent authorities;

vi. strategies for the development and implementation of measures to prevent re-trafficking of victims;

vii. procedures for regular monitoring and evaluation of the results achieved through the implementation of the National anti-trafficking Action Plans;

The National anti-trafficking Action Plans and the reports prepared as a result of their implementation shall be publicly available.

Or. en

Amendment 208

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Article 1 – paragraph 1 – point 4 c (new)

Directive 2011/36/EU

Article 11 a (new)

Text proposed by the Commission

Amendment

(4c) The following article is inserted

Article 11 a (new):

Victims of trafficking in need of International Protection

1. Member States shall dedicate appropriate resources and take adequate measures to identify the needs for International Protection of victims of trafficking, including within the migration flows and hotspots. The victims shall be informed on their right to apply for International Protection, in a language they can understand at the earliest opportunity.

2. Member States shall take into account the specific situation of vulnerability of victims of trafficking in need of International Protection in the asylum procedures, including through special procedural guarantees in

accordance with Regulation EU/XX/YY of the European Parliament and of the Council [Proposed Regulation establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU]. Such assessment shall be carried out as soon as the competent authorities have reasonable grounds or indications for believing that the person might be a victim of trafficking.

3. Member States shall take the necessary measures to ensure a fully-fledged examination of the applications for International Protection of victims of trafficking in accordance with the asylum procedure as established by Regulation EU/XX/YY of the European Parliament and of the Council [Proposed Regulation establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU]. Member States shall not examine such applications in the framework of a border procedure.

4. Member States shall ensure complementarity between international protection systems and procedures for the protection of victims of trafficking. In doing so, appropriate and effective referral mechanisms shall be in place between the authorities involved in anti-trafficking activities and those responsible for granting International Protection.

5. Member States shall apply the provisions set out in the Regulation EU/XX/YY of the European Parliament and of the Council [Proposed Regulation on asylum and migration management and amending Council Directive (EC) 2003/109 and the proposed Regulation (EU) XXX/XXX] in a coherent way to prevent the transferring of victims of human trafficking to the country where they were exploited when they first arrived or where the offenders are present, thereby leaving them more exposed to the risk of being re-trafficked and re-

traumatised

6. Victims of trafficking in need of International Protection shall not be penalised on account of their illegal entry or stay in the European Union.

7. Member States shall ensure that the examination of applications for International Protection of victims of trafficking and the assessment of the merits of the application is not linked to considerations of a victim's willingness or ability to cooperate with the authorities in the criminal investigation and prosecution.

Or. en

Amendment 209

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Article 1 – paragraph 1 – point 4 d (new)

Directive 2011/36/EU

Article 11 b (new)

Text proposed by the Commission

Amendment

(4d) The following article is inserted

Article 11b (new):

Stateless victims of trafficking

1. Member States shall take into consideration the particular protection needs of persons who are stateless or at risk of statelessness, including by introducing mechanisms to establish the identity and nationality status of trafficking victims in order to prevent them from being rendered stateless.

2. Member States shall identify whether trafficking victims are stateless and shall take the necessary measures to ensure their assistance, support and protection in accordance with article 11.

Amendment 210
Maria Walsh, Lena Düpont

Proposal for a directive
Article 1 – paragraph 1 – point 4 e (new)
Directive 2011/36/EU
Article 12 – paragraph 2

Present text

2. Member States shall ensure that victims of trafficking in human beings have access without delay to legal counselling, and, in accordance with the role of victims in the relevant justice system, to legal representation, including for the purpose of claiming compensation. Legal counselling and legal representation shall be free of charge where the victim does not have sufficient financial resources.

Amendment

(4e) In Article 12, paragraph 2 is replaced by the following:

"2. Member States shall ensure that victims of trafficking in human beings have access without delay to legal counselling, and, in accordance with the role of victims in the relevant justice system, to legal representation, including for the purpose of claiming compensation. Legal counselling and legal representation shall be free of charge where the victim does not have sufficient financial resources ***and be provided in a language that the victim can reasonably understand.***"

(<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:en:PDF>)

Amendment 211
Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive
Article 1 – paragraph 1 – point 4 e (new)
Directive 2011/36/EU
Article 12 – paragraph 2

Present text

2. Member States shall ensure that

Amendment

(4e) in Article 12, paragraph 2 is replaced by the following:

"2. Member States shall ensure that

victims of trafficking in human beings have access without delay to legal counselling, and, in accordance with the role of victims in the relevant justice system, to legal representation, including for the purpose of claiming compensation. Legal counselling and legal representation shall be free of charge *where the victim does not have sufficient financial resources*.

victims of trafficking in human beings have access without delay to legal counselling *in a language they can understand*, and, in accordance with the role of victims in the relevant justice system, to legal representation, including for the purpose of claiming compensation. Legal counselling and legal representation shall be free of charge."

Or. en

(Directive 2011/36/EU)

Amendment 212

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Article 1 – paragraph 1 – point 4 f (new)

Directive 2011/36/EU

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(4f) in Article 13, the following paragraph is added:

2a (new)

2a. Member States shall ensure the early identification of child victims of trafficking who are also in need of International Protection, to ensure that any children who give any indication that they could be at risk of persecution are identified and referred to the competent national asylum authorities in accordance with article 11a.

Or. en

Amendment 213

Alice Kuhnke

Proposal for a directive

Article 1 – paragraph 1 – point 4 a (new)
Directive 2011/36/EU
Article 13

Text proposed by the Commission

Amendment

(4a) In Article 13, the following paragraphs are inserted:

3. Member States shall ensure that reporting procedures are safe, confidential and accessible for children, in accordance with their age and maturity.

4. Member States shall ensure that psychological, psychosocial, emotional and educational support is provided to child victims in accordance to their age and maturity. Support shall also be provided to children who have witnessed trafficking or children who became deprived of parental care as a result of trafficking.

Or. en

Amendment 214
Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive
Article 1 – paragraph 1 – point 4 a (new)
Directive 2011/36/EU
Article 14

Text proposed by the Commission

Amendment

(4a) Article 14, paragraph 1, is amended as follows:

1. Member States shall take the necessary measures to ensure that the specific actions to assist and support child victims of trafficking in human beings, in the short and long term, in their physical and psycho-social recovery, are undertaken following an individual assessment of the special circumstances of each particular child victim, taking due

account of the child's views, needs and concerns with a view to finding a durable solution for the child, including programs to support their transition to emancipation and adulthood in order to avoid re-trafficking . Within a reasonable time, Member States shall provide access to education for child victims and the children of victims who are given assistance and support in accordance with Article 11, in accordance with their national law. Member States shall provide accommodation for child victims without depriving them of liberty.

Or. en

Amendment 215
Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive
Article 1 – paragraph 1 – point 4 b (new)
Directive 2011/36/EU
Article 14 – paragraph 2

Text proposed by the Commission

Amendment

(4b) In article 14 paragraph 2, the following paragraph is added at the end:

This provision shall apply also if the child is a victim of trafficking in human beings while being under the guardianship of a public or a private institution.

Or. en

Justification

This amendment is needed to ensure coherence with the amendment made by the Commission in article 11.4.

Amendment 216
Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Article 1 – paragraph 1 – point 4 g (new)

Directive 2011/36/EU

Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(4g) in Article 14, the following paragraph is added:

"2a. Member States shall ensure that reporting procedures are safe, confidential and accessible for children, in accordance with their age and maturity."

Or. en

Amendment 217

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Article 1 – paragraph 1 – point 4 h (new)

Directive 2011/36/EU

Article 15 – paragraph 2

Present text

Amendment

2. Member States shall, in accordance with the role of victims in the relevant justice system, ensure that child victims have access without delay to free legal counselling and to free legal representation, including for the purpose of claiming compensation, unless they have sufficient financial resources.

(4h) in Article 15, paragraph 2 is replaced by the following:

"2. Member States shall, in accordance with the role of victims in the relevant justice system, ensure that child victims have access without delay to free legal counselling **in a language they can understand** and to free legal representation, including for the purpose of claiming compensation, unless they have sufficient financial resources."

Or. en

(Directive 2011/36/EU)

Amendment 218

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive
Article 1 – paragraph 1 – point 4 i (new)
Directive 2011/36/EU
Article 15 – paragraph 3 – point a

Present text

(a) interviews with the child victim take place without ***unjustified*** delay after the facts have been reported to the competent authorities;

Amendment

(4i) in Article 15, paragraph 3a is replaced by the following:

"(a) interviews with the child victim take place without delay after the facts have been reported to the competent authorities;"

Or. en

(Directive 2011/36/EU)

Amendment 219
Lena Düpont, Frances Fitzgerald, Maria Walsh, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive
Article 1 – paragraph 1 g (new)
Directive 2011/36/EU
Article 16 – paragraph 1

Present text

1. Member States shall take the necessary measures to ensure that the specific actions to assist and support child victims of trafficking in human beings, as referred to in Article 14(1), take due account of the personal and special circumstances of the unaccompanied child victim.

Amendment

In Article 16, paragraph 1 is replaced by the following:

"1. Member States shall take the necessary measures to ensure that the specific actions to assist and support child victims of trafficking in human beings, as referred to in Article 14(1), take due account of the personal and special circumstances of the unaccompanied child victim. ***Law enforcement authorities should be adequately trained for assisting and supporting unaccompanied minors.***"

Or. en

(32011L0036)

Amendment 220

Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive

Article 1 – paragraph 1 – point 4 c (new)

Directive 2011/36/EU

Article 16 – paragraph 3

Text proposed by the Commission

Amendment

(4c) Article 16 paragraph 3 is replaced by the following:

Member States shall ensure that a guardian is appointed to unaccompanied child victims of trafficking in human beings to represent, assist and act on their behalf, as applicable, in order to safeguard their interests and general well-being and so that the unaccompanied minor can benefit from the rights under this Directive and that the necessary measures are taken to determine their identity and nationality and to find their family, provided that this is in the best interest of the child.

Or. en

Justification

This amendment is needed to ensure coherence with the amendment made by the Commission in article 11.4.

Amendment 221

Lena Düpont, Frances Fitzgerald, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Article 1 – paragraph 1 h (new)

Directive 2011/36/EU

Article 16 – paragraph 4

Present text

Amendment

In Article 16, paragraph 4 is replaced by

4. Member States shall take the necessary measures to ensure that, in criminal investigations and proceedings, in accordance with the role of victims in the relevant justice system, competent authorities appoint a representative where the child is unaccompanied or separated from its family.

the following:

"4. Member States shall take the necessary measures to ensure that, in criminal investigations and proceedings, in accordance with the role of victims in the relevant justice system, competent authorities appoint a representative where the child is unaccompanied or separated from its family. ***Those persons should be adequately trained and specialised for the specific case of child victims to take particularly into account their vulnerabilities and needs. If the case relevant authorities across the EU should cooperate for tracing the family.***"

Or. en

(32011L0036)

Amendment 222

Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive

Article 1 – paragraph 1 – point 4 d (new)

Directive 2011/36/EU

Article 16

Text proposed by the Commission

Amendment

(4d) In Article 16, the following paragraph is added at the end:

(5a) Member States shall take appropriate action to facilitate cooperation between each other in cases of disappearance of unaccompanied child victims of trafficking in human beings to find and protect them.

Or. en

Justification

This amendment is needed to ensure coherence with the amendment made by the Commission in article 11.4, as well as the amendments made by the co-rapporteurs in recital 23 and article 16.3.

Amendment 223
Alice Kuhnke

Proposal for a directive
Article 1 – paragraph 1 – point 4 b (new)
Directive 2011/36/EU
Article 17 – paragraph 1

Text proposed by the Commission

Amendment

(4b) Article 17, paragraph 1 is amended as follows and paragraph 2 is added:

1. Member States shall ensure that victims of trafficking in human beings have access to existing schemes of compensation to victims of violent crimes of intent, including the right to seek compensation from the offender.

2. Member States shall take the necessary measures to ensure that recovered assets and administrative fines are used to pay compensation to victims.

Or. en

Amendment 224
Lívia Járóka

Proposal for a directive
Article 1 – paragraph 1 – point 4 c (new)
Directive 2011/36/EU
Article 17

Text proposed by the Commission

Amendment

(4c) Article 17 is replaced by the following:

Member States shall ensure that victims of trafficking in human beings have access to effective schemes of compensation, similar to existing schemes of compensation to victims of violent crimes of intent.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

(See wording of Article 17, paragraph 1 of Directive 2011/36/EU)

Justification

This amendment is necessary to ensure coherence.

Amendment 225

Livia Járóka

Proposal for a directive

Article 1 – paragraph 1 – point 4 d (new)

Directive 2011/36/EU

Article 17

Text proposed by the Commission

Amendment

(4d) Article 17 is replaced by the following:

Member States shall take the necessary measures to ensure that compensation awarded to a victim of trafficking in human beings as a result of a decision adopted in criminal or civil proceedings is paid immediately after the adoption of the decision.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

(See wording of Article 17 of Directive 2011/36/EU)

Justification

This amendment is necessary to ensure coherence.

Amendment 226

Maria Walsh

Proposal for a directive
Article 1 – paragraph 1 – point 4 f (new)
Directive 2011/36/EU
Article 17

Present text

Member States shall ensure that victims of trafficking in human beings have access to existing schemes of compensation to victims of violent crimes of intent.

Amendment

(4f) Article 17 is replaced by the following:

"Member States shall ensure that victims of trafficking in human beings have access to existing schemes of compensation, **that are not wholly conditional on prosecutions**, to victims of violent crimes of intent."

Or. en

(<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:en:PDF>)

Amendment 227
Alice Kuhnke

Proposal for a directive
Article 1 – paragraph 1 – point 4 c (new)
Directive 2011/36/EU
Article 17

Text proposed by the Commission

Amendment

(4c) The following Article is included:

Article 17a

Access to justice

Member States shall ensure that the victims of trafficking have the right to an effective legal remedy under national law in the event of a breach of obligations deriving from this Directive.

Or. en

Amendment 228
Livia Járóka

Proposal for a directive
Article 1 – paragraph 1 – point 4 e (new)
Directive 2011/36/EU
Article 18 – paragraph 1

Text proposed by the Commission

Amendment

(4e) In Article 18, paragraph 1 is replaced by the following:

Member States are encouraged to allocate the necessary resources and take appropriate measures, in particular campaigns and other means targeting potential users and buyers, to discourage and reduce the demand that fosters all forms of exploitation related to trafficking in human beings.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

(See wording of Article 18, paragraph 1 of Directive 2011/36/EU)

Justification

This amendment is necessary to ensure coherence.

Amendment 229
Maria Walsh, Lena Düpont

Proposal for a directive
Article 1 – paragraph 1 – point 6 a (new)
Directive 2011/36/EU
Article 18 – paragraph 1

Present text

Amendment

1. Member States shall **take appropriate** measures, such as education and training, to discourage and reduce the demand that fosters all forms of

(6a) Article 18 – paragraph 1 is replaced by the following:

"1. Member States shall **allocate the necessary** measures, such as education and training **to staff in all relevant sectors, as well as dedicated campaigns aimed to**

exploitation related to trafficking in human beings.

target potential users, traffickers, buyers and sellers, to discourage and reduce the ***supply and*** demand that fosters all forms of exploitation related to trafficking in human beings."

Or. en

(<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:en:PDF>)

Amendment 230

Lena Düpont, Frances Fitzgerald, Maria Walsh, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Article 1 – paragraph 1 i (new)

Directive 2011/36/EU

Article 18 – paragraph 1

Present text

1. Member States shall take appropriate measures, such as education and training, to discourage and reduce the demand that fosters all forms of exploitation related to trafficking in human beings.

Amendment

In Article 18, paragraph 1 is replaced by the following:

"1. Member States shall take appropriate measures, such as education and training, ***with a specific attention to the online dimension***, to discourage and reduce the demand that fosters all forms of exploitation related to trafficking in human beings."

Or. en

(32011L0036)

Amendment 231

Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive

Article 1 – paragraph 1 – point 4 e (new)

Directive 2011/36/EU

Article 18

Text proposed by the Commission

Amendment

(4e) In Article 18, the following paragraph is added after paragraph 1:

(1a) In the case of children, Member States shall ensure that child protection systems, including residential or closed-type institutions, develop specific plans to prevent trafficking in human beings.

Or. en

Justification

This amendment is needed to ensure coherence with the amendment made by the Commission in article 11.4, as well as the amendments made by the co-rapporteurs in recital 23 and article 16.3.

Amendment 232

Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive

Article 1 – paragraph 1 – point 4 f (new)

Directive 2011/36/EU

Article 18 – paragraph 2

Text proposed by the Commission

Amendment

(4f) in Article 18, paragraph 2 is replaced by the following:

Member States shall take appropriate action, including through the Internet, such as information and awareness-raising campaigns, research and education programmes, where appropriate in cooperation with relevant civil society organisations and other stakeholders, aimed at raising awareness and reducing the risk of people, especially children, becoming victims of trafficking in human beings. In particular, Member States shall take appropriate action, aimed at increasing knowledge, particularly targeting men and boys, of the impact of negative attitudes, behaviours, and gender stereotypes that

promote the exploitation of women and girls and thereby contribute to trafficking for the purpose of exploitation of the prostitution of others or other forms of sexual exploitation, including trafficking related to pornography production and child sexual abuse materials.

Or. en

Justification

This amendment is needed to ensure coherence with the amendment made by the Commission in article 18a.

Amendment 233

Lena Düpont, Frances Fitzgerald, Maria Walsh, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Article 1 – paragraph 1 j (new)

Directive 2011/36/EU

Article 18 – paragraph 2

Present text

2. Member States shall take appropriate action, including through the Internet, such as information and awareness-raising campaigns, research and education programmes, where appropriate in cooperation with relevant civil society organisations and other stakeholders, aimed at raising awareness and reducing the risk of people, especially children, becoming victims of trafficking in human beings.

Amendment

In Article 18, paragraph 2 is replaced by the following:

"2. Member States shall take appropriate action, including through the Internet, such as information and awareness-raising campaigns, research and education programmes ***for potential victims, specifically targeted at women and girls and potential users, promotion of digital literacy and skills, in a gender sensitive and child friendly way*** and where appropriate in cooperation with relevant civil society organisations and other stakeholders ***such as online platforms***, aimed at raising awareness and reducing the risk of people, especially children, becoming victims of trafficking in human beings."

Or. en

Amendment 234

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Article 1 – paragraph 1 – point 4 j (new)

Directive 2011/36/EU

Article 18 – paragraph 2

Present text

2. Member States shall take appropriate action, including through the Internet, such as information and awareness-raising campaigns, research and education programmes, *where appropriate* in cooperation with relevant civil society organisations and other stakeholders, aimed at raising awareness and reducing the risk of people, especially children, becoming victims of trafficking in human beings.

Amendment

(4j) in Article 18, paragraph 2 is replaced by the following:

"2. Member States shall take appropriate action, including through the Internet, such as information and awareness-raising campaigns, research and education programmes, in cooperation with relevant civil society organisations and other stakeholders *including partnerships with the private sector*, aimed at raising awareness and reducing the risk of people, especially children *and persons with disabilities*, becoming victims of trafficking in human beings."

Or. en

(Directive 2011/36/EU)

Amendment 235

Maria Walsh, Lena Düpont

Proposal for a directive

Article 1 – paragraph 1 – point 6 b (new)

Directive 2011/36/EU

Article 18 – paragraph 2

Present text

Text Proposed by the Commission

Amendment

(6b) in Article 18 – paragraph 2, the following paragraph is inserted:

"2(a): In addition, Member States shall take further appropriate action, such as

education programmes and information and awareness-raising campaigns, aimed at increasing knowledge, particularly among men and boys, of the impact of negative attitudes, behaviours, and gender stereotypes that promote the exploitation of women and girls and thereby contribute to trafficking for the purpose of exploitation of the prostitution of other forms of sexual exploitation, including trafficking related to pornography production and child sexual abuse materials."

Or. en

(<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:en:PDF>)

Amendment 236
Alice Kuhnke

Proposal for a directive
Article 1 – paragraph 1 – point 4 d (new)
Directive 2011/36/EU
Article 18 – paragraph 2

Text proposed by the Commission

Amendment

(4d) In Article 18, the following paragraphs are added:

2a. Member States shall ensure that awareness-raising campaigns are victim-centre and aim at increasing understanding among the public of the driving factors of trafficking, placing special attention to its gendered dimension, discrimination based on racial and ethnic origin, and situations of vulnerability, as well as at challenging harmful stereotypes and changing norms that justify exploitation and abuse.

2b. Member States shall take measures to conduct in-depth qualitative research to analyse the relationship between situations of vulnerability and

exposure to risks of trafficking including research to examine the nexus between gender and trafficking situations, in particular less visible forms of trafficking such as domestic servitude and organ removal, taking into account an intersectional approach. Research shall also examine the root causes, prevalence, impact, victims, perpetrators, manifestations, channels and the need for support and protection services.

Or. en

Amendment 237

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Article 1 – paragraph 1 – point 4 k (new)

Directive 2011/36/EU

Article 18 – paragraph 3

Present text

3. Member States shall promote regular training for officials likely to come into contact with victims or potential victims of trafficking in human beings, including front-line police officers, aimed at enabling them to identify and deal with victims and potential victims of trafficking in human beings.

Amendment

(4k) in Article 18, paragraph 3 is replaced by the following:

"3. Member States shall promote regular **child-, disability- and gender sensitive** training for officials likely to come into contact with victims or potential victims of trafficking in human beings, including front-line police officers, aimed at enabling them to identify and deal with victims and potential victims of trafficking in human beings."

Or. en

(Directive 2011/36/EU)

Amendment 238

Livia Járóka

Proposal for a directive

Article 1 – paragraph 1 – point 4 f (new)

Directive 2011/36/EU
Article 18 – paragraph 3

Text proposed by the Commission

Amendment

(4f) In Article 18, paragraph 3 is replaced by the following:

Member States are encouraged to allocate the necessary resources in order to conduct regular training for officials likely to come into contact with victims or potential victims of trafficking in human beings, including front-line police officers, aimed at enabling them to identify and deal with victims and potential victims of trafficking in human beings.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

(See wording of Article 18, paragraph 3 of Directive 2011/36/EU)

Justification

This amendment is necessary to ensure coherence.

Amendment 239

Maria Walsh, Lena Düpont

Proposal for a directive

Article 1 – paragraph 1 – point 6 c (new)

Directive 2011/36/EU

Article 18 – paragraph 3

Present text

Amendment

3. Member States shall promote regular training for officials likely to come into contact with victims or potential victims of trafficking in human beings, including front-line police officers, aimed

(6c) Article 18 – paragraph 3 is replaced by the following:

"3. Member States shall promote regular **mandated** training for officials likely to come into contact with victims or potential victims of trafficking in human beings, including front-line police officers,

at enabling them to identify and deal with victims and potential victims of trafficking in human beings.

welfare officers, social workers and hospital workers aimed at enabling them to identify and deal with victims and potential victims of trafficking in human beings."

Or. en

(<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:en:PDF>)

Amendment 240

Lena Düpont, Frances Fitzgerald, Maria Walsh, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Article 1 – paragraph 1 k (new)

Directive 2011/36/EU

Article 18 – paragraph 3

Present text

3. Member States shall promote regular training for officials likely to come into contact with victims or potential victims of trafficking in human beings, including front-line police officers, aimed at enabling them to identify and deal with victims and potential victims of trafficking in human beings.

Amendment

In Article 18, paragraph 3 is replaced by the following:

"3. Member States shall promote regular ***specialised*** training for officials likely to come into contact with victims or potential victims of trafficking in human beings, including front-line police officers, ***judges, welfare officers, social workers and hospital workers*** aimed at enabling them to identify and deal with victims and potential victims of trafficking in human beings."

Or. en

(32011L0036)

Amendment 241

Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive

Article 1 – paragraph 1 – point 4 g (new)

Directive 2011/36/EU

Article 18

Text proposed by the Commission

Amendment

(4g) In Article 18, the following paragraph is added at the end:

(4a) Member States shall envisage anti-trafficking measures as part of their emergency response plans and facilitate cooperation and coordination between each other in order to prevent and reduce the occurrence of trafficking in human beings in such contexts.

Or. en

Justification

This amendment is needed to ensure coherence with the amendment made by the Commission in article 11.4.

Amendment 242
Alice Kuhnke

Proposal for a directive
Article 1 – paragraph 1 – point 5 a (new)
Directive 2011/36/EU
Article 18

Text proposed by the Commission

Amendment

(5a) In Article 18, the following paragraph is added:

5. Member States shall put in place effective, accessible, and independent complaint mechanisms to prevent violations of labour rights and precarious working conditions. Such mechanisms would contribute to the early identification of, assistance to and support for victims of trafficking. Complaints may be put forward by third parties, such as NGOs, trade unions, or migrant workers' organisations, on behalf of the victim under the condition that the victim has given consent. Coming forward with a complaint should not lead to any reprisals for the victim, particularly in relation to

their immigration status. This includes protection from fines and other administrative sanctions, prosecution for immigration-related criminal offences, arrest, detention and deportation. Member States shall ensure that complaints put forward pursuant to this paragraph are assessed and investigated promptly, and adequately followed up including, where appropriate, through the application of administrative penalties.

Or. en

Amendment 243
Yana Toom, Hilde Vautmans

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2011/36/EU
Article 18 a –title

Text proposed by the Commission

Offences concerning the use of services which are the object of exploitation ***with knowledge that the person is a victim of an offence concerning trafficking in human beings***

Amendment

Offences concerning the use of services which are the object of ***sexual*** exploitation

Or. en

Amendment 244
Vincenzo Sofo, Jadwiga Wiśniewska, Margarita de la Pisa Carrión

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2011/36/EU
Article 18

Text proposed by the Commission

Offences concerning the use of services which are the object of exploitation ***with knowledge that the person is a victim of***

Amendment

Offences concerning the use of services which are the object of exploitation ***in relation to*** trafficking in human beings

an offence concerning trafficking in human beings

Or. en

Amendment 245
Maria Walsh

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2011/36/EU
Article 18

Text proposed by the Commission

Offences concerning the use of services which are the object of exploitation ***with knowledge that the person is*** a victim of ***an offence concerning*** trafficking in human beings

Amendment

Offences concerning the use of services which are the object of exploitation ***extracted from*** a victim of trafficking in human beings

Or. en

Amendment 246
Abir Al-Sahlani

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2011/36/EU
Article 18

Text proposed by the Commission

Offences ***concerning the use*** of services which ***are the object of exploitation with knowledge that the person is a victim of an offence concerning trafficking in human beings***

Amendment

Offences ***related to the purchase of sexual services, the purchase of human organs, the purchase*** of services which ***derive from slavery***

Or. en

Justification

Amendment necessary for internal coherence due to changes made in Recital 9

Amendment 247
Yana Toom, Hilde Vautmans

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2011/36/EU
Article 18 a – paragraph 1

Text proposed by the Commission

1. In order to make the preventing and combating of trafficking in human beings more effective by discouraging demand, Member States shall take ***the necessary*** measures to establish as a criminal offence the use of services which are the ***objects*** of exploitation ***as referred to in Article 2, with the*** knowledge that the person is a victim of ***an offence referred to in Article 2.***

Amendment

1. In order to make the preventing and combating of trafficking in human beings more effective by discouraging demand, Member States shall take measures to establish as a criminal offence the use of services which are the ***object*** of exploitation ***of the prostitution of others or other forms of sexual exploitation in cases where the user of such services had knowledge, or could have reasonably assumed,*** that the person is a victim of ***trafficking. In cases where the victim is a minor, the user shall be considered criminally liable, irrespective of any knowledge of the status or age of the victim.***

Or. en

Amendment 248
Vincenzo Sofo, Jadwiga Wiśniewska, Margarita de la Pisa Carrión

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2011/36/EU
Article 18 a – paragraph 1

Text proposed by the Commission

1. In order to make the preventing and combating of trafficking in human beings more effective by discouraging demand, Member States shall take the necessary measures to establish as a criminal offence the use of services which are the objects of

Amendment

1. In order to make the preventing and combating of trafficking in human beings more effective by discouraging demand, Member States shall take the necessary measures to establish as a criminal offence the ***intentional*** use of services ***or***

exploitation as referred to in Article 2, with the knowledge that the person is a victim of an offence referred to in Article 2.

audiovisual material which are the objects **or results** of exploitation as referred to in Article 2, with the knowledge that the person **providing services or appearing in audiovisual materials** is a victim of an offence referred to in Article 2, **in accordance with their criminal law provisions and legal practice**.

Or. en

Amendment 249

Abir Al-Sahlani

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2011/36/EU

Article 18 – paragraph 1

Text proposed by the Commission

1. In order to make the preventing and combating of trafficking in human beings more effective by discouraging demand, Member States shall take the necessary measures to establish as **a criminal offence the use of services which are the objects of exploitation as referred to in Article 2, with the knowledge that the person is a victim of an offence referred to in Article 2.**

Amendment

1. In order to make the preventing and combating of trafficking in human beings more effective by discouraging demand, Member States shall take the necessary measures to establish **the following** as criminal **offences**;

Or. en

Justification

Amendment necessary for internal coherence due to changes made in Recital 9, 9a and 9b. The types of trafficking crimes vary to a great extent. Because of this, it is necessary to differentiate between them, and hence to split this Article into multiple different ones.

Amendment 250

Alice Kuhnke

Proposal for a directive

Article 1 – paragraph 1 – point 6

Text proposed by the Commission

1. In order to make the preventing and combating of trafficking in human beings more effective by discouraging demand, Member States shall take the necessary measures to establish as a criminal offence the use of services which are the objects of exploitation as referred to in Article 2, ***with the knowledge that the person is a victim of an offence referred to in Article 2.***

Amendment

1. In order to make the preventing and combating of trafficking in human beings more effective by discouraging demand, Member States shall take the necessary measures to establish as a criminal offence the use of services which are the objects of exploitation as referred to in Article 2.

Or. en

Amendment 251
Maria Walsh, Lena Düpont

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2011/36/EU
Article 18 a – paragraph 1

Text proposed by the Commission

1. In order to make the preventing and combating of trafficking in human beings more effective by discouraging demand, Member States shall take the necessary measures to establish as a criminal offence the use of services which are the objects of exploitation as referred to in Article 2, ***with the knowledge that the person is a victim of an offence referred to in Article 2.***

Amendment

1. In order to make the preventing and combating of trafficking in human beings more effective by discouraging demand, Member States shall take the necessary measures to establish as a criminal offence the use of services which are the objects of exploitation as referred to in Article 2.

Or. en

Amendment 252
Maria-Manuel Leitão-Marques, Juan Fernando López Aguilar

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2011/36/EU

Article 18

Text proposed by the Commission

1. In order to make the preventing and combating of trafficking in human beings more effective by discouraging demand, Member States shall take the necessary measures to establish as a criminal offence the use of services which are the objects of exploitation as referred to in Article 2, ***with the knowledge that the person is a victim of an offence referred to in Article 2.***

Amendment

1. In order to make the preventing and combating of trafficking in human beings more effective by discouraging demand, Member States shall take the necessary measures to establish as a criminal offence the use of services ***of people*** which are the objects of ***exploitation of the prostitution of others or other forms of sexual*** exploitation as referred to in Article 2.

Or. en

Amendment 253

Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2011/36/EU

Article 18

Text proposed by the Commission

Amendment

1a. in article 18a, the following paragraph is added after paragraph 1:

(1a) In order to discourage the demand for trafficking in human beings for sexual exploitation, Member States shall ensure that the following intentional conduct is punishable as a criminal offence:

(a) procuring, hiring, or enticing another person for the purposes of prostitution;

(b) obtaining any profit from the prostitution of another person.

Or. en

Amendment 254

Abir Al-Sahlani

Proposal for a directive

Article 1 – paragraph 1 – point 6
Directive 2011/36/EU
Article 18

Text proposed by the Commission

Amendment

1a. Exploitation through the purchase of sexual services, as set out in Article 2 of this Directive. This includes soliciting, accepting or obtaining any sexual relation from a person in prostitution, in exchange for immediate or a promise of remuneration or any type of remuneration that is not of a financial nature, or the promise of such a remuneration;

Or. en

Justification

Amendment necessary for internal coherence due to changes made in this Article and Recital 9. The types of trafficking crimes vary to a great extent. Because of this, it is necessary to differentiate between them, and hence to split this Article into multiple different ones.

Amendment 255

Maria-Manuel Leitão-Marques, Juan Fernando López Aguilar

Proposal for a directive

Article 1 – paragraph 1 – point 6
Directive 2011/36/EU
Article 18

Text proposed by the Commission

Amendment

1a. For other cases of exploitation referred to in Article 2, Member States shall take the necessary measures to establish as a criminal offence the use of such services when the user knew or could have reasonably known that the person was a victim of such exploitation.

Or. en

Amendment 256

Vincenzo Sofo, Jadwiga Wiśniewska, Margarita de la Pisa Carrión

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2011/36/EU

Article 18

Text proposed by the Commission

Amendment

1a. Use of services or audiovisual materials referred to in paragraph 1 shall include acts performed by means of information and communication technologies.

Or. en

Amendment 257

Abir Al-Sahlani

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2011/36/EU

Article 18

Text proposed by the Commission

Amendment

1b. Exploitation through the removal of human organs from a living or deceased donor, in exchange for a remuneration or any type of remuneration that is not of a financial nature, to the living donor or a third party, as set out in Article 2 of this Directive;

Or. en

Justification

Amendment necessary for internal coherence due to changes made in this Article and Recital 9a. The types of trafficking crimes vary to a great extent. Because of this, it is necessary to differentiate between them, and hence to split this Article into multiple different ones.

Amendment 258

Abir Al-Sahlani

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2011/36/EU
Article 18

Text proposed by the Commission

Amendment

1c. Exploitation through the purchase of services which derive from slavery, servitude or practices similar to slavery, as set out in Article 2 of this Directive;

Or. en

Justification

Amendment necessary for internal coherence due to changes made in this Article and Recital 9a. The types of trafficking crimes vary to a great extent. Because of this, it is necessary to differentiate between them, and hence to split this Article into multiple different ones.

Amendment 259
Abir Al-Sahlani

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2011/36/EU
Article 18

Text proposed by the Commission

Amendment

1d. Offences concerning the use of services which are the object of exploitation with knowledge that the person is a victim of an offence concerning trafficking in human beings

Or. en

Justification

Amendment necessary for internal coherence due to changes made in this Article and Recital 9, 9a and 9b. The types of trafficking crimes vary to a great extent. Because of this, it is necessary to differentiate between them, and hence to split this Article into multiple different ones.

Amendment 260
Abir Al-Sahlani

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2011/36/EU
Article 18

Text proposed by the Commission

Amendment

1e. The purchase of services which are the objects of exploitation with knowledge that the person is a victim of trafficking as related to any type of exploitation referred to in Article 2, except for the provisions set out in subparagraph (a), (b) and (c) of this Article;

Or. en

Justification

Amendment necessary for internal coherence due to changes made in this Article. The types of trafficking crimes vary to a great extent. Because of this, it is necessary to differentiate between them, and hence to split this Article into multiple different ones.

Amendment 261
Abir Al-Sahlani

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2011/36/EU
Article 18

Text proposed by the Commission

Amendment

2. Member States shall take the necessary measures to ensure that an offence as established in accordance with paragraph **1** is punishable by effective, proportionate and dissuasive penalties and sanctions.

2. Member States shall take the necessary measures to ensure that an offence as established in accordance with paragraph **1(a), (b), (c), and (e) are** punishable by effective, proportionate and dissuasive penalties and sanctions.

Or. en

Justification

Amendment necessary for internal coherence due to changes made in this Article. The types of trafficking crimes vary to a great extent. Because of this, it is necessary to differentiate between them, and hence to split this Article into multiple different ones.

Amendment 262

Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2011/36/EU

Article 18

Text proposed by the Commission

2. Member States shall take the necessary measures to ensure that an offence as established in accordance with ***paragraph 1*** is punishable by effective, proportionate and dissuasive penalties and sanctions.

Amendment

2. Member States shall take the necessary measures to ensure that an offence as established in accordance with ***paragraphs 1 and 2*** are punishable by effective, proportionate and dissuasive penalties and sanctions.

Or. en

Amendment 263

Vincenzo Sofo, Jadwiga Wiśniewska, Margarita de la Pisa Carrión

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2011/36/EU

Article 18

Text proposed by the Commission

2. Member States shall take the necessary measures to ensure that an offence as established in accordance with ***paragraph 1*** is punishable by effective, proportionate and dissuasive penalties and sanctions.

Amendment

2. Member States shall take the necessary measures to ensure that an offence as established in accordance with ***paragraphs 1 and 2*** is punishable by effective, proportionate and dissuasive penalties and sanctions.

Or. en

Amendment 264

Maria-Manuel Leitão-Marques, Juan Fernando López Aguilar

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2011/36/EU

Article 18

Text proposed by the Commission

2. Member States shall take the necessary measures to ensure that an offence as established in accordance with paragraph 1 is punishable by effective, proportionate and dissuasive penalties and sanctions.

Amendment

2. Member States shall take the necessary measures to ensure that an offence as established in accordance with paragraph 1 **and 1a** is punishable by effective, proportionate and dissuasive penalties and sanctions.

Or. en

Amendment 265

Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2011/36/EU

Article 18

Text proposed by the Commission

Amendment

2a. in article 18a, the following paragraph is added after paragraph 2

2a. Member States shall also consider taking measures regarding those who solicit, accept or obtain a sexual act from a person in exchange for remuneration, the promise of remuneration, the provision of a benefit in kind or the promise of such a benefit.

Or. en

Amendment 266

Vincenzo Sofo, Jadwiga Wiśniewska, Margarita de la Pisa Carrión

Proposal for a directive

Article 1 – paragraph 1 – point 6
Directive 2011/36/EU
Article 18

Text proposed by the Commission

Amendment

2a. *Member States may impose additional control measures on the process of production of services and goods which are the object of exploitation as referred to in Article 2 where it cannot be achieved only by means of criminal law.*

Or. en

Amendment 267
Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive
Article 1 – paragraph 1 – point 6 a (new)
Directive 2011/36/EU
Article 18

Text proposed by the Commission

Amendment

(6a) *The following Article 18b is inserted:*

“Article 18b

Measures to prevent information technology-facilitated trafficking

1. *Member States shall take the necessary measures to ensure that online platforms, as defined by Art 2(h) of the Regulation on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC, whose services are being used to facilitate or commit acts of exploitation as defined in Article 2 of this Directive, conduct monitoring for exploitative materials and misuse of platforms, remove illegal content and preserve it for investigations and prosecutions of illegal acts and report illegal content to appropriate/designated*

authorities;

2. Member States shall take the necessary measures to establish liability of online platforms for trafficking in human beings that occurs on or is facilitated by such platforms, where such platforms knew or should have reasonably assumed that trafficking in human beings had taken place;

3. Member States shall assign the appropriate national Internet regulatory authority with the oversight of activities indicated at point 1 of this article.

Or. en

Justification

This amendment is needed to ensure coherence with the amendment made by the Commission in article 2a.

Amendment 268

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Article 1 – paragraph 1 – point 6 a (new)

Directive 2011/36/EU

Article 19 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(6a) in Article 19, the following paragraph 1 a is added:

"1a. Member States shall regularly develop, adopt and implement National Action Plans to Combat Trafficking in Persons in consultation and participation with civil society organisations and the EU Anti-trafficking coordinator. National Action Plans should include measures to enhance the exchange of information and intelligence on transnational human trafficking."

Or. en

Amendment 269
Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive
Article 1 – paragraph 1 – point 6 b (new)
Directive 2011/36/EU
Article 19

Text proposed by the Commission

Amendment

(6b) Article 19 is replaced by the following:

"Article 19

National Anti-trafficking Coordinators

1. Member States shall take the necessary measures to establish national anti-trafficking coordinators (NAC) and provide them with the adequate resources necessary for effectively carrying out their functions. The national anti-trafficking coordinator shall work in close cooperation with other relevant national, regional and local bodies and agencies, particularly national referral mechanisms and focal points, and with relevant civil society organisations active in this field.

2. The NAC shall support the government in the development of coherent and effective policies, including the National Action Plans covered in Article 19c, to assist, support and protect victims. The NAC shall be responsible for the carrying out of assessments of root causes and trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including at least the gathering of statistics covered in Article 19a, the assessment of the impact of those measures on victims' rights and reporting. These tasks shall enable the identification of failures and serve to improve and further develop measures to prevent and combat trafficking.

3. Member States may also establish independent national rapporteurs or

equivalent mechanisms to monitor the impact of anti-trafficking measures, submitting to the competent national authority annual reports and monographic reports on matters considered to be serious, urgent or requiring special attention and receiving complaints about the functioning of the bodies and agencies in charge of combatting trafficking.”

Or. en

Justification

This amendment is needed to ensure coherence with the amendment made by the Commission in article 11.4. In order to reinforce the governance and efficiency of anti-trafficking responses, there is a need to create or designate at member state level a body that has the explicit aim to coordinate and contribute to the reinforcement and development of adequate policy responses. In this configuration, it is also spelled out that the national rapporteurs have a more independent role, focusing on identifying problems in implementation.

Amendment 270

Maria Walsh, Lena Düpont

Proposal for a directive

Article 1 – paragraph 1 – point 7 a (new)

Directive 2011/36/EU

Article 19

Present text

Member States shall take the necessary measures to establish national rapporteurs or equivalent mechanisms. The tasks of such mechanisms shall include the carrying out of assessments of trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant civil society organisations active in this field, and reporting.

Amendment

(7a) Article 19 is replaced by the following:

"Member States shall **swiftly** take the necessary measures to establish national rapporteurs or equivalent mechanisms. The tasks of such mechanisms shall include the carrying out of assessments of trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant civil society organisations active in this field, and reporting. **Coordination between all relevant actors, including health services, social workers and police officers is**

necessary to ensure that the relevant data is collected accurately."

Or. en

(<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:en:PDF>)

Amendment 271

Lena Düpont, Frances Fitzgerald, Maria Walsh, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Article 1 – paragraph 1 l (new)

Directive 2011/36/EU

Article 19

Present text

Member States shall take the necessary measures to establish national rapporteurs or equivalent mechanisms. The tasks of such mechanisms shall include the carrying out of assessments of trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant civil society organisations active in this field, and reporting.

Amendment

Article 19 is replaced by the following:

"Member States shall take the necessary measures to establish national rapporteurs or equivalent mechanisms. The tasks of such mechanisms shall include the carrying out of assessments of trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant civil society organisations active in this field, and reporting. ***The information and data shall be collected in cooperation with the relevant EU agencies to ensure efficient cross-border collaboration.***"

Or. en

(32011L0036)

Amendment 272

Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive

Article 1 – paragraph 1 – point 6 c (new)

Directive 2011/36/EU

(6c) The following Article 19a is inserted:

"Article 19a

National referral mechanisms for detection, identification, and protection

Member States shall establish National Referral Mechanisms in accordance with article 11.4 with competences in at least the following areas:

(a) *Detection, establishing minimum common standards, adapting the procedures to the different forms of exploitation covered by this directive and setting up contingency plans for sensitive environments;*

(b) *Identification, promoting, coordinating and, where appropriate, financing identification programmes, and developing tools for risk assessment including in humanitarian crises;*

(c) *Protection, establishing binding mechanisms to harmonise assistance to victims and common minimum standards in reception centres and programmes, including making referrals of victims to specific shelter and/or psychosocial support resources;*

(d) *Multi-stakeholder coordination to ensure effective coordination and cooperation and a coherent implementation of National Action Plans.*"

Or. en

Justification

This amendment is needed to ensure coherence with the amendment made by the Commission in article 11.4.

Amendment 273
Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2011/36/EU
Article 19 a

Text proposed by the Commission

Article **19a**

Amendment

Article **19b**

Or. en

Amendment 274
Lena Düpont, Frances Fitzgerald, Maria Walsh, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2011/36/EU
Article 19 a – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The data collection shall be done in cooperation with relevant EU agencies.

Or. en

Amendment 275
Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2011/36/EU
Article 19 a – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the number of registered victims of offences referred to in Article 2, disaggregated by registering organisation, sex, age groups (child/adult), citizenship, and form of exploitation;

(a) the number of **detected and** registered victims of offences referred to in Article 2, disaggregated by registering organisation, sex, age groups (child/adult), **including the number of children without**

parental care and unaccompanied minors, citizenship, disability, ethnic or racial origin, and form of exploitation, indicating whether there are victims who are subjected to more than one form of exploitation;

Or. en

Amendment 276
Alice Kuhnke

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2011/36/EU
Article 19 a – paragraph 2 – point a

Text proposed by the Commission

(a) the number of registered victims of offences referred to in Article 2, disaggregated by registering organisation, sex, age groups (child/adult), citizenship, and form of exploitation;

Amendment

(a) the number of registered victims of offences referred to in Article 2, disaggregated by registering organisation, **gender**, sex, age groups (child/adult), **disability, racial or ethnic origin, residence status, other vulnerabilities (such as children without parental care and unaccompanied minors)**, citizenship, and form of exploitation;

Or. en

Amendment 277
Lívia Járóka

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2011/36/EU
Article 19 a – paragraph 2 – point a

Text proposed by the Commission

(a) the number of registered victims of offences referred to in Article 2, disaggregated by registering organisation, sex, age groups (child/adult), citizenship,

Amendment

(a) the number of **detected and** registered victims of offences referred to in Article 2, disaggregated by registering organisation, sex, age groups (child/adult),

and form of exploitation;

citizenship, **disability, ethnicity** and form of exploitation, **indicating whether there are victims who are subjected to more than one form of exploitation;**

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

(See wording of Article 19a, paragraph 2 of Directive 2011/36/EU)

Justification

This amendment is necessary to ensure coherence.

Amendment 278

Yana Toom, Abir Al-Sahlani, Hilde Vautmans

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2011/36/EU

Article 19 a – paragraph 2 – point a

Text proposed by the Commission

(a) the number of registered victims of offences referred to in Article 2, disaggregated by registering organisation, sex, age groups (child/adult), citizenship, **and** form of exploitation;

Amendment

(a) the number of registered victims of offences referred to in Article 2, disaggregated by registering organisation, sex, age groups (child/adult), **if the victim was an unaccompanied minor,** citizenship, form of exploitation **and, if applicable, disability and other relevant vulnerabilities;**

Or. en

Amendment 279

Abir Al-Sahlani, Yana Toom, Sylvie Brunet

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2011/36/EU

Article 19 a – paragraph 2 – point a

Text proposed by the Commission

(a) the number of registered victims of offences referred to in Article 2, disaggregated by registering organisation, sex, age groups (child/adult), citizenship, **and** form of exploitation;

Amendment

(a) the number of registered victims of offences referred to in Article 2, disaggregated by registering organisation, sex, age groups (child/adult), **if the victim was an unaccompanied minor,** citizenship, form of exploitation **and, if applicable, disability and other relevant vulnerabilities;**

Or. en

Justification

Amendment necessary for internal coherence, consistency and changes made in other Articles

Amendment 280

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2011/36/EU

Article 19 a – paragraph 2 – point a

Text proposed by the Commission

(a) the number of registered victims of offences referred to in Article 2, disaggregated by registering organisation, sex, age groups (child/adult), **citizenship**, and form of exploitation;

Amendment

(a) **in Article 19a, paragraph 2 a is replaced by the following:**

"2a. the number of registered victims of offences referred to in Article 2, disaggregated by registering organisation, sex, age groups (child/adult), **nationality or statelessness**, and form of exploitation;"

Or. en

Amendment 281

Alice Kuhnke

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2011/36
Article 19 a – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) the number of victims receiving temporary or permanent residence permits, disaggregated by gender, sex, age groups (child/adult), racial or ethnic origin, other vulnerabilities, citizenship and type of exploitation;

Or. en

Amendment 282
Alice Kuhnke

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2011/36
Article 19 a – paragraph 2 – point a b (new)

Text proposed by the Commission

Amendment

(ab) the number of victims inserted in the regular labour market, disaggregated by gender, age, nationality, country of birth and type of exploitation

Or. en

Amendment 283
Alice Kuhnke

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2011/36
Article 19 – paragraph 2 – point a c (new)

Text proposed by the Commission

Amendment

(ac) the availability of victim assistance, support and protection services, the number of victims accessing these services or awaiting them, and the

number of cases where these services are granted to victims.

Or. en

Amendment 284

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2011/36/EU

Article 19 a – paragraph 2 – point b

Text proposed by the Commission

(b) the number of suspects of offences referred to in Article 2, disaggregated by sex, age groups (child/adult), ***citizenship***, and form of exploitation;

Amendment

(b) *in Article 19a, paragraph 2 b is replaced by the following:*

"2b. the number of suspects of offences referred to in Article 2, disaggregated by sex, age groups (child/adult), ***nationality or statelessness*** , and form of exploitation;"

Or. en

Amendment 285

Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2011/36/EU

Article 19 a – paragraph 2 – point c

Text proposed by the Commission

(c) the number of persons prosecuted for offences referred to in Article 2, disaggregated by sex, age groups (child/adult), ***citizenship***, form of exploitation, nature of the final decision to prosecute;

Amendment

(c) *in Article 19a, paragraph 2 c is replaced by the following:*

"2c. the number of persons prosecuted for offences referred to in Article 2,

disaggregated by sex, age groups
(child/adult), ***nationality or statelessness***,
form of exploitation, nature of the final
decision to prosecute;"

Or. en

Amendment 286
Alice Kuhnke

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2011/36/EU
Article 19 a – paragraph 2 – point c (new)

Text proposed by the Commission

(c) the number of persons prosecuted for offences referred to in Article 2, disaggregated by sex, age groups (child/adult), citizenship, form of exploitation, nature of the final decision to prosecute;

Amendment

(c) the number of persons prosecuted for offences referred to in Article 2, disaggregated by ***gender***, sex, age groups (child/adult), citizenship, form of exploitation, nature of the final decision to prosecute;

Or. en

Amendment 287
Juan Fernando López Aguilar, Maria-Manuel Leitão-Marques

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2011/36/EU
Article 19 a – paragraph 2 – point e

Text proposed by the Commission

(e) the number of persons convicted for offences referred to in Article 2, disaggregated by sex, age groups (child/adult), ***citizenship***;

Amendment

(e) ***in Article 19a, paragraph 2 e is replaced by the following:***

"2e. the number of persons convicted for offences referred to in Article 2, disaggregated by sex, age groups (child/adult), ***nationality or statelessness***;

Amendment 288
Alice Kuhnke

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2011/36/EU
Article 19 a – paragraph 2 – point e

Text proposed by the Commission

(e) the number of persons convicted for offences referred to in Article 2, disaggregated by sex, age groups (child/adult), citizenship;

Amendment

(e) the number of persons convicted for offences referred to in Article 2, disaggregated by **gender**, sex, age groups (child/adult), citizenship;

Or. en

Amendment 289
Abir Al-Sahlani

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2011/36/EU
Article 19 a – paragraph 2 – point g

Text proposed by the Commission

(g) the number of suspects, persons prosecuted and convicted for offences referred to in Article 18a, disaggregated by sex and age groups (child/adult).

Amendment

(g) the number of suspects, persons prosecuted and convicted for offences referred to in Article 18a, **1(a), (b), (c), and (e)** disaggregated by sex and age groups (child/adult).

Or. en

Justification

Amendment necessary for internal coherence due to changes made in Article 18

Amendment 290
Maria Walsh

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2011/36/EU
Article 19 a – paragraph 3

Text proposed by the Commission

3. Member States shall ***transmit annually to the Commission, by 1 July each year***, the statistical data referred to in paragraph 2 for the previous year.

Amendment

3. Member States shall ***in collaboration with the relevant EU Agencies ensure that*** the statistical data referred to in paragraph 2 for the previous year ***is transmitted annually to the Commission, by 1 July each year, according to all relevant provisions and accountable to the European Parliament.***

Or. en

Amendment 291
Malin Björk, Eugenia Rodríguez Palop

Proposal for a directive
Article 1 – paragraph 1 – point 7
Directive 2011/36/EU
Article 19 c (new)

Text proposed by the Commission

Amendment

3a. The following Article 19c is inserted:

“Article 19c

National Action Plans

1. Member States shall develop National Action Plans, in cooperation with national anti-trafficking coordinators, national referral mechanisms, and relevant civil society organisations active in the field to prevent and combat trafficking in human beings (the ‘national action plans’) by ... [Date - two years from the date of entry into force of this Directive].

2. Member States shall ensure that the national action plans are reviewed and updated every five years.”

Justification

This amendment is needed to ensure coherence with the amendment made by the Commission in article 11.4.

Amendment 292**Malin Björk, Eugenia Rodríguez Palop****Proposal for a directive****Article 1 – paragraph 1 – point 7 a (new)**

Directive 2011/36/EU

Article 20

*Text proposed by the Commission**Amendment*

(7a) Article 20 is replaced by the following:

- 1. In order to contribute to a coordinated and consolidated Union strategy against trafficking in human beings, Member States shall facilitate the tasks of an EU anti-trafficking coordinator (ATC). In particular, Member States shall transmit to the ATC at least the information referred to in Article 19 and 19b. The ATC shall contribute to reporting carried out by the Commission every two years on the progress made in the fight against trafficking in human beings, in consultation with national anti-trafficking coordinators, national rapporteurs and equivalent mechanisms, EU agencies and relevant civil society organizations active in the field.***
- 2. In order to transmit the information referred to in paragraph 1 and to ensure a coherent cooperation, Member States shall establish a coordination structure between the ATC, national anti-trafficking coordinators, national referral mechanisms and relevant civil society organizations active in the field.***

Justification

This amendment is needed to ensure coherence with the amendment made by the Commission in article 11.4.

Amendment 293

Lena Düpont, Frances Fitzgerald, Christine Schneider, Elżbieta Katarzyna Łukacijewska

Proposal for a directive

Article 1 – paragraph 1 m (new)

Directive 2011/36/EU

Article 20

Present text

In order to contribute to a coordinated and consolidated Union strategy against trafficking in human beings, Member States shall facilitate the tasks of an anti-trafficking coordinator (ATC). In particular, Member States shall transmit to the ATC the information referred to in Article 19, on the basis of which the ATC shall contribute to reporting carried out by the Commission every two years on the progress made in the fight against trafficking in human beings.

Amendment

Article 20 is replaced by the following:

"In order to contribute to a coordinated and consolidated Union strategy against trafficking in human beings, Member States shall facilitate the tasks of an anti-trafficking coordinator (ATC). In particular, Member States shall transmit to the ATC the information referred to in Article 19, **and the data referred to in 19a**, on the basis of which the ATC shall contribute to reporting carried out by the Commission every two years on the progress made in the fight against trafficking in human beings."

(32011L0036)

Amendment 294

Maria-Manuel Leitão-Marques, Juan Fernando López Aguilar

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 2011/36/EU

Article 23 – paragraph 3

Text proposed by the Commission

3. The Commission shall, [by **five** years after transposition deadline], submit a report to the European Parliament and the Council, assessing the extent to which the Member States have taken the necessary measures in order to comply with Article 18a and the impact of such measures.

Amendment

3. The Commission shall, [by **three** years after transposition deadline], submit a report to the European Parliament and the Council, assessing the extent to which the Member States have taken the necessary measures **to comply with this Directive, including** in order to comply with Article 18a and the impact of such measures.

Or. en