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*Accompanying the document*

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND  
THE COUNCIL**

**Report on the progress made in the fight against trafficking in human beings (2016)  
as required under Article 20 of Directive 2011/36/EU on preventing and combating  
trafficking in human beings and protecting its victims**

{COM(2016) 267 final}

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## 1. INTRODUCTION

This paper complements the first European Commission Report on the progress made in the fight against trafficking in human beings as required under article 20 of Directive 2011/36/EU<sup>1</sup> (hereafter "the Report"). It aims to provide a factual overview of the **main current trends, actions, and statistical data on trafficking in human beings in the EU**, as reported by Member States, civil society and international organisations.

The paper elaborates in detail on the measures reported by the Member States to address trafficking in human beings, and additionally takes into consideration actions implemented by the European Commission and other relevant stakeholders in the context of the **EU Strategy towards the eradication of trafficking in human beings 2012-2016**<sup>2</sup> (hereafter "the EU Strategy"). A key focus of the EU Strategy has, in fact, been on **developing concrete actions to support the implementation of the Anti-trafficking Directive by complementing the work done by the Member States**. The EU Strategy actions are based on **five priorities**: identifying, protecting and assisting victims of trafficking; stepping up the prevention of trafficking in human beings; increased prosecutions of traffickers; enhanced coordination and cooperation among key actors and policy coherence; and increased knowledge of – and effective response to – emerging concerns related to all forms of trafficking in human beings<sup>3</sup>.

The paper elaborates on the topics presented in the Report in selected areas of the ‘three Ps’, **prosecution** (with focus on financial investigations), **protection** (with focus on the setting up of national referral mechanisms) and **prevention** (with focus on actions taken by Member States to prevent the crime as provided by Article 18 of the Anti-trafficking Directive<sup>4</sup>).

Furthermore, the paper takes into account the **key EU policy framework in addressing trafficking in human beings**, including: the European Agenda on Migration<sup>5</sup>; the European Agenda on Security<sup>6</sup>; the EU Action Plan against migrant smuggling 2015-2020<sup>7</sup>; the Action Plan on Human Rights and Democracy 2015-2019<sup>8</sup>; the new framework for the EU's activities

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<sup>1</sup> COM(2016) 267

<sup>2</sup> <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52012DC0286>

<sup>3</sup> Details on the progress on the implementation of the Strategy can be found in the Mid-term report on the implementation of the EU strategy towards the eradication of trafficking in human beings, COM(2014) 635final at [http://ec.europa.eu/anti-trafficking/eu-policy/commission-staff-working-document-mid-term-report-implementation-eu-strategy-towards\\_en](http://ec.europa.eu/anti-trafficking/eu-policy/commission-staff-working-document-mid-term-report-implementation-eu-strategy-towards_en)

<sup>4</sup> Article 18 of the Anti-trafficking Directive provides "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".

<sup>5</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication\\_on\\_the\\_european\\_agenda\\_on\\_migration\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf)

<sup>6</sup> [http://ec.europa.eu/dgs/home-affairs/e-library/documents/basic-documents/docs/eu\\_agenda\\_on\\_security\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/documents/basic-documents/docs/eu_agenda_on_security_en.pdf)

<sup>7</sup> [http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/asylum/general/docs/eu\\_action\\_plan\\_against\\_migrant\\_smuggling\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/asylum/general/docs/eu_action_plan_against_migrant_smuggling_en.pdf)

<sup>8</sup> [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/joint\\_communication\\_on\\_human\\_rights\\_and\\_democracy\\_en.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/joint_communication_on_human_rights_and_democracy_en.pdf)

on gender equality and women's empowerment in EU's external relations for 2016-2020<sup>9</sup> and the Strategic engagement of the EU for gender equality 2016-2019<sup>10</sup>.

The first section of this Staff Working Document describes the methodology and information sources used for drafting both the Report and this document. The following sections mirror the structure of the Report by providing detailed and factual elements on: trends in trafficking in human beings; results of specific anti-trafficking actions; and statistical data provided by the Member States.

## **2. METHODOLOGY AND INFORMATION SOURCES**

The Report and this accompanying Staff Working Document are based on a wide range of information and sources, which can be grouped in the following three categories: information gathered by the National Rapporteurs or equivalent mechanisms (hereafter the “NREMs”) and transmitted to the EU ATC by the Member States pursuant to Article 19 and 20 of the Anti-Trafficking Directive; contributions submitted by civil society organisations participating in the EU Civil Society Platform and the e-Platform against Trafficking in Human Beings; and information from relevant EU agencies, international and regional organisations.

The narrative information submitted by the Member States following Article 20 of the Anti-trafficking Directive mainly covers the **period 2011-2013**. Nevertheless, the Report and its accompanying staff working document also include more up-to-date information that was available to the European Commission at the time of drafting, as provided by Member States, civil society and international organisations. In particular, **a specific request on statistical data for the years 2013 and 2014** was sent out to the Member States, in order to ensure that the most recent information could be included in the Report and the Staff Working Document.

The methodology and sources used to gather this information are detailed below.

### **2.1. Member States and National Rapporteurs or Equivalent Mechanisms (NREMs)**

Article 19 of the Anti-trafficking Directive states that the tasks of the NREMs should at least include "the carrying out of assessments of trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including gathering of statistics in close cooperation with relevant civil society organisations active in this field, and reporting". As indicated above, Member States are obliged to transmit this information to the ATC on the basis of which the ATC contributed to the current European Commission report.

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<sup>9</sup> [http://ec.europa.eu/europeaid/sites/devco/files/staff-working-document-gender-2016-2020-20150922\\_en.pdf](http://ec.europa.eu/europeaid/sites/devco/files/staff-working-document-gender-2016-2020-20150922_en.pdf)

<sup>10</sup> [http://ec.europa.eu/justice/gender-equality/files/documents/151203\\_strategic\\_engagement\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/documents/151203_strategic_engagement_en.pdf)

In order to facilitate the work of the Member States, the EU ATC agreed with the NREMs on a template for the reporting. Although not an obligation, the template intended to facilitate the reporting by the NREMs on the key areas to focus. The European Commission acknowledges the challenge of thoroughly evaluating the results of anti-trafficking actions implemented by Member States as this is the first Commission report on trafficking in human beings, issued after the adoption of the Anti-Trafficking Directive<sup>11</sup>.

The information gathered by the NREMs and transmitted by the Member States is extensive and includes reporting on national trends and actions in the field of anti-trafficking. Further to this comprehensive information, the Report and this Staff Working Document present an overall assessment of the situation regarding trafficking in human beings at EU level. **National examples** are presented throughout this paper in order to corroborate common trends and findings.

The **Informal EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings** was first established following Council Conclusions in June 2009<sup>12</sup>. In these conclusions, the Council confirmed of a "need for the EU to set up an architecture for its internal exchange of information on trafficking in human beings in order to enable the Member States and other relevant bodies and institutions to participate in the development of targeted measures, which take into account the human rights of victims of trafficking in human beings". In accordance with the Council Conclusions, each Member State was invited to designate a National Rapporteur or equivalent mechanism to participate in the Network with the scope of activity that includes collection of information and advising on trafficking in human beings.

Furthermore, the role of the NREMs is elaborated in the Anti-trafficking Directive: Recital 27 clarifies that NREMS should be established in the way that Member States consider appropriate "according to their internal organisation, and taking into account the need for a minimum structure with identified tasks". Therefore, NREMs have different statuses and structures; in particular, some Member States have established NREMs which are independent from the government, whereas the vast majority have NREMs which are part of the national administration. It is important to stress that **neither the Council Conclusions nor the Anti-trafficking Directive refer to the concept of independence for the National Rapporteurs or Equivalent Mechanisms**, but rather describe their tasks and reporting obligations. Those represented in the EU NREMs Network are, therefore, National Rapporteurs in their independent capacity as defined in national laws, as well as National Rapporteurs or equivalent mechanisms working for or representing the national authorities. A

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<sup>11</sup> The deadline for transposition of the Anti-Trafficking Directive was 6 April 2013.

<sup>12</sup> Council conclusions on establishing an informal EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings, 4 June 2009  
[https://ec.europa.eu/antitrafficking/sites/antitrafficking/files/council\\_conclusions\\_on\\_national\\_rapporteur\\_network\\_2009\\_en\\_1.pdf](https://ec.europa.eu/antitrafficking/sites/antitrafficking/files/council_conclusions_on_national_rapporteur_network_2009_en_1.pdf)

few Member States participate in the NREMs Network with both a national rapporteur and a national coordinator within the national administration.

The NREMs are responsible for monitoring the implementation of anti-trafficking policy at the national level, and play a crucial role in data collection on trafficking in human beings at both national and EU level. The European Commission, via the Office of the EU ATC, has worked actively to facilitate and strengthen the work of the EU NREMs Network, in order to allow for enhanced information sharing and exchange of best practices as well as to ensure best coordination of tasks at EU and national level.

Currently, the successful functioning of the Network is ensured with biannual meetings attended by all EU Member States and all independent bodies where available. The EU Presidency chairs the meetings with the EU ATC on behalf of the European Commission. This allows for working at both the operational and strategic level as well as at the monitoring level in an informed and coordinated way.

## **2.2. EU Civil Society Platform against Trafficking in Human Beings**

The Report takes into consideration the contributions submitted by civil society organisations participating in the EU Civil Society Platform against trafficking in human beings<sup>13</sup> (hereafter "the Platform" and the EU Civil Society e-Platform<sup>14</sup> (hereafter "the e-Platform"). These contributions were submitted as part of a **process jointly agreed with the NREMs**; in result of making available on the e-Platform the reports transmitted by the Member States, they were accessible to the civil society participants who, consequently, could provide feedback and specific contributions. This **process can be considered a successful example of implementation of the Anti-Trafficking Directive's call for cooperation with the civil society organisations** that can play an essential role in addressing trafficking in human beings.<sup>15</sup> Indeed, effective cooperation and inclusion of civil society in state structures and as equal partners is important in addressing trafficking in human beings.

One of the key policy priorities identified in the EU Strategy has been to build up partnerships with all actors working against trafficking in human beings, including non-governmental organisations and civil society at large. To this aim, in May 2013, the European Commission launched the **EU Civil Society Platform against trafficking in human beings**. The Platform currently meets twice a year, bringing together approximately 100 civil society organisations

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<sup>13</sup> All information related to the EU Civil Society Platform including a list of participants is available at the dedicated European Commission website <http://ec.europa.eu/anti-trafficking/>

<sup>14</sup> An online area for the participants of the EU Civil Society e-Platform against THB is available at [http://ec.europa.eu/anti-trafficking/media-outreach-els/eu-civil-society-e-platform\\_en](http://ec.europa.eu/anti-trafficking/media-outreach-els/eu-civil-society-e-platform_en)

<sup>15</sup> Recital 6 stipulates that "Member States should encourage and work closely with civil society organisations, including recognised and active non-governmental organisations in this field working with trafficked persons, in particular in policy-making initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of anti-trafficking measures".

working in the field of anti-trafficking in the Member States and key neighbouring priority countries.

In order to complement the work of the Platform, to enable the continuity of the discussions beyond the biannual meetings in Brussels, as well as to ensure that they are broadened by including a higher number of organisations, the European Commission launched a **EU Civil Society e-Platform** in March 2014. Through this e-platform, the Commission facilitates further exchange of information and ideas and invites the participants to discuss future action fostering open, inclusive and diverse participation.

### **2.3. EU agencies, international and regional organisations**

The Report further includes relevant information from the EU Justice and Home Affairs agencies, international and regional organisations active in the area of anti-trafficking, and other key networks and stakeholders. In particular, information from relevant **regional and international organisations**<sup>16</sup> have been taken into account to the extent relevant, in order to ensure consistency with the work of these organisations, while at the same time respecting the different competences and frameworks.

The report also takes into consideration the reports drafted by the **Group of experts on action against trafficking in human beings (GRETA)**, monitoring the 2005 Council of Europe Convention on Action against Trafficking in Human Beings<sup>17</sup>, in line with recital 9 of the Anti-Trafficking Directive. As stated in this recital "Coordination between international organisations with competence with regard to action against trafficking in human beings should be supported in order to avoid duplication of effort".

Key documents referred to and used in the Report and staff working document are listed in **Annex I**.

#### **Joint statement by EU Justice and Home Affairs Agencies**

An example of coordinated EU action to address trafficking in human beings is the joint commitment of seven **EU Justice and Home Affairs Agencies** (CEPOL, EASO, EIGE, FRONTEX, EUROJUST, EUROPOL, FRA). On the occasion of the Fifth EU Anti-trafficking day on 18 October 2011, the Heads of the seven agencies signed a Joint

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<sup>16</sup> Such as the Council of Europe (CoE), the Council of Baltic Sea States (CBSS), the International Labour Organisation (ILO), the International Organisation for Migration (IOM), the Organization for Security and Cooperation in Europe (OSCE), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Emergency Fund (UNICEF), and the United Nations Office on Drugs and Crime (UNODC)

<sup>17</sup> [https://www.coe.int/t/dghl/monitoring/trafficking/Docs/Convntn/CETS197\\_en.asp](https://www.coe.int/t/dghl/monitoring/trafficking/Docs/Convntn/CETS197_en.asp)



statement<sup>18</sup> through which the agencies committed to address trafficking in human beings in a coordinated, coherent and comprehensive manner. This commitment has been implemented through the development by the Agencies of numerous projects, training, studies and handbooks in the field of anti-trafficking<sup>19</sup>. Furthermore, representatives of the Agencies hold regular joint meetings with the Office of the EU ATC in order to exchange information and agree on common priorities.

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<sup>18</sup> Joint statement of the Heads of the EU Justice and Home Affairs Agencies, 5th EU Anti-Trafficking Day, 2011, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/joint\\_statement\\_final\\_18\\_oct\\_2011\\_1.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/joint_statement_final_18_oct_2011_1.pdf)

<sup>19</sup> For a detailed report of the EU Justice and Home Affairs Agencies' activities in the field of anti-trafficking following the joint statement, see the Mid-term report on the implementation of the EU Strategy towards the eradication of trafficking in human beings, [http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/commission\\_staff\\_working\\_document\\_-\\_mid-term\\_report\\_on\\_the\\_implementation\\_of\\_the\\_eu\\_strategy\\_towards\\_the\\_eradication\\_of\\_trafficking\\_in\\_human\\_beings.pdf](http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/commission_staff_working_document_-_mid-term_report_on_the_implementation_of_the_eu_strategy_towards_the_eradication_of_trafficking_in_human_beings.pdf)

### **3. TRENDS AND CHALLENGES IN ADDRESSING TRAFFICKING IN HUMAN BEINGS IN THE EU**

#### **3.1. Statistical data**<sup>20</sup>

Assessing the exact scale of such a complex and criminal phenomenon as trafficking in human beings is a challenge in the EU and globally. In recent years, the European Commission, through Eurostat, has been collecting relevant statistics. The **Second Eurostat Working Paper on Trafficking in Human Beings**<sup>21</sup> was published in its final version in January 2015 and includes data from all 28 Member States plus Iceland, Norway, Montenegro, Serbia, Switzerland and Turkey over the years **2010-2012** on a diverse set of indicators<sup>22</sup>. Statistical data were collected on the **number of victims** (disaggregated by **gender, age and form of exploitation** as well as data on **victims' citizenship and type of assistance and protection received**). It also includes data on **suspected, prosecuted and convicted traffickers**.

##### **3.1.1. Statistical data for 2010-2012**

Over the years 2010-2012, **in total there were 30 146 registered victims of trafficking (both identified and presumed) in the EU**. Trafficking in human beings is recognised as a form of violence against women and girls. The **majority of identified victims of trafficking are female**. The **vast majority of women are identified in the sex industry**. Women are also **the predominant victims of other forms of exploitation, such as trafficking for sham and forced marriages and domestic servitude**. Following the Second Eurostat Working Paper on Trafficking in Human Beings covering the years 2010-2012, 80 % of registered victims in the EU during this period were women<sup>23</sup>. Among victims for which information was available on form of exploitation, 69 % were trafficked for sexual exploitation; 95 % of all registered victims of sexual exploitation were female, and 14 % children<sup>24</sup>; 19 % were

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<sup>20</sup> The information in the following sections includes references to statistical data from the Eurostat report 2010-2012, statistical data sent to the EU ATC for the years 2013-2014, and qualitative information provided in the narrative in the templates submitted by the Member States for the years 2011-2013, as well as strategic intelligence collected by Europol.

<sup>21</sup> Eurostat, Statistical Working Papers, Trafficking in Human Beings, 2015 Edition, [http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/trafficking\\_in\\_human\\_beings\\_-\\_eurostat\\_-\\_2015\\_edition.pdf](http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/trafficking_in_human_beings_-_eurostat_-_2015_edition.pdf)

<sup>22</sup> Not all Member States have provided comprehensive data on all indicators. In view of this, and the differences between national definitions and recording systems, figures should be interpreted with caution, and with careful consideration of the methodological notes provided. A higher number of reported cases do not necessarily mean that a country has more victims than another country. Nor is it necessarily an indication of a better identification or recording system. Sudden increases or decreases may merely reflect legislative modifications, changes in statistical procedures and counting rules, or be the result of specific law enforcement initiatives.

<sup>23</sup> For the 22 Member States able to provide data disaggregated by gender and age for all three years 2010-2012.

<sup>24</sup> Based on 22 Member States able to provide data on form of exploitation for all three years 2010-2012 as well as 16 Member States able to provide data on age and sexual exploitation for all three years.

trafficked for the purpose of labour exploitation; and 12 % for other forms of exploitation. Over 1 000 children were registered as victims of trafficking for sexual exploitation.

### **3.1.2. Statistical data for 2013-2014**

Further statistical information provided by Member States for the Report and covering the period 2013-2014 **supports the trends showed by the Second Eurostat Working Paper.**<sup>25</sup>

**In total, there were 15 846 registered victims of trafficking in the EU during the years 2013-2014.** It is important to stress that these data refer to ‘registered victims’ (both identified and presumed)<sup>26</sup>. However, given the complexity of the phenomenon, there are solid grounds to expect that the actual numbers of victims of trafficking in the EU are indeed substantially higher.

**Trafficking for the purpose of sexual exploitation is still the most widespread form of trafficking in human beings** (67 % of registered victims)<sup>27</sup>, followed by labour exploitation (21 % of registered victims). The other 12 % were registered as victims of other forms of trafficking, including exploitation for criminal activities, organ removal, forced begging and pick pocketing, sham marriages, domestic servitude. Trafficking for forced or petty criminality (such as property crime, forced begging, drug production and trafficking, benefit fraud) particularly affects children, according to information from Member States as well as from Europol.

**Over three-quarters of the registered victims were women (76 %), and at least 15 % of the registered victims were children**<sup>28</sup>.

Most of the registered victims are EU citizens: in both the Second Eurostat Working Paper on Trafficking in Human Beings from 2010-2012 and the data for 2013-2014, **65 % of registered victims are EU citizens.**

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<sup>25</sup> The data collection exercise for the progress report should be viewed as an interim and simplified collection in between the two existing Eurostat working papers on Trafficking in Human Beings, and the planned future official collections. For more detailed information on the data collection exercises of the Commission, in particular regarding the methodology, definitions and interpretation of data, please refer to the most recent Eurostat Statistical Working Paper on Trafficking in Human Beings, 2015 edition. For details and tables please see Annex II on the data collection exercise.

<sup>26</sup> In accordance with the definition in the anti-trafficking Directive, the term ‘identified victim’ refers to a person who has been formally identified by relevant authorities as a victim of trafficking. The term ‘presumed victim’ is used for a victim of trafficking who has met the criteria of the EU Directive but has not formally been identified by the competent authorities as a victim, or has declined to be formally and legally identified as a victim of trafficking. Some Member States have included both categories in their data collection, whereas others only include one of the two categories.

<sup>27</sup> This is also confirmed by the Europol Situation Report: Trafficking in human beings in the EU, February 2016, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational\\_report\\_trafficking\\_in\\_human\\_beings-europol.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational_report_trafficking_in_human_beings-europol.pdf)

<sup>28</sup> Based on the partial age-disaggregated data provided by the Member States.

Over the period 2013-2014 **the top five EU countries of citizenship** for registered victims of trafficking were **Romania, Bulgaria, Netherlands, Hungary, and Poland**. These are the **same countries** as for the years 2010-2012.

**For non-EU citizens, the top five countries** with the highest number of victims were **Nigeria, China, Albania, Vietnam and Morocco** (in 2010-2012 the top-5 countries were **Nigeria, Brazil, China, Vietnam and Russia**).

**6 324** people had formal contact with the police or the criminal justice system<sup>29</sup> in connection with the crime of trafficking in human beings.<sup>30</sup> Victims and suspected traffickers generally share nationality, ethnic ties and sometimes kinship links<sup>31</sup>. Mobility and rotation of victims are key features within this criminal market. While most traffickers are male, female suspects are also involved in low-ranking tasks (Nigerian criminal networks form an exception where women play a central role in the exploitation process).

The most common means through which people become victims of trafficking – both for sexual and labour exploitation – is deception, typically by false promises of employment and good working conditions. Traffickers use newspaper ads, the internet, social media and new technologies as recruitment means.<sup>32</sup>

**Table 1**<sup>33</sup>

	Male	Female	Sexual	Labour	Other	EU nationals	Non-EU nationals
2010-12	20 %	80 %	69 %	19 %	12 %	65 %	35 %
2013-14	24 %	76 %	67 %	21 %	12 %	65 %	35 %

Compared on an annual basis, the total number of registered victims in the data for 2013-2014 is lower than that recorded in the Eurostat working paper for 2010-2012 (8 034 in 2013 and 7812 in 2014; as compared to 9 710 in 2010, 9 438 in 2011 and 10 998 in 2012). Although the

<sup>29</sup> May include persons suspected, arrested or cautioned for a criminal offence at the national level. For definition please see the Eurostat Crime and Criminal Justice Metadata in Euro SDMX Metadata Structure (ESMS) [http://ec.europa.eu/eurostat/cache/metadata/en/crim\\_esms.htm](http://ec.europa.eu/eurostat/cache/metadata/en/crim_esms.htm)

<sup>30</sup> Not all Member States have provided data on the criminal justice process. Furthermore, although the majority of Member States refer to individual people, some Member States refer to cases or offences rather than individual people.

<sup>31</sup> Europol Situation Report: Trafficking in human beings in the EU, February 2016, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational\\_report\\_trafficking\\_in\\_human\\_beings- europol.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational_report_trafficking_in_human_beings- europol.pdf)

<sup>32</sup> Europol, Internet Organized Crime Threat Assessment, 2014, <https://www.europol.europa.eu/content/internet-organised-crime-threat-assesment-iocta>

<sup>33</sup> Data may not be directly comparable between the two recording periods due to differences in geographical scope and sources of data. However, the similarity between the two data sets does imply some consistency as regards the demographic characteristics of victims registered in the EU.

data collection methods used for both periods were similar, it would not be advisable at this stage to compare the data, either between the two exercises or across individual years, due to possible differences in recording methods and legal definitions. For this reason, the discrepancy in the annual totals, and in particular the reasons why fewer victims of trafficking were registered, are issues that need to be explored and analysed further. Nevertheless, it is clear that **there is a worrying consistency in terms of victims' countries of origin, countries of destination, the forms of exploitation, and the age and gender profile of victims over the five years 2010-2014**<sup>34</sup>. The information received appears also consistent with the latest Europol Situation Report of 2016<sup>35</sup>.

This consistency indicates **the need to step up efforts in investigating the crime, prosecuting the perpetrators and identifying the victims**. The adoption of the Anti-trafficking Directive has created an important momentum in raising awareness on the scale of the phenomenon in the EU and the need to address it with a wide range of tools, from criminal law to prevention measures. The European Commission takes this data into serious consideration and stands ready to support the Member States in order to effectively implement the Anti-Trafficking Directive and fully comply with its obligations.

*Portugal* has established an Observatory on Trafficking in Human Beings (OTSH) which is to be understood as a monitoring system to collect quantitative and qualitative data from different entities with activities related to trafficking in human beings and to analyse data, and produce knowledge about the phenomenon. These activities include criminal and judicial related actions, as well as activities to support victim's social reintegration. The OTSH has a network of more than 30 governmental and non-governmental bodies as primary data sources. As secondary data sources, the OTSH contacts national Liaisons Officers, IOM/Lisbon Office, Europol and DGPIJ/Ministry of Justice. The Monitoring System is a part of the national referral mechanism on trafficking in human beings in Portugal. The status given to registers (as far as 'Identified' or 'Not a victim of trafficking') is given by the competent authority. The OTSH produces trimestral reports (classified) and an Annual Statistical Report that are validated by all data providers.

### **3.2. Trends in forms of exploitation**

As specified in Article 2 of the Anti-trafficking Directive "*exploitation shall include as a minimum the exploitation of 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*". **The list of different forms of exploitation included in the Anti-trafficking Directive is not exhaustive**; rather, it sets a **minimum standard** on which exploitation forms are to be

<sup>34</sup> Based on a comparison between the Eurostat data for 2010-2012 and the 2013-2014 data provided by Member States for the Report, which is elaborated in Section 5.

<sup>35</sup> Europol Situation Report: Trafficking in human beings in the EU, February 2016, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational\\_report\\_trafficking\\_in\\_human\\_beings- europol.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational_report_trafficking_in_human_beings- europol.pdf)

covered by the Member States, while the definition also covers other forms as long as they fulfil the constitutive elements of trafficking in human beings.

### **3.2.1. Trafficking for the purpose of sexual exploitation**

Based on the statistical data, as well as on the narrative information submitted by the Member States, trafficking in human beings for the purpose of sexual exploitation is still by far the most prevalent form of trafficking in the EU. According to the data for the years 2013 and 2014, there were **10 044 registered victims (67 % of total registered victims) for this form of exploitation**. This form primarily affects women and girls, even though a few Member States have reported an increase in the number of male victims. The above-mentioned data are consistent with trends identified in both previous Eurostat statistical data collections, and with recent UNODC statistical data. This is further confirmed by the 2016 Europol Situation Report<sup>36</sup>.

The nature of the phenomenon of trafficking in human beings for sexual exploitation renders this form of exploitation very complex to address. As reported by Member States (such as **BE, IT** and the **NL**), an increasing shift of traffickers from visible (e.g. street prostitution, window prostitution) to less visible forms (prostitution in hotels and in private homes) is noticed, as well as an abuse by traffickers of the ‘self-employed’ status. This is also in line with information in the European Commission's **Study on the gender dimension of trafficking in human beings**<sup>37</sup>, a deliverable of the EU Strategy, whereby, while bogus self-employment is illegal, there is little evidence that authorities are robustly enforcing such regulations.

Although efforts are made by Member States law enforcement to tackle trafficking for sexual exploitation, there has been no substantial sign of a decrease. The most recent information available by Europol<sup>38</sup>, as submitted by the Member States, indicates that **Austria, Belgium, France, Germany, Greece, Italy, the Netherlands, Spain, Switzerland, and the United Kingdom are the most targeted countries by human traffickers, due to the high demand for cheap sexual and labour services in these countries**. Europol further notes that as a result of the economic crisis, there is an increased demand for cheap labour services and for example, **in countries where prostitution is legal and regulated, it is possible that sex work is affected by the demand for cheap labour**<sup>39</sup>. Finally, Europol mentions that there are **Member States in which prostitution is legal, making it much easier for traffickers who wish to use a legal environment in order to exploit their victims**<sup>40</sup>.

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<sup>36</sup> Europol Situation Report: Trafficking in human beings in the EU, February 2016, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational\\_report\\_trafficking\\_in\\_human\\_beings- europol.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational_report_trafficking_in_human_beings- europol.pdf)

<sup>37</sup> [https://ec.europa.eu/anti-trafficking/eu-policy/study-gender-dimension-trafficking-human-beings\\_en](https://ec.europa.eu/anti-trafficking/eu-policy/study-gender-dimension-trafficking-human-beings_en)

<sup>38</sup> Europol Situation Report: Trafficking in human beings in the EU, February 2016, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational\\_report\\_trafficking\\_in\\_human\\_beings- europol.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational_report_trafficking_in_human_beings- europol.pdf)

<sup>39</sup> *Ibid.*

<sup>40</sup> *Ibid.*

There appears to be no indication that despite previous or current efforts at international, European or national level, trafficking for sexual exploitation has effectively been addressed and that the phenomenon has decreased. Indeed, **trafficking for sexual exploitation remains still very prevalent.**

### **Trafficking for sexual exploitation in Member States**

**Belgium** reports several examples of victims of trafficking forced into prostitution and sexual exploitation. One of these examples involves criminal organisations from Romania trafficking young girls into different EU countries, forcing them into prostitution. These young girls, starting from the age of 16, were seduced by so called "lover-boys" who, under the pretext of holiday jobs, lured them to Portugal where, after physical threats and violence, they were sold to the leader of a Romanian criminal group. The selling price for a girl ranged between 2 000 and 5 000 euros. From Portugal these girls were forced to travel elsewhere in Europe and eventually to Belgium, where they were then forced into prostitution and sexually exploited. When they refused the exploitation or attempted to contact the police, they were intimidated and beaten and their families in Romania were threatened. They were also forced to accept unprotected sex because a higher price could then be charged. This resulted in venereal disease and forced abortions. It is further reported that the traffickers provided the child victims with false identity documents so that they could allegedly be legally employed in a bar. The income for the traffickers from the exploitation in prostitution amounted to 512 066 EUR, and was transferred via money transfers in the name of other members of the criminal organisation to the family of one of the traffickers in Romania. This money was then invested in real estate in the names of the suspects, their parents or other family members.

### **3.2.2. Trafficking for the purpose of labour exploitation**

Trafficking in human beings for the purpose of labour exploitation is reported by several Member States (such as MT, PL, PT) as an **increasing phenomenon** and others (such as DK, LT, SK) expect the problem to increase further in the future<sup>41</sup>. Member States also report an **increase in male victims** for this form of trafficking, among others in the agricultural sector (EL, IT, PT). Statistical data for 2013-2014 show that **74 % of victims registered for labour exploitation were men**. According to Member States, the most concerned sectors are agriculture and fisheries<sup>42</sup>, construction, the hospitality industry, manufacturing and domestic

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<sup>41</sup> Based on qualitative and narrative responses of the Member States to the European Commission questionnaire for the preparation of the Report.

<sup>42</sup> Trafficking in human beings has been identified as one of the main maritime security risks and threats in the EU Maritime security strategy,  
<http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2011205%202014%20INIT>

work<sup>43</sup>. **Female victims are primarily exploited in domestic work.** Victims are often lured by fake advertisements for work, also via online advertisements.

Traffickers exploit **loopholes in enforcement or control of legislation on work permits, visas, labour rights and working conditions.** Labour exploitation is by no means a new phenomenon in the EU; however, it is reported that as a result of the economic crisis, there is an **increased demand for cheap labour services and lack of awareness of the contractual obligations and working conditions of the employees**<sup>44</sup>. This is a situation which is exploited by the organised criminal groups. People are being exploited in the labour market and trafficked into, as well as within, the EU to supply unpaid or very low-paid work, living and working in conditions that do not respect their human dignity.

#### **Trafficking for labour exploitation in the construction sector in the Member States**

**Belgium** reports several cases involving Polish victims in the construction sector. The victims were Polish workers who were required to carry out renovation work under a bogus status of independent contractors, without understanding what this entails. Moreover, they were housed in deplorable conditions. Their wages were far below the officially indexed rates, and they were paid irregularly or not at all.

The European Commission is keen to increase knowledge for all forms of exploitation. In this context, the **EU Strategy has placed special focus on trafficking in human beings for the purpose of labour exploitation, supporting and funding a wide range of projects.** The Strategy envisaged a **Study on case law on trafficking for the purpose of labour exploitation** in all Member States<sup>45</sup>, which was released on the occasion of the Ninth EU Anti-Trafficking Day in 2015. Furthermore, the European Commission, based on cooperation with the **European Foundation for the Improvement of Living and Working Conditions** (Eurofound), is developing a **best practice guide for public authorities on the monitoring and enforcement of temporary work agencies and intermediary agencies** such as job recruitment agencies to prevent trafficking in human beings for the purpose of labour exploitation. Enhanced cooperation with labour inspectors is another priority of the EU Strategy. The European Commission is also considering how to best ensure the **involvement of the private sector** in order to ensure maximum impact while not duplicating initiatives by other stakeholders.

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<sup>43</sup> In this framework, the Seasonal Workers Directive (2014/36/EU) sets the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers. The Directive rules governing working conditions aim to prevent exploitation and protect the health and safety of non-EU seasonal workers. The Directive must be transposed by the Member States by September 2016.

<sup>44</sup> Europol, Serious and Organised Crime Threat Assessment Executive Report, 2013, <https://www.europol.europa.eu/content/eu-serious-and-organised-crime-threat-assessment-socta>

<sup>45</sup> Available at <http://ec.europa.eu/anti-trafficking/node/4923>



A form of labour exploitation particularly challenging to detect is that of **domestic servitude, which affects primarily women and girls**. As it occurs in private households, the victims are often isolated, with limited or no opportunities to report or escape the exploitation.

#### **Trafficking for domestic servitude in diplomatic households in the Member States**

Trafficking for domestic servitude in diplomatic households has been reported as one of the emerging trends globally, and it has been addressed by a Handbook<sup>46</sup> published by OSCE (Organization for Security and Co-operation in Europe) in 2014. This Handbook for Protocol Officers serves to raise awareness and inform the relevant authorities about how to prevent trafficking in human beings for domestic servitude in diplomatic households, how to detect abuses and how to react to exploitative situations while protecting the rights of the domestic worker. The handbook was funded by Austria, the Netherlands, Switzerland and the United States.

The Anti-trafficking Directive covers trafficking in human beings for the purpose of labour exploitation and specifically mentions trafficking in human beings for the purpose of forced labour or services, forced begging, slavery or practices similar to slavery and servitude. **This is a non-exhaustive list of exploitation forms and other exploitation forms can be covered.**

#### **3.2.3. Trafficking for other forms of exploitation**

According to statistical data for 2013-2014, other forms of exploitation registered and reported by the Member States correspond to 12 % of the total number of victims.

Examples of other forms of exploitation reported by Member States are **trafficking for the purpose of forced begging, criminal activity, forced marriage, sham marriage, or organ removal, trafficking of infants and young children for adoption, trafficking in pregnant women to sell their new born babies, trafficking for the production of cannabis and trafficking for the purpose of drug smuggling or the selling of drugs**. Some Member States include in their data collection on "other forms of exploitation" also **trafficking for the purpose of domestic servitude and trafficking for seasonal berry picking**, which in most cases as well as according to the definition would fall under trafficking for the purpose of labour exploitation.

Member States also report cases in which people fall victims of **multiple forms of exploitation**, for example where they are trafficked for both labour and sexual exploitation, or trafficked for labour exploitation and also forced to engage in criminal activities.

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<sup>46</sup> OSCE, How to prevent human trafficking for domestic servitude in diplomatic households and protect private domestic workers, 2014, <http://www.osce.org/handbook/domesticservitude?download=true>

The narrative reporting from the Member States (such as BG, CY, FI, LT, LV, LX, SE, SK) suggests that **exploitation of persons with physical, mental and developmental disabilities is on the rise**. Traffickers are exploiting the vulnerabilities of these people for different purposes including for sexual exploitation, forced or sham marriages, forced begging, forced criminality. For example, some Member States (such as SE, SI) report an **increase in trafficking for the purpose of forced begging**, involving both children and adults, mostly of **Roma origin**. Some Member states report that victims of trafficking are also being used as **drug mules** (EE, LT) and exploited in **cannabis cultivation** (DK, UK) or used to commit **benefit fraud** (UK). Other Members States report an increasing trend in **pregnant women being recruited and forced to sell their new-born babies** (BG, HU).

The European Commission has provided **co-financing for several projects targeting many of these forms of exploitation**, such as trafficking in human beings for forced criminality, organ removal, and forced begging. Information on all projects is available on the EU Anti-Trafficking website<sup>47</sup>.

#### **3.2.4. Forced marriages and sham marriages**

As one of the "other forms of exploitation", some Member States (such as BE, EE, LV, and SK) have reported forced marriages and sham marriages<sup>48</sup> amongst the new emerging trends in trafficking in human beings during the reporting period. In particular, sham marriages present an issue of serious concern for Latvia, and were included as one of the main priorities for discussion during the Latvian Presidency of the EU in 2015<sup>49</sup>, reporting that a considerable number of registered victims of trafficking in human beings from Latvia were forced into sham marriages in Ireland with third-country nationals.

#### **Law Enforcement information on trafficking for the purpose of sham marriages**

According to Europol<sup>50</sup>, victims of trafficking for the purpose of sham marriages are predominantly female EU citizens mostly originating from the Czech Republic, Hungary, Latvia, Poland, Romania, and Slovakia, who are trafficked to western and northern Member States and forced to marry Asian men, typically Pakistanis and Indians, to enable them to obtain residence benefits and legal stay in the EU. The women targeted are often in vulnerable positions due to their economic and social conditions, including disabilities; in some cases,

<sup>47</sup> <http://ec.europa.eu/anti-trafficking/eu-projects/>

<sup>48</sup> Please note that Member States use the terminologies in different ways but often to indicate similar phenomena, especially as regards sham marriages and marriages of convenience. For definitions used under EU law on free movement of EU citizens, please refer to the Handbook on addressing the issue of alleged marriages of convenience between EU citizens and non-EU nationals in the context of EU law on free movement of EU citizens, SWD(2014) 284 [http://ec.europa.eu/justice/citizen/files/swd\\_2014\\_284\\_en.pdf](http://ec.europa.eu/justice/citizen/files/swd_2014_284_en.pdf)

<sup>49</sup> Meeting of the EU Network of National Rapporteurs or Equivalent Mechanisms on trafficking in human beings during the Latvian Presidency on 9-10 June 2015, [http://www.iem.gov.lv/eng/latest\\_news/?doc=30277](http://www.iem.gov.lv/eng/latest_news/?doc=30277)

<sup>50</sup> Europol, Marriages of Convenience: A link between facilitation of illegal immigration and THB, Early Warning Notification 2014/08, 2014. <https://www.europol.europa.eu/content/marriages-convenience-link-between-facilitation-illegal-immigration-and-thb>

they are kidnapped and brought to the country of destination against their will, while the traffickers retain their documents and hold them captive. The victims are also often sexually abused by their husbands or otherwise sexually exploited. It is currently unclear whether these brokers belong to networks involved in trafficking in human beings or act as service providers to organised criminal groups facilitating irregular migration. The European Commission has issued a **Handbook on addressing the issue of alleged marriages of convenience between EU citizens and non-EU nationals** to address this issue in the context of EU law on free movement of EU citizens<sup>51</sup>.

Europol indicates that it is possible to expect that **the current migration and refugee crisis will result in more forced marriages due to the increased attempts by migrants and asylum- applicants to gain legitimate residency**<sup>52</sup>.

Member States in the EU Network of NREMs<sup>53</sup> have indicated that the lack of legislation on sham marriages, and whether or not to consider them as a form of exploitation for trafficking in human beings, is a major challenge to adequately address this trend. In this regard, it has to be recalled that **the forms of exploitation listed in Article 2(3) of the Anti-trafficking Directive are not exhaustive and that other forms can be covered**. Member States that do not cover explicitly sham marriages in their national legislation on trafficking in human beings could apply other relevant definitions of exploitations that may be relevant in the situation of sham marriages, such as sexual exploitation or domestic servitude, in order to properly address those cases.

### **3.3. Trends in child trafficking**

Child trafficking is reported by Member States as one of the trends that is increasing most sharply in the EU. The statistical data for the years 2013-2014 show that, out of the 15 846 registered victims of trafficking in the EU during this time period, **at least 2 375 were children**<sup>54</sup>.

Children are one of the most vulnerable groups targeted by traffickers. Although child trafficking is prevalent in situations unrelated to migration, such as within a Member State or intra-EU, the information received suggests that the phenomenon has been exacerbated by the ongoing migration and refugee crisis, with specific risks involved for unaccompanied children (see the following section 3.4).

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<sup>51</sup> Handbook on addressing the issue of alleged marriages of convenience between EU citizens and non-EU nationals in the context of EU law on free movement of EU citizens, SWD(2014) 284 [http://ec.europa.eu/justice/citizen/files/swd\\_2014\\_284\\_en.pdf](http://ec.europa.eu/justice/citizen/files/swd_2014_284_en.pdf)

<sup>52</sup> Europol Situation Report: Trafficking in human beings in the EU, February 2016, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational\\_report\\_trafficking\\_in\\_human\\_beings- europol.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational_report_trafficking_in_human_beings- europol.pdf)

<sup>53</sup> NREMs Meeting of 9-10 June 2015

<sup>54</sup> Age information was only available for 13 841 of the 15 846 registered victims. Therefore the actual figure may be higher.

**Identifying** children who are victims of trafficking and establishing their true identity remains a challenge. Organised crime groups choose to traffick children as they are easy to recruit and quick to replace; they can also keep under their control child victims relatively cheaply and discreetly<sup>55</sup> – children are generally less visible than adults and may be housed in secluded areas, out of sight. For trafficked children between the ages of 6 months and 10 years, criminal networks can pay between EUR 4 000 and EUR 8000 (in some cases, up to EUR 40 000).

Trafficking networks target socially and economically disadvantaged families and push families into debt which they cannot repay. In this context, children are taken away from parents as a form of debt repayment<sup>56</sup>. In some cases, the victim's family plays an active role: children are sold or traded to strangers or to other relatives, who take charge of their exploitation across the EU, channelling them into sexual abuse, begging or delinquency, while often depriving them of material welfare such as adequate nutrition or using psychological coercion<sup>57</sup>. An increase of **children trafficked for forced criminality** is reported by a number of Member States (such as DK, LT, SE, SK). While illegal adoption does not necessarily constitute trafficking in human beings, in a number of cases illegally adopted children are victims of trafficking<sup>58</sup>.

Civil society representatives also highlight links between trafficking and **institutionalisation of children**, which manifests itself in two ways: firstly, children placed in institutional/residential care are at high risk of becoming victims of trafficking, including when they go missing; secondly, often when child victims are recovered from traffickers they are placed (back) in institutions by the responsible authorities, thus creating a vicious circle for trafficked children and additional risks to their peers in institutions.

As reported by Europol<sup>59</sup>, **children from Roma communities are particularly vulnerable**; destination countries for child victims from these communities are mainly the United Kingdom and France, where they are subjected to sexual exploitation, labour exploitation, forced begging, petty crimes, and to a lesser extent to systematically defrauding the social security and welfare benefit systems.

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<sup>55</sup> Europol, Intelligence Notification, Child trafficking for exploitation in forced criminal activities, 2014, <https://www.europol.europa.eu/content/fighting-child-trafficking-main-priority-eu-law-enforcement>

<sup>56</sup> *Ibid.*

<sup>57</sup> Europol Situation Report: Trafficking in human beings in the EU, February 2016, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational\\_report\\_trafficking\\_in\\_human\\_beings- europol.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational_report_trafficking_in_human_beings- europol.pdf)

<sup>58</sup> Europol, Intelligence Notification, Child trafficking for exploitation in forced criminal activities, 2014, <https://www.europol.europa.eu/content/fighting-child-trafficking-main-priority-eu-law-enforcement>

<sup>59</sup> *Ibid.*

## **Children from Roma communities**

According to the **European Commission's Study on high-risk groups for trafficking in human beings**<sup>60</sup>, a deliverable of the EU Strategy, traffickers allow children to stay overnight in shelters, while at day time they continue being forced to pick-pocketing or begging. The Study mentions that according to national research, an increased prevalence of child marriages is noted, while victims and perpetrators are predominantly from some groups within the Roma community. The upward trend is assumed to be related with the increasingly difficult economic situation of Roma communities, exacerbated by the economic crisis.

With regards to the trafficking of **Roma children**, the study identifies several specific enabling factors contributing to trafficking: hesitation by public authorities in taking action, due to insufficient knowledge and understanding of the social norms and culture of the Roma community, due to the fear of resulting in discriminatory practices as well as due to a lack of adherence to child protection measures and rules; lack of adequate, effective and timely intervention of responsible institutions in cases of child marriages and child begging, which may erroneously consider this as cultural practice, without due regard to the child's right to protection from all forms of violence in line with the UN Convention on the rights of the child and national laws already in place, and somehow acceptable for Roma families (such as HR, SI); lack of political will to address the marginalisation and structural exclusion of Roma communities.

Particularly in the context of victims from Roma communities, it is worth recalling the **Council Recommendations on effective Roma integration measures in the Member States**<sup>61</sup>: Combat all forms of discrimination, including multiple discrimination, faced by Roma children and women, and fight violence, including domestic violence, against women and girls, trafficking in human beings, underage and forced marriages, and begging involving children, in particular through the enforcement of legislation. To this end, Member States should ensure the involvement in this exercise of all relevant actors including public authorities, civil society and Roma communities. In this context, cooperation between Member States is encouraged in situations with a cross-border dimension.

Child victims are at high risk of undergoing **secondary victimisation** by being considered perpetrators of petty crime rather than as victims of trafficking. Child victims are also at risk of being re-trafficked after their release from the authorities<sup>62</sup>.

Finally, civil society and service providers report that many of the victims **claim to be older than their actual ages**, as instructed by the traffickers.

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<sup>60</sup> Study on High-risk Groups for Trafficking in Human Beings, [https://ec.europa.eu/anti-trafficking/eu-policy/study-high-risk-groups-trafficking-human-beings\\_en](https://ec.europa.eu/anti-trafficking/eu-policy/study-high-risk-groups-trafficking-human-beings_en)

<sup>61</sup> [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/lsa/139979.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lsa/139979.pdf)

<sup>62</sup> Europol, Intelligence Notification, Child trafficking for exploitation in forced criminal activities, 2014, <https://www.europol.europa.eu/content/fighting-child-trafficking-main-priority-eu-law-enforcement>

The Anti-trafficking Directive sets out a number of provisions based on the principle of the best interests of the child, which requires that Member States take into account the specific needs of child victims of trafficking. The EU Strategy recognises that comprehensive child-sensitive protection systems, ensuring interagency and multidisciplinary coordination, are crucial in catering to the needs of child victims of trafficking. In line with the EU Strategy, in June 2014, FRA and the European Commission published "**Guardianship for children deprived of parental care: A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking**"<sup>63</sup>. This handbook is designed to help standardise guardianship practice, ensuring also that responsible national authorities are better equipped to deal with the specific needs of child victims of trafficking.

The **EU Agenda for the rights of the child (2011–2014)**<sup>64</sup>, notes that the well-being of children can only be achieved in a society which is free of violence, abuse and exploitation of children, and stressed that the specific needs of children are taken into account in developing trafficking policy. In the context of its work on violence against children, the Commission organised the seventh (2012), eight (2013), and ninth (2015) edition of the European Forum on the rights of the child on the subject of **integrated child protection systems**<sup>65</sup>. The overarching goal of a national child protection system is to protect children from violence, including trafficking. The Commission **promotes integrated child protection systems**, where components and services are multi-disciplinary, cross-sectorial and inter-agency, where children are placed at the centre. At the most recent Forum in June 2015, the Commission proposed **10 Principles for integrated child protection system**.<sup>66</sup> The 10 Principles for integrated child protection systems derived from the EU Strategy, and are grounded in international standards on the rights of the child. They summarise how a rights-based approach can be used. The Commission seeks to apply these principles in funding priorities to build the capacity of duty-bearers to respect the rights of the child and the capacity of children as rights-holders to claim their rights.

The Commission continues to fund **projects to protect children from violence**<sup>67</sup>, including child victims of trafficking under several programmes, with a focus on achieving more sustainable system improvements.

Furthermore, child trafficking has been identified as one of the priorities under the **European Multidisciplinary Platform against Criminal Threats on Trafficking in Human Beings**

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<sup>63</sup> <http://ec.europa.eu/anti-trafficking/node/4085>

<sup>64</sup> <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:52011DC0060>

<sup>65</sup> [http://ec.europa.eu/justice/fundamental-rights/rights-child/european-forum/ninth-meeting/index\\_en.htm](http://ec.europa.eu/justice/fundamental-rights/rights-child/european-forum/ninth-meeting/index_en.htm)

<sup>66</sup> [http://ec.europa.eu/justice/fundamental-rights/files/2015\\_forum\\_roc\\_background\\_en.pdf](http://ec.europa.eu/justice/fundamental-rights/files/2015_forum_roc_background_en.pdf)

<sup>67</sup> Overview of EU funding mechanisms in the area of child protection: [http://ec.europa.eu/justice/fundamental-rights/files/roc\\_funding\\_mechanisms\\_2014.pdf](http://ec.europa.eu/justice/fundamental-rights/files/roc_funding_mechanisms_2014.pdf). See recent calls targeting the protection of children: [http://ec.europa.eu/justice/grants1/open-calls/index\\_en.htm](http://ec.europa.eu/justice/grants1/open-calls/index_en.htm); Compilation of recently-funded rights of the child and violence against children projects: [http://ec.europa.eu/justice/fundamental-rights/files/rights\\_child/compilation\\_previously\\_funded\\_projects\\_rights\\_of\\_the\\_child\\_and\\_violence\\_against\\_children.pdf](http://ec.europa.eu/justice/fundamental-rights/files/rights_child/compilation_previously_funded_projects_rights_of_the_child_and_violence_against_children.pdf)

(hereafter **EMPACT THB**)<sup>68</sup>. To this end, more operational focus is currently being placed on child trafficking and the European Commission is supporting Europol and law enforcement authorities, as well as other EU agencies in their efforts. This is consistent with the European Commission priorities. The European Commission further engages with the civil society and child rights organisations, within the context of the EU Civil Society Platform against trafficking in human beings where a sub-group on child trafficking has discussed relevant concerns in a number of meetings.

#### **Study on High Risk Groups for trafficking in Human Beings**

The European Commission's Study of High Risk Groups for trafficking in human beings includes recommendations related to **structural and institutional factors** and to provision of targeted training for all professionals likely to come in contact with children at risk, stressing the **need for clear guidelines aimed at implementing a child centred and victim centred approach**. Moreover, it recommends reinforcing inter-institutional cooperation and promoting integrated child protection systems. The Study further recommends that in order to promote a cultural change in societal attitudes towards violence, exploitation and discrimination against children and women, as well as trafficking specifically, it is useful to invest in tailored and non-sensationalist awareness raising actions. These should also be based on a **better understanding of the demand side factors that sustain and foster child trafficking**, and accompanied by **legislative frameworks supporting this normative change**. Recommendations related to **socioeconomic factors** revolve around the need to provide support to marginalised communities through programmes ensuring their economic and social inclusion. As social attitudes towards violence and child labour play a role, there is a need to promote a culture of zero tolerance, at a local level, of violence against women and children, as well as of child labour exploitation. It is also important that the socioeconomic wellbeing of children is ensured more broadly by **providing them with access to adequate resources**, quality education and health services, decent housing and a safe environment in which to develop.

#### **3.4. Trends in trafficking in human beings and organised crime**

Addressing trafficking in human beings necessarily involves addressing also **other forms of criminal offences** which are interlinked with it, such as money laundering, financial crime, corruption, property crimes, document fraud, cybercrime, smuggling of migrants, terrorism related crimes, child sexual exploitation and forced labour. These links often result in cases of trafficking in human beings not investigated or recorded as such<sup>69</sup>. The continuously evolving

<sup>68</sup> Council Conclusions on the creation and implementation of an EU policy cycle for organised and serious international crime, 8 and 9 November 2010, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/jha/117583.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/117583.pdf)

<sup>69</sup> See Europol Situation Report: Trafficking in human beings in the EU, February 2016, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational\\_report\\_trafficking\\_in\\_human\\_beings-\\_europol.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational_report_trafficking_in_human_beings-_europol.pdf)

forms of trafficking in human beings and the ability of traffickers to adapt to new situations make this crime even harder to address.

As a **serious form of organised crime and a security threat**, trafficking in human beings necessitates a **coordinated and specific response at EU level**. For this reason, trafficking in human beings is amongst the serious and organised crimes addressed by the **European Agenda on Security**<sup>70</sup> and by the **EMPACT THB**, within the framework of the EU Policy Cycle for organised and serious international crime<sup>71</sup>.

Trafficking in human beings is usually linked to organised crime, although there are some cases where a small number of victims are exploited locally, and where individual criminals act with limited organisation. The latest Situation Report on trafficking in human beings by Europol<sup>72</sup> explains that often the **criminal organisations involved are characterised by loose, flexible and quickly adaptable networks** linked by kinship or ethnicity with interchangeable roles amongst members, and with a presence in a number of countries. These networks rotate the victims through different countries. Europol further highlights that the loose structure and modus operandi of the networks renders their detection a very challenging task for law enforcement authorities.

Europol's Serious and Organised Crime Threat Assessment highlights that, given the 'low risk/high profit' nature of trafficking in human beings, organised criminal groups are extremely flexible and quickly adapting to changes in legislation and law enforcement tactics<sup>73</sup>, as well as **making use of new technologies**. Further, Europol's Internet Organized Crime Threat Assessment elaborates that traditional organised crime groups are beginning to use the service-based nature of the cybercrime market to carry out more sophisticated crimes,

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<sup>70</sup> [http://ec.europa.eu/dgs/home-affairs/e-library/documents/basic-documents/docs/eu\\_agenda\\_on\\_security\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/documents/basic-documents/docs/eu_agenda_on_security_en.pdf)

<sup>71</sup> Council Conclusions on the creation and implementation of an EU policy cycle for organised and serious international crime, 25 October 2010, <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2015358%202010%20INIT>. In June 2013, the Council adopted conclusions identifying the nine priority areas of the EU Serious and Organised Crime Policy Cycle starting in 2014, which include trafficking in human beings. The Standing Committee on Operational Cooperation on Internal Security (COSI) has a mandate to facilitate, promote and strengthen the coordination of Member States' operations in the field of internal security, with support from Europol, and to adopt annual operational action plans (OAPs) on each priority area identified by the Council. The OAP for 2015 focuses on issues such as intelligence gathering, the use of financial investigations, the use of the internet and new technologies, child trafficking, joint investigation teams and cooperation with EU agencies and bodies and other stakeholders. The OAP on trafficking in human beings is implemented by the EMPACT Group, which meets regularly on Europol's premises. The European Commission participates in the meetings and contributes to discussions where appropriate.

<sup>72</sup> Europol Situation Report: Trafficking in human beings in the EU, February 2016, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational\\_report\\_trafficking\\_in\\_human\\_beings\\_-\\_europol.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational_report_trafficking_in_human_beings_-_europol.pdf)

<sup>73</sup> Europol, Serious and Organised Crime Threat Assessment, 2013, <https://www.europol.europa.eu/content/eu-serious-and-organised-crime-threat-assessment-socta>



and buying access to the technical skills they require<sup>74</sup>. Criminal profits are primarily sent back to their country of origin.

Member States report that **trafficking in human beings is often linked to other forms of crime, such as falsification of documents, drug trafficking, cybercrime, child pornography, migrant smuggling and benefit fraud**. Also, as related activities, Member States mention money-laundering, or the means for implementing that, such as by falsifications, lesions or threats.

### **Modus Operandi in Member States**

**Greece** reports that although most cases involve male perpetrators, an alarming new trend is the significant number of women recruiters. Usually, female traffickers are initially recruited as victims, and in the process they are granted certain concessions and benefits, in return for their collaboration in recruiting new victims, controlling, or mentoring new victims.

**Italy** reports that in the last years there has been a change in the organisation of the criminal networks involved in trafficking in human beings, as well as in their recruitment and exploitation methods, with the following trends: a shift from poorly-organised to extremely well-organised groups with established links in the destination countries; a shift from particularly violent forms of coercion to the use of more subtle strategies based on fraud and deception; the involvement of some victims in the exploitation of other victims; an increased capacity to link the trafficking activities to other illegal activities such as migrant smuggling, trafficking of drugs and firearms, as well as to legal activities, such as money laundering in legal businesses. The heads of these foreign organised criminal groups (mostly from Nigeria, Romania, Albania and Kosovo) do not live and operate in Italy; therefore most of the traffickers who are apprehended and prosecuted are only the ones at the bottom of the criminal networks' chain (such as owners or managers of public places where victims are exploited, or transport operators), while the heads are more difficult to identify.

**Spain** reports that the modus operandi developed by trafficking groups is constantly developed around three processes: capture of the victims in countries of origins via advertisements in newspapers, travel agencies, employment agencies, the most used procedure being deceit in the form of legitimate job offers for the most part associated with the hospitality sector and domestic service; transfer by land, air and sea along pre-set routes usually accompanied by a member of the criminal group (the necessary documentation is facilitated to the victims, in some cases falsified: passports, visas, hotel reservations, letters of invitation generally for periods of stay as tourists or to study); and exploitation in the country of destination, where the victims are finally informed of the true nature of the activity they are to engage in and when threat, aggression or coercion are used to force them to sexual exploitation or other forms of exploitation.

<sup>74</sup> Europol, Internet Organized Crime Threat Assessment, 2014, <https://www.europol.europa.eu/content/internet-organised-crime-threat-assessment-iocta>

### 3.5. Trafficking trends in the context of migration and asylum

In the context of the current migration and refugee crisis, criminal networks seem to adapt their routes and take advantage of people's migration projects, their fleeing from conflicts, and exploit their vulnerability, including in transit and in destination countries.

#### Key Differences between trafficking in human beings and migrant smuggling

It is important to highlight the differences between trafficking in human beings and smuggling of migrants, which are two different concepts covered under different international and EU legal instruments<sup>75</sup>. The main differentiating elements include:

*Consent:* Although often taking life threatening risks and having to endure a lot of suffering during their journey, smuggled people have consented and usually paid to be smuggled. Trafficked victims either never consented, or if they did initially, the consent has been rendered irrelevant by the coercive, deceptive or other abusive actions (illicit means) of the traffickers. When trafficked victims are children, consent is always irrelevant.

*Borders:* trafficking can take place within one country (no border crossing) or through a regular or irregular crossing of borders; smuggling by definition involves a breach of migration laws, that is either irregular crossing of international borders (which can also be intra-Schengen or intra-EU borders) or facilitation of irregular stay in a country of which the smuggled person is not a national.

*State responsibility towards victims:* trafficking in human beings implies the existence of a victim, that is, a person whose individual rights have been violated. Trafficking has as its main objective the exploitation of an individual for profit (often using coercion and control) and is thus first of all a violation of human rights and freedoms and a crime against the person. Under EU law, smuggling is the irregular movement of people across borders or the facilitation of irregular stay in exchange for payment but with no direct exploitative end purpose (although a smuggled migrant may still end up being exploited in reality) and it is therefore a crime against the State, concerning the protection of the State against violation of its borders<sup>76</sup>.

According to the recent European Commission Communication on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration<sup>77</sup>, there is strong evidence that **the migration crisis has been exploited by criminal networks**

<sup>75</sup> Smuggling of migrants is covered under the UN Protocol against the Smuggling of Migrants by Land, Sea and Air. At EU level, it is covered under Directive 2002/90/EC establishing a common definition of the offense of facilitation of unauthorised entry, transit and residence, and Framework Decision 2002/946/JHA, reinforcing the penal framework to prevent this crime by setting out minimum rules sanctions.

<sup>76</sup> Europol further elaborates on this issue in the European Situation Report 2016 *Ibid*.

<sup>77</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/managing\\_the\\_refugee\\_crisis\\_state\\_of\\_play\\_20160210\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/managing_the_refugee_crisis_state_of_play_20160210_en.pdf)

**involved in trafficking in human beings to target the most vulnerable, in particular women and children:** "Research suggests that reception facilities in some Member States have been targeted, with cases where up to 60 % of unaccompanied children have gone missing, with a serious risk of falling prey to trafficking networks. Europol indicates that there is a strong crossover between those smuggling refugees across borders and gangs ensnaring people for exploitation in the sex trade or as forced labour"<sup>78</sup>.

#### **Trafficking in human beings and times of crisis**

According to **IOM research**<sup>79</sup>, crises are likely to have an impact on trafficking in human beings, not just in directly affected areas, but also in regions hosting migrants[...] The erosion of rule of law and institutional breakdown, development of criminal activities, corruption and involvement of officials, impunity, and the enhanced reliance on negative coping mechanisms and risky survival strategies, are observed in many large-scale crises and represent important risk factors [...] At the onset of a crisis, existing criminal networks may become disembroiled but may also adapt to the new situation – for example by targeting new victims, in new places such as refugee and IDP camps or local populations hosting high numbers of mobile populations [...] Traffickers may seek to take advantage of populations receiving humanitarian assistance to increase their criminal activities through fraudulent and ultimately exploitative opportunities of employment or onwards migration".

As mentioned in Recital 8 of the Anti- Trafficking Directive, children are more vulnerable than adults and therefore at greater risk of becoming victims of trafficking in human beings. This vulnerability increases in the case of unaccompanied migrant children. For this purpose, training of all the actors involved in the procedure (border officers, lawyers, asylum officers, social workers, psychologists, mediators, medical staff) remains essential. Working on indicators and profiles is also relevant. In the above-mentioned Commission Communication on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration, there is specific reference to the particular risks involved for unaccompanied children, and it is announced that work on a comprehensive approach to the protection of children in migration is underway, whose scope will include child trafficking.

The EU systematically addresses trafficking in human beings in its **dialogue and cooperation with third countries and regions on migration and mobility**. This is the case of the dedicated dialogues on migration and mobility with third countries and regions and the mobility partnerships and common agendas on migration and mobility concluded with third countries. In the context of the migration and refugee crisis experienced during 2015, the EU

<sup>78</sup> This should be considered also in connection with the phenomenon of voluntary absconding of children who decide to leave reception places and travel autonomously through Europe to reach the country of aimed destination, with the purpose of joining families and friends and/or asking for asylum or other forms of protection.

<sup>79</sup> IOM, Addressing human trafficking and exploitation in time of crisis: Briefing Document: Evidence and recommendations for further action to protect vulnerable and mobile populations", July 2015, [https://publications.iom.int/system/files/addressing\\_human\\_trafficking.pdf](https://publications.iom.int/system/files/addressing_human_trafficking.pdf)

has substantially reinforced cooperation with third countries and regions, with trafficking in human beings as one of the key elements of this reinforced cooperation. Also, the **Valetta Action Plan**<sup>80</sup>, endorsed by the EU and African leaders at the **EU-Africa Summit on Migration** held in Valetta on 11-12 November 2015, identifies a number of actions on strengthening capacities and supporting the development of effective legislation and policies in this field, including on preventing minors to find themselves in situations of risk and ensuring that they receive the adequate protection.

The Declaration of the **High Level Conference on the Eastern Mediterranean and the Western Balkan Route**<sup>81</sup>, adopted on 8 October 2015 in Luxembourg, also reflects the commitment of the EU and the partner countries along this route to support and protect the more vulnerable victims of migrant smuggling and trafficking in human beings, with special attention to children. Addressing trafficking in human beings is also a key component of the **EU-Turkey Action Plan** launched at the EU-Turkey Summit on 29 November 2015<sup>82</sup>.

A **worryingly sharp increase in Nigerian women and girls** leaving Libya has been identified (4 371 in January-September 2015 compared to 1 008 in the previous year, 80 % of whom estimated by IOM Italy to be victims of trafficking),<sup>83</sup> and generally concerns are reported over the increasing risk of trafficking for sexual exploitation<sup>84</sup>. IOM and UNICEF report that in 2015 **Italy has seen a 300 % increase in the number of Nigerian victims of trafficking arriving by sea compared to the previous year, with about half of them unaccompanied children**<sup>85</sup>. This trend is confirmed by Europol, which reports that traffickers increasingly abuse legal migration legislation and asylum systems, often persuading non-EU victims to request a residence permit or apply for asylum in a transit country on arrival in the EU, which enables them to move within the Schengen area and to more easily reach the locations where they will be exploited<sup>86</sup>.

While tackling cases of abuse, **international protection shall be granted to those vulnerable applicants who may need protection as victims of trafficking and who also qualify for international protection**. Although being a victim of trafficking does not, in itself, qualify someone as a refugee, international protection shall be provided to those victims

<sup>80</sup> <http://www.consilium.europa.eu/en/meetings/international-summit/2015/11/11-12/>

<sup>81</sup> <http://data.consilium.europa.eu/doc/document/ST-12876-2015-INIT/en/pdf>

<sup>82</sup> [http://www.consilium.europa.eu/press-releases-pdf/2015/11/40802205539\\_en\\_635846527200000000.pdf](http://www.consilium.europa.eu/press-releases-pdf/2015/11/40802205539_en_635846527200000000.pdf)

<sup>83</sup> IOM Italy, [http://www.italy.iom.int/index.php?option=com\\_content&task=view&id=341&Itemid=46](http://www.italy.iom.int/index.php?option=com_content&task=view&id=341&Itemid=46)

<sup>84</sup> IOM, Addressing Human Trafficking and Exploitation in Times of Crisis, December 2015 [https://publications.iom.int/system/files/addressing\\_human\\_trafficking\\_dec2015.pdf](https://publications.iom.int/system/files/addressing_human_trafficking_dec2015.pdf)

<sup>85</sup> IOM and UNICEF Data Brief: Migration of Children to Europe, [http://www.iom.int/sites/default/files/press\\_release/file/IOM-UNICEF-Data-Brief-Refugee-and-Migrant-Crisis-in-Europe-30.11.15.pdf](http://www.iom.int/sites/default/files/press_release/file/IOM-UNICEF-Data-Brief-Refugee-and-Migrant-Crisis-in-Europe-30.11.15.pdf)

<sup>86</sup> Europol Situation Report: Trafficking in human beings in the EU, February 2016, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational\\_report\\_trafficking\\_in\\_human\\_beings-europol.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational_report_trafficking_in_human_beings-europol.pdf)

of trafficking who have a well-founded fear of persecution for a reason covered by the UN 1951 Convention relating to the Status of Refugees.<sup>87</sup> Thus, the non-refoulement principle must be especially respected in such situations, given the risk that these people face of being re-trafficked or punished if returned to their countries of origin.

In 2015, the European Migration Network (EMN) published a **Report on Policies, practices and data on unaccompanied minors in the EU Member States and Norway**<sup>88</sup> describing asylum procedures, practices and arrangements adopted in 27 Member States<sup>89</sup> on the treatment of unaccompanied minors, including the measures set in place to prevent/combat trafficking of the unaccompanied minors. The Report focused *inter alia* on (a) arrangements in place for unaccompanied minors who are not in the asylum process, including those who entered irregularly and/or are victims of trafficking, and (b) unaccompanied minors who abscond or go missing from care facilities.

### **Call for proposals under the Asylum, Migration and Integration Fund**

In order to address the situation of victims of trafficking in the context of the migration and refugees crisis, the European Commission has published a **Call for proposals under the Asylum Migration and Integration Fund**<sup>90</sup>, aimed at funding actions addressing the integration and the safe and sustainable return of victims of trafficking in human beings, further focusing on the early identification and protection of children, including unaccompanied children, as well as adults victims of trafficking for all forms of exploitation in high-risk sectors (such as, for example, agriculture, fisheries, construction, textile, sex industry, domestic work).

As the above-mentioned Communication on Migration highlights, it is necessary that "from the first stage in the hotspots, actual or potential victims of human trafficking are identified, made aware of their rights, and that the necessary cooperation takes place with the police and judicial authorities in order to ensure that traffickers are identified and prosecuted"<sup>91</sup>. The European Commission has published **Guidelines for the identification of victims of trafficking in human beings for consular services and border guards**<sup>92</sup> with a special reference to the Frontex "Anti-trafficking Training for Border Guards – Trainer's Manual" and the "Handbook for diplomatic and consular personnel on how to assist and protect victims of human trafficking" of the Council of the Baltic Sea States (CBSS). Frontex also publishes

<sup>87</sup> <http://www.unhcr.org/pages/49da0e466.html>

<sup>88</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/emn\\_study\\_policies\\_practices\\_and\\_data\\_on\\_unaccompanied\\_minors\\_in\\_the\\_eu\\_member\\_states\\_and\\_norway\\_synthesis\\_report\\_final\\_eu\\_2015.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn_study_policies_practices_and_data_on_unaccompanied_minors_in_the_eu_member_states_and_norway_synthesis_report_final_eu_2015.pdf)

<sup>89</sup> All except Romania

<sup>90</sup> [http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund/calls/2015/thbx/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund/calls/2015/thbx/index_en.htm)

<sup>91</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/managing\\_the\\_refugee\\_crisis\\_state\\_of\\_play\\_20160210\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/managing_the_refugee_crisis_state_of_play_20160210_en.pdf)

<sup>92</sup> [http://ec.europa.eu/dgs/home-affairs/e-library/docs/thb-victims-identification/thb\\_identification\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/docs/thb-victims-identification/thb_identification_en.pdf)

and updates annually a Handbook on Risk Profiles on Trafficking in Human Beings aiming to assist border guards at air, land and sea borders in the identification of potential victims of trafficking in human beings, especially during first- and second-line checks on entry into the EU.

### **3.6. Trends in the use of the internet and new technologies**

New and constantly evolving technological developments of cyberspace result in the internet providing new spaces for traditional forms of crimes, including increased use by organised criminals operating on trafficking in human beings. The internet and new technologies enable organised crime groups to access a large pool of potential victims, hide their activities and carry out a wide range of criminal acts in a shorter period of time and on a much larger scale than ever before. Member States report that many victims of trafficking, especially victims of sexual and labour exploitation, are recruited online. Europol<sup>93</sup> explains that "the internet is a key facilitator for trafficking in human beings, with an impact on the entire trafficking chain from recruitment and transportation to the harbouring of the victims and their actual exploitation"; however, on the other hand, "the internet, online technologies and large amounts of openly available data can also enhance the work of law enforcement agencies, since a combination of advanced computer-assisted data gathering and analysis techniques can detect online trafficking"<sup>94</sup>.

#### **Use of the internet by traffickers in the Member States**

**Greece** reports that traffickers are taking advantage of new sophisticated technology and on-line recruitment methods through the extensive use of the internet and social media networks ("virtual" job opportunities etc.). They further report that the Internet is also a formidable platform for communicating their "supply of products" to a vast audience that demands the "consumption" of prostitution and pornography. Hence, commercial sexual exploitation has been largely carried out by traffickers through on-line chats, blogs and advertisements "promoting" the sexual services of their victims into the legal prostitution market.

The focus of the European Commission activities in this field is to identify how new technologies can best function as tools for prevention. In this regard, to mark the Seventh EU Anti-Trafficking Day, the Lithuanian Presidency and the European Commission organised in Vilnius, on 18th October 2013, a conference entitled "**Exploring the Links between the Internet and Trafficking in Human Beings: Cyberspace for Prevention, not Recruitment**"<sup>95</sup>. The conference aimed at exploring and raising awareness on the links between the Internet and trafficking in human beings and improving cooperation between Member States working together with different stakeholders in this context. It further aimed at

<sup>93</sup> Europol, Trafficking in Human Beings and the Internet, Intelligence Notification 15/2014, 2014, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational\\_report\\_trafficking\\_in\\_human\\_beings- europol.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational_report_trafficking_in_human_beings- europol.pdf)

<sup>94</sup> *Ibid.*

<sup>95</sup> More information on the event is available at <https://ec.europa.eu/anti-trafficking/node/4772>

ensuring coherence by bringing together different stakeholders, including the civil society and the private sector in order to improve anti-trafficking responses and addressing the numerous challenges in this field. It focused on the different areas of prevention, law enforcement and prosecution, assistance and protection of victims with the purpose to facilitate discussions on the ways to work together to target trafficking in human beings specifically via Internet. Member States and civil society actively participated at the event.

The European Commission is building upon the discussions and results of the aforementioned conference and is further exploring the links between trafficking in human beings and the use of new technologies including using input from Europol data on the recent developments. Recommendations on how to enhance efforts in this area and to best address new technologies, as a tool for trafficking in human beings, will be issued during 2016.

#### **4. RESULTS OF ACTIONS TO ADDRESS TRAFFICKING IN HUMAN BEINGS**

Article 19 of the Anti-trafficking Directive establishes that National Rapporteurs or equivalent mechanisms shall measure the results of the anti-trafficking actions undertaken by the Member States, and the relevant information should be part of the European Commission Report required by Article 20.

This section of the report highlights the main kinds of actions undertaken by Member States in the following three main thematic areas as per the Anti-Trafficking Directive and the EU Strategy:

- A. **Criminal law, investigation and prosecution** (with focus on financial investigations);
- B. **Identification, protection and assistance** (with focus on the setting up of national referral mechanisms);
- C. **Prevention** (with focus on actions taken by Member States to prevent the crime as provided by Article 18 of the Anti-Trafficking Directive)

Most Member States have demonstrated and in some cases also highlighted the **difficulty of measuring the results and indeed the impact of anti-trafficking actions**. This can partly be attributed to the dynamic process of transposition of the Anti-trafficking Directive, which is a comprehensive instrument targeting prosecution, protection and prevention: Member States have recently started to develop the necessary implementing measures and **only a few have developed relevant indicators, or have regularly and consistently evaluated their national strategies and action plans**.

Finally, one of the most important challenges in addressing trafficking in human beings, identified by both Member States and civil society, is the **limited availability of resources** allocated to anti-trafficking actions, victims assistance and prevention measures. This issue is addressed in the final chapter of this section.



#### **4.1. Criminal law, investigations and prosecutions**

As indicated above, trafficking in human beings has been identified by the Council of the EU as one of the priority crimes under the **EU Policy Cycle on Serious and Organised Crime (EMPACT) 2014-2017**<sup>96</sup>. As envisaged in the EU Strategy, the European Commission works closely with EMPACT THB to provide for synergies between the implementation of the EU legal and policy framework and the operational work of law enforcement authorities, as well as to step up cooperation between civil society organisations and law enforcement authorities in the Member States.

The Anti-trafficking Directive establishes a number of obligations for the Member States in order to ensure that cases of trafficking in human beings are effectively investigated and prosecuted; that penalties are effective, proportionate and dissuasive; and that investigations and prosecutions are not dependent on reporting or accusation by the victims (Articles 4-9 of the Anti-Trafficking Directive).

**Increasing the number of investigations and prosecutions is one of the key priorities of the EU legal and policy framework addressing trafficking in human beings.** However, it is also **one of the key challenges reported by the Member States.** In fact, trafficking in human beings is a crime often difficult and costly to detect and investigate. The investigations in this field require a substantial body of evidence in order to reach a conviction. In particular, practitioners note that **excessive burden is placed on victims and their testimonies both before and during criminal proceedings for evidence gathering**, while, according to the Anti-trafficking Directive, investigative tools and approaches should ensure that victims, either acting as witness or not, are not burdened excessively during procedures that can cause secondary trauma to them.

This burden could be alleviated by promoting the use of **intelligence-led investigations, including financial investigations**, which can provide a diversity of evidence to be used in addition to victim's testimonies, as a key tool to prevent, detect and dismantle organised crime activities through the analysis of the "paper trail" beyond the sole "money trail" used for asset recovery purposes.

It has to be recalled that **trafficking in human beings is driven by profits, which in turn further fuel demand for different forms of exploitation.** These profits can be traced in legal sectors engaged in legal business, legal sectors engaged in illegal business, and illegal sectors. In this context, the European Commission, in line with the Council recommendations<sup>97</sup>, has consistently **encouraged the Member States to strengthen their efforts to ensure that financial (including asset-recovery) investigations are used regularly and systematically**

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<sup>96</sup> Council of the European Union, Council Conclusions on the creation and implementation of an EU policy cycle for organised and serious international crime, 8 and 9 November 2010.

[https://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/jha/117583.pdf](https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/117583.pdf)

<sup>97</sup> See Council of the European Union, document 12657/2/12REV2 GENVAL 51, <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2012657%202012%20REV%20>

in cases of trafficking in human beings, in order to ensure successful investigations resulting in convictions and reduce the reliance and "dependence" on the victim's statements.

#### **Internal Security Fund call for proposals**

The importance of proactive financial investigations is reflected in the Internal Security Fund 2015 Call for proposals dedicated to trafficking in human beings<sup>98</sup>, of 3 million EUR, which included as priority actions promoting the use of proactive financial and intelligence led investigations, and has provided funding for projects addressing demand reduction.

The following sections summarise the main actions undertaken in the field of investigation and prosecution, based on the contributions from the Member States as well as the information provided by JHA Agencies, in particular Eurojust and Europol, and EMPACT THB. This section includes a **specific focus on the use of financial investigation**<sup>99</sup>.

#### **4.1.1. Low level of investigations, prosecutions and convictions**

Based on the previous Eurostat data and the latest data transmitted by the Member States for the Report, **the level of prosecutions and convictions remains worryingly low**, especially when compared to the number of victims identified. This trend has been also confirmed by the GRETA reports, concluding that there is an important gap between the number of identified victims of trafficking and the number of convictions, and referring to several factors such as over-reliance on victims' statements, issues around the credibility of witnesses who may change their statements over time, difficulties in relation to the sufficiency of evidence, or non-specialised and prejudiced investigators, prosecutors and judges.<sup>100</sup>

During the years 2013 and 2014, Member States reported **4 079 (2 059 + 2 020) prosecutions in the EU and 3 129 (1 524 + 1 605) convictions** for trafficking in human beings.

According to information provided by Eurojust within the framework of the "**Strategic Project Eurojust Action against Trafficking in Human Beings**"<sup>101</sup>, there are seven main difficulties in investigating and prosecuting cases of trafficking in human beings most commonly faced by the national authorities: difficulties encountered in the identification of victims and/or cases; difficulties in obtaining evidence; frequent reliance solely on victims' testimony, disregarding other sources of evidence (which could hamper a successful prosecution); legislation issues (substantive and procedural law); standards of evidence

<sup>98</sup> Information on the Call is available at [http://ec.europa.eu/dgs/home-affairs/financing/fundings/security-and-safeguarding-liberties/internal-security-fund-police/calls/2015/thbx/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/financing/fundings/security-and-safeguarding-liberties/internal-security-fund-police/calls/2015/thbx/index_en.htm)

<sup>99</sup> The decision to have a specific focus on the use of financial investigation for the purpose of the Report was suggested by the European Commission and agreed with the Informal network of NREMs.

<sup>100</sup> Group of Experts on Action against Trafficking in Human Beings (GRETA), 4th General Report on GRETA's activities, 2015,

[http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Gen\\_Report/GRETA\\_2015\\_1\\_4thGenRpt\\_en.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Gen_Report/GRETA_2015_1_4thGenRpt_en.pdf)

<sup>101</sup> Eurojust Strategic Meeting on Trafficking in Human Beings, The Hague, 26-27 April 2012, Outcome Report available at [https://ec.europa.eu/anti-trafficking/publications/eurojust-strategic-meeting-trafficking-human-beings-0\\_en](https://ec.europa.eu/anti-trafficking/publications/eurojust-strategic-meeting-trafficking-human-beings-0_en)

required to successfully prosecute cases; lack of experience and lack of specialised knowledge on trafficking in human beings; and the multilateral dimension of cases of trafficking in human beings, which is seen as too burdensome by national authorities.

This is also confirmed by the main findings of the **Study on the case law on trafficking in human beings for the purpose of labour exploitation**<sup>102</sup>, which highlights the diversity of practices amongst Member States, challenges in prosecution including problems with securing evidence, the lack of availability and use of resources, the need for more regular and specific training and the need for better equipment.

Reasons for this discrepancy may vary. One of the main factors reported by Member States is related to the **high evidentiary threshold applied by national courts**, which leads to qualify cases of trafficking in human beings as crimes of lesser degree – such as procuring or pandering instead of trafficking for the purpose of sexual exploitation, or breach of labour laws or fraud instead of trafficking for the purpose of labour exploitation – resulting in minor convictions.

In this respect, the use of financial investigations and online tracing tools could enable law enforcement and prosecutorial authorities in gathering evidence and not relying excessively on victims and their testimonies.

#### **Investigations and prosecutions in the Member States**

**Sweden** reports that, following a project implemented by the Prosecutions Service in order to increase the number of convictions for trafficking in human beings, prosecutions for trafficking in human beings quite often lead to the conclusion that there is not enough evidence for full-scale conviction for trafficking in human beings. The Swedish Government launched an inquiry to evaluate the application of the penal provision on trafficking and to examine how law enforcement investigate and handle trafficking cases.

As regards trafficking in human beings for the purpose of sexual exploitation, **Finland** highlights that the Criminal investigation process often lacks an understanding or consideration of the dynamics of the sexual exploitation and the impact of the violence and exploitation on the victims.

In **Ireland**, An Garda Síochána (Irish Police) places particular importance on ensuring that its members receive training which will equip them to tackle human trafficking. A specialised anti-THB training course entitled ‘*Tackling Trafficking in Human Beings: Prevention, Protection and Prosecution*’ has been running for the last several years. The course focuses on alerting operational personnel within An Garda Síochána to the existence of THB, empowering them to identify victims so as to provide for their wellbeing and ensuring initiation of criminal investigations, where appropriate.

<sup>102</sup> [https://ec.europa.eu/anti-trafficking/publications/study-case-law-trafficking-purpose-labour-exploitation\\_en](https://ec.europa.eu/anti-trafficking/publications/study-case-law-trafficking-purpose-labour-exploitation_en).

In **Lithuania** the National Law Institute in cooperation with the Ministry of Justice organised a practical seminar for practitioners, private sector and NGOs as regards the problem to applying the criminal responsibility for crimes of trafficking in human beings.

Civil society stresses that the **overall law enforcement capacity to respond to trafficking in human beings remains low**, despite some successful cases, and that investigations are often dependant on the good will and perseverance of individual officers. Also, there is a lack of targeted training for police and prosecutors, and limited or no development of specialised units. Some civil society organisations highlight **a general lack of knowledge on trafficking** and how this impacts the position of victims across prosecutors and the judiciary (instances have been reported in which trafficked adults and children were misidentified as offenders).

In order to address this issue, the European Commission considers it important that Member States implement the obligations of the Anti-trafficking Directive (Article 9) including ensuring **regular and tailor-made training to police, prosecution services and judiciary, accompanied by the regular and systematic use of financial investigation (in its entire scope) and – when appropriate – the use of innovative techniques**. Some Member States have already taken significant steps in this direction but more needs to be done. In this regard, it is important to mention the training activities for the police organised and provided by **CEPOL**, the European Police College<sup>103</sup>.

These challenges have also been identified in GRETA reports. Investigators, prosecutors and judges who are not specialised and trained to deal with trafficking cases may be prejudiced vis-à-vis victims of trafficking and insensitive to the problems experienced by them. Perpetrators are sometimes prosecuted successfully for offences other than trafficking in human beings when the available evidence is not sufficient to support a trafficking in human beings offence. GRETA reports expressed concerns having found in some countries that the sentences for trafficking in human beings appeared to be unduly lenient or the perpetrators were given suspended sentences. GRETA has also stressed the need to improve the training and specialisation of judges, prosecutors, police investigators and lawyers regarding trafficking in human beings and the rights of victims of trafficking, stressing the severe impact of exploitation on victims and the importance of ensuring that victims are prepared psychologically before they give statements. Ultimately, **GRETA has urged 17 countries to address gaps in the investigation and the presentation of cases in court**<sup>104</sup>.

#### **4.1.2. Rights of the victims in the context of investigation and prosecution**

One of the main principles enshrined in the Anti-trafficking Directive is the protection of victims during criminal investigations and proceedings (Article 12). Victims should have

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<sup>103</sup> <https://www.cepol.europa.eu/education-training/what-we-teach>

<sup>104</sup> Group of Experts on Action against Trafficking in Human Beings (GRETA), 4th General Report on GRETA's activities, 2015, [http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Gen\\_Report/GRETA\\_2015\\_1\\_4thGenRpt\\_en.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Gen_Report/GRETA_2015_1_4thGenRpt_en.pdf)

access to legal counselling and representation, appropriate protection such as in the framework of witness protection programmes, and any risk of secondary victimisation during the proceedings should be prevented. As reported by **Finland**, providing assistance for victims of trafficking should be considered as a way of reinforcing their trust in the criminal investigation authorities and thereby advancing the bringing to justice of the perpetrators of trafficking in human beings, and by extension the prevention of human trafficking in general. The **Swedish national rapporteur** against trafficking in human beings reports that an analysis of judgements in 2012 shows that "it is often difficult for the courts to understand the seriousness of the pressure and abuse the victims have suffered if the violence is not evident. Not only the police but also prosecutors and judges need to regularly enhance their competence and exchange knowledge as well as to prioritise the work to fight this crime"<sup>105</sup>.

Civil society reports that **victims of trafficking in human beings are frequently refused assistance at police stations** and are told that their problem is not a police matter. They point to the fact that where specialisation is developed or specialist anti-trafficking units have been formed, trafficking has been tackled with greater success, and that in the climate of austerity and cuts, focused and proactive anti-trafficking operations can be cost-effective.

Civil society also highlights many instances where **victims are misidentified as offenders, and subsequently prosecuted and convicted**. The continued criminalisation of victims has been raised as a widespread problem. However, it is reported that if identification occurs at an early stage, especially during the pre-charge period, the criminalisation of trafficked persons can be prevented and the investigation and prosecution authorities can focus on the underlying problem – the crime of trafficking.

#### **Victims' rights during investigation and prosecution in the Member States**

**Belgium** reports the implementation of a comprehensive Ministerial Directive concerning Investigative and Prosecutorial Procedures on trafficking in human beings, focusing on a multi-disciplinary approach and providing a coordination structure for specialised magistrates on anti-trafficking. One of the main principles stipulated by this Directive is that each action during the investigation and prosecution process must duly respect the victims' rights, even if they have broken a Belgian law (such as illegal residence situation, infringement of the social security legislation).

#### **4.1.3. The use of innovative techniques**

Some Member States (such as BE, ES, SE) highlight that more work should be done to systematically carry out **proactive intelligence-led investigations**; in this context, they advocate the use of innovative techniques such as observations, interceptions, information from monitoring and neighbourhood outreach, reliable informants and tipsters could play an

<sup>105</sup> Rikspolisstyrelsen, Människohandel för sexuella och andra ändamål, Lägesrapport 14, 2014  
[https://polisen.se/Global/www%20och%20Intrapolis/Rapporter-utredningar/01%20Polisen%20nationellt/M%C3%A4nniskohandel/Lagesrapport\\_14\\_Manniskohandel.pdf](https://polisen.se/Global/www%20och%20Intrapolis/Rapporter-utredningar/01%20Polisen%20nationellt/M%C3%A4nniskohandel/Lagesrapport_14_Manniskohandel.pdf)

important role both in terms of identification of victims as well as gathering evidence needed for successful investigations and prosecutions. They also highlight that the use of these techniques must respect the relevant national laws, including on data protection and privacy protection.

#### **4.1.4. Seizure and confiscations**

Some Member States report **practical problems related to the application of seizure and confiscation to the cases of trafficking in human beings**, including problems with detection of criminal proceeds and inefficient international cooperation when the money has been sent to the country of origin outside EU. An important aspect to highlight is that several Member States (such as BE, PL, HU) report that **carrying out financial investigations (in its asset recovery dimension) leads to more seizures and therefore more confiscations**.

Some Member States do not apply systematically legal provisions for seizure and confiscation to trafficking cases; though seizure is not a prerequisite condition for confiscation, if it has not occurred, later confiscation may be problematic because defendants will have had the chance in the meantime to modify their assets and/or transfer them. In this regard, it has to be noted that **the ability of Member States' authorities to freeze and confiscate the proceeds of trafficking in human beings could be considerably enhanced by the implementation, by the end of 2016, of the 2014 Directive on the freezing and confiscation of instrumentalities and proceeds of crime**<sup>106</sup>. This Directive foresees far-reaching legal measures (for example allowing the freezing and confiscation of property transferred to, or acquired by, third parties) which apply to the proceeds of the most serious forms of organised crime, including trafficking in human beings. At the same time, the improved cooperation between the Asset Recovery Offices in the Member States will enhance the possibilities to identify and trace the proceeds of trafficking in human beings across the Union. Enhanced use of the Camden Assets Recovery Interagency Network CARIN could facilitate the tracing of assets in the non-EU Countries where the proceeds of trafficking are repatriated.

#### **Examples of freezing, seizure and confiscation of assets in the Member States**

**Austria** reports to have established specialised prosecutors for freezing, seizure and confiscation of proceeds of crime, with trafficking in human beings as one of the criminal activities of particular focus.

In **Denmark** the Director of Public Prosecutions has developed a comprehensive set of guidelines to police officers and prosecutors on the handling of cases of human trafficking. The guidelines were published in February 2015 and describe specific measures that may be taken in order to confiscate assets of perpetrators, e.g. assistance from taxation authorities and

<sup>106</sup> Directive 2014/42/EU on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014L0042>

relevant prosecution units which assists the police districts in tracing and seizing assets derived from crime.

**France** reports that a dedicated unit was set up to assist the police in seizure of criminal assets.

In **Germany**, assets totalling approximately EUR 550 000 were provisionally seized during a total of 17 investigations conducted at home and abroad into trafficking in human beings for sexual exploitation and labour exploitation in connection with proceedings in Germany in 2013.

#### **4.1.5. The use of joint investigations and joint investigation teams**

Various Member States (such as, BE, BG, ES, HU) refer to their efforts and positive experiences with **joint investigations** and **joint investigation teams** (JITs) and provide useful examples of growing cross-EU cooperation in this context.

The EU Strategy highlights that joint investigations and JITs constitute very useful tools to support and help investigate cross-border cases of trafficking in human beings and build up closer cooperation and trust between the Member States. The European Commission encourages the use of JITs and has funded some projects aimed at sharing best practices and know-how in this field. This approach has also been emphasised in the Council Conclusions endorsing the EU Strategy which invite the Member States to "further promote establishing joint investigations or joint investigation teams among Member States and with third countries as an effective tool to tackle trafficking in human beings and enhance law enforcement cooperation with judicial authorities"<sup>107</sup>.

In addition, Member States refer **to several operational and coordination meetings organised by Europol and Eurojust** to which they participate to exchange information. The role of the two EU agencies is crucial in these efforts.

#### **4.1.6. The key importance of the use of financial investigations**

As highlighted earlier, trafficking in human beings is a highly profitable form of crime. It is a **financially and demand driven crime that renders enormous profits to traffickers. It exists because of interplay between the profits and the demand which fosters all forms of exploitation.**

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<sup>107</sup> Council of the European Union, Council conclusions on the new EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016, 25 October 2012, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/council\\_conclusions\\_on\\_the\\_new\\_eu\\_strategy\\_towards\\_the\\_eradication\\_of\\_trafficking\\_in\\_human\\_beings\\_2012\\_-\\_2016\\_1.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/council_conclusions_on_the_new_eu_strategy_towards_the_eradication_of_trafficking_in_human_beings_2012_-_2016_1.pdf)

Based on the available sources, it is challenging to estimate the **overall profits** derived from trafficking in human beings in the EU. In this regard, it can be helpful to take into account the International Labour Organisation (ILO) estimates on forced labour<sup>108</sup>. **Though forced labour and trafficking in human beings are two distinct legal concepts**, they can overlap in practice, so the ILO estimates on forced labour can help to have an idea of the magnitude of the profits deriving from trafficking in human beings. Based on these ILO data and other open sources, Europol<sup>109</sup> estimates as **29.4 billion EUR the global annual profit of trafficking in human beings**; out of this, **23.5 billion EUR are the profits from sexual exploitation** in the developed countries including the EU Member States, and **3.5 billion EUR the profits from labour exploitation**.

Against this background, the EU legal and policy framework addressing trafficking in human beings emphasises **the need to follow the money** involved in trafficking in human beings, including conducting more proactively financial (including asset-tracing) investigations related to cases of trafficking in human beings. Article 9 of the Anti-trafficking Directive provides that Member States shall take all the necessary measures to ensure that effective investigative tools are available to investigation and prosecution authorities; and that investigation and prosecution should not be dependent on reporting or accusation by the victims. **Financial investigations has been recognised as one of the most important tools for the implementation of these obligations**; in fact, knowledge of financial flows allows the entire chain of trafficking in human beings to be investigated and the evidence gathered might provide the necessary additional proof, thus relieving victims of the burden of testifying in court and help disrupting the criminal networks involved.

Financial investigations are crucial also because the huge financial money flows deriving from trafficking in human beings enter into the circuits of the legal economy. For this reason, Article 5 of the Anti-trafficking Directive contains provisions relating to the liability of legal persons for trafficking in human beings.

Most Member States conduct financial investigations in parallel or as part of an anti-trafficking investigation. Some Member States (such as BE, CY, CZ, NL) report that financial investigations have helped identify more suspects and is generally an enabling tool; however, they are not always in a position to conduct impact analysis, because of time and resource limitations. The **Czech Republic** reports that financial investigation is particularly useful as a tool for cases where cashless money transfers are used, such as trafficking in human beings for the purpose of labour exploitation. In some cases, financial intelligence units participating in inter-departmental coordination along with all other stakeholders or authorities are using same data bases enabling better coordination (BE, AT). Other relevant units involved in such

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<sup>108</sup> International Labour Organisation (ILO), Profits and Poverty: The Economics of Forced Labour, 2014, [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_243391.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_243391.pdf)

<sup>109</sup> Europol (2015) *The THB Financial Business Model. Assessing the current state of knowledge. July 2015* [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/europol\\_financial\\_business\\_model.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/europol_financial_business_model.pdf)



investigation can be cyber-crime units, offices for asylum and migration, asset recovery, tax authorities.

### **Multiagency cooperation in the Member States**

In the **Netherlands**, the Tax and Customs Administration (in particular the Fiscal Intelligence and Investigation Department/Economic Surveillance Department (FIOD-ECD) and the chamber of commerce are considered as crucial partners in effectively combating human trafficking. The Tax and Customs Administration, for example, can identify cases when they carry out audits in the sex industry and other sectors and can play a role in tackling offenders through tax law. The Financial Intelligence Unit Nederland (FIU-Nederland) can have an important signalling function and provide support for investigating services in the context of investigations of money flows relating to human trafficking. FIU-Nederland is formally part of the National Police but functions independently. It collects reports of unusual financial transactions – from institutions such as banks – but also provides advice and assistance to investigating agencies and can even make proposals to start a criminal investigation.

Some Member States (such as PL) mention the lack of specific legal provisions to conduct financial investigations. Other Member States (such as CY) also report the slowness of court proceedings and the lack of access by the police to databases such as the social security, tax agency and bank accounts among the main shortfalls identified in combating money laundering and in demonstrating the possible liability of a financial institution or professionals; and that direct access without court authorisation would speed up investigations and court proceedings in this respect. According to Europol<sup>110</sup>, **traffickers frequently abuse legitimate business structures to conceal their illicit activities**; for example, hotels, massage parlours, nail bars, sauna clubs and cafés may provide cover for prostitution activities. Member States (such as EL) confirm that financial investigations are crucial to identify how criminal networks active primarily in the field of commercial sexual exploitation establish legal businesses with the intention to launder the great amount of money gained from those illegal activities.

### **Cooperation with the Private Sector in the Member States**

In the **Czech Republic**, a pilot cooperation with the private sector was launched in 2013, a preventive campaign called "Journey without risks: Make a movie, warn, win!" A private transport company was involved and provided screening time in its buses and prizes for the winners. The videos have been then placed also on Youtube and Facebook.

Although business activity can both perpetuate trafficking in human beings and contribute to its eradication, most companies are unaware of the linkages and **one of the priorities of the**

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<sup>110</sup> Europol, The THB Financial Business Model, Assessing the current state of knowledge, July 2015 [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/europol\\_financial\\_business\\_model.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/europol_financial_business_model.pdf)

**European Commission is to ensure that the private sector does become aware and is also held accountable for trafficking in human beings.**

EU legislation is at the forefront of ensuring that businesses and legal persons can be sanctioned for trafficking in human beings. Not only individuals but also companies can face the law if involved in trafficking in human beings. The Anti-trafficking Directive creates legal obligations of businesses, namely the liability and sanctioning of legal persons for trafficking in human beings offenses (Article 5). However, it has to be reported that so far **very few Member States have prosecuted private companies or legal persons for trafficking in human beings as required under Article 5 of the Directive.**

### **Corporate Liability of the Supply Chain in the Member States**

In **Belgium** the national authorities have included the need to carry out financial investigations making it possible both to detect trafficking in human beings concealed behind complex legal constructs involving front-companies or the use of bogus self-employed workers and to freeze, seize and confiscate the assets and incomes of perpetrators of trafficking, including to compensate victims, in the Action Plan 2012-2014. **In a Belgian case, the court of Ghent established the corporate liability of a supply chain under anti trafficking laws.**

In **Austria**, the Financial Police is a special unit of the Ministry of Finance whose tasks include tax supervision, combating social insurance fraud, detection of illegal employment of foreigners, and combating wage and social dumping in the posting of workers, including investigating false or feigned notifications of workers. [...] Labour market controls by the Financial Police include every working place, including brothels and other sex work locations, with some restrictions in respect of the private sphere. GRETA considers that the Austrian authorities should collect and monitor data from the Financial Police on cases of trafficking in human beings and the types of exploitation involved.

Based on the information gathered for the Report, Member States do not seem to use enough effective investigative tools, and financial investigations are mostly conducted on a case-by-case basis, but not systematically. In practice, they are also often limited to the sole asset recovery investigation in opposition with the FATF standards<sup>111</sup> and the Council

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<sup>111</sup> The Financial Action Task Force (FATF) is an inter-governmental body established in 1989 by the Ministers of its Member jurisdictions. The objectives of the FATF are to set standards and promote effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and other related threats to the integrity of the international financial system. The FATF is therefore a “policy-making body” which works to generate the necessary political will to bring about national legislative and regulatory reforms in these areas. It defines financial investigation as “an enquiry into the financial affairs related to a criminal activity, with a view to: identifying the extent of criminal networks and/or the scale of criminality; identifying and tracing the proceeds of crime, terrorist funds or any other

recommendations<sup>112</sup>. Furthermore, although business activity can both perpetuate trafficking in human beings and contribute to its eradication, most companies are unaware of the links involved.

In order to increase the number of investigations and prosecutions and alleviate the burden placed on victims during proceedings, information indicates a need for developing regular and tailor-made training for investigators, prosecutors and judges, systematically using financial investigation in its entire scope and other effective intelligence-led investigative tools, and dedicate sufficient financial and human resources.

## **4.2. Identification, protection and assistance**

A victim-centred approach is at the heart of the EU anti-trafficking legislation and policy. The importance of this approach is reflected in Article 11(4) of the Directive, which provides that Member States shall take the necessary measures to establish appropriate mechanisms for the early identification of, assistance to and support for victims, in cooperation with the relevant support organisations.

However, **providing unconditional access to assistance, support and protection to victims remains a challenge for most Member States**. Victims are hesitant to cooperate with the authorities in criminal proceedings and investigations, and this can still jeopardise their access to assistance and support.

### **4.2.1. Identification**

The importance of **early identification** of victims of trafficking in human beings is reflected both in the Anti-Trafficking Directive and EU Strategy. A specific action envisaged in the EU Strategy and confirmed by the Council Conclusions<sup>113</sup> invites Member States to develop or update functional **National Referral Mechanisms (NRMs)**. These mechanisms should describe procedures to better identify, refer, protect, assist and support victims, and include all relevant authorities and civil society organisations.

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assets that are, or may become, subject to confiscation; and developing evidence which can be used in criminal proceedings." As such, its scope expands much beyond asset recovery.

<sup>112</sup> All EU MS have been evaluated on financial crime and financial investigation between 2008 and 2011 in the context of the Council of the EU 5th round of mutual evaluations. The final report of the evaluation was discussed in the JHA Council in October 2012. It concludes that financial investigation is an important tool to detect financial crime and to develop evidence to dismantle Organised Crime Groups. The report states that all EU MS have built professional systems dealing with financial crime and financial investigation and recommends that financial investigations should as far as possible be carried out in all serious and organised crime cases beyond the sole economic and financial crime offenses. In that spirit, financial investigation should indeed be seen as a holistic element of any anti-trafficking investigation.

<sup>113</sup> The Council of the European Union in its conclusions welcoming the EU Strategy called on Member States to "Develop or update functional national referral mechanisms as agreed in the EU Policy Cycle that describe procedures to better identify, refer, protect and assist victims and include all relevant public authorities and civil society", [http://ec.europa.eu/anti-trafficking/eu-policy/council-conclusions-new-eu-strategy\\_en](http://ec.europa.eu/anti-trafficking/eu-policy/council-conclusions-new-eu-strategy_en)

Following this, many Member States have developed models at the national level and established mechanisms. However, it remains a challenge. In fact, despite the continuous focus by Member States on identification of victims, **the number of identified victims remains low**, and many governmental and non-governmental stakeholders report that generally identification of victims remains problematic, so that trafficking broadly remains an "invisible crime".

In this regard, GRETA<sup>114</sup> has urged 27 of 35 evaluated countries to improve the identification of victims of trafficking through a range of measures. In most countries, it has recommended strengthening the **multi-agency involvement in the decision-making process leading to the identification of victims of trafficking and ensuring appropriate co-ordination and exchange of information between all relevant actors involved in the identification process**.

It is vital to look into the reasons why identification remains such a challenge. For example, it is important to examine why despite the development of all different guidelines, indicators and various manuals, as well as training material<sup>115</sup>, which have been designed and implemented in this area, **the identification rates remain low**. Several stakeholders report that victims rarely self-identify and are traumatised. Other stakeholders stress the high evidentiary threshold for identification applied by authorities on victims' identification. Member States highlight that there is still lack of awareness and need for systematic training of actors involved in the identification and assistance.

Civil society submissions to the Report highlight that still today the **vast majority of victims of trafficking are not identified, and consequently do not have access to their rights to assistance, support and protection**. Instead they can be at times deported, detained or treated like criminals themselves. Discrepancies, lack of consistency in decision making on referrals/identification, and limited options for appealing against such decisions have been reported by the civil society as key challenges.

Further, civil society highlights that **those victims that are EU citizens and are trafficked in another EU Member State might not be able to access assistance, support and protection provided for by the national legislation of the host country**, since they do not meet the pre-requisites linked to an established previous habitual residence in order to exercise these rights.

From the abovementioned information it becomes evident that appropriate measures for ensuring identification of victims are required, so that victims have access to protection and assistance at the earliest possible stage.

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<sup>114</sup> Group of Experts on Action against Trafficking in Human Beings (GRETA), 4th General Report on GRETA's activities, 2015, [http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Gen\\_Report/GRETA\\_2015\\_1\\_4thGenRpt\\_en.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Gen_Report/GRETA_2015_1_4thGenRpt_en.pdf)

<sup>115</sup> For a collection of training material and identification guidelines please visit the EU Anti-Trafficking Website: <http://ec.europa.eu/anti-trafficking/publications/>

## **Victims in EU Legislation: Rights and Guidelines for Identification**

In line with a victim-centred approach, the European Commission has published an **overview on EU rights of victims of trafficking in human beings**, which provides a clear overview and accessible, user-friendly information for victims, practitioners and Member States<sup>116</sup>. In this regard, the Council<sup>117</sup> has called on the Member States to further translate this overview in their national jurisdictions and ensure that victims have access to such documents. However, it remains to be seen how exactly the Member States have implemented this commitment.

The European Commission has also published **Guidelines for the identification of victims of trafficking in human beings, addressed in particular to border guards and consular services**,<sup>118</sup> aimed at improving coordination and coherence in the area of victim identification, and facilitating the work of front-line officials. A specific **handbook on the identification of child-victims of trafficking/children at risk at airports** has been developed by FRONTEX<sup>119</sup>.

### **4.2.2. National and transnational referral mechanisms**

According to the information available to the European Commission, **over half of the Member States<sup>120</sup> have formalised National Referral Mechanisms (NRMs)** in order to coordinate the actors involved in identification, assistance, protection and reintegration. Those Member States report broad participation in these systems, including by national ministries (health, justice, social affairs, employment, etc.), law enforcement authorities, border guards and consular services, civil society organisations, service providers and labour inspectorates. Other Member States<sup>121</sup> have not formalised such mechanisms, but have working/informal arrangements in place or are working on its development. Finally, a minority of Member States<sup>122</sup> has not yet developed a national referral mechanism.

In addition, Member States report that more cooperation has been established between a wide range of actors, in line with a comprehensive and multidisciplinary approach, such as cooperation between prosecution services and labour inspectorates (BE), health professionals (PL), child protection authorities (BG), hotlines (EL). Generally, Member States report that standard operating procedures for all stakeholders and targeted training contribute to better delivery of services (MT). In **Austria**, the Task Force Working Group on Child Trafficking is

<sup>116</sup> [http://ec.europa.eu/dgs/home-affairs/e-library/docs/thb\\_victims\\_rights/thb\\_victims\\_rights\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/docs/thb_victims_rights/thb_victims_rights_en.pdf).

<sup>117</sup> Council of the European Union, Revised Draft Council Conclusions on an EU Framework for the Provision of Information on the Rights of Victims of Trafficking in Human Beings, 13 June 2013

[https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/revised\\_draft\\_council\\_conclusions\\_1.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/revised_draft_council_conclusions_1.pdf)

<sup>118</sup> [http://ec.europa.eu/dgs/home-affairs/e-library/docs/thb-victims-identification/thb\\_identification\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/docs/thb-victims-identification/thb_identification_en.pdf)

<sup>119</sup> <http://frontex.europa.eu/news/frontex-publishes-vega-handbook-children-at-airports-bvtPly>

<sup>120</sup> Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Greece, Hungary, Ireland, Latvia, Malta, Poland, Portugal, Romania, Slovakia, Spain, UK.

<sup>121</sup> Austria, Italy, Lithuania, Luxembourg, Slovenia, Sweden.

<sup>122</sup> Estonia, Finland, France, Germany, Netherlands.

currently elaborating a NRM for child victims, involving the youth welfare authorities, police, immigration authorities, health care and the judiciary.

In conclusion, there are instances where mechanisms are not yet in place, as per legal and policy framework, and work is being developed to ensure that these gaps are closed.

#### **National Referral Mechanisms in the Member States**

All activities within the **Croatian** National Referral Mechanism derive from the national Anti-trafficking policy framework including the National Anti-trafficking Plan, relevant protocols and legal acts. Within the national referral mechanism, an individual assistance and protection programme shall be made for each victim of human trafficking, based on information gathered from the victim, evaluation of the psycho-physical condition as well as based on wishes and interests expressed by the victim, with the aim of fast recovery, re-socialisation and rendering the victim capable of independent life. Based on the above, an Individual Programme and Support Plan is made, tailored to the specific needs of the victim, by a member of a mobile team of an organisation providing for the victim or a case manager, in cooperation with the regional coordinator, who is also a member of a mobile team, and special guardian if the human trafficking victim is a child.

Measuring the impact of such mechanisms, taking into account their implementation at the grass root level, would indeed be useful as would information on lessons learnt. As a general observation, Member States report that the provision of services to victims has increased in quality following establishment of such procedures. However, there is a general agreement that measuring the general impact is challenging. To date, **only a limited number of Member States ensures assessment and evaluation of such mechanisms** (such as, BE, CY, ES, UK - CZ evaluation is expected in 2016).

#### **Civil Society calls to focus on practice**

In this regard, the joint submission to the Report from **La Strada International (LSI) NGO Platform and Global Alliance Against Traffic in Women (GAATW)** highlights that the monitoring of the implementation of legislation and policies should not only investigate the transposition of the legislation on paper, but especially **focus on how the policies and measures work out in practice**. They remind how important measures that protect the rights of victims and provide them with the tools they need to rebuild their lives - such as the non-punishment provision and the right to compensation - are often included in national legislation, but scarcely realised in practice.

**Transnational cooperation** is also essential for the assistance, support and protection of victims who are trafficked outside their country of origin. The European Commission has provided financial support to Member States and international organisations to work for the improvement of the safe return and reintegration conditions of victims of trafficking to their countries of origin, and continues to provide political support.

### **Transnational Referral Mechanisms**

As part of the EU Strategy, the European Commission is financing a project of the IOM to develop **cooperation and models for such transnational referral mechanisms**<sup>123</sup>. The overall objective of the project, which has a budget of more than 500 000 EUR, is to contribute to the improvement of the safe return and reintegration conditions of victims of trafficking returning from **France, Greece, Italy, Poland and Spain** to 3 priority countries, namely **Albania, Morocco and Ukraine**. As part of the implementation of the project, a report jointly drafted with the CARE project management team, was published in November 2015. The project will also develop models for transnational cooperation mechanisms.

As regards the **participation of the civil society in national and transnational cooperation mechanisms an overall improvement** can be noted, and this is also acknowledged by the Member States submissions for the Report. Nevertheless, submissions by the civil society call for **more meaningful cooperation** with the State authorities.

### **Support and Protection of Victims in the Member States**

**Portugal** reports that in 2013 a Network for the Support and Protection to Victims of Trafficking was launched, bringing together governmental and nongovernmental organisations working on trafficking in human beings. This network has established an effective mechanism of cooperation and sharing of information for the purposes of prevention, protection and reintegration of victims.

#### **4.2.3. The use of EU large-scale IT systems for detecting and preventing trafficking in human beings**

A relevant cross-border cooperation mechanism for detecting and preventing trafficking in human beings is set up within the context of the **Schengen Information System (SIS)**. SIS is the largest and most widely used database for cross-border information exchange on missing persons connecting 29 European countries. SIS currently contains more than 30 000 alerts on missing adults and almost 60 000 alerts on missing minors. Supplementary information on the details of the case are exchanged through the national **SIRENE** Bureaux, 24/7 operational Single Points of Contact in all countries participating in SIS. The Commission has recommended to Member States to enter automatically all missing persons into SIS in addition to their national wanted person database.

**SIS is a particularly important instrument for identifying and detecting child victims of trafficking, including unaccompanied children who absconded from care.** Such vulnerable children easily disappear from the radar if they cannot be properly identified.

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<sup>123</sup> [https://ec.europa.eu/anti-trafficking/eu-projects-and-funding/transnational-action\\_en](https://ec.europa.eu/anti-trafficking/eu-projects-and-funding/transnational-action_en)

Fingerprints are the most reliable identifiers as, contrary to name details, they cannot be modified. Fingerprints and photos can already now be attached to a SIS alert and in the future fingerprints may also be used to identify a person. The implementation of this functionality in SIS is foreseen for 2017. The ongoing review of SIS also envisages the clear categorisation of missing persons which would also include a dedicated category as "victim of trafficking" and "unaccompanied child".

Within the context of prevention, **SIS alerts for discreet or specific checks are used for tracking the movements of persons involved in the exploitation and trafficking of human beings.** Such alerts may be issued for persons and their vehicles. Specific protective actions will be taking by police officers if they detect that the suspect is accompanied by vulnerable persons such as a children.

Also other EU Large Scale IT systems, and in particular **the Visa Information System (VIS), the future Entry Exit System (EES) and Passenger Name Records (PNR)** can assist in identifying victims of trafficking in human beings and detecting traffickers. When traffickers or victims are citizens of third countries and needing a visa, their identity and biometric data are stored in the VIS. The VIS also allows linking application files of persons that travel together. For children this linking is required. When a person regularly requests a new visa or has been issued with a multiple-entry visa and is travelling repeatedly with different 'other' persons (for example other children), there could be a suspicion of trafficking. The biometric data in the VIS makes it furthermore impossible for multiple persons (looking alike) to travel on the same visa or passport.

**The future Entry Exit System (EES) will help in improving identification** by storing data on the entry and the exit (place/date) of third-country nationals (with their identity and biometrics), both visa exempt and visa holder. Persons having entered but having never left the Schengen Area will be reported as 'over-stayers'. When a victim of trafficking in human being is found in the Schengen Area, EES will allow identifying the person, even if undocumented, and will provide information concerning the travel history. In case a pattern is detected, an alert for discreet or specific checks could even be created in the SIS on the potential trafficker.

#### **4.2.4. Assistance, support and protection**

The Anti-Trafficking Directive sets out a series of beneficial provisions for the assistance, support and protection of victims. Member States have broadly reported on numerous national measures for the assistance and protection of victims, ranging from material assistance, to psychological assistance, to witness protection programmes, vocational training and reintegration assistance, and child sensitive measures. It is important to **ensure that victims have access to the full set of rights and benefits provided for by EU legislation, in line**



**with the EU legislative framework on victims' rights** (such as the Victims' Directive<sup>124</sup> or the Employer's Sanctions Directive<sup>125</sup>).

While some progress has been achieved in terms of provision and availability of services to victims, **access to and realisation of the rights of victims of trafficking remains problematic**, as reported by many civil society submissions. In particular, access to compensation and the principle of non-punishment are still to be fully implemented. Civil society stresses the importance that a proper risk assessment should be an integral part of the National Referral Mechanisms, as required in the Directive.

**Gender and age-specific assistance and support remains a challenge** and civil society submissions point to inadequacies in provision of services in a gender specific manner, as well as an overall scarcity of services provided to male victims of trafficking.

#### **Male victims in the Member States**

In **Austria**, the pilot project MEN VIA for male victims was launched in 2013 in reaction to the first GRETA evaluation in 2010/2011, establishing services to male victims of labour exploitation. Those victims also receive support at the drop-in counselling centre for undocumented employees UNDOK, run by an association of Trade Unions, the Chamber of Labour, the Austrian National Student Union (ÖH) and NGOs, also established in 2014. Both projects are financially supported by the Austrian Federal Ministry of Labour, Social Affairs and Consumer Protection.

In particular, while recognising improvements, civil society expresses concerns over **a lack of reception and accommodation systems that are gender specific**. Victims have little privacy in recovering, and sometimes victims with prior history of sexual abuse are even placed in mixed gender facilities and are exposed to **risks of re-victimisation**. There is further a particular **lack of shelters appropriate to male victims of trafficking**.

Furthermore, concerns have been expressed by civil society on **the treatment of victims during criminal proceedings**, where they are subject to intimidation and questioning that leads to their secondary victimisation.

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<sup>124</sup> Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029>

<sup>125</sup> Directive 2009/52/EC providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32009L0052>

For example back payments to be made by employers in accordance with Article 6 of the Directive.

### **Rehabilitation programs for Victims in the Member States**

**Sweden** reports that since 2009, in the framework of coordination and cooperation among actors working to combat all forms of trafficking in human beings and prostitution, it has developed rehabilitation programs for victims of trafficking for sexual purposes and prostitution. In this context, it also runs a safe return project to develop measures for safe returns for victims of trafficking to their home countries, to make trafficking victims' return safe, efficient and adequately organised so as to avoid the risk of re-trafficking.

Some Member States report that the amount of state **compensation** provided for victims of trafficking in human beings increased during the reporting period. For example, **Italy** reports that in 2013 the scope of the national anti-trafficking fund has been expanded to include compensation measures to victims that cannot be compensated by the perpetrators of the crime.

**GRETA** reports that the majority of the 35 evaluated countries need to **make improvements regarding the compensation of victims**. State compensation and compensation from the perpetrator were identified as two of the ten main gaps in the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings. GRETA concludes that **very few victims of trafficking receive compensation from the perpetrators**, the amounts awarded are low and often the compensation orders are not enforced because the perpetrators do not have identifiable assets.<sup>126</sup> GRETA has welcomed those Member States that have introduced a system of advance payment of state compensation to victims of trafficking.

#### **4.2.5. Child protection**

As highlighted previously in the report, child trafficking is steadily on the increase. While the **EU Strategy calls for an approach based on an integrated child protection system**, there is evidence that there is limited involvement of child protection services in referral mechanisms. Member States report on **child sensitive measures**, including for their identification, assistance and support. Overall, a **low referral rate for children and lack of training by case handlers has been reported**.

In the context of the Commission's work on integrated child protection systems, the EU Fundamental Rights Agency carried out a mapping of national child protection systems in EU28, and the results are useful in seeking to strengthen systems in order to better protect children from trafficking in human beings as well as other forms of violence, abuse and exploitation.<sup>127</sup>

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<sup>126</sup> Group of Experts on Action against Trafficking in Human Beings (GRETA), 4th General Report on GRETA's activities, 2015

[http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Gen\\_Report/GRETA\\_2015\\_1\\_4thGenRpt\\_en.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Gen_Report/GRETA_2015_1_4thGenRpt_en.pdf)

<sup>127</sup> <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/child-protection>

### **Children in criminal proceedings**

The **EU Fundamental Rights Agency**<sup>128</sup> reports that a child may be treated in an inappropriate manner if the professionals involved are not trained. According to the FRA, in one case “the trafficker was allowed to directly address questions to the victim. The judge attempted to say “Do you have legal representation?”, but when the attorney started to yell that he [was] not able to [ask] all the questions, that the trafficker [was] directly involved and that he should have the right to ask the victim, the judge remained silent. The trafficker [then] addressed the victim directly. I was right next to [the child trafficking victim] and I saw her reaction. She didn’t know what to do, to answer or not, especially since the questions formulated by the trafficker weren’t related to the offence, but to the identity of the victim. His purpose was to find the identity [...] and, at the end, he called her by her name, he said, “I know who you are” and he said her name. The child was almost about to faint on the chair.” (Romania, psychologist, female)”.

In this regard, the **Commission Study on Children's involvement in judicial proceedings in EU28**<sup>129</sup> is also relevant. Some of the findings include that, for instance, in half of the Member States children cannot directly access judicial proceedings; they always need legal representation or a guardian who has legal representation. Additionally, not all Member States have specialised institutions for children in justice, but some have specialists in non-specialised institutions. The study shows that it is helpful to have specialists/specialised institutions as they are used to dealing with children. The study finds that child victims and witnesses are often dealt with in ordinary courts, without any specialisation (for 13 MS), signalling a lack of adaptation to the needs of child victims. The right to be heard seems to be codified in nearly all Member States (child suspects in 21 Member States, child witnesses in 17 Member States), but several restrictions to the right were found, relating to for instance the branch of law and age restrictions.

Civil society highlights the **inadequate procedures and consideration of finding durable solutions for child victims of trafficking**. Problems persist with appropriately appointing guardians for child victims. As regards **guardianship for child victims** deprived of parental care, the European Commission notes a diversity of practices across the EU. According to the

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<sup>128</sup> Fundamental Rights Agency (FRA), Child-friendly justice – Perspectives and experiences of professionals on children’s participation in civil and criminal judicial proceedings in 10 Member States, 2015, <http://fra.europa.eu/en/publication/2015/child-friendly-justice-perspectives-and-experiences-professionals-childrens>

<sup>129</sup> Reports:<http://bookshop.europa.eu/children-in-criminal-judicial-proceedings;>  
<http://bookshop.europa.eu/children-in-administrative-judicial-proceedings;>  
<http://bookshop.europa.eu/children-in-civil-judicial-proceedings;>  
Data: [www.childreninjudicialproceedings.eu](http://www.childreninjudicialproceedings.eu)

**EU Fundamental Rights Agency**<sup>130</sup>, the **lack of a uniform approach to guardianship**, despite provisions in national and international law, often results in less than adequate support and protection for the children the systems were set up to protect, while migration and asylum law also often overrides child protection law. Such diversity of practices can be in contravention with the best interests of the child. For example, the time taken to appoint guardians and the process itself vary considerably, lasting up to one year. The prompt appointment of a representative/guardian from the moment a child is identified/registered or detected is recommended as a good practice which may help to avoid children absconding, and help protect the child from becoming or continuing to be a victim of trafficking.

Furthermore, requirements on qualifications and skills tend to be very general, and systematic training is lacking, particularly with respect to the needs of trafficked children. In addition, laws tend to only define the duties and tasks of guardians in general terms, except for the duty to legally represent children. As a result the way in which common tasks are performed, such as taking care of the child's education and healthcare, may vary significantly: some guardians accompany children to doctors' meetings, others do not; some never even meet the child.

The Anti-Trafficking Directive stipulates that children are more vulnerable than adults and therefore at greater risk of becoming victims of trafficking in human beings. However, in practice, their migration and residence status often determines guardianship and representation arrangements. In this regard, despite the importance of having specialised legal aid for child victims of trafficking, specialist lawyers are rare and often unavailable. Finally, although all Member States have systems for monitoring and supervising guardians, they are often poorly structured and inefficient. In addition, complaint mechanisms are missing.

#### **Identifying Child Victims of Trafficking in the Member States**

The UK Anti-Trafficking Monitoring Group (ATMG)<sup>131</sup>, in its proposal for a revised NRM for children, highlights that a new approach to identifying child victims of trafficking should be based on multi-agency working and information sharing. It should be a statutory model that puts a child's best interests and victim rights at the heart of any decision, removing the conflation with the asylum system in many cases, and be embedded within existing child protection systems. By building on existing child protection structures that are proven to work well, it could ensure a cost-effective approach that decentralises the NRM process.

<sup>130</sup> Fundamental Rights Agency (FRA), Guardianship systems for children deprived of parental care in the European Union, - With a particular focus on their role in responding to child trafficking, 2015 [http://ec.europa.eu/anti-trafficking/eu-policy/report-guardianship-systems-children-deprived-parental-care-european-union\\_en](http://ec.europa.eu/anti-trafficking/eu-policy/report-guardianship-systems-children-deprived-parental-care-european-union_en)

<sup>131</sup> The eleven organisations belonging to the ATMG are: AFRUCA (Africans Unite Against Child Abuse), Amnesty International UK, Anti-Slavery International, Bawso, ECPAT UK, Focus on Labour Exploitation (FLEX), Helen Bamber Foundation, Kalayaan, POPPY Project (of Eaves Housing for Women), TARA project (Trafficking Awareness Raising Alliance, of Community Safety Glasgow (CSG)), UNICEF UK.

From the above, it becomes evident that an integrated approach to child protection that is anchored in the rights of the child, including the best interests of the child is clearly needed, as set out in the 10 principles for integrated child protection systems<sup>132</sup>.

#### **4.2.6. Links between the protection of victims of trafficking and asylum procedures**

While the Anti-trafficking Directive obliges the Member States to set up systems for the early detection, identification and assistance to victims, the recently adopted EU Asylum Procedures Directive and Reception Conditions Directive<sup>133</sup> introduces obligations to swiftly identify and provide **adapted support to vulnerable applicants including victims of trafficking in human beings**. Both sets of provisions strengthen the possibilities for victims to seek protection. According to the European Migration Network<sup>134</sup>, around half of all Member States have some data on victims detected when in international protection procedures, but the data sources are inconsistent and incomplete, making it difficult to give a comprehensive picture of the scope of the problem at EU level. Nonetheless, the fact that there is evidence of victims going unidentified may mean that they are not granted the protection and/or assistance available to them under EU law. In this regard, EASO has developed a **tool<sup>135</sup> to identify persons with special needs, including victims of trafficking**. Member States should use this tool as part of the implementation of the obligations under the Asylum Procedures Directive and Reception Conditions Directive.

The Common European Asylum System seeks to implement the principle of the best interests of the child and contains specific safeguards and guarantees which help to prevent and combat the trafficking of unaccompanied children. According to **Article 6 of the recast Asylum Procedures Directive (2013/32/EU)**, the best interests of the child shall be a primary consideration for Member States with respect to all asylum-related procedures. In assessing the best interests of the child, Member States shall take due account inter alia of safety and security considerations, in particular where there is a risk of the minor being a victim of human trafficking. As foreseen in article 24 of the recast Reception Conditions Directive (2013/33/EU) and in article 25 of the Asylum Procedures Directive (2013/32/EU), unaccompanied children seeking asylum have to be provided with a representative as soon as they have applied for asylum. The EU legislation does not, however, provide for the appointment of a representative from the moment when an unaccompanied minor is detected by the authorities.

<sup>132</sup> See: [http://ec.europa.eu/justice/fundamental-rights/rights-child/protection-systems/index\\_en.htm](http://ec.europa.eu/justice/fundamental-rights/rights-child/protection-systems/index_en.htm) and 10 principles: [http://ec.europa.eu/justice/fundamental-rights/files/2015\\_forum\\_roc\\_background\\_en.pdf](http://ec.europa.eu/justice/fundamental-rights/files/2015_forum_roc_background_en.pdf)

<sup>133</sup> See Directive 2013/33/EU laying down standards for the reception of applicants for international protection, <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013L0033>, and Directive 2013/32/EU on common procedures for granting and withdrawing international protection, <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32013L0032>.

<sup>134</sup> European Migration Network (EMN), Identification of victims of trafficking in human beings in international protection and forced return procedures, March 2014, <http://ec.europa.eu/anti-trafficking/publications/emn-study-identification-victims-trafficking-human-beings-international-protection-and-en>

<sup>135</sup> <https://ipsn.easo.europa.eu/>

While all Member States offer the possibility to refer identified victims to service providers for support, and some offer a choice of protection possibilities, **more remains to be done in order to ensure that the international protection systems communicate with the anti-trafficking systems in place**, and that mechanisms and processes within the asylum and migration system are not abused by traffickers (as reported by Europol<sup>136</sup>). Designing coordinated protocols with the involvement of different trained actors and institutions could be useful to make this link more effective.

Civil society reports that **traffickers have abused the asylum systems for residency and accommodation while simultaneously trafficking victims**<sup>137</sup>. Europol further reports that "in some cases, victims are placed in refugee shelters following their asylum application, from where they suddenly disappear and are transferred to other Member States by their traffickers"<sup>138</sup>.

It is reported in civil society submissions that women from Nigeria only revealed themselves as victims of trafficking in human beings **after** their asylum claim has been rejected by asylum authorities and their appeal was also then rejected. Civil society submissions call for more action in this respect, as **many of the victims they directly work with, seem to have valid asylum claims**. They call for ensuring that the identification of vulnerabilities of these victims takes place early in the procedures, in particular as regards procedural guarantees and reception conditions thus allow them to better prepare for the interview. **Finally, they call for more integration between asylum and trafficking procedures and systems**.

**All victims must be treated equally and must be at the core of anti-trafficking policies. Victims must be considered primarily as rights holders, and access to and realisation of their rights must be ensured.**

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<sup>136</sup> Europol Knowledge Product, Trafficking in Human Beings in the European Union, 2011, <https://www.europol.europa.eu/content/publication/trafficking-human-beings-european-union-2011-1507>

<sup>137</sup> Immigrant Council of Ireland, Submission on the accommodation needs of adult victims of sex trafficking in Ireland, September 2014, <http://immigrantcouncil.ie/files/publications/21d36-proposal-for-housing-of-adult-victims-of-sex-trafficking.pdf>

<sup>138</sup> Europol Situation Report: Trafficking in human beings in the EU, February 2016, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational\\_report\\_trafficking\\_in\\_human\\_beings- europol.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational_report_trafficking_in_human_beings- europol.pdf)

### 4.3. Prevention

The investigation, prosecution and conviction of traffickers are essential tools to addressing trafficking in human beings. However, these tools come into play once the crime has already been committed and victims have already suffered a serious violation of their fundamental rights. The final objective of eradication of trafficking in human beings can only be achieved **if the crime is prevented from happening in the first place and using the wide range of available tools at EU and national level.**

**Trafficking in human beings is a demand and profit driven crime.** Prevention must be placed in the wider context of a crime being driven by profits and demand. A human rights-based approach focusing on victims needs to address prevention appropriately and effectively, and **discourage the demand that fosters all forms of trafficking, as clearly stipulated in the Anti-trafficking Directive.** This means **not only addressing the root causes that make people more vulnerable to trafficking** – such as poverty, gender inequality and violence against women, ethnic discrimination, societal marginalisation, irregular migration – but **also ensuring that those who profit from the crime and exploit the victims are brought to justice.**

As highlighted by Europol , "The constant demand for services associated with sexual and labour exploitation and persistent socio-economic inequalities between the developed and developing world drive human trafficking". **Trafficking in human beings takes place because there is a demand for services associated with sexual and labour exploitation, and because it is a highly profitable form of organised crime.** A joint civil society submission<sup>139</sup> to the Report considers that **prostitution and trafficking for sexual exploitation are inextricably linked, and that without a prostitution market, there would be no profit to be made by the traffickers exploiting women and girls in the sex industry.**

For all these reasons, prevention of trafficking in human beings is one of the pillars of the Anti-trafficking Directive. Article 18 obliges Member States to **"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"**. Among those measures, Member States shall take appropriate action, including via the Internet, such as information and awareness-raising campaign, education, training. Also, Member States shall consider taking measures to establish as a criminal offence the use of services of victims of trafficking, when the user knows that the person is a victim. Stepping up prevention is also one of the priorities of the EU Strategy.

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<sup>139</sup> Equality Now, European Women's Lobby, Amical du Nid, Immigrant Council of Ireland, Herzwerk, Nuorten Exit, Marta Resource Centre, Mediterranean Institute for Gender Studies, Eaves, Mouvement du Nid, Ruhama, Iroko onlus.

This approach has been endorsed by the **Council of the European Union**<sup>140</sup>, which called on Member States to "promote further policies to reduce demand that fosters all forms of exploitation related to trafficking in human beings". This is also in line with the **European Parliament's** Resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality (2013/2103(INI))<sup>141</sup>.

Prevention was also at the fore of discussions on integrated child protection systems at the 2015 **European Forum on the rights of the child**, where the expert discussions were of direct relevance also to efforts to eliminate trafficking of children<sup>142</sup>.

#### **4.3.1. Factors contributing to vulnerability**

Addressing the underlying factors which make people more vulnerable to trafficking and foster demand for exploitation remains a key challenge.

The **study on high risk groups of trafficking in human beings**<sup>143</sup>, a deliverable of the EU Strategy, found that two crucial individual factors - a history of abuse and a vulnerable emotional state - could often be traced back to **a dysfunctional family situation, underpinned by material deprivation**. Trends identified by the Study include: ever younger children becoming victims of trafficking, growing numbers of girls from Nigeria being victims of sexual exploitation, an increase in the number of unaccompanied asylum-seeking children who are at risk of being trafficked, a growing number of cases of children with cognitive and developmental disabilities being victims of trafficking, and a growing number of boys in both sexual and labour exploitation. Furthermore, the study notes that **child victims of sexual exploitation can end up being exploited as adults in the prostitution sector**. Additionally, the study calls for more focus on **addressing demand that fuels child trafficking** in all its forms.

#### **Study on prevention initiatives on trafficking in human beings**

The European Commission has published a **Study on prevention initiatives on trafficking in human beings**<sup>144</sup>, also as a deliverable of the EU Strategy, which examined 43 prevention initiatives, of which a share of 40 % concerned actions in Romania, Bulgaria and Hungary. The vast majority (around 85 % of the given sample) targeted information and awareness-raising measures followed by capacity building and research and education programmes. Among the key findings of the study is that there is no gold-standard for assessing the impact of prevention actions, but rather that a comprehensive and contextual approach should be

<sup>140</sup> Council conclusions on the new EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016, 25 October 2012, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/council\\_conclusions\\_on\\_the\\_new\\_eu\\_strategy\\_towards\\_the\\_eradication\\_of\\_trafficking\\_in\\_human\\_beings\\_2012\\_-\\_2016\\_1.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/council_conclusions_on_the_new_eu_strategy_towards_the_eradication_of_trafficking_in_human_beings_2012_-_2016_1.pdf)

<sup>141</sup> <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2014-0162>

<sup>142</sup> [http://ec.europa.eu/justice/fundamental-rights/rights-child/european-forum/ninth-meeting/index\\_en.htm](http://ec.europa.eu/justice/fundamental-rights/rights-child/european-forum/ninth-meeting/index_en.htm)

<sup>143</sup> <http://ec.europa.eu/anti-trafficking/node/4921>

<sup>144</sup> [http://ec.europa.eu/anti-trafficking/publications/study-prevention-initiatives-trafficking-human-beings\\_en](http://ec.europa.eu/anti-trafficking/publications/study-prevention-initiatives-trafficking-human-beings_en)



followed. The study found that **more can be done on research and education that addresses the link between the organised crime dimension of trafficking in human beings and the supply/demand dynamics**, as well as the training of police officers, judges and prosecutors with regard to capacity building initiatives. The study further demonstrates that a needs assessment prior to project design is key and provides a model for designing prevention initiatives using the tool of Project Cycle Management. Finally, the study provides a set of questions to be addressed when deciding to allocate funding for prevention initiative

Member States reported **extensive action on prevention measures in many of the different areas mentioned in Article 18 of the Anti-trafficking Directive**. These measures range from information and awareness raising campaigns, research and education programs, training of officials, and legislative measures to discourage demand. According to the information provided by all Member States, there is a plethora of actions on **training and information/public awareness**. **Greece**, for example, stresses the importance of prevention actions that use art and culture as avenues for prevention, while other Member States (such as AT, CY, EL, PT) stress the importance of reaching out to an audience which is as wide as possible. Other Member States stress the need to focus on **actions preventing trafficking in human beings in countries of origin**, and other focus on **online recruitment and advertising**.

#### **Awareness raising activities in the Member States**

In **Cyprus**, the Office of the Police against Trafficking in Human Beings organised a market with the title “look, hear, feel...react”. The aim was to sensitise the public regarding trafficking in human beings and to raise funds for the creation of a Fund for the Support of Victims.

**Greece** highlights that awareness campaigns and trans-media interventions are empowered by cultural creativity. Culture and the Arts are the most innovative tools to reflect on our responsibilities as citizens (both as part of the problem and as part of the solution). In this way campaigns affect larger audiences and may reduce demand as well as promote a zero tolerance public perception towards trafficking in human beings. It is also a formidable platform for synergies: for example the Attendants Project, presented at the EU Parliament during the Hellenic Presidency, is a prime example of how a documentary film-maker tackling the sensitive issue of prostitution and commercial sexual exploitation, is not confined to the narrow boundaries of interviewing potential victims and clients but also organizes art-therapy interventions and victim counselling in cooperation with an NGO shelter. The same is true for the theatre performance ‘Sex Trafficking’, based on real testimonies and narratives of victims supported by NGOs. This group of activist performers and actors organised this performance at the margins of several occasions and events (such as EU Anti Trafficking Day) delivering a very strong and graphic message to various audiences.

However, to effectively implement Article 18 of the Anti-Trafficking Directive, there is a **need to know and measure the results and impact of those prevention measures**. At this

moment, **little is known about the actual impact of measures for curbing demand for trafficking in human beings.** Despite the large number of measures and campaigns developed, many Member States (such as AT, BG, CY, DK, EE, IE, MT) report that it is difficult to measure the impact of such activities and many do not conduct such evaluations, while others (such as BE, CY, DK, ES, PT, SE, SK, UK) have proceeded into evaluations of their general National Action Plans or relevant prevention campaigns. Some Member States note that there is anecdotal evidence or a general presumption that overall public awareness has increased.

### **Evaluating action in the Member States**

Law 60(I)/2014 in **Cyprus** provides for an independent external evaluator, who is defined as the equivalent of the National Rapporteur. The Republic of Cyprus has not yet appointed the independent external evaluator, but is in the process of doing so. Until then, the competencies of the National Rapporteur or equivalent mechanism continue to be exercised by the Multidisciplinary Coordinating Group against trafficking in human Beings.

**Denmark** reports that the National Action Plan has been externally evaluated, which resulted in a range of recommendations. For example, the evaluation recommended that the areas of child-trafficking should be given more attention, and the question of trafficking to forced labour should be further developed, as should the question of how to deal with victims of trafficking caught in criminal activities.

**Portugal** has developed and implemented three successive National Plans against trafficking in Human Beings since 2007. These Plans are structured in different strategic areas of intervention each with its own implementation measures, linked to result indicators. On the basis of these indicators, it was possible to carry out an external evaluation of the second National Plan that could assess to what extent the envisaged actions have been implemented and what their impact was.

In **Slovakia** an evaluation of the National Program of Combating THB is performed each year, and is accessible in on the official website. The website also includes the evaluation of the Program of Support and Protection of THB victims.

Some Member States note **an increase in reporting of cases of trafficking in human beings following training for frontline staff.** Other Member States use also **measures to empower victims, such as education, vocational training, and job placement.** However, it remains unclear if such measures focusing on victimised persons could have an impact on preventing re-trafficking. It further remains **questionable as to whether they prevent trafficking from happening in the first place, and whether they reduce the demand for the services of victims.**

More specifically, submissions by the civil society underline **the ad-hoc nature of training activities, the lack of specialised training, and call for their integration in broader and**

**obligatory training systems, as the current plethora of ad-hoc initiatives has questionable sustainability.** Also, it is important to stress the need for tailor-made training activities, addressing particular dimensions and specificities of different forms of trafficking. It is crucial that the training is targeted towards those relevant actors who have a specific mandate to work against trafficking in human beings, so the training allows them to incorporate the knowledge gained and develop long-term strategies on how to best address this crime. Civil society submissions suggest developing a **directory of training opportunities** and providers. Of note, a **child rights/child protection dimension is reported as often absent** in offered training.

Some Member States (such as, DK, EE, FI, LT, SK) report that prevention activities, both in terms of capacity building and training, **mainly focus on trafficking for labour exploitation, though in all Member States the most prevalent form of trafficking reported is sexual exploitation.**

Further, Member States highlight the **role of the private sector in preventing trafficking in human beings.** The commitment of the business sector in ensuring supply chains free from exploitation is essential in this respect. Of equal importance is the role of business in reporting suspicious practices related to trafficking in human beings when their businesses are being used as facilitators of the crime by traffickers. This category could include hotels, bars, restaurants, travel agencies, air companies and other transport enterprises, to mention a few.

#### **Civil Society reflections on awareness-raising activities by the Member States**

The joint civil society submission to the Report by **LSI NGO Platform and GAATW** considers that the majority of the campaigns developed by Member States and international organisations are mainly aimed at warning people of the dangers of human trafficking, and that, at times, they seem to have a hidden goal, not just to prevent human trafficking but to prevent irregular migration. According to these organisations, prevention of trafficking should primarily be about addressing the root causes. Next to the root causes in the countries of origin, such as poverty, unequal gender relations, traditional social structures, there are root causes during the migration process, such as the lack of safe and regular migration channels; and there are root causes in the countries of destination, such as the demand for cheap and exploitative (irregular) labour in combination with strict immigration and increased repressive policies towards undocumented persons.

#### **4.3.2. Criminalisation of the use of services of victims**

A dimension that Member States have focused on less is that of legislative change targeting those who use services of victims of trafficking. **Article 18(4) of the Anti-trafficking Directive encourages the Member States to consider criminalising the use of services of victims of trafficking (in the knowledge that they are trafficked).** So far, approximately half of Member States have not done it; therefore they do not treat the cognisant use of services which are the objects of exploitation of victims of trafficking as a criminal offence.

It should be noted that the Report and this accompanying Staff Working Document do not aim to examine the compliance of Member States with their obligations stemming from Article 18 of the Directive. Rather, this issue will be addressed in a separate report, as required under Article 23. The information included in the following part is not exhaustive and does not prejudice in any way the findings of the European Commission.

It has to be recalled that such form of criminalisation, though with a specific and narrower scope, has already been introduced and implemented in another EU legal instrument, the **Employers' Sanctions Directive**<sup>145</sup>, which has established that Member States must impose criminal sanctions on employers who use the work or services of illegally staying third-country nationals in the knowledge that they are victims of trafficking. In addition, the **Child Sexual Abuse Directive**<sup>146</sup> obliges Member States to criminalise engaging in sexual activity with a child where recourse is made to child prostitution and to provide for minimum levels of imprisonment penalties depending on the age of the child, thus targeting the client of children in prostitution. This should in turn help indirectly the fight against child trafficking for sexual exploitation, as national authorities do not need to prove the existence of the different components in the trafficking offence, nor the awareness of the client about the trafficking condition of the victim.

Taking this into account, not criminalising in general those who knowingly use the services of victims of trafficking which are not illegally staying third-country nationals or who are child victims exploited in prostitution can be seen as **a legal gap in the EU legal system, and raises questions as to whether it creates and contributes to a culture of impunity for those who knowingly use victims in other situations**. As Europol highlights, “social tolerance or a lack of public awareness can create a more permissive environment for certain crimes. In the context of THB, a general tolerance towards exploitative conditions – in particular when it concerns foreign workers – may facilitate the perpetration of such crimes and increase the likelihood of exploitation by criminals”<sup>147</sup>

The **Dutch National Rapporteur** notes that she has been recommending the criminalisation of clients of prostitutes who are victims of human trafficking since 2011, considering that to combat human trafficking effectively, the demand side of the prostitution sector must also be addressed<sup>148</sup>. She therefore recommends that **it should be made a criminal offence for a**

<sup>145</sup> Directive 2009/52/EC providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32009L0052>

<sup>146</sup> Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0093>

<sup>147</sup> Europol Situation Report: Trafficking in human beings in the EU, February 2016, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational\\_report\\_trafficking\\_in\\_human\\_beings- europol.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational_report_trafficking_in_human_beings- europol.pdf)

<sup>148</sup> Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, Trafficking in Human Beings: Ninth report of the Dutch National Rapporteur, The Hague, 2013, <http://www.dutchrapporteur.nl/reports/ninth/>

**person to use the sexual services of another person for payment, when these persons knows or should reasonably suspect that the other person is being forced or coerced to provide those services.**

**Finland** reports that the Criminal Code prohibits buying sex from a person who has been trafficked or procured, and considers that **a partial ban on buying sex is not well suited for preventing or curbing human trafficking for the purpose of sexual exploitation.** The criminal investigation authorities and prosecutors have an important task to perform in this respect, in order to enable criminal liability for sexual offences to be brought to trial in the first place<sup>149</sup>.

In this regard, many civil society submissions to the Report draw attention to **the particularities of trafficking for the purpose of sexual exploitation, and the links with the sex industry.** They note that it is a step in the right direction to acknowledge that not only traffickers and those who profit from the exploitation of the prostitution of others are to be held liable, but also those who purchase sexual services. However, some civil society organisations note that it may still prove only partially effective as a measure to discourage demand. This is why they suggest considering the links with the purchase of sex and the sex industry as a whole, as an economic sector in which trafficking occurs. They call for decriminalising the people in prostitution and criminalising demand for paid sex as an approach to effectively address discouraging demand. Furthermore, other civil society organisations recommend that policies on trafficking in human beings and on prostitution policies should not be conflated, and highlight the need to ensure that the complexities behind both are addressed, i.e. what renders people invisible, unprotected and disempowered.

#### **Civil Society Reflections on the Criminalisation of those who knowingly use the services of victims of trafficking**

The Joint civil society submission to the Report from **networks and organisations working in Europe and beyond on the issues of human trafficking and commercial sexual exploitation**<sup>150</sup> highlights that, despite the strict division drawn by some between prostitution and trafficking for sexual exploitation, in reality, this is difficult to establish when it comes to those who buy sex. There is not a clearly defined, separate demand for victims of trafficking versus demand for women perceived to be in prostitution voluntarily.

They consider that the inclusion of Article 18(4) in the Anti-trafficking Directive, and the introduction or discussion of such offences in some Member States, is **a step in the right**

<sup>149</sup> Finnish National Rapporteur on Trafficking in Human Beings, Report 2014, Publication 16, [http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/national\\_rapporteur\\_on\\_trafficking\\_in\\_human\\_beings\\_-\\_report\\_2014.pdf](http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/national_rapporteur_on_trafficking_in_human_beings_-_report_2014.pdf)

<sup>150</sup> Equality Now, European Women's Lobby, Amical du Nid, Immigrant Council of Ireland, Herzwerk, Nuorten Exit, Marta Resource Centre, Mediterranean Institute for Gender Studies, Eaves, Mouvement du Nid, Ruhama, Iroko onlus.

**direction and an important recognition that it is not only traffickers and pimps who are responsible for the exploitation of people in prostitution, but also those who buy sex.**

They are, however, concerned that such partial and conditional criminalisation of the purchase of sex, applying only in cases where the person in prostitution is recognised by the authorities as a victim of trafficking or procurement, is difficult to implement and not effective enough in reducing exploitation, improving the position of people in prostitution or promoting gender equality. This might not go far enough and does not send the unequivocal message that people are not for sale. Some Member States which have experimented with this offence have since come to the same conclusion and have already or are moving towards full criminalisation of the purchase of sex.

According to the submission, Member States addressing the root causes of trafficking for sexual exploitation by criminalising the demand for paid sex and decriminalising people in prostitution are most effectively fulfilling their legal obligation under Article 18(1) of the Anti-trafficking Directive to discourage the demand that fosters exploitation related to human trafficking. On the other hand, they consider that the legalisation approach taken by some other Member States has done nothing to reduce demand for exploitation or improve the situation of victims, and has in fact arguably encouraged it.

These organisations consider that the Member States should move beyond the minimum suggested by the Anti-Trafficking Directive and fully criminalise the purchase of sex, while decriminalising and providing support for those selling sex, including exiting prostitution.

Based on the above, it is acknowledged that prostitution is a high-risk sector for trafficking in human beings, such as the construction industry, agriculture, and others are.

### **Study on the Gender Dimension of Trafficking in Human Beings**

As reported in the **Study on Gender Dimensions of trafficking in human beings**<sup>151</sup>, "demand reduction is a strategy to prevent trafficking by reducing the economic attraction of the institutions into which people may be coerced by traffickers. In the case of trafficking for purposes of sexual exploitation, the most important institution is prostitution". This study addressed, among others, **the ways that the different forms of regulation of prostitution might reduce demand for the services of people trafficked into prostitution.** The regulation of prostitution is centred on one or more of three targets: those who sell sex/are sold; those who engage in the exploitation of the prostitution of others; and the buyers of sex. Demand reduction through the regulation of prostitution can logically be centred either on those that seek to exploit by taking profit (e.g. rent or fees) from prostitution or on the men (usually) who seek to buy sex. It is sometimes focused on reducing the forms of prostitution that are likely to have a greater association with trafficking and other forms of criminality and sometimes focused on prostitution in general.

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<sup>151</sup> [https://ec.europa.eu/anti-trafficking/eu-policy/study-gender-dimension-trafficking-human-beings\\_en](https://ec.europa.eu/anti-trafficking/eu-policy/study-gender-dimension-trafficking-human-beings_en)

There are variations in the form of regulation of prostitution over time and between Member States. Recently, in the EU, there has been a substantial move to de-criminalise the seller of sex so that in most Member States selling sex is not always illegal. Most Member States have decriminalised the sale of sex (with some exceptions); maintain the criminalisation of the exploitation of the prostitution of others; and criminalise the purchase of sex in specific circumstances, including from minors. The **Netherlands** and **Germany** have permitted some profit-taking from prostitution, combined with high levels of surveillance and regulation. **Sweden** has criminalised the purchase of sex. The Study concludes that "changes in the legal regulation of specific forms of profit-taking from prostitution have resulted in less trafficking in this sector than in the non-regulated and illegal sectors. The best statistics available suggest the overall scale of prostitution is larger in Germany and the Netherlands than in Sweden.

This correlation between the decriminalisation of profit-taking in prostitution and its scale is consistent with the claim that this aspect of decriminalisation, however well-regulated, is causally connected to a larger proportion of prostitution in the population. Reductions in trafficking have also occurred through the deployment of other legal instruments in the non-regulated and illegal sector, especially bans on particular forms of prostitution that have been enforced by the criminalisation of seller and buyer, thereby reducing the forms of prostitution most associated with trafficking. The evidence does not support the claim that innovations in the regulation of the exploitation of the prostitution of others in the Netherlands and Germany that allow specific and regulated profit-taking have reduced overall levels of trafficking for purposes of sexual exploitation in these countries. Our conclusion is that the criminalisation of the exploitation of the prostitution of others, of profit (rent and fee) taking from prostitution, remains an important legal instrument to reduce the demand that drives trafficking".

While trafficking in human beings for sexual exploitation remains the most prevalent form, at the same time the Member States have a **legal obligation to address all forms of exploitation**. Following Article 18 of the Anti-trafficking Directive, a few Member States have included provisions specifically targeting the demand for trafficking for the purpose of labour exploitation in their criminal codes. Civil society submissions to the Report call for ensuring that all sectors where trafficking occurs are addressed, and that victims are not unrecognised and unprotected. For instance, increasing concern over **the case of overseas domestic workers on tied visa** has been raised. Civil society calls for more research on links with regulation and de-regulation of labour, wages policy, working conditions and labour rights. It is clear that there is no one-size-fits-all approach to address demand for different forms of exploitation, and that differentiated approaches that results in all victims equally benefiting must be sought.

## **Civil Society Reflections on the Links between Trafficking in Human Beings and Prostitution**

The joint civil society submission to the Report by **LSI NGO Platform and GAATW-EU** recognise that the sex industry is one of the economic sectors in which human trafficking occurs, as it does in other sectors where workers are invisible, unprotected, excluded and disempowered. It is important though not to conflate trafficking in human beings with prostitution, as it leads to inadequate counter-trafficking policies and to counter-productive prostitution policies. The submission indicates that the two issues are both complex and need their own individual approach and policy. By equating sex work to trafficking in persons, the very complex phenomenon of human trafficking is narrowed down to a moral issue, an approach that fails to address the economic, political and social root causes of trafficking. Furthermore, it distracts the attention from human trafficking in other industries which could leave victims there unrecognised and unprotected. Hence, when tackling the demand side of trafficking in human beings, all economic sectors that are vulnerable for exploitative situations, should be addressed. According to these organisations, in order to understand why some economic sectors are more vulnerable, research is needed into the connections between deregulation of labour, the decrease in wages, labour migration and demand for cheap and exploitative labour.

Civil society participating in the working group on prevention of the Platform against trafficking in human beings note that **legislation is the most important measure that Member States should take in order to ensure prevention and demand reduction, since it can have a deterrent and normative effect for different forms of trafficking and actors including perpetrators, procurers, companies, clients and users.** Active investigations in factories, farms, brothels and other high risk areas are further indicated as prevention and deterrent measures against trafficking in human beings.

The need to discourage demand has also been highlighted by **GRETA**, which has urged the authorities of seven Member States to improve their current activities. For example, in the reports on France, Italy and Spain, GRETA has noted **the need for increased efforts to discourage demand for the services of victims of trafficking for the purpose of sexual exploitation**, bearing in mind that such measures should be balanced and not lead to the criminalisation of victims of trafficking. GRETA has also stressed that efforts to **discourage demand for the services of victims of trafficking for the purpose of labour exploitation** should include reinforcing labour inspections, in particular in sectors at high risk such as agriculture, construction, textile industry, the hotel/catering sector and domestic work, and effective penalties for those who exploit victims of trafficking.

In conclusion, it is evident that further efforts are required in this field in order to ensure correct application of the legislation and protect victims. These are considerations that will be examined by the Commission, as requested by the Anti-Trafficking Directive, in line with Article 23, paragraph 1-2 (entitled "Reporting"), whereby "1. The Commission shall, by 6 April 2015, 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 this Directive, including a description of action taken under Article 18(4), accompanied, if necessary, by legislative proposals and 2. The Commission shall, by 6 April 2016, submit a report to the European Parliament and the Council, assessing the impact of existing national law, establishing as a criminal offence the use of services which are the objects of exploitation of trafficking in human beings, on the prevention of trafficking in human beings, accompanied, if necessary, by adequate proposals".

#### **4.4. Financial support to address trafficking in human beings and implement legal obligations**

One of the most important challenges in addressing trafficking in human beings identified by both Member States and non-governmental organisations is the **limited resources available for anti-trafficking measures, victim assistance and prevention measures at national and local level**. The global economic crisis has exacerbated the situation and has also had a negative impact on allocations of funds for trafficking in human beings.

Indeed, investigations can be costly, not only in terms of logistics but also in terms of human capital; and, in order to produce results, the necessary technology and staff have to be dedicated to the purpose of assisting the victims and preventing the crime. However, it has to be recalled that, also in this respect, the Anti-trafficking Directive provides clear obligations for the Member States: to put in place effective investigative tools, train the services responsible for investigation and prosecution, effectively protect and support the victims, and take appropriate measures to prevent trafficking as such. In order to comply with these legal obligations and achieve concrete results, relevant budgetary allocations are necessary.

In this respect, **the European Commission plays an important supporting role, and in the reporting period has allocated funding via several programmes under both direct and shared management**<sup>152</sup>. Furthermore, the European Commission has continued to provide financial support to numerous projects to address trafficking in human beings in a range of non-EU countries and regions. For the period 2007-2012, DG HOME only has allocated more than 32 million EUR for projects addressing trafficking in human beings. These projects co-financed actions by Member States' authorities and non-governmental organisations focusing on diverse aspects, such as trainings, capacity building, research, addressing different forms of trafficking. Many projects addressing trafficking in human beings (53 between 2011 and 2013) were financed by DG DEVCO (by both thematic and geographical instruments). The total budget for these projects was approximately 37 million EUR, though only few projects were entirely devoted to countering trafficking in human beings, while in most cases trafficking in human beings was one of the objectives amongst others. Most of these actions were implemented by major International Organisations (ILO, IOM, UNODC, UNHCR). All information on projects is available on the **EU Anti-Trafficking website**<sup>153</sup>, and as stipulated

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<sup>152</sup> Direct management means that a fund or programme is directly managed by the European Commission or one of its agencies. The management involves selecting contractors, awarding grants, transferring funds, monitoring activities and others. Shared management means that the management of the EU fund or programme is delegated to EU countries. Most EU-funded projects, accounting for around 80 % of the EU budget, are under shared management.

<sup>153</sup> [http://ec.europa.eu/anti-trafficking/eu-projects/en?solsort=ds\\_field\\_publication\\_date%20desc](http://ec.europa.eu/anti-trafficking/eu-projects/en?solsort=ds_field_publication_date%20desc)

in the EU Strategy, a **study for a comprehensive policy review of these projects** is underway<sup>154</sup>.

In this regard, it is worth highlighting that according to the information provided, in the majority of Member States **the practical assistance to victims is not provided by the state or local authorities**, but by non-governmental organisations. It is therefore crucial for these organisations **to be securely funded in a way that allow them to provide efficient and sustainable short as well as long-term assistance solutions to victims of trafficking**. However, the information provided for the Report shows that in a number of Member States civil society organisations providing assistance and shelter to victims of trafficking are not funded on a permanent or long-term basis. Instead they are often operating on "project status" and receive funds on an annual basis following yearly application cycles. Civil society organisations report that this may negatively affect their ability to work with victims and to guarantee sustainable and rights based provision of services. Civil society further points out that, governments often have to abide to the principle of the lowest-price in public tenders, and thus they award funding for services and shelters that are the most economical but not necessarily of the best quality in order to cater to the needs of victims of trafficking.

As noted in the **European Commission's Study on the Gender Dimensions of trafficking in human beings**<sup>155</sup>, the literature reviewed consistently demonstrates that **lack of sufficient and sustainable funding is a barrier to the provision of quality services to women trafficked for the purposes of sexual exploitation**. The study notes that running projects are often forced to end due to a lack of sustainable funding for the service from government; the lack of financial stability experienced by specialist providers specifically prevents capacity-building to address increased demand for services; and the lack of sustainable funding prevents qualified NGOs, as well as shelters and refuges from providing enough support services to address the needs.

The provision of specialised services to victims of trafficking has to be appropriate to their needs. These are different according to the form of trafficking to which they have been subjected, and hence gender specific. These services are best provided by organisations that include users, victim-survivors of trafficking, and gender experts in their decision-making and which have sustainable funding.

In conclusion, the main challenges identified by both Member States and non-governmental organisations in their contributions for the Report concern the level of budgetary allocations and the cooperation between the national and local authorities and the civil society. The issue of resources is highlighted not only as regards measures for the support and protection of victims, but also measures to underpin investigation and criminal proceedings. It is also highlighted that the provision of specialised services to victims of trafficking should be centred on the victims' needs, age and gender-specific, and specific to the form of trafficking;

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<sup>154</sup> EU Strategy, Priority D, action 4.

<sup>155</sup> [https://ec.europa.eu/anti-trafficking/eu-policy/study-gender-dimension-trafficking-human-beings\\_en](https://ec.europa.eu/anti-trafficking/eu-policy/study-gender-dimension-trafficking-human-beings_en)

and that these services are best provided by organisations that include users, victim-survivors of trafficking, and gender experts in their decision-making and which have sustainable funding.

## **5. GATHERING OF STATISTICS**

### **5.1. Data collection activities at EU and national level**

In recent years, the European Commission has worked together with Member States to develop an EU wide data collection system on trafficking in human beings, collecting data on victims as well as suspected, prosecuted and convicted traffickers, disaggregated by variables including gender, age, form of exploitation, and citizenship. The first Eurostat statistical Working Paper on Trafficking in Human Beings was published in April 2013, and covered the years 2008-2010; the Second Working Paper was published in October 2014, later amended in January 2015, and included data from all 28 Member States for the years 2010-2012. This second data collection showed **clear improvements from the previous exercise, but more efforts are necessary in order to facilitate data collection in this field**, improve the quality of the data and statistics on trafficking in human beings, and to make those data more comparable.

Further improving the quality and availability of data will therefore be an important part of the forthcoming 3<sup>rd</sup> Action Plan on measuring crime in the EU. The European Commission has already committed to incorporate headline statistics on trafficking in human beings into the Eurostat annual data collection on crime and criminal justice, starting with the 2016 exercise. The European Commission will also continue work on the collection of more detailed and disaggregated data to improve our understanding of trafficking in human beings.

Data is crucial not only to enable measurement of trends and developments in this field, but equally important in order to assess whether or not implemented actions are successful in targeting the phenomenon. With better quantitative data we would be able to follow increases and decreases of the phenomenon and, by doing so, know where to best put public resources and develop properly targeted interventions. **Data is therefore a significant tool to help ensure accountability of actions taken to address trafficking in human beings.**

There are however **many challenges that remain to be addressed**: different definitions being used, a wide range of actors that collect data, different methods for identification of victims, the complexity of the crime itself and the fact that many traffickers are convicted for other forms of crime rather than trafficking in human beings (such as exploitation of prostitution, procuring, fraud, breach of labour law etc.).

The challenges demonstrated regarding data comparability between Member States, and the steps needed to enhance efforts in this field, have been assessed with the Member States within the framework of the Network of National Rapporteurs or Equivalent Mechanisms, with the contribution of Eurostat and other independent experts and international organisations.

## **5.2. Data collection exercise for the present report on trafficking in human beings and as per article 19 of the Anti-Trafficking Directive**

According to Article 19 Anti-trafficking Directive, the tasks of the NREMs 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.

In the initial template for contributions to the Report on trafficking in human beings, the Member States and NREMs were asked to provide data for the years **2011-2013**. In order to ensure that the most recent information could be included, a **specific request for data covering 2013 and 2014 was sent out to the Member States at a subsequent stage**. The European Commission is grateful to Member States for their swift replies. The collated statistics are shown below and the tables and information on meta-data can be found in **Annex II**. For the years 2010-2012 the Eurostat statistical working paper on Trafficking in Human Beings is the reference point.

The data collection exercise for the Report should be viewed as **an interim and simplified collection between the existing Eurostat working papers on Trafficking in Human Beings**, and the planned future official collections described above, where work will begin later in 2016. Although this collection builds on the methods used for the Eurostat collection and every effort has been made to ensure consistency in terms of definitions, indicators, and data quality, the limited scope of this exercise means that further verifications may be necessary and the results presented here may not be comparable with past exercises.

Although the exercise indicates encouraging efforts towards better data collection, **not all Member States have provided comprehensive data on all indicators**, for example as regards gender- and age-disaggregated data on forms of exploitation. In view of this, and the differences in both national definitions and recording systems, the figures presented should be interpreted with caution. **Comparisons between Member States should therefore be avoided**, and disaggregated subtotals may not add up to the global total. A sudden increase or decrease of recorded victims can reflect the real situation but may also reflect administrative or legislative changes, modifications in statistical procedures and counting rules, or be the result of specific identification initiatives in the Member States.

For more detailed and extensive information on the data collections exercises of the European Commission, in particular regarding the methodology, definitions and interpretation of the data, please refer to the Second Eurostat Working Paper on Trafficking in Human Beings.<sup>156</sup>

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<sup>156</sup> Eurostat, Statistical Working Papers, Trafficking in Human Beings, 2015 Edition, [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eurostat\\_report\\_on\\_trafficking\\_in\\_human\\_beings\\_-\\_2015\\_edition.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eurostat_report_on_trafficking_in_human_beings_-_2015_edition.pdf)

### **5.2.1. Data on victims**

#### *Identified and presumed victims*

Member States were asked to provide statistical data on the identified and presumed victims. In accordance with the definition in Anti-Trafficking Directive 2011/36/EU the term identified victim refers to a person who has been formally identified by relevant authorities as a victim of trafficking. The term presumed victim is used for a victim of trafficking who has met the criteria of the EU Directive but have not formally been identified by the relevant formal authorities as a victim or who have declined to be formally and legally identified as a trafficking victim. Some Member States have included both categories in their data collection whereas others only include one of the two categories<sup>157</sup>.

**In 2013 Member States reported a total number of 8 034 registered (identified and presumed) victims. In 2014, a total of 7 812 victims were registered, and the total number for the two years is 15 846 registered victims.**

These numbers are lower than those recorded in the Second Eurostat Working Paper on Trafficking in Human Beings (e.g. in 2012, 10 998 victims were registered). Further analysis is required to assess the reasons for these differences, including reference to qualitative information.

#### *Breakdown by gender and age*

**Over three-quarters of the victims identified in the EU are women (76 %).** Out of the total number of victims of trafficking in the EU as many as 2 375 (15 %) were **children**.

#### *Breakdown by gender and forms of exploitation*

**Sexual exploitation is by far the most reported form of exploitation** in the EU. During 2013 and 2014 in total 10 044 registered victims were trafficked for the purpose of sexual exploitation (67 %). 2 680 registered victims were trafficked for the purpose of labour exploitation (21 %).

The vast **majority of the victims trafficked for sexual exploitation were women (96 %)**. A few Member States have registered an increase in the number of men trafficked for the purpose of sexual exploitation than in previous years.

The majority of the **victims of labour exploitation were men (74 %)**.

**1 783 victims** were registered and reported by the Member States **for other forms of exploitation (12 %)**. Examples of other forms of exploitation reported by Member States are trafficking for the purpose of forced begging, criminal activity, forced marriage, sham marriage, or organ removal, trafficking of infants and young children for adoption, trafficking

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<sup>157</sup> For information of how the Member States use either the term identified, presumed or both, see Table A in Annex II.

in pregnant women for the purpose of selling their new born babies, trafficking for the production of cannabis and trafficking for the purpose of drug smuggling or the selling of drugs. Some Member States include in their data collection on "other forms of exploitation" also trafficking for the purpose of domestic servitude and trafficking for seasonal berry picking, which in most cases as well as according to the definition would fall under trafficking for the purpose of labour exploitation.

Under other forms of exploitation, Member States also report on multiple forms of exploitation such as victims being trafficked for both labour and sexual exploitation, or trafficking for labour exploitation in combination with criminal activity.

### Citizenship of victims

Similar to what the previous data collection exercises have shown, the majority of the registered victims come from the Member States (65 %).

Over the two year period the top five countries of citizenship in the EU were Romania, Bulgaria, Netherlands, Hungary, and Poland. These are the same countries as for the years 2010-2012.

For non-EU citizens, the top five countries were Nigeria, China, Albania, Vietnam and Morocco. Albania and Morocco were not on this list in the previous exercises. This illustrates an increase of registered victims from these countries and a slight drop in registered victims from Brazil and Russia that have been amongst the top five non-EU countries of citizenship in previous years.

### **5.2.2. Data on the criminal justice process**

It is important to note that **not all Member States have been able to provide data** on the criminal justice process. Furthermore, whereas the majority of Member States do refer to individuals, some Member States refer to cases or offences rather than individuals.

### Persons brought into formal contact with the police/or the criminal justice system<sup>158</sup>

During the years 2013 and 2014, Member States reported that **6 324 persons (3 152 + 3 172)** were brought into formal contact with the police or the criminal justice system for the crime trafficking in human beings.

### Prosecutions and convictions of trafficking in human beings

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<sup>158</sup> May include persons suspected, arrested or cautioned for a criminal offence at the national level. For definition please see the Eurostat Crime and Criminal Justice Metadata in Euro SDMX Metadata Structure (ESMS) [http://ec.europa.eu/eurostat/cache/metadata/en/crim\\_esms.htm](http://ec.europa.eu/eurostat/cache/metadata/en/crim_esms.htm) Not all Member States have provided data on the criminal justice process. Furthermore, although the majority of Member States refer to individual people, some Member States refer to cases or offences rather than individual people.



During the years 2013 and 2014, Member States reported **4 079 (2 059 + 2 020) prosecutions in the EU and 3 129 (1 524 + 1 605) convictions** for trafficking in human beings.

### 5.2.3. Assessment of the data for the years 2013-2014

Although this was a **simplified exercise** with only a select number of indicators, it has shown some encouraging results in that that the **availability of data in the Member States is increasing**. All Member States provided data on victims with a gender breakdown, and all Member States were able to provide some breakdown between adult and child victims at a global level. Furthermore all Member States provided a breakdown by type of exploitation. Of note, Spain and France only reported registered cases of sexual exploitation.

It is positive to note that the collection of data in the Member States is improving in terms of availability, indicators used and disaggregation.

It is however most important to ensure that victims of trafficking are being identified and suspected traffickers are being brought to justice. While acknowledging the difficulties in comparing data both between Member States and over time, and in assessing trends and changes based on data alone, the lower overall totals warrant further enquiries about why fewer victims are being registered.

What is furthermore worrying is the consistency in terms of countries of citizenship, countries of destination, forms of exploitation, and the age and gender profile of victims over the five years 2010-2014. This consistency could give the impression that the situation has not changed.

**The European Commission has expressed its commitment to continue support the Member States in their efforts to enhance data collection in the field of trafficking in human beings in order to properly monitor the phenomenon and even more importantly to measure impact and ensure accountability of actions taken to address trafficking in human beings.**

In the meeting of the NREM network during the Luxembourg Presidency in October 2015 a full session was devoted to the importance of enhancing data collection in the field of trafficking in human beings.<sup>159</sup> In order to gain a more accurate and detailed picture of the phenomenon, the European Commission will continue with the ambitious exercise of gathering statistics on trafficking in human beings, to improve comparability and enhance disaggregation of data on victims (e.g. forms of exploitation, gender, age, method of recruitment etc.), including by demographic variables. This will involve issuing improved guidelines and collecting data from the Member States on further indicators, to be used for a third statistical publication covering the years 2013-2016.

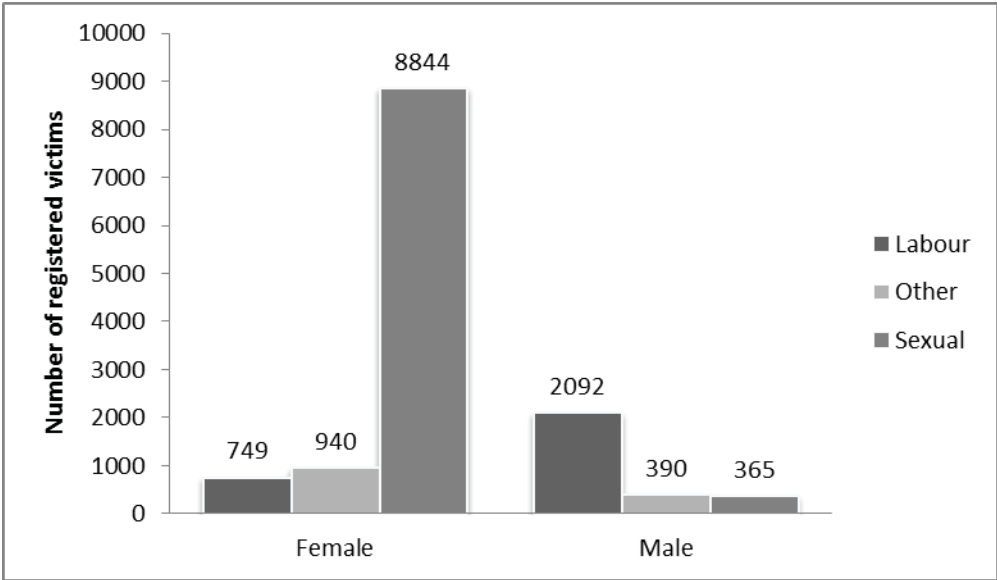
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<sup>159</sup> Meeting of the Network of National Rapporteurs or Equivalent Mechanisms, 19-20 October 2015, Brussels

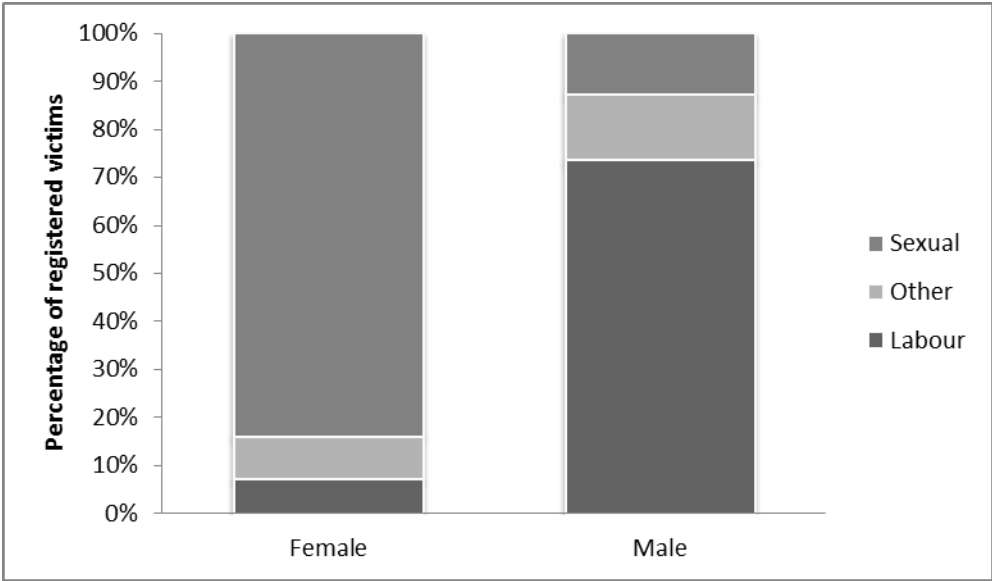
**5.2.4. Data Charts on victims of trafficking in human beings**

Statistics presented in the following charts are based on the subset of data for which information about all relevant characteristics was available. Disaggregated subtotals, and in particular percentages, may not add up to the global totals or to other subtotals cited elsewhere in the report and accompanying staff working document.

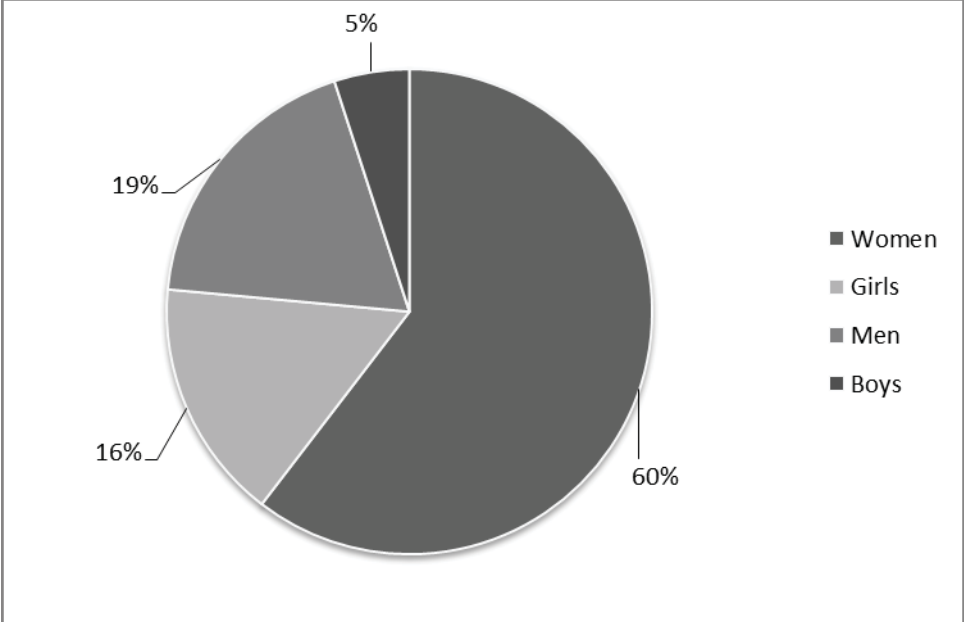
**Victims by gender and type of exploitation (number of registered victims)**



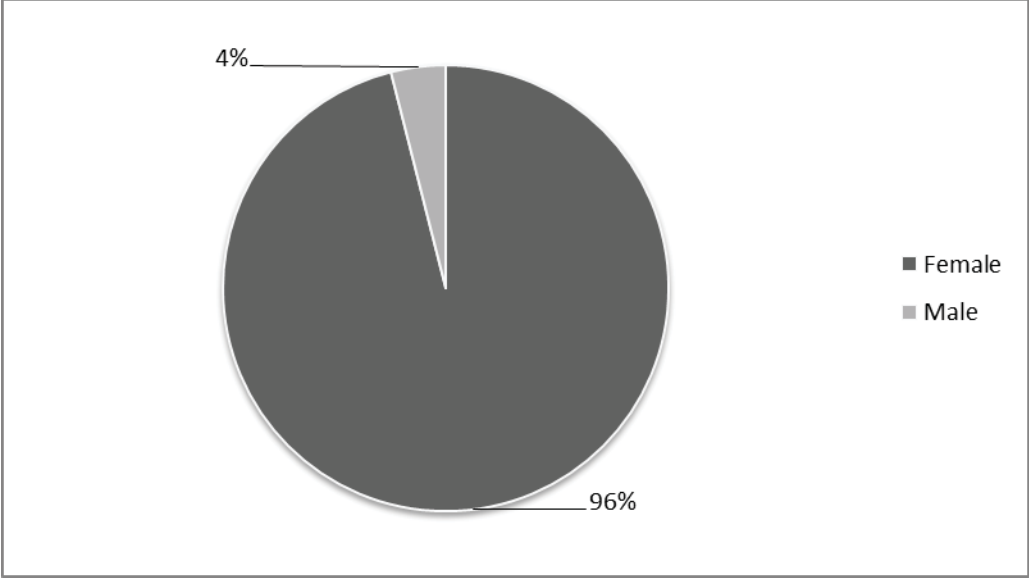
**Victims by gender and type of exploitation (% of total of registered victims)**



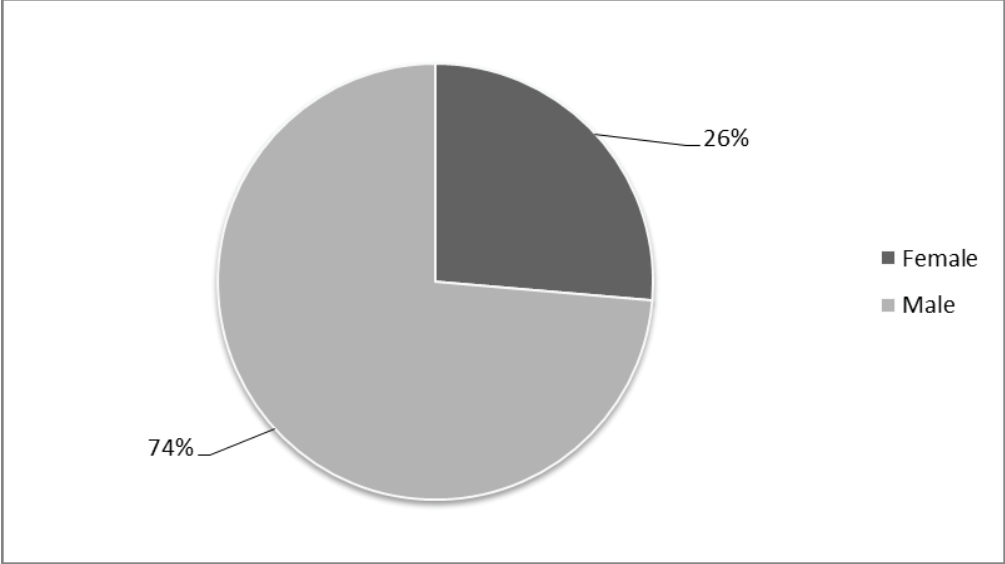
**Victims by gender and age**



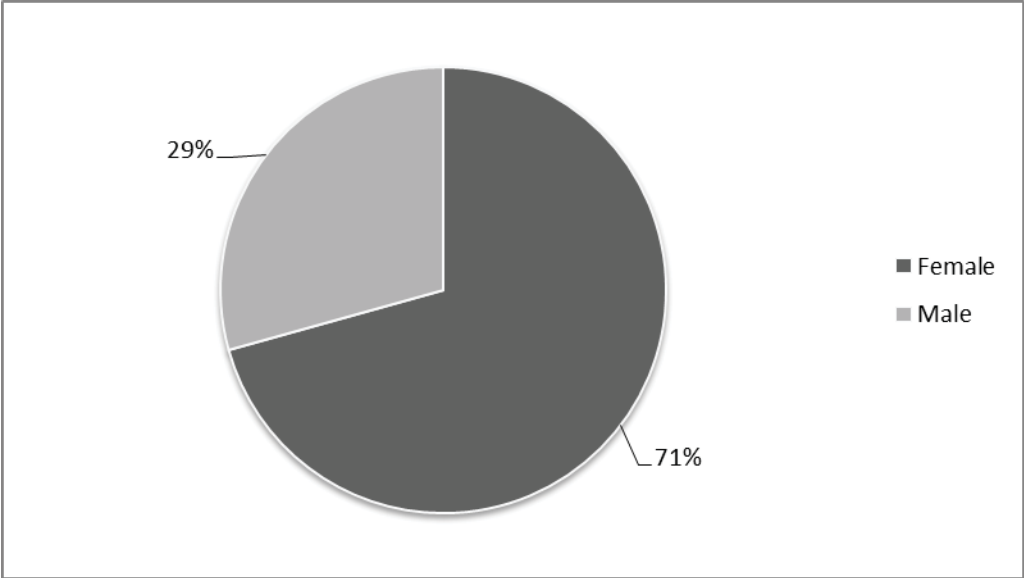
**Sexual exploitation**



**Labour exploitation**



**Other forms of exploitation:**



## **ANNEX I – Referenced documents**

### **EU Legislation**

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## **ANNEX II – Statistical data 2013 – 2014: tables and information on metadata**

A specific request for data covering 2013 and 2014 was sent out to the Member States for the purpose of the Progress report and the accompanying Staff Working Document. This data collection exercise should be viewed as an interim and simplified collection in between the two existing Eurostat working papers on trafficking in human beings, and the planned future official collections. For more detailed information on the data collection exercises of the Commission, in particular regarding the methodology, definitions and interpretation of data, the most recent Eurostat Statistical Working Paper on Trafficking in Human Beings, 2015 edition, is the reference point.

The relevant tables and information on metadata can be found below, whereas the analysis of the collated statistics can be found in the Staff Working Document.

*Table A: Number of registered victims (identified and presumed) by Member State*

	2013			2014		
	Identified victims	Presumed victims	Total	Identified victims	Presumed victims	Total
AT	72	:	72	78	:	78
BE	116	:	116	138	:	138
BG	540	:	540	491	:	491
CY	30	110	140	42	67	109
CZ	57	30	87	67	48	115
DE	603	:	603	583	:	583
DK	76	:	76	71	:	71
EE	2	22	24	2	:	2
EL	102	:	102	78	:	78
ES	264	:	264	153	:	153
FI	56	:	56	47	:	47
FR	871	:	871	710	:	710
HR	31	:	31	37	:	37
HU	176	:	176	283	:	283
IE	44	:	44	46	:	46
IT	756	:	756	424	:	424
LT	47	:	47	47	:	47
LU	:	8	8	:	10	10
LV	22	0	22	34	0	34
MT	9	4	13	17	3	20
NL	:	1 437	1 437	:	1 561	1 561
PL	171	222	393	148	207	355
PT	145	56	201	48	113	161
RO	896	:	896	757	:	757
SE	2	84	86	4	93	97
SI	37	3	40	5	8	13
SK	30	0	30	34	0	34
UK	819	84	903	834	524	1 358
<b>Total</b>	<b>5 974</b>	<b>2 060</b>	<b>8 034</b>	<b>5 178</b>	<b>2 634</b>	<b>7 812</b>

*Table B1: Number of registered victims by gender and age (Adult/Child): 2013*

Age	Female		Male		Other		Unknown		Total					
	Adults (18+)	Children (Under 18)	Adults (18+)	Children (Under 18)	Adults (18+)	Children (Under 18)	Adults (18+)	Children (Under 18)	Adults (18+)	Children (Under 18)	Total			
AT	60	4	8	:	:	:	:	:	68	4	72			
BE	:	:	68	:	:	:	:	:	112	4	116			
BG	427	49	46	18	:	:	:	:	473	67	540			
CY	100	9	27	4	:	:	:	:	127	13	140			
CZ	13	20	23	31	:	:	:	:	:	:	87			
DE	:	:	531	:	:	:	0	2	:	:	603			
DK	62	2	64	0	0	0	0	0	74	2	76			
EE	13	1	14	:	:	:	:	:	23	1	24			
EL	49	1	50	2	:	:	:	:	99	3	102			
ES	251	12	263	0	1	:	:	:	252	12	264			
FI	34	3	37	0	19	:	:	:	53	3	56			
HR	5	16	21	8	2	10	:	:	13	18	31			
HU	93	28	121	6	49	55	:	:	99	77	176			
IE	26	7	33	2	9	11	:	:	28	16	44			
IT	:	:	565	:	:	182	:	9	699	44	756			
LT	19	5	24	18	5	23	0	0	37	10	47			
LU	8	:	8	:	:	0	:	:	8	:	8			
LV	22	0	22	0	0	0	0	0	22	0	22			
MT	10	1	11	:	:	:	:	:	10	1	11			
NL	1 035	227	1 262	131	32	163	0	0	1 166	259	1 437			
PL	:	:	161	:	:	61	:	:	191	31	222			
PT	49	24	81	107	11	119	0	0	156	35	201			
RO	299	278	577	297	22	319	:	:	596	300	896			
SE	2	:	2	:	:	:	62	21	64	21	86			
SI	39	0	39	1	0	1	0	0	40	0	40			
SK	19	2	21	9	0	9	0	0	28	2	30			
UK	427	125	552	288	63	351	0	0	715	188	903			
<b>Total</b>	<b>3 062</b>	<b>814</b>	<b>5 189</b>	<b>1 063</b>	<b>248</b>	<b>1 693</b>	<b>0</b>	<b>9</b>	<b>62</b>	<b>21</b>	<b>86</b>	<b>4 302</b>	<b>1 061</b>	<b>6 934</b>

**Table B2: Number of registered victims by gender and age (Adult/Child): 2014**

Age	Gender														
	Female			Male			Other			Unknown			Total		
	Adults (18+)	Children (Under 18)	Total	Adults (18+)	Children (Under 18)	Total	Adults (18+)	Children (Under 18)	Total	Adults (18+)	Children (Under 18)	Total	Adults (18+)	Children (Under 18)	Total
AT	47	5	52	26	:	26	:	:	:	:	:	:	73	5	78
BE	:	:	54	:	:	84	:	:	:	:	:	:	133	5	138
BG	433	29	462	17	12	29	:	:	:	:	:	:	450	41	491
CY	74	8	82	24	3	27	:	:	:	:	:	:	98	11	109
CZ	18	14	32	36	0	36	:	:	:	:	47	14	54	14	115
DE	497	41	538	38	7	45	0	0	0	0	0	0	535	48	583
DK	60	3	63	6	2	8	0	0	0	0	0	0	66	5	71
EE	:	1	1	1	:	1	:	:	:	:	:	:	1	1	2
EL	54	13	67	10	1	11	:	:	:	:	:	:	64	14	78
ES	139	7	146	7	0	7	:	:	:	:	:	:	146	7	153
FI	34	1	35	9	2	11	:	:	:	:	:	:	43	3	46
HR	9	20	29	4	4	8	:	:	:	:	:	:	13	24	37
HU	138	107	245	21	17	38	:	:	:	:	:	:	159	124	283
IE	26	5	31	7	8	15	:	:	:	:	:	:	33	13	46
IT	:	:	295	:	:	125	:	:	:	:	4	:	392	30	424
LT	19	2	21	23	3	26	0	0	0	0	0	0	42	5	47
LU	3	:	3	6	1	7	:	:	:	:	:	:	9	1	10
LV	26	0	26	8	0	8	0	0	0	0	0	0	34	0	34
MT	14	1	15	5	:	5	:	:	:	:	:	:	19	1	20
NL	1 055	218	1 273	160	65	225	0	0	0	0	0	0	1 215	283	1 561
PL	:	:	143	:	:	64	:	:	:	:	:	:	173	34	207
PT	81	14	103	44	7	56	0	0	0	0	0	0	125	23	161
RO	283	280	563	184	10	194	:	:	:	:	:	:	467	290	757
SE	2	:	2	2	:	2	:	:	:	74	19	93	78	19	97
SI	10	2	12	1	0	1	0	0	0	0	0	0	11	2	13
SK	22	0	22	12	0	12	0	0	0	0	0	0	34	0	34
UK	634	202	836	351	170	521	1	0	1	0	0	0	986	372	1 358
<b>Total</b>	<b>3 678</b>	<b>973</b>	<b>5 151</b>	<b>1 002</b>	<b>312</b>	<b>1 592</b>	<b>1</b>	<b>0</b>	<b>5</b>	<b>74</b>	<b>19</b>	<b>140</b>	<b>4 900</b>	<b>1 314</b>	<b>6 907</b>





*Table D1: Number of victims by citizenship (EU Citizens)*

Citizenship	2013 Total	2014 Total	Grand Total
Romania	2 061	1 898	3 959
Bulgaria	968	908	1 876
Netherlands	456	468	924
Hungary	476	428	904
Poland	173	223	396
France	199	127	326
Slovakia	99	168	267
Lithuania	111	106	217
United Kingdom	86	115	201
Germany	100	91	191
Latvia	58	48	106
Czech Republic	51	47	98
Portugal	39	41	80
Croatia	23	36	59
Spain	21	18	39
Ireland	13	9	22
Greece	6	15	21
Estonia	16	< 5	19
Italy	12	6	18
Slovenia	< 5	6	7
Belgium	< 5	< 5	7
Cyprus	< 5	< 5	6
Finland	< 5	< 5	< 5
Sweden	< 5	< 5	< 5
Malta	< 5		< 5
Austria	< 5		< 5
Denmark	< 5		< 5
Luxembourg			
<b>Total</b>	<b>4 980</b>	<b>4 772</b>	<b>9 752</b>

**Table D2: Number of victims by citizenship (EU citizens) and registering country: 2013-2014**

Citizenship	Registering Member State																											Total		
	AT	BE	BG	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK		UK	
RO	58	59		60	53	353	11	42	207			353			19	197						409	79	193	1 651		35	163	3 959	
BG	19	12	1 031	51		241		39	20			89				39						277	25	10				13	1 876	
NL																						923							924	
HU	32					73								419		8						264						93	904	
PL						40																119	98					126	396	
FR												322																	326	
SK	6				7																	19					62	159	267	
LT																	93					17						100	217	
UK																												197	201	
DE						178																							191	
LV																				56		8						36	106	
CZ						13						10										10						52	98	
PT																						15		59					80	
HR													55																59	
ES																						7							59	
IE																													39	
EL																													22	
EE																													21	
IT																													19	
SI																										6			18	
BE																													7	
CY																													6	
FI																													7	
SE																													6	
MT																														
AT																														
DK																														
LU																														
Total	124	77	1 031	129	65	898	17	95	256	11	788	59	421	49	267	94	6	6	56			2 107	205	262	1 652	6	45	62	949	9 752

Due to statistical secrecy in place in Member States to protect the identity of victims, actual EU totals may be slightly higher than the numbers reproduced here.

Between 1 and 4 victims registered

*Table D3: Number of victims by citizenship (non-EU Citizens)*

	2013 Total	2014 Total	Grand Total
Nigeria	661	527	1 188
China	246	221	467
Albania	149	298	447
Viet Nam	141	161	302
Morocco	79	107	186
Brazil	70	112	182
Philippines	51	113	164
Bangladesh	68	30	98
Guinea	56	39	95
India	35	49	84
Sierra Leone	45	33	78
Ukraine	35	42	77
Eritrea	6	69	75
Cameroon	32	33	65
Uganda	34	31	65
Ghana	34	25	59
Pakistan	27	27	54
Egypt	37	17	54
Afghanistan	32	18	50
Other citizenship*	735	653	1 388
<b>Total</b>	<b>2 573</b>	<b>2 605</b>	<b>5 178</b>

*\*Other may contain some EU citizens whose precise citizenship could not be established.*

**Table D4: Number of victims by citizenship (non-EU Citizens) and registering Member State: 2013-2014**

Citizenship	Registering Member State*																Total								
	AT	BE	CY	CZ	DE	DK	EE	EL	ES	FI	FR	HR	HU	IE	IT	LU		MT	NL	PL	PT	RO	SI	SK	UK
Nigeria	13				33	83		50	40	225				15	388			96	36					198	1 188
China	15						14	226							63		11	51						68	467
Albania	6									9					51			25						348	447
Viet Nam			8			6			9								9	25	21					223	302
Morocco	32									26					88			21						6	186
Brazil							16	92					10	16			21	14							182
Philippines			10												37			91	25				27		164
Bangladesh							35																	19	98
Guinea																		86						7	95
India			27												7			17						25	84
Sierra Leone																		55					19		78
Ukraine			8		9									21				14	13					34	75
Eritrea														6				35							75
Cameroon										26								11						12	65
Uganda																		22						33	65
Ghana															7			15						25	59
Pakistan															15									22	54
Egypt															46										54
Afghanistan																		8						8	50
Other citizenship	16	23	50		209	16	9	73	21	175	9	38	9	9	162			291	12	15		6		231	1 388
Total	26	102	120		288	130	9	68	161	91	788	9	38	41	913	12	27	891	75	65		8		1 312	5 178

Due to statistical secrecy in place in Member States to protect the identity of victims, actual EU totals may be slightly higher than the numbers reproduced here.

\*BG, LV, LT, SE did not register any non-EU citizens in the period in question.

Between 1 and 4 victims registered

**Table E: Suspects, prosecutions and convictions\***

Reporting Country	2013			2014		
	Suspects	Persons Prosecuted	Persons Convicted	Suspects	Persons Prosecuted	Persons Convicted
AT	:	11	2	:	25	23
BE	:	432	90	:	258	84
BG	111	129	106	87	89	56
CY	:	34	4	:	50	12
CZ	25	30	19	16	25	6
DE	:	:	:	:	:	:
DK	20	20	6	15	12	12
EE	9	2	2	3	7	2
EL	142	42	46	125	40	15
ES	:	92	9	:	113	11
FI	9	34	4	4	24	0
FR	629	:	688	590	:	739
HR	:	:	:	:	:	:
HU	164	106	:	222	185	:
IE	:	16	10	:	14	9
IT	:	:	:	:	:	:
LT	:	33	11	:	40	18
LU	:	:	:	:	:	:
LV	18	5	13	17	11	14
MT	:	:	:	:	:	:
NL	254	254	151	278	278	124
PL	135	47	24	103	21	17
PT	36	29	9	43	:	:
RO	1 363	552	253	1 438	616	331
SE	:	3	2	:	3	1
SI	15	9	2	8	9	0
SK	12	12	4	34	10	23
UK	210	167	69	189	190	108
<b>Total</b>	<b>3 152</b>	<b>2 059</b>	<b>1 524</b>	<b>3 172</b>	<b>2 020</b>	<b>1 605</b>

*\*Numbers may refer to persons, offences, or cases. Please see metadata for details*

## Metadata

Member State	Comments on what is included in "Other", for type of exploitation	Metadata on offences, if not recorded by persons
AT		
BE		Prosecution: "Cases" / Convictions: "One conviction is associated with a person who was principally convicted for acts of human trafficking."
BG	Forced obedience, organ removal, pregnant women trafficked for the purpose of selling their new-borns	First column refers to newly initiated pre-trial proceedings
CY	2013 (10 female for forced marriages, 3 female for begging, 1 female for giving a baby for adoption and 2 male as unaccompanied minors) 2014 (7 female for forced marriages, 11 female and 4 male as unaccompanied minors)	
CZ		
DE		
DK	Production of cannabis and selling of drugs	
EE		
EL	FORCED BEGGING	
ES		
FI		
FR	Les chiffres retenus sont toute qualification confondue. Les chiffres ne comptent que les victimes identifiées, nous ne disposons pas des chiffres sur les victimes présumées.	Les chiffres dans la première colonne correspondent au nombre de personnes mises en cause. Notre système de données sur la nomenclature des infractions étant récente, nous ne disposons pas encore de ces données. Le nombre d'infractions : on compte 1365 infractions toute qualification confondue en 2013, et 1477 en 2014.
HR	Transit phase	
HU	Please, be informed that the information derives from the official Unified Statistical System of Investigations and Prosecutions. The following articles of Act IV. of 1978 (the old Criminal Code) and Act C. of 2012 (new Criminal Code) were taken into account when providing the data: Act IV. of 1978 (the old Criminal Code): Section 175/B. Trafficking in Human Beings Section 204. Crimes with Illegal Pornographic Material Section 205. Promotion of Prostitution Section 206. Living on Earnings of Prostitution Section 207. Pandering Section 202/A. Sexual Abuse of Children Section 195. (3), Abuse of a Minor Section 174. Coercion	

	<p>Section 175. Violation of Personal Freedom</p> <p>Section 214/B. Unlawful Employment of Third-Country Nationals</p> <p>Section 173/I. Illegal Use of a Human Body</p> <p>Act C. of 2012 (the new Criminal Code) :</p> <p>Section 192 Trafficking in Human Beings</p> <p>Section 193 Forced Labour</p> <p>Section 194 Violation of Personal Freedom</p> <p>Section 195 Duress</p> <p>Section 196 Sexual Exploitation</p> <p>Section 200 Pandering</p> <p>Section 201 Procuring for Prostitution or Sexual Act</p> <p>Section 202 Living on Earnings of Prostitution</p> <p>Section 203 Exploitation of Child Prostitution</p> <p>Section 204 Child Pornography</p> <p>Section 209 Child Labour</p> <p>Section 356 Unlawful Employment of Third-Country Nationals</p> <p>Section 175 Illegal Use of a Human Body</p>	
<b>IE</b>	Criminal/Begging, Both Labour and Sexual, Uncategorised Exploitation	
<b>IT</b>	begging, illicit economy, domestic servitude, organ trafficking	
<b>LT</b>	one woman for forced marriage, the rest for criminal activities	Please note that all those data are from criminal investigations initiated in 2014, this means that the data are higher if we include the investigations started in previous years
<b>LU</b>		Information not available at the moment
<b>LV</b>	Sham marriages (exploitative marriages)	
<b>MT</b>		
<b>NL</b>		
<b>PL</b>	forced begging, criminal exploitation, domestic servitude	
<b>PT</b>	2013: Forced Begging; Exploitation of criminal activities; sexual and labour exploitation; adoption/selling of minor; 2014: Labour and Exploitation of criminal activities; Exploitation of criminal activities; Forced begging; Adoption; Sexual and Labour Exploitation;	
<b>RO</b>	BEGGING, COMMITTING THEFTS AND TENTATIVES TO TRAFFICKING	
<b>SE</b>	Other: begging, removal of organs, petty crimes, other purposes	
<b>SI</b>	forced marriage	
<b>SK</b>	forced marriage, forced begging and forced criminal activities	
<b>UK</b>	Domestic Servitude, Organ Harvesting and Unknown (Labour includes Criminal)	Prosecutions and convictions are recorded by offence NOT by person (one defendant can be charged with more than one offence)



## ***Further metadata***

### **Number of registered victims**

ES Presumed Victims: This concept does not exist in our national legislation. From the Ministry of Interior (BDTRATA database) we use other concept: people at risk that means those persons identified in the course of an administrative inspection in those places where prostitution takes place, so it is not a comparable figure.

Number of presumed victims: 2013: 13159; 2014: 13983

Elsewhere, all victims refer to identified victims for THB for sexual exploitation. We hope we will be able to provide figures also in THB for labour exploitation next year, and also for other forms of exploitation in a near future.

SE Formally only use the term identified victims in the official data collection but for this exercise also provided information on presumed victims

### **Breakdown by age/gender**

Totals may not add up due to non-identification of age and/or gender.

PL Breakdown by age and gender is only for presumed victims

### **Type of Exploitation**

Totals may not add up due to non-identification of gender, or because a victim was exploited for more than one purpose. Specific notes:

CZ For 2014, full breakdown by gender of sexual exploitation victims is not available. Number of females is at least 25.

HR In 2014, 3 female victims were exploited for both sexual and labour purposes.

PL Breakdown by type of exploitation is only for presumed victims

UK For 2014, sexual exploitation includes 1 person with gender "Other"

### **Citizenship**

CZ The data are only for presumed victims as the statistics of identified victims does not register citizenship of the victims (will be available since 2016).