

Understanding EU action against human trafficking

SUMMARY

In December 2022, the European Commission presented a proposal to review Directive 2011/36/EU to strengthen the rules on combating trafficking in human beings and to better protect victims. Despite some progress achieved in recent years, it is estimated that over 7 000 people become victims of human trafficking in the EU on an annual basis, although the figure could be much higher because many victims remain undetected.

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

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

The COVID-19 pandemic and the war in Ukraine have brought new challenges for victims, as well as amplifying the vulnerabilities of those most at risk. Traffickers – like legal businesses – have increasingly moved to digital *modi operandi*. In its efforts to eradicate human trafficking, the EU has not only created a legal framework, comprising an anti-trafficking directive and instruments to protect victims' rights and prevent labour exploitation; it has also put in place an operational cooperation network involving decentralised EU agencies, including Europol, Eurojust, CEPOL and Frontex. Moreover, trafficking in human beings is a priority in the EU policy cycle for organised and serious international crime. The European Parliament plays a major role, not only in designing policies but also in evaluating their implementation.

This is an update of a briefing written by Piotr Bąkowski and Sofija Voronova in 2021.



IN THIS BRIEFING

- Understanding the phenomenon
- International and EU action against trafficking
- European Parliament position



Understanding the phenomenon

Definition of human trafficking

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

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

Under this widely recognised definition, a criminal activity does not qualify as trafficking unless all these elements are present. The victim's consent to the intended exploitation is irrelevant if any of the above means has been used; for child victims, no use of any specific means is required.

Trafficking at global and EU levels: Main trends

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

The COVID-19 pandemic has created new [risks and challenges](#) for victims and opportunities for traffickers (including in cyberspace). It has exacerbated the socio-economic problems, such as unemployment, that generate the vulnerabilities exploited by traffickers, and it is likely to have a long-term impact on human trafficking. Domestic violence, another driver of trafficking, has [reportedly](#) surged under the pandemic, as was the case with other past crises. Meanwhile, the state response to human trafficking was seriously hindered, with services for victims and survivors disrupted (e.g. shelters closed temporarily), law enforcement resources diverted to enforcing lockdowns, and increasingly infrequent labour inspections. In this context, trafficking victims were even more difficult to detect, and this was exacerbated by closures of sex establishments and the prohibition of street prostitution during lockdowns. Another factor that has impacted human trafficking in Europe is the war in Ukraine. Since February 2022, millions of people have fled the country or moved to safety within Ukraine's borders. The chaos and the massive displacement generated by the conflict have exponentially increased the [risk of human trafficking](#) and exploitation, especially of the most vulnerable persons, including women and children. Many international organisations, including the International Organization for Migration (IOM), have [warned](#) of the high [risk](#) of human trafficking and sexual exploitation of the population in distress. While welcoming the support of individuals offering transport and accommodation, associations working on the ground [called for](#) coordinated action to inform, register and accompany women and children and vet potential hosts.

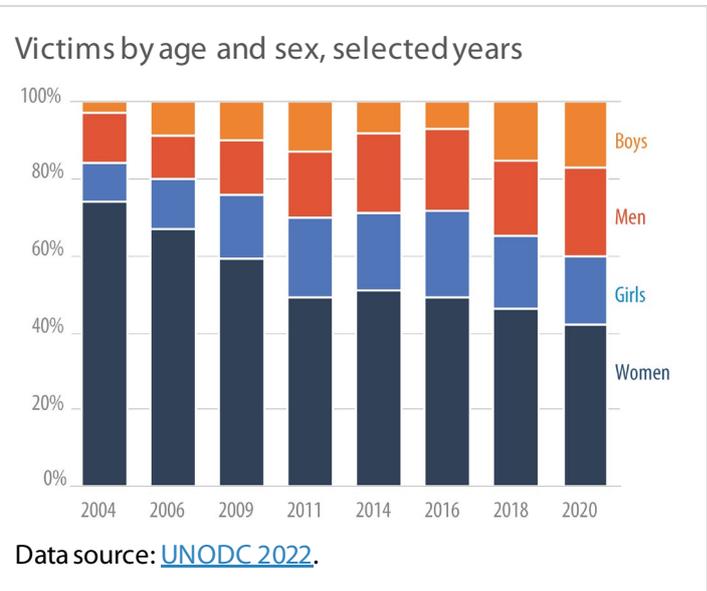
Even though collecting data on human trafficking is difficult due to its invisible nature, recent years have seen considerable progress at both international and EU levels, and extensive reports have been published by the United Nations Office on Drugs and Crime (UNODC) and the European Commission. Nevertheless, the figures presented in these reports (as outlined below) are based on registered or identified victims, which represent only the tip of the iceberg. According to different

attempts at estimation made at EU and global level, the real number of victims could be 5 to 10 (or even 20) times higher than the number of those detected.² There is no universally accepted method for estimating the real number of victims in the EU. This is due to differences in national legal frameworks, in reporting and monitoring systems and the entities involved. Recent [proposed changes](#) to EU legislation thus include provisions for annual data collection, which would inter alia consist of the number of registered victims; number of suspects of offences; number of persons prosecuted; number of persons convicted and number of court judgments.

Prevalence

According to ILO [estimates](#), 49.6 million people were living in 'modern slavery' in 2021, of which 27.6 million were in forced labour and 22 million in forced marriage. Of those in forced labour, 12 % were children.

According to the UNODC 2022 [Global Trafficking in Persons report](#), in 2020, 60 % of all victims of trafficking in persons detected globally were women and girls (42 % and 18 % respectively), while 40 % were men and boys (23 % and 17 %). Female victims continue to be the worst affected by trafficking, yet it appears that over the last 16 years the number of men, boys, and girls detected has risen more than that of women: the share of adult women fell from over 74 % in 2004 to 42 % in 2020. In contrast, there has been an alarming upward trend in trafficking in children, as the proportion of child victims increased during the same period from 13 % to 35 %, i.e. over a third of all detected victims.



The data collected for the EU by the European Commission show a similar picture, according to which on average 7 000 people per year are victims of human trafficking and the estimated cost of such a crime is €2.7 billion per year. According to the [fourth report](#) on the progress made in the fight against trafficking in human beings from 2022, trafficking maintains a clear gender dimension with 63 % of the victims in the EU being women and girls. Even though the share of male victims in 2019-2020 rose compared to 2017-2018 (from 23 % to 33 %), women and girls account for 87 % of the victims of trafficking for sexual exploitation, while men account for the 66 % of victims of trafficking for labour exploitation. Children represent one quarter of the victims (23 %), a large majority of which have EU citizenship (85 %) and are female (75 %). Law enforcement cooperation has intensified, as illustrated by the increased number of suspects (29 %) compared to the previous reporting period. In 2019-2020, 6 539 prosecutions and 3 019 convictions were registered within the EU. However, during the same period, the number of prosecutions compared to the number of suspects decreased to 43 %, compared to 53 % during 2017-2018.

Trafficking flows

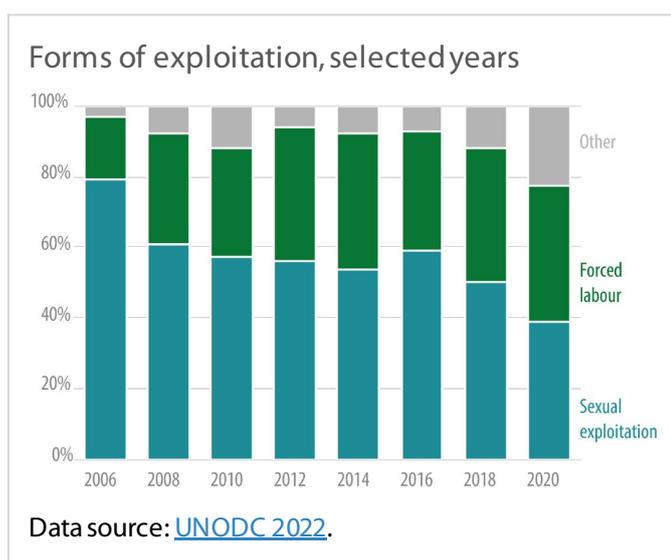
The 2020 [UNODC report](#) reveals 534 different trafficking flows³ and identifies victims from 140 different countries of origin, in 120 countries across the world. Migrants make up a significant share of the detected victims in most global regions: e.g. 65 % in western and southern Europe and 50 % in central and south-eastern Europe. At the same time, it appears that victims are increasingly trafficked inside their own country: this was the case for over half of victims detected in 2018.

In the EU, human trafficking also happens within its borders. According to the Commission's [fourth report](#), the majority of victims are EU citizens (53 %), with Romania, France, Italy, Bulgaria and Poland being the top five countries of origin, while the 43 % of non-EU citizens come from Nigeria, China,

Moldova, Pakistan and Morocco. Nigeria was also reported as one of the main countries of origin of victims of trafficking for sexual exploitation. [According to Europol](#), the EU's law enforcement agency, the traditional flow of trafficking for sexual exploitation from eastern to western Europe has been replaced by multiple and diverse flows of victims from all over the EU.

Data also shows that there is increased trafficking in relation to migration flows, as traffickers profit from migration crises to transport their victims along migration routes, but also to recruit new ones, in particular from [hotspots](#). Unaccompanied minors are at a higher [risk of trafficking and exploitation](#), but the exact scale of the phenomenon remains unknown. The war in Ukraine created mass displacement within and outside the country, providing opportunities for criminal networks to take advantage of vulnerable people.

Main forms of exploitation



The UNODC's 2022 data show that detection of trafficking for sexual exploitation equals that of trafficking for forced labour, at just under 40 % each. This is the result of a recent decrease in the detected cases of trafficking for sexual exploitation, both globally and in Europe, and a steady increase of cases of trafficking for forced labour from 18 % in 2006. It is possible that the restrictions resulting from the COVID-19 pandemic may have reduced some forms of trafficking, but this sudden decrease in cases of trafficking for sexual exploitation could also be explained by the fact that the COVID-19 pandemic pushed sexual exploitation into less visible locations. The majority of victims of trafficking for sexual exploitation are female (64 % women and 27 % girls), and the majority of victims of

trafficking for forced labour are male (56 % men and 12 % boys). Other relevant purposes of human trafficking are forced criminality (10 %), forced begging (1 %) and forced marriage (1 %). Children are often exploited for begging and forced criminal activities, including drug trafficking and theft. However, most child victims globally are trafficked for sexual exploitation and forced labour.

At [EU level](#), the most prevalent form of exploitation remains sexual (51 %) followed by labour (28 %) and other forms of exploitation (11 %), including forced criminal activities, forced begging, illegal adoption, forced and sham marriages, illegal surrogacy, and illegal removal of organs. Vulnerable categories and certain ethnic minorities can be particularly targeted by certain types of trafficking.

There is considerable variation between Member States regarding the different forms of exploitation registered by authorities and other bodies. Even though trafficking for sexual exploitation dominates in the majority of EU Member States, several have reported an increase in trafficking for labour exploitation.

Sexual exploitation

Trafficking for sexual exploitation can take several forms: some more visible, as in the case of street prostitution, but most clandestine, in brothels or private homes. Public venues, such as massage parlours and strip clubs, can also be used for trafficking and sexual exploitation. Violence is a common tool used to control victims, and they are sometimes raped by their traffickers and drugged to prevent them from escaping. Even when victims know that they are being recruited to provide sexual services, they can still end up in exploitative situations and suffer deception, coercion and violence. Trafficking for sexual exploitation is recognised at global and EU level as a severe form of violence against women, deeply rooted in gender inequalities. According to an [EPRS paper](#), most

women and girls trafficked for sexual exploitation also report experiencing violence prior to being trafficked. While being trafficked, they suffer threats and psychological control, sexual and physical violence, and deprivation of freedom, which have a deep impact on their physical and mental health. Those who manage to escape exploitation are at high risk of being re-trafficked, and recovery times are long. According to a 2018 [report](#) by the European Institute for Gender Equality (EIGE), 'it is crucial to differentiate victims of trafficking for sexual exploitation from victims of other forms of trafficking (such as forced labour), and to contextualise the former as victims of violence against women'. For EIGE, this differentiation allows for a better understanding of how victims encounter exploitative situations, as well as of their needs, and contributes to better identification of victims.

Labour exploitation

The problem of [labour exploitation](#) has only come into the spotlight in the past 10 years, as it was long believed to concern purely illegal markets and not to affect mainstream industries. It is now recognised as a problem also on the rise in Europe, as acknowledged by the [Council of Europe](#) in September 2022. Even now, trafficking for labour exploitation often goes undetected due to workers being either unaware of the exploitative nature of their work or reluctant to turn to law enforcement (owing, for instance, to their unlawful or undocumented status). According to the [UNODC](#), compared with other forms of exploitation, trafficking for forced labour is more frequently detected as a cross-border rather than as a domestic phenomenon, and seems to be closely connected with labour migration, particularly in high-income countries. It can be [argued](#) that, in the EU, labour exploitation is of a systemic nature. On the one hand, it is often (but not only) fuelled by irregular migration feeding the EU labour market with a cheap and easily exploitable workforce with no recourse to any form of protection. On the other hand, deregulation and increased labour market flexibility have created conditions favourable to the exploitation of workers. Goods and services are sold at prices that cannot reflect production costs, and savings are made by cutting wages and lowering the standard of working conditions. In countries with well-developed labour inspection systems capable of enforcing labour laws, risks are passed on, through cascade subcontracting, to a whole range of entities that are very difficult to monitor, and often bogus.⁴

Some sectors of the economy are more affected than others. These tend to include construction, agriculture, forestry, food processing, hospitality, cleaning services, and domestic work. In most sectors, the majority of victims identified are men, domestic work being one notable exception. In some sectors, work is seasonal and employers repeatedly recruit and lay off (mostly low-skilled) workers, who in turn are highly mobile and change employers more often than in other sectors. The plight of [seasonal agricultural workers](#) is one example of how temporary work agencies, assuming the roles of both recruiter and employer, may exploit workers, submitting them to harsh conditions, recently exacerbated by the pandemic. The exploitation takes numerous forms including non-payment or deduction of wages and charging the victims exorbitant prices for (often imaginary) services provided by the traffickers, such as transport to the workplace, housing, etc. It is interesting to note that most victims are not physically confined to their workplaces, which according to [European Court of Human Rights](#) is not necessary for their situation to be considered as forced labour. Debt bondage arrangements, retention of identity documents and the absence of a work permit are often reason enough for the victim to remain in the exploitative situation.

Other forms of trafficking

Whereas the [Palermo Protocol](#) makes no explicit mention of trafficking for forced criminal activities or begging, Directive 2011/36 has extended the definition of trafficking to cover this phenomenon, which is on the rise in the EU. A large share of forced criminality trafficking cases concern drug-related crimes, such as forced work in cannabis cultivation and drug distribution, and organised property crime, including pickpocketing, shoplifting and cash machine theft.⁵

Women as perpetrators

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

The identification of victims of this form of human trafficking is highly problematic, not least owing to challenges in differentiating between the offender and victim status of the trafficked person. This is best illustrated by the complexity of cases involving victims of trafficking for sexual exploitation recruiting new victims, a criminal activity they might be coerced to undertake. Authorities' lack of awareness of this type of trafficking, the prevalence of stereotypes of 'ideal' or 'innocent' victims of trafficking, as well as the problem of victims not identifying as such, are among the elements hampering identification.⁶

Limited statistics and research, only available for some EU Member States, indicate that this form of trafficking affects children particularly, with criminal groups targeting families in difficult social and economic circumstances. A 2014 RACE in Europe project [report](#) indicated that, in the EU Member States covered, the victims, both adults and children, originated mainly from south-east Europe (and were often of Roma ethnicity) and from south-east Asia (notably Vietnam and China).⁷

Root causes

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

Economic factors

Many forms of trafficking are rooted in the global economy, and there is ample research drawing direct parallels between socio-economic factors and the risk of trafficking. It is argued that human trafficking thus 'emerges as an integral part of globalization and economics'.⁸ The 2020 UNODC report attests to the importance of these factors: based on the analysis of trafficking court cases, it shows that the majority of victims were in a situation of vulnerability resulting from their being unable to have their most basic needs satisfied. The victims were recruited at a moment in life when they were experiencing either persistent or deteriorating economic hardship and were thus ready to take a high level of risk, in some cases without deception by the offenders. Being in economic need may not only push a victim into an exploitative situation, but also hinder their capacity to leave it, by allowing for practices such as debt bondage and financial control.

Migration

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

trafficked do not usually consent to this crime, unless they are being smuggled for the first part of their journey and then fall into the hands of traffickers.

Demand for services

The vulnerabilities described above do not provide a complete explanation, as human trafficking can only occur if supply meets demand. Sexual and labour exploitation do not exist just because their victims are vulnerable, but because there is demand for sexual services and cheap labour from which traffickers can profit. When it comes to trafficking for sexual exploitation, the way legislation addresses demand for the services of trafficked persons differs across Europe. Countries such as [Sweden](#), Norway and Iceland have adopted the 'Nordic model', which penalises buyers of sexual services while decriminalising the activities of prostitutes and providing them with social support and help if they want to leave the exploitative situation. [France](#) has gone in the same direction, whilst some other countries, such as [Germany and the Netherlands](#), have legalised prostitution, enabling prostitutes to work as service providers (regulatory approach). The idea behind this approach is to draw a clear line between legal prostitution, and illegal activities involving sexual exploitation. However, according to [Europol](#), the fact that prostitution is legal facilitates the exploitation of victims within a legal environment.

Gender dimension of human trafficking

The data from both the UNODC and the [European Commission](#) demonstrate that human trafficking has a clear gender dimension, and the European Parliament has [called](#) for clear recognition of the 'gendered nature of human trafficking and sexual exploitation'. Women and men are not trafficked in the same way or for the same purpose, and their experience of trafficking can be very different. Arguably, the whole trafficking cycle is highly gendered, from the root causes through to policy approaches and measures aimed at combating human trafficking.⁹ The position of women in societies differs from that of men, as do perceived gender roles resulting from socio-cultural beliefs. The difference in the economic, social or political power held by men and women, often resulting from gender-based discrimination, may increase women's vulnerability to human trafficking. Combined with the sexualisation of female bodies, the disadvantaged position for women makes them particularly vulnerable to sexual exploitation, and this is a connection that has been recognised in public discourse for a long time. Indeed, commercial sexual services in Europe are consumed almost exclusively by men, and provided mainly by women.

Arguably, the gender dimension should not be understood narrowly to refer only to women and to sexual exploitation. Forced labour, which mainly affects men, is a case in point: the strongly entrenched expectation that men must provide for their families makes them particularly prone to such exploitation and less likely to admit to having been exploited. It has been demonstrated that gender-sensitive policies designed for female victims of trafficking for sexual exploitation may result in men being disadvantaged in accessing services.¹⁰

Modus operandi

Recruitment

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

As [Europol](#) reports, victims are usually recruited within their country of origin by their own nationals. In many cases, acquaintances or even family members take part in the recruitment. Sometimes, victims leave their countries of origin voluntarily, hoping for a better life, and once abroad are trapped into exploitation. Once the victims fall into traffickers' hands, their passports are

confiscated, so they are not able to seek support from authorities. Even though there may be no physical violence involved, victims are coerced through 'soft methods', such as verbal manipulation, psychological pressure and threats.

Role of the internet and new technologies

With the development of new technologies, most criminal activities have gone online and human trafficking is no exception. This trend was largely accelerated and amplified by the pandemic, prompting the Commission to [propose changes](#) to the current legislation.

In 2016, Europol already [warned](#) that 'the global development of online infrastructures has made the Internet a crucial tool for human traffickers, and it is likely to become more significant in the future'. In a [2020 report](#), the agency affirmed that human trafficking has transformed into 'a new business model, in which the online component is an essential part of criminals' modus operandi'. Today, digital technologies facilitate human trafficking at all its different stages: from recruiting and advertising, to control and exploitation of victims. Traffickers engage in online profiling to identify and recruit their victims, using both active recruitment strategies (such as posting false job advertisements on job portals and social media marketplaces or setting up fake employment agency websites) and 'passive' ones (such as surfing the internet and social media and replying to announcements posted by job-seekers looking for jobs abroad). Modern technologies also offer perfect control tools: whereas control over victims traditionally involved violence and physical restriction of movement, today, it can be exerted through blackmail (for instance with threats to share photos or videos of sex acts online), or through virtual forms of movement restriction and real-time monitoring (e.g. GPS, smartphone cameras, and location-sharing applications). The internet has broadened the geographical scope of traffickers' operations and increased their ability to reach a large audience: they can operate across borders and in multiple locations simultaneously, while physically exploiting the victims in a single location. They use cyberspace to connect with each other, with victims and with the final consumers of exploitative services. Technology also offers traffickers increased anonymity and allows them to operate online without the need to create a physical, criminal infrastructure, making their activities more difficult to detect. Finally, technology enables the commercialisation and exploitation of victims on a massive scale, including repeated exploitation, increasing traffickers' profits and amplifying the victimisation of trafficked persons.

International and EU action against trafficking

Until the end of the 20th century, the international community equated the concept of trafficking in persons with exploitation for commercial sex, as evidenced by the [UN Convention](#) for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others. It assumed that prostitution was the sole reason for trafficking and failed to protect persons trafficked for purposes other than prostitution. Adopted in 2000 as part of the 'Palermo Convention' (see box on international instruments), the UN Trafficking Protocol extended the scope of trafficking to include non-sexual forms of exploitation, such as forced labour, and marked a milestone in redefining the problem.¹¹ However, this took a crime-based approach to trafficking, and considered it solely from a law enforcement perspective. This has changed in recent years, with an

International instruments

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

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

increasing focus on victims' human rights. The 2005 Council of Europe Convention on Action against Trafficking in Human Beings played an important role in this shift, as it placed the human rights of victims at its heart and demanded that states offer them satisfactory protection and services. Both global and EU policies on combating trafficking now follow a multi-disciplinary approach that goes beyond law enforcement and includes a wide range of prevention, protection and victim-support measures.

EU legal framework

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

The main EU instrument addressing human trafficking is [Directive 2011/36/EU](#) – the Anti-trafficking Directive – adopted in 2011. The directive builds on the [UN Trafficking Protocol](#) and the Council of Europe's [Convention on Action against Trafficking in Human Beings](#). It also represents a step beyond the 2002 [Council Framework Decision](#), which focused on crime control and left little room for prevention and victim protection. The directive adopted a victim-centred approach and, in addition to prosecution of offenders, addressed prevention and support, which must be gender-specific and child-sensitive. It recognised that women and men are often trafficked for different purposes, and that assistance and support measures should therefore also be gender-specific. It also sought to undermine demand for services provided by victims of trafficking, by requiring Member States to consider criminalising the knowing use of services resulting from the exploitation of trafficking victims. In December 2022, the Commission put forward a [proposal](#) to introduce 'targeted modifications' to Directive 2011/36/EU. The proposal was accompanied by an [impact assessment](#), an [evaluation](#) and the [fourth report](#) on the progress made in the fight against trafficking in human beings. All documents acknowledged the progress so far achieved in fighting human trafficking, but underlined the need to introduce modifications to address the 'digitalisation' of trafficking, strengthen national law enforcement and judicial authorities' capacities, strengthen the gender- and child-sensitive approach and to have more robust data collected at national level. In the European Parliament, the proposal is assigned jointly to the Committee on Civil Liberties, Justice and Home Affairs (LIBE) and the Committee on Women's Rights and Gender Equality (FEMM).

At EU level, [Directive 2009/52/EC](#) (the Employers' Sanctions Directive) already criminalises demand for the labour of trafficked persons. It provides for minimum standards on sanctions and measures against employers who use the work or services of illegally staying third-country nationals knowing that they are victims of human trafficking. In September 2022, the Commission also [proposed](#) a regulation to prohibit products made using forced labour, including child labour, on the internal market of the EU. The proposal covers all products available on the EU market, both those made in the EU and worldwide. In addition, [Directive 2011/93/EU](#) (the Child Sexual Abuse Directive) defines engaging in sexual activity with children in the context of child prostitution as a criminal offence, thus contributing indirectly to combating child trafficking for sexual exploitation (in this case, the conduct is punishable independently of a client's awareness of the victim's trafficking condition). In May 2022, the Commission published a [proposal](#) laying down rules to prevent and combat child sexual abuse, together with a new European strategy for a better internet for kids ([BIK+](#)). The proposal aims to establish a long-term framework building on and eventually replacing [Regulation \(EU\) 2021/1232](#) on a temporary derogation from certain provisions of [Directive 2002/58/EC](#).

Protection of victims is another important element of the EU's anti-trafficking efforts. Under EU law, victims of human trafficking have a number of [rights](#), including the right to assistance and health

care, labour rights, access to justice, legal defence and compensation. To protect and assist victims, [Directive 2012/29/EU](#) (the Victims' Rights Directive) obliges Member States to ensure that victims of crime – including victims of human trafficking, who often require special support and protection because of the high risk of secondary and repeat victimisation, intimidation and retaliation – receive appropriate information, support and protection. In 2022, the Commission adopted its [evaluation of the Victims' Rights Directive](#), which considered the directive has largely contributed to enhancing victims' rights in the EU, but also identified shortcomings in victim access to information, support services and adequate protection for those with special needs. A revision of the Victims' Rights Directive was announced in the [2022 Commission work programme](#), but postponed to 2023. Moreover, [Directive 2004/81/EC](#) defines the conditions for granting residence permits to third-country victims of human trafficking who cooperate with the competent authorities. It also states that it is for Member States to lay down the rules on victims' access to the labour market.

Policy framework and operational cooperation

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

The first [EU dedicated strategy](#) was adopted in 2012. It provided guidelines on how to transpose and implement Directive 2011/36/EU and defined a series of measures to address the gender dimension of trafficking. The Commission [updated](#) the strategy in 2017, identifying further concrete action aimed at disrupting traffickers' business models, enabling victims to exercise their rights more effectively and improving coordination of the internal and external aspects of EU action. In April 2021 – 10 years after the adoption of the Anti-trafficking Directive – the Commission presented its new [strategy on combatting trafficking in human beings](#) for 2021-2025. The strategy adopts a comprehensive approach, encompassing prevention, protection of victims and prosecution of offenders. It focuses on early identification of victims and facilitating their re-integration (with a specific focus on women and children), on ways to turn trafficking into high-risk and low-return crime, on reducing demand for services and on promoting international cooperation.

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

The EU ATC also facilitates the work of the [EU network of national rapporteurs or equivalent mechanisms](#) (NREMs), established following the Council conclusions of June 2009. The NREMs, appointed by all Member States as required by the Anti-trafficking Directive, are responsible for monitoring implementation of anti-trafficking policy at national level, and play a crucial role in collecting data on human trafficking at both national and EU levels. In addition, an [EU Civil Society Platform against Trafficking in Human Beings](#) was launched in 2013 and gathers around 100 civil society organisations from all over the EU and selected priority non-EU Member States. In 2014, the Platform was complemented by an online ePlatform to include additional participants. The role of the relevant EU agencies has been significantly stepped up since 2011, when seven of them – [Europol](#), [Eurojust](#) (EU Agency for Criminal Justice Cooperation), [CEPOL](#) (EU Agency for Law Enforcement Training), [EASO](#) (European Asylum Support Office, now [EUAA](#), the European Union Agency for Asylum), [EIGE](#), [FRA](#) (EU Agency for Fundamental Rights) and [Frontex](#) (European Border and Coast Guard Agency) – signed a [joint statement](#), committing to work closely to address human trafficking, according to their areas of competence, which range from gathering intelligence and facilitating prosecution in trafficking cases, to coordinating Member States' efforts to support victims and prevent (repeat) victimisation. The [commitment](#) was renewed in 2018, with the additional involvement of three further EU agencies: [eu-LISA](#) (EU Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice), [EMCDDA](#)

(European Monitoring Centre for Drugs and Drug Addiction) and [Eurofound](#) (European Foundation for the Improvement of Living and Working Conditions). As key EU actors in police and judicial cooperation, Europol and Eurojust play a central role. In 2019, Europol launched an operational platform – the Joint Liaison Task Force Migrant Smuggling and Trafficking in Human Beings (JLT-MS) – coordinated by its [European Migrant Smuggling Centre](#) (EMSC) to facilitate the joint development of operational strategies and execute cross-border operations, as well as to support investigation of an increased number of high-priority cases. Eurojust, meanwhile, facilitates cross-border cooperation on investigation and prosecution and has seen its caseload relating to [human trafficking](#) grow over the years. The fight against human trafficking has been identified as one of the 10 [EU crime priorities](#) agreed by the Council for the 2022-2025 policy cycle, based on recommendations from Europol's Serious and Organised Crime Threat Assessment ([SOCTA 2021](#)).

Response to the war in Ukraine

The EU immediately stepped in to help civilians affected by the war in Ukraine, by activating the [Temporary Protection Directive](#) (Directive 2001/55/EC) and [the EU anti-trafficking coordinator](#) has also been active since the beginning of the invasion, maintaining close contact with the network of [national anti-trafficking coordinators](#) and Europol. Moreover, under the lead of the EU anti-trafficking coordinator, a [Common Anti-Trafficking Plan](#) was presented by the [EU Solidarity Platform](#) to address the risks of trafficking in human beings among those fleeing the war. [Europol](#) is actively participating in the human trafficking task force and has deployed experts and guest officers to support local law enforcement authorities in the EU Member States bordering Ukraine.

European Parliament position

Since first addressing the problem in 1989, with a resolution on the exploitation of prostitution and the traffic in human beings, the European Parliament has played a major role in developing anti-trafficking policies at EU level. In 2016, Parliament [assessed](#) the implementation of the EU Anti-trafficking Directive from a gender perspective, emphasising that trafficking is a gendered phenomenon, and called on Member States to adopt gender-specific prevention, assistance and support measures in line with the directive. In another 2016 [resolution](#) on the fight against trafficking in human beings in the EU's external relations, it noted that trafficking is a global transnational crime and expressed concern at the insufficient level of international co-operation.

In February 2021, Parliament adopted a comprehensive [resolution](#) on the implementation of Directive 2011/36/EU, which stressed the need for a coordinated, harmonised and coherent EU framework, with more efficient assessment and follow-up mechanisms. It also made a series of recommendations, e.g. on the role of online technologies in both the proliferation and prevention of human trafficking, early identification of victims, and strengthening of a horizontal gender- and child-sensitive perspective across all forms of trafficking. Moreover, Parliament proposed that the directive be amended to improve prevention and prosecution of trafficking for sexual exploitation and ensure that Member States criminalise knowing use of the services of the victims of human trafficking.

In its [resolution](#) of 5 May 2022, Parliament expressed concern about the increasing number of reports of human trafficking, sexual violence, exploitation, rape, and abuse of women and children fleeing the war in Ukraine. In its September 2022 [resolution](#) on human rights violations in the context of the forced deportation of Ukrainian civilians to, and the forced adoption of Ukrainian children in, Russia, Parliament once again stressed the need to protect children and unaccompanied minors at risk of violence, exploitation and trafficking. The danger of online violence and its role in trafficking based on sexual exploitation of women and girls was again underlined in a February 2023 [resolution](#).

MAIN REFERENCES

- Prpic M., [Preventing and combating trafficking in human beings](#), EPRS, June 2023.
- Girard V. and Marchand E., [Anti-trafficking in human beings](#), EPRS, June 2023.
- Bakowski P., Basenko K., [Trafficking for labour exploitation in the EU](#), EPRS, October 2022.
- Mentzelopoulou M. M., [Russia's war on Ukraine: The risk of trafficking of human beings](#), EPRS, May 2022.
- [Implementation of Directive 2011/36/EU: Migration and gender issues](#), European implementation assessment, EPRS, European Parliament, September 2020.
- [Global Report on Trafficking in Persons 2022](#), UNODC, January 2023.
- [The challenges of countering human trafficking in the digital era](#), Europol, October 2020.
- [European Union serious and organised crime threat assessment](#), EU SOCTA 2021, Europol, April 2021.
- [The Palgrave International Handbook of Human Trafficking](#), J. Winterdyk and J. Jones, eds., 2020.

ENDNOTES

- ¹ N. MacInnis, '[Human Trafficking: The Complexities of a Global Definition](#)', *Behavioural Sciences Undergraduate Journal*, Vol. 1(1), December 2013.
- ² For more detail on the different estimates and statistical techniques used, see A. Dinu, [Implementation of Directive 2011/36/EU: Migration and gender issues](#), EPRS, European Parliament, September 2020, p. 30.
- ³ UNODC defines 'flow' as a combination of one origin country and one destination where at least five victims were detected during the period considered. See the [UNODC 2020](#) report, p.54, note 83 (The UNODC 2022 report does not give a total number of trafficking flows detected).
- ⁴ See B. Andrees and P. Belsler, [Forced labour: coercion and exploitation in the private economy](#), 2009, pp. 103–106. See also [Global Report on Trafficking in Persons](#), UNODC, 2020.
- ⁵ [EMSC 4th Annual Activity Report – 2020](#), Europol, p. 22.
- ⁶ S. Rodríguez-López, [Telling Victims from Criminals: Human Trafficking for the Purposes of Criminal Exploitation](#), October 2019.
- ⁷ [Trafficking for Forced Criminal Activities and Begging in Europe: Exploratory Study and Good Practice Examples](#), 2014, RACE in Europe project, p. 11. The project covered the Czech Republic, Ireland, the Netherlands, and the United Kingdom and addressed specific issues in several other EU Member States.
- ⁸ J. Winterdyk, '[Explaining Human Trafficking: Modern Day-Slavery](#)', in *The Palgrave International Handbook of Human Trafficking*, October 2019.
- ⁹ M. Rees, [The Gendered Dimensions of Sex Trafficking](#), Stanford Center on Democracy, Development and the Rule of Law (CDDRL), Working Paper of the Program on Human Rights No 007, June 2012, p. 2.
- ¹⁰ [Trafficking for Labour Exploitation – the Role of Gender](#), Fine Tune Project, October 2015. See also M. Burke, B. Amaya and K. Dillon, '[Sex Trafficking as Structural Gender-Based Violence: Overview and Trauma Implications](#)', and S. Ferrell-Schweppenstedde, J. Hunt and T. Matekaire, '[How Lifelong Discrimination and Legal Inequality Facilitate Sex Trafficking in Women and Girls](#)', in *The Palgrave International Handbook of Human Trafficking*, October 2019.
- ¹¹ C. Morcom and A. Schloenhardt, [All about sex?! The evolution of trafficking in persons in international law](#), March 2011, pp. 22-23.

DISCLAIMER AND COPYRIGHT

This document is prepared for, and addressed to, the Members and staff of the European Parliament as background material to assist them in their parliamentary work. The content of the document is the sole responsibility of its author(s) and any opinions expressed herein should not be taken to represent an official position of the Parliament.

Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the European Parliament is given prior notice and sent a copy.

© European Union, 2023.

Photo credits: © evsafronov / Adobe Stock.

epers@ep.europa.eu (contact)

www.epers.ep.parl.union.eu (intranet)

www.europarl.europa.eu/thinktank (internet)

<http://epthinktank.eu> (blog)