



EUROPEAN COMMISSION

Brussels, 19.6.2012
COM(2012) 286 final

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016

**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016

1. SETTING THE SCENE

Trafficking in human beings is the slavery of our times. Victims are often recruited, transported or harboured by force, coercion or fraud in exploitative conditions, including sexual exploitation, forced labour or services, begging, criminal activities, or the removal of organs¹. It is a severe violation of individual freedom and dignity and a serious form of **crime**, that often has implications which individual countries cannot effectively address on their own.

Trafficking in human beings takes many different forms, and evolves with changing socio-economic circumstances. It targets women and men, girls and boys in vulnerable positions. The latest estimates from the International Labour Organization of June 2012 covering the period 2002-2011 put the number of victims of forced labour, including forced sexual exploitation, to 20.9 million at a global level², with an estimated 5.5 million children being trafficked. However, this estimate is also believed to be conservative.

A lucrative form of crime, trafficking in human beings generates profits of dozens of billions of euro³ for the perpetrators each year.

The 2010 report of the United Nations Office on Drugs and Crime states that worldwide 79 per cent of identified victims of human trafficking were subject to sexual exploitation, 18 per cent to forced labour and 3 per cent to other forms of exploitation. Of these victims, 66 per cent were women, 13 per cent girls, 12 per cent men and 9 per cent boys⁴.

Data collected by the Commission in September 2011 on victims of human trafficking, police investigations, prosecutions and convictions is currently being analysed in terms of gender, age, form of exploitation and citizenship⁵. Preliminary results appear to be consistent with the statistics in the UNODC report. Three quarters of registered victims were trafficked for sexual exploitation (an increase from 70 per cent in 2008 to 76 per cent in 2010) and the rest for labour exploitation (a decrease from 24 per cent in 2008 to 14 per cent in 2010), forced

¹ Trafficking in human beings differs from human smuggling (facilitated migration) because it involves the use of force and involves exploitation, and because there is no need to cross a border or be physically transported.

² International Labour Organization, 'ILO 2012 Global estimates of forced labour', June 2012. The report states that human trafficking can be regarded as forced labour, and so the estimates captures the full realm of human trafficking for labour and sexual exploitation (page 13).

³ Estimated global annual profits made from the exploitation of all trafficked forced labour are US\$31.6 billion. Of this, US\$15.5 billion, that is 49 per cent, is generated in industrialised economies (in Patrick Belser, 'Forced Labor and Human Trafficking: Estimating the Profits', Working Paper, Geneva, International Labour Office, 2005).

⁴ The Globalization of Crime: A Transnational Organized Crime Threat Assessment, UNODC, 2010.

⁵ The statistics collected via Eurostat provide a general overview based on the replies received from all 27 Member States for 2008 to 2010.

begging (3 per cent) and domestic servitude (1 per cent). Twenty-one EU Member States were able to give gender-specific information. This shows that over the three years women and girls are the main victims of trafficking in human beings; female victims accounted for 79 per cent (of whom 12 per cent were girls) and male victims for 21 per cent (of whom 3 per cent were boys). Most Member States reported that most victims come from within the EU, mainly from Romania, Bulgaria, Poland and Hungary. Most reported victims from non-EU countries are from Nigeria, Vietnam, Ukraine, Russia and China.

Trafficking in human beings is a complex transnational phenomenon rooted in vulnerability to poverty, lack of democratic cultures, gender inequality and violence against women, conflict and post-conflict situations, lack of social integration, lack of opportunities and employment, lack of access to education, child labour and discrimination.

EU Action on Trafficking in Human Beings

Trafficking in human beings is specifically prohibited by Article 5 of the Charter of Fundamental Rights of the European Union.

The political commitment at EU level to address the problem of trafficking in human beings is reflected in the large number of initiatives, measures and funding programmes established in the area both within the EU and third countries as early as in the 1990s⁶.

A major step forward recently was the adoption of **Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims**⁷. The Directive adopts a comprehensive, integrated approach that focuses on human rights and on the victims and is gender-specific. It is expected to have considerable impact, once fully transposed by the Member States by 6 April 2013. It not only focuses on law enforcement but also aims to prevent crime and ensure that victims of trafficking are given an opportunity to recover and to reintegrate into society.

In the meantime, a number of EU instruments in various policy areas contribute to addressing trafficking in human beings⁸. EU legislation on the right of victims of human trafficking to reside in the EU, on the sexual exploitation of children, and on sanctions against employers who knowingly employ illegally staying third country workers, complement the Directive on trafficking in human beings. The **EU Internal Security Strategy in Action** further addresses trafficking in human beings⁹.

⁶ Communication on *trafficking in women for the purpose of sexual exploitation* (COM(96) 567 final), Communication on *Fighting trafficking in human beings: an integrated approach and proposals for an action plan* (COM(2005) 514 final), the EU Plan on best practices, standards and procedures for combating and preventing trafficking in human beings (2005/C 311/01) and Commission working document on *the Evaluation and monitoring of the implementation of the EU plan* (COM(2008) 657 final).

⁷ Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, OJ 15.04.2011, L 101.

⁸ The Proposal for the Directive on the rights of victims (COM(2011) 275 final), action on violence against women, of which gender equality and anti-discrimination are fundamental elements; An EU Agenda for the Rights of the Child (COM(2011) 0060 final); the Action Plan on Unaccompanied Minors (COM(2010) 213 final); Directive 2009/52/EC on sanctions against employers who knowingly employ illegally staying third country workers; and the proposal for a Directive on seasonal employment of third-country nationals (COM(2010) 379 final).

⁹ Communication on *The EU Internal Security Strategy in Action: Five steps towards a more secure Europe*, COM(2010) 673 final.

The overarching framework of the EU external migration policy — **the Global Approach to Migration and Mobility**¹⁰ — highlights the importance of cooperating with third countries of origin, transit and destination and identifies as one of its four pillars the prevention and reduction of irregular migration and trafficking in human beings. This line is also followed in the **2009 Action Oriented Paper on strengthening the EU external dimension against trafficking in human beings**¹¹.

Trafficking in human beings is also addressed in numerous external relations instruments, such as the annual progress reports on candidate and potential candidate countries, the roadmaps and action plans regarding visa liberalisation dialogues with third countries, the Country Strategy Papers and National and Regional Indicative Programmes and programmes in the framework of the European Neighbourhood Policy. It is also addressed in bilateral Action Plans and ongoing political dialogue with third countries¹².

With such a wide range of legislative and policy measures, there is a risk of overlapping and duplication of initiatives. The objective of this Strategy therefore is to provide a coherent framework for existing and planned initiatives, to set priorities, to fill gaps and therefore complement the recently adopted Directive. The Commission has already appointed an EU Anti-trafficking Coordinator who started work in March 2011¹³ and will oversee the implementation of this Strategy. The Commission has also developed a website¹⁴ dedicated to anti-trafficking that is regularly updated. The website aims to function as a one-stop-shop for practitioners and the general public.

International Action

A lot of attention has already been paid to trafficking in human beings at international level. The most prominent instruments are the UN Palermo Protocol on Trafficking in Persons, the Council of Europe Convention on Actions against Trafficking in Human Beings¹⁵. **Not all Member States have ratified both legal instruments and they should do so.** Indeed, the Commission urges the Member States to ratify all relevant international instruments, agreements and legal obligations which will make the work against trafficking in human beings more effective, coordinated and coherent¹⁶.

¹⁰ Communication on *The Global Approach to Migration and Mobility* (COM(2011) 743 final).

¹¹ 11450/5/09 REV 5, 19 November 2009 and 9501/3/11 REV 3, 4 July 2011.

¹² In particular in the context of Human Rights Dialogues held with over 40 countries worldwide, the Migration and Mobility Dialogues amounting to seven regional processes covering more than a hundred countries and over twenty bilateral processes.

¹³ Her tasks include addressing the urgent need to ensure consistent and coordinated strategic planning at EU level and with international organisations and third countries, to address this issue in a comprehensive manner.

¹⁴ <http://ec.europa.eu/anti-trafficking/index>.

¹⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Treaty Series, vol. 2237, p. 319; Convention on Action against Trafficking in Human Beings (CETS No.197), Council of Europe, Warsaw, 16 May 2005.

¹⁶ UN Convention on the Elimination of All Forms of Discrimination Against Women, New York, 18 December 1979, Treaty Series, vol. 1249, p. 13, UN Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, ILO Forced Labour Convention, 1930 (No 29), ILO Abolition of Forced Labour Convention, 1957 (No 105), ILO Worst Forms of Child Labour Convention, 1999 (No 182) and ILO Domestic Workers Convention, 2011 (No 189).

2. KEY PRIORITIES

With this Strategy, the European Commission seeks to **focus on concrete measures that will support the transposition and implementation of Directive 2011/36/EU, bring added value and complement the work done by governments, international organisations and civil society in the EU and third countries.**

The main responsibility for addressing trafficking in human beings lies with the Member States. The purpose of this Communication is to show how the European Commission intends to support the Member States in doing this. The *Rantsev v Cyprus and Russia*¹⁷ judgment provides a decisive human rights benchmark with clear obligations for Member States to take the necessary steps to address different areas of trafficking in human beings. These include recruitment, investigation, prosecution, protection of human rights, and providing assistance to victims. If the authorities are aware of a case of human trafficking, or that an individual risks being a victim of human trafficking, they are obliged to take appropriate measures.

The measures included in this Strategy are the result of a thorough examination of measures and policies that are already in place, the work of the Group of Experts¹⁸, extensive consultation with governments, civil society organisations, social partners, scholars, international organisations, national rapporteurs or equivalent mechanisms and other stakeholders. The views of victims of trafficking are also incorporated in the Strategy.

This Strategy identifies **five priorities** the EU should focus on in order to address the issue of trafficking in human beings. It also outlines a number of actions which the European Commission proposes to implement over the next five years in concert with other actors, including Member States, European External Action Service, EU institutions, EU agencies, international organisations, third countries, civil society and the private sector. Those priorities are as follows:

- A. Identifying, protecting and assisting victims of trafficking**
- B. Stepping up the prevention of trafficking in human beings**
- C. Increased prosecution of traffickers**
- D. Enhanced coordination and cooperation among key actors and policy coherence**
- E. Increased knowledge of and effective response to emerging concerns related to all forms of trafficking in human beings**

A multi-disciplinary, coherent policy against trafficking in human beings requires the involvement of a more diverse group of actors than before in policy-making. These should include police officers, border guards, immigration and asylum officials, public prosecutors, lawyers, members of the judiciary and court officials, housing, labour, health, social and safety inspectors, civil society organisations, social and youth workers, consumer

¹⁷ European Court of Human Rights, *Rantsev v. Cyprus and Russia*, Application No 25965/04, Judgment (final) 10 May 2010.

¹⁸ Group of Experts advise the Commission on policy and legislation and are based on Commission Decisions, most recently OJ, 12.08.2011, L 207/14.

organisations, trade unions, employers organisations, temporary job agencies, recruitment agencies and consular and diplomatic staff as well as those more difficult to reach, such as legal guardians and legal representatives, child and victim support services. Volunteers and people who work in conflict situations could also be involved.

2.1. PRIORITY A: Identifying, protecting and assisting victims of trafficking

The identification of victims is difficult. Nonetheless, people from many sectors of society could potentially come into contact with a victim. It is crucial to identify potential victims, so that anyone who has dealings with a victim of human trafficking can best attend to the "five broad needs of victims", respect and recognition, assistance, protection, access to justice and compensation. This also enables police and prosecution authorities to better investigate and punish traffickers. At the same time, mechanisms to protect, assist and socially include victims of trafficking need to be established. In accordance with the 2011 Directive, assistance and support should be based on individual needs of the victim and should include at least appropriate and safe accommodation, material assistance, medical treatment, psychological assistance, counselling and information, translation and interpretation services.

(1) Action 1: Establishment of National and Transnational Referral Mechanisms

Member States should **ensure that formal, functional national referral mechanisms are established**. These mechanisms should describe procedures to better identify, refer, protect and assist victims and include all relevant public authorities and civil society. The development of criteria for the identification of victims should be included, to be used by all those involved. Member States have already committed to establishing these mechanisms by the **end of 2012** in the context of the EU Policy Cycle to fight serious and organised crime¹⁹.

Under the Directive on trafficking in human beings, victims should receive appropriate protection and assistance on the basis of individual risk and needs assessments. Carrying out the assessments should be part of the remit of the national referral mechanisms. Based on the first implementation of these national referral mechanisms by Member States, the Commission **will develop guidelines** on how to further develop them by 2015. They should also address issues such as compensation and safe return. The roles and responsibilities of all those involved should be clearly defined.

At present, when victims move across borders, problems are generally solved bilaterally on an ad hoc basis. This is often time-consuming and inefficient. In line with a victim-centred approach, by 2015 the Commission **will develop a model for an EU Transnational Referral Mechanism** which links national referral mechanisms to better identify, refer, protect and assist victims.

(2) Action 2: Identification of Victims

The Commission currently funds a project that will **develop guidelines to better identify victims of trafficking in human beings** in 2014, taking into account the EC/ILO 2009 lists of indicators on trafficking in human beings. These guidelines will facilitate a more harmonised approach and will improve identification. They should also help practitioners to identify victims, especially victims of human trafficking for sexual exploitation and labour exploitation, removal of organs and child victims of trafficking.

¹⁹ Doc. 15358/10 COSI 69.

Furthermore, as mentioned in the Commission Communication on the Action Plan implementing the Stockholm Programme, in 2012 the Commission **will develop specific guidelines for consular services and border guards** on the identification of victims of trafficking in human beings.

(3) Action 3: Protection of Child Victims of Trafficking

Children are particularly vulnerable to victimisation and re-trafficking. A study done in 2010 by the International Organization for Migration (IOM) shows that of the 79 sample re-trafficking cases, 84 per cent involved children or young adults under 25 years old. Furthermore, in 18 per cent of these cases the minor was re-trafficked when (s)he became an adult. This shows that trafficked minors are at risk of being re-trafficked during their adult lives²⁰.

EU legislation provides for the protection of child victims and assistance and support to such victims²¹. Comprehensive child-sensitive protection systems that ensure interagency and multidisciplinary coordination are key in catering to diverse needs of diverse groups of children, including victims of trafficking. To better protect children, the Commission **will in 2014 fund the development of guidelines on child protection systems**.

Member States should **strengthen child protection systems** for trafficking situations and ensure where return is deemed to be the child's best interest, the safe and sustainable return of children to the country of origin, in and outside the EU, and prevent them from being re-trafficked.

In addition, with respect to child trafficking, there is at present no uniform definition of a guardian and/or representative across the Member States²² and their roles, qualifications and understanding of competences vary from one Member State to another²³. In 2014, together with the European Union Agency for Fundamental Rights, the Commission intends to **develop a best practice model on the role of guardians** and/or representatives of child victims of trafficking.

(4) Action 4: Provision of Information on the Rights of Victims

Correspondence to the Commission over the years illustrates the problems individuals face in contacting the appropriate authorities or organisations in order to receive clear information on their rights to assistance and health care, their right to a residence permit and their labour rights, their rights regarding access to justice and to a lawyer, and on the possibilities of claiming compensation.

To inform victims of their rights and help them effectively exercise them, **in 2013 the Commission will provide clear, user-friendly information on the labour, social, victim**

²⁰ IOM, 'The Causes and Consequences of Re-trafficking: Evidence from the IOM Human Trafficking Database', 2010.

²¹ Directives 2011/36/EU on trafficking in human beings and 2011/92/EU on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA.

²² EU Expert Group on Unaccompanied Minors, Meeting on Guardianship of unaccompanied children on 21 June 2011.

²³ See also the European Union Agency for Fundamental Rights, 'Child Trafficking in the EU — Challenges, perspectives and good practices', July 2009.

and migrant rights that victims of trafficking in human beings have under EU law²⁴. As a follow-up, the Commission **will help Member States provide and disseminate similar information at national level** in 2014.

2.2. PRIORITY B: Stepping up the prevention of trafficking in human beings

A coherent approach to prevention must encompass prosecution and protection and address all areas of trafficking in human beings. Prevention needs to be stepped up in the light of the root causes which make people vulnerable to trafficking and addressing these causes should be a key aspect of prevention in the EU and in third countries.

(1) Action 1: Understanding and Reducing Demand

The exchange of best practices can help reduce demand for all forms of trafficking, including sexual exploitation. It should build on work done in the areas of public awareness campaigns targeting consumers and users of services, corporate social responsibility, codes of conduct²⁵, business and human rights and initiatives aimed at eliminating human trafficking from the supply chains of businesses.

To increase understanding on the reduction of demand, in 2013, under the Seventh Framework Programme, the Commission will fund **research on reducing the demand for and supply of services and goods by victims of trafficking in human beings**, including victims trafficked for the purpose of sexual exploitation and specific categories of victims such as children. The research will provide material for the Commission's 2016 report on the legal measures that some Member States have taken to criminalise the use of services of victims of trafficking in human beings²⁶.

(2) Action 2: Promote the establishment of a Private Sector Platform

Cooperation with the private sector is also essential in order to reduce the demand for trafficking in human beings and to develop supply chains that do not involve trafficking in human beings.

A European Business Coalition against trafficking in human beings will be established in 2014. The coalition should improve cooperation with businesses and other stakeholders, respond to emerging challenges and discuss measures to prevent trafficking in human beings, in particular in high-risk areas. In 2016, the Commission intends to work together with the Coalition to **develop models and guidelines on reducing the demand for** services provided by victims of trafficking in human beings, in particular in high-risk areas, including the sex industry, agriculture, construction and tourism.

(3) Action 3: EU-wide Awareness Raising Activities and Prevention Programmes

²⁴ This information includes the rights based on Directive 2004/81/EC on the residence permit issued to third country nationals who are victims of trafficking in human beings. The potential of the Directive is currently not being fully exploited and victims' lack of information about their rights has been identified as one of the key problem areas. The Commission has launched a study to analyse the current measures in place and schemes of protection for victims of trafficking provided in each Member State under the Directive, to understand whether the current somewhat divergent arrangements in the Member States hinder a consistent, effective approach to addressing trafficking in human beings. <http://ec.europa.eu/anti-trafficking/index>, <http://ec.europa.eu/immigration> and <http://e-justice.europa.eu>.

²⁵ Such as the IOM's Buy Responsibly Campaign <http://www.buyresponsibly.org>.

²⁶ Article 23 of the 2011/36/EU Directive on trafficking in human beings.

Numerous anti-trafficking prevention programmes, in particular awareness-raising campaigns, have been implemented locally, nationally, internationally and in third countries. However, little has been done to systematically evaluate the impact of such prevention programmes in terms of their achieving their objectives, such as changes in behaviour and attitudes, thus reducing the likelihood of trafficking in human beings. Little is also known about the added value, coherence and consistency (where appropriate) of such initiatives and the links between them.

In 2013, under the home affairs funding programme, the Commission will thoroughly **analyse prevention initiatives already in place to target trafficking in human beings carried out by various actors**. The Commission will then develop EU-wide guidance on future prevention measures and gender-sensitive information campaigns with the Member States. Based on the analysis of prevention activities already in place, links to **existing awareness-raising campaigns will be established in 2015**²⁷.

In 2014 the Commission will **launch EU-wide awareness-raising activities** targeting specific vulnerable groups, such as women and children at risk, domestic workers, Roma communities, undocumented workers and situations such as major sporting events, using the home affairs funding programme. The internet and social networks will be used as a means of effectively raising awareness in a targeted manner.

2.3. PRIORITY C: Increased prosecution of traffickers

Trafficking in human beings extends beyond individual Member States. Most traffickers work within well-established networks which allow them to move victims across borders or from one place to another within a country. In fact, internal trafficking, in which many of the victims are EU citizens who are trafficked within their own or another Member State, is on the rise. Although the investigation and prosecution of human trafficking cases have received more attention recently, the total number of cases prosecuted in the EU remains low. In fact, the comparable data showed a decrease in the number of convictions on trafficking in human beings, from 1534 in 2008 to 1445 in 2009 and 1144 in 2010.

(1) Action 1: Establishment of National Multidisciplinary Law Enforcement Units

In the EU Policy Cycle to fight serious and organised crime, Member States have recognised in the strategic goals and operational actions the importance of being innovative, multidisciplinary and proactive to better investigate and prosecute cases of trafficking in human beings.

To better investigate and prosecute traffickers and further increase cross-border cooperation and centralise knowledge on trafficking in human beings, Member States should **establish national multidisciplinary law-enforcement units on human trafficking**. The units should function as contact points for EU agencies, in particular Europol²⁸ and forward the information collected to the Europol National Units for further transmission to Europol. The units should focus on all forms of human trafficking and improve the detection of human

²⁷ Such as the UNODC's Blue Heart Campaign or the Blue Blindfold Campaign of the UK.

²⁸ The units should function as a contact point for law enforcement bodies in other countries in and outside the EU and experts from the unit should participate in meetings such as the meeting of the Analytical Work Files group on human trafficking, meetings related to the EU policy cycle and meetings of the contact points mentioned in Europol's contact manual for human trafficking.

trafficking and the collection and analysis of information on the subject. Procedures need to be in place to regulate the exchange of information between local and regional law enforcement units and national units. The units should also address changing patterns, such as the recruitment of victims of trafficking in human beings and advertising of their services on the internet.

(2) Action 2: Ensuring Proactive Financial Investigation

In line with the Organisation for Economic Co-operation and Development Financial Action Task Force Recommendations²⁹, **Member States should proactively conduct financial investigations of trafficking cases** in 2013, provide information for Europol's analytical work file and further cooperate with EU agencies, such as Eurojust and the European Police College (CEPOL).

Europol will do an analysis based on information received from Member States on the financial investigation of human trafficking cases by 2015. This analysis should lead to the identification of best practice and models for financial police investigations. Financial investigation has been recognised as a tool for gathering evidence. When collecting evidence with a view to prosecuting human traffickers, many investigations still depend largely on victims' statements. Evidence gathered from money trails might provide the necessary additional proof, particularly in high-risk sectors³⁰, thus relieving victims of the burden of testifying in court. Financial investigations may also be useful to feed into risk assessment, increase knowledge of the modus operandi of those who commit crimes related to human trafficking and refine detection tools.

(3) Action 3: Increasing cross-border Police and Judicial Cooperation

The Commission recognises the importance of increasing the level of judicial cooperation in the area of trafficking in human beings. It therefore encourages national authorities and EU agencies to **create where relevant joint investigation teams and involve Europol and Eurojust in all cross-border trafficking cases. Member States should make full use of EU agencies** and to share information with a view to increasing the number and quality of cross-border investigations at the level of law enforcement and at judicial level. In accordance with their mandates, EU agencies should actively share information among themselves and with Member States. **Member States should also** cooperate with Eurojust in implementing the future **Eurojust Action Plan against trafficking in human beings**.

(4) Action 4: Increasing Cooperation beyond Borders

The EU will fund in 2012 a pilot project to **strengthen regional cooperation on trafficking in human beings along routes from the East to the EU** using the Instrument for Stability.

Further initiatives against organised crime and human trafficking will also contribute to coherence between the internal and external aspects of EU security policies. They will also increase knowledge of the links between criminal networks involved in trafficking in human beings and other crime areas. Their aim should be to improve systems of data collection,

²⁹ International standards on combating money laundering and the financing of terrorism & proliferation, the FATF recommendations, OECD Financial Action Task Force, February 2012.

³⁰ Europol, 'EU Organised Crime Threat Assessment 2011'. These sectors are agriculture, construction, the textile industry, healthcare, domestic service and the sex industry, page 19.

analysis and exchange at national and transnational level, to promote and assist in information sharing and regional coordination on trafficking in human beings and enhance national and transnational law enforcement cooperation and the capacity of prosecutors and consular and NGO staff.

2.4. PRIORITY D: Enhanced coordination and cooperation among key actors and policy coherence

There is a need for improved coordination and cooperation among key actors working in the field of trafficking in human beings, based on a multi-sectoral, multi-disciplinary approach. Coherence is also essential to ensure that related policies incorporate anti-trafficking policy.

Cooperation amongst different actors can best be organised through formalised mechanisms and procedures that create a clear commitment and clarify the roles and tasks of those involved. The EU Justice and Home Affairs Agencies signed a joint statement on the 5th EU Anti-Trafficking Day on 18 October 2011. This agreement includes better prevention of trafficking, more efficient investigation and prosecution of perpetrators, and more effective protection of victims that complies with fundamental rights and takes the gender of victims into account³¹. The Commission will **coordinate and monitor the implementation of this agreement**.

(1) Action 1: Strengthening the EU Network of National Rapporteurs or Equivalent Mechanisms

The Informal EU Network of National Rapporteurs or Equivalent Mechanisms was established in 2009 and meets every six months. Under Article 19 of the Directive on preventing and combating trafficking in human beings, all Member States need to establish national rapporteurs or equivalent mechanisms whose tasks include carrying out assessments of trends, measuring the impact of anti-trafficking efforts, and gathering data. In 2013, the Commission will **strengthen the EU-wide coordination mechanism to support the work national rapporteurs' do** to monitor the implementation of Member States' EU and international obligations; to collect data, analyse and research human trafficking trends at national level, and assess progress on preventing and combating human trafficking as well as on protecting victims, while ensuring the participation of civil society.

(2) Action 2: Coordinating EU External Policy Activities

The Action Oriented Paper on strengthening the EU external dimension against trafficking in human beings and the Global Approach to Migration and Mobility both provide for better coordination of the EU's external policy activities and provide a coherent approach based on EU agreements, strategic partnerships and political dialogues. A list of priority third countries and regions for future partnerships should be developed. **Cooperation mechanisms in EU delegations on trafficking in human beings could be considered in priority third countries and regions in 2013** in order to strengthen cooperation, create partnerships and improve coordination and coherence.

³¹ The agencies in question are CEPOL, EASO, EIGE, Europol, Eurojust, FRA and Frontex, <http://ec.europa.eu/anti-trafficking/entity.action?id=55a48066-dcf5-4e71-b191-cedcf0caa97a>.

The Commission will also work towards **strengthening and formalising partnerships with international organisations**³² active in the field of trafficking in human beings to improve the exchange of information and ensure cooperation, particularly in the areas of policy planning, prioritisation, data collection, research and monitoring and evaluation.

As a severe violation of human rights mentioned in the Charter of Fundamental Rights, trafficking in human beings will continue to be covered **under the Human Rights Clauses in the EU's agreements with third countries, including the Free Trade Agreements**, providing the basis for cooperation on and promotion of human rights³³.

The Commission **will continue to fund projects** through the development cooperation and other external relations funding programmes in all relevant aspects of trafficking in human beings in **third countries and in regions**, including South-South trafficking, and covering prevention, protection and prosecution.

(3) Action 3: Promoting the establishment of a Civil Society Platform

An EU Platform of civil society organisations and service providers working on victim protection and assistance in Member States and selected third countries **will be established** in 2013. The Commission will ensure that the funds in the home affairs funding programmes are available to do this.

(4) Action 4: Reviewing Projects funded by the EU

Over the years, the European Commission has funded numerous anti-trafficking projects³⁴. These projects have targeted different stakeholders and approached the issue from various angles. The Commission will ensure that information on all projects on internal and external aspects of trafficking in human beings that are funded by the EU is provided on its anti-trafficking website. As a next step, reflecting the need for greater coherence in policies across sectors that affect anti-trafficking work and initiatives, in 2014 the Commission will **conduct a comprehensive review of these projects** to map the geographical areas, fields, different actors and types of projects, as well as their outcomes and recommendations. **This review will strengthen future projects and provide a solid basis for coherent, cost effective, and strategic EU policy and funding initiatives.**

(5) Action 5: Strengthen the fundamental rights in anti-trafficking policy and related actions

Mainstreaming fundamental rights in anti-trafficking policy and legislation is necessary to ensure that anti-trafficking work is coherent. The Commission's Strategy for the effective implementation of the Charter of Fundamental Rights³⁵ requires the Commission to ensure

³² The Commission has formalised partnerships in different forms and cooperates with the UN, the Council of Europe, the International Organization for Migration, the Organization for Security and Co-operation in Europe, the World Health Organization and the International Labour Organization. Continued cooperation with these organisations will be especially important in combating trafficking in human beings for the purpose of the removal of organs.

³³ Joint Communication: *Human Rights and Democracy at the Heart of EU External Action — Towards a More Effective Approach*, COM(2011) 886 final.

³⁴ Information on most projects is available on the Commission's anti-trafficking website.

³⁵ Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union COM(2010) 573 final, 19 October 2010, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0573:FIN:EN:PDF>.

from an early stage, by means of a "fundamental rights check", that its legislative and other acts are always in full compliance with the fundamental rights guaranteed by the Charter³⁶.

Important work has also been done by various organisations and bodies, namely the European Union Agency for Fundamental Rights, the Office of the United Nations High Commissioner for Human Rights and the Council of Europe. Moreover, a tool for civil society organisations to assess policy and legislation on trafficking in human beings³⁷ and a tool to give guidance on fundamental rights in Commission impact assessments have been developed.

To strengthen existing instruments, and building upon its past and on-going work on trafficking, in 2014 the European Union Agency for Fundamental Rights, will start **to develop a tool, such as a handbook or a guide, to assist Member States in addressing fundamental rights** issues specifically related to anti-trafficking policy and related actions, which will take into account relevant structures, processes, and outcomes and will focus on the rights of victims, incorporating a gender perspective and the best interests of the child. As a next step, the Commission will, through the future justice funding programmes **assist Member States in implementing this tool.**

(6) Action 6: Coordinating Training Needs in a Multidisciplinary Context

One of the key points in the Directive on trafficking in human beings and something that is clear from the majority of the responses to the consultations on this Strategy is the need to **provide training for those who work in the field**. Training mechanisms and targeted, specialised programmes on trafficking in human beings must become more uniform and consistent³⁸. People who regularly have to deal with human trafficking issues need to be trained. **The Commission will strengthen training focusing on the judiciary and cross-border law enforcement** through the Communications on Building trust in EU-wide justice and on the European Training Scheme, planned for the end of 2012. The **main focus** of the Commission will be to **bring together various actors** in order to increase policy coherence, and as appropriate, target specific areas and actors.

Possibilities of developing training frameworks for transition and developing countries will be explored, including through the European Training Foundation. The European Police College, Frontex, and the European Asylum Support Office will work further on training needs of their respective stakeholders³⁹. The Commission will consider cooperation with the EU Delegations to provide them and, through them, third countries, with training in addressing trafficking in human beings.

³⁶ Commission Staff Working Paper - Operational Guidance on taking account of Fundamental Rights in Commission Impact Assessments, SEC(2011) 567 final, 6.5.2011.

³⁷ The Right Guide, <http://ec.europa.eu/anti-trafficking/entity?id=7dbb0353-cb8a-4bcc-a3fa-34dfbe01bbca>.

³⁸ Communication *Building trust in EU-wide justice: a new dimension to European judicial training*, COM(2011) 551 final.

³⁹ CEPOL provides training on trafficking in human beings as well as a Common Curriculum and an e-learning module for police officers. Frontex has developed a specific training manual on human trafficking for border guards. Tools and information on detecting and referring human trafficking victims will be part of the European Asylum Support Office (EASO) tool box, for instance in training modules and manuals.

2.5. **PRIORITY E: Increased knowledge of and effective response to emerging concerns related to all forms of trafficking in human beings**

The trends, patterns and working methods of traffickers are changing in all the different forms of trafficking in human beings, adapting to changing patterns of demand and supply. Forms of exploitation are often merged and intertwined, making it hard to detect the exact form of exploitation victims are subjected to. This makes it even harder to identify victims. It is necessary to be able to understand such trends quickly and ensure an effective response.

(1) Action 1: Developing an EU-wide System for Data Collection

The Commission, together with the Member States, will **develop an EU-wide system for the collection and publication of data broken down according to age and gender**. Understanding the flows and trends of internal trafficking will be an important part of this work. Based on the results of the analysis of the first data collection initiative of 2012, the Commission will work with national rapporteurs to **ensure comparable, reliable data are collected in the follow-up initiative covering the years 2011 and 2012**. Results are expected in 2014.

In its Communication on measuring crime in the EU, the Commission emphasised the need to collect reliable, comparable data for evidence-based policy on trafficking in human beings. The Communication includes an Action Plan for 2011-2015⁴⁰ to collect data on a small number of indicators.

(2) Action 2: Developing knowledge relating to the Gender Dimension of Trafficking and Vulnerable Groups

In 2013, the Commission will **develop knowledge on the gender dimensions of human trafficking**, including the gender specificities of the way men and women are recruited and exploited, the gender consequences of the various forms of trafficking and potential differences in the vulnerability of men and women to victimisation and its impact on them.

Vulnerability to trafficking and to different forms of exploitation is shaped by gender. While women and girls tend to be trafficked for exploitation in the sex industry, in domestic work or the care sector, men and boys tend to be victims of forced labour, in particular in agriculture, construction, mining, forestry sectors and on fishing fleets. In addition, the short and long term consequences on trafficked women and men might differ, depending on the form of trafficking and gender.

Vulnerable groups are at greater risk of human trafficking. Such groups include children, especially early school leavers, children left behind⁴¹, unaccompanied children, and children with disabilities, as well as people in the Roma community⁴². Ensuring a gender perspective, in 2014 the Commission **will** also ensure that funding is available under the research funding programme to **increase understanding of such high-risk groups** and it will target actions in a more coherent manner in the future and collaborate with the Member States.

⁴⁰ Communication *Measuring Crime in the EU: Statistics Action Plan 2011 – 2015*, COM(2011) 713 final.

⁴¹ This refers to children whose parents work in a different Member State and leave their children behind in their country of origin.

⁴² Taking into account research on the topic such as the Study on the Typology of and Policy Responses to Child Begging in the EU, JLS/2009/ISEC/PR/008-F2.

(3) Action 3: Understanding Online Recruitment

In 2014 the Commission will, under the safer internet funding programme, support projects that aim to **increase knowledge of recruitment over the internet and via social networks — including recruitment done with the help of intermediaries**. The internet reaches a broad audience, offering numerous possibilities to recruit victims⁴³. It offers employment opportunities (most often promoting attractive jobs abroad, for models, dancers, cabaret performers, etc.) which are accessible via simple search engines or pop-ups, chat rooms and spam mail. Social networking tools are becoming increasingly popular as recruitment tools.

(4) Action 4: Targeting Trafficking for Labour Exploitation

To increase the number of cases of trafficking for labour exploitation that are investigated and prosecuted and to improve the quality of the investigation and prosecution of such cases, in 2013, under the home affairs funding programme, the Commission will fund a **study of case law in all Member States**. Many reports flag the different approaches in Member States to addressing trafficking for labour exploitation. Criminal law provisions and their implementation seem to differ among Member States. This may hamper cross-border cooperation. Better insight into case law in Member States might throw light on the differences in approach.

Labour (market) legislation and laws regulating migrants working in the EU, when implemented correctly, will also help to prevent the different forms of human trafficking. There needs to be a greater focus on the administrative aspects of trafficking in human beings such as on contractors and subcontractors and job recruitment agencies, in particular in high-risk sectors for trafficking in human beings. The EU's decent work agenda⁴⁴ and better social protection in countries of origin must also be promoted.

In 2015, the Commission will work with the European Foundation for the Improvement of Living and Working Conditions (Eurofound) to **develop 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. The guide should include licensing systems and work related to the liability of such agencies.

The Commission will also **strengthen cooperation with labour, social, health and safety inspectors, as well as fisheries inspectors**, in relation to the identification and referral of victims of human trafficking and in raising awareness and training by including it on the agenda of EU networks in 2013.

3. EVALUATION AND MONITORING

Taking into account the multitude of reporting mechanisms in the field of trafficking in human beings across the EU⁴⁵, and how this Communication relates to the Directive on human

⁴³ See the Council of Europe's study on the Misuse of the Internet for the recruitment of victims of trafficking in human beings, 2007.

⁴⁴ Communication *Promoting decent work for all: the EU contribution to the implementation of the decent work agenda in the world*, COM(2006) 249 final.

⁴⁵ The intention is to exploit as far as possible existing reporting mechanisms in the field of trafficking in human beings, such as reporting under the EU Policy Cycle to fight serious and organised Crime, and

trafficking, the Commission intends to establish effective monitoring and evaluation procedures that do not create repetitive reporting mechanisms. The Member States are encouraged to do their own evaluation and monitoring of national strategies and activities aimed at addressing human trafficking.

In accordance with the Directive on human trafficking, by April 2015 the Commission will assess the extent to which the Member States have taken the necessary measures to comply with that Directive in a report to the European Parliament and the Council.

Then, in accordance with the Directive, the Commission will **report every two years** to the Council and the European Parliament **on the progress** made in the fight against trafficking in human beings, facilitated by the Member States. The first report, to be issued in **2014**, will **include a first evaluation of this Communication**.

Finally, in 2016 a report will **assess the impact of national laws establishing as a criminal offence the use of services which are the objects of exploitation of trafficking in human beings**. If necessary, the report will contain adequate proposals.

In the light of the measures described in this Communication, the Informal Network of National Rapporteurs or Equivalent Mechanisms will be essential for both the monitoring and the evaluation of those measures. The reports they issue at Member State level will be taken into consideration. **The Commission strongly advises the National Rapporteurs or Equivalent Mechanisms to consult civil society** when preparing their reports.

Ensuring that this Strategy for the Eradication of Trafficking in Human Beings 2012 – 2016 will have the intended effect will depend to a large extent on the funding and on the involvement of all the actors mentioned in this Communication.

the reports of the Group of Experts on Action against Trafficking in Human Beings of the Council of Europe (GRETA).

Summary of the actions of the EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016

PRIORITIES AND ACTION	RESPONSIBLE	TIMING
PRIORITY A: Identifying, protecting and assisting victims of trafficking		
Development of national referral mechanisms	MS/COM	2012
Guidelines on protection of victims	COM	2015
Model for an EU transnational referral mechanism	COM	2015
Guidelines for better identification of victims of trafficking in human beings	COM	2014
Guidelines for consular services and border guards for identification of victims of trafficking	COM	2012
Guidelines on child protection systems	COM	2014
Strengthening of child protection systems to ensure safe return and prevent re-trafficking	MS	2015
Best practice model on the role of guardians and/or representatives for child victims	COM/FRA	2014
Information on labour, social, victim and migrant rights under EU law	COM	2013
Dissemination of information on labour, social, victim and migrant rights at national level	MS/COM	2014

PRIORITIES AND ACTIONS	RESPONSIBLE	TIMING
PRIORITY B: Stepping up the prevention of trafficking in human beings		
Research on reducing the demand for services provided by victims of trafficking	COM	2013
Establishment of a European Business Coalition against trafficking in human beings	COM	2014
Models and guidelines on the reduction of demand	COM/European Business Coalition	2016
Analysis of existing prevention initiatives carried out by stakeholders	COM	2013
EU-wide awareness-raising activities targeting specific vulnerable groups	COM	2014

PRIORITIES AND ACTION	RESPONSIBLE	TIMING
PRIORITY C: Increased prosecution of traffickers		
Establishment of national, multidisciplinary law-enforcement units on human trafficking	MS	Ongoing
Proactive financial investigations of trafficking cases and cooperation with EU agencies	MS	2013
Analysis of information received from MS on financial investigation in human trafficking cases	Europol/MS	2015
Joint Investigation Teams	MS/EU agencies	Ongoing

Full use of EU agencies	MS/EU agencies	Ongoing
Implementation of Eurojust Action Plan against trafficking in human beings	Eurojust/MS	2013
Regional cooperation on human trafficking along routes from the East to the EU	COM	2012

PRIORITIES AND ACTIONS	RESPONSIBLE	TIMING
PRIORITY D: Enhanced coordination and cooperation among key actors and policy coherence		
Coordination and monitoring of the implementation of the joint statement signed by EU JHA agencies	COM	Ongoing
Strengthening of the EU-wide coordination mechanism to support the Informal Network of National Rapporteurs or Equivalent Mechanisms	COM/MS	2013
Possible establishment of cooperation mechanisms in EU delegations in priority third countries and regions	COM/EEAS/MS	2013
Strengthening and formalisation partnerships with international organisations	COM/International Organisations/EEAS	Ongoing
Inclusion of human trafficking in the Human Rights Clauses	COM/EEAS	Ongoing
Funding of projects on trafficking in human beings in third countries and regions	COM/EEAS	Ongoing
EU platform of civil society organisations and service providers	COM	2013
Review of EU-funded projects on trafficking in human beings	COM	2014

Tool assessing fundamental rights in anti-trafficking policy and related actions	COM/FRA	2014
Assistance to Member States in implementing the assessment tool	COM/MS	Ongoing
Strengthening of training targeting judiciary and cross-border law enforcement officials	COM/EU agencies/MS	2012
Increased policy coherence through training programmes	COM/MS	Ongoing

PRIORITIES AND ACTIONS	RESPONSIBLE	TIMING
PRIORITY E: Increased knowledge of and effective response to changing trends in trafficking in human beings		
EU-wide system for the collection and publication of gender- and age- disaggregated data	COM/MS	2012
Comparable and reliable data in follow-up initiative 2011 and 2012	COM/MS/National Rapporteurs	2014
Research on the gender dimensions of human trafficking	COM	2013
Research on high-risk groups for human trafficking	COM	2014
Research on recruitment over the internet and through social networks	COM/MS	2014
Case-law study on trafficking or labour exploitation	COM/MS	2013
Best practices guide for public authorities on monitoring of temporary work agencies and intermediary agencies	EUROFOUND/COM	2015
Cooperation with labour, social and health, safety and fisheries inspectors	COM	2013