



Brussels, 4.12.2017
COM(2017) 728 final

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

**Reporting on the follow-up to the EU Strategy towards the Eradication of trafficking in
human beings and identifying further concrete actions**

I. Introduction

Trafficking in human beings remains a highly profitable form of serious and organised crime, explicitly prohibited in the EU Charter of Fundamental Rights.¹ Behind each victim lie devastating experiences and suffering that must be appropriately acknowledged and addressed, and more importantly, prevented. Given the harm caused to the victims, prevention should remain a cornerstone of EU anti-trafficking action. This Communication sets out key actions that need to be stepped up by the Commission and the Member States, including cooperation with EU agencies, civil society, non-EU countries and all other relevant organisations and bodies.

Clearly, there are substantially more victims than those covered by official figures. The crime has an obvious gender dimension. Trafficking for sexual exploitation, involving mainly women and girls as victims, is consistently reported as the prevalent form.²

Driven by considerable profits³ and a very complex interplay of supply and demand, trafficking involves a complex chain of actors who are knowingly or unknowingly involved. The links in this chain must be broken if the crime is to be eradicated. Perpetrators and abusers exploit people's vulnerabilities, exacerbated by factors such as poverty, discrimination, gender inequality, male violence against women, lack of access to education, conflict, war, climate change, environmental degradation, and natural disasters, for the purposes of sexual or labour exploitation, begging, criminal activities and more.

As traffickers' *modus operandi* is constantly evolving, the EU needs to tackle the links between trafficking in human beings and other crimes, including migrant smuggling, terrorism, corruption, drug trafficking, cybercrime and online sexual exploitation, production of material involving the sexual abuse of children, financial crime, document fraud, credit card fraud, and benefit fraud.⁴

As underlined in the European Agenda on Migration, the European Agenda on Security⁵ and other EU policy instruments,⁶ the EU remains committed to preventing and combating trafficking in human beings and to protecting victims' rights, taking account, in particular, vulnerabilities of trafficked women and children. Moreover, trafficking in human beings is a priority crime threat area in the 2018-2021 EU Policy Cycle on Organised and Serious

¹ Article 5 of the Charter of Fundamental Rights of the European Union, Art.79 TFEU and Art. 83 TFEU.

² According to Commission data, 67 % of registered victims of trafficking in the EU are victims of sexual exploitation (95 % of whom are women or girls), followed by labour exploitation (21 % of victims) and other forms of exploitation (12 %). This is consistent with trends identified by regional and international organisations.

³ Annual profits from all forms of trafficking in human beings are estimated at EUR 29.4 bn globally (Europol's Report on Trafficking in Human Beings, Financial Business Model (2015)).

⁴ COM(2016) 267 final; COM(2017) 195 final; Europol's Internet Organised Crime Threat Assessment (IOCTA) 2016, EU Serious and Organised Crime Threat Assessment (SOCTA) 2017 and Situation Report, Trafficking in Human Beings in the EU (2016).

⁵ European Agenda on Migration, COM(2015) 240 final; European Agenda on Security (COM(2015) 185 final).

⁶ Commission Communication on 'An Open and Secure Europe: Making it Happen' (COM(2014)154 final); Commission Communication on protection of children in migration (COM(2017)211); as well as related to EU Drug Strategy (COM(2017) 195 final); Security Union Progress reports (COM(2017) 213 final, SWD(2017) 278 final, COM(2017) 407 final).

International Crime⁷. In addition, the political commitment to stepping up EU action against trafficking in human beings, within the EU and around the world, is supported by the Global Strategy on the European Union's Foreign and Security Policy (EUGS) and by relevant EU strategies and action plans⁸ and European Parliament resolutions.⁹ There is also strong support from civil society.¹⁰

In the last years, the European Union has established a comprehensive and consistent legal and policy framework for combating trafficking in human beings. This covers all EU policy areas relating to trafficking in human beings including funding and research. Directive 2011/36/EU¹¹ on preventing and combating trafficking in human beings and protecting its victims ('the Directive') sets out the legal framework. The Commission continues to monitor the implementation of the Directive¹² by Member States and to report on progress.

The EU Strategy towards the Eradication of trafficking in human beings¹³ ('the Strategy') has been the main instrument for developing, coordinating and implementing EU action in this area. The actions which the Strategy lists under five key priorities relating to *prevention, prosecution, protection* of victims, *partnerships*, and improving *knowledge* have been implemented¹⁴.

Globally, however, the socio-political context has changed significantly since the Directive and the Strategy were adopted. The economic and social impact of the global financial crisis, the migration crisis and the security threats posed by organised crime groups further exacerbate vulnerabilities, and therefore require stronger action at both national and EU levels. Such action must continue to pursue a human rights-based, gender-specific and child-sensitive approach, and their implementation needs to be coordinated within the EU and externally, as well as across various policy fields.

Building on the Strategy and the ongoing efforts to fully implement the Directive, this Communication proposes a set of targeted priorities to step up the EU's efforts to prevent trafficking in human beings. It focuses on disrupting the business model that trafficking in human beings depends on, improving victims' access to rights, and ensuring that EU internal and external actions provide a coordinated and consistent response.

⁷ Council conclusions on setting the EU's priorities for the fight against organised and serious international crime between 2018 and 2021, 7704/17. See also, the EU Serious and Organised Crime Threat Assessment (Europol, 2017).

⁸ Human Rights and Democracy Action Plan; the framework for the EU's activities on gender equality and women's empowerment in the EU's external relations for 2016-2020; the Strategic Engagement on Gender Equality; the EU Strategy on Corporate Social Responsibility and the new European Consensus on Development.

⁹ European Parliament resolutions on implementation of Directive 2011/36/EU (P8 TA(2016)0227) and on the fight against trafficking in human beings in the EU's external relations (P8 TA(2016)0300). See also the EP FEMM Committee's 10 key messages to the European Commission, FEMM/8/09 816 (3 May 2017).

¹⁰ As expressed at the regular meetings of the EU Civil Society Platform against trafficking in human beings, at public events and in numerous submissions to the Commission.

¹¹ Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, OJ L-101, 15.04.2011, p. 1.

¹² COM(2016) 722 final ('Transposition' report), COM(2016) 719 final ('User report'), adopted on 2.12.2016.

¹³ COM(2012)286 final.

¹⁴ For an overview: EU anti-trafficking action at a glance: https://ec.europa.eu/anti-trafficking/publications/eu-anti-trafficking-action-2012-2016-glance_en.

II. Targeted priorities for stepping up EU action to prevent trafficking in human beings

On the basis of the ongoing implementation of the Strategy, the outcomes of the two reports under Article 23 of the Directive¹⁵ and extensive coordination work and exchanges with a range of stakeholders,¹⁶ and in order to step up EU action, three targeted priorities have been identified:

- Stepping up the fight against organised criminal networks by means including disrupting the business model and untangling the trafficking chain;
- Provide better access to and realise the rights for victims of trafficking;
- Intensify a coordinated and consolidated response, both within and outside the EU.

A. Disrupting the business model and untangling the trafficking chain

Profits on lawful and illicit markets and demand for the services and goods provided by victims of trafficking in human beings remain high wherever a culture of impunity for both perpetrators and users prevails. The analysis in the Commission's 'Users' Report, which assesses the impact of existing relevant national legislation, reveals a diverse legal landscape within the EU. National law fails to effectively contribute to discourage demand for services which are the objects of exploitation of trafficking in human beings.

Key action

Starting in 2018, the Commission will:

- ✓ **further encourage those** EU Member States, to the extent they have not done so, **to criminalise those knowingly using services** exacted from victims of trafficking.

Following the money throughout the trafficking chain is crucial to turning trafficking in human beings into a 'high-risk, low-return' crime. This can be done by intensifying investigations and prosecutions and facilitating proactive financial and intelligence-led investigations, asset recovery, freezing and confiscation of profits. Closer cooperation will be promoted for this purpose. It will comprise capacity building between national authorities, including in non-EU countries, and will be carried out through appropriate networks such as the Financial Action Task Force,¹⁷ and with the support of EU agencies.

Discouraging the demand for all forms of exploitation, including through the responsible management of global value chains is key in this respect. As reflected in the EU Trade Strategy¹⁸ and the Council Conclusions on Responsible Global Value Chains of 12 May 2016,

¹⁵ 'Transposition' report and 'Users' report.

¹⁶ EU Network of National Rapporteurs and Equivalent Mechanisms on trafficking in human beings; EU Civil Society Platform against trafficking in human beings; EU Justice and Home Affairs agencies; EU institutions; international organisations.

¹⁷ Cooperation will include activities carried out in the context of applying the Fourth Anti-Money Laundering Directive and in the areas of activity of the EU Financial Intelligence Units Platform, the Association of Law Enforcement Forensic Accountants and the Network.

¹⁸ Commission Communication "Trade for All - Towards a more responsible trade and investment policy" COM(2015)497; Report on the implementation of the Trade Policy Strategy Trade for All- Delivering on a progressive trade policy to harness globalisation COM(2017) 491.

the EU has taken action in several policy areas,¹⁹ in both the internal and the external dimension, to ensure supply and value chains without trafficking in human beings, including in the garment sector.²⁰ The purpose of such action includes the implementation of legislation on non-financial reporting and public procurement²¹, trade instruments and sector-specific measures. It also includes measures to encourage companies to ensure, by adopting and applying codes of conduct and reporting/transparency mechanisms, that their supply and value chains involve no trafficking.²²

Key actions

As of 2018, the Commission will:

- ✓ encourage and assist EU national authorities in their **concrete initiatives to disrupt the financial business model by developing operational activities and methodologies**, following good practice, raising awareness, capacity building and providing training as relevant;
- ✓ encourage and assist Member States to make **investigations and prosecutions more effective** through capacity building, development of tools, information exchange, sharing best practice, law enforcement and judicial cooperation, including promoting the setting up of Joint Investigation Teams both within the EU and with non-EU countries. This can be done with the support of the relevant EU agencies, the European Judicial and Training Network and the European Crime Prevention Network as well as internationally, including through the EU development programmes and the actions under the Common Foreign and Security Policy;
- ✓ promote **sustainable business practices and working conditions in production countries**. This can be done by focusing on development cooperation and financial support to ensure trafficking-free supply and value chains in line with **binding international labour, social and environmental standards as well as EU policies and initiatives**;
- ✓ promote **best practice and training sessions** with relevant national authorities, businesses and civil society, especially on applying the guidelines on the methodology for **reporting non-financial information** that includes trafficking in human beings.

B. Provide better access to and realise the rights for victims

The EU has a legislative and operational framework for helping, supporting and protecting victims of trafficking in human beings. The Commission has published ‘The EU rights of victims of trafficking’²³ in all the official EU languages. This document gives a practical and comprehensive overview of victims’ rights, based on the Charter of Fundamental Rights of the European Union, EU legislation and the case law of the European Court of Human Rights.

¹⁹ These include: transparency, employment and labour conditions, environment and climate change, social dialogue, public procurement, trade, development cooperation, and international relations.

²⁰ For more information, see; https://ec.europa.eu/europeaid/sites/devco/files/overview-garment-related-activities_en.pdf.

²¹ Directive 2014/24/EU on public procurement and repealing Directive 2004/18/EC contains explicitly trafficking in human beings as an exclusion ground under Article 57.

²² Article 57 of Directive 2014/24/EU on public procurement and repealing Directive 2004/18/EC explicitly mentions trafficking in human beings as grounds for exclusion.

²³ ‘EU Rights of the victims of trafficking in human beings’, available at: https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_rights_of_victims_of_trafficking_en_1.pdf.

Identifying victims efficiently and at an early stage is the first step towards making sure they are treated as 'rights holders', have access to their rights and can exercise them effectively, which includes receiving appropriate assistance and protection. As concluded in the 'Transposition Report', national authorities have made substantial efforts to enact the Directive in national law, but there is still significant room for improvement, particularly as regards protection and support measures.²⁴ Inadequate access to information about victims' rights and ineffective referral mechanisms at national and transnational level, coupled with failure to identify all those who fall victim to trafficking (including those in mixed migration flows) continue to prevent victims of trafficking from actually benefiting from the rights to which they are entitled.²⁵

To this end, the Commission will continue to support practitioners and authorities in EU Member States. Building capacities and disseminating best practice for detecting victims, and focusing on guaranteeing access and providing appropriate, gender-specific and child-sensitive assistance and effective remedies are vital aspects of all EU-level efforts. These efforts include developing expertise within EU agencies and making use of it, and promoting training courses on identifying victims for border guards, law enforcement authorities, asylum and immigration officers, reception centre workers, consular and EU staff, guardians for unaccompanied children, as well as authorities with responsibilities in this area who are likely to come into contact with victims of trafficking.²⁶ For this reason, the Commission will support measures designed to improve the identification and appropriate national and transnational referral of victims. It will also promote cooperation between countries of origin, transit and destination, as well as with civil society and international organisations, to make sure that victims are identified early on.

Further, the Commission will support the Member States in making comprehensive and accessible protection and help the integration of victims of trafficking, taking account of the specific needs of each gender. It will also monitor and advise on implementing child-sensitive services at national level - including care, health and education for victims of trafficking - taking into consideration the gender, age and particular needs of individual children. Finally, it will promote the implementation of the '10 EU Principles for Integrated Child Protection Systems'.²⁷

Key actions

From the end of 2017, the Commission will:

- ✓ publish, in cooperation with the European Institute for Gender Equality, **guidance to Member States on gender-specific measures for helping and supporting victims;**

²⁴ The Transposition report refers to specific child protection measures, presumption of childhood and child age assessment, protection before and during criminal proceedings, access to unconditional assistance, compensation, non-punishment, assistance and support to the family member of a child victim.

²⁵ Report on the progress made in the fight against trafficking in human beings, COM(2016) 267 final ('Progress report').

²⁶ The Handbook for the processing of visa applications and the modification of issued visas already makes recommendations on best practice in processing applications submitted on behalf of minors, to make sure there are no grounds for suspecting child trafficking or child abuse (C(2010) 1620 final).

²⁷ Available at: http://ec.europa.eu/justice/fundamental-rights/files/rights_child/10_principles_for_integrated_child_protection_systems.pdf.

- ✓ develop, in cooperation with the European Agency of Fundamental Rights, **practical guidance** to enhance inter-agency and transnational cooperation aiming to **prevent child trafficking of EU children**, ensure protection of child victims, find durable solutions and safeguard their rights under EU and international law;
- ✓ review the functioning of the **Member States' national and transnational referral mechanisms**;
- ✓ focus on capacity building to **improve cooperation by means of EU border and migration management tools** for detecting, identifying and sharing information and data on victims of trafficking and traffickers;
- ✓ advise **national authorities on key concepts relating to trafficking in human beings**, to help improve operational work, policy development, data comparability and reporting.

C. Intensify a coordinated and consolidated response, both within and outside the EU

The EU will take further steps to improve coordination of the internal and external aspects of EU anti-trafficking action. Trafficking in human beings is often linked with other types of crimes, including transnational crimes. The Commission will continue to encourage the national authorities and EU agencies to address trafficking as a form of organised crime that does not stop at national or EU borders, and cooperate with non-EU countries.

The EU Anti-Trafficking Coordinator contributes to a coordinated and consolidated Union response against trafficking in human beings. In this context, the Coordinator ensures closer cooperation at EU level among all the organisations and bodies participating in networks, notably the EU Network of National Rapporteurs and Equivalent Mechanisms on trafficking in human beings; the EU Civil Society Platform against trafficking in human beings; and the contact points in EU Justice and Home Affairs agencies²⁸ with the Coordination Group on Trafficking in Human Beings. Other agencies committed to addressing trafficking in human beings and other relevant EU-level platforms and networks are also included.

In cooperation with the European External Action Service, the Commission will continue to ensure that an anti-trafficking angle is systematically included in all aspects of its relations with non-EU countries and in all relevant policy areas, including human rights, security and organised crime, and gender equality. It will also ensure that commitments on trafficking in human beings set out in the New York Declaration²⁹ are implemented and help shape the Global Compact on Migration through political and operational cooperation. This will be done by promoting enhanced bilateral and regional cooperation with relevant partners and other organisations by means including targeted financing under relevant instruments.

Relevant actors in EU and non-EU countries will be encouraged to tackle issues including protecting victims and reintegrating them into society in their initiatives on prevention, education and shelters, and to address the situation of vulnerable women, children and other groups, including the Roma. The Commission will support them in these endeavours.

²⁸ The seven EU Justice and Home Affairs Agencies issued a joint commitment to address trafficking in human beings in 2011.

²⁹ Resolution 71/1 adopted by the General Assembly on 19 September 2016, New York Declaration for Refugees and Migrants.

Support will be furthered to non-EU countries cooperating with the EU to implement security sector reforms and establish the rule of law on their territory, with the aim of prevention and tackling of trafficking in human beings, building strong law enforcement and prosecution.

In addition, the EU will step up its external action targeting criminal organisations involved in trafficking in human beings. This includes action taken under the mandates of the Common Security and Defence Policy missions and operations, also involving priority countries, including for counter-terrorism activity in the Middle East, North Africa and the Western Balkans.

Key actions

From the end of 2017, the Commission will:

- ✓ together with the Member States and the European External Action Service, **review and identify the priority countries and regions for action against trafficking in human beings**, ensuring consistency and complementarity with the priorities and programming identified in all fields of international engagement, and in particular in migration, security and human rights areas;
- ✓ work towards achieving Agenda 2030 **Sustainable Development Goals** with particular attention to targets 5.2, 8.7 and 16.2 addressing trafficking in human beings, in line with the European Consensus on Development;³⁰
- ✓ promote a **renewed commitment by EU Justice and Home Affairs agencies to working together against trafficking** with the involvement of further relevant agencies;
- ✓ ensure that the components of the **European Union—United Nations Spotlight Initiative** to eliminate violence against women and girls³¹ that relate to trafficking in human beings are implemented;
- ✓ ensure that the measures relating to trafficking in human beings included in the Joint Staff Working Document ‘**EU’s activities on gender equality and women’s empowerment in the EU’s external relations**’ are implemented;
- ✓ ensure that the commitments made under the **Call to Action on Protection from Gender-Based Violence in Emergencies** are met, including assigning humanitarian aid specifically to supporting prevention of and responses to gender-based violence.

III. Cross-cutting priorities for stepping up EU action to prevent trafficking in human beings

In addition to the three specific priorities, two cross-cutting priorities have been identified to continue widening the knowledge base and improving understanding of this complex phenomenon, and to provide appropriate funding in support of anti-trafficking initiatives and projects.

Understanding the nature, scale and costs of the crime is key to ensuring appropriate action at the EU level to prevent the phenomenon. Research, reliable and comprehensive statistics are crucial in identifying and addressing trends, developing evidence-based policy, and measuring

³⁰ New European Consensus on Development - ‘Our world, our dignity, our future’, 2017/C 210/01.

³¹ The initiative is backed by a budget of EUR 500 m.

the impact of individual initiatives. With the implementation of the Strategy, sound basic data on trafficking in human beings has been gathered at EU level, but this needs to be developed further. The Commission will continue to develop data collection methodologies to produce comparable statistics on trafficking in human beings within the EU. It will also follow up the EU-wide survey on the availability of data concerning trafficking in human beings in EU countries that was conducted in 2017. The launch of an EU-wide anti-trafficking campaign will help raise awareness and improve understanding of the nature, implications and complexity of the crime.

The EU will also continue to support anti-trafficking actions through multiple funding streams,³² both within the EU and elsewhere. In its funding support, the Commission will prioritise action to meet the specific needs of people in vulnerable situations, including victims of trafficking for sexual exploitation, in the context of combating all forms of violence against women and children, including in emergencies, and keeping children in education.

Cross-cutting actions for a sound knowledge base

From 2018, the Commission will:

- ✓ publish a study on **the economic, social and human costs of trafficking**;
- ✓ publish a study on the impact of the EU approach to combating trafficking for sexual exploitation, and promote the sharing of best practice among EU countries;
- ✓ publish, in the next Commission Progress Report, the latest **criminal justice statistics on the EU situation as regards trafficking in human beings**, with support from Eurostat, the national statistical authorities and the EU Network of National Rapporteurs and Equivalent Mechanisms;
- ✓ launch an **EU-wide awareness-raising campaign** on trafficking in human beings, targeting users, consumers, and vulnerable groups and high-risk sectors.

Cross-cutting actions to support anti-trafficking priorities in EU and non-EU countries

- ✓ Support anti-trafficking objectives and priorities, including projects taking particular account of **the gender dimension of the phenomenon, high-risk groups as well as high-risk sectors through various EU funding programmes**, such as the Asylum Migration & Integration Fund (AMIF), the Internal Security Fund (ISF) Police & Borders, Horizon 2020, the EU Framework Programme for Research and Innovation, Justice Programme and Rights, Equality & Citizenship Programme, European Neighbourhood Instrument (ENI) and Instrument for Pre-accession Assistance (IPA), Mobility Partnership Facility, the European Development Fund, the Development Cooperation Instrument, the EU Instrument contributing to Stability & Peace (IcSP) and the EU Emergency Trust Fund for Africa.

IV. Conclusion

³² Study on the Comprehensive Policy Review of Anti-Trafficking Projects funded by the European Commission (2016), available at: https://ec.europa.eu/anti-trafficking/publications/comprehensive-policy-review-anti-trafficking-projects_en. Between 2004 and 2015, the Commission directly funded 321 anti-trafficking projects at a total of EUR 158.5 m. This dataset does not include money allocated in response to the migration crisis.

Progress has been made in the consolidation of the EU work against trafficking in human beings. However, since the phenomenon has continued to evolve, EU action to combat trafficking in human beings, both within and beyond the EU, needs to be stepped up. This Communication therefore identifies a set of targeted cross-cutting priorities for a stronger response, to be followed up by all relevant authorities and organisations in a more coordinated and consolidated manner starting as of end of 2017. Member States should use all the ambitious tools available to them to implement the measures agreed on at EU level without delay. The Commission will monitor progress on the action set out in this Communication and report on progress to the European Parliament and the Council by end of 2018.