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Third report on the progress made in the fight against trafficking in human beings (2020) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims

{COM(2020) 661 final}

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1. INTRODUCTION

This staff working document complements the Commission third report on the progress made in the fight against trafficking in human beings as required under article 20 of Directive 2011/36/EU ('Anti-trafficking Directive') on preventing and combating trafficking in human beings and protecting its victims[1] (hereafter 'the Progress report'). It provides **a factual overview of the progress made in addressing trafficking in human beings in the EU, including statistical data and actions taken** since the last progress report. This staff working document also provides detailed information on emerging patterns, identified concerns, specific anti-trafficking actions, funding, implementation of the 2017 Communication, brief analysis of statistical data provided by the Member States[1] and describes the methodology and information sources used. The document takes into consideration actions implemented by the Commission and other relevant stakeholders with respect to the **2017 Commission Communication 'Reporting on the follow-up to the EU Strategy towards the eradication of trafficking in human beings and identifying further concrete action**s' (hereafter "the 2017 Communication")[2]. The 2017 Communication set out the following targeted priorities: (i) disrupting the traffickers' business model and untangling the trafficking chain, (ii) providing better access to and realising the rights for victims and (iii) intensifying a coordinated and consolidated response, both within and outside the EU as well as two cross-cutting priorities: (iv) actions for a sound knowledge base and (v) actions to support anti-trafficking priorities in EU and non-EU countries.

1.1. METHODOLOGY AND INFORMATION SOURCES

The period of reporting and assessment concerned is 2017-2019. However, statistical data collected for the purpose of this report covers the period 2017-2018. The Progress report and this accompanying staff working document are based on a wide range of information sources, including:

- information provided by the national rapporteurs or equivalent mechanisms (NREMs) to the EU Anti-Trafficking Coordinator (EU ATC) pursuant to Article 19 and 20 of the Anti-Trafficking Directive**;**
- contributions submitted by civil society organisations participating in the EU Civil Society Platform and the e-Platform against Trafficking in Human Beings;
- actions taken by the Commission and other stakeholders following the 2017 Communication**;**
- information from the ten EU agencies who signed the 2018 Joint statement of commitment to working together to address trafficking in human beings;
- publications of international and regional organisations;
- documents from the European Parliament and the Council;

[1] Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, OJ L 101, 15.4.2011 ('Anti-trafficking Directive').

[2] COM (2017) 728.

- statistical data on trafficking in human beings from national statistical authorities in the Member States. The data collection was carried out as a coordinated effort between national rapporteurs and equivalent mechanism and the European Commission.

1.2. MEMBER STATES AND NATIONAL RAPPORTEURS OR EQUIVALENT MECHANISMS (NREMS)

The Anti-Trafficking Directive foresees that the tasks of the NREMs should at least include 'the carrying out of assessments of trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including gathering of statistics in close cooperation with relevant civil society organisations active in this field, and reporting" (Article 19). The Anti-Trafficking Directive further stipulates in Article 20 that 'Member States shall transmit to the ATC the information referred to in Article 19, on the basis of which the ATC shall contribute to reporting carried out by the Commission every two years on the progress made in the fight against trafficking in human beings'.

The methodology used in the third progress report follows the approach taken for the first (2016)[3] and second (2018)[4] progress reports of the Commission and builds on that previous experience. The Commission provided the EU Network of NREMs on trafficking in human beings with a guiding document with questions to facilitate reporting and to ensure a coordinated approach at the EU level. National rapporteurs and equivalent mechanisms were requested to report on achievements, results and impact of anti-trafficking actions carried out and to provide an assessment of key trends in trafficking in human beings and identified concerns that need to be addressed. They were asked to report on how they have addressed at the national level the recommendations made in Second Progress Report. -.

The information provided by the NREMs is extensive and includes reporting on identified new patterns and trends in trafficking in human beings, national policy and legislative developments, strategic and operational actions, and relevant funding. Examples of national measures and actions are presented throughout this document in order to complement the analysis.

1.3. EU CIVIL SOCIETY PLATFORM AND E-PLATFORM AGAINST TRAFFICKING IN HUMAN BEINGS

The progress report and staff working document take into consideration contributions submitted by civil society organisations participating in the EU Civil Society Platform against trafficking in human beings (hereafter 'the Platform') and the complementary e-Platform. As per the process followed for the first (2016) and second (2018) progress reports, the contributions of those Member States which agreed to do so was shared with civil society organisations participating in the EU Civil Society e-Platform for their comments and contributions. This concerned 25 Member States'[5] reports. Further, the

[3] COM(2016) 267 final and SWD(2016) 159 final.
[4] COM(2018) 777 final and SWD(2018) 473 final.
[5] Three Member States objected on sharing their reports through the described process.

contributions of those nine civil society organisations, which agreed to do so, were shared via the ePlatform of the EU network of National Rapporteurs and Equivalent Mechanisms.

This process implements in a tangible way the requirement for close cooperation between the Member States and civil society organisations set forth in Article 20 of the Anti-trafficking Directive. The Directive further recognises the key role of civil society in the joint efforts to address trafficking in human beings.

Civil Society Contribution to the Report

Civil society provided 29 contributions (single and joint) to the third progress report, involving 63 civil society organisations participating in the Platform and in the e-Platform. The contributing civil society organisations are based in 14 Member States (AT, BE, DE, ES, FR, HR, IT, IE, LV, MT, NL, PT, SE, UK) and include European and international offices.

1.4. EU AGENCIES

On 13th June 2018, the Heads of ten EU Agencies signed a Joint Statement of Commitment to working together to address trafficking in human beings. The signatory agencies comprised the European Asylum Support Office (EASO), European Union Agency for Law Enforcement Cooperation (Europol), European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), European Union Agency for Criminal Justice Cooperation (Eurojust), European Institute for Gender Equality (EIGE), European Border and Coast Guard Agency (Frontex), EU Agency for Fundamental Rights (FRA), EU Agency for Law Enforcement Training (CEPOL), and the European Foundation for the Improvement of Living and Working Conditions (Eurofound). The 2018 Joint Statement builds on the work and synergies created with the first Joint statement signed by the heads of seven Justice and Home Affaires Agencies in 2011.

The Commission requested contributions to the third progress report from the ten EU agencies in line with the commitments undertaken to address trafficking in human beings[6] and in the framework of their respective mandate and work carried out under the EU legal and policy framework on trafficking in human beings.

1.5. OTHER SOURCES

Other information sources used in the progress report include strategic documents from the European Parliament, the Council and international and regional organisations. Cooperation with strategic partners at international level and enabling policy coherence is ensured via multilateral processes, including in relation to the United Nations (UN)

[6] Please refer to the text of the commitment: https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_agencies_joint_statement_of_commitment_to_working_together_to_address_thb.pd f

Protocol to Prevent, Suppress and Punish trafficking in human beings, especially women and children, supplementing the UN Convention against Transnational Organized Crime and its Protocols and the Council of Europe Convention on Action against Trafficking in Human Beings[7]. The coordination work has also involved policy exchanges with the Inter-Agency Coordination Group against Trafficking in Persons (ICAT)[8]. The Group of Experts on Action against Trafficking in Human Beings (GRETA), responsible for monitoring the implementation of the Council of Europe Convention, carries out country visits, evaluations of legislative and other measures taken by Parties to the Convention and publishes general activity reports. References to relevant documents and actions from these organisations are made throughout this document, in a context of continued cooperation with strategic partners.

1.6. STATISTICS FROM THE MEMBER STATES

The Commission conducted the fifth EU-wide data collection to gather statistics on trafficking in human beings for the period 2017-2018 from the Member States. The study on data collection on trafficking in human beings in the EU, accompanying this progress report, provides in-depth analysis of criminal justice statistical data for years 2017 and 2018. This data collection has been carried out in a continued effort from the Commission and the Member States to provide evidence on the criminal phenomenon and on its victims. The data indicators and disaggregation used in the study follow previous approach to EU-wide data collection on trafficking in human beings, with some updates. Previous data collections were presented in two working papers published by Eurostat in 2013 and 2014 and updated in 2015; and the Commission first and second progress reports, respectively for the years 2013-2014 and 2015-2016. With this latest data collection, EU-wide statistics on trafficking in human beings are available for a period of ten years– from 2008 until 2018 included.

For the purpose of the fifth EU-wide data collection, the Commission requested data, through Eurostat, from all EU Member States via the national statistical authorities. The European Commission ensured a coordinated approach to the data collection, involving the National rapporteurs and/or Equivalent Mechanisms. Eurostat facilitated the exchanges with Member States statistical authorities for clarifications on the reported data, made relevant technical adjustments, processed and managed data and computed the quantitative analysis.

2. THE TRAFFICKING PHENOMENON

Protecting Europeans from organised crime, and in particular tackling the trafficking in human beings, is a priority under the new EU Security Union Strategy[9]. Trafficking in human beings is a grave violation of fundamental rights and a particularly serious crime, driven by profits and involving a chain of actors. The Commission highlighted in the

[7] Council of Europe Treaty Series No. 197.

[8] ICAT is a policy forum mandated by the UN General Assembly to improve coordination among UN agencies and other relevant international organisations to facilitate a holistic and comprehensive approach against trafficking in persons and for protecting and supporting victims of trafficking, available at: https://icat.network/

[9] COM(2020) 605 final.

second progress report that trafficking in human beings "brings high profits to the perpetrators, who abuse people's vulnerabilities and exploit the demand for the services provided by the victims. It results in long-term harm to its victims, our societies and economies."[10] "The complex interplay of supply and demand amongst perpetrators, abusers, profit-takers, exploiters and users creates a long chain of actors, whether they are knowingly or unknowingly involved."[11] The second progress report also referred to Frontex Risk Analysis 2018[12] highlighting that trafficking in human beings is one of the most profitable forms of organised crime, generating billions of euros for traffickers. "Europe, which comprises some of the wealthiest nations in the world, has long been an important market for the exploitation of victims, particularly through sexual exploitation, forced labour, exploitation of criminal activities, begging and illegal adoption. The high levels of supplying origin countries, coupled with the demand for cheap labour and sexual services in the destination countries, are among the most common root causes of human trafficking"[13]. Europol refers to estimates on global annual profit from trafficking in human beings amounting to EUR 29.4 billion[14].

In its 2017 Communication, the Commission identified "disrupting the business model and untangling the trafficking chain" as a key EU priority, noting that "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."

As a key action of the 2017 Commission Communication, the Study on the economic, social and human costs of trafficking in human beings has been carried out. The study provides annual estimate on the cost of trafficking in human beings based on a thorough methodology developed by academics[15]. **The total cost of trafficking in human beings for the EU-28 in 2016 is estimated at EUR 3.7 billion (EUR 3 700 524 432)** (EUR 2.7 billion or 2 708 804 838 for EU-27)**. The cost of trafficking over the lifetime of one victim is estimated at EUR 312 756 in the EU-28** (EUR 337 463 in EU27). **These are costs triggered by the serious violation of fundamental rights of women, men, girls and boys by traffickers. These costs continue to be borne by our societies as the trafficking crime persists. This is a conservative estimate** based on the number of victims registered with the authorities in Member States in 2016. The estimate would have been higher if victims not registered with the authorities had been included in the methodology and if robust data were available on some of the harms caused.

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10 European Commission (2018) Second report on the progress made in the fight against trafficking in human beings as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181204_com-2018-777-report_en.pdf

11 European Commission (2018) Second report on the progress made in the fight against trafficking in human beings as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.

12 Frontex (2018) Risk Analysis for 2018.

13 Frontex, Risk analysis for 2018

14 Europol (2015), The Trafficking in Human Beings financial business model

15 European Commission,Study on the economic, social and human costs of trafficking in human beings within the EU (2020)

Three main types of costs of trafficking in human beings are considered in the study: use of services (coordination and prevention, specialised services, law enforcement, health services and social protection), lost economic output and lost quality of life. **The effects of trafficking on victims have significant duration.** The cost of trafficking is spread across the different phases of trafficking: in trafficking, in services and post-trafficking.

Health services and social protection: Victims of trafficking were more likely to use health services and social protection than other people, because of the long-term damage to their physical and mental health while in trafficking. These hurts and increased use of these services last for several years after trafficking is over.

Lost economic output: Economic output is lost when the victim is not participating in the legal economy while in trafficking and in services, and when the victim has reduced participation post-trafficking as a consequence of the long-term harms to health.

Lost quality of life: Victims of trafficking are subject to **physical, sexual and mental injuries that reduce the quality of life**. A value is placed on these losses in the quality of life.

Victims of sexual exploitation:

- There are **higher costs for victims of sexual exploitation.** This is largely driven by the larger costs to health associated with sexual violence (rather than physical violence or threat).
- There are **higher costs for female** rather than male **victims:**
  - This is driven by the **larger costs associated with sexual exploitation, which is disproportionately experienced by women.**
  - The larger costs associated with sexual exploitation are linked to greater utilisation of health services and social protection, **greater lost economic output and greater lost quality of life.**
- There are **higher costs for child rather than adult victims** due to greater utilisation of health services and greater lost quality of life.

3. KEY PATTERNS OF TRAFFICKING IN HUMAN BEINGS AND RESPONSES TO ADDRESS THEM

3.1. COVID -19

Impact of the Covid-19 pandemic on trafficking in human beings

Criminals have seized the opportunities during the Covid-19 pandemic to generate significant profits and intensify certain types of criminal activity. Although the full impact of the pandemic is not yet apparent, concerns have emerged regarding the possible short and long-term impact of the crisis on victims of trafficking and with regard to changing modus operandi of criminals.

The pandemic raises extraordinary challenges to the economic and social cohesion and the disproportionate consequences for the most vulnerable groups who face an increased risk of exploitation[16]. Europol considers that the effect of the pandemic will have an impact on different forms of exploitation[17]. In those EU countries where prostitution is legal, the prolonged closure of establishments offering legal sex work is likely to increase the vulnerability of victims of trafficking in human beings for sexual exploitation. Most likely, networks are still advertising victims of trafficking, probably increasingly on the Internet, or victims may continue to be abused in hidden locations, such as private apartments, rented or owned by criminal networks. As a consequence of the lockdowns and the new sanitary measures implemented, sexual abuse of victims may also shift to online streaming to a greater degree, where victims are filmed while being abused, and the violent acts are uploaded online. Traffickers continue taking advantage of the demand for cheap labour, especially in unregulated industries such as the agricultural sector, food production and catering services. In the medium-long term, the weakening of the economy in several EU countries may further increase demand for cheap labour. Once the border restrictions are lifted, traffickers may increasingly target vulnerable EU citizens suffering from economic distress, along with irregular migrants present in the EU territory.

The United Nations Inter-Agency Coordination Group against Trafficking in Persons (ICAT) has voiced concerns in particular with regard to the risks of hindered access to services and support for victims of trafficking, delay in the identification of victims, access to justice and return of victims of trafficking to their countries of origin, exacerbating risks for vulnerable groups of individuals, including women and girls, increasing prevalence of sexual exploitation online and use of technology to facilitate criminal conduct[18]. Civil society organisations have warned about a range of issues exacerbating the risks of trafficking in human beings, such as denied access to shelters to victims of trafficking because of the pandemic[19], fewer referrals and increased marginalisation of vulnerable groups to trafficking, such as undocumented migrants and marginalised Roma communities, the disproportionate impact of the crisis on women and girls, the increase in demand for pornography on the Internet and online sexual exploitation, especially of children[20].

Trafficking in human beings is likely to increase in the wake of the economic downturn and unemployment triggered **in the aftermath of the pandemic**[21]. Europol had already warned in April 2020 that if the Covid-19 pandemic was followed by an economic

16 Statement by OSCE Special Representative for Combating Trafficking in Human Beings on need to strengthen anti-trafficking efforts in a time of crisis.

17 Europol's contribution to the third progress report.

18 COVID-19 pandemic and its impact for victims and survivors of trafficking in persons, https://icat.network/sites/default/files/28%20April_COVID%20ICAT%20webstory%20and%20list%20of%20resources%20%283%29.pdf

19 Impact of the Covid-19 Pandemic on Trafficking in Persons, UNODC 2020, https://www.unodc.org/documents/Advocacy-Section/HTMSS_Thematic_Brief_on_COVID-19.pdf

20 Civil society organisations' contributions to the third progress report.

21 How COVID-19 restrictions and the economic consequences are likely to impact migrant smuggling and cross-border trafficking in persons to Europe and North America, Research brief, UNODC.

recession, there would be visible consequences in the criminal landscape of trafficking in human beings, including a potential increase in the demand for labour and sexual exploitation. It further noted that besides traditional fields of exploitation (prostitution, begging and theft, textile and agricultural sectors), sectors such as construction, tourism, catering, nursing and domestic services are increasingly affected by trafficking in human beings. In addition to the prolonged harm suffered by victims of trafficking, the closure of businesses with lower profit margins due to an economic crisis will leave the market open to those with illegal or cheap labour at their disposal[22].

Against the backdrop of a global crisis, stronger political will be needed to implement the legal requirements with regard to identification, assistance, support and protection of victims of trafficking in human beings, and for an adequate criminal justice response to the crime to establish criminal responsibility and to deprive criminals from their profit.

3.2. STATISTICS, PATTERNS AND ACTIONS TAKEN –OVERVIEW

3.2.1. STATISTICAL DATA FOR 2017-2018

Data was collected for 2017-2018 from the 28 EU Member States on the number of registered (presumed and identified) victims of trafficking in human beings and on the number of traffickers who were suspected, prosecuted or convicted, taking into account their gender, age, nationality and the forms of exploitation. Data was also requested with regard to national provisions criminalising the use of services exacted from victims, in particular as to suspects, prosecutions and convictions and additional breakdown by sex and age. The data for 2017-2018 show similar patterns to the earlier data collection with regard to registered victims, suspects and traffickers. **This data collection re-confirmed that there are substantial differences in the way that Member States record and collect data. Further efforts across the EU are needed to ensure quality and comparability of data on trafficking in human beings[23].**

Victims in 2017 and 2018 in the EU[24]:

- **26 268 victims of trafficking** were registered in the EU-28 (14 145[25] for the EU 27[26]). There are reasons to believe **that the actual number of victims of trafficking is significantly higher** and many victims remain undetected and thus not included in these figures reported here.
- **Over half (60%) of the registered victims were trafficked for sexual exploitation** in the EU 27. Including the data from the United Kingdom (UK)

22 Europol 2020, Beyond the pandemic- How Covid 19 will shape the serious and organized crime landscape in the EU.

23 Study on Data collection on Trafficking in human beings within the EU (2020)

24 Where data significantly changes the EU level picture, a separate data headlines are provided for EU-27 and EU-28.

25 13461 in 2015 and 2016 in EU-27

26 The United Kingdom accounted for nearly half of all the registered victims in the EU 28 in the period 2017-2018.

changes this picture: nearly half (46%) of all registered victims were trafficked for sexual exploitation. Fifteen percent **(15%) of registered victims in the EU27 were trafficking for labour exploitation.** Including the data from the UK changes the picture as nearly a quarter (22%) of registered victims were trafficking for labour exploitation. The majority of the registered victims trafficked for labour exploitation within the EU are found in the United Kingdom (64%). Other forms of exploitation, such as exploitation of criminal activities, forced begging, domestic servitude, removal of organs, benefit fraud and others, formed the remaining part (18% in the EU 27 and 24% in the EU 28)[27].

- **Nearly three quarters (72%) of all registered victims were female (women and girls) and close to one quarter (23%) were male in the EU27[28].** Including UK data, 58 % of all registered victims were female, whereas 39% were male[29].

- **Children accounted for nearly a quarter (22%)** of all registered victims in the EU 27. Including the United Kingdom data, the share of children among all victims raises to nearly one-third (32%) as the majority of child victims are registered in the United Kingdom (63%). In EU28, of all **child victims of trafficking, 57% are EU citizens** (out of which **49% trafficked in their own country)** and **41% of trafficked children are non-EU national**.[30]

- **Trafficking within the EU: EU citizens accounted for nearly half (49%) of all registered victims in the EU27.** Including the United Kingdom data, the share of EU citizens was equal to 41%.

- **Internal trafficking within one's own country:** 27% of registered victims of trafficking were citizens of the reporting country in the EU28.

- **The top five EU countries of citizenship of registered victims** in the EU28 by absolute numbers were Romania, the United Kingdom, Hungary, France and Poland. The top five EU countries of citizenship of registered victims in proportion to the size of their population were Romania, Hungary, Bulgaria, Latvia and Lithuania.

- **The top five non-EU countries of citizenship of registered victims** in EU28 were Nigeria, Albania, Vietnam, China and Sudan. The first four countries were among the top non-EU countries of citizenship of registered victims in the previous reporting period.

Traffickers (suspected individuals, prosecutions and convictions) in 2017-2018 in the EU[31]:

27 In the EU 27, the form of exploitation was unknown for 7% of the registered victims; and 8% for the EU 28.

28 The sex of 5% of registered victims in the EU 27 was unknown.

29 The sex of 3% of registered victims in the EU 28 was unknown.

30 The citizenship of 1% of trafficked children is unknown, and 1% is categorised under "other".

31 Data mainly cited where more than half of Member States reported statistics.

- There were 11 814 persons in formal contact with police and criminal justice systems as suspects, 6 404 prosecutions and 2 483 convictions for trafficking in human beings offences were reported in 2017-2018 in the EU28[32].

- The majority of traffickers were EU citizens: 68% of the suspects[33], 56% of those prosecuted and 72% of those convicted for trafficking in human beings.

- Traffickers for sexual exploitation: The majority of all traffickers registered in the EU concerned trafficking for sexual exploitation: 77% of the suspects, 58% of the prosecuted and 54% of the convicted persons. Less than one-fifth of all traffickers registered in the EU concerned labour exploitation: 13% of the suspects, 19% of the prosecuted and 16% of the convicted.

- Nearly three-quarters of the traffickers registered in the EU were male: 73% of the suspects, 69% of the prosecuted and 74% of the convicted. The vast majority of all registered traffickers consisted of adults (91% of the suspects, 87% of the prosecuted and 93% of the convicted).

- The more than two thirds of the suspects (68%) were male, 28% were female[34] Similarly, 68% of the prosecuted individuals were male and 24% female[35]. Of those convicted 67% were male, 24% female[36].

- Traffickers for labour exploitation: Three-quarters (76%) of the suspects were male and 23% female[37]. Of those prosecuted, 76% were male and 20% were female[38]. Of those convicted, 77% were male and 12% were female[39].

Statistics reported under national provisions for criminalizing the use of services exacted from victims of trafficking in human beings:

- A total of 170 suspects, 162 prosecutions and 133 convictions were reported within the EU in 11 Member States.

3.2.2. ADDRESSING ALL FORMS OF EXPLOITATION

The Anti-Trafficking Directive contains minimum rules concerning the definition of the criminal offences, including a non-exhaustive list of forms of exploitation: prostitution and other forms of sexual exploitation, forced labour or services, including begging, slavery and similar practices, the exploitation of criminal activities and the removal of

32 Without data from the UK, there were 11 788 persons in formal contact with police and criminal justice systems (suspected, arrested or cautioned), 6 163 prosecutions and 2 426 convictions for trafficking in human beings offences reported in 2017-2018 in the EU 27.

33 Persons in formal contact with police and criminal justice systems as suspected, arrested or cautioned person.

34 3% reported as unknown.

35 8% reported as unknown.

36 9% reported as unknown.

37 1% reported as unknown.

38 4% reported as unknown.

39 11% reported as unknown.

organs. Trafficking for other forms of exploitation can take place and a number of Member States have penalised additional forms of exploitation in their criminal law since the adoption of the Anti-Trafficking Directive, including trafficking for forced marriage, pornography or extraction of human organs.

Trafficking in human beings remains a priority crime area in the EU Policy cycle for organised and serious international crime for 2018-2021 with the objective "to fight against the trafficking in human beings in the EU **for all forms of exploitation, including sexual and labour exploitation as well as all forms of child trafficking**"[40].

The Anti-Trafficking Directive applies equally to all victims of trafficking in human beings and requires attending to their specific needs. The Second progress report (2018) identified the need to intensify actions, including information and awareness-raising campaigns, to address all forms of exploitation.

Member States have undertaken efforts in this respect during the reporting period. These include, in particular, the adoption of new National Action Plans or National Strategies (e.g. BG, CY, DK, FR, HR, HU, LT, NL, PL, PT, RO, SE, SI, SK) or revising or drafting such documents (e.g. LU, LV and ES). Several Member States specifically highlight the role of national bodies dedicated to the fight against trafficking in human beings in monitoring the implementation of the plans or strategies and coordinating anti-trafficking action (e.g. MT, RO). Member States have also carried out efforts in order to setup new monitoring bodies or units specialised in the fight against trafficking in human beings (e.g. DE, FI, LT, IE, SI). Further, Lithuania reports on the appointment of a National Rapporteur, and Ireland is under the process of designating the Irish Human Rights and Equality Commission as the independent National Rapporteur. Member States highlight the existence of synergies between the policy framework against trafficking in human beings and public policies adopted at the national level in related areas, such as organised crime, security, business and human rights, fight against violence against women and children, asylum or illegal work (e.g. BE, ES, FR). Participation in the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) is also mentioned by several Member States as part of the efforts to address trafficking for all forms of exploitation (e.g. CY, DE, LU). Member States also referred to certain legislative measures of comprehensive nature.

However, civil society organisations expressed concern that some forms of trafficking are less in the focus of action than others, such as trafficking for forced marriage and exploitation in the context of the domicile. They stress the need for Member States to adopt comprehensive national strategies addressing trafficking in human beings for all forms of exploitation, as well as to set up independent national rapporteurs and political coordinating bodies.

[40] Council conclusions on setting the EU's priorities for the fight against organised and serious international crime between 2018 and 2021, 9450/17.

3.3. TRAFFICKING FOR THE PURPOSE OF SEXUAL EXPLOITATION

Trafficking in human beings is a form of violence against women. The Anti-Trafficking Directive establishes common minimum rules on preventing and combatting trafficking in human beings and protecting its victims. Women and children are particularly vulnerable group for trafficking in human beings, which highlights the gender aspect of the crime. Out of the three sustainable development goals of the UN Agenda 2030 for sustainable development addressing trafficking, two pay particular attention to women and children[41]

Regarding the impact beyond Covid-19, Europol warns about a possible increase in intra-EU trafficking in human beings and in the demand for sexual exploitation[42].

Trafficking in human beings for the purpose of sexual exploitation continues to be consistently the most reported form in the EU-27, with 60% of all registered victims. Women and girls remain the majority of victims of trafficking for all forms of exploitation as they represent 72% of all EU-27 victims.

Over half of the registered victims of trafficking for sexual exploitation in the EU 27 were EU citizens (54%) and 42% were non-EU citizens.

The EU Gender Equality Strategy 2020-2025[43] highlights that women and girls form the vast majority of victims of trafficking in human being and are mostly trafficked for the purposes of sexual exploitation. The EU addresses trafficking in human beings comprehensively through coordination in all relevant areas. Countering impunity of users, exploiters and profit-makers is a priority. The concerns of women and girls affected by trafficking have to be at the centre of policy development. As announced in the Strategy, EU's accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence remains a key priority for the Commission. The Commission also intends to issue a legislative proposal to prevent and combat specific forms of gender-based violence. The legislative initiative will have the same objective as the Convention: ensuring that EU Member States have effective measures in place (in areas of EU competence) to prevent and combat violence against women.

Many Member States noted that sexual exploitation remains the most reported form of trafficking (e.g. AT, BE, CY, EE, DK, DE, EL, HU, NL, RO, SK, ES). This finding is also underlined in civil society submissions. Eurojust highlights that the majority of trafficking in human beings cases in the EU involve sexual exploitation. Further, Europol found that sexual exploitation is the most reported practice of trafficking in human beings in the EU and the majority of the victims are EU nationals from Eastern and Central Europe, while non-EU victims are mainly from Nigeria, where organised crime groups

41 See Sustainable Development Goals (SDGs) 5.2; 8.7 and 16.2.

42 Europol, "Beyond the pandemic - How COVID-19 will shape the serious and organised crime landscape in the EU" (2020)

43 COM(2020) 152 final.

(OCGs) continue to considerably influence EU organised crime. Frontex reports that the main change observed at the external borders is that the number of arriving Nigerian women has decreased considerably and has been on a downward trend (at least since the beginning of data collection on gender in 2018). While not all women would be victims of trafficking in human beings, the past years have shown how they are transported among the flow of irregular migrants crossing, to a large extent, the Central Mediterranean. In the period 2018-2019, the number of arriving Nigerian women has remained low, which indicates a possible change in modus operandi of the criminal networks.

The definition of trafficking in human beings under the Anti-trafficking Directive includes among the offences the exploitation of the prostitution of others and other forms of sexual exploitation. The sex industry and prostitution are high-risk sectors for trafficking for sexual exploitation[44]. Member States have different approaches and legislation on prostitution. EU law provides for minimum common rules for Member States to address the criminal offence of trafficking in human beings. For the reporting period, several Member States highlighted legislation addressing the links between trafficking for sexual exploitation and prostitution. Latvia reports on a draft law, which aims at reducing prostitution. In the Netherlands and Germany, legislative developments focus on regulating the prostitution sector.

Member States referred to **high-risk environments**, such as street prostitution (e.g. HU, AT, FR), red light districts (e.g. DE) prostitution in private flats and homes (e.g. AT, SI, ES, CY, DK, HU), hotel rooms (e.g. SI, DK) or other kind of rented apartments, escort agencies and services (e.g. DK, RO, HU, AT, FR), walk-in brothels (e.g. AT), massage services (e.g. SI, RO, CY, HU), and bars and nightclubs (e.g. CY, BG, SI, ES, HU). Europol refers to prostitution as a traditional field of exploitation for trafficking in human beings[45]. Some Member States (e.g. BE, SI, ES) and civil society organisations report on a decrease in street prostitution. Denmark notes that efforts from the police could have led to a change in the modus operandi of the traffickers, resulting in fewer women of non-EU citizenship being forced to prostitute in the streets. Civil society reports a rise in trafficking for sexual exploitation through websites and online escort services, which is paired with a decrease in street prostitution and brothels.

Civil society stresses the need to also focus on trafficking for sexual exploitation in other sectors than prostitution, such as pornography, non-commercial sexual exploitation for the benefit of the traffickers or forced marriage.

Member States acknowledge a common change in modus operandi, characterised by a rapid development of the Internet and new means of communication being deployed in many stages of the trafficking chain (e.g. DK, RO, SI, SP, FR, BG, CY,

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44 European Commission, "Working together to address trafficking in human beings: Key concepts in a nutshell" (2018).

45 Europol, 30 April 2020, Beyond the pandemic how COVID-19 will shape the serious and organised crime landscape in the EU

DE, LT, PT, GR, SE, AT, SP). This includes the recruitment of victims, with the use of social media as common means for recruitment; the transport of victims, notably through the purchase of flight or train tickets online; the organisation of accommodation; the communication and organisation between perpetrators via open-source messaging and messenger tools, and the communication with victims through the same means; the use of threats to victims with the publication of nude images online; the advertising of victims online or on social media and online chats; the monitoring of victims through online video surveillance and through mobile phone location services; and the transfer of profits by virtual payment methods. **Civil society organisations mention internet as a growing risk for trafficking in human beings, particularly for sexual exploitation for profit.** The risks lie in the fact that the internet provides a less visible environment, which allows for a less visible recruitment of victims, and a less-visible marketplace which connects users to services and provides an opportunity to target children.

Some Member States reported on male victims (e.g. PL, GR, SE). For example, Greece informed that two thirds of minors who are trafficked there are boys and they are mainly exploited for sexual services and for criminal activities. Sweden has reported an increase in sugar dating, which involves older men approach and grooming both girls and boys under 18 years of age for the purpose of sexual exploitation and the production/distribution of child sexual abuse images. Civil society raises the issue of cases of men and boys being trafficked for the purpose of sexual exploitation being often under-represented or unnoticed.

Limited information is provided with regard to trans-gender victims of trafficking. Some Member States (e.g. SE, DK, AT) refer to cases of transgender victims being trafficked for the purpose of sexual exploitation, including in the prostitution sector.

Member States report on vulnerability factors that perpetrators take advantage of, including socio-economic factors, such as poor education (e.g. RO, LT, PL, EL, CZ, BG), difficult financial circumstances (e.g. PL, EL, BG) and the promise to provide the victim with a very well-paid job (e.g. EL), or deception regarding the details of the job, as well as mental disabilities.

Regarding the age of the victims, a significant number of children, boys and girls, continue to be trafficked for sexual purposes (e.g. BE, LV, NL, SE, RO). Romania reports that in recent years, an increasing number of victims, mostly girl victims of trafficking, has been exploited through pornographic representations. **Similarly, civil society reported the presence of children amongst victims of trafficking for sexual purposes, as well as children being groomed. In some cases, they specifically refer to the use of online chat rooms for recruiting.**

Member States reported that traffickers tend to be from the same country as the victims (e.g. PT), and younger than in other forms of exploitation (e.g. SK, NL). Perpetrators are predominantly men, but there is a growing presence of female traffickers (e.g. LT, EL). Member States continue to report that **female perpetrators** are increasingly involved in this criminal activity (e.g. LT, EL) and civil society highlight that women play a fundamental role in trafficking and in particular with regard to children.

The vast majority of Member States report on specific measures taken in order to address key patterns and emerging trends in relation to trafficking for sexual exploitation. However, **civil society organisations continue to highlight insufficient focus on trafficking for sexual exploitation in the EU, including when it comes to investigations, and as to the gender dimension of the crime.**

An addition to assisting, supporting and protecting victims, specific measures addressing trafficking in human beings for sexual exploitation, especially concerning women and girls, have been taken, including in high-risk sectors, such as prostitution. Member States report on operational activities, such as criminal investigations, covert surveillance, internet surveillance on trafficking for sexual exploitation (e.g. BG, DE, FI, PT, UK) police assessment and monitoring of high-risk sectors, awareness raising campaigns in high-risk sectors (e.g. PT, BG), e-learning course aimed at diplomatic officials (e.g. SE) as well as institutional and policy developments, such as the setting-up of working group or committee (e.g. AT, LU). Some Member States highlighted EU-level cross-border cooperation and international cooperation, especially within the framework of, or in cooperation with, Europol, in order to address trafficking for sexual exploitation (e.g. AT, BG, PT). Further educational and training-related measures addressing trafficking for sexual exploitation are reported by Member States (e.g. LT, LV, RO, SI), including targeting high-risk sectors and high-risk groups, such as marginalised Roma communities (forced marriages) or migrants and refugees. Measures addressing child trafficking for sexual exploitation at the national level include national action plans, investigations, publication and translation of guideline on the use of a child-sensitive language, and targeted training for professionals likely to come into contact with child victims of trafficking.

Large prostitution ring dismantled in France, Bulgaria and Germany with Eurojust support[46]

On 3 July 2018, a joint action day in France, Bulgaria and Germany resulted in searches for more than 20 locations and arrests of 10 pimps, who have been operating since 2015, promising young Bulgarian women employment in France. The women were transported first to Germany and then to Strasbourg and Annecy, where they were forced into prostitution. The women were compelled to give their earning to the pimps who kept women under close watch. The joint action day was carried out by authorities from JIRS[47] Nancy, the Bulgarian Prosecutor General and the Prosecutor's Office of Oryahovo. The pimps were arrested in France, Bulgaria and Germany, charged with pimping, trafficking in human beings, organised crime and money laundering. At the time of the arrests, several women were put in contact with support groups and organisations to help them return safely to their country.

46 http://www.eurojust.europa.eu/press/PressReleases/Pages/2018/2018-07-16.aspx

47 http://www.justice.gouv.fr/organisation-de-la-justice-10031/lordre-judiciaire-10033/les-juridictions-interregionales-specialisees-13836.html

Several Member States report on measures focusing on demand reduction for sexual exploitation, such as adoption of new legislation (e.g. CY, LU, IE), amendments to criminal law codes (e.g. EE, EL) or ongoing gender-specific review of relevant national law (e.g. EL, IE). In Ireland, the Criminal Law (Sexual Offences) Act 2017 addresses the demand for commercial sex. In 2019, the Department of Justice and Equality and other State agencies worked in partnership with civil society with a view to developing awareness around the new legislation. A key objective of Part 4 of the Act is to reduce demand for sexual services. It provides for two new offences of paying for sexual activity with a prostitute and paying for sexual activity with a trafficked person, with this latter offence carrying a penalty of up to 5 years' imprisonment and/or an unlimited fine. The Act also removes those who offer their services as a prostitute from the existing offences of soliciting for the purpose of prostitution. A number of files have been initiated resulting in a well-publicised first conviction for the purchase of sex in 2019.

Some Member States also mentioned prevention measures aimed at reducing the demand for services of the victims of trafficking for sexual exploitation, including training and awareness raising (i.e. IE, IT, SL) or education initiatives in other relevant areas, e.g. human rights, reproductive health and sexual education (e.g. EL, LT). Sweden refers to the work of the three large municipal services for victims of prostitution and trafficking in human beings for sexual and other purposes. They also operate separate support services for men, who purchase, men who have purchased sexual services in the past, and for potential prostitution users.

Operational measures in cooperation with civil society in Ireland

Operation Quest is an operation undertaken by the Garda National Protective Service Bureau relating to organised prostitution, which provides related training and awareness and liaises with NGOs, with a view to ensuring the detection of sexual exploitation of trafficked persons and the undertaking of associated investigations.

Personnel assigned to Operation Quest are pro-active in the on-line monitoring of internet websites associated with prostitution and liaise with both Government and Non-Government organisations working in this area. The relevant personnel regularly carry out safeguarding checks with regard to the sex trade, which assists in identifying potential victims of human trafficking for sexual exploitation. These safeguarding checks also assist personnel assigned to Operation Quest in monitoring the welfare of persons engaged in the sex trade and to inform them of the services of relevant NGOs.

Efforts aimed at improving the identification of victims of trafficking for sexual exploitation were further reported by Member States, such as targeting law enforcement authorities (e.g. EL) and targeted trainings for investigations by specialised services and in cooperation with associations working with prostituted persons, amongst others (e.g. FR). The Netherlands reports on measures aimed at improving the identification of child victims of trafficking for sexual exploitation, especially in relation to the identification of minors exploited by "lover boys", as well as male victims of sexual exploitation.

The absence of specific measures addressing trafficking in men for the purpose of sexual exploitation, as well as other forms of exploitation, such as with respect to access to

housing facilities, and psychological or legal assistance, is identified as a challenge by some civil society organisations.

Finland reports on improvements in local cooperation when it comes to identifying and referring victims of sexual exploitation, as well as in assistance services. However, challenges related to the identification of victims of trafficking for sexual exploitation who reside in Finland and providing assistance comprehensive enough for victims of sexual exploitation, such as trauma-oriented therapy, remain. This concern is reiterated by the civil society, including regarding other Member States, which outlines the need to provide specialised training to professionals involved in the identification process, and to ensure a multi-disciplinary cooperation to ensure that victims receive adequate gender and trauma-sensitive counselling.

Further measures aimed at providing social support to victims of trafficking for sexual exploitation, such as exit programmes aimed at persons in prostitution (e.g. FR, IE, MT), social and professional reintegration of victims of trafficking for sexual exploitation (e.g. ES, FR), provision of sexual health services to women affected by prostitution and trafficking for sexual exploitation, fostering the involvement of professionals from different areas in the early identification of potential victims or ensuring immediate access to rights and assistance when there are reasons to believe that the person is a victim of trafficking in human beings.

Spain highlights some challenges with respect to addressing trafficking for sexual exploitation, including the lack of adaptation of these measures to victims with specific vulnerabilities, such as children or women with disabilities, as well as in terms of detection and assistance by the different professionals involved, resulting in the lack of support adapted to the specific circumstances of the victims. Spain further emphasises that future measures need to be considered under a common strategy in order to improve identification of victims and demand prevention.

Trafficking in human beings for sexual exploitation is violence against women and deeply rooted in gender inequalities. Member States report on measures addressing trafficking in human beings for sexual exploitation in the framework of Violence against Women and Gender-Based Violence (e.g. EL, FI, SE). For instance, Malta reports on training and awareness-raising measures targeting professionals (e.g. in law enforcement and education), including in relation to other forms of gender-based violence (e.g. sexual health and female genital mutilation). The Swedish government has assigned the Gender Equality Agency to enhance efforts within the framework of the National Strategy to Prevent and Combat Men's Violence against Women, including prostitution and trafficking in human beings for sexual purposes. The assignment includes mapping of research on violence prevention, and to identify gaps in research and knowledge. Political and legislative developments on gender-based violence are ongoing in Spain, with a focus on trafficking for sexual exploitation and enforcement of measures addressing trafficking in women and girls for sexual exploitation. Spanish authorities further mention plans for a law on combating trafficking for sexual exploitation.

Few Member States report on the use of the Internet or new technologies in order to address trafficking for sexual exploitation. The Netherlands reports on developments

in the criminal approach and methods to addressing sexual exploitation, including work on the use of a web-crawler within an action framework and during investigations in order to identify ads in the publicly accessible domain with a risk of sexual exploitation. Bulgaria further mentioned awareness raising and prevention online campaigns at the national level focusing on the use of the Internet and new technologies.

The European Parliament highlights the direct impact that some forms of cyber violence against women have on their immediate physical safety, such as "trafficking of women using technological means such as recruitment, luring women into prostitution and sharing stolen graphical content to advertise for prostitution". The study adds "women do not have to be internet users to be victims of cyber violence or abuse. They can be the object of depiction, (i.e. through the dissemination of rape videos on the internet), the product sold (via websites dedicated to trafficking), etc." It also emphasises on **the role of the internet and new technologies in facilitating trafficking in women and girls, by allowing "traffickers to extend (part of) their activities online (recruitment, advertisement and sales of victims) and gain audience and reach on transnational spaces**."[48].

These findings are supported by the civil society, which draws attention to the fact that some forms of violence against women and girls in online spaces are directly linked to prostitution and trafficking in human beings, with the Internet facilitating the selling of women to multiple "buyers" on a daily basis.

As announced in the Gender Equality Strategy 2020-2025, the Commission will facilitate the development of a new framework for cooperation with online platforms to address online violence against women. The purpose of this voluntary-based cooperation is to bring together relevant stakeholders to share information and best practices on countering illegal and harmful online content.

Many actions are reported or advised to be taken as gender sensitive measures. Fundamental Right Agency (FRA) published a guidance[49] that puts forward several considerations for adopting a gender perspective in the protection of children who are deprived of parental care and who are found in need of protection in an EU Member States other than their own. In addition to specific recommendations for the professionals involved, the guidance highlights the gender dimension of the crime, and that women, girls, men and boys are largely trafficked for different forms of exploitation, with women and girls overwhelmingly trafficked for the purpose of sexual exploitation. The harms of this form of exploitation are severe, brutal and with long-term gender-specific physical, gynaecological and mental health impacts. Anti-trafficking measures addressing the

[48] European Parliament, Study for the FEMM Committee: Cyber violence and hate speech online against women (2018).

[49] FRA in close cooperation with the European Commission (2019), Children deprived of parental care found in an EU Member State other than their own - A guide to enhance child protection focusing on victims of trafficking

specific situation of women and girls need to be aligned with broader strategies combating violence against women[50].

European Institute for Gender Equality (EIGE)[51] highlights that "trafficking for sexual exploitation has gained a place on the policy agenda" and recalls that to certain forms of violence against women, the argument is being made that **in order to eliminate violence against women, there needs to be a societal change in attitudes, stereotypes and norms**. EIGE gives the example of forced marriage, where there is very little discussion on the perpetrators and the focus is rather on the victims and providing them with information and support.

On 5 December 2019, a high-level event took place in the context of the Joint Session of the EU Network of the National Rapporteurs and Equivalent Mechanisms and the EU Civil Society Platform against trafficking in human beings: "Leaving no one behind: breaking the silence on trafficking for sexual exploitation" bringing together around 200 participants.

3.4. TRAFFICKING FOR THE PURPOSE OF LABOUR EXPLOITATION

Trafficking for the purpose of labour exploitation is reported to be on the rise by several Member States (e.g. HR, DK, EE, DE, FI, LV, LT, MT, PL, PT, SK, SE, BG, LU). Civil society has also observed an increase in trafficking for labour exploitation in the past years. **15% of registered victims in the EU-27** and 22% in the EU-28[52] have been trafficked for this form of exploitation in 2017-2018. Labour exploitation **predominantly affects men (68%** of the registered victims in the EU-27; 80% of the registered victims in the EU-28), **in certain sectors victims are predominantly** women (such as domestic work, body care activities or cleaning services). Europol highlights that trafficking "for the purpose of labour exploitation is most prevalent in less controlled industries like the agriculture sector, where low-paid, low-skilled and intensive work is required. EU citizens are predominantly employed around the year, while non-EU citizens are mostly exploited in seasonal work"[53]. High-risk sectors referred to by the Member States include the **agricultural sector**, factories, animal farms, **private employment agencies**, **construction industry, hospitality industry**, cleaning sector, **domestic work**, care services, nursing homes, night shops, pubs, **massage parlours**, car washes, waste collecting and recycling businesses, trade, forestry, administrative and supportive services.

Civil society contributions highlights similar sectors, and especially the areas of cleaning services, hospitality, care and domestic help, shisha bars, construction sites, agriculture, transport, textiles and garments, food manufacturing, processing and packaging.

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50 Also see EIGE, Gender-specific measures in anti-trafficking actions: report, 2018

51 EIGE, Gender specific measures in anti-trafficking actions, 2018 https://eige.europa.eu/publications/gender-specific-measures-anti-trafficking-actions-report

52 Including the data from the United Kingdom changes the picture as the majority of the registered victims trafficked for labour exploitation within the EU are found in the United Kingdom (64%).

53 EMSC, 4th Annual report, Europol 2020.

Europol considers that in the case that the Covid-19 pandemic is followed by a recession, there may be an increased demand for trafficking for labour exploitation and a potential increase in intra-EU trafficking of victims in traditional fields of exploitation such as textile and agricultural sectors and in others such as construction, tourism, catering, nursing and domestic services. "In addition to the prolonged harm suffered by victims of trafficking, the closure of businesses with lower profit margins due to an economic crisis will leave the market open to those with illegal or cheap labour at their disposal."[54]

Europol highlights that OCGs engaged in labour exploitation are expected to continue to generate huge profits from their involvement in labour intensive, low-skilled and low-paid work sectors[55] and recommends using financial investigations consistently and as extensively as possible by the competent authorities in trafficking in human beings cases in the agricultural sector.

Even though Member States report that the majority of victims of this form of trafficking are men (e.g. AT, HU, NL, PT, SK, SP), there are also reports of women falling victims of this form of trafficking (e.g. LU, CY, NL, PT, SK). Civil society highlights that women and girls victims tend to be more often trafficked for domestic and care related exploitation, including at-home elder and geriatric care. In addition, some contributions by the Member States and the civil society highlight that there is also a gender bias in labour exploitation, regarding the type of tasks delegated to women and the forms of subjugation applied to them. Portugal assesses that in the agricultural sector female victims have an obligation to perform work tasks similar to men, and are at the same time held responsible for the domestic work of the traffickers' homes. Sexual violence is often used as a means of control and it is reported that female victims of labour exploitation are often raped by their exploiters. Regarding prosecution, civil society contributions highlight that victims engaged in at-home elder care are often overlooked, with national authorities focusing on investigations in other sectors with a higher presence of male victims, like construction, agriculture and gastronomy.

Most Member States observed an important number of victims trafficked for labour exploitation originated from within the EU. In addition an increase in non-EU nationals was observed (e.g. PT, EE), mainly deriving from large-scale operations. Some of the main nationalities of victims reported for this form of exploitation include Morocco (e.g. BE, ES), Romania (e.g. BE, RO), Moldova (e.g. CZ, PT, EE), and Ukraine (e.g. LV, CZ, SK, EE). India, Pakistan, Bangladesh, Slovakia, Eastern European countries and the Philippines were also reported as countries of origin of victims.

Member States report on patterns in the irregular employment of victims coming from Eastern European countries, especially Moldova and Ukraine. The Czech Republic notes a trend in the employment of Moldovan nationals using forged Romanian documents, thus granting them easier access to the EU labour market, and employing Ukrainian nationals holding Polish visas. Estonia reports on the existence of a similar trend,

54 Europol, 30 April 2020, Beyond the pandemic how COVID-19 will shape the serious and organised crime landscape in the EU

55 EMSC, 4th Annual Activity report 2019 (Europol, 2020).

especially in the construction sector. Latvia observes that males from Ukraine, Uzbekistan, Tajikistan and Kyrgyzstan are being employed in the construction, agriculture and transportation sectors in Latvia.

Civil society organisations have reported concerns of potential trafficking for the purpose of labour exploitation in Ukrainian guest workers in the agriculture and construction industries. Some Member States further report on cases of Philippine nationals falling victims of trafficking in the sector of transportation (e.g. AT, DK). Denmark reports that a factor influencing the 2018 statistics was a police raid. During the operation, the police found Philippine and Sri Lankan drivers, who had been recruited by local agencies in the Philippines and hired through a Polish subsidiary company to a large Danish transport company. The men were transported and harboured by the company under degrading conditions in containers and barracks and were living in poor conditions. Authorities found several indicators of trafficking in their stories and they were finally identified as victims of trafficking in human beings.

Member States (e.g. BE, GR, NE, UK) report an increasing tendency in children being amongst victims of trafficking for labour exploitation.

A significant number of Member States report on progress made in the identification of victims of trafficking for labour exploitation. This is partly due to the intensification of inspections by labour authorities, including in cooperation with law enforcement. Member States further refer to increased efforts to target high-risk sectors (e.g. AT, BE, BG, CY, CZ, DK, HU, LV, SK, ES). They highlight cooperation between different stakeholders involved in the identification of victims of trafficking for labour exploitation, such as labour authorities, law enforcement, immigration and asylum officers, assistance services, tax authorities, border guards, as well as different governmental agencies and institutions (e.g. AT, BE, EE, FI, LT, SI, SK).

Measures taken to address trafficking for labour exploitation and improve the identification of its victims include targeted trainings for labour inspectors and social inspectors (e.g. AT, BE, EL, LU, LT), as well as other relevant professionals, including in law enforcement, the judiciary, the legal profession, social workers, custom authorities, diplomatic and consular officers, immigration authorities, in the education sector, employment agencies, shelters (e.g. BG, DE, EL, HU, LU, MT, SE).

As reported, inspections were also conducted in the framework of the Joint Action Days on labour exploitation (e.g. BE, CY, EL, HR, LT, FR, PT), and within the framework of the European Multidisciplinary Platform against Criminal Threats / Trafficking in Human Beings (EMPACT THB)[56] (e.g. AT, SE), especially focusing on high-risk sectors.

[56] The "fight against the trafficking in human beings (THB) in the EU for all forms of exploitation, including sexual and labour exploitation as well as all forms of child trafficking" is one of the EU crime priorities adopted by the Council of the EU at its meeting on 18 May 2017, for the EU Policy Cycle / EMPACT to tackle organised and serious international crime for the period 2018 – 2021. Doc.

Joint action day on labor exploitation 2018[57]

Europol supported a Europe-wide operation carried out from 14 to 19 May by law enforcement agencies, labour inspectorates, immigration services, tax authorities, trade unions and other partners targeting organised crime groups (OCGs) trafficking vulnerable people for the purpose of labour exploitation.

During the action week, more than 39 000 individuals were stopped and checked, alongside over 12 900 vehicles and inspections were carried out at over 4 640 places of business and other locations. As a result of these checks, 57 suspects were arrested for trafficking in human beings and a further 192 persons were detained or arrested for other offences including illegal immigration. Overall, 379 potential victims of trafficking were identified. Data gathered during the operation has led to the launch of 56 new investigations in order to identify further suspects and victims linked to trafficking in human beings cases across the EU.

Member States also report on operational activities undertaken in order to address the crime, for instance Joint Investigation Operations in cooperation with other Member States (e.g. BG, HR, LV, SE).

Dismantling of an Organised Crime Groups involved in the trafficking of Bulgarian citizens for labour exploitation in the agricultural sector in France[58]

In the framework of joint investigative operations with other Member States, in September 2019 and in the framework of a joint operation of Bulgarian and French law enforcement authorities, an organised crime group for trafficking in Bulgarian citizens for labour exploitation in the agricultural sector in France was neutralised. About 167 people hired seasonally to harvest grapes near Lyon were identified as victims. A Bulgarian company was involved in the process, which would recruit workers in Bulgaria and send them to French employers, while misappropriating a significant share of the workers' income.

Ireland reports that the Memorandum of Understanding for the Monitoring and Enforcement of the terms of Employment of non-EEA crewmen has facilitated in 2019 a significant information sharing between parties, particularly in respect to several investigations on alleged trafficking for labour exploitation of 21 migrant fishermen.

Despite progress made in the identification of cases of trafficking for labour exploitation, civil society organisations indicate that there remains a need to

ST 9450/17 – Council conclusions on setting the EU's priorities for the fight against organised and serious international crime between 2018 and 2021).

57 European Migrant Smuggling Centre, 3rd Annual Activity Report – 2018 (2019) https://www.europol.europa.eu/publications-documents/emsc-3rd-annual-activity-report-%E2%80%93-2018

58 https://www.europol.europa.eu/newsroom/news/bad-harvest-for-bulgarian-french-network-exploiting-vineyard-workers

improve labour inspections and monitoring of employment standards, especially in industries such as agriculture, building, catering, cleaning, hotels or nail bars.

Measures specifically targeting the trafficking of domestic workers are mentioned, including legislative and policy developments related to labour (e.g. CY), training of diplomatic and consular staff (e.g. AT) and cooperation with civil society (e.g. FR). Nevertheless, civil society organisations highlight that not all high-risk sectors are paid the same attention, and that identification is more difficult in some of them, such as domestic work, including working for diplomatic staff, private care, construction, catering and hotel industry, textile factories and beauty salons.

In terms of awareness raising, many measures include the provision of information to persons at risk of trafficking for labour exploitation (especially job seekers), in the context of migration (for example along migrants smugglers' routes and at risk due to criminal networks in the Mediterranean) , asylum procedures, and on their labour rights and obligations (e.g. AT, BG, CZ, ES, FR, LT, LV, MT, PL, PT, RO, SK). These measures especially target high-risk sectors (e.g. seasonal workers in the agricultural sector).

With regard to deceptive recruitment sites in the broader context of exploitation in labour market context, the Fundamental Rights Agency (FRA) reports that some victims found work through the internet, and they were deceived because working conditions turned out to be different from those advertised. FRA advises that "in some areas of serious organised crime, Europol supports Member States with intelligence about suspicious websites. An enhanced use of the capabilities Europol has could help Member States to take measures against persons running deceptive recruitment sites, particularly when there is a suspicion of trafficking in human beings."[59]

Cooperation with the European Labour Authority (ELA)[60]

According to the regulation of the newly created European Labour Authority, within the framework of their respective competences, **the Authority should cooperate with agencies of the Union, in particular those established in the area of employment and social policy,** building on their expertise and maximising synergies: the European Foundation for the Improvement of Living and Working Conditions (Eurofound), the European Centre for the Development of Vocational Training (Cedefop), the European Agency for Safety and Health at Work (EU-OSHA), and the European Training Foundation (ETF), **as well as, as regards the fight against organised crime and trafficking in human beings,** with the European Union Agency for Law Enforcement

59 https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-severe-labour-exploitation-workers-perspectives_en.pdf

60 Regulation (EU) 2019/1149 of the European Parliament and the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344, OJL-186, 11.07.2019, p 21.

Cooperation (Europol) and European Union Agency for Criminal Justice Cooperation (Eurojust). Such cooperation should ensure coordination, promote synergies and avoid any duplication in their activities.

Several Member States address the risks of trafficking for labour exploitation in marginalised Roma communities, especially Roma youth. Bulgaria, in particular, reports on several relevant initiatives aimed at preventing this phenomenon, including awareness raising campaigns and through education and employment.

The role of Roma and youth mediators through education and employment- Bulgaria

Special attention is paid to the activities of Roma and youth mediators, case managers and psychologists focusing their efforts on encouraging inactive and discouraged individuals to be pro-active in the labour market, including through getting educated and/or registering with the Labour Offices. The task of Roma mediators is to shorten/resolve individuals' state of unemployment and guide them into employment through motivating them to seek employment, work, learn skills and receive education, or register with the Labour Offices. To that end, the mediators hold formal and informal meetings with individuals or groups, which is the first step towards informing them and identifying their personal chances of finding employment. Roma mediators act according to the individual needs and characteristics of beneficiaries, inform them and motivate them to be active in the labour market. To achieve the goals set out above, Roma mediators work in the neighbourhoods with predominantly Roma ethnic population which are at a particularly high risk and in particular need for prevention.

Some of these measures target non-EU citizens coming to work in a Member State (e.g. DK, RO, SK) as well as measures addressed at EU own citizens who go and work in another EU Member State (e.g. RO) or outside of the EU (e.g. PL, RO).

Prevention and awareness raising measures target law enforcement authorities, judiciary, NGOs, governmental institutions and the public (e.g. ES, SI), but also employers and businesses (e.g. DK), with a focus on providing knowledge on the signs and indicators of trafficking for labour exploitation and forced labour within businesses. France reports on the ongoing drafting of a convention on partnerships between the State and social partners in the context of the Second National Action Plan on trafficking in human beings, which aims at raising awareness amongst all relevant business stakeholders on the risks of trafficking in human beings in the work environment.

Some Member States report on cooperation with other Member States, non-EU countries and international organisations, including the organisation of events and conferences, as well as trainings (e.g. BG, EL, MT, PL).

Increasing knowledge on trafficking in human beings for labour exploitation in the Baltic Sea Region

In September 2019, the Council of the Baltic Sea States (CBSS), Task Force Trafficking in human beings launched a two-year, international project, Competence building,

Assistance provision and Prosecution of labour exploitation cases in the Baltic Sea Region (CAPE). CAPE is a project against trafficking for forced labour and labour exploitation that aims to support relevant national and local authorities in project member states to investigate and prosecute cases of forced labour, and to assist victims. The special objectives of the project are to increase knowledge about labour exploitation in the Baltic Sea Region, to stimulate dialogue and know-how exchange between CBSS and EU Member States, and to increase the capacity of national public authorities to counter trafficking for labour exploitation. Project member states are Sweden, Denmark, Latvia, Norway, Poland and Germany.

Italy reports on strategic policy developments on combating illegal employment and labour exploitation in the agricultural sector, including the adoption of a national plan for 2020-2022 against labour exploitation and labour exploitation in agriculture. Portugal mentions measures specifically addressing trafficking in human beings in the agricultural sector, notably by developing information tools, such as the dissemination of leaflets to seasonal migrant workers in different languages and including information on the risks.

Several Member States and civil society organisations report on difficulties to investigate and prosecute offences concerning labour exploitation including trafficking for labour exploitation under the national law (e.g.FI, SI, NL, SK), **which bears implications on the rights of the victims.**

In the broader context, policy and legislative measures related to labour conditions, illegal/undeclared work, forced labour and more broadly in the field of employment were adopted by a significant number of Member States (e.g. BG, DE, EE, EL, ES, IE, FR, MT, PL, SK). **Although not directly addressing trafficking, these measures contribute to the efforts towards improving the identification of victims and cases of trafficking for labour exploitation**. Several Member States further mention developments in their international commitments, in particular the ratification of the Protocol of 2014 to the Forced Labour Convention, 1930, n°29 of the International Labour Organisation (ILO) (e.g. IE, NL). 16 Member states ratified the ILO Forced Labour Protocol between 2016 and 2019 (AT, BE, CY, CZ, DE, DK, EE, ES, FI, FR, IE, LV, MT, NL, PL, SE). In December 2019, the Commission organised an expert meeting for Member States on the ratification and implementation of the ILO Forced Labour Protocol in the EU, addressing in particular national policies for prevention, protection and remedy and enforcement issues.

In June 2018, the EU Fundamental Rights Agency (FRA) published a focus paper on **migrant women exploited in domestic work**[61]. It captures the views and experiences of victims of labour exploitation in domestic settings. The second publication on **Protecting migrant workers from exploitation in the EU: boosting workplace inspections** was published in September 2018[62]. Evidence from the research aimed to guide authorities

[61] EU Fundamental Rights Agency 2018, Out of Sight: Migrant Women Exploited in Domestic Work.

[62] EU Agency for Fundamental Rights 2018, Protecting migrant workers from exploitation in the EU: boosting workplace inspections,

with a responsibility to protect and assist workers on how to design effective measures to stop labour exploitation. The overall results of the research with victims were published in June 2019: Protecting migrant workers from exploitation in the EU: workers' perspectives[63]. Based on first-hand interviews with exploited workers in different sectors and under diverse conditions, the research urges to tackle different forms of labour exploitation across the EU, addressing also trafficking for labour exploitation. FRA organised the conference 'From wrongs to rights – Ending severe labour exploitation'[64] in Brussels on 25 June 2019. It hosted the conference together with the Romanian Presidency of the Council of the EU, the EEA and Norway Grants and the Council Secretariat to tell the stories of severely exploited migrant workers[65].

Some Member States reported on trafficking for forced labour being linked to other types of forced criminality, most predominant drug trafficking (e.g. BG, LT, SP, NL, AT).

In the context of the Covid-19 outbreak, concerns were raised regarding the situation of seasonal workers, especially with respect to their rights and protection: The European Parliament adopted a **Resolution on European protection of seasonal workers in the context of the Covid-19 crisis** in June 2020[66] that calls on the European Commission and the Member States **to ensure equal treatment** of third-country seasonal workers with EU nationals, as stated in Directive 2014/36/EU, recalling that such workers have the same labour and social rights as EU citizens. Moreover, it calls for supporting the work of social partners and civil society organisations to ensure that workers have adequate access to public services, trade union support, decent housing, protective equipment, meals and healthcare.

The European Commission adopted on 16 July 2020 the **Guidelines on seasonal workers in the EU in the context of the Covid-19 outbreak**[67]. This document recalls the rights of seasonal workers regardless of their status: whether they are EU citizens or non-EU nationals, including those working regularly abroad on their own accord, or are posted for example through temporary work and recruitment agencies. It provides guidance to national authorities, labour inspectorates, and social partners to guarantee the rights, health and safety of seasonal workers, and to ensure that seasonal workers are aware of their rights. In order to protect seasonal workers, Member States are invited to step up the enforcement of existing EU and national law and strengthen the field inspections in this respect, including with the support of the European Labour Authority (ELA).

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63 https://fra.europa.eu/en/publication/2019/protecting-migrant-workers-exploitation-eu-workers-perspectives

64 https://fra.europa.eu/en/event/2019/wrongs-rights-ending-severe-labour-exploitation

65 https://fra.europa.eu/en/publications-and-resources/videos?title=&published_at%5Bmin%5D%5Bdate%5D=24%2F06%2F2019&published_at%5Bmax%5D%5Bdate%5D=26%2F06%2F2019&related_content=

66 (2020/2664(RSP))

67 C(2020) 4813 final

The **European Platform tackling undeclared work**[68] enhances cooperation between Member States' relevant authorities and other actors involved to fight undeclared work more effectively and efficiently while fully respecting national competences and procedures. The Platform offers different resources to help build know-how and showcase transferable practices to tackle undeclared work. The work programme of the Platform[69] foresees, among others, a study on migration and exploitation which will focus on a series of case studies highlighting different approaches to tackle undeclared work and labour exploitation of vulnerable groups of migrant workers including third country nationals.

The EU support to the re-integration and social inclusion of vulnerable groups into society is embedded in various principles of the **European Pillar of Social Rights** that apply to all legally residing third-country nationals. The principle concerning the equal opportunities is particularly relevant in this context.

3.5. Other Forms of Exploitation

3.5.1. Trafficking for forced criminality and forced begging

The majority of Member States observe the presence of trafficking for forced begging and forced criminality (e.g. AT, BE, BG, HR, CZ, DK, FR, DE, EL, LT, NL, PL, SK, ES, UK). In some Member States, these forms of trafficking are reported to be on the increase (e.g. BG, HR, EL, NL, PL). The involvement of children is also reported in these forms of trafficking (e.g. AT, EL, FR, SE, FR).

Regarding trafficking for forced criminality, Member States report on victims being used in many areas of petty crime, such as property crime, begging and theft, as well as more complex forms of crime, including aggravated theft and fraud (e.g. AT, FR, HR). Other types of forced criminality, linked to trafficking of drugs (e.g. AT, LT, ES, NL) have also been reported.

Europol reports[70] that a large share of cases of trafficking for forced criminality concerned drug-related crimes such as forced work in cannabis cultivation, or organised property crime such as pickpocketing or shoplifting. Eurojust confirms these findings, and highlights that this form of trafficking also involves EU nationals, who are trafficked and forced to sell drugs.

According to Member States, victims exploited for forced criminality **tend to be younger** (e.g. HR, EL, AT, UK), and include men and boys (e.g. AT, EL), and women and girls (e.g. SK, AT). Further, there is a growing number of victims from the Maghreb area (mainly Morocco) and Africa (mainly Nigeria) (e.g. EL, DK, SE, AT). Member States (e.g. AT, PL, FR) and civil society contributions also note that victims belong to

[68] https://ec.europa.eu/social/main.jsp?catId=1299&langId=en

[69] https://ec.europa.eu/social/BlobServlet?docId=16358&langId=en

[70] EMSC, 4th Annual Activity Report , 2019 (Europol, 2020).

ethnical minorities, including marginalised Roma communities, and originate from Bosnia and Herzegovina and Romania. This form of trafficking is characterised by a **high mobility** between countries.

Member States report that victims of trafficking for forced begging originate predominantly from Eastern European countries (e.g. BG, RO). Particularly vulnerable victims to this form of exploitation are persons with substance and alcohol use disorders, physically disabled, ethnic minorities, including from marginalised Roma communities, and people in difficult financial situations. Several Member States mention that physical and psychological force is inflicted upon victims (e.g. PL, SE, ES, AT, BG). Eurojust adds that EU nationals, including some with physical disabilities, are also trafficked for forced begging. Other findings based on Member States reports highlight that family members are sometimes involved as perpetrators or as facilitators, and that the age of the victims is often lower than for other forms (e.g. SP, SE, RO, HR, PL). Similarly, to trafficking for forced criminality, trafficking for forced begging is highly mobile, due to the fact that the victims are constantly transferred around different regions, with the aim of avoiding detection by the authorities.

Member States (e.g. FI, ES) report that cases of trafficking for forced begging or forced criminal activity are still most likely to be unidentified and are some of the most invisible trafficking cases.

3.5.2. TRAFFICKING FOR FORCED AND EXPLOITATIVE SHAM MARRIAGES

Member States continue to report cases of trafficking for sham marriages (e.g. CZ, FI, LV, LT, PL, SK, BG), some considers such cases increasing. Victims trafficked for this form of exploitation are sometimes reported as being subjected to other forms of trafficking, including sexual exploitation and/or labour exploitation. Civil society also points out the occurrence of forced marriages in the Member States, sometimes combined with other forms of trafficking.

Member States report that victims trafficked for forced and sham marriages **are mainly women or children, and there is a prevalence of victims from marginalised Roma communities**, from Eastern Europe and Morocco, as well as EU citizens. Cyprus, for instance, mentions that perpetrators take advantage of administrative procedures and visa regime in the country they operate and exploit the victims' vulnerable position (for instance, poor economic conditions, drug addiction, mental issues, etc.) to perform the marriage.

Eurojust reports that EU nationals, some with mental disabilities, are trafficked for the purpose of sham marriages with non-EU nationals to allow the latter to get residence permits in an EU country. Czechia highlights that the trend of forced and early age or sham marriages is closely linked to the movement and residence of third-country nationals in EU countries, as the demand in many cases comes from non-EU nationals (for example, Bangladesh, Pakistan, and Afghanistan). Poland further mention investigations in relation to the trafficking in Polish nationals for the purpose of sham marriages in other Member States, including Cyprus and the United Kingdom.

Slovakia reports on the trafficking in women and girls for the purpose of forced marriage, with cases of early forced marriages linked to complex interlinks between traditions and the specific situation of children within marginalised Roma communities.

The gender dimension of trafficking for the purpose of forced, early age and exploitative sham marriages is highlighted by civil society organisations, as disproportionately affecting women and girls. The **link with migration** is also demonstrated by the EU agencies and civil society, notably the particular vulnerability of migrant women and girls. EIGE reported that "with increasing numbers of women and girls being found among those fleeing their countries the amount of women and girls exposed to trafficking and forced marriage is increasing". Similarly, the European Asylum Support Office (EASO) reports that, in the context of migration, forced marriage is a potential form of trafficking in Libya.

A significant number of civil society organisations has identified the phenomenon of trafficking for exploitative sham marriages, which disproportionately affect women and girls, as an emerging concern in the EU. They further highlight the subsequent vulnerability of victims of this form of trafficking to abuse within the marriage, or further exploitation, such as for sexual or labour purposes.

3.5.3. Additional Examples of Other Forms of Exploitation

In addition to trafficking for forced criminality, for forced begging and for forced and exploitative sham marriages, Member States also reported on, trafficking **for selling of babies and for illegal adoptions** (e.g. PT, BG, ES, LT), and **selling of organs** (e.g. BG). Eurojust also highlights that other forms of trafficking in the reporting period include trafficking of EU citizens with the aim to give birth and sell their babies and trafficking of EU nationals being financially **exploited through fraud.** Some civil society contributions have raised concerns about emerging forms of trafficking in human beings in the form of **surrogacy.**

Portugal reported one investigation regarding a case of an illegal adoption, involving Ecuadorian citizens and an Ecuadorian victim, although the investigation was closed and transferred to Ecuador. Another case in Portugal concerned the selling of babies. It was reported that one Brazilian citizen, helped by her Portuguese lover, sold four of her babies to Portuguese immigrants living abroad (France, Switzerland) for adoption. She received over EUR 100 000 for the four children. Bulgaria reported that trafficking in pregnant women for 'selling' new born babies has decreased significantly. Greece and Cyprus are preferred destination countries for this form, due to some specific traits of these countries' national legislation.

In 2019, Greek law enforcement authorities, supported by Europol, dismantled an organised crime group involved in the trafficking of human beings for the purpose of selling ova, illegal adoption and money laundering[71].

The criminal network recruited vulnerable pregnant women from Bulgaria and transported them to Greece where they were sent to private hospitals to deliver their children. The newborns were then illegally adopted for between EUR 25 000 and EUR 28 000 each. The fees included paying the biological mother, all legal expenses, hospitalisation, delivery itself and the members of the criminal group. Some of the mothers brought to Greece were also used as surrogates.

The same criminal group was also involved in ovum trafficking. The criminals recruited donors in Greece, mainly from Bulgaria, Georgia and Russia. The women were then transferred to Thessaloniki to undergo a series of fertility treatments to increase the number of ova.

In total, the case involved 66 individuals, including a lawyer, an obstetrician-gynaecologist and employees of private clinics. Officers seized EUR 13 000 in cash, three cars, mobile phones and electronic devices, various documents related to adoption and surrogate procedures, birth certificates and bank statements. It is estimated that the criminal activity generated at least EUR 500 000. The money was laundered through financial institutions, luxury goods and properties.

Europol supported the investigation by facilitating secure information exchange, providing operational and analytical support, and intelligence and financing one operational meeting.

Spain reports on a trafficking case for this form of exploitation involving a criminal network that exploited Paraguayan women sexually. One of the victims arrived to Spain being pregnant and one of the leaders of the network arranged an illegal adoption when the child was born so the victim could continue to be exploited. Lithuania refers to ongoing individual pre-trial investigations into other forms of trafficking in human beings, including illegal adoption.

Additionally, a case of trafficking for selling of organs to Turkey was reported in Bulgaria. Belgium reported on a law relating to trafficking in human organs and the principle of non-punishment of victims of trafficking in human beings being adopted on 22 May 2019, in conformity with the provisions of the Council of Europe Convention against Trafficking in Human Organs.

[71] https://www.europol.europa.eu/newsroom/news/66-suspected-of-arranging-illegal-adoptions-and-surrogacies-and-human-egg-trafficking-in-greece

3.6. CHILD TRAFFICKING

This chapter provides further information and analysis with regard to child trafficking in the EU, in addition to the concerns identified in chapter 3.3 of this staff working document regarding trafficking for sexual exploitation, in particular of girls victims.

Children accounted for nearly one-third (32%) of all registered victims in the EU28 in 2017-2018. Without data from the United Kingdom, children accounted for 22% in the EU 27. **The majority of children trafficked within the EU28 were EU citizens (57%), mostly trafficked within their own country.** Without including data from the United Kingdom**, nearly three quarters (74%) of all child victims registered in the EU27 were EU citizens. The majority** of child victims **(64%) in the EU27** (37% in the EU28) were **trafficked for the purpose of sexual exploitation and 6% in the EU27 (**16% in the EU28) **for forced labour.**

Nearly half (49%) of the child victims registered in the EU28 were girls, the other half being boys. Without the UK data, **the vast majority of child victims in the EU 27 in 2017-2018 were girls (78%), boys accounted for 21% of the victims. Nearly three quarters (74%)** of all child victims registered in the EU-27 **were EU citizens**[72]**.** Girls represented almost three quarters of child victims with non-EU citizenship (69%)[73]. **The majority** of child victims in the EU-27 (**64%)** have been **trafficked for the purpose of sexual exploitation**[74]**.**

The EU legal and policy framework is victim-centred, gender-specific and child-sensitive and identifies children as inherently vulnerable to trafficking in human beings[75]. Despite worthwhile efforts against child trafficking, **the phenomenon persists.**

European Parliament's resolution on Children's Rights (2019)[76]

"Recalls the crucial importance of ensuring that the rights of all girls and boys who are victims of trafficking are respected, irrespective of their nationality status; reiterates its call on the Member States to fully implement the EU Anti-Trafficking Directive with a special focus on preventive measures; stresses the importance for the Member States of stepping up action to ensure accountability towards the victims of trafficking and to eradicate the crime itself, as well as to combat the impunity that still prevails among traffickers, exploiters, profit makers and abusers, including by criminalising the use of services exacted from victims of trafficking for all forms of exploitation."

[72] In EU28: of all child victims of trafficking 57% are EU citizens (out of which 49% trafficked in their own country) and 41% of trafficked children are non-EU national.

[73] EU28: nearly half (49%) of the child victims registered in were girls, the other half being boys; girls were the majority of child victims holding EU citizenship (62%) and accounted for 34% of child victims with non-EU citizenship.

[74] 37% in the EU 28.

[75] Study on high-risk groups for trafficking in human beings, European Commission https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_children_as_high_risk_groups_of_trafficking_in_human_beings_0.pdf

[76] European Parliament resolution of 26 November 2019 on children's rights on the occasion of the 30th anniversary of the UN Convention on the Rights of the Child (2019/2876(RSP)), P9_TA(2019)0066.

According to Europol, trafficking and exploitation of boys, especially for sexual exploitation, and including children in migration, remains an under-reported phenomenon at EU level. Europol reported that female suspects play a key role in the trafficking and exploitation of children, much more than in criminal networks involved in trafficking of adult victims. Document fraud is highlighted as an essential component in the trafficking of children as traffickers often use fraudulent documents to conceal the real age of the victims.

The exploitation of child victims of trafficking for forced criminality related to property crimes such as pickpocketing or shoplifting, but also to drug-related crimes, such as cannabis cultivation, is a worrying concern according to Europol[77]. Children in migration and unaccompanied minors continue to be at higher risk of trafficking and exploitation along migration routes towards and within the EU. Reports show that traffickers have frequently used reception centres to identify potential victims and to arrange further transportation of victims to the places of exploitation[78].

The Council conclusions provided for the EU Policy Cycle to tackle organised and serious international crime for the period 2018-2021 to fight against trafficking in human beings in the EU for all forms of exploitation, including sexual and labour exploitation, as well as all forms of child trafficking. Operational activities against child trafficking, such as Joint Action Days, are regularly carried out under EMPACT with the support of Europol (AP Phoenix)[79]. Actions targeting child trafficking carried out under EMPACT in 2018-2019 resulted in the arrest of 58 suspects for trafficking, the identification of 104 child victims, the youngest of which was only two years old, and the initiation of 76 cases. In 2018-2019, Eurojust has supported 33 cases on trafficking in human beings involving children.

Frontex reported that in 2018-2019, the number of children arriving to the EU has increased (13%) compared to previous years and in 2019 alone, the number of arriving unaccompanied children has increased by 35% compared to 2018. The Agency pointed out that, while this is not per se an indicator of trafficking, children represent a vulnerable group that requires special attention. Frontex has started in 2018 to collect data on arrivals at the external borders, disaggregated by the age and gender of arriving third-country nationals, as well as the status of arriving children, in order to better identify vulnerable groups, including trafficking in human beings. Frontex regularly shares data on arriving children with the Fundamental Rights Agency and supports other EU Agencies and partners in their work.

Europol in cooperation with Portugal's Immigration and Borders Service organised in 2019 an international conference on trafficking of non-EU children. The conference provided a forum for discussion among practitioners of current challenges related to child

77 EMSC 4th Annual Activity Report – 2019.

78 Ibid.

79 Analysis Project (AP) Phoenix is Europol's operational project dealing with Trafficking in Human Beings. The team provides operational and analytical support to investigations on trafficking in human beings for all forms of exploitation as well as strategic intelligence picture on THB and support to the EMPACT activities.

trafficking, such as the identification of potential victims, the international dimension of the phenomenon, trends and the modus operandi used by the trafficking organisations and investigative experiences.

The EU has provided funding to support anti-trafficking projects, including with a focus on addressing child trafficking. The European Commission regularly publishes calls for proposals under the Asylum, Migration and Integration Fund (AMIF) to support actions for the integration of third country nationals who are victims of trafficking and the Internal Security Fund-Police (ISF-P) for law enforcement actions, taking into account child victims of trafficking and the gender specificity of the criminal phenomenon.

The EU Agency for Fundamental rights (FRA) has continued to support Member States in strengthening guardianship systems. The Handbook on Guardianship[80] produced in 2015 together with the European Commission continues to be a relevant and useful tool in the practical implementation of guardianship. In January 2018, FRA also produced a summary of its report "Guardianship systems for children deprived of parental care in the EU". In the last years, several Member States have amended their guardianship laws, such as Greece and Italy. In the framework of FRA's work in the Greek and Italian hotspots, FRA has also been involved in supporting national actors in defining the structures and working methods of guardians and building the capacity of key actors.

Civil society pointed out the identification of child victims of trafficking as a continuous challenge and highlighted that cases of child trafficking are often treated as cases of child sexual abuse, thus failing to take into account potential exploitative structures involved in the crime.

Workshops targeting children going through age assessment procedures and development of child-friendly procedures in Portugal

In January 2019, upon suggestion by the Council of Europe, the National Commission carried out a series of workshops aimed at children going through age assessment procedures in Portugal, a situation that may affect trafficked children as well.

Following the outcomes of the workshop, the National Commission developed, with the financial support from the Council of Europe, a brochure on age assessment procedures designed for refugee and migrant children, as well as other children undergoing this procedure, including child victims of trafficking.

The brochure takes into account the recommendations of the Council of Europe on child-friendly justice, social services and healthcare focussing on the reasons age assessment procedures exist, their consequences, the institutions and personnel involved, expected timeline, the rights that children have before, during and after going through the procedures, as well as useful contacts. The brochure is also meant to inspire other professionals in different national contexts.

[80] European Union Agency for Fundamental Rights 2015, Guardianship systems for children deprived of parental care in the European Union.

FRA developed, in cooperation with the European Commission, a guide on Children deprived of parental care found in an EU Member State other than their own, published in 2019[81]. The guide aims to strengthen the response of all relevant actors for child protection. It implements an action set forth in the 2017 Communication stepping up EU action against trafficking in human beings. The guide focuses on child victims of trafficking and children at risk, and takes into account identified patterns, in particular trafficking in girls. The guide has been translated to Bulgarian, Croatian, Dutch, French, German, Greek, Hungarian, Italian, Polish, Romanian and Spanish.

Foreword to the Fundamental Rights Agency's (FRA) guide to enhance child protection focusing on victims of trafficking [82]

"Children are particularly vulnerable. However, vulnerabilities alone do not result in trafficking. Trafficking in human beings is fuelled by the high profits it generates and by the demand for the services exacted from the victims. In the EU today, many are using girls and boys like commodities – often in plain sight. A variety of actors profit, both in legal and illegal sectors. Changing this appalling reality must therefore include countering the culture of impunity by bringing perpetrators, exploiters and users/abusers to justice."

3.7. EMERGING CONCERNS ON TRAFFICKING IN HUMAN BEINGS AND PERSISTING VULNERABILITIES

Member States, civil society and EU agencies refer to emerging new concerns. **The use of information technology** is pointed out by many as an emerging concern.

Europol reports an emerging trend o**f organised crime groups engaging in trafficking in human beings for the purpose of illegal adoptions** across the Member States[83]. In addition, **multiple forms of exploitation** of victims was identified as an **emerging issue.**

Internal trafficking, child trafficking, trafficking in Roma victims and vulnerability of migrant and refuges women and of unaccompanied minors have been reported **as persistent risks and patterns of trafficking.**

3.7.1. MULTIPLE FORMS OF EXPLOITATION

The Second progress report highlighted that some groups, mainly children and girls in marginalised Roma communities, had fallen victims to multiple and combined forms of exploitation. In this reporting period, Member States (e.g. CY, SK, SP, SE and PL) have reported **cases of multiple forms of exploitation,** including: trafficking for sexual

81 FRA 2019, Children deprived of parental care found in an EU Member State other than their own, A guide to enhance child protection focusing on victims of trafficking.
82 Ibid. trafficking.
83 EMSC, 4th Annual Report, Europol, 2020.

exploitation and for forced labour (e.g SK); forced labour and criminal exploitation (e.g. SK, PL); sexual exploitation and forced criminal activities (e.g. ES, SK); forced begging and forced criminal activities (e.g. ES, PL, SK); forced begging and sexual exploitation (e.g. SE, SK); and sexual exploitation and forced marriage (e.g. SK).

Women and girls appear to be particularly vulnerable to multiple forms of exploitation. **Slovakia** reports that, in 2017, combined ways of exploitation appeared, in particular for female victims, exploited for the purposes of sexual exploitation in combination with forced labour, forced marriage or forced criminal activity (theft). In addition, a combined way of exploitation appeared in one male victim, who was exploited for purposes of forced begging, sexual exploitation and forced criminal activity (theft). In 2018 there were two cases reported for combined forms of exploitation: a combination of forced marriage and sexual exploitation in female child victims. Spain reports, for instance, the case of a Bulgarian criminal network that forced women (some of them girls) to sexual exploitation and to commit thefts in large city centres. Another case concerned a criminal network that recruited Romanian and Moroccan victims and forced them to beg and to steal. In Poland, victims of domestic exploitation were forced to commit criminal activities or to open accounts, from which the perpetrators drew funds using credit cards registered in the name of the victims. In addition, some victims were forced to steal as well as to sell counterfeit products. Sweden reports on cases of young women, who, in addition to being forced to beg, were subjected to sexual exploitation.

3.7.2. INTERNAL TRAFFICKING

The Second Progress Report showed an increase in internal trafficking. One key finding of the present reporting period is that **EU citizens continue to be trafficked within their own Member State**. Several Member State highlight that identified victims within the country are their citizens (e.g. BE, HR, CY, CZ, FR, EL, HR, LV, PL, PT, RO, SK, ES). In some Member States (e.g. FR and ES), this is highlighted as one of the most concerning trends.

During 2017 and 2018, **27% of the victims with EU citizenship were registered in their own Member State in the EU-28. In the EU-27, the number of victims registered in their own Member States increases to 34%.** The countries with the highest number of own citizens amongst their registered victims of trafficking in the EU 28 were the United Kingdom, Romania, France, Hungary and the Netherlands.

Member States refer particularly to **women and girls** (e.g. HR, SK) and **children** (e.g. RO, LV) as being trafficked within their own country. The link between trafficking **for the purpose of sexual exploitation and internal trafficking** is highlighted consistently with the findings of the Second progress report (e.g. LV, FR). Nevertheless, there is also a discernible trend in internal trafficking for labour exploitation (e.g. PT, LV).

3.7.3. ROMA VICTIMS AND THEIR VULNERABILITY TO TRAFFICKING

People from marginalised Roma communities, in particular **women and children,** have been identified as victims of trafficking for different forms of exploitation and considered

to be at high risk of trafficking. They are trafficked for all purposes of exploitation, in particular for sexual, for labour, for forced begging and forced criminality and for forced and exploitative sham marriages. The findings of the Second progress report are reaffirmed in the current reporting period.

The European Economic and Social Committee (EESC) in its Exploratory Opinion requested by the European Parliament on the document "The situation of Roma women"[84] emphasize concerns and actions to be taken against trafficking in Roma women and girls.

European Economic and Social Committee (EESC) stresses that :

- Roma women and girls are particularly vulnerable in situations of discrimination and segregation, and easily fall victim to violence and other offences. They are disproportionately affected by all known forms of exploitation and human trafficking.
- The Committee agrees that all forms of human trafficking and violence targeting Roma women are flagrant violations of human rights, explicitly prohibited by the Charter of Fundamental Rights of the European Union, and that the Member States should take action on this basis[85]. These are serious criminal offences, driven by demand and which are, in very different ways, highly profitable for organised international crime gangs, and to which Roma women and children are disproportionately exposed.

Civil society organisations that are active in the empowerment of Roma communities highlight that the vulnerability of people from marginalised Roma communities to trafficking stems from their economic and social situation.

The Commission has been ensuring policy coherence and consistency between the EU anti-trafficking framework and the EU framework for National Roma Integration Strategies. It remains essential to address the risk of people from marginalised Roma communities becoming victims of trafficking in human beings due to their vulnerable situation, in particular to enable them to access their rights and be treated as a victims who are right-holders and not as perpetrators (for example in the case of forced criminalities).

The Commission Communication on the Report on the implementation of national Roma integration strategies – 2019[86] highlights that only two Member States reported focusing on fighting trafficking in human beings. The complementing Staff Working Document indicates that "other areas where relatively few measures were reported were areas which could directly affect the living conditions of the Roma population, for example: desegregation measures, cooperation between Member States in situations with a cross-border dimension, and measures to fight trafficking in human beings." The measures

84 SOC/585, available at: https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/situation-roma-women-exploratory-opinion-european-parliament

85 Article 5(3) of the Charter of Fundamental Rights of the European Union.

86 COM(2019) 406 final.

explicitly targeting Roma women dealt primarily with: (i) fighting violence, including domestic violence, against women and girls; and (ii) fighting underage and forced marriages. Measures explicitly targeting Roma children and youth dealt primarily with fighting trafficking in human beings. The post-2020 initiative on Roma equality and inclusion[87] will build on ongoing synergies and policy developments to continue addressing trafficking in people from marginalised Roma communities.

3.7.4. VULNERABILITY OF MIGRANT AND REFUGEE WOMEN TO TRAFFICKING

Member States and EU agencies point out an increase in cases of victims who are asylum seekers or come from conflict areas. For instance, EIGE highlights that "with increasing numbers of women and girls being found among those fleeing their countries the amount of women and girls exposed to trafficking and forced marriage is increasing".

Spain observes an increase in victims coming from Venezuela and Colombia applying for international protection, as well as criminal networks taking advantage of legal pathways to enter the country. **A significant number of countries identify patterns with respect to Nigerians and asylum seekers from other African countries** (e.g. AT, FI, NL, ES), **mainly women trafficked for sexual exploitation**. In Finland, an increasing number of trafficking cases are reported to be related to failed cases of asylum seekers, whose situation has made them more vulnerable to exploitation in different areas of work, but also in prostitution and other forms of sexual exploitation.

Civil society organisations widely express concerns regarding the increasing numbers of trafficked persons from third countries who are migrants, in the majority of cases involved in asylum procedures, especially from Nigeria and Latin America. Reports highlight the continued misuse of the asylum procedure by Nigerian trafficking networks, who force victims to apply for asylum under their control in order to obtain a certificate of asylum request or even a residence permit.

In 2019, the Fundamental Rights Agency (FRA) issued the report "Integration of young refugees in the EU: good practices and challenges"[88] with results of the agency's field research on young people who arrived in 2015-2016 in some Member States and identifies good practices, and main challenges. The report has a chapter on vulnerability to crime, which also touches upon trafficking in human beings, including factors that may play a role in whether young people may become involved in crime, either as victims or as perpetrators. **About a third of the interviewed experts considered trafficking in human beings, primarily in connection with sexual exploitation and forced prostitution, a particular risk for refugee women and girls.**

87 https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combatting-discrimination/roma-and-eu/preparing-post-2020-initiative-roma-equality-and-inclusion_en

88 European Union Agency for Fundamental Rights 2019, Integration of young refugees in the EU: good practices and challenges.

3.7.5. VULNERABILITY OF UNACCOMPANIED CHILDREN TO TRAFFICKING

Civil society organisations highlight the **particular vulnerability to trafficking in human beings of unaccompanied minors from non-EU countries**, who often go missing.

A number of Member States report cases of particularly young boys, often from the migrant communities or unaccompanied minors, as being most at risk of falling victims of trafficking in human beings (e.g. NL, DK, SE, EL, AT).

Frontex reported that **children represent a vulnerable group that requires special attention**. "In 2019 the number of arriving unaccompanied children (UAC) increased by 35% in relation to 2018. Afghans (27% of the total), Syrians (11%), Tunisians (11%), Sudanese (6%), Pakistanis (5%) and Somalis (4%) were the largest group of UACs in 2019. UACs are the most vulnerable to exploitation and the increase in their numbers is a worrying trend."

The International Organisation for Migration (IOM), the UN Children's Fund (UNICEF) and the UN High Commissioner for Refugees (UNHCR) publication "At a crossroads Unaccompanied and separated children in their transition to adulthood in Italy" (2019) provides information regarding the normative framework and the reception system for unaccompanied and separated children who have been identified as victims of trafficking in Italy. "**The biographies reveal potential vulnerabilities linked to individual distressful events that range from experiences of torture, sexual violence and exploitation in Libya**, to the dangerous journey along the Mediterranean route, to anger and disappointment at having been pushed by parents to migrate or deceived by known individuals, **as often occurs to girls and young women who are victims of trafficking.**"[89].

The issue of unaccompanied minors appears as a concern in the contributions of several Member States (e.g. DE, DK, EL, SE), who have taken measures in order to address this phenomenon, including through training (e.g. DE, DK) and legislative developments (e.g. EL). The Swedish Migration Agency notes an increase in the number of unaccompanied boys from Morocco, who applied for asylum in Sweden. Sweden further reports on ongoing preliminary investigations initiated by the Stockholm Police Region on cross-border cases of trafficking involving a number of male adolescents from Morocco between the ages of 14-17 who were forced to commit crimes on behalf of traffickers. Many of these boys are also reported to have been sexually exploited/abused. Other Member States, such as France, Denmark or Greece, report on criminal networks exploiting unaccompanied minors for forced criminality. France provides an account of cases of Moroccan boys in an irregular situation, who are forced to commit thefts of jewellery or mobile phones on behalf of criminal networks. Drugs and serious abuses, such as rape, lacerations and other forms of physical violence, are reported to be used by the criminal networks.

[89] ISMU Foundation 2019, At a Crossroad. Unaccompanied and Separated Children in their Transition to Adulthood in Italy. UNICEF, UNHCR, IOM;

EASO addresses issues related to vulnerable persons such as children, including unaccompanied children, victims of trafficking in human beings, persons at risk because of their gender, gender identity or sexual orientation and any other person with special needs. The Agency has integrated a child-sensitive approach in its activities and highlights gender-specific aspects related to vulnerable persons, including victims of trafficking in human beings, in the context of operations, training and other asylum support activities. Regarding training, EASO has developed the Training Module on Interviewing children and Training Module on Gender, Gender Identity and Sexual Orientation. It aims to raise awareness and knowledge on children and other applicants whose human rights are being violated because of their gender, gender identity or sexual orientation. Considering the strong gender dimension of trafficking in human beings, EASO aims to ensure the availability of interviewers of both genders in the operational context, and their training in specialised interview techniques when dealing with particularly vulnerable cases.

3.8. TRAFFICKING IN HUMAN BEINGS IN THE CONTEXT OF INTERNATIONAL MIGRATION

Trafficking is not per se a migration related phenomenon, nor does it require the crossing of borders. A significant number of victims in the EU are EU nationals, including those trafficked within their own Member State. Not all non-EU victims arrive to the EU through irregular migration routes.[90] Trafficking in human beings is a complex crime, linked to various other crimes. Some of them, such as migrant smuggling, may be supporting offences facilitating the different stages of the trafficking chain in specific contexts.

Civil society organisations highlight that the migration crisis is reported to have heightened the risks of trafficking in human beings, with trafficking networks abusing asylum procedures, mainly for the purpose of sexual exploitation of victims.

Member States have continued experiencing arrivals of mixed migration flows and the identification and detection of victims or potential victims of trafficking have continued to be a challenge. **Addressing these challenges includes broad cooperation among diverse actors, i.e. on national level to develop further the** referral systems, cooperate with other country's authorities and support organisations (e.g. returning the victims to their country of origin); seeking the support and guidance of EU agencies (e.g. Frontex, FRA, EASO, Europol); **working with international organisations** (e.g. in the case of voluntary returns).

Some Member States adopted measures as a response to the evolving migratory situation in the EU. For instance, Austrian authorities updated the fifth National Action Plan in order to include training and awareness raising activities for law enforcement,

[90] See also Second Progress report and the complementing Staff Working Document

immigration officials, as well as staff working at reception centres, care facilities and detention centres.

In Cyprus, the migration crisis is reported to have increased the risks of trafficking in human beings, especially non-EU citizens from Cameroon and Nigeria. These persons arrive under the promise to find employment in Cyprus or to be able to apply for asylum, and are trafficked for sexual exploitation upon their arrival. In such context, Member States report on international cooperation with non-EU countries, in order to identify and dismantle trafficking networks taking advantage of and abusing asylum procedures.

Europol highlights in the European Migrant Smuggling Centre (EMSC Annual Activity Report 2019[91] the links between trafficking in human beings and other crimes in the context of international migration. The report notably includes information on the activities of Nigerian networks, which achieved significant influence in EU organised crime by regular cooperation with local criminal groups, and highlights the links of these networks with other forms of organised crime "linked to trafficking in human beings, such as fraud, corruption, migrant smuggling, counterfeiting of documents and money laundering. They are also involved in trafficking and distribution of various types of drugs and currency counterfeiting." Amongst other aspects, Member Sates operational contributions show that Nigerian networks "abuse the asylum mechanism to legalise both theirs and their victims' status. Many suspects involved in trafficking in human beings hold legal residence permits, are currently asylum applicants, or have refugee status."

Submissions from civil society emphasise the lack of recognition that migration and gender are important aspects of trafficking in human beings, which result in the disproportionate targeting of women and girls trafficked for sexual exploitation. Further, asylum-seeking women are at a higher risk of falling victim of trafficking in human beings and to become victims of another form of gender-based violence, such as rape or domestic violence, in particular due to difficulties in accessing safe accommodation and adequate counselling. **Civil society raises the need for a gender-specific approach to the provision of assistance and support services to victims of trafficking in human beings, especially for sexual exploitation.**

4. TRAFFICKERS AND THEIR MODUS OPERANDI

In the EU28 in 2017-2018, there were 11 814 persons in formal contact with police and criminal justice systems (suspected, arrested or cautioned), 6 404 prosecutions and 2 483 convictions for trafficking in human beings offences registered. Without data from the United Kingdom, there were 11 788 persons in formal contact with police and criminal justice systems (suspected, arrested or cautioned), 6 163 prosecutions and 2 426 convictions for trafficking in human beings offences reported in 2017-2018 in the EU 27.

The majority of the traffickers concerned trafficking for sexual exploitation: 77% of the suspects, 58% of the prosecuted and 54% of the convicted persons were registered in relation to trafficking for sexual exploitation. Less than one-fifth of all traffickers

[91] https://www.europol.europa.eu/publications-documents/emsc-4th-annual-activity-report-–-2019

registered in the EU concerned trafficking **for labour exploitation:** 13% of the suspects, 19% of the prosecuted and 16% of the convicted.

Nearly three-quarters of the traffickers **registered in the EU were male:** 73% of the suspects, 69% of the prosecuted and 74% of the convicted in relation to trafficking in human beings. The vast majority of all registered traffickers consisted of **adults:** 91% of the suspects, 87% of the prosecuted and 93% of the convicted. These patterns are consistent in EU 28 and EU 27.

The majority of all traffickers were EU citizens: 68% of the **persons suspected** (registered in formal contact with police and criminal justice systems as suspected, arrested or cautioned person), 56% of those **prosecuted and** 72% of those **convicted** for the offences of trafficking in human beings**.**

In the EU for the period 2017-2018, the top countries of origin of **suspects** with EU citizenship in absolute numbers were Italy, France, Romania, Germany and Bulgaria. When compared to the population of the respective Member States, the top countries of origin of suspects with EU citizenship were Bulgaria, Romania, Hungary, and Italy and Slovakia. The top five countries of origin of non-EU suspects were Nigeria, China, Morocco, Albania and Pakistan. These findings are consistent in EU 27 and EU 28.

The top countries of origin of EU citizens **prosecuted** for trafficking in human beings in the EU28 in 2017-2018 were France, Romania, Belgium, the Netherlands and Poland. Considering the rate of prosecutions by EU citizenship compared to the population of the respective EU Member States, the top EU countries of citizenship of prosecuted for trafficking were Cyprus, Belgium, Romania, France and Lithuania. These patterns are consistent in EU 27 and EU 28. The highest number of non-EU persons prosecuted for trafficking in the EU28 were respectively from Nigeria, China, Ukraine, India and Brazil. For the EU27, the top countries of citizenship of non-EU persons prosecuted for trafficking were Nigeria, China, the United Kingdom, Ukraine and India.

The highest number of EU citizens **convicted** for trafficking in the EU in 2017-2018 were from Romania, France, Germany, Bulgaria and Lithuania. Considering the rate of convictions by EU citizenship compared to the population of the respective EU Member State, the top EU countries of citizenship of persons convicted for trafficking were Romania, Lithuania, Bulgaria, Latvia and Estonia. The top countries of origin of non-EU citizens convicted for trafficking were respectively, Morocco, China, Nigeria, Turkey, Albania and Brazil. These findings are valid for both EU 27 and EU 28.

Member States reported that traffickers use different means to exercise **control over the victims**, including psychological abuse, use of threats, intimidation, harassment or blackmailing, debt bondage, withholding travel documents, threat of deportation and reporting to the authorities, control of victims' wages/earnings, restrictions of movement and personal contacts or isolation, insufficient living conditions, denial of medical care, abuse of victim's dependency caused by the language barrier, blackmail with pornographic materials of the victim or online video surveillance. Bulgaria even reports that video surveillance applications have largely replaced the practice of physically controlling victims, which was common in the past. Drugs are also reported to be used

as means of coercion to ensure obedience by the victims or in cases of labour exploitation, to enable victims to work for longer hours.

The reported trends of traffickers using less physical and more psychological violence remain in line with previous reports. Member States and EU Agencies (Europol) both note a shift towards the use of **more psychological control and verbal threats and less use of physical force**. Nevertheless, the use of physical violence and physical aggression persist as reported by a number of Member States and civil society. France reports that within the Romanian Roma community, more violent means are being used in pimping: young Roma girls are sent by force to France, kidnapped and raped, then subjected to forced street prostitution and the threat of reprisals. Networks of Roma pimps in Serbia and Bosnia have adopted similar methods, targeting young girls from their community, traded, sold or forcibly married to a pimp resident in France.

In the case of sexual exploitation, the 'lover boy' method continues to be widely used as reported by a considerable number of Member States, civil society and EU Agencies (Eurojust). Germany highlights that around one in six victims of trafficking in human beings for sexual exploitation was forced into prostitution via the 'lover boy' method.

Member States reported on **recruitment** through agencies, job advertisements in newspapers travel agencies, through acquaintances or family members and through recruiters in organised crime groups. A growing number of Member States indicated the internet and related social media as one of the most predominant forms of recruitment. In the case of Nigerian victims, Member States reported that organised criminal networks organise recruitment in Nigeria and then travel and exploit victims in Europe and that modus operandi of Nigerian networks is linked to voodoo-juju practices. For the purpose of labour exploitation, Eurojust highlighted that victims have been many times deceived into thinking that they would find work in another Member State and upon arrival, they were already in debt to the organised criminal group for transport and accommodation, which had to be paid back.

4.1. ORGANISED CRIME GROUPS (OCGS)

A number of Member State note the involvement of **OCGs** in trafficking in human beings, which are well-structured criminal networks, operating internationally, in some cases, with a pool of trans-border facilitators. Member States have reported the presence of groups with specialised tasks, including recruitment, transport, provision of clients, guarding of victims or provision of accommodation and food for victims. Operations involve trafficking for multiple forms of exploitation: sexual exploitation, labour exploitation, in sectors such as garment factories, hotels & restaurants, catering and construction, exploitation for the use of begging, exploitation for criminal purposes, forced marriage and organ removal.

Traffickers are involved in different ways in the organised structures. For example, Bulgaria reported on OCGs engaged in cross-border trafficking in human beings that are not centralised, but operate through a broad pool of facilitators in Bulgaria and in destination countries. In contrast, OCGs engaged in internal trafficking for sexual exploitation tend to have hierarchical structures, with more clear-cut functions of those

involved. Member States and civil society have reported an upsurge in organised Nigerian criminal networks, some noting that they are increasingly structured and highly hierarchical.

Eurojust reported[92] a case helping "national authorities from Slovakia, the UK, Germany and the Netherlands to bring down a Slovak organised crime group (OCG) involved in cross-border trafficking in human beings for labour exploitation and large-scale money laundering. The OCG maintained a hierarchical structure with strict distribution of tasks for the individual members, and systematically and meticulously planned and performed activities. The Slovak victims, who were mostly underprivileged people, were recruited in Slovakia and taken to the UK for forced labour. They were permanently employed, with bogus work contracts, in Chinese restaurants and car wash facilities under harsh working conditions: 12 to 14 hours per day, 6 days per week. The victims allegedly received a salary of at least £400 per week. The criminals appropriated most of that amount, arbitrarily claiming reimbursement for transport, accommodation and food that were provided to the victims under dubious financial arrangements. The victims thus ended up receiving only a tiny fraction of their actual salary: approximately £20 per week. The members of the OCG subsequently transferred that illegally obtained income to Slovakia to disguise its origin."

Few reported that there was little evidence of organised criminal groups or the coexistence of criminal associations without clear organisational structures and subordination relationships and offenders acting independently. A number of reports indicate the existence of 'micro networks' operating mainly in the field of sexual exploitation where pimping is carried out in small groups of up to five people or individually. Romania reports that the members of such groups tend to act on their own, but maintain their criminal groups and associations to ensure protection against other offenders. Traffickers are sometimes grouped using family or ethnicity criteria, so that each stage of trafficking can be managed by any of them, and the profits obtained remain concentrated in the possession of a small group of individuals. They easily reposition themselves under the pressure of the authorities and act simultaneously in several states.

Member States highlight the presence of Nigerian networks, mainly in the field of sexual exploitation, and other networks, such as, Romanian, Bulgarian, Slovakian, Chinese, and Pakistani.

4.2. POLY-CRIMINALITY, LINKS WITH OTHER CRIMES

Similarly, to previous Commission progress reports, Member States and EU Agencies note that trafficking in human beings is linked to other crimes and acknowledge that OCGs involved in trafficking in human beings are often poly-criminal. Trafficking networks are generally also involved in, or linked to, other forms of criminality, such as **migrant smuggling, drugs trafficking, and smuggling of goods, extortion, money laundering, document fraud, payment card fraud, property crimes, cybercrime** and other.

[92] http://www.eurojust.europa.eu/press/PressReleases/Pages/2019/2019-09-06.aspx

European Migration Smuggling Centre (Europol)[93]:

Nigerian networks achieved significant influence in EU organised crime by regular cooperation with local criminal groups. Besides trafficking in human beings, Nigerian networks are known to be active in other criminal businesses linked to trafficking in human beings, such as fraud, corruption, migrant smuggling, counterfeiting of documents and money laundering. They are also involved in trafficking and distribution of various types of drugs and currency counterfeiting.

Member States reported on links to other crimes, such as usury, smuggling, pimping and profiting from a person's prostitution, crimes related to ownership, property rights and property interests, money laundering or illegal money transfers and movements, crimes against health, possession of arms and ammunition, rape, and embezzlement and other types of financial crimes.

In a context of evolving modi operandi of traffickers, the links between multiple crimes need to be tackled. Organised crime and money laundering are the crimes most linked to trafficking in human beings in cases registered at Eurojust since 2014, followed by crimes against life and personal freedom, migrant smuggling, drug trafficking, document fraud, cybercrime, swindling and fraud, organised property crime, terrorism, racketeering and extortion, crime against the financial interest of the Union and illegal trading. Member States report a number of new cases of exploitation of victims for multiple purposes, such as labour exploitation or forced criminality and sexual exploitation. For instance, organised groups investigated for trafficking of women for the purpose of sexual exploitation is also suspected of involvement in money laundering, document fraud, trafficking for forced criminality, drug sale and supply. Member States report participation in Joint Investigation Teams for trafficking offences with link to other crime, such as drug sales.

The Council Conclusions on combating the sexual abuse of children reiterated that the fight against **sexual abuse and the sexual exploitation of children** is often also a fight against organised crime and trafficking in human beings[94]. The EU Strategy for a more effective fight against child sexual abuse, adopted in 2020, further highlighted that prevention efforts need to take into account the specific situation of various groups of children, including child victims of trafficking[95].

Some criminal networks appear to be combining the facilitation of illegal immigration, trafficking in human beings, document fraud and money laundering in their criminal activities. According to Europol, 20% of the criminal groups involved in **migrant smuggling**, are also involved in the trafficking of human beings for sexual or labour exploitation. In some cases, drug trafficking, migrant smuggling and trafficking in human

93 EMSC, 4th Annual Activity report -2019 (Europol, 2020).

94 12862/19.

95 EU strategy for a more effective fight against child sexual abuse (COM(2020) 607 final).

beings are carried out by the same OCGs, as observed in area of the Western Balkans[96], nevertheless such links may appear quite limited, according to the EMCDDA. An overlap in criminal activities in connection to migrant smuggling and drug trafficking, in particular cannabis, has been identified in investigations on the Western Mediterranean Route[97].

In Sweden, criminal gangs have been recruiting unaccompanied asylum-seeking children and children whose asylum applications have been rejected, to sell drugs. Criminal gangs usually force them to join by using threats and violence. Many such children involved in drug dealing live on the streets, which makes them even more vulnerable and exposed to recruitment for trafficking. Europol has supported operational actions, of the national police of France and Spain , for the dismantling of a large poly-criminal network involved in migrant smuggling, trafficking of human beings and drug trafficking[98].

Multiple links between **drugs and trafficking in human beings** have been identified[99], such as victims being coerced in **drug production and trafficking**, forced to work in cannabis cultivation sites or to carry drugs across borders. The use of labour exploitation at cannabis cultivation sites is a well-known phenomenon and remains an issue in some Member States, as reported by the EMCDDA. The victims are often held in debt bondage and forced to pay off debts of thousands of euros incurred for facilitation services in the context of irregular migration, although EU nationals are also exploited at cannabis cultivation sites with little or no pay. The EMCDDA highlights the case of transcontinental ties between drug-related organised crime groups, such as the Black Axe group, with the transport of Nigerians to Europe for exploitation, as well as Vietnamese, Chinese and Albanian OCGs exploiting irregular migrants by forcing them to work at indoor cannabis cultivation sites in various Member States.

OCGs exploit both EU and non-EU nationals and mostly female victims, as **drug couriers** on commercial flights, buses or trains travelling both to and within the EU. Victims originating from West Africa, particularly Nigerian nationals, and North Africa are most frequently encountered. The 'county lines' model of drug supply, increasingly popular in the UK, makes extensive use of the exploitation of vulnerable people, for example children in the care of social services or excluded from school, and adults. This exploitative business model allows criminal groups to expand to new areas at low cost and minimal risk, as they do not have to pay the vulnerable individuals whom they exploit, who are also the most exposed to the risk of arrest. Many Member States (e.g. Austria, Bulgaria, France, Hungary, Italy, Latvia, Lithuania, the Netherlands, Poland and Slovakia) reported that traffickers increasingly target vulnerable people with physical or mental disabilities, and people with substance use disorders.

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96 EMSC, 4th Annual Activity report -2019 (Europol, 2020).

97 Ibid.

98 EMSC 4th annual activity report, Europol 2020.

99 European Monitoring Centre for Drugs and Drug Addiction and Europol (2019), EU Drug Markets Report 2019.

In addition, victims of human trafficking may be forced to use **drugs as a means of coercion** and control and in order to ensure their obedience. Illicit drugs are also used to recruit victims for sexual exploitation.

In response to this issue, the EU action plan on drugs 2017-2020 called for the gathering of evidence on the potential connection between drug trafficking and trafficking in human beings. The EU Drugs Agenda and Action Plan 2021-2025 sets forth an action to reinforce analysis and information sharing on the relationship between drug markets related criminality and other forms of serious crime, including trafficking in human beings[100].

As reported by Europol, **benefit fraud** involving the targeting of social and labour benefit schemes has strong links to trafficking in human beings and migrant smuggling[101].

In a case of trafficking for the purpose of social benefit fraud, an OCG recruited and trafficked more than 50 Romanian families to Germany with the promise of employment. The OCG compelled the families to sign bogus employment documents, to open bank accounts and apply for social benefits, including child allowances. The OCG confiscated the money received, estimated in the millions of euro, laundered it, and sent it to Romania by car or wire transfer[102].

A Joint Investigation Team was established between Romania and Germany to combine the parallel investigations. Europol and Eurojust assisted the investigations with analysis of suspects, telephone numbers and bank data and coordination meetings and financial support to the JIT. The joint action day resulted in arrests, including execution of four German European Arrest Warrants, 27 searches, hearings and freezing orders. The operation led to the dismantling of the social benefit fraud network.

4.3. The Use of Information and Communication Technologies

Traffickers are becoming more skilled in misusing technologies and the internet to expand their criminal activities and exploit victims online. **Technology creates new opportunities for traffickers, including the enabling the exploitation of new types of "services" such as live streaming of sexual exploitation to a global audience, the increasing access of traffickers to a larger market and the lowering of the risks for traffickers of being caught by law enforcement and prosecuted**[103]**.** Member States and civil society acknowledge that traffickers' modus operandi have changed due to the rapid development of the Internet and the deployment of new means of in many stages of

100 COM(2020) 606.

101 Enterprising Criminals – Europe's Fight against the Global Networks of Financial and Economic Crime, Europol 2020.

102 http://www.eurojust.europa.eu/press/PressReleases/Pages/2018/2018-07-04.aspx

103 OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings and Tech Against Trafficking, Leveraging innovation to fight trafficking in human beings: A comprehensive analysis of technology tools (Vienna, May 2020).

the trafficking chain. A growing number of Member States report that the internet and related social media have been used as one of the most predominant forms of **recruitment of victims**, children being at specific risk. Information and communication technology is being used also for the **organisation of the transport and accommodation** of victims (online purchase of tickets and booking and rental of accommodation), the **advertisement** of services of victims, communication between perpetrators and with victims (including social messaging applications, online chats) and to **control victims** through monitoring (e.g. online video surveillance and mobile phone location services) and threats of publishing nude images online as well as for the **transfer of criminal proceeds** by virtual payment methods. **Europol reports that the internet is increasingly being used for the recruitment of new victims, mainly through social media and websites offering job opportunities abroad.** Civil society notes an increase in trafficking **for sexual exploitation online**, including through internet websites and escort services, which is paired with a decrease of street prostitution and brothels and indicate a growing risk posed by the internet for sexual exploitation of victims, including of children. **Civil society organisations identify a shift of the supply and demand side of trafficking in human beings from the offline sphere to the less visible online sphere,** thus presenting significant challenges to law enforcement, health care and policy makers to address the crime appropriately.

Technology can play an important role also in preventing and disrupting trafficking in human beings. Civil society highlight the need for further development and implementation of technological measures to address the crime. In 2018, a coalition of technology companies, Tech Against Trafficking (TAT), was established to support the anti-trafficking action, by identifying opportunities to develop and scale promising technologies. In 2020, the TAT, in cooperation with the Organisation for Security and Co-operation in Europe (OSCE), carried out a comprehensive analysis of technology tools and initiatives developed to combat trafficking in human beings[104]. The study identified over 300 tech tools and found that nearly half of those are aimed at countering trafficking for labour exploitation (46%), and close to one-third (29%) – trafficking for sexual exploitation. The study further highlighted the need to increase resources and training for practitioners, policymakers, NGOs and academia to understand the numerous ways in which technology is being used by traffickers and to support more effective use of technology-based solutions.

More attention is needed to explore and leverage the use of new technology to prevent and disrupt trafficking in human beings and protect the victims.

Operation Webmaster targeted a Finnish organised criminal group involved in human trafficking for sexual exploitation and money laundering[105]. With support from Europol and Eurojust, the Spanish National Police joined forces with national authorities from 14 other countries (9 EU and 5 non-EU) to bring down the trafficking

104 Ibid.

105 https://www.europol.europa.eu/newsroom/news/parallel-investigations-bring-down-sexual-exploitation-network-and-freeze-criminal-profits-in-12-counties

ring. A Joint Investigation Team was set up between Finland, Spain and Sweden to speed up the investigations. Europol has supported the joint investigation by organising coordination and operational meetings and providing analytical support by deploying at the action day experts in fighting trafficking in human beings, cybercrime and asset recovery to three of the countries involved in the operational activities to crosscheck operational information in real time against Europol's databases. Europol activated advanced communication technology to enable real time contact between the operational team operating in different Member States and supported the seizure of the online domains, collaborating with US hosting service providers.

The joint operation led to six arrests, 16 website shutdowns and multiple seizures of cash and luxury goods. Following the action day, the suspects' bank accounts in 12 different countries were frozen simultaneously. The seizures included luxury cars, jewellery, approximately EUR 30 000 in cash, digital evidence and documentation related to the money laundering investigation, and real estate in Finland. Company shares and bank accounts with EUR 1.5 million were frozen.

5. PREVENTING TRAFFICKING IN HUMAN BEINGS BY COUNTERING THE CULTURE OF IMPUNITY

Preventing the trafficking crime from happening has been at the core of EU policy priorities and an overarching priority of the 2017 Commission Communication[106]. The Anti-trafficking Directive lays down concrete requirements in that respect for Member States bound by the Directive. Prevention includes actions on raising awareness, education and training and also to reduce risks associated with victims' vulnerabilities and the factors that foster them. The Second Progress Report **pointed out that vulnerabilities alone do not result in trafficking. Trafficking is driven by huge profits it renders to organised crime groups (OGCs).** Since trafficking in human beings is a crime driven by profit, reducing demand in an effective way requires actions to deprive traffickers from their financial gain and to ensure that crime does not pay.

The culture of impunity prevails when those involved in the criminal business model and the trafficking chain do not risk facing consequences for their criminal act. Arrests, prosecutions, convictions, and holding perpetrators accountable increase deterrence, which constitutes an element of prevention. This does not only include the traffickers, but also their accomplices and those who knowingly benefit from the services provided by the victims. **Traffickers' *modus operandi* is constantly evolving.** Many organised crime groups active in trafficking in human beings are also poly-criminal, involved in more than one crime area. Seizing and confiscating criminal proceeds and profits and 'following the money', also via financial investigations and joint investigations, remains key to target the criminal business model. Countering the culture of impunity and increasing accountability requires intensifying the number of investigations, prosecutions and convictions, not only against traffickers, but also against those who profit from the crime and exploit the victims.

[106] COM(2017)728final.

The number of reported prosecutions on trafficking in human beings in the EU is higher in 2017-2018 than in the previous reporting period 2015 and 2016, whereas the number of reported convictions in the current reporting period is lower. While it may not be advisable to draw conclusions on a trend in such a short period of time, **the high number of registered victims within the EU (26 268) calls for a strong criminal justice response to**wards **the eradication of impunity of the perpetrators and making trafficking in human beings a 'high-risk low-profit' crime.** In its 2018 Trafficking in Person report, the UN Office on Drugs and Crime (UNODC) points out that 'impunity serves as an incentive for traffickers to step up their activities'[107].

5.1. ENCOURAGING THE CRIMINALISATION OF THE USE OF SERVICES PROVIDED BY THE VICTIMS

As a key action of the 2017 Communication, the European Commission have encouraged those Member States who have not yet done so to criminalise the use of services exacted from victims of trafficking in human beings. As an example, the European Commission organised, on 7 May 2019, together with the Romanian Presidency, an experts meeting on the exchange of practices related to criminalising the use of services provided by victims of trafficking, in line with Article 18 (4) of the Anti-trafficking Directive. Further, the meeting of the EU network of National rapporteurs and equivalent mechanisms on 14 May 2019 discussed the topic "Encouraging the criminalisation of users of services exacted form victims of trafficking in human beings".

The first and second progress reports of the European Commission took note on progress made in the Member States, including legislative developments, awareness raising actions and training. The first progress report noted that 'Trafficking in human beings is a demand and profit driven crime. Prevention must be placed in the wider context of a crime being driven by profits and demand. A human rights-based approach focusing on victims needs to address prevention appropriately and effectively, and discourage the demand that fosters all forms of trafficking, as clearly stipulated in the Anti-trafficking Directive. This means not only addressing the root causes that make people more vulnerable to trafficking – such as poverty, gender inequality and violence against women, ethnic discrimination, societal marginalisation, irregular migration – but also ensuring that those who profit from the crime and exploit the victims are brought to justice'.

Some Member States have implemented in their national laws the criminal law provisions to penalise the use of services exacted from victims of trafficking in diverse ways, whilst other Member States did not take measures in that respect[108]. Findings of the 2016 'Users report' of the Commission showed that, in the EU, there is a "rather diverse legal landscape which fails to effectively contribute to discouraging demand of

[107] UNODC, Global Trafficking in Persons Report, 2018.

[108] For an overview, see Commission Report assessing the impact of existing national law, establishing as a criminal offence the use of services which are the objects of exploitation of trafficking in human beings, on the prevention of trafficking in human beings, in accordance with Article 23 (2) of the Directive 2011/36/EU (COM(2016) 719 final); and Staff Working Document to the Second Progress report of the European Commission (SWD(2018) 473 final).

such services."[109]. The legal landscape in the EU on this matter continues to be very diverse. **At national level, legislative measures taken under Article 18(4) of the Anti-trafficking Directive follow different approaches** to prevent the crime from happening and to reduce illegal demand for the services or use or exploitation of victims of trafficking in human beings. National measures differ in their scope, aims and specific requirements.

Some Member States recalled their existing national legislation in this context: The use of services of trafficking victims is criminalised in the Penal Code of **Portugal** (Article 160º, §8), as long as employers/customers are aware of the fact that the workers/prostitutes are victims of trafficking in human beings. The **Croatian** Criminal Code penalises in Article 106, Paragraph 4, the person who uses the services of a victim of trafficking by imprisonment from one to ten years. The consent of a victim of trafficking in human beings to the exploitation is irrelevant. According to the **Slovenian** criminal law (Article 113 paragraph 4), a person who knows that a person is the victim of trafficking in human beings, but still uses their services, shall be punished by imprisonment of up to three years and by a fine. **Bulgaria** noted Article 159c of the Criminal Code, which reads as follow: "A person who takes advantage of a victim of trafficking for the purpose of fornication, forced labour or begging, removal of an organ, tissue, cell or body fluid or holds him/her in servitude irrespective of his/her consent, shall be punished by imprisonment for a period of three to ten years and a fine of BGN 10,000 to BGN 20,000". **In Lithuania**, the Criminal Code was amended in 2011 (Articles 142^2 and 147^2) on the 'Use of Forced Labour or Services', establishing 'criminal liability for persons who make use of human labour or services including prostitution and who know or ought to know that the individual concerned is doing such work or is providing such services because physical violence, threats, fraud or other methods of breaking an individual's will stated in Article 147 of the Labour Code have been used with respect to him/her for exploitation purposes'. The provision foresees punishment by a fine or by restriction of liberty or by arrest or by imprisonment for a term of up to three years. The person who committed a criminal act provided for in this Article may not be liable for it, provided that he/she voluntarily informed the law enforcement institution thereof and cooperated actively in identifying a person who fell victim to a criminal offence of trafficking in human beings or purchase or sale of a child. A legal entity shall in any case be liable for the activity. Between 2017 and 2019, three persons were convicted in the first instance courts of Lithuania under this provision.

France recalled its Law of 13 April 2016 introducing into the criminal code for the offence of the purchase of a sexual act, which became punishable by a fine of EUR 3 750. The aim of the measure is to reduce demand and to prevent prostitution, trafficking in human beings and procuring and thus containing the lucrative market for sexual exploitation and thereby making its territory less attractive for pimps.

Finland recalled having criminalised the abuse of a person of sex trade (Criminal Code, Section 20:8). The number of investigations, however, was reported to be low, meaning in 2017: 7; 2018: 7; and 2019: 9. The number of investigations is dependent on the

[109] COM(2016) 719 final.

resources of the pre-trial investigation authorities to disclose human trafficking and pandering offences. The aim of the Government is to establish a new unit to disclose and investigate trafficking offences, which can have an impact also on the number of investigations of the offence or the abuse of a person for sex trade. It was recalled that the use of other services (labour trafficking) has not been criminalised in Finland, and it is currently not under discussion.

The legislation in **Malta** (Criminal Code, Cap.9) provides for the criminalisation of the use of services of victims of trafficking in human beings and it was recalled that stakeholders, including the business community, were made aware of this provision in the national legislation.

In the area of forced prostitution, **Germany** has created a criminal offence in Section 232a(6) of the German Criminal Code (StGB), under which 'clients' of sexual services can be prosecuted if they exploit a victim's predicament to engage in sexual acts. Such acts are punishable by custodial sentences of between three months and five years.

Data provided on suspects, prosecutions and convictions in such criminal cases show different criminal justice responses to apply the national provision(s). In 2017-2018 in EU-28, a total of **170 suspects, 162 prosecutions** and **133 convictions** were reported under the respective national provisions, which Member States considers the relevant national provisions for criminalising the knowing use of services exacted from trafficked victims. Eleven Member States reported statistics on **suspects.** The five Member States reporting the highest number of suspects in 2017-2018 are Lithuania (62), Cyprus (40), Czechia(39), Malta (16) and Denmark (6). Eight (8) Member States reported numbers on **prosecutions.** The five Member States reporting the highest number of prosecutions in 2017-2018 are Lithuania (69), Cyprus (40), Estonia (21), Malta (16) and Bulgaria (13). Fourteen (14) Member States reported numbers on **convictions.** The five Member States reporting **the highest number of convictions** in 2017-2018 are Lithuania (85), Hungary (21), Estonia (18), Cyprus (4) and Denmark (3).

Member States were requested for the first time during this data collection to report on the sex and age of suspects, prosecuted and convicted individuals for using services of victims of trafficking in human beings under the applicable national criminal provision. In EU28 in 2017 -2018, **124 men, 41 women, 1 girl and 4 boys were suspected** for this offence, **113 men, 36 women,** 26 unknown **were prosecuted for this offence** and **103 men, 24 women, 1 boy and 5 girls** were **convicted** for this offence.

Some additional data were included in the national contributions, complementing the statistical reporting[110]. For example**,** In **Greece,** during the reporting period, two persons were prosecuted for knowingly using sexual services of a trafficking victim[111]. The new Penal Code provides for stricter punishment - at least three (3) years in prison and a fine - for those who knowingly receive the services of trafficking victims, employ them, perform sexual acts with the victim and receive revenue generated by the exploitation of

[110] .These are not included in the study 'Data collection on trafficking in human beings in the EU (2020)

[111] These data were not available at the time completing Eurostat questionnaire.

victims. The Prosecutor of the Supreme Court brought this provision into the attention of all prosecutors in Greece, by a Circular dated October 2019, so that they consider providing general directions to the police investigating officers in their area of jurisdiction. **Romania** noted that since the 2014 criminal provision incriminating the use of the services of a victim of human trafficking, during the years 2018-2019 at least in five such criminal cases prosecutions have started**.** Since the amendment of the Law 60(I)/2014 in **Cyprus** in 2019, three (3) persons were charged for the offence of the use of services provided by victims of trafficking in human beings.

The analysis of national provisions, contributions and statistical data provided for the Third progress report points to the necessity to examine the consistency of data recording and reporting under the national provisions for the criminalisation of the use of services of victims.

Few Member States reported on adopting new laws or amending existing legislation with respect to prevention initiatives, reducing demand or criminalising the services exacted from victims. Through amendments to Article 133[1] of the Penal Code ("facilitating human trafficking"), adopted on 26 June 2017, the **Estonian** Parliament criminalised the purchase of sex from a victim of trafficking, with the knowledge that the person is a victim. **Ireland** reported on the 2017 Criminal Law (Sexual Offences) Act that enhances and updates laws to combat the sexual exploitation and sexual abuse of children, including new offences relating to child sexual grooming and new and strengthened offences to tackle child pornography. The Act, among other provisions, also criminalises the purchase of sexual services. Part 4 of the Act provides for two new offences of paying for sexual activity with a prostitute and paying for sexual activity with a trafficked person. These measures and others introduced by Part 4 of the 2017 Act are part of the Government efforts to target the demand for prostitution and are reinforced through awareness-raising efforts and well-publicised Garda operations. In 2019 the Department of Justice and Equality funded an NGO, who work with women affected by prostitution and other forms of commercial sexual exploitation including victims of sex trafficking and those who have a past experience of prostitution/sex trafficking, to carry out an awareness raising campaign into the criminalisation of the purchase of sex. This national awareness raising campaign aims to enhance public awareness and understanding of the exploitation inherent in the sex trade and the vulnerabilities of those exploited within it, whilst specifically highlighting the fact that it is now a crime to purchase sex in Ireland.

Cyprus amended its law on 27 July 2019, Law 117(I)/2019 amending the Anti-trafficking law [60(I)/2014]. The new Article 17A criminalises anyone who demands or receives or uses work or any services of a victim that are the subject of sexual exploitation, establishes liability to imprisonment not exceeding ten (10) years or a fine not exceeding fifty thousand euro (€50,000) or both; and more severe sanctions if the victim is a child. The term **"demand"** is also introduced in the law (Article 2), stipulating that it includes a) the client, who requests and buys services of human trafficking; b)the trafficker, who recruits, pushes into prostitution or exploits in any way the victims; c) the employer, who hires the services obliged to provide the victims; d) the owner of the club or other place of leisure where victims are exposed, and e) any other

person who is involved in any way in the trafficking chain. In addition, the fact that a person (the user/client) may claim that he was not aware that the person from whom he received the service was a victim does not constitute a defence. It is expected that the amendment of the abovementioned law will result in the reduction of human trafficking cases, especially for sexual exploitation, where there has been a significant increase in the imposed penalties.

Sweden introduced new legislation on rape applicable to trafficking in human beings that came into force on July 1, 2018. The law is based on consent/voluntary participation in a sexual act, set out in chapter 6 of the Swedish Penal Code. The amendment to the legislation also includes a new offence – "grossly negligent rape" ("oaktsam våldtäkt"), which applies to certain serious sexual crimes. A perpetrator, who carries out a sexual act against a person, who does not participate voluntarily due to violence, threats or coercion, or who, for some reason, is in a particularly vulnerable situation, can be convicted of rape, sexual assault and for grossly negligent forms of this crime, if the perpetrator had knowledge or intent, or was grossly negligent as to whether the complainant participated in intercourse or in any other sexual act equivalent in seriousness to intercourse voluntarily. This extended criminal liability can also be applied to human trafficking for the purpose of prostitution. A person can never be considered to have participated voluntarily if the perpetrator improperly exploits a person who is in a particularly vulnerable position or circumstance. This means that an explicit or implicit decision to take part in a sexual act is voluntary only if the person is capable of expressing own will. Being in a particularly vulnerable situation voids fully the possibility of voluntary participation. A user of prostitution can be sentenced for any of the above-mentioned offences, including grossly negligent rape instead of or, importantly, in addition to the purchase of a sexual service.

In **Luxembour**g the Law of 28th February 2018 reinforcing the fight against the exploitation of prostitution, pimping and trafficking in human beings for sexual exploitation sets up a "Committee on Prostitution" that monitors, among other things, the implementation of the National Action Plan on "Prostitution", adopted in June 2016. The law also foresees the cooperation of this Committee with the Committee responsible for monitoring of trafficking in human beings. Victims of sexual exploitation/prostitution, pimping or trafficking are not held responsible for soliciting. **The clients who have knowingly used the services** of a minor, a particularly vulnerable person or **victim** of sexual exploitation, pimping or **trafficking** in human beings will be prosecuted (they might avoid prosecution by testifying against the offenders and revealing useful information to the police). So far, no client has been prosecuted for having used the service of an exploited person knowingly. However, Luxembourg highlighted the positive impact of such criminalisation on the client's behaviour, as clients collaborate more actively with the police, as they realise the severity of the possible sanctions.

The Netherlands reported on a private member's bill to prevent victims from falling prey to sexual exploitation , which concerns 'Penalising the abuse of prostitutes who are victims of human trafficking' (Strafbaarstelling misbruik prostituees die slachtoffer zijn van mensenhandel) This bill was reported to reflect the government policy objectives that

are aimed at both preventing and combating human trafficking within the prostitution industry. The private member's bill is subject to further debate.

Some Member States reported on considerations to criminalise the use of services of victims of trafficking in addition to the existing criminal law framework. In **Latvia**, in addition to the existing provisions as to Section 164 "Involvement of a Person in Prostitution and use of Prostitution Services" of the Criminal Law; to the new Paragraph (3^1) providing for criminal liability for use of prostitution of a minor person; and Section 280 on "Violation of Provisions Regarding Employment of Persons" of the Criminal Law. In May 2019, the Ministry of Justice started inter-sectoral discussion to introduce a new legal regulation in the Criminal Law to criminalise the use of services of victims of trafficking in human beings. So far, the focus is put on collecting experience, practise and legal regulation of other European Union Member States, analyse acquired information and draft nation legal regulation. **In Hungary,** there were several initiatives pending adoption to improve the legal framework of combatting human trafficking. As reported, consideration are ongoing for the criminalisation of the knowingly use of the services or other activities of victims of human trafficking. In **Spain, the** draft of the **"Strategic Plan against trafficking in and exploitation of human beings"** includes among its action "addressing the demand of the services of the victims of trafficking in human beings and exploitation". This action line includes the following measure: "promoting legal amendments necessary to end the demand of services of the victims of trafficking in human beings and exploitation, according to Article 18(4) of the Anti-Trafficking Directive.

The Netherlands reported on law enforcement efforts against the use of services of victims. For example, in cases of a criminal investigation into the sexual exploitation of a minor, efforts are made to track down and prosecute the customer, in particular by investigating and prosecuting the customer under Article 248b of the Dutch Penal Code. The provision reads as follow: "Any person who sexually abuses a person who makes himself available for the performance of sexual acts with a third party for remuneration and who has reached the age of sixteen years but is under the age of eighteen years, shall be liable to a term of imprisonment not exceeding four years or a fine of the fourth category." An example of a court case from the Hague Court of Appeal of 4 October 2018 is the Schiedam sex business case where a sixteen-year old has been exploited for prostitution by a lover boy. In this case, the Court sentenced three individuals under article 248b of the Dutch Penal Code, and considered that it is the own responsibility of the user to determine that a prostitute is a minor, especially when – as was the case – there are special situational circumstances raising alarm.

Austria reported that while there is no provision in its national criminal law explicitly penalising the use of services provided by victims trafficked for exploitation, certain criminal provisions could possibly be invoked under certain type of specific situations using victims' works and services.

Other means, such as dialogue between stakeholders for better action were also invoked by Member States to address the issue. For example, the Dutch government entered into dialogue with the police, Public Prosecution Service, National Rapporteur and NGOs in order to identify the bottlenecks and opportunities related to discouraging

and prosecuting clients who buy sex from minors and to come up with a package of measures to discourage clients from buying sex from minors. Targeted measures are being developed in the Netherlands to tackle, discourage and possibly lead clients towards legal prostitution. Clients of under-age victims are currently being investigated. A broad mix of policy measures, targeting the demand side of sexual exploitation and with an emphasis on clients exploiting minors, are planned to be launched. **Greece noted that raising general awareness to sensitize society and to reduce 'demand' for services or products extracted from trafficking victims is key** to the Greek national policy against trafficking in human beings. This concerns primarily synergies with civil society actors and the cultural sector, partnerships with the private sector and local government for trafficking -free supply chains and zero tolerance consumer ethic, as well as promoting Human Rights Education in schools.

With regard **to measuring the impact of the initiatives to criminalise the use of services exacted from victims of trafficking, few Member States noted relevant studies and research undertaken.** For example, in **the Netherlands** a research is carried on the identity of clients by analysing the criminal records of the Public Prosecution Service, to gain more insight into what drives these clients and what will deter them, on the investigation policy and laws and regulations on how to deal with the clients; on sentencing related to cases of sexual exploitation of minors. **Ireland** reported on funding research to focus on the impact of the Criminal Law (Sexual Offences) Act 2017 on the welfare of people engaged in sexual activity for payment. Two project proposals were received, evaluated and recommended for funding, which are also expected to provide information relating to victims of trafficking in human beings. One of the projects aims to provide empirical data on the experience of women in the commercial sex trade and the response of the criminal justice system in the context of the new law. The other research project aims to explore the current levels of awareness and "know-how" about the criminalisation of purchasing sex legislation among survival sex workers. It also aims to design an evidence-based ethical approach to research and working with survival sex workers.

Some Member States (e.g. AT, LU) highlighted practical procedural considerations when introducing or implementing a criminal provision to penalise users of services exacted from victims of trafficking in human beings, such as 1) noting that public prosecutors and police rarely receive reports on using sexual services of victims of trafficking in human beings because none of the persons involved are interested in the prosecution of the case; 2) it can be difficult to prove the intention of the perpetrator; 3) a lower degree of knowledge required for the criminal liability would mean punishing people for acting carelessly for example when they buy cheap products, and 4) in such cases, suggest that awareness raising campaigns would be much more effective to sensitise consumers about trafficking and especially for the signs of exploitation; 5) in cases where knowledge is not required just to make the provability easier would lead to a shift of focus of the criminal act and punishing the consumer would be in the centre instead of punishing the traffickers; 6) in many cases, non-legislative measures like awareness-raising campaigns to inform consumers about minimal legal standards, decent working conditions and indicators of trafficking or exploitation could be more practicable and more effective means; 7) doubts whether introducing a special provision would

reduce demand more effectively; 8) disposition of national law making difficult to enter private housings in order to check whether sexual exploitation takes place or not. It was suggested to give considerations (SK) whether it will be necessary to perform an analysis for supplementing the particular provision on abuse of services of victims of trafficking in human beings in the criminal code or it is necessary to focus on consistent implementation of the existing legislation in the Criminal Code.

Council of Europe, Group of Experts on Actions Against Trafficking in Human beings- 9Th General Report on GRETA's activities[112]:" GRETA notes that the criminalisation of the use of services which are the object
of exploitation as referred to in Article 4 of the Convention, with the knowledge that the person is a victim of trafficking in human beings, can have a normative effect and increase public awareness of human trafficking issues, in addition to having a punitive function. State Parties which have introduced this provision in their national legislation should disseminate information about it and promote its application in practice. Other State Parties should consider introducing a legal provision criminalising the use of services which are the object of exploitation as referred to in Article 4 of the Convention, with the knowledge that the person is a victim of trafficking. In respect of all State Parties, GRETA has made recommendations at the level of "consider", asking them to take further measures to discourage demand for the
services of trafficked persons, for all forms of exploitation, in partnership with civil society, trade unions and the media, including by raising awareness, implementing educational programmes at schools, strengthening corporate social responsibility and requiring businesses to report publicly on measures to reduce human trafficking or forced labour in their supply chains."

Many Member States have taken measures to address the use of services exacted from victims of trafficking, including legislation in this field for prevention and for discouraging demand on which the trafficking business thrives and also increasing accountability towards the victims. Due to legislative and policy developments in this field since the adoption of the Anti-trafficking Directive (2011), exploring in greater details the available knowledge and experiences and statistics can take the comprehensive picture in the EU.

5.2. Businesses and Legal Persons: Responsibility and Due Diligence Against the Trafficking Chain

Article 5 of the Anti-trafficking Directive establishes the liability of legal persons for the trafficking offence. According to the 'Transposition report'[113] of the European Commission, all Member States have introduced criminal or administrative liability of legal persons for the different types of capacities or positions of the perpetrator that shall lead to responsibility. Article 6 of the Anti-trafficking Directive set out the obligation for Member States to introduce effective, proportionate and dissuasive penalties for the legal

[112] 20/04/2020, available at: https://www.coe.int/en/web/anti-human-trafficking/-/greta-publishes-9th-general-report-on-its-activities

[113] COM(2016) 722 final.

persons held liable. The Transposition report of the European Commission notes that Member States have introduced administrative or criminal sanctions for the trafficking offence that are explicitly applicable to legal persons, minimum and maximum fines vary between Member States; and Member States may include other optional sanctions.

Under the priority to disrupt the business model and untangle the trafficking chain, the 2017 Commission Communication calls for discouraging the demand for all forms of exploitation, including through the responsible management of global value chains. The Communication further describes EU action taken in several policy areas, both in the internal and the external dimension, to ensure supply and value chains without trafficking in human beings, including in the garment sector. The Second progress report provided information on measures adopted by the Member States to address due diligence and the responsibility of legal persons in the trafficking chain. The Commission Staff Working Document on 'Sustainable garment value chains through EU development action' presents an overview of the complex garment sector and the challenges it faces, and outlines a strategy for an effective EU development cooperation response[114]. The Commission's Guidelines on non-financial reporting enhance business transparency on social and environmental matters[115].

The trafficking chain includes the complex interplay of economic transactions linked to trafficking in human beings: from legal persons or businesses, legal or illegal, to individuals or crime groups, and those benefiting and using the services of the victims, the chain is multi-layered and starts when the victim falls under the control of the trafficker. Actors receiving economic profits along the chain may range from relatives of victims, informal or formal recruitment agencies, labour market intermediaries supplying labour in specific sectors or sub-contractors in global supply chains, as well as travel agencies, visa services and taxi or other transport enterprises. **Discouraging the demand for all forms of exploitation encompasses the responsible management of global supply chains, attention to due diligence and high risk sectors.** ICT technologies and online services providers can contribute to reduce the risk of people becoming victims of trafficking and to enable efficient and effective investigations of trafficking cases.

Civil society organisations refer to the potential role of the transport industry as facilitator of the trafficking chain. Particular reference is made to bus, truck and taxi drivers involved in the transportation of migrants, victims and users; hotel services might knowingly or unknowingly facilitate trafficking.

Trafficking networks are increasingly showing levels of professionalism and expertise, making their activity look like a corporate business, much more than in the past. Member States highlighted the existence of synergies between the policy framework against trafficking in human beings and public policies adopted at the national level in related areas, such as organised crime, security, business and human rights.

[114] https://ec.europa.eu/transparency/regdoc/rep/10102/2017/EN/SWD-2017-147-F1-EN-MAIN-PART-1.PDF

[115] C/2017/4234.

Civil society organisations stress the need to **increase transparency in the supply chains of products**, where trafficking in human beings is often taking place and **to introduce mandatory due diligence**. Several Member States report on the adoption of measures addressing the responsibility of businesses and legal persons, and due diligence in the chain of supply of products, notably within the framework of business and human rights. Trafficking in human beings is increasingly identified as a priority in due diligence (e.g. EL). This includes public private partnerships, notably with trainings on Business and Human Rights addressing trafficking and related issues (e.g. EL), or with the hotel and banking sectors (e.g. NL). The Austrian Federal Ministry of Social Affairs, Health, Care and Consumer Protection finances a project on trafficking in the supply chain in the context of corporate social responsibility and businesses aiming to analyse how existing quality seals and multi-stakeholder-initiatives to be used to combat and prevent human trafficking and labour exploitation in the international supply chains.

Ireland's National Plan on Business and Human Rights 2017-2020, launched by the Department of Foreign Affairs and Trade, aims to give effect to the UN Guiding Principles on Business and Human Rights. It includes in its initial priorities for the Implementation Group, the encouragement and facilitation of the sharing of best practice on human rights due diligence, including effective supply chain audits.

Several Member States carried out efforts in order to address and raise awareness on trafficking in human beings in the context of public procurement and business responsibility to prevent trafficking for labour exploitation and protecting human rights (e.g. IE, LV, NL, SI).

5.3. Increasing Accountability and Results Through Effective Investigations and Prosecutions

Article 9 of the Anti-Trafficking Directive stipulates that Member States shall take all the necessary measures to ensure that effective investigative tools are available to investigation and prosecution authorities; persons, units and services investigating and prosecuting the trafficking offences are trained and that investigation and prosecution are not dependent on reporting or accusation by the victims.

5.3.1. Special Investigative Techniques and Specific Competences

As a form of particularly serious crime, trafficking in human beings is an area in which special investigative technics are provided for by law in the Member States. Member States reported on recent developments, as well as on already existing practices on this matter. Such techniques may involve, but are not limited to physical and electronic surveillance, search of premises and persons; seizure of property; undercover operations, monitoring of bank accounts; surveillance of payment transactions, lifting confidentiality of communications or location and traffic data. Some Member States (e.g. LT) note an increased quality of investigations, ascribed to, among others, the knowledge and competence built of investigating officers and to the application of established case law in this field. Member States report on persisting challenges for operations stemming from, among others, the limitation of resources, including of technical equipment and

appropriate technological tools, such as analytical software, to law enforcement personnel (e.g. LV).

Specialised anti-trafficking units and structures have been assigned in some Member States to deal with investigation in the area of trafficking in human beings. Specialised anti-trafficking units have been operating within the police forces in a number of Member States, for instance Latvia and Slovakia. In Hungary, senior supervisor officers in the area of trafficking in human beings have been appointed in all county police headquarters in 2019. As reported by Latvia, the specialised trafficking in human beings units have initiated a particularly high number of investigations of trafficking compared to other police departments in the country. Nevertheless, not all Member States have specialised police units in trafficking in human beings.

In Croatia, police officers specialised in financial investigation have been assigned within the police section dealing with organised crime. In Romania, experts from the financial investigation service can be associated, when necessary, for the investigation of cases of trafficking in human beings, together with the anti-trafficking experts.

Prosecution of cases of trafficking in human beings is facilitated in some Member States through the appointment of **specialised prosecutors** in the area of trafficking in human beings. Specialised prosecutors are appointed for trafficking in human beings cases, for instance, in the Public Prosecutors' Offices at different courts in Greece. Member States make efforts to increase the level of specialisation of prosecutors dealing with trafficking cases involving them in thematic trainings, workshops and conferences.

Efforts have been deployed by some Member States towards the development of an institutional framework for combating trafficking in human beings and to further the specialisation among competent authorities to deal with the crime. In Poland, inspections can be conducted jointly by border guard officers and labour inspectors based onan agreement and specialised units of the border guard can conduct investigations into cases of trafficking in human beings identified by labour inspectors under the supervision of a prosecutor. A multi-agency initiative to combat organised crime is in place in Sweden since 2009 bringing together authorities and services in the area of prosecution, enforcement, the coast guard, customs, migration, security, economic crime, tax, prison and probation, social insurance and public employment.

In France, specialised multi-disciplinary units, Groupes interministériels de recherches (GIR), are associated in the investigations of trafficking in human beings. The involvement of this multidisciplinary police entity facilitates a systematic approach to patrimonial investigations. The national action plan adopted in 2019 set forth among its objectives to intensify the patrimonial dimension of the criminal justice response to trafficking in human beings.

In addition, the authorities involved in investigation and prosecution of trafficking cases are encouraged to envisage proceedings against legal entities involved. In the case of sexual exploitation, such action may include closing down venues such as hotels and massage parlours.

5.3.2. FINANCIAL INVESTIGATIONS

Trafficking in human beings is a highly profitable crime. As an example, France reported an estimated increase of criminal assets related to trafficking for sexual exploitation between 2017 and 2018 by over two-thirds, from six to EUR 10 million.

According to the European Commission's 2017 Communication, following the money throughout the trafficking chain is crucial to turning trafficking in human beings into a 'high-risk, low-return' crime. To this end, it is essential to intensify investigations and prosecutions and facilitate proactive financial and intelligence-led investigations, freezing, confiscation, and recovery of criminal assets. Effective identification and tracking of criminal proceeds could facilitate confiscation and asset recovery and help producing evidence that can be used in criminal proceedings and increase the overall deterrent effect of criminal justice response. In its Conclusions on enhancing financial investigations to fight serious and organised crime, the Council of the EU recognised the importance of the "follow the money approach" and called on the Member States to enhance cooperation in conducting financial investigations and exchanging financial information between FIUs, Asset Recovery Offices, Customs authorities, tax authorities and law enforcement authorities[116].

Combatting criminal finances and money laundering and facilitating asset recovery is set out as a priority and a strategic goal for the operational work in the framework of EMPACT, applying to all crime areas, including trafficking in human beings. The Council further called on the Member States to ensure that financial investigations, as a horizontal priority in EMPACT, form part of all kinds of criminal investigations on organised crime, including trafficking in human beings[117].

The Commission continued providing funding support to projects in the area of anti-trafficking action and through the Internal Security Fund, issued a call for proposals in 2019 aimed at countering the culture of impunity for all perpetrators and disrupting the financial business model of trafficking by following the money[118]. Priorities under this funding avenue are, among others, to support the development of measures, tools and methodologies aimed at intensifying investigations, including financial and intelligence-lead investigations, and prosecutions in the area of trafficking in human beings, ensuring tools for evidence gathering for increasing prosecutions and convictions untangling the trafficking chain.

The EU has developed a solid legal framework for preventing and combatting crime, including money laundering. In 2019, the EU adopted a Directive to facilitate the use of financial and other information for the prevention, detection, investigation or prosecution

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116 Council conclusions on enhancing financial investigations to fight serious and organised crime, 8927/20.

117 Ibid.

118 https://ec.europa.eu/anti-trafficking/eu-policy/call-proposals-support-victims-trafficking-human-beings

of certain criminal offences[119]. This Directive lays down rules granting direct access to information held in centralised bank account registries to designated Member States' authorities competent for the prevention, detection, investigation or prosecution of criminal offences. The Directive also aims to improve the cooperation between law enforcement authorities and Financial Intelligence Units (FIUs) and facilitate the exchange of information between FIUs. However**, more needs to be done to drive this forward.** In 2019, the Commission noted that the interconnection of national bank account registries is technically feasible and needed in the fight against criminal finances[120].

Recent EU legislative developments have aimed to strengthen the EU anti-money laundering and countering the financing of terrorism (AML/CFT) framework, through among others, amendments by the 5th Anti-Money Laundering Directive (5AMLD)[121], new rules on access to financial information by law enforcement authorities and a harmonised definition of offences and sanctions related to money laundering[122]. Directive 2018/1673 on countering money laundering by criminal law establishes minimum rules concerning the definition of criminal offences and sanctions in the area of money laundering. The Commission Action Plan for a comprehensive Union policy on preventing money laundering and terrorist financing highlighted the importance of building capacity at EU level to investigate and prosecute financial crime[123].

While some Member States report that financial investigations are an integral part of investigations into cases of trafficking in human beings and that stronger attention is being paid to tracking criminal proceeds, freezing and confiscation of assets, financial investigations are nevertheless not being performed systematically in all cases across the EU.

Tracing of criminal proceeds takes place as part of a pre-trial crime investigation, including in cases of trafficking in human beings (e.g. DK, EE, FI) in order to identify illegal proceeds, illegally acquired property, money laundering offenses and other officially prosecuted offenses. In some Member States, a financial investigation is included, in principle, in all investigations of a criminal offense of trafficking in human

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119 Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA, OJ L 186, 11.7.2019, p. 122.

120 Report from the Commission to the European Parliament and Council on the interconnection of national centralised automated mechanisms (central registries or central electronic data retrieval systems) of the Member States on bank accounts, COM(2019) 372 final, 24.7.2019.

121 Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU, OJ L 156, 19.6.2018, p. 43–74

122 Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law, OJ L 284, 12.11.2018, p. 22.

123 C(2020) 2800 final.

beings (e.g. PT, SI). Such investigations are sometimes carried out by the same criminal investigators and if necessary, specialised services such as ARO, FIUs, money laundering prevention offices or forensic units are associated to the investigation (e.g. SI, PT). Special attention is paid in some Member States by the authorities involved in the investigation of trafficking cases to financial investigations (e.g. RO), freezing and confiscation of assets acquired by perpetrators (e.g. FR) and to following the money, rather than relying predominantly on the testimony of victims (e.g. MT). Closer cooperation between judicial police and prosecutors in investigation has been established in some Member States to follow the financial flow of criminal money from traffickers (e.g. RO).

However, **financial investigations are not carried out systematically in all cases of trafficking in human beings across the EU and in some Member States, criminal proceedings on trafficking in human beings remain limited.**

Cooperation with the banking and financial sector has had positive results in some Member States (e.g. FI), including with FIU, the banking system and international money transfer companies, for the purpose of asset recovery (e.g. FI, NL). In the Netherlands, there has been an intensification of public-private partnerships with the banking sector to improve the reporting of unusual transactions and early recognition of possible new financial characteristics related to labour exploitation, with possible extension of the scope to trafficking for sexual exploitation.

In the Netherlands, under a pilot project aiming to promote timely identification of labour exploitation, a partnership has been established between a ministry, a bank and academia and with the involvement of the police. Under this partnership, the bank would identify unusual transactions of labour exploitation on the basis of financial indicators and report them to the national Financial Intelligence Unit (FIU). On the basis of these unusual transactions, the FIU can then transmit signals of labour exploitation to the Ministry of Social Affairs and Employment. The first phase of this pilot has discovered and reported dozens of unusual situations to FIU. Since March 2019, the project was expanded to additional banks and continues looking into other forms of human trafficking.

Some Member States (e.g. CZ, DK, FI, FR) report that **challenges to successful financial investigations** persist. Some point out the complexity of transactions and challenges of tracing criminal proceeds from trafficking in human beings. This is related to, among others, the predominant use by perpetrators of cash payments and of cash couriers or money transfers via a system of lenders and compensations or private companies for the movement of criminal proceeds. The transnational dimension of the crime renders the investigation and the freezing and confiscation of assets located in other countries challenging (e.g. SE, SK). Bulgaria reports and observes a decrease in the use of bank transfers for moving proceeds of trafficking and notes that the cash movements of criminal proceeds from trafficking are often carried out by persons not necessarily related to the crime, such as truck drivers serving the route to the destination country. Additional challenges are posed by the fact that cash movements often concern amounts below 10 000 euro, which are exempted from EU rules on cash control (e.g. BG). In addition, the poly-criminal nature of organised crime groups (OCGs) and the

transnational dimension of the crime resulting in significant flow of the criminal money abroad also represents a challenge for the effective investigation of the crime. In some cases, the criminal proceeds, such as from sexual exploitation of women and girls, are reinvested for the financing of other types of criminal activities, e.g. drug trafficking (e.g. FR).

In 2019, the OSCE issued the paper "Following the Money: Compendium of Resources and Step-by-step Guide to Financial Investigations into Trafficking in Human Beings" with the aim to raise awareness of the strategic value of financial investigations and the resources available[124]. The findings of the OSCE report indicate that despite well-intended initiatives, the area of financial investigations remains fragmented, inadequately coordinated, and under-publicised to practitioners and relates these challenges to a relatively low rate of effective financial investigations across the OSCE region. The use of accurate indicators of trafficking in human beings is crucial for effective financial investigations as they facilitate effective reporting and preventing the misuse of financial institution systems by traffickers. Among the persisting issues, the OSCE points to the underutilisation of suspicious transaction reports by law enforcement officers, lack of appropriate investigator training and of appropriate tools for the financial institutions to rapidly identify and report suspicious transactions, as well as low dissemination of good practices.

Eurojust casework[125] describes ongoing cross border cooperation and challenges to overcome in asset recovery cases. Several projects funded under the EU Internal Security Policy Fund supported cross-border actions with EU added value against criminal proceeds and for following the money.

While trafficking in human beings is highly lucrative crime, financial investigations are not routinely used as a method of detection and there is no structured way in which forensic accountants in law enforcement can securely communicate. **Confiscating criminal proceeds will act as an effective deterrent and should be increased**.

The European Commission funded project coordinated by the Association of Law Enforcement Forensic Accountants (ALEFA) during the period 2016 - 2018 with an estimated budget of EUR 247 151 from the Internal Security Fund-Police, addressed this gap via training and research and developing a handbook[126] .

Initially, the project carried out research visits to law enforcement agencies in Belgium, Bulgaria, Germany, Hungary, Italy and Spain, in order to gather information on how these countries approach investigations into cases of trafficking in human beings. The team then interviewed key global specialists in

[124] OSCE, Following the Money - Compendium of Resources and Step-by-Step Guide to Financial Investigations Related to Trafficking in Human Beings, 2019, https://www.osce.org/secretariat/438323?download=true

[125] Report on Eurojust's Casework in Asset Recovery, 12 February 2019.

[126] https://ec.europa.eu/home-affairs/sites/homeaffairs/files/03_compilation_isfp_just.pdf

the field from Australia, Canada and the USA. Following this, a 2-day training event was held at Europol's headquarters, which brought together 125 participants from 25 countries and the European Commission. The training event focused on developing a best practice approach by looking at a multitude of high-profile cases on trafficking in human beings from a financial perspective.

The main output of the 2-year project is a handbook, which presents a proposed common methodology for use in financial investigations into cases of trafficking in human beings across all EU Member States. This handbook helps financial investigators across the EU and around the world to follow the money, trace assets and analyse financial evidence in cases of trafficking in human beings. The handbook includes contact points in EU Member States and other countries. This increases cooperation among national enforcement agencies, bringing a strong element of international cooperation to the project.

Financial Intelligence Unit (FIU): Member States have set up operationally independent and autonomous FIU to collect and analyse information with the aim of establishing links between suspicious transactions and underlying criminal activity in order to prevent and combat money laundering and terrorist financing. The current EU framework requires obliged entities to report all suspicious transactions to the national FIU.

The Council of the EU adopted in 2019 Conclusions on strategic priorities on anti-money laundering and countering the financing of terrorism[127] reiterating the need for stronger coordination between Financial Intelligence Units. The Directive to facilitate the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences adopted aims to improve the cooperation between law enforcement authorities and FIUs and facilitate the exchange of information between FIUs. The Directive tasks the Member States to designate the competent authorities that can request and receive financial information or financial analysis from the national FIU. The European Commission responded to the Council conclusions by adopting an action plan on 7 May 2020, which includes the possibility to establish a coordination and support mechanism for FIUs[128].

Some Member States have ensured that the FIU includes a specialised unit responsible among others in the area of trafficking in human beings (DK) or have established flexible cooperation with FIUs and the banking system in recovery of criminal assets (e.g. FI). In the Netherlands, the FIU applies a theme-based approach to various forms of trafficking, sharing all suspicious transactions related to trafficking in human beings with the relevant special investigative, intelligence and security services.

According to OSCE findings, the working relationship between financial institutions and law enforcement is fairly uniform across the region: once activities with a potential nexus to criminal activity are identified by financial institutions, they are disclosed in the form

[127] 14823/19.

[128] Communication from the Commission on an Action Plan for a comprehensive Union policy on preventing money laundering and terrorist financing, C(2020) 2800 final.

of reports and submitted to the respective FIU[129]. This reporting is obligatory and enforced through stringent regulation of financial institutions, as well as other possible reporting entities such as casinos, amongst many OSCE participating States. Once reports are received by the FIU, they are documented and analysed for material information to open investigations or to initiate possible proactive action.

The OSCE compendium[130] includes useful resources for financial investigations, a step-by-step guide to financial investigations related to trafficking in human beings and provides analysis and summaries of over 20 financial investigation tools and resources and a comprehensive list of trafficking in human beings indicators.

5.3.3. FREEZING, SEIZING AND CONFISCATION OF PROCEEDS OF CRIME

The EU has devoted significant efforts in the past years to facilitate financial investigations and harmonise the legislation on confiscation in the Member States. Findings of the European Commission report on the implementation of the EU Directive on confiscation and freezing of assets "Asset recovery and confiscation: Ensuring that crime does not pay"[131] show that the adoption of the Directive 2014/42/EU on the freezing and confiscation of instrumentalities and proceeds of crime (Confiscation Directive)[132] has led to substantive progress in the Member States' asset recovery frameworks. The adoption of Regulation 2018/1805 on the mutual recognition of freezing and confiscation orders[133] is considered as another milestone in the area of asset recovery. Despite all efforts, the rate of confiscation of criminal assets in the EU remains low, according to Europol - as low as only 1.1%[134].

Legal instruments for freezing and confiscation of criminal assets are being increasingly used in relation to trafficking in human beings offences in some Member States (e.g. SE, EE), including the possibilities provided by freezing orders and the confiscation Directive in cases when assets are located in another EU country. Member States acknowledge the key role of Asset Recovery Offices (ARO) in the investigation and prosecution of the crime and in dismantling the trafficking chain (e.g. ES). Financial investigators from the police authorities also make use of international networks for the exchange of information on crime, such as ARO and the Camden Asset Recovery Inter-agency Network (CARIN) that facilitate receiving responses usually quickly, in a matter of days (e.g. SE). Nevertheless, challenges in the proceedings remain. Notably with regard to the freezing and confiscation of assets located abroad and when it comes to proving illegal profits in cases of mixed profit from legitimate business and criminal activities. As criminal proceeds are often transferred across borders, it would be

129 OSCE, Following the Money 2019.
130 https://www.osce.org/secretariat/439712?download=true
131 COM(2020) 217 final.
132 Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union, OJ L 127, 29.4.2014, p. 39.
133 Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders, OJ L 303, 28.11.2018, p. 1.
134 "Does Crime still pay? Criminal Asset Recovery in the EU", Survey of Statistical information 2010-2014, Europol 2016.

important to involve relevant cooperation networks, such as AROs, CARIN and FIUs, to facilitate the tracing of proceeds and assets connected to trafficking in human beings.

Possibilities for recovery of criminal assets have improved in several Member States, including following legislative revisions and strengthening national legal frameworks on freezing and confiscation of assets (e.g. DE, LU, LV). Germany reports that a criminal law reform in 2017 to increase the possibilities for asset recovery, including in relation to trafficking in human beings, also for seizing assets of unknown origin derived from criminal acts of trafficking of human beings, even without proof that a specific criminal act has been carried out (non-conviction based confiscation). Member States have adopted legislative measures on special confiscation of property (e.g. LV) and measures for promoting tracing of criminal money that has reportedly facilitated the court work in the criminal proceedings (e.g. ES). Data about the property of the suspected perpetrator is mandatory collected during the investigation (e.g. LT). Hungary reports measures for rendering seizure asset recovery and mandatory in the investigation of proceeds-generating crimes and for enforcing asset recovery already in the stage of court proceedings. Legal challenges remain, including when evidence is required to prove that the property has been acquired through criminal activities (e.g. SK).

Member States have taken different measures with regard to the organisation of work and cooperation on financial investigations and tracking of criminal proceeds. Hungary reports measures for integrating the duty of asset recovery into the scope of competences of the investigating authority, rather than assigning the matter to a separate authority. In Latvia, the FIU is under the supervision of the Cabinet of Ministers since 2019. In Bulgaria, upon indictment of a defendant for trafficking in human beings, the Anti-Corruption and Asset Forfeiture Commission is immediately notified by the supervising prosecutor for possible inspection of the property and financial status of the defendant.

Despite progress made on cooperation, the level of confiscation of criminal proceeds from trafficking in human beings in Member States remain overall low, with some Member States reporting no confiscations of assets related to trafficking offences being carried out.

Limited information is available as regards the value and number of confiscation in relation to trafficking in human beings, as Member States acknowledge a difficulty to report data on confiscated property. As examples, Lithuania reports six property investigations in 2017-2019 and close to half million euro seized; Latvia reports over two million euro frozen for the reporting period 2017-2019. Close to EUR 1.5 million have been frozen as a result of the operational activities carried out under EMPACT -THB in 2019.

In four trafficking in human beings cases alone, assisted by Eurojust, a total of more than **EUR 5 million in cash or assets were seized in view of later confiscation**. Examples include:

● Trafficking case for labour exploitation and money laundering[135] (seized approximately GBP 37 000, automobiles, gold jewellery, laptops and mobile telephones, as well as bank documents and cards),

● Dismantling of a sexual abuse network[136] (13 suspects arrested, including one of the main leaders of the organized crime group, and 15 house searches; seizure of luxury cars, mobile phones, computers, jewellery and cash with estimated total value of the criminal proceeds is EUR 1.2 million);

● Trafficking case involving mainly victims of Nigerian origin (arrest of the main suspects of the organized crime group in Malta, Romania and Finland, seized EUR 0.5 million in cash, as well as equipment, illegal assets, such as luxury items, false documentation, and cryptocurrencies, and several web domains were confiscated. Companies' shares **and bank accounts** worth **EUR 1.5 million** were frozen and 17 house searches were carried out)

As highlighted also in the report by the Special Advisor to President Juncker "the **European Commission continues to promote the use of available legal instruments and to consider the use of seized and confiscated instrumentalities and the proceeds from the trafficking offences to support victims' assistance and protection, including compensation of victim**s"[137].

5.3.4. CROSS BORDER COOPERATION

In a context of globalisation, criminal networks become more flexible and mobile, rendering EU and international cooperation ever more necessary. Regular operational cooperation activities take place in the Member States through, among others, data and information exchange, regular contacts with liaison officers, coordination meetings with police and judicial authorities organised by Europol and Eurojust, participation in joint investigation teams (JITs), and use of EU and international instruments for judicial cooperation. Cooperation often takes place through the Europol national units in the Member States and though liaison officers and seconded staff from the national authorities.

European Multidisciplinary Platform against Criminal Threats (EMPACT): In 2010, the EU established a multi-annual EU policy cycle to tackle organised and serious international crime, better known as the European Multidisciplinary Platform against Criminal Threats (EMPACT)**.** The EU Serious and Organised Crime Threat Assessment (EU SOCTA) is the first step of the EMPACT cycle. The SOCTA, developed by Europol, comprises a set of recommendations based on an in-depth analysis of the major crime threats facing the EU. On the basis of these, the Council of Justice and Home

135 http://www.eurojust.europa.eu/press/PressReleases/Pages/2018/2018-10-29.aspx

136 http://www.eurojust.europa.eu/press/PressReleases/Pages/2019/2019-06-14.aspx

137 Special Advisor J Milquet to the President of the European Commission, Strengthening Victims' Rights: From compensation to reparation, For a new EU Victims' rights strategy 2020-2025, March 2019, at: https://ec.europa.eu/info/sites/info/files/strengthening_victims_rights_-_from_compensation_to_reparation_rev.pdf

Affairs Ministers defines its priorities for the cycle. Since the first assessment of criminal threats within the EU, trafficking in human beings remains a priority crime area, including in the ongoing EU Policy cycle / EMPACT 2018-2021 with the objective "to fight against the trafficking in human beings (THB) in the EU for all forms of exploitation, including sexual and labour exploitation as well as all forms of child trafficking"[138].

Member States reported to have participated in strategic and operational cooperation work supported by the EU Agencies, namely Europol and Eurojust, and in the framework of EMPACT THB facilitating swift and effective results and smooth use of EU judicial cooperation instruments, such as Joint Investigation Teams. A more intensified use of Europol resources and databases compared to the previous reporting period and regular use of the Secure Information Exchange Network Application (SIENA)[139] in operational work have been reported. Contributions from the Member States to Europol's project dedicated to trafficking in human beings, i.e. AP Phoenix, and participation in coordination meetings at Europol and Eurojust have increased.

Member States rely regularly on support from Eurojust, notably with regard to joint investigation teams, prosecution and transferring the evidence, while regular cooperation tools are being used, such as the European Investigation Orders and Mutual Legal Assistance. **The number of trafficking cases registered at Eurojust for assistance has significantly increased in 2018-2019 compared to previous years,** to, respectively, 150 new trafficking in human beings cases in 2018 and 183 new trafficking in human beings cases in 2019. **The number of coordination meetings and coordination centres organised by Eurojust in trafficking in human beings cases in the period 2018-2019 has also increased from the previous reporting period,** respectively coordination meetings to 43 in 2018 and 53 in 2019. In addition, four coordination centres were established in the reporting period. Coordination meetings at Eurojust have facilitated the agreement on joint strategies, including on identifying, documenting and prosecuting the crime of trafficking in human beings, conducting interviews of victims and suspects, finding out telecommunication data, sharing information, conducting house searches, searches of other premises and persons, arrests, seizures, cooperation on prosecution / jurisdiction issues and freezing and confiscation of criminal assets, among others.

Member States make use also of other networks, including of counsellors and attachés to facilitate bilateral contacts with priority countries of origin of the victims.

Member States report increasingly on cooperation initiatives and practices, including **bilateral operational activities, regional and international initiatives**. Cooperation between Ireland and Northern Ireland authorities on operations targeting an OCG involved in trafficking for sexual exploitation and forced prostitution revealed evidence on the point of entry and trafficking routes to the neighbouring country. With the support

[138] Council conclusions on setting the EU's priorities for the fight against organised and serious international crime between 2018 and 2021, 9450/17.

[139] SIENA is a platform that enables the swift and user-friendly exchange of operational and strategic crime-related information between, among others, Europol, the Member States and third parties with which Europol has cooperation agreements.

of Europol, officers and executives from Greece and Bulgaria held in 2019 operational meetings to support investigation of cases of trafficking for illegal adoption and for sexual exploitation. Spain, Romania and Portugal carried out joint operational actions to optimise the results in inspections against labour and sexual exploitation.

On **regional level,** countries in the Nordic region are sharing information related to trafficking in human beings and conduct regular meetings between anti-trafficking experts.

Cooperation with the Network of National Anti-Trafficking Coordinators of Southeast Europe under the Bulgarian Presidency of the Council of the EU

One of the top priorities of the Bulgarian Presidency was stepping up the European Perspective of the Western Balkan countries (Albania, Bosnia and Herzegovina, Kosovo[140], North Macedonia, Serbia and Montenegro) and improving cooperation with them. During the Bulgarian Presidency, in May 2018 the National Commission for Combating Trafficking in Human Beings (NCCTHB) hosted a meeting of the Network of National Anti-Trafficking Coordinators of Southeast Europe, which presented an analysis of the human trafficking situation in the Western Balkans, the degree of conformity with EU law and practices, and the work done to combat this kind of crime and protect victims. The analysis was drawn up by the NCCTHB in cooperation with the International Centre for Migration Policy Development in Vienna.

Together with the Bulgarian Presidency, the European Commission/ invited the National Anti-Trafficking Coordinators of Southeast European countries to the meeting of the EU Network of National Rapporteurs in June 2018 for an exchange on cooperation, good practices and experiences. For continued exchanges, they were invited again by the Austrian Presidency of the Council and the European Commission to the December 2018 meeting of the EU network of National rapporteurs and equivalent mechanisms to discuss cooperation further with the Western Balkan countries.

Member States cooperated **with non-EU countries** for the investigation of suspected trafficking cases. For example, Slovenia cooperated with China for the dismantling a Chinese organised criminal groups exploiting victims for criminal activities related to fraud (scam by phone). Joint Analysis teams between Spain, Romania and Morocco have been established to improve information and intelligence exchange as regards organised crime.

A number of cooperation projects with non-EU countries on addressing trafficking in human beings have been supported through relevant EU funds and instruments.

Bilateral visits took place for the exchange of best practices and expertise (e.g. Greece in North Macedonia and Albania), but also bilateral and multilateral cooperation activities with the support of the EU Agencies, namely Europol and Eurojust, or international

[140] This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.

organisations such as the Southeast European Law Enforcement Center (SELEC). Sweden reports on a project aimed at supporting and strengthening police work with and between the six Eastern Partnership countries (Georgia, Ukraine, Moldova, Belarus, Azerbaijan and Armenia).

Liaison Officers

Judicial and law enforcement cooperation is facilitated by cooperation agreements and specifically through the appointment of **liaison officers** from the police and judicial authorities from EU and non-EU states. The posting of liaison officers is considered particularly useful for facilitating access to information and more intensified investigations of trafficking in human beings offences, including parallel investigations, JITs as well as capacity building, such as related to strengthening local investigations, improving the support and assistance to victims and awareness of the issue.

A few reported examples of such action concern: The Netherlands envisaged posting permanent police liaison officers in the source and transit countries for trafficking in human beings, in Poland, Italy and on the Western Balkan route and has posted a police liaison officer in Bucharest with a strong focus on human trafficking in Romania, Bulgaria and Moldovia and Hungary. The Netherlands reports on actively using the network of police and magistrate liaison officers, such as those posted in Spain in Italy, to share information on suspected human trafficking conducted in the Netherlands, which may facilitate investigations in the host countries. Czechia posted a liaison officer in Romania for cooperation with the police force. A liaison magistrate from the UK specialised in the area of trafficking in human beings and smuggling of migrants has been seconded to France to facilitate judicial cooperation in these fields, considering that the UK is often a destination for a considerable part of the trafficking transiting through France.

France has applied a regional approach to cooperation in the area of trafficking in human beings, taking into account the main countries of origin of victims. In order to improve the understanding of criminal networks in Bulgaria and Romania who are source countries of numerous victims, an expert can support the French jurisdictions in the identification of criminal networks and in reinforcing cooperation with these countries. In addition, France has deployed a technical expert in Lomé, Togo to coordinate the implementation of anti-trafficking actions in five countries in West Africa (Benin, Cameroun, Ghana, Nigeria, Togo).

Requests for **mutual assistance to African countries** are reportedly, much more rare. In order to reinforce cooperation with the region, France has posted two liaison magistrates, one for West Africa, and one for Central and West Africa. However, significant challenges to cooperation on judicial cooperation matters concerning Nigeria persist. To this end, France is envisaging a possibility of hosting a liaison magistrate from Nigeria in Paris, following the practice of Italy in hosting a liaison magistrate in Sicily for reinforcing judicial cooperation on criminal matters, including in the area of trafficking in human beings. In 2019, a liaison magistrate from Nigeria has been appointed with support from the UN to Spain to facilitate requests for mutual legal assistance between the two countries and coordinates, promotes legal assistance between the competent

authorities in the two countries dealing with trafficking in human beings. Support from the liaison magistrate has been particularly relevant during parallel investigations carried out in the two countries and for facilitating information exchange and requests for assistance with Nigeria, where different law enforcement agencies may have jurisdiction in a case depending on the type of crime. As a result of the reinforced cooperation, including regular meetings between the liaison magistrate and representatives of the police, judicial, foreign affairs authorities, a Nigerian citizen under international arrest warrant has been handed over to the Spanish authorities for suspected trafficking for the purposes of sexual exploitation. In addition, the liaison magistrate has facilitated sending of testimonies in Spanish judicial cases to the competent Nigerian authorities so support the prosecution of Nigerian citizens in their country for offences of trafficking in human beings.

With support from the Netherlands, the UNODC has facilitated the secondment of prosecutors from African countries of origin to European destination countries within the framework of the PROMIS ("Protection of Migrants") programme [141].

In 2018 and 2019, two Nigerian prosecutors were seconded to Italy and Spain as liaison magistrates. They facilitate mutual cooperation in criminal proceedings through the exchange of information, specific case details and advice. Although this is a relatively new initiative, the first results are already visible, partly due to an increase in the number of cases being investigated in partnership.

The Netherlands supports the International Organization for Migration (IOM) in its capacity building efforts with respect to judges and prosecutors in Egypt as well as for strengthening the Nigerian Agency for the Prohibition against Trafficking and the Nigerian Immigration Service. In Mali, Niger, Senegal, Gambia and the Ivory Coast, the Netherlands works on improving detection, investigative and judicial capacities through the PROMIS project, which is carried out by the UNODC and the Office of the High Representative for Human Rights (OHCHR). This project also focuses on the improvement of national laws and policies on human trafficking and smuggling, strengthening of regional and international cooperation and exchange of operational information on human trafficking and smuggling. Human rights protection is an integral part of this project. The Netherlands also supports a UNODC project in Morocco and Egypt, to improve the investigation and prosecution of money laundering practices in relation to trafficking in persons and smuggling migrants.

Instruments for mutual legal assistance and judicial cooperation in criminal matter, such as European Arrest Warrant (EAW) and the European Investigation Order as well as possibilities for extradition of persons and takeover of criminal proceedings have been regularly used with regard to offences for trafficking in human beings.

Member States regularly cooperate for the request and execution of European Arrest Warrants concerning persons suspected in trafficking in human beings. Trafficking in human beings is exempted from the verification of the double criminality of the act,

[141] https://www.unodc.org/westandcentralafrica/en/2018-08-06-nigerian-prosecutor-italy.html

which is acknowledged by some Member States to facilitate the execution of EAW and of European Investigation Orders in relation to the crime. Transfers of persons convicted for offences of trafficking in human beings in a court of another Member States have also been carried out in different Member States. Extraditions of persons for the trafficking offence have been carried out from different Member States to non-EU countries, including Serbia, Moldova and Switzerland.

Legal assistance has been requested by Member States from non-EU countries with regard to criminal proceedings on trafficking in human beings. For example, Latvia's Public Prosecutor's Office requested legal assistance to Ukraine, which was executed in 3-months' time. Slovakia point out to the challenges for prosecution, stemming from the sometimes-long process of execution of international legal assistance request.

Eurojust provides support to Member States, among others, as regards to the gathering and admissibility of evidence, including testimonies from victims, witnesses, financial information, intercepts, surveillance. For instance, in support to trafficking cases the agency has provided clarification on issues surrounding wiretapping and use of evidence and the differing interview process in specific Member States.

Conflicts of jurisdiction and potential violation of ne bis in idem or 'double jeopardy' principle[142]: In many trafficking cases, discussions at Eurojust coordination meetings involve an assessment of the best-placed jurisdiction to prosecute. In a few cases, after discussions at coordination meetings, Eurojust national members have issued joint recommendations for the transfer of proceedings from one Member State into another in order to prevent or solve such a conflict of jurisdiction. Issues, such as the situation and nationality of the victims, were highly important when recommending which Member State is in a better position to prosecute.

Member States reported on participating in international police cooperation activities to address trafficking in human beings supported by **Interpol** (e.g. HR, FI, IE, IT, SI, LU, NL), including a global trafficking analysis platform, participation to Interpol Task force on Human Trafficking and use of 24/7 database to share information and intelligence relating to particular cases.

5.3.5. JOINT ACTIONS, JOINT INVESTIGATIONS

The **Joint Investigation Teams (JITs)** are seen by practitioners as one of the most effective and efficient tools for addressing the crime through investigation and at the judicial level (e.g. SK, BG, LT, LV, RO). Member States point out the added value of pre-trail investigations using JITs, the efficiency of carrying out parallel investigations, the exchange of best practice and expertise and successful results leading to prosecutions and convictions. The use of JITs have provided benefits of rapid gathering of evidence by avoiding Mutual legal assistance and ensuring fast information exchange. Trafficking in

[142] According to this principle, a person cannot be prosecuted more than once for the same criminal behaviour.

human beings is among the crime areas with the highest number of established Joint Investigations Teams.

Eurojust provides supports for the establishment and the operations of Joint Investigation Teams as well as for the facilitation of the initiation of an investigation, clarification of the requirements for admissibility of evidence, and funding, including for travel, accommodation, interpretation, translation costs along with the loan of certain equipment. The number of JITs established in trafficking in human beings cases and supported by Eurojust has markedly increased as compared to the previous reporting period, supporting 118 JITs in trafficking in human beings cases in 2018-2019.

Prosecuting the entire trafficking chain: Before registering the case at Eurojust, only the 'lowest' part of the organised crime group (OCG) was prosecuted. If a case is registered for Eurojust support, the Member State could request a co-ordination meeting with other countries involved and suggest the possibility of a JIT. This allows the gathering of evidence and international judicial cooperation in view of dismantling the entire organised crime group involved.

National prosecutors participated to the European Network of National Experts in Joint Investigation Teams, contributing to the intensification of cooperation and the increase use of JITs.

Eurojust carried out evaluation of JITs and identified lessons from JITs in trafficking in human beings cases. Issues encountered concern, among others, the differences in the formal requirements for setting up the JIT and in the legal systems with regard to rules on gathering and admissibility of evidence, including for example the interception of communications, conflicts of jurisdictions. The context of BREXIT creates additional challenge for future cooperation.

Many Member States have participated in JITs, including for the investigation of trafficking in human beings and some have made extensive use of JITs, (e.g. RO, UK). Romania has participated and contributed to a particularly high number of JITs on trafficking in human beings in the past years and cooperated with judicial authorities from a number of EU member States through operational and coordination meetings on trafficking cases, often in partnership with the UK (19 JITs together) with other countries (UK, ES, CZ, DE, FR, BG, NL, IT, FI, AT) and non-EU countries (e.g. Norway, Ukraine, Moldova). Member States make regular use of networks and support provided by Europol, Eurojust and the European Judicial Network in particular with regard to the setting up of JITs.

In one complex case registered at Eurojust during the reporting period, the Italian and Romanian national authorities brought down an organised crime group (OCG involved in trafficking for sexual exploitation[143].

[143] http://www.eurojust.europa.eu/press/PressReleases/Pages/2019/2019-06-06.aspx

To target the OCG more efficiently, the National Members for Italy and Romania at Eurojust took the initiative in April 2018 and convinced the Italian Public Prosecutor's Office of Brescia to open an investigation into the OCG and form a JIT with the Romanian competent authorities in Iaşi. The Italian National Anti-mafia Directorate was also involved in triggering the investigation. Eurojust supported the JIT financially and logistically and held two coordination meetings at its premises in The Hague to further facilitate the judicial cooperation between the authorities involved, and help them advance their criminal investigations. In a joint action day, coordinated by Eurojust on 6 June 2019, 8 suspects were placed under preventive measures, 18 house searches were carried out and more than EUR 70 000 in assets and cash were seized. Another three people were deported to Romania. It was the first time that two National Members at Eurojust submitted to the Italian and Romanian competent authorities a **formal Joint Request that triggered the initiation of an investigation and the setting up of a joint investigation team.** The members of the OCG, mainly composed of Romanian nationals, coerced women and children into prostitution in Romania and later on in Italy. The victims typically stemmed from poor rural areas and precarious family backgrounds, and had a low level of education. The OCG members promised the victims lawful jobs and a better future in Italy and occasionally recruited them via job centres. The victims were forced to pay to the criminals EUR 100 per day, and an additional amount for accommodation and transportation

The successful outcome of the operation was mainly due to this unique Joint Request, which is based on the special powers granted to National Members by the Council Decision setting up Eurojust (which was replaced, since December 2019, by the Eurojust Regulation 2018/1727, while maintaining these special powers).

Operational actions carried out under EMPACT in the area of trafficking in human beings in 2019 resulted in 825 arrests, 8 824 suspects and 1307 potential victims, including 69 children, identified, 94 organized crime groups (OCGs), identified or dismantled and EUR 1,5 million of assets frozen in bank accounts, companies and web domains[144]**.**

Joint Action Days (JADs) are part of the operational activities planned in the framework of EMPACT, and aimed at fighting cross-border crime. The vast majority of Member States participate in JADs every year, and several EU Agencies, including Europol, Frontex, Eurojust, participate by leading, coordinating or providing support to the planning and implementation of the JADs.

A number of Member States reported participation in the Joint Action Days with a focus on combatting sexual and labour exploitation as well as child trafficking (e.g. BE, DE, IE, EL, FI, HR, LT, PT, SE, SK). The activities conducted during the action days

[144] https://www.consilium.europa.eu/media/44281/information-note-empact.pdf; https://newsroom.consilium.europa.eu/videos/127612-empact-2019-results-20200602. The full EMPACT factsheets of results 2019 are available here (data on the fight against trafficking in human beings are on pages 6 & 7): https://data.consilium.europa.eu/doc/document/ST-7623-2020-INIT/en/pdf

resulted in searches of venues, arrests of suspects, ongoing investigations with relation to trafficking for sexual exploitation (e.g. Ireland), the involvement of a significant number of labour inspectors, identification of potential victims of trafficking for labour exploitation, detection and disruption of organized crime groups (OCG) involved in trafficking in human beings and high value targets.

Europol has supported in 2018-2019 a number of joint actions carried out under EMPACT across the EU against sexual exploitation, child trafficking, labour exploitation, including in the agricultural sector, forced begging and forced criminality. Such actions supported by Europol (AP Phoenix) in 2018-2019 resulted in in total in the initiation of 335 cases, identification of 326 suspect, the arrest of 220 suspects for trafficking in human beings, identification of 2 010 victims, including 111 child victims of trafficking.

Large-scale Joint Action Days 2019[145]

The large-scale joint action days 2019 coordinated by Europol resulted in the identification of 476 potential victims of trafficking. The actions targeted synthetic drugs and new psychoactive substances and trafficking in human beings, migrant smuggling, document fraud and environmental crime and involved law enforcement authorities from EU Member States, third-party countries and EU bodies. Twenty-two Member States and Switzerland participated in the action against trafficking in human beings for sexual exploitation and forced begging.

Joint Action Days on child exploitation 2018[146]

Law enforcement officers from 22 Member States, other European countries and partner agencies actively participated in an EMPACT THB action on child trafficking in an EU-wide action week. As a result of the action days, 51 children and 72 adults were identified as potential victims of trafficking. The youngest child was only two years old. The children were exploited for labour, forced begging and sexual purposes. Several links to migrant smuggling and document forgery were also identified.

National programs co-financed by the EU support projects for law enforcement to fight trafficking in human beings. Projects selected via call for proposals for Union grants fighting trafficking in human beings where law enforcement authorities of at least two Member States joint action have been financed under the EU's Internal Security Fund-Police (ISF-Police).

ISF-Police- Chinese trafficking in human beings[147] **with EU support for an estimated EUR 388 778, between August 2018- July 2020, with the National Police of Netherlands being the project coordinator:**

145 https://www.europol.europa.eu/newsroom/news/476-potential-victims-of-human-trafficking-identified-during-large-scale-joint-action-days-2019

146 https://www.europol.europa.eu/newsroom/news/empact-joint-action-days-generate-big-results-in-2018

"Trafficking in Human Beings (THB) by Chinese organised crime groups is a very serious problem in Europe. The criminals traffic victims of the same nationality or ethnic origin as the criminals, and therefore have strong links with communities in the transit and destination countries. These communities assist the crime groups by providing forged identifications and other such documentation, thus abusing the visa system. The criminal groups rely on shared ethnic and language backgrounds to recruit and control victims. In order to combat this, deep and meaningful cooperation between the EU Member States is vital in order to identify and tackle this phenomenon in the EU.

In order to fully combat this issue, it is important to understand the value of exchanging information, knowledge and effective intervention strategies while examining where operational cooperation on investigations and prosecutions can take place. To achieve this, meetings allow experts in the field to develop checklists that help to identify the key areas in which to focus the efforts and resources of the project. This will allow for a more refined and focused approach while, at the same time, building greater awareness of how the traffickers operate. In addition, identifying and supporting victims is crucial. To better understand this aspect, the project has entered into cooperation with the International Organization for Migration in China, which provides training in China on the fight against trafficking in human beings and on victim support.

In order to achieve its goals, the project will involve a host of different partners. These partners will include representatives from areas such as the labour inspectorate, Financial Intelligence Units and the judiciary. The Chinese judiciary (the Supreme People's Procuratorate) has also been invited to take part and it is hoped that their participation will add further to the sharing of knowledge and best practices, which in turn will benefit the project immensely. Through cooperation at both an EU and international level, this project will lead to more concrete results from activities such as investigations, and also build a picture of how the traffickers operate. The overall result will undoubtedly include greater awareness and understanding of trafficking in human beings. This will allow evidence-based policies, procedures and actions to be put in place that will help prevent this trafficking."

5.3.6. USE OF LARGE SCALE DATABASES TO DETECT VICTIMS AND PERPETRATORS

The efficient use of the large-scale IT systems operationally managed by eu-LISA[148] provides a significant contribution to combating trafficking in human beings in the Member States and Associated Countries. With the use of modern technologies eu-LISA assists Member States in improving information sharing with the objective of reducing

147 https://ec.europa.eu/home-affairs/sites/homeaffairs/files/03_compilation_isfp_just.pdf

148 The European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice, see: https://www.eulisa.europa.eu/About-Us

possibilities for trafficking in human beings. The large-scale IT systems managed by eu-LISA, namely the Schengen Information System II, Visa Information System and Eurodac are vital tools and have increasingly been used by Member States to combat trafficking in human beings. These systems help with the identification and localisation of persons (traffickers-victims-witnesses) and objects (vehicles – boats- containers – travel document, etc) used in relation to trafficking of human beings. These same systems also help Member States and policy makers with the implementation of justice and home affairs policies and strategies in the fight against serious organised crime including trafficking in human beings.

The latest statistics demonstrate clearly the increased use and added value of the large scale IT-systems managed by eu-LISA. To illustrate, for example, the number of alerts in the Schengen Information System (SIS II) reached 91 million (including 983.124 alerts on persons) in 2019 and the number of hits, during the same year reached to 283.713 (respectively 61% increase and 120% increase in comparison to year 2014 (first year where full statistical reports have been made available). The number of queries in SIS II increased from 1 038 155 832 in 2014 to 6 637 534 808 in 2019. A similar trend can be also witnessed in relation to the other systems, for example, the number of visa applications stored in the VIS system reached the 77 million and the total number of fingerprint sets stored in the EURODAC system reached the 5,7 million (110% increase in comparison to 2014).

The Schengen Information System (SIS II) enables the access of alerts by the designated competent authorities of all Member States, including alerts on traffickers in human beings. The Schengen Information Systems also protects victims of trafficking, in particular by locating women and children who go missing as a result of trafficking. The Member States, the Commission and eu-LISA are currently working on the implementation of the novelties introduced by the SIS recast (Regulation (EU) 2018/1862[149]) which, amongst others, foresee the creation of a new type of alerts, the so-called 'preventive alerts', which can be entered into the system to prevent vulnerable children/ adults from travelling, when there is a risk of becoming possible victims of trafficking in human beings or certain other serious crimes (e.g., gender based violence). The identification of possible criminals as well as victims of trafficking is made more efficient with the use of biometrics, a functionality provided by the Central System and used by an increasing number of Member States. Cross-border cooperation is also essential for victims of trafficking and, in this regard, SIS II and subsequent exchange of supplementary information via the SIRENE Bureaux play a major role in the cross-border exchange of information on missing persons (including victims of trafficking) and on persons wanted for arrest for surrender, for localisation, to assist with judicial procedures or for discreet/specific checks. Eu-LISA is responsible for providing statistics on those particular categories of alerts, which could be further used by the relevant authorities to prepare analytical reports, risk indicators and define trends, supporting the decision-making process when it comes to the prevention and fighting trafficking in human beings.

[149] OJ L 312, 7.12.2018, p. 56.

The Visa Information System (VIS) managed by eu-LISA, contributes to ensure the functioning of the EU Common Visa Policy, preventing visa-shopping and supporting the fight against irregular migration, as well as the misuse of the visa system in the Schengen area in general. Through the processing of visa applications it is possible for national authorities to also identify perpetrators of crime, including in the field of trafficking in human beings. The VIS also improves the consultation between central authorities and the verification and identification of applicants at consulates and border crossing points.

Certain large-scale systems may contribute to the identification of potential victim of trafficking or person at risk of becoming victims of trafficking. The Eurodac system supports the processing of asylum applications of third country nationals and can also, indirectly, contribute to the identification of persons who may be suspected of having committed a crime.

Eu-LISA is in the process of developing new Large-Scale IT systems, which will contribute to enhance the protection of the EU external borders and is implementing the new Interoperability Architecture, for information exchange, which will cover the existing and the new large-scale IT systems still under development. The **Entry/Exit System (EES)** and the **European Travel Information and Authorisation System (ETIAS)** will contribute to the identification of third country nationals entering the Schengen area and to check the legality of their stay (or provide the visa exempt Third Country Nationals an authorisation to Travel in the case of ETIAS). The future Entry/Exit System will contribute to the identification of any third country national (visa exempt/or visa holder) who does not fulfil/or no longer fulfils the conditions of authorised stay on the territory of the Member States. The **European Criminal Records Information System on Third Country Nationals (ECRIS-TCN**) will facilitate the information sharing on criminal records and court judgements of third country nationals and stateless persons in EU Member States but also of citizens of the Union, only in cases where the person also holds the nationality of a third country.

Eu-LISA is also working towards the technical implementation and **development of the new information architecture for border management and internal security (Interoperability),** which will provide for a platform enabling interoperability between the existing and future IT systems, in order to facilitate the work of border, migration, asylum and law enforcement authorities, based on strict data protection principles and access controls. Interoperability will increase the efficiency on the use of existing data in the IT systems, transforming existing data in concrete information and giving access to that information to the relevant officers on the ground where and when is needed. The new interoperability architecture will set up additional tools and safeguards against trafficking in human beings, identity theft and to prevent criminals to hide behind fake identities. The new interoperability components that are being developed, especially the Common Identity Repository (CIR)and the MID (Multiple Identity Detector), will play a key role in terms of Identity Management, allowing for better identification of persons (who can be, among others, perpetrators or victims of trafficking related crimes), via cross-checking of the available data in the various large-scale IT systems.

5.3.7. AWARENESS RAISING AND TRAINING

The EU Anti-trafficking Directive lays down in article 18 obligations for the Member States to take appropriate measures and actions in the field of prevention, including information and awareness- raising campaigns, research and education programmes, and to promote regular training for officials likely to come into contact with victims or potential victims of trafficking in human beings, including front-line police officers.

In the reporting period 2017-2019, national authorities have carried our very diverse information and awareness campaigns and trainings in partnership with governmental and non-governmental organisations or representatives of the private sector, with international organisations on national and local level and also across borders, in urban and rural environment, with EU agencies (e.g. CEPOL, Frontex, EASO, Europol, FRA) and with the involvement of international organisations, or with partner countries outside the EU. Many reported on commemorating the EU Anti-trafficking day (18 October) and on joining the European Crime Prevention Network (EUCPN) campaign on victims' rights.

Member States have reported on a wide range of training activities organised for practitioners dealing with the crime from different professional fields. Trainings on trafficking in human beings regularly take place in the Member States for **police officers, investigators, prosecutors and judges**. In some Member States, such training is provided at national level to frontline police officers who may be exposed to trafficking in human beings in their daily work (e.g. NL) and others note that the vast majority of the law enforcement staff involved in the areas related with trafficking has received specialised training (e.g. ES). However, more time may be needed until front-line officers are extensively trained in the area of trafficking in human beings across the EU.

A number of seminar and trainings have been organised for prosecutors and judges in the Member States, including through the EJTN on specific aspects of trafficking in human beings, including, financial investigation, non-prosecution of victims, victims' rights to assistance and compensation, support to victims during criminal proceedings, forensic and legal aspects of trafficking in human beings (e.g. BE, FR, FI, HU, PL, RO as well as the UK). In France, trafficking in human beings contact points have been designated in the respective Prosecutor's Offices by the Inter-regional specialised jurisdictions. A dedicated seminar was organised in 2019 between the THB contact points in France and Romanian magistrates and investigation services for exchanges on the trafficking in human beings litigation characteristics in FR and RO and judicial cooperation tools.

Campaigns, training and information sessions covered a wide-range of topics. As example, these included the definition of the criminal offences, forms of exploitation, identifying victims in the context of asylum and in mixed migration flows (e.g. AT, EL); communication with victims, cultural awareness, legal framework (victims' rights, procedures, identification, etc.); trafficking for sexual exploitation and gender-based violence (e.g. SE), the criminalisation of the purchase of sex (e.g. IE); trafficking for labour exploitation (e.g. SE), information for citizens going abroad for work (e.g. PL) or for young people (e.g. CZ), risk of working abroad as an au pair girl (e.g. CZ); trafficking for forced labour or for forced begging; targeting persons vulnerable to trafficking with

information about their rights and contact points to prevent becoming a victim of trafficking (e.g. AT), migrant agricultural and harvest workers (e.g. AT); on compensation to victim; training to police officers on compensation to victims (e.g. LU); child trafficking (e.g. AT, NL, DE, SE) and foreign children in foster custody (e.g. PL); unaccompanied children (e.g. EL).; using innovative technologies (e.g. LU); on residence rights of victim of trafficking (e.g. FR); strengthening procedures and the understanding of the risk groups, forms of exploitation leading to more victims being identified (signs of possibly being trafficked) and referred to support and care (e.g. DK); grooming by lover boys (e.g. NL, BE, DE); countering trafficking in holyday parks (e.g. NL). Training courses also covered topics such as the cultural backgrounds of victims, the rights of victims, the protection of victims, indicators/identification of trafficking in human beings, existing support structures and the assistance they offer, as well as the topic of trauma for victims (e.g. DE); cyber investigations**;** focusing on reducing the vulnerability to trafficking, on discouraging and reducing the demand that drives trafficking in human beings; prevention; prostitution (e.g. SE).

The majority of Member States report on training activities on trafficking in human beings addressed to **labour inspectors** (e.g. AT, BE, CZ, FR, EL, EE, LT, LU, LV, PT, RO, SE, SI). In some countries, trafficking in human beings is integrated in the induction training for labour inspectors (e.g. AT, FR). In addition, trainings on trafficking in human beings have been organised in a number of Member States for **border guards** (FI, EE, HR, LV, PL, RO, SE), practitioners and front-line officers in services dealing with **asylum, refugees, youth welfare and child protection services** (e.g. BE, DE, FR, LT), including municipality employees (e.g. EL, LT, LV, LU, NL), **diplomatic and consular personnel** (e.g. AT, BG, RO, EL, SI, HR, HU, LT, LV, PL), **psychologists** (e.g. HU, EL, LT, CY) and **medical professionals** (e.g. EL, NL, LT, LU, LV, RO) as well as social and housing inspectors (e.g. BE), religious communities (e.g. EL) and marginalised **Roma communities** (e.g. SK). In the field of migration, training and educational programmes addressing victim identification and referral have been carried out for staff in reception centres, migration agencies and immigration services, and migration police (e.g. FI, EL, SK)**.** This type of measures in the migration context was also implemented in schools and the education sector (e.g. in AT, NL, SI), for embassy and consular staff (e.g. DE, PL), social and health care professionals (e.g. IE), local governmental officials (e.g. LV), young people (FR), and sometimes involving the media, including at the local level.

Sectors targeted by awareness raising actions included, among others, the private sector, construction, agriculture, sex business, public-private domain, banking sector, health and medical sector, education facilities.

In a number of Member States, training activities and seminars have focused on child victims and **child trafficking**, including in relation to unaccompanied minors, victim identification, child protection at border and have facilitated building knowledge on trafficking in human beings for police and prosecutors, practitioners from service dealing with youth and child protection as well as adoption services (e.g. BE, DK, LT, LV). The youth welfare office in Germany has organised a first national training addressing the exploitation of children.

In some Member States, specialised trainings addressing **sexual exploitation** and prostitution have been organised targeting police officers, investigators, prosecutors or judges (e.g. AT, DE, FR, LT, IE). In Sweden, special action weeks against trafficking for sexual exploitation and have been organised by the police and intelligence units, focusing on sexual abuse of children, mostly girls, linked to "sugar dating" and resulting in the initiation of several investigations of cases of sexual exploitation. CEPOL delivered a specialised residential training in 2018 on identification of child victims of sexual exploitation.

Very few Member States report on training activities in relation to **new information technologies**, while noting a widespread use of new technologies by traffickers for the purpose of recruitment and exploitation of victims. Slovakia reports a training organised with cybercrime police officers on the topic of trafficking in human beings and the Darknet. In Greece, webinars regarding the Internet as enabler of human trafficking and in online courses on cyber-investigation for detection and identification of criminal activities on the Internet in the area of human trafficking. CEPOL delivered in the reporting period relevant webinars on trafficking in human beings and the Internet as an enabler and on cyber investigation.

Cyprus reports that in most cases of trafficking in human beings, an open source investigation is taking place and electronic devices are confiscated and forensically examined with court orders allowing access to private communication. Luxembourg points to specific challenges to investigations related to the use of new technology and the internet, notably the issue of gathering digital evidence due to its sometimes-short availability online and difficulties in cross-border access to electronic evidence that may hamper the effectiveness of investigations and prosecutions.

Some new initiatives for multi-stakeholder and innovative training have been carried out in some Member States (e.g. FR), such as in the form of 'serious game', simulations and role playing addressing the cycle from the beginning of the investigation to the victim protection and involving multiple actors, including magistrates, social workers and other.

Member States report participating in training modules and using training tools developed by the EU Agencies, such as CEPOL, EASO, Frontex (e.g. DE, HU, LV, DE, LT, IE, LU), including on topics related to child protection at borders.

In line with its mandate, CEPOL has carried out in the reporting period a series of learning activities addressing trafficking in all forms of exploitation, including on topics related to child trafficking, labour exploitation, financial investigations, and cyber investigation. Other EU agencies, such as Frontex and Europol, regularly contribute with expertise to such initiatives. In addition to training delivered within the trafficking portfolio, CEPOL has dedicated training activities on information sharing, including with technology, proactive financial and intelligence-led investigations, asset recovery, freezing and confiscation of assets, implementing and developing large-scale IT systems and leveraging systems interoperability. A webinar focusing on "Gender-specific measures in anti-trafficking actions" organised by CEPOL and EIGE with the participation of the Commission has been delivered on 17 June 2020. In November 2019 and April 2020, the European Commission has participated to CEPOL's Operational

Training Needs Analysis on Trafficking in Human Beings. On 17 September 2018, in CEPOL headquarters (Budapest, Hungary), the European Commission participated on a training course with the title "Trafficking in human beings for labour exploitation-Understanding the EU legal and policy framework" held for participants from police, prosecution and border guards of Member States.

EASO has developed the training module “Trafficking in Human Beings” following the methodology of train-the-trainers and in addition, has mainstreamed issues related to trafficking in other modules, such as on Registration, Interviewing Vulnerable Persons or Reception of Vulnerable Persons. EASO has developed also Training Module on Interviewing children and on Gender Identity and Sexual Orientation and has continued delivering training on identification of victims of trafficking, trafficking in human beings indicators.

The EU Fundamental Rights Agency (FRA) participated in five training sessions on trafficking in human beings jointly organised by the Greek National Centre for Social Solidarity, the Norwegian Refugee Council’s global provider of expertise and the Office of the National Rapporteur on Trafficking. The main objective of the trainings was to inform stakeholders working in the hotspot about the standard operating procedures for the implementation of the National Referral Mechanisms (NRM), which were launched at the beginning of 2019 and include steps for the identification of victims of trafficking in the hotspots. The Agency organised also awareness raising workshops on fundamental rights for the staff of selected reception facilities in Spain with sessions on trafficking in human beings and identification of vulnerabilities.

Frontex is carrying out multidisciplinary training activities related to trafficking in human beings and contributes to related trafficking training activities organised by different EU agencies. Tailored fundamental rights related modules offering adequate considerations on trafficking in human beings have been embedded in all profile related specialisation-training courses in Frontex. Frontex has published course manuals for Frontex fundamental rights trainers and on the protection of children at borders providing comprehensive and operational guidelines on protection of the rights of all migrants during the border procedures, including the victims of trafficking and providing support to trainers for an in-depth analysis of risks faced by children at borders and the applicable counter-measures. Gender-related aspects have been comprehensively mainstreamed throughout both manuals.

Member States reported various means to measure the results and impact of trainings and information actions. These included for example: the number of participants and diversity of participants (NGOs, diplomatic staff, international organisations) on public events; increased traffic on websites; measuring the number of residents and guests to whom information about an awareness raising campaigns has reached; counting numbers of participants in workshops of job clubs for people looking for jobs and being informed about possible threats encountered.

Few Member States provided examples **as to the results and impact of the information actions**. **Bulgaria** reported that in the case of EMPACT-THB operations, persons corresponding to the risk profile of potential victims were checked, a number of

companies recruiting citizens for employment abroad were inspected, information brochures and materials were distributed to people crossing border checkpoints, and interviews were conducted with them**. Finland** noted that the Assistance System for Victims of Human Trafficking has trained during 2017-2019, independently and in cooperation with an NGO, municipal social workers to identify, refer and to assist victims and potential victims of human trafficking. No systematic evaluation of the results and impact of these trainings has been made. In the Assistance System's day-to-day work, the impact of the trainings has reflected better cooperation with the municipalities (local social workers) in assisting victims of human trafficking. However, referrals from the municipalities have not significantly increased and this remains a challenge. **Sweden** noted that the Swedish Police Authority has been conducting campaigns focused on working with several major hotel chains, and as part of this work has conducted training for hotel staff. Since the campaign commenced, there has been a gradual shift from organised prostitution activities taking place in hotels to sublet residential flats, especially in the major metropolitan areas. It is likely that the increased knowledge of hotel staff, the cooperation between the police and the hotel industry, along with successful interventions, have contributed to this noticeable shift in venues for prostitution activities.

6. ACCESS TO AND REALISATION OF RIGHTS OF VICTIMS

One of the priorities set forth in the 2017 Communication is to 'provide better access to and realise the rights for victims'. EU law provides for assistance, support and protection to victims of trafficking in human beings under diverse pieces of EU legislation, including the Anti-trafficking Directive, Directive 2004/81/EC on Residence permits, Directive 2012/29/EU on Victims' Rights[150] and the Compensation Directive[151]. Many developments have been reported by Member States together with concerns in enabling victims of trafficking in human beings to access to and realize their rights to assistance, support and protection, including in the cross-border context.

The EU strategy on victims' rights (2020-2025)[152]:

"Particular attention should be also paid to victims of organised crime. Trafficking in human beings is a particular form of organised crime. It has devastating effects on the victims due to the nature, circumstances, duration and consequences of the crime. Victims of trafficking in human beings need special assistance, support and protection. In the EU, almost half of the victims of trafficking in human beings registered are EU citizens, the majority of all victims are women and girls, who are trafficked mainly for sexual exploitation. The EU addresses trafficking in human beings comprehensively through coordination in all relevant areas and as a joint effort with stakeholders. In

150 Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, OJ L 315, 14.11.2012, p. 57.

151 Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims, OJ L 261, 6.8.2004, p. 15.

152 COM(2020) 258 final, https://ec.europa.eu/info/files/eu-strategy-victims-rights-2020-2025_en

particular, the Commission is working on a new strategic approach towards the eradication of trafficking in human beings as part of the Security Union. The actions towards the eradication of trafficking in human beings will be also further developed in the context of the upcoming initiatives to tackle organised crime."

Member States were request, among others, to report on 1) the efforts made to ensure that all victims identified are provided with assistance, support and protection appropriate to their sex, age and the consequences of the specific forms of exploitation they have been subjected to; 2) on the measures taken for the early identification of victims of trafficking through national referral systems, including asylum systems; 3) measures have been taken to ensure tools are in place for victims to access compensation, including appropriate training and capacity building of relevant professionals.

6.1. Identification of Victims of Trafficking in Human Beings to Enable Accessing Their Rights

Identifying victims of trafficking in human beings 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. This includes receiving appropriate gender specific and child sensitive assistance and protection, as relevant.

Several Member States report on capacity building and training, as well as developing of guidance, in order to improve the capacity of professionals to identify and refer victims of trafficking in human beings, including in asylum and international protection procedures and prostitution (e.g. AT, DE, EE, EL, LT, LU, MT, SE, UK). More specifically, Cyprus mentions the training of clinical psychologists of the Mental Health Services who offer services at the Reception Centers for Refugees and Economic Immigrants and International Asylum Seekers in early identification and psychological support of victims of trafficking. The psychologists offer their services and support the victims to report their victimization to the police.

France highlights the need to improve assistance to victims within the structures providing assistance in terms of delays, proximity, financial support, as well as regarding the granting of social benefits from the State. One of the priorities of the Second National Action Plan is to implement coordination bodies at the local level in territories that are particularly affected by trafficking in human beings, including through the creation of partnership agreements between all relevant stakeholders in the fight against trafficking. The objective is to facilitate the identification of victims through sharing of information, organising their protection and assistance and support.

Some trainings organised at the national level focus on measures during the interviewing process in the asylum procedures, including taking into account the vulnerabilities of the applicants (e.g. LU, SI).

EASO has developed tools for the identification of victims of trafficking in human beings (IPSN) and continues to deliver training on how to identify victims of trafficking as part of the permanent support as well as in the operational context. EASO has developed a series of indicators to facilitate the identification, and targeting the specific needs of experts from the Member States that will be deployed, for interpreters, and for Italian and Greek authorities.

EASO continues to report Nigeria and Libya as countries of particular concern where the trafficking networks are known to operate. More specifically, EASO highlights the situation in Libya where exploitation takes place in a massive scale. The reference to transit countries where the traffickers actively operate is flagged as an indicator in EASO identification tools and operational trainings. The 4th EASO Annual Conference on Trafficking in Human Beings and International Protection, in 2017, devoted the sessions to two relevant topics: Libya as country of transit where the trafficking in human beings networks are particularly active, and forced marriage as a potential form of trafficking.

In its **Annual Report on the Situation of Asylum in the EU 2018**[153]**,** EASO reports that training for reception staff seems to have been organised mainly on the working methods with vulnerable applicants. Employees received training on the reception of unaccompanied minors (UAMs) for example in Belgium, Croatia, Czechia, Italy and UK, and trainings were organised on the identification and reception of victims of human trafficking for example in Finland, Hungary and the Netherlands.

The EASO Report on asylum procedures for children[154] provides information on the assessment carried out by the Member States of the situation of married children in the EU: "Most of the respondents (BE, BG, DE, DK, EE, EL, ES, FI, FR, HU, IE, IT, NL (for reception), NO, PL, SE and SK) carry out an assessment of the potential risk situation of the married child (…) **The vulnerability of the child (BE), and risk of being a victim of trafficking in human beings, smuggling, exploitation or sexual abuse are the factors the EU+ States pay attention to when carrying the assessment."**

Several awareness-raising measures are mentioned by the Member States, addressing the risks of trafficking in human beings and improving the identification of victims amongst vulnerable migrants, such as international protection applicants or unaccompanied children. These include events allowing for professionals in the area of trafficking and immigration to exchange and develop concrete solutions, preparation of prevention material, awareness raising sessions with, and provision of information to, migrants and asylum seekers, and education or prevention measures targeting high-risk groups (e.g. BE, BG, HU, LT, LV, NL, RO, SE).

Cooperation between national authorities and civil society organisations in identifying and referring victims of trafficking in human beings is mentioned by several Member States (e.g. DK, FI, FR, LU).

EASO reports on several factors, which are likely to impair a victim's ability to present and substantiate **an application for international protection or asylum status**. These include the lack of identification of applicants as victims of trafficking or at risk of being exploited; ineffective referral mechanism to provide adequate support to the victims; the unavailability of places in dedicated reception/protection centres which may hinder the

153 European Asylum Support Office, Annual Report on the Situation of Asylum in the European Union 2018.

154 EASO Report on asylum procedures for children, EASO Practical Guide Series, 2019.

identification and the protection of the victims; victims are sometimes directed to the national mechanism for victims of trafficking without exploring the international protection needs of the victim and therefore their refugee status may not be recognised; victims, including children do not identify themselves as 'victims'.

A number of Member States reported measures focused on the identification and assistance to victims of trafficking in human beings amongst asylum seekers, such as training, adoption and amendments of internal guidance (e.g. BG, BE, HU, SE).

Bulgaria reports on the updating in 2018 of the Standard Operating Procedures for Preventing and Responding to Sexual and Gender-Based Violence, which were developed in 2008 by the State Agency for Refugees (SAR) in cooperation with the United Nations High Commissioner for Refugees (UNHCR). The procedures target foreigners seeking international protection accommodated in SAR territorial units, and aimed at the identification and swift referral by the SAR employees of victims of violence. The mechanism includes a specific procedure addressing the identification of children at risk and/or victims of violence, and involving child protection authorities, social assistance agency and the police. The National Commission for Combating Trafficking in Human Beings is alerted of the referral. In the period 2015-2018, the SAR had isolated cases of victims of trafficking. The potential victims of trafficking identified were referred to organisations providing services for victims of trafficking and included in the National Referral and Support Mechanism for Victims of Trafficking in Human Beings in Bulgaria. They were placed at a Crisis Centre and another specialised service.

During the reporting period in Finland, all case officers of the Asylum Unit of Finnish Immigration Service have received training and guidance on addressing trafficking in asylum cases, as well as training and guidance on gender-based violence, and forms of violence against women and girls, which includes sexual exploitation, in order to better identify these phenomena and refer victims of human trafficking to the National Assistance System for Victims of Human Trafficking. The Assistance System received 25 referrals from the Asylum Unit in 2017, whilst the number of referrals in 2019 was 64.

Educating and raising awareness amongst professionals who are likely to come into contact with victims of trafficking in human beings **in the context of international migration** is also referred to by several Member States as a measure to identify and provide assistance and support to victims (e.g. CZ, EE, SI). Awareness raising and information measures also targeted amongst international protection applicants and asylum seekers (e.g. SI).

Measures specifically addressing the identification of child victims of trafficking in human beings in the migration context were also reported. In Sweden, in June 2019, the Migration Agency published a new manual for how to guarantee the best interest of the child in migration cases. The manual describes how to handle a case in a way that is adapted to the needs, experiences and rights of a child, and includes a list of key indicators. Such indicator lists are important tools for the caseworkers, as most child victims are not able to talk about their experiences of violence and vulnerability spontaneously.

Greece reported procedures implemented **in the Reception and Identification Centres (hotspots),** especially addressed to women and children who were subjected to any form of violence or harassment, including trafficking in human beings. Under these procedures, they can contact the appointed focal points employees for gender-based violence or any form of sexual violence at the Reception and Identification Centre. The administration contacts the psychosocial support unit and the police when and if necessary.

Organisation of capacity building and training courses for first-line identifiers, taking into account patterns such as the disproportionate targeting of women and girls trafficked for the purpose of sexual exploitation

The Greek National Referral Mechanisms (NRM) has organised capacity building and training courses for first-line identifiers, taking into account patterns such as the disproportionate targeting of women and girls trafficked for the purpose of sexual exploitation. The above courses take place specifically in areas where there is a high number of women and unaccompanied minors among migrants and refugees in order to increase awareness of human trafficking identifiers and to provide them with information on the legal framework and the reporting procedures. After the official launch of the NRM, these trainings took place in the Aegean islands and in the mainland during 2019. More specifically, NRM team delivered during 2019 seven 3-day interagency seminars to first-line professionals of public authorities (police officers, coast guard, labour inspectors, social workers from municipalities, hospitals etc.) and of civil society actors, in the islands of Samos, Lesvos, Kos, Leros, Chios and Rhodes, as well as in Orestiada, close to northern borders. The NRM has also delivered two 2-day trainings to 52 asylum service officers in total, in Athens and in Thessaloniki.

Member States report on targeted training for law enforcement authorities working at the borders (e.g. HR, LV, RO), consular officials (e.g. LT, SE) and immigration officials (e.g. RO, SE). In Sweden, the Gender Equality Agency provides capacity training on trafficking in children for social services agencies, the Migration Agency, special victim representatives, staff at residential care homes, and for civil society organisations. The trainings focus on theoretical and practical exercises for professionals on how to use the Swedish Gender Equality Agency's manual on suspected trafficking in human beings.

Lithuania reports that, as a result of targeted training, as well as the appointment an Ambassador-at-large by the Ministry of Foreign Affairs, whose role is to coordinate issues related to trafficking in human beings in diplomatic representations and consular posts, the number of identified victims by consular officials has increased, and consular assistance was provided to them, including material assistance for Lithuanian citizens to return to Lithuania.

Project 'A strengthened effort to screen for human trafficking among unaccompanied minors'

Denmark reports on the implementation of a project with funding allocated by the Ministry of Equal Opportunities, in cooperation with the Red Cross, which aims at **identifying and supporting unaccompanied minors in the asylum system who are**

potential victims of trafficking. During the reporting period tools have been developed to implement interviews with the purpose of screening all children and youth under the auspices of the Red Cross for indicators of human trafficking. An e-learning tool has also been implemented. As a result of the project all minors in the asylum system, are being screened for signs off human trafficking upon arrival. The screening is based on a digital tool, developed specifically to this purpose by the Red Cross. All staff members are trained in using the tool, and know how to react if they recognise signs. Staff members are also trained in dialogue and other techniques, so they are able to make an immediately assessment and refer the minor for a further identification. Red Cross has developed an e-learning tool on trafficking in human beings and a play that gives professional and staffs the opportunity to discuss cases and indicators.

Greece carried out a number of initiatives taking into account the gender specificity of trafficking in human beings in identification and referral procedures, such as trainings in areas where there is a high number of women and unaccompanied minors amongst migrants and refugees. The General Secretariat for Family Police and Gender Equality developed an inter-governmental protocol aimed at adopting standard procedures as regards identification, referral and accommodation, but also the provision of counselling services and activities for refugee women at risk or victims of gender-based violence, as well as to refugee women heads of single-parent families and their children.

Frontex reports on several measures put in place to assist Member States in improving early identification of victims and ensuring access to and realisation of their rights, including in relation to the two developed handbooks, VEGA Children at airports[155], VEGA Children at land borders and VEGA Children at sea borders, aimed at improving the identification on the move at risk at all types of borders, air, land and sea borders, while ensuring respect and protection for their rights and enhancing the actions taken against criminal threats to their wellbeing. The handbooks contain recommendations to increase the awareness of border guard officers, amongst other stakeholders.

In particular, Frontex has launched and coordinated joint operations at air borders, in cooperation with Member States and international organisations. Joint operations were also extended at external land and sea border. The VEGA Handbook at land borders was already implemented during the 2019 Joint Operations and it has been planned to be implemented also for the 2020 joint operations. Starting with 2020, the VEGA Handbooks are integral part of the Joint Operations implemented by Frontex. Frontex has published a Course manual for Frontex fundamental rights trainers, providing comprehensive and operational guidelines on protection of the rights of all migrants during the border procedures, including the victims of trafficking.

Frontex had also developed a handbook on Risk Profiles on Trafficking in Human Beings as a practical and operationally relevant tool to support Border Guards performing first- and second-line border checks, as well as Officers deployed to Frontex Joint Operations, with the early identification of victims of trafficking in human beings, but also perpetrators crossing an external border together with the victims. The handbook

[155] Frontex 2015, VEGA Handbook: Children at airports.

provides risk profiles for third country nationals, which represent some of the main nationalities of Third Country victims of trafficking in human beings identified in the EU. The risk profiles were completed by risk profiles on trafficking for sexual and labour exploitation. A risk profile on child trafficking has also been developed, taking into account the high risk for children, especially unaccompanied and separated children. The new handbook also provides border guards with a generic profile on traffickers in order to identify them better and support Member States' investigative efforts.

In 2018, Frontex began to collect data on arrivals at the external borders, disaggregated by the age and gender of arriving third-country nationals, as well as the status of arriving children (whether travelling unaccompanied or not). This has been an important development, which enables Frontex to better identify vulnerable groups and, when merging the data with other information coming from Joint Operations or Member States, potential victims of trafficking in human beings. Furthermore, the analysis of these new variables not only allows Frontex to further tailor their activities at the external borders and ensure that the right officer profiles are sent to its Operations, but it also helps to provide officers deployed with more accurate information regarding the situation on the ground, including on arriving flows and their specific needs. The disaggregation of data has enabled Frontex to further support other partners, including other EU Agencies in their work.

Several Member States mention improvements regarding the identification of victims, including in terms of increased knowledge and capacity of national authorities and other stakeholders involved in the identification process and improvement of referral procedures (e.g. ES, FI, IE, RO, SE). These improvements are generally presented as having resulted in a higher number of victims identified**.**

Member States report on helplines for victims and hotlines serving as a tool to identify potential victims and by this enabling them to access support programmes (e.g. SK, EE). **Slovakia** reports for example that in 2018, seven potential victims were identified through the helpline; a worker of emergency medical service was among the calling persons, based on the knowledge obtained during trafficking training in 2017, and he identified and reported a potential victim, who subsequently entered the assistance programme. In 2019, two victims joined the assistance programme based on the identification of trafficking victims through the helpline. In **Estonia** in order to provide better support for all the victims of violence, including trafficking victims, the Ministry of Social Affairs decided to create a national victim support hotline. Even though the specific trafficking hotline remains, now there is also general victim support hotline that enables to identify victims seeking help. Counselling takes place in 3 languages: Estonian, Russian, and English. One can also use the service via chat and e-mail.

Civil society organisations voice concerns about **the exclusion of the civil society from the official identification process in some EU Member States, as well as inconsistent application of recovery and reflection periods, lack of early legal intervention or a lack of training of professionals involved in the identification process, which may lead to the victims not being formally identified**. **Close cooperation of all actors at all levels is essential in order to ensure better access to and the realization of the rights of the victims of trafficking in human beings.**

As highlighted in the Second progress report, a multidisciplinary approach in the functioning of the National Referral Mechanisms (NRMs) and Transnational Referral Mechanisms (TRMs), including the involvement of the civil society, must be enhanced, and cooperation and information sharing at national and transnational level (within and outside the EU, between all relevant actors, including law enforcement and the judiciary, making full use of the support of relevant EU agencies) should be strengthened[156].

6.1.1. NATIONAL AND TRANSNATIONAL REFERRAL MECHANISMS (NRMS AND TRMS)

Formal or informal national (NRM) and transnational referral mechanisms (TRM), and other coordination mechanisms put in place in Member States, are highly relevant with respect to victims accessing their rights and being referred to services, including in a cross-border context.

The European Commission's 2017 Communication stepping up EU action to address trafficking in human beings, under Priority B – Providing better access to and realise the rights for victims, sets forth as a key action to review the functioning of the Member States' NRMs and TRMs. The 2017 Communication indicates that **inadequate access to information about victims' rights and ineffective referral mechanisms at national and transnational level, coupled with a failure to identify all those who fall victim to trafficking continue to prevent victims of trafficking from actually benefiting from the rights they are entitled to.**

The European Commission published in 2020 **a study on reviewing the functioning of Member States' national and transnational referral mechanisms**– 2017 Communication deliverable[157]. The Study indicates that:

- All but one Member States have referral mechanisms in place at national level. In two cases similar mechanisms are available at the local level.
- All Member States have in place measures, procedures aiming at improving identification (e.g. indicators, guidelines focused on specific high-risk groups, joint initiatives of law enforcement, labour inspectors, migration services, etc.).
- Overall, formal identification of child victims normally involved additional actors, adjustment of procedures and, generally, application of the principle of the best interest of the child.

In addition to law enforcement, police and border guards, and civil society organisations, others who play a role, although to a lesser extent, include migration officers, labour inspectors and diplomatic services.

- Concerning EU victims trafficked within their own Member State, there is a gap with respect to specific measures.

Some Member States recalled recent developments in the referral mechanism in the national context. For example **in Italy,** in the framework of the National Action Plan

[156] Study on Reviewing the functioning of Member States' national and transnational referral mechanisms (-, 2020)

[157] Ibid

against trafficking and serious exploitation of human beings 2016-2018, a set of recommendations and practical measures that guide all actors involved in the fight against trafficking and in line with existing standards of human rights protection was introduced. It includes a detailed set of standard operating procedures (SOPs), consisting of separate measures to ensure adequate assistance to trafficked persons through the following steps: 1. identification; 2. first assistance and protection; 3. long-term assistance and social inclusion; 4. return and social inclusion; 5. criminal and civil proceedings. The Italian National Referral Mechanism for Trafficking Victims is addressed to all actors involved in the fight against trafficking who come into contact with a trafficked person (whether presumed or identified) and who are involved in any of the proceeding phases. It is also directed to policy makers and decision-makers, i.e. those persons in charge of planning prevention and protection interventions, investigative and repressive strategies. These include professionals and experts in the field of anti-trafficking, non-governmental organisations, governmental organisations, international organisations and other categories such as: operators at desk services; shelter workers; case handlers; psychologists; counsellors; social workers; interpreters; intercultural mediators; health workers; lawyers; child guardians; law enforcement officials; labour inspectors; trade union staff; magistrates; prison staff; policy makers and decision makers; diplomatic staff; others.

In Greece, the National Referral Mechanism officially entered into force on 1 January 2019 and the first implementation report on its first year of official functioning was reported to be drafted. The functioning of the NRM has been supported by the provision of Law 4636/19, Article 58 (5) and Law 4540/18, Article 20 (5), according to which competent authorities are obliged to inform immediately the NRM of presumed victims of trafficking in human beings. The NRM operates as a hub for coordinated action and partnership-building among all actors involved in combating human trafficking (state agencies, international organisations, NGOs).

Ireland reported that individual written procedures have been put in place in frontline State bodies to guide public officials in the proactive identification of trafficking victims among high-risk individuals they may come into contact with, and these procedures are published on the website, together with a 'Statement of Roles and Responsibilities', which outlines the roles and responsibilities of organisations involved in the care of victims. The victim identification system is under review.

Some countries referred to regular updates to their guidance documents with regard to identification, assistance and support to victims of trafficking in human beings. For example, **Lithuania** noted that the Recommendations for the Identification of Victims of Trafficking in Human Being, Pre-trial Investigation and Inter-institutional Cooperation were approved by the Procurator General of the Republic of Lithuania, the Minister of the Interior of the Republic of Lithuania and the Minister of Social Security and Labour of the Republic of Lithuania in 2015. The renewal of this legal measure is included in the 2017–2019 Action Plan to Combat Human Trafficking and is carried out on an annual basis having assessed observations and recommendation on the improvement of the measure submitted by the relevant institutions.

During their deployment, Frontex officers have the role to identify potential victims of trafficking or people who could be at risk of exploitation after crossing the external borders, and referring them to the national authorities of the host country so that they can initiate the formal process, which could eventually lead to the person being placed in the national referral mechanism and granted protection. In **Greece,** trafficking in human beings contact persons have been appointed in the hotspots, and Debriefing Experts are interviewing potential victims of human trafficking. The process is continuing and potential victims have now a higher chance of receiving protection. All operational data are being shared with Europol.

EASO highlights that, **for asylum-seeking children, the involvement of child protection services in referral mechanisms is currently limited and should be reinforced and ensured.** All relevant stakeholders at central and local level should meet at regular intervals in case there is no information sharing system in place. It should always be clear which authority is responsible for appointing a guardian/representative or giving access to the most suitable procedures for the child, in order to avoid protection gaps due to different authorities believing others are responsible for certain aspects of the child's case. **When risks or vulnerabilities have been identified, special procedural guarantees to meet their needs should be in place**. Additionally, **the child should be referred for support and/or further assessment** within the asylum authority, or to another service provider or authority, such as the reception or child protection authority, to ensure the child's safety and well-being. This referral may be for professional consultation or legal counselling. An example is the referral of child victims of trafficking to appropriate referral mechanisms, ensuring the communication of international protection and anti-trafficking systems.

Setting-up of a Procedure for the referral of potential victims of trafficking in human beings applying for international protection at Madrid Barajas airport

Spain established in 2019 a procedure for the referral of potential victims of trafficking in human beings who apply for international protection at Madrid Barajas airport. The elaboration of this protocol is due to the fact that the Ministry and the organisations working at the airport have identified the need for drafting a specific referral procedure for potential victims of trafficking in human beings that arrive at the airport, where specialised organisations participate conducting a specialised interview to all potential victims and a procedure for their referral to a place adapted to their specific needs.

This procedure aims at establishing action guidelines when foreign nationals of legal age or family units arrive to Madrid Barajas airport and request international protection when any professional with responsibilities over this process suspects they could be victims of trafficking in human beings, so that they are correctly referred within the framework of the Reception System for international protection applicants and beneficiaries. This is coordinated by the Ministry of Labour, Migrations and Social Security through the General Sub-directorate of Programmes of International Protection, under the General Directorate for Inclusion and Humanitarian Assistance. In the case there is no appropriate place for the victim within the national Reception System, the Government Delegation for Gender Violence might provide one for the victim.

Member States report on measures aiming at improving the existing referral procedures. For instance, Cyprus informs that the Social Welfare Services as a first responding authority, in consultation and cooperation with other members of the Multidisciplinary Coordinating Group, have developed a standard referral form, which has been introduced in 2019, to improve the identification and referral procedures of potential victims of trafficking and exploitation into the National Referral Mechanism, including screening of vulnerable asylum seekers from Pournara Centre. As far as the asylum procedure is concerned, there is a new and more complete vulnerability assessment tool introduced during February 2020, replacing the one already used at the first reception center in Cyprus. Also, another vulnerability form exists, which the police use during the procedure of applying at the immigration control, as a first identification tool of any obvious or mentioned vulnerabilities. All applicants go through the vulnerability assessment during their first 3 days of applying for international protection and, if there are indicators of trafficking in human beings, the trafficking in human beings referral form, as mentioned above, is completed and immediately sent by hand to the Social Welfare Services to begin the National Referral Mechanism procedure.

National referral mechanisms specifically addressing trafficking women and child trafficking, are reported by some Member States.

Portugal reports on ongoing work in order to develop a Protocol for the definition of procedures for the prevention, detection and protection of child victims of trafficking in human beings, in addition to the already existing National Referral Mechanism. **Romania** also mentions on recent improvements with respect to the National Identification and Reference Mechanism (initially adopted in 2007), which aimed, first and foremost, at creating a document as easily accessible as possible to support the need for information and guidance of the specialists involved in identifying and referring victims of human trafficking. Procedures were created and introduced regarding the risk assessment and the special needs of assistance and protection of the victims, the assisted voluntary repatriation, the way of granting the recovery and reflection period was regulated, but there were also improved procedures or aspects, such as the identification procedure or indicators to identify victims of human trafficking, amongst others.

Child and gender-specific measures aimed at improving identification and referral procedures of victims of trafficking in human beings were adopted **in Spain**. For instance, a policy document was developed additionally to the Framework Protocol for the Protection of Victims of Trafficking in Human Beings, which provides guidance to professionals from different areas (public authorities, agencies, institutions and civil society organisations) to recognise signs of trafficking in potential child victims and to ensure an efficient referral procedure towards protection and assistance services, whilst taking into account their specific needs. Spain further reports that the policy document "Healthcare action in case of trafficking in human beings for the purposes of sexual exploitation", which complements the Common Protocol for Healthcare Action in case of Gender Violence 2012 in the National Health System was approved on 24 April 2018. It provides information to healthcare staff to identify women and girls who are victims of trafficking for sexual exploitation known in the context of healthcare services and establishes guidelines for standardized referral action.

Few Member States reported revising the website of NRMs. In the **Netherlands,** the revised version of the National Referral website for Human Trafficking is available online. The purpose of this website is to refer professional aid workers, victims and civilians to relevant organisations, which can provide further assistance. In addition, the National Referral Site provides a clear overview of the various stages and steps involved in providing support to victims of human trafficking as well as the rights and regulations that are involved in the process in order to provide the most suitable assistance and support to victims of trafficking in human beings. In addition, the website is widely accessible to the public.

Latvia reports on ongoing political debates in the country on possible legislative improvements and new policy initiatives in the field of preventing trafficking in human beings, in particular the idea of setting up a national referral mechanism for the recognition of and assistance to victims of trafficking in human beings.

Transnational Referral Mechanisms: The Second progress report highlighted increasing cooperation, including transnational cooperation with other EU and non-EU countries, international organisations and civil society.

The study on the reviewing of the functioning of Member States' National and Transnational Mechanisms[158] finds that:

- Member States have in place a wide range of instruments for transnational cooperation that contribute to referral of victims of trafficking.
- Support to transnational cooperation is also provided by EU agencies, according to their mandates.
- Cooperation frameworks range from bilateral/regional/multilateral platforms, networks or other similar fora, to meetings of key actors, formal and/or ad hoc cooperation on provision of assistance and support, cooperation mechanisms that include relevant international organisations, especially in return procedures, etc.
- Member States provide some sort of assistance in cases of voluntary return to the country of origin and ensure reflection periods for non-EU nationals who are potential victims of trafficking in human beings, which vary from 30 to 120 days for adults and up to 150 days for children. In most Member States, assisted voluntary return of non-European Economic Area (EEA) citizens is managed by, or conducted in, cooperation with the IOM.
- Most of the referral mechanisms reviewed integrate some sort of risk assessment in the procedures for assisted voluntary return. The availability of reintegration and support in the countries of origin vary depending both on the Member State of destination and the country of origin. Returns of EU/EEA citizens generally take place on a case-by-case basis, and assistance provided varies according to the victim's needs.

[158] Study on Reviewing the functioning of Member States' national and transnational referral mechanisms (-, 2020)

Setting-up of the Transnational Referral Mechanism of the Baltic Sea Region

The Transnational Referral Mechanism (TRM) of the Baltic Sea Region (Denmark, Estonia, Finland, Germany, Iceland, Latvia, Lithuania, Norway, Poland, Russia & Sweden), Bulgaria, Romania and Ukraine has been created in 2019 by the Council of the Baltic Sea States (CBSS) Task Force against Trafficking in Human Beings (TF-THB). It was developed in the framework of the transnational project "Paving the Way for the Harmonized Operational Framework in the Baltic Sea Region" (HOF-BSR). A Transnational Referral Mechanism for professionals working in the Baltic Sea Region and beyond was developed to provide them with the right tools in order to successfully assist victims.

6.2. Assistance, Support and Protection of Victims of Trafficking

Attending to victims' specific needs and taking into account their personal history, ensuring personalised services were highlighted in many reports. Member States and civil society organisations recalled the need for a multidisciplinary and multi-agency approach, with multilingual staff to be efficient and effective.

Besides the implementation of Anti-Trafficking Directive, few Member States (e.g. EL, AT, IE, EE) reported on legislative and policy developments relating to the **transposition and implementation the EU Victims' Rights Directive 2012/29/EU**. In particular, **Greece** reported putting in place new legal provisions for the protection of victims of trafficking in human beings: Article 218 Criminal Procedure sets out measures that may be taken to protect victims against revenge or intimidation. Such measures include protection by appropriately trained police personnel, examination by audio and visual electronic means or mere audio transmission of the recording, not including identity data in the examination report. According to this article, during the examination of the victim as witness, an expert (psychologist or psychiatrist) is appointed in order to prepare the victim to testify. The testimony of the victim shall be made in writing and recorded in an electronic audio-visual medium, where possible. The electronic submission of the testimony of the victim shall replace the victims' physical presence at the next stages of the procedure. If such submission is not possible, a written statement of the victim shall be read out to the audience. **Austria** reported on changes in national legislation with regard to "particularly vulnerable victims" where victims of trafficking in human beings are considered, including their age, mental and health status, as well as the type and specific circumstances of the criminal offence.

In **Estonia,** the amendments of Victim Support Act entered into force in Estonia on 1 January 2017 and since then the concept of a presumed victim exist. The police, prosecution, specialised NGOs assisting victims of trafficking, labour inspectors, social workers and competent foreign authorities, may identify a presumed victim of trafficking in human beings. These actors should inform the Social Insurance Board of having detected a presumed victim of trafficking in human beings, following which information is provided to the law enforcement authorities to allow the initiation of criminal investigation into the offence If no criminal investigation is initiated due to the lack of

elements of the offence, the presumed victim of trafficking is entitled to specialised assistance for the duration of up to 60 days.

Ireland reported that the Criminal Justice (Victims of Crime) Act 2017 transposes the EU Victims' Rights Directive. The Act was passed into law in November 2017. The Act introduces statutory rights for all victims of crime, including victims of trafficking in human beings. The legislation gives all victims of crime an entitlement to information about the system and support and special measures during investigation and court proceedings, if necessary.

Member States reported on diverse general measures improving support, assistance and protection of victims of trafficking. In **Lithuania** in 2019, the National Association against Trafficking in Human Beings was founded which united five non-governmental organisations of Lithuania providing assistance to victims of trafficking in human beings. It is planned that the Association will coordinate the activities of its members, solve problems related to trafficking in human beings on the national level within the competence of non-governmental organisations, will guarantee equal access to and the quality of complex assistance provided to victims of human trafficking all over the country, raise public awareness on a precautionary basis.

Cyprus reported on streamlining the process for providing financial support to victims and prioritised public benefit applications from trafficking victims. All identified victims receive a monthly allowance. Social Welfare Services also provide emergency financial assistance to cover basic needs and accommodation while awaiting their applications for Guaranteed Minimum Income to be examined. Cyprus provides rent subsidy and a monthly_allowance to all victims of trafficking who are living outside the shelter (including female victims of sexual exploitation who choose not to stay at the shelter, female and male victims of trafficking for labour exploitation). Victims of trafficking have the right to apply for Guaranteed Minimum Income, which includes a rent allowance.

Latvia reported on the adoption of the Regulation of the Cabinet of Ministers No 344 "Regulations Regarding the Procedures by Which the Victims of the Trafficking in Human Beings Receive Social Rehabilitation Service, and the Criteria for the Recognition of a Person as a Victim of the Trafficking in Human Beings" on 16 July 2019. This Regulation prescribes the procedures by which a person who has been recognised a victim of the trafficking in human beings shall receive social rehabilitation service for the State budget funds, and the criteria for the recognition of the person as a victim of the trafficking in human beings.

Building on its national contribution submitted for the Second progress report of the European Commission, **Spain** highlights the further development of Offices for Assistance to Victims of a Crime. These offices provide assistance to all victims of crimes, including victims of trafficking in human beings. Their goal is to provide integrated, coordinated and specialised assistance to victims of a crime and respond to their specific needs in the legal, psychological and social areas. The model for assistance and intervention used in these offices encompasses two types of actions: on the one hand, general assistance and, on the other hand, individualised assistance for each victim. There

are 26 Offices for Assistance to Victims with one process manager and a psychologist in each of them. In addition, Spain reported the approval of the Instruction 6/2016, of the State Secretariat for Security, on actions by the State security forces in the fight against trafficking in human beings and on the collaboration with organisations and institutions with accredited experience in assistance to victims.

Romania continued the implementation of the Victim Witness Coordination Program in the Criminal Procedure. The program concerns measures of support, information and accompanying the victim throughout the criminal proceedings, in case the victim accepts the cooperation with judicial authorities. The program is based on the cooperation between ANITP, DIICOT, the Ministry of Justice, through the courts and the Probation Service, the Ministry of Internal Affairs, through the Romanian Gendarmerie, Police and Border Police and the General Inspectorate for Immigration.

EUCPN (European Crime Prevention Network) campaign on victims' rights[159]

The prevention campaign against trafficking in human beings was funded by the Internal Security Fund of the European Union (ISF). It was realized together with European countries, Europol, EUCPN and launched on 17 October 2019, in the context of the EU Anti-Trafficking Day.

The campaign aimed at informing potential victims that they could be or become a victim of trafficking in human beings; informing victims where they can find help, protection and information; inform victims about their rights across EU countries, including assistance, support, protection, compensation, labour integration and rights, period for recovery and reflection and residence permit for victims of third countries and assisted return. The participating 23 countries are Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Greece, Hungary, Iceland, Ireland, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Norway, Poland, Portugal, Romania, Slovak Republic, Slovenia and Spain[160]. The campaign '#YouHaveRights!' included a poster, sticker and video. The material was distributed at 'hot spots' including airports, borders, embassies, consular posts, public transportation, malls, fuel stations, social media.

Member States recalled attending to the need of specific groups of victims, including in shelters (e.g. HU, NL, FI). The **Netherlands reported on** different types of shelter facilities for different categories of victims of trafficking in human beings, such as depending on their age (adult/child victims) and their legal residence (with/without legal residence). Dedicated shelter is specifically intended for non-Dutch adult victims of human trafficking and offers shelter to both male and female victims who are in a reflection period and for their children. Victims who do not meet these conditions are usually placed in women's shelters or social shelters. **Hungary** reported earmarking

[159] https://eucpn.org/preventhumantrafficking

[160] https://eucpn.org/preventhumantrafficking

budget for the construction of a new shelter. The availability of shelters for male victims was highlighted by few Member States (e.g. FI).

The role of municipalities in assistance, support and care for victims was highlighted by a few Member States (e.g. FI, NL).

Cyprus reported on new phone devices and new phone numbers being given to the victims in order to severe any possible contact with the suspect(s) and to minimise the risk of retaliation. Leaving from and returning to the shelters are discussed with them, but also with the personnel of the shelters. For some victims, it is decided to be escorted either by the Police or by members of NGOs when going out. In addition, the shelters are patrolled by the Police in a discreet manner. There is no difference to the services provided to male and female victims of trafficking, except the temporary accommodation to the governmental shelter for female victims of trafficking for sexual exploitation.

Member States expressly mention taking into account gender-specific requirements. For example, **Denmark** noted that the individual needs of each victim are taken into account when assistance and support is granted in accordance with Action Plan to Combat Trafficking in Human Beings 2019-2021. Consideration can occur, inter alia, during the identification interview where men have a tendency of being more reluctant to present their stories of trafficking due to shame and an aversion of appearing weak. The different needs of male and female victims are also taken into account when accommodation is arranged. Service for care **for trafficked men** in some Member States (e.g. LU, NL, DE) were highlighted. In the **Netherlands** research has shown that sexual exploitation also occurs among boys and men, but detecting this form of exploitation, offering help and providing care in such cases require a specific approach. Therefore, , with support from the Ministry of Health, Welfare and Sport, five care and support organisations have started developing care services for male victims of sexual exploitation.

In 2017, a guide was drafted in **Spain** providing recommendations for the offices for assistance to victims including assistance to children or teenagers victims of a crime, guaranteeing that the assistance provided to child victims of trafficking is standardised and of high quality.

In the **Netherlands,** specialised support is intended for the victims of grooming by 'lover boys'. Various youth care institutions that have a specific offer for victims of lover boys have described the methodical basis of their care programmes. Youth Institute supports research on the effectiveness of seven of these care programmes.

Croatia reported that all services to victims of trafficking in human beings are also accessible to persons with disabilities, i.e. persons with reduced mobility. **Hungary** reported that the Police treat victims of trafficking in human beings as persons with special needs under Act XC of 2017 on Criminal Procedure Code. In its proceedings, the Police places victims in shelter and/or directs them to the state Victim Support Service in order to evaluate their need of services and support.

Portugal reported that the work with the victims in care is carried out in a consistent and personalised manner, according to an individual and group intervention plan, which includes training sessions for the development of social and personal skills, as well as other non-formal daily activities (domestic management, active job search, among others).

New approaches to health and medical assistance to victims were reported. In **Ireland,** the Anti-Human Trafficking Team of the Health Service Executive is charged with responsibility to care of victims of Human Trafficking under the National Action Plan. The Anti-Human Trafficking Team follows trafficking victims accordingly to the form of exploitation (sexual labour exploitation, sham marriage and forced criminality). It has responsibility for care planning for both female/male victims of trafficking in all areas of exploitation and provides support for potential victims of trafficking to access the relevant State agencies and their services. In 2019, Ireland's Health Services commenced key work with women/trans -women in prostitution and more trafficking caseworkers have been made available. Translation services were provided by phone or in person to 19 individual women in several different languages to assist them in their personal circumstances.

New pieces of legislation, enabling victims of trafficking to access public health care were also reported. For example in **Slovakia,** several ministries (Ministry of the Interior, the Ministry of Health), the Health Care Surveillance Authority and individual health insurance companies participated in the preparation of the respective amendments to the concerned acts, which improved the quality of access to healthcare for victims included in the assistance programme.

Lithuania report on legal aid to victims of trafficking. Besides seeking to ensure efficient legal assistance and expand the possibilities of the provision of state-guaranteed legal aid to victims of trafficking in human beings, the amendment to Law on State-guaranteed Legal Aid was adopted in 2018. The amendments stipulate that victims of criminal acts of trafficking in human beings shall have the right to receive secondary assistance -irrespective of the levels of property and income established by the Government of the Republic of Lithuania- to receive legal aid within the whole scope of the criminal case (without being limited only to a civil action). Seeking to improve the quality of state-guaranteed legal aid services, in 2017, the Ministry of Justice submitted a proposal to the Government for increasing remuneration to the lawyers providing secondary legal aid, which is one of the measures to encourage lawyers to take part in this system. As a result of such developments, in 2019, 8 victims of trafficking in human beings received legal aid.

Member States reported on dedicated measures to assist and support trafficked children (e.g. SK, FR, HU). **Slovakia** reported on specialised new institution to support child victims of trafficking in human beings. With effect from 1 January 2019, Centres for Children and Families were established, which purpose is to perform measures temporarily substituting the natural family environment of the child based on a court decision. Certain Centres will execute a specialised programme for prevention of occurrence, deepening and repeating of crisis situations of the child, including for those being a victim of the crime of trafficking in human beings. Realising the necessity of

specialised and individual approach to this target group of children in consideration of their integration into society, it is planned (2019- 2023) that in each self-governing region one Centre will be established with a specialised programme focusing on children, who require improved care because they experienced maltreatment or sexual abuse, or crimes were committed in relation to them endangering their favourable mental, physical or social development and their families. **Hungary** reported about action concerning trafficked children. Pursuant to Article 61 (2) of Act XXXI of 1997 on the Protection of Children and Guardianship Administration, from 1 January 2019, the territorial child protection services shall provide services for the examination and therapy of neglected and abused children, including sexually abused children, and operate a hearing service for affected children upon official request. One possible method of this service provision is the Icelandic Barnahus model, launched in November 2016 in one town in Hungary. Taking into account the positive first experiences, a new Barnahus is currently being developed in the capital (to be opened in 2020). The long-term goal is a nationwide coverage of the Barnahus service.

The unconditional protection of children who are victims of trafficking in human beings was identified as a challenge for public policy in **France.** To this end, the second national action plan against trafficking in human beings provides for a number of measures aiming at strengthening the identification and care of child and young adult victims of trafficking. The aim of this centre will be to accommodate 15 minors and young adults victims in a safe space, regardless of the type of exploitation carried out, in order to keep them away from the trafficking networks, to provide them with individualised and comprehensive support (psychological and in the field of justice and health), and to consider their orientation. It will also help to accommodate mothers and fathers (up to 21 years of age) with children. The plan to combat violence against children 2020-2022 is relevant in this context. In view of the need to gain a better understanding of the new forms of prostitution, the national action plan against violence against children 2020-2022 provides for the launching of a group to identify the solutions to be put in place to combat the new forms of prostitution and increased knowledge of prostitution. In addition, the plan has set itself the objective of improving the way it is taken into account health care for child victims. On this basis, a graduated care pathway comprising an assessment of the child's needs is being developed to become operational by 1 January 2021. This pathway will include improved identification, assessment of the needs of the child, the structuring of support for both psychological and somatic matters in territories. These tools are intended to benefit all minors regardless of the violence they have suffered. Measure 17 of the 2nd action plan created 10 mediators for prevention actions, including to report on situations of risk for children who are victims of trafficking in human beings.

The **EU Agency for Fundamental Rights (FRA), together with the European Commission,** published in June 2019 **a guide "Children deprived of parental care found in an EU Member State other than their own**."

The guide aims to strengthen the response of all relevant actors for child protection. It

focuses on child victims of trafficking and children at risk, implementing an action set forth in the 2017 Communication stepping up EU action against trafficking in human beings, and takes into account identified patterns, including with respect to the gender specificity of the crime.

Through a set of 10 actions, the guide provides practical suggestions on how to identify, refer and support children, elaborating on how to implement principles such as the right of the child to be heard and how to ensure their best interests when deciding on a durable solution.

The guide provides practical information to enhance national and transnational cooperation within the EU and on the support relevant EU agencies can provide, including for countering the impunity that fosters child trafficking. Professionals, such as law enforcement and judicial authorities, social workers, health professionals, child protection officers, guardians, judges, lawyers, as well as Central Authorities established under the Brussels IIa Regulation, but also authorities defining procedures and protocols, can benefit from the guidance.

Enhancing cooperation within the EU and promoting a fundamental rights approach of all actors involved will strengthen the protection of all children deprived of parental care, including child victims of trafficking, and contribute to prevention efforts.

The guide is available in English and is being translated to all EU languages[161].

Luxembourg reported on new provisions strengthening procedural guarantees in criminal matters with regard to **presume the victim being a child where the age of the victim is uncertain.**

Addressing the situation of unaccompanied minors with a view to reduce the risk of their trafficking has been a concern in some Member States. In January 2018, FRA also produced a summary of its report Guardianship systems for children deprived of parental care in the EU[162]. In the last years, several Member States have amended their guardianship laws, such as Greece and Italy. In the framework of FRA's work in the Greek and Italian hotspots, FRA has also been involved in supporting national actors in defining the structures and working methods of guardians and building the capacity of key actors.

In **Greece,** in order to increase the protection of unaccompanied minors (UAMs who cross the European borders from trafficking risk and to better address their needs, the Greek authorities reviewed the guardianship rules and a new legislation on Guardianship (4554/2018) was adopted in July 2018. The said legal framework provides for the recruitment, training and appointment of a number of professional guardians to various

[161] https://fra.europa.eu/en/publication/2019/children-deprived-parental-care-found-eu-member-state-other-their-own

[162] https://fra.europa.eu/en/publication/2015/guardianship-systems-children-deprived-parental-care-european-union

locations in order to provide individualised support to UAMs, complement their limited legal capacity, facilitate their access to legal protection and basic social services and ensure the children's best interests. Best interest assessment and best interest determination procedures are for the first time, explicitly mentioned in the Guardianship Law, as are responsibilities of the guardians and the Supervisory Board, respectively. The professional guardians are to be recruited and supervised by the Ministry of Labour and Social Affairs. The law entered into force on the 1st of March 2020, following a transitional phase with transitional measures.

A comprehensive plan for the protection and care of unaccompanied children who have arrived in Greece through refugee/migration flows is being activated by the government. The plan focuses on the creation of new long-term hospitality structures. From March 2020, the responsibility for the safe accommodation and integration of unaccompanied minors will be allocated to the Special Secretary for Unaccompanied Minors (Ministry of Migration and Asylum).

Some Member States report on legislative **developments in the field of immigration and asylum concerning the access to rights of victims of trafficking in human beings** (e.g. EL, NL).

Several Member States report on measures aimed at **assisting victims during the repatriation process and assisted voluntary return and reintegration programmes** (e.g. EL, ES). This includes cooperation with countries of origin or reception, in order to avoid the risk of being re-trafficked (e.g. EL). Cooperation with international organisations is also mentioned, including with the International Organisation for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR) including to provide assistance and support to migrants, voluntary return to the country of origin or resettlement, in order to avoid secondary victimisation (e.g. AT, BG, CZ, NL, ES).

Residence permits: Directive 2004/81/EC[163] lays down the granting of a residence permit to third-country nationals who are victims of trafficking in human beings and who cooperate with the competent authorities. The laws or policies granting residence permits vary across the EU. Few Member States referred to their national approach for issuing residence permit for victims of trafficking in human beings or legislative changes (e.g. CY, FR, BE). **In Cyprus,** the Civil Registry and Migration Department has continued to grant residence permits to victims of trafficking identified by the police during the criminal proceedings, based on the anti-trafficking legislation. The duration of the residence permit granted upon identification is set to one year renewable (at least 6 months is provided by law). Furthermore, a specific reference on the residence permit indicates the right of the identified victim to free access to the labour market, limiting the need for interaction between the victim and the authorities in half and empowering the victim in a job-seeking and employment environment. In addition, the anti-trafficking legislation foresees a risk assessment to be performed after the completion of the criminal proceedings for each identified victim individually. Based on the results of

[163] OJ L 261, 6.8.2004, p. 19.

the assessment and if there is a reason why the identified victim cannot return to the country of origin, the Minister of the Interior may grant a temporary residence permit on humanitarian grounds, which can be renewed subsequently. This procedure has been introduced before the reporting period but continues to be implemented and is found to be beneficial for the victims. Regular reports from the Social Welfare Services for victims of trafficking that are granted a permit on humanitarian grounds are required by the Civil Registry and Migration Department, in order to assess their social integration and rehabilitation.

In Belgium, a new Law of 30 March 2017 amended Article 61 (2) of the Law of 15 December 1980 on access to the territory, residence, establishment and expulsion of foreign nationals, the order to leave the territory. So far, the (potential) victims of trafficking in human beings received for the implementation of the reflection period 'an order to leave the territory'. In practice, this corresponded to the 45-day period covered by the recovery and reflection period. However, this document had negative connotation that could cause difficulties on the ground. By the Law of 30 March 2017 the order to leave the territory was replaced by a temporary residence document in the human trafficking procedure. The Immigration Office issues to potential victims of trafficking in human beings a residence document valid for 45 days. It is the time during which the person concerned can recover, avoid the influence of the alleged perpetrators and decide whether to cooperate with the investigation.

France reported on the system with regard to facilitating access to residence for victims of trafficking in human beings. The Law of 13 April 2016 provides for issuing temporary residence card for one year for victims of trafficking in human beings when they cooperate with the judicial authorities. In the event of final conviction of the defendant, a residence is issued by force of law to a foreigner who has filed the complaint or testified (Article L316-1). In case victims trafficked for the purpose of sexual exploitation do not cooperate with the authorities, they can obtain a residence permit for a minimum of 6 months that can be renewed if they engage in a pathway to exit prostitution and integration.

In Slovenia, the Law on Amendments to the Aliens Act was adopted on October 17 2017, which amended provisions related to victims of trafficking in human beings, victims of illegal employment and victims of domestic violence. The amendments have also simplified the conditions for granting temporary residence permits to victims of trafficking in human beings.

Latvia reports on the lack of knowledge of competent authorities in applying procedures related to victims irregularly residing in the territory of Latvia, especially with respect to the granting of a reflection period. In this respect, national authorities highlight the need to review the provisions of the Law on residence of a victim of trafficking in human beings in the Republic of Latvia and legal provisions implementing the Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration. In addition, there are challenges at the national level with respect to irregular migrants for whom there were reasonable ground to believe that they were victims of trafficking in human beings, but who were not granted a reflection period or were not able to have access to state funded rehabilitation services, due to difficulties to formally identify them as victims.

Civil society organisations report on huge differences between the numbers of identified victims and issued residence permits. Victims may be issued a renewable residence permit if their personal situation requires so, or if they need to stay in the country in order to cooperate with the authorities in the investigation of the trafficking offence. Civil society organisations **call for ensuring adequate support to (presumed) trafficked persons who have to return to other Member States**, when they have not been able or willing to cooperate with the authorities or not identified as trafficked persons and therefore not provided a residence permit.

Return procedures under Dublin III Regulation and effective assistance and protection of trafficked victims: Transfers carried out under the Dublin Regulation have affected the situation of victims of trafficking in human being, including their access to assistance and support and the risk of their re-trafficking without enabling their protection from criminal networks. EASO highlights that, under the Dublin Regulation, victims of trafficking in human beings may be transferred to the country where they were exploited, and thus become more accessible to the traffickers and vulnerable to potential re-trafficking. Civil society organisations raise concerns with respect to the application in practice of the provisions of the Dublin Regulation[164], the EU Anti-trafficking Directive and Residence Permit Directive[165] as victims of trafficking in human beings who fall under the Dublin rules are often returned back to the Member States of their first entry.

The Commission's Study on reviewing the functioning of National and Transnational Referral Mechanisms highlights that non-EU victims of trafficking in human beings accessing assistance within the National Referral Mechanism may return to their countries of origin or previous residence independently, through voluntary assisted procedures or, if they are applicants for international protection, be transferred to the previous country of residence through the procedures stemming from the Dublin Regulation. **The application of the Dublin Regulation may also sometimes lead indirectly, due to the differences in policies and rules related to victims of human trafficking, to overlooking the victims' rights in the case of applicants for international protection who have been trafficked[166]**.

The principle of non-prosecution or non-application of penalties to the victims: The principle is laid down in Article 8 of the Anti-trafficking Directive. In accordance with this principle, Member States shall take necessary measures to ensure that competent national authorities are entitled not to prosecute or impose penalties on victims of trafficking in human beings for their involvement in criminal activities, which they have been compelled to commit as a direct consequence of being subjected to trafficking.

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164 Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, OJ L 180, 29.6.2013.

165 Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, OJ L 261, 6.8.2004.

166 Study on Reviewing the functioning of Member States' national and transnational referral mechanisms (-, 2020)

Few Member States referred to the application of the non-punishment principle. Austria noted that in February 2017, the Federal Ministry of Justice issued a decree for the public prosecutors and judges aiming at raising awareness of the non-punishment provision. **Belgium** reported on a law relating to trafficking in human organs and the principle of non-punishment of victims of trafficking in human beings that was adopted on 22 May 2019.

The non-punishment clause is reported to be widely used by the authorities in **Cyprus**. According to the national report, no victim has been detained or deported. Identified victims of trafficking are protected from deportation, according to the anti-trafficking legislation. Illegal immigrants who are arrested and detained for deportation, are released when there are reasonable grounds to believe that they are victims of trafficking. Upon release, the Migration Department settles their residence status, granting them special residence and employment permits, renewable annually, until the completion of the trial proceedings. The national legislation ensures that victims are protected from penalisation for any unlawful activities that were the result of their victimisation in the trafficking process and were compelled by the traffickers to engage in those activities. The same article of the legislation provides that third country nationals who unlawfully enter, and/or reside, and/or work in the country are not prosecuted for those unlawful acts if these were the result of their victimisation. In addition, if it is revealed during the trial of the case against a person for an offence that the actions were related to their state of victimisation, the proceedings are either suspended or concluded with no penalty imposed on the victim of trafficking. In the period of 2015 -2018 in nine cases victims of trafficking were not prosecuted for offences they had committed as a result of their victimisation.

In the context of contributing to the Special Advisor's report on "Strengthening victims' rights: From compensation to reparation"[167] civil society organisations highlighted that trafficked victims for forced begging and for forced criminalities often are not recognised as victims when convicted for those minor offences.

Further, the issue of trafficked individuals being prosecuted for their involvement in the illicit drug trade despite the coercive nature of their involvement persist.

Compensation to victims of trafficking: Member States refer to compensation as means of remedying violations of the rights suffered by trafficked people. The type of compensation provided, procedures to obtain compensation, such as a compensation fund created by the State or via criminal and/or civil proceedings against the perpetrator, the relevant actors in the processes, vary across Member States. Some Member States (e.g. IT, NL, MT, FI, SK) recalled their mixed system, where compensation can be obtained from the offenders through judicial proceedings and/or civil actions and/or by the State through a dedicated fund for victims. Compensation may consist of financial redress of any material and/or immaterial damage suffered by a victim. For example, in Italy, the Anti-Trafficking Fund for Anti-Trafficking Measures for the financing of assistance and

[167] https://ec.europa.eu/info/sites/info/files/strengthening_victims_rights_-_from_compensation_to_reparation.pdf

social integration programmes for trafficked persons and compensation for victims of trafficking offences is in place.

Member States reported on the available tools for victims to access compensation, on training and capacity building of relevant professionals and information actions (e.g. IE, AT, SI, HU, LU).

Some Member States reported on **new legislation** (e.g. FR, EL) and on **specialised bodies** (e.g. FR, SE, EL) undertaking also actions to provide information to victims of trafficking and training to professionals on compensation.

Sweden reported that in July 2018, amendments to the legislation regarding counsel for an injured party came into force. This specify that the counsel for an injured party has to be a lawyer, and only individuals who, due to his or her knowledge and experiences may be appointed as a counsel for an injured party; and the counsel for an injured party may not substitute another person to act in his or her place without the court's consent. **Slovakia** reported on contracting a non-governmental organisation as a partner of the Ministry of the Interior for providing care to victims of trafficking in human beings within the assistance programme. In this framework, a close cooperation with specialised lawyers providing consultations and representation in particular cases is established, where victims receive legal assistance also for claiming indemnification.

In **Czechia** in 2018, a project called "Providing Legal information to Victims of trafficking in human beings" continued to be implemented. The legal information provided inter alia, the option to take part in criminal proceedings against the perpetrators (as witness, victim, particularly vulnerable victim) and the option to seek damage reparation from the perpetrators. The project focuses on helping and supporting victims of crime that would lead to their gradual return to normal life and on attaining repression vis-à-vis the perpetrators of trafficking in human beings.

In its capacity as the national referral coordinator, NCCTHB **in Bulgaria** disseminates information regarding victim compensation opportunities through its administration. This is information that is presented to potential or formally identified victims of trafficking in each case is handled by the NCCTHB.

In **Austria,** the issue of compensation in the context of trafficking in human beings is addressed in the booklet "Together against Trafficking in Human Beings. Practical Knowledge: Prosecution, Compensation and Victim Protection" ("*Gemeinsam gegen Menschenhandel. Kompaktwissen für die Praxis: Strafverfolgung, Entschädigung und Opferschutz*"), published by civil society organisations and supported among others by the Austrian Ministry of Justice. It focuses on practically oriented procedures, know-how and knowledge for practitioners in the fields of law enforcement, compensation and victim protection. The target groups of this booklet are judges, law enforcement, counsellors and lawyers. The booklet has been sent out to all relevant investigation units on trafficking in human beings and is used in police trainings. In 2019, more than 400 police officers were trained on this matter.

In **Denmark** the Director of Public Prosecution has developed written information material targeting relevant NGOs about the course of a criminal case and about the victim's rights in that regard, which is available on the homepage of the Prosecution Service.

Lithuania reported on insufficient use of the indemnification mechanism in place. Victims of trafficking in human beings, to whom a court decision awarded material and non-material damage caused by the crime of violence, could seek State compensation after the criminal proceedings (indictment). However, victims of human trafficking do not often make use of the indemnification mechanism. In 2019, damage caused by a crime of violence was compensated to one victim, a woman who fell victim to traffickers for the purpose of sexual exploitation.

For the purpose of providing input for the report of Special Advisor Milquet on "*Strengthening victims' rights: From compensation to reparation"*[168] with regard to compensation to victims of trafficking, the European Commission consulted participants to the EU Civil Society Platform against Trafficking in Human beings on their experiences.

Civil society organisations identified the following concerns and difficulties in the context of the Special Advisor's report[169]:

- ✓ the type of exploitation suffered by victims of trafficking can play an important part in the accessibility of compensation: victims trafficked for labour exploitation have additional avenues to claim compensation, including loss of earnings, whereas victims trafficked for sexual exploitation do not have verifiable expenses or employment losses and cannot avail in many cases to work related bodies. It is more difficult to prove and assess the psychological harm caused by sexual exploitation or trafficking for prostitution than physical injuries.
- ✓ victims of trafficking may encounter difficulties in receiving compensation in cases, where the crime itself does not take place in the Member State where the victim stays or where the victim left the territory of the Member State where the crime took place.
- ✓ in case it is not proven that the trafficking offence involved the use of direct violence against the victim, victims have difficulty to access compensation.
- ✓ child victims of trafficking seem to have more difficulty to receive compensation. Children's compensation should serve to find durable solutions for children and need to take into account in particular their lack of access to education, missed opportunities, loss of primary carers and emotional support.
- ✓ There are difficulties to establish the amount of material and non-material damages and the procedures may contribute to secondary victimisation.
- ✓ Training of legal professionals in the criminal justice system dealing with compensation to victims is needed.
- ✓ Lengthy compensation procedures, additional conditions to receive free legal aid (such as financial test or requirement to stay or have a legal residence for over 90 days) make it even more difficult for victims of trafficking to receive

168 https://ec.europa.eu/info/sites/info/files/strengthening_victims_rights_-_from_compensation_to_reparation.pdf

169 Idem, Special Advisor Milquet's report on "Strengthening victims' rights: From compensation to reparation".

compensation.

- ✓ If compensation is granted, it is often difficult to enforce the entitlement, because the perpetrators are not found or have moved their assets abroad or have declared themselves bankrupt. According to civil society, confiscation of criminal proceeds is rare as countries face significant challenges in identifying, tracing, seizing and confiscating proceeds of crime.

Similarly, in their contribution in the context of the Progress report, civil society organisations mention barriers for victims of trafficking to access compensation in Member States. They further focus on the need to encourage financial investigation, freezing and confiscation of assets at the initial stages of inquiry, including by monitoring the implementation by Member States of Directive 2014/42 on confiscation of criminal assets.

Measuring result and assessing impact: a limited number of Member States reported on assessing results and impact of victims support and assistance (e.g. NL, ES, DK, IE, SK). With regard to specialised care in the Netherlands, a 2018 study showed that a large proportion of the Dutch victims of sexual exploitation have complex care needs, but that the provision of care is often not well adapted to the specific needs of this group. These include persons who, besides being victims of human trafficking, have psychological problems, an addiction and/or a mild intellectual disability. The Ministry of Health, Welfare and Sport has made funding available to create 36 additional shelters for this group of people. **Denmark** reported on a specific evaluation of shelters for the period of 2019-2021. In **Spain** 2018, the National Rapporteur for Trafficking in Human Beings, using its Focal Point (Intelligence Centre against Terrorism and Organized Crime) evaluated the first year of implementation of Instruction 6/2016, of the State Secretariat for Security, on actions by the State security forces in the fight against trafficking in human beings and on the collaboration with organisations and institutions with accredited experience in assistance to victims, presenting the results in December 2018. The conclusions of the evaluation were followed by a number of recommendations. **Ireland** refers to the findings of UNODC research with regard to measuring the effectiveness of the referral processes. UNODC research using Multiple Systems Estimation can give an estimate the total level of victims of trafficking in human beings against which the number of detected victims can be examined in the national context. **Slovakia** notes that despite the victim support program via non-governmental organisations, it is not clear for which reasons persons rather decide not to enter the programme.

7. INTENSIFY A COORDINATED AND CONSOLIDATED RESPONSE

Based on the Anti-trafficking Directive and the 2017 Commission Communication, coordination has been ongoing with stakeholders and across policy areas. The EU Anti-Trafficking Coordinator is based at the Commission's Directorate-General for Migration and Home Affairs and is responsible for improving coordination and developing existing and new EU policies to address trafficking in human beings. Member States facilitated the tasks of the EU Anti-trafficking Coordinator, for example in contributing to key Commission deliverables, such as studies and data collection, and reporting under Article

20 of the Anti-trafficking Directive for the Progress report. The broad coordination has been widely commended on EU and international level[170].

Addressing trafficking in human beings has continued as a joint effort of a wide range of relevant actors involved at all levels, based on thematic discussions in existing structures and cooperation, including:

- ✓ Coordination through the Inter-Service Group on Trafficking in Human Beings within the European Commission, which brings together 16 Directorates-General, including Eurostat and the European External Action Service.
- ✓ Meetings and exchanges in the framework of the EU Network of National Rapporteurs and Equivalent Mechanisms
- ✓ Meetings and exchanges in the framework of the EU Civil Society Platform against Trafficking in Human Beings and;
- ✓ Meetings and exchanges with the Coordination Group of the EU agencies working against trafficking in human beings;
- ✓ Work with EU institutions (the European Parliament and the Council);
- ✓ Work with international partners, international organisations and;
- ✓ Work with non-EU countries.

The regular meetings of the EU Network of National rapporteurs and equivalent mechanisms (NREMs) (co-organised with the incumbent Presidency of the Council of the EU) **and the EU Civil Society Platform** are a unique feature of the coordination work to address trafficking in human beings. The respective meetings took place twice per year, and include constructive and structured thematic discussions and workshops. Once per year, joint sessions are organised, aiming at operationalising the close cooperation between national authorities and civil society that the Directive calls for. On 5 December 2019, the joint session concerned the High-level event 'Leaving no one behind: breaking the silence on Trafficking for sexual exploitation' in Brussels.

Working with EU agencies against trafficking in human beings: In June 2018, the Heads of ten EU Agencies (EASO, FRA, Europol, Eurojust, Eurofound, CEPOL, EMCDDA, eu-LISA, Frontex, EIGE) signed a Joint Statement of Commitment to working together to address trafficking in human beings.

The 2018 Joint Statement was a key action set out in the December 2017 Commission Communication stepping up action to address trafficking in human beings and builds on the work carried out since the signing of the first Joint Statement with seven EU Agencies in 2011. The commitments emphasise the importance of an enhanced multiagency approach, to counter the culture of impunity and enhance the focus on prevention. In line with the EU legal and policy framework, the Joint Statement adopts a gender-specific and child-sensitive approach to address this grave violation of human rights and serious form of organised crime.

[170] See, for instance, Council Conclusions on Victims' Rights, November 2019; UN General Assembly Third Committee Resolution on Improving the Coordination Efforts against Trafficking in Human Beings, November 2019.

Following on the Joint Statement of Commitment, each agency has appointed a contact point on trafficking in human beings to participate in regular coordination meetings organised by the European Commission to ensure an overview of the agency's action in this field and represent the agency in the relevant fora. Agencies committed to include relevant activities in their planning and work programmes. The below sections provide a short summary of the work of the EU agencies on anti-trafficking action, more details on their activities is provided in the relevant chapters of this document.

1. European Union Agency for Law Enforcement Training (CEPOL)

CEPOL has carried out, in line with its mandate, a series of learning activities in the area of trafficking in human beings, including residential and online training activities as well as exchange programmes planned on an annual basis. In the period 2018-2019, CEPOL has implemented 10 residential trainings, 4 webinars, 2 online courses. Relevant exchanges between law enforcement agencies have also taken place in the framework of the CEPOL Exchange Programme with a focus on trafficking in human beings. A total of 1 357 participants attended CEPOL learning activities in 2018-2019. In addition to the planned portfolio, CEPOL has planned seven webinars with FRA linked to trafficking in human beings and delivered in 2020 a webinar with EIGE and with the participation of the European Commission on Gender-specific measures in anti-trafficking actions.

The programme of learning activities has been developed through a multi-disciplinary approach and with and input from experts, police, border guards, judicial officials, NGOs, international organisations, labour inspectors, representatives of the private sector, and relevant EU Agencies, European Commission. The target audience for the delivered trainings has included frontline officers, investigators, team leaders dealing with trafficking cases, border guards, prosecutors, immigration officers and officers specialised in victim safeguard and protection.

CEPOL has also been leading the action on training and capacity building under EMPACT THB, and has set up its annual training portfolio with the involvement of the EMPACT group, ensuring up-to-date and relevant content for the training activities, including the follow up on new and emerging trends in trafficking in human beings.

2. European Asylum Support Office (EASO)

EASO has been providing support to the Member States on the identification, protection and referral to adequate support of persons with special needs, including victims of trafficking in human beings. The agency also facilitated exchange, supported the development of operational standards, indicators, guidance, training, and best practices as well as the coordination of the Vulnerability Experts Network and the collaboration with other networks to promote convergence with EU standards in the asylum and reception systems of the Member States. The Agency provided support to Member States to enhance their capacity to identify and respond to vulnerable persons who are in need of international protection, through special needs' assessment and referral to adequate support aiming at promoting their resilience.

In 2018, EASO launched the Vulnerability Expert Network as a platform to address vulnerability related topics and crosscutting issues in a holistic manner. In 2019, EASO organised the first thematic meeting on Trafficking in Human Beings and International Protection under the Vulnerability Experts Network aimed at addressing the nexus between Trafficking in human beings and international protection. The meeting highlighted the importance of having a holistic and multidisciplinary approach in the asylum and anti-trafficking procedures, where the two procedures should be interconnected. Considering the importance of the effective implementation of national referral mechanism in cases of trafficking in human beings, EASO has started the development of tool to facilitate the assessment and referral of applicants with special needs, including victims of trafficking to adequate support and assistance.

EASO is involved in the external dimension of the Common European Asylum System and conducts activities for addressing trafficking in human beings in neighbouring countries such as Western Balkans, Turkey or Egypt.

EASO training activities in 2018-2019: The Trafficking in Human Beings module was first piloted in 2017 and 16 training sessions were organised in 2018-2019. In total, 248 participants from 14 EU+ countries, 3 Third Countries, as well as other stakeholders and EASO interim caseworkers have been trained in the Trafficking in Human Beings module, of which 66 trainers trained in train-the-trainer sessions and 182 participants in 12 national training sessions.

EASO carried out operational trainings in 2018 and 2019 in Italy (44 operational training sessions including focus on trafficking in human being, with a total of 943 participants (immigration police officers and EASO interim case workers)); in Malta (four training sessions); in Cyprus (4 operational training sessions including focus on trafficking in human beings attended by 64 participants (EASO interim case workers)); in Greece (28 participants).

3. European Institute for Gender Equality (EIGE)

EIGE has provided guidelines to Member States and relevant stakeholders on how to ensure support and protection of victims of trafficking, focusing on the gender-specific needs of the victims and highlighting gender-specific obstacles faced by victims of trafficking. EIGE has conducted an analysis of the Anti-Trafficking Directive and the Victims' Rights Directive and published a report on "Gender-Specific Measures in Anti-Trafficking Actions" with recommendations to the Member States on how to improve their national mechanisms and actions, including early identification of victims and ensuring access to and realisation of their rights.

EIGE participated and contributed to the 63rd session of the Commission on the Status of Women focusing on cooperation for data collection on gender - based violence, including trafficking, and its importance to further the EU-wide anti-trafficking efforts. EIGE also contributed to international action days, such as EU Anti-Trafficking Day, World Day against Trafficking in Persons, European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse and 16 days of activism against violence against women.

4. European Union Agency for Criminal Justice Cooperation (Eurojust)

Eurojust has provided support to practitioners in dealing with legal issues in trafficking in human beings cases and in tackling effectively the phenomenon at judicial level in the Member States through cooperation tools, including among others, coordination meetings, coordination centers and Joint Investigation Teams (JITs). In addition, Eurojust has facilitated judicial cooperation through joint strategies during the coordination meetings on a number of issues, including cooperation on prosecution and assessment of the best placed jurisdiction to prosecute, identifying, documenting and prosecuting the crime of trafficking in human beings, conducting interviews of victims and suspects, sharing information, conducting searches, arrests, seizures, freezing and confiscation of criminal assets.

A report analysis of Eurojust casework in the field of trafficking in human beings in the period 01/2017 – 07/2019 is envisaged in 2020 with a focus on the areas of JITs in trafficking in human beings cases; victims of trafficking and Eurojust's coordination centres during joint action days in trafficking in human beings cases. Eurojust is conducting also an analysis of court judgments in two trafficking in human beings cases assisted by the agency with the objective of disseminating information to judicial practitioners on legal issues and arguments of the courts in the Member States in trafficking cases.

During the reporting period, Eurojust and Frontex have started negotiations for concluding a cooperation agreement that would allow the two agencies, to further operational cooperation and exchange information including personal data. This project targets mainly cases of migrant smuggling and trafficking in human beings, where Frontex's involvement and contribution to the operational work of Eurojust is expected to bring additional assistance for the competent national authorities and enhance the success of investigations.

Eurojust has also contributed to the guide on "Children deprived of parental care found in an EU Member State other than their own" developed by FRA in cooperation with the European Commission and published in 2019.

In the reporting period 2018-2019, Eurojust signed new cooperation agreements with Albania, Serbia and Georgia, opening the possibilities for a systematic exchange of operational information including personal data and for posting Liaison Prosecutors from the partner countries to Eurojust.

5. European Union Law Enforcement Cooperation Agency(Europol)

Within its mandate, Europol has supported the EU Member States in preventing and combating all forms of serious international crime, including the trafficking of human beings, and assisted the Member states in cross-border and high-level investigations and prosecution of traffickers by enhancing the intelligence picture on criminal phenomena and by contributing to training for specific law enforcement units and experts.

Analysis Project (AP) Phoenix is Europol's operational project dealing with Trafficking in Human Beings within the European Serious Organised Crime Centre. AP Phoenix aims at providing operational and analytical support in priority trafficking in human beings investigations for all forms of exploitation as well as strategic intelligence picture on trafficking in human beings and organized crime groups (OCGs) impacting the EU and supporting the EMPACT activities.

Since its opening in 2007, AP Phoenix has developed significantly and has received a continuously increasing number of contributions through the years from its operational partners. AP Phoenix has been involved in the planning, preparation and delivery of coordinated actions, providing intelligence packages and guidance for the focus of the actions, facilitating information exchange and providing immediate (24/7) crosschecks against Europol's centralised databases.

Based on the intelligence shared by Member States and operational partners, AP Phoenix divides its work into priority areas on the most frequent types of exploitation occurring in Europe. Sexual exploitation is by far the most prominent form of trafficking in the EU reported by the Member States to Europol, followed by labour exploitation as the second most prevalent form of exploitation.

Europol also plays a key role in the EU Policy Cycle 2018-2021 / EMPACT to tackle organised and serious international crime, where trafficking in human beings has been identified as one of the priority crime threats. Implementation is carried out in the framework of the EMPACT trafficking in human beings project, which is supported by AP Phoenix through its active engagement in the EMPACT Operational Action Plan for trafficking. AP Phoenix also participated in CEPOL residential trainings and contributed to training initiatives in the area of trafficking in human beings.

In July 2019, Europol launched the Joint Liaison Task Force Migrant Smuggling and Trafficking in Human Beings (JLT-MS). This new operational platform empowers liaison officers from all EU Member States, which are present at Europol, to step up the fight against constantly adapting criminal networks involved in trafficking in human beings. This new collaborative model focuses on developing intelligence-led coordinated actions against criminal networks involved in migrant smuggling and trafficking in human beings. Liaison officers from all EU Member States and operational cooperation partners meet regularly and work closer together to identify networks, prioritise investigation targets, prepare and execute cross-border operations.

6. European Union Agency for Fundamental Rights (FRA)

The focus of FRA's work remained on child trafficking, trafficking for labour exploitation and the situation at the external borders. FRA's activities for the period of 2017-2019 are referred to throughout the report, in the relevant sections.

7. European Border and Coast Guard Agency (Frontex)

In 2018, Frontex has started to collect data on arrivals at the external borders, disaggregated by the age and gender of arriving third-country nationals, as well as the status of arriving children.

Frontex contributed to operational work and cooperation carried out under EMPACT THB in 2018-2019, including as co-leader and participant in several operational actions with a focus on intelligence collection, support to Joint Action Days, detection of document fraud, support the detections and operations against the traffickers.

As regards trafficking in human beings outside the EU, Frontex relies on experts from the network of Frontex Liaison Officers (FLOs) deployed in several non-EU countries as well as experts deployed to the Common Security and Defence Policy (CSDP) missions and operations. The FLOs are part of a broader network of other European liaison officers deployed outside of the EU, such as the European Migration Liaison Officers (EMLOs), the European Return Liaison Officers (EURLOs), the Immigration Liaison Officers (ILOs) of EU Member States and future LOs of other EU agencies.

8. European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)

The EMCDDA and Europol have joined forces to provide the third comprehensive overview of illicit drug markets in the European Union with the publication of the 2019 EU Drug Markets Report[171]. The report focuses on the drug supply chain, the associated criminal activities and actors, and the policy, strategic and operational responses to these and analyses numerous other topics, including links between drugs and other crimes.

The report points out that there has been increased recognition of the potential links between trafficking in human beings and drugs.

9. European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA)

The large-scale IT systems managed by eu-LISA, namely the Schengen Information System II, Visa Information System and Eurodac have been increasingly used by the Member States, including to combat trafficking in human beings. As described in details in part 6.3.6, the large-scale IT systems developed or under development by eu-Lisa play role in detecting suspected traffickers and potential victims or persons that can be at risk of trafficking.

10 European Foundation for the improvement of living and working conditions (Eurofound)

Eurofound has contributed to the discussions and exchanges of the coordination meetings of the EU agencies within its mandate, including highlighting labour inspections.

171 https://www.emcdda.europa.eu/system/files/publications/12078/20192630_TD0319332ENN_PDF.pdf

7.1. THE EXTERNAL DIMENSION

As a complex phenomenon, trafficking in human beings continues to be systematically addressed in key relevant EU policy areas ranging from security to migration, justice, equality, anti-discrimination, fundamental rights, employment, fisheries, development research, humanitarian aid and amongst others. The external dimension is closely related to the internal concerns on trafficking in human beings. The Commission carries out extensive work in EU internal and external policies in close cooperation with the European External Action Services. Trafficking in human beings is addressed in a wide range of policy instruments, including, among others, EU Security Union Strategy[172], the Global Strategy for the EU Foreign and Security Policy, the Action Plan on Human Rights and Democracy 2020-2024[173], the Joint Communication "Towards a comprehensive strategy with Africa"[174], the EU Western Balkans Strategy, European Neighbourhood Policy.

The EU Western Balkans Strategy[175] adopted in 2018 highlighted that organised crime, including trafficking in human begins strongly persist in the region and set out an objective to effectively dismantle criminal networks and set forth concrete actions to significantly enhance operational cooperation including with EU agencies in the fight against international organised crime, including trafficking in human beings.

As highlighted in the Second Progress report, in line with the European Neighbourhood Policy, revised in 2015, the Commission committed to further address the challenges of organised crime, including trafficking in human beings. This engagement has been translated in technical assistance in both Eastern and Southern Neighbourhood with the development of dedicated activities (e.g. in support to the victims, capacity-building activities to national authorities with a special focus on financial investigation).

Trafficking in human beings is regularly discussed also in the framework of the different EU-funded regional migration and mobility dialogues, notably Rabat and Khartoum processes, as follow-up to the Joint Valletta Action Plan, to ensure engagement with third partner countries on the topic. In the framework of the Rabat process, an "Assessment of Anti-Trafficking Gaps, Needs and Transferrable Practices in the Member States of ECOWAS and Mauritania" has been carried out. The "Regional Operational Centre in support of the Khartoum Process and AU-Horn of Africa Initiative (ROCK)", which was established at the end of 2016 has been supporting the collection, exchange and analysis of information, joint investigations and enhancing the coherence of national and regional legal frameworks, with the objective to reduce the number of incidents of trafficking in

[172] COM(2020) 605 final, https://ec.europa.eu/info/sites/info/files/communication-eu-security-union-strategy.pdf

[173] Annex to the Joint Communication to the European Parliament and the Council "EU Action Plan on Human Rights and Democracy 2020-2024", JOIN(2020) 5 final, https://ec.europa.eu/transparency/regdoc/rep/10101/2020/EN/JOIN-2020-5-F1-EN-ANNEX-1-PART-1.PDF

[174] Joint Communication to the European Parliament and the Council "Towards a comprehensive strategy with Africa" JOIN(2020) 4 final, https://ec.europa.eu/international-partnerships/system/files/communication-eu-africa-strategy-join-2020-4-final_en.pdf

[175] COM(2018) 65 final.

human beings and smuggling of migrants through an enhanced regional capacity to better track and share information on irregular migration flows and associated criminal networks.

Council Conclusions on EU priorities for cooperation with the Council of Europe 2020-2022 [176]

"The EU will continue strengthening cooperation with the Council of Europe in the fight against trafficking in human beings and protecting the dignity of human life Action against trafficking in human beings, especially women and girls, requires joint efforts by a wide range of relevant actors and a coordinated and coherent approach in all relevant policy areas, such as security, migration, justice, equality, employment, and development in EU internal and external relations."

The Council of Europe and the OSCE organised jointly, a meeting of National Anti-Trafficking Co-ordinators and National Rapporteurs, held in Bratislava, Slovak Republic, on 22-23 October 2019 with the participation of the EU ATC. The meeting focused on enhancing the protection of child victims of trafficking and measures to reduce the demand leading to trafficking in human beings for different purposes, including for labour exploitation; on the role of the National Anti-Trafficking Coordinators and National Rapporteurs in engaging civil society in anti-trafficking policy-making, prevention, identifying, assisting and supporting and protecting victims.[177]

The Commission has aligned its development cooperation to the 2030 Agenda for Sustainable Development, which addresses trafficking in human beings under three specific targets for the Sustainable Development Goal, including concerning trafficking of women and girls for sexual exploitation (SDG 5.2), eradication of trafficking and forced labour (SDG 8.7) and trafficking of children (SDG 16.2). The Commission contributes to the process for the review of the implementation of the UN Convention against Transnational Organised Crime (UNTOC) and the Protocols, including in the area of trafficking in human begins.

Regarding humanitarian aid, the Commission continues to support relevant protection projects, including in the area of gender-based violence, child protection, awareness raising and training.

The EU continues to promote adherence to international legal standards on trafficking in persons in line with the **United Nations Convention against Transnational Organized Crime** (UNTOC) and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo protocol), as the primary international legal instruments to address the crime. The EU remains committed to multilateralism and to work with partners supporting the full implementation of UNTOC

[176] https://data.consilium.europa.eu/doc/document/ST-9283-2020-INIT/en/pdf, ; Brussels, 13 July 2020 (OR. en); 9283/20.

[177] 9th General Report on GRETA's activities; Covering the period from 1 January to 31 December 2019.

and the Trafficking in Persons Protocol, and reiterate the need to adhere to international legal standards. In 2018, the Conference of the Parties to the UNTOC established a Mechanism for the Review of the Implementation of the UNTOC and the Protocols,[178] to which State Parties and the EU contributes.

The Commission continues to work in close cooperation with the European Migration Liaison Officers (EMLOs) who are tasked to address trafficking in human beings amongst other areas, including with EU Delegations in key countries of origin and with the support of relevant EU Agencies. Regulation (EU) 2019/1240 of 20 June 2019 on the creation of a European network of immigration liaison officers was adopted to enhance cooperation and coordination among immigration liaison officers deployed in third countries by Member States, the Commission and Union bodies. This supports more effectively the EU priorities in the area of migration, including preventing and combating irregular migration and related cross-border criminality, addressing the trafficking in human beings and smuggling of migrants.

The EU has played an important role in supporting the renewal in 2018 and 2019 of the United Nations Security Council Resolution 2240 (2015) - related to migrant smuggling and human trafficking into, through and from the Libyan territory and off the coast of Libya - which the EU had initiated in 2015 with the launch of EUNAVFOR MED Operation Sophia (Op Sophia). The operation has played a decisive role in improving overall maritime security in the Central Mediterranean and has contributed to disrupting and dismantling the business model and criminal networks of migrants smugglers and traffickers and to enhancing cooperation with a wide range of organisations involved in the fight against trafficking in human beings and migrant smuggling.

Operation EUNAVFOR MED IRINI has replaced Operation Sophia from 31 March 2020, with a core task to implement the UN arms embargo in Libya, while also contributing to disrupting the business model of networks for migrant smuggling and trafficking in human beings.

Through the civilian and military CSDP mission EUBAM Libya, the EU is also assisting the authorities in Libya, in particular in the areas of border management, law enforcement and criminal justice, with a view to contributing to efforts to disrupt organised criminal networks involved notably in smuggling of migrants and trafficking in human beings in Libya and the Central Mediterranean. In Niger, EU Capacity Building Mission EUCAP Sahel Niger continues to support the Nigerien internal security forces (Police, Gendarmerie and National Guard) in strengthening their capacities to fight against organised crime and irregular migration, through advice, training and delivery of equipment.

A strengthened EU capacity to deploy civilian crisis management missions can also contribute to improving security. As reiterated by the Council, civilian CSDP is an important tool of the wider EU response to tackle security challenges, including

[178] Resolution 9/1 Establishment of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.

organised crime[179]. In the framework of a Civilian CSDP Compact[180], the Council and the Member States committed to foster complementarity between the civilian and military dimensions of CSDP, including in areas of capability development and the operational planning and conduct of missions deployed, in particular in mission support.

The Joint Action Plan Implementing the Civilian CSDP Compact[181] set forth a commitment to promote closer cooperation and synergies between civilian CSDP missions, Commission services and Justice and Home Affairs (JHA) actors, from strategic planning to operational conduct and information sharing, including by strengthening the JHA related expertise within relevant CSDP structures. The Join Action Plan also set a key action at EU level for the European External Action Service and the Commission services, including JHA agencies, to promote regular information exchange between CSDP and relevant JHA agencies within the limits of their legal frameworks.

8. IMPLEMENTATION OF EU LAW

The complete and correct transposition of the Anti-trafficking Directive and its full implementation, is not only compulsory, but also necessary in order to make a substantial progress at national level in addressing trafficking in human beings. The ultimate aim is to make a real difference in the lives of victims and step up the fight against this crime by increasing the number of prosecutions and convictions.

The Commission has proactively monitored the transposition processes of the Anti-trafficking Directive. In December 2016, the European Commission adopted its "Transposition report" assessing the extent to which Member States have taken the necessary measures in order to comply with the Anti-Trafficking Directive in accordance with Article 23(1)[182]. The overview in the report showed that substantial efforts have been taken by the Member States to transpose the comprehensive instrument. In addition, it established significant room for improvement remains, in particular as regards specific child protection measures, presumption of childhood and child age assessment, the protection before and during criminal proceedings, access to unconditional assistance, compensation, non-punishment, assistance and support to the family member of a child victim as well as prevention**.** The Transposition report highlighted that in certain instances the Commission's assessment could not be conclusive and stated that the Commission is not precluded from seeking additional information from Member States through bilateral contacts, if need be. The Commission received new pieces of information between 2016- 2018. In this context, the findings of the Transposition report were followed up via information requests to Member States in March 2019 and the

179 Council Conclusions on strengthening civilian CSDP, 9288/18.

180 Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the establishment of a Civilian CSDP Compact, 14305/18.

181 Joint Staff Working Document, Joint Action Plan Implementing the Civilian CSDP Compact 8962/19.

182 To be read in conjunction with the Report responding to the obligation of Article 23(2) COM(2016) 719 of the Anti-trafficking Directive.

Commission received replies from all 27 Member States bound by the Directive[183]. The Commission will continue to monitor the implementation of the Directive by Member States in accordance with its powers under the Treaties and may take the appropriate action, including, where necessary, the initiation of infringement procedures.

9. FUNDING

> The 2017 Communication of the European Commission identified supporting anti-trafficking objectives and priorities. This includes 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 and 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.

Member States and civil society organisations have been extensively involved in dedicated anti-trafficking actions funded under the current 2014-2020 Asylum, Migration and Integration Fund (AMIF) and Internal Security Fund (ISF) of the EU. The Commission proposal for the future Asylum and Migration Fund (AMF), Internal Security Fund (ISF) and the Border Management and Visa Instrument (BMVI) will enable continued support for anti-trafficking objectives and actions. Parallel to the legislative negotiations, the preparations towards the new programming period (2021-2027) have started for establishing the new national programmes under the three funds.

Member States highlight that a key element in combatting trafficking in human beings is to identify potential solutions by working with partner civil society organisations who work with high-risk sectors of the economy and with vulnerable people. Some Member States (e.g. AT, LT IE, SK, LV) referred expressly that the ministry has **concluded contracts for financial support with certain victim support organisations with national budget, following applicable procedures.** Victim support services are fully funded by the government in some Member States (e.g. LU).

Few Member States report that their national programmes of the Internal Security Fund or the Asylum, Migration and Integration Fund (e.g. NL, DE, MT, RO, FI, CZ, SI, HU, EE) have supported anti-trafficking measures. The projects supported from these EU funding streams have diverse objectives, for example preventing and combatting the crime of trafficking, capacity building of operational entities to fight trafficking in human beings, exchanging of information, training and victim support, and support in the asylum, voluntary return and integration context. With the support of the Internal

[183] Denmark is not bound, UK is bound.

Security Fund, the running of EU large-scale IT systems, such as the VIS, the EES and the SIS II, is also enabled. Furthermore, the Member States national programmes have also supported the setting up of Joint Investigation Teams (JITs).

Member States (e.g. AT, BG) reported on projects implemented via **calls for proposals under ISF Police and AMIF Union grants** for preventing trafficking and investigating the criminal offences, capacity building and supporting its EU and non-EU national victims.

The Commission's Directorate-General for Migration and Home Affairs published **Union actions calls for proposals in 2017, 2018 and 2019** for transnational projects with regard to assistance, support and integration of Third country national victims of trafficking under **AMIF with a total budget for these three years of EUR 8,62 million,** and **in 2017 and 2019 under ISF –Police** for actions against trafficking in human beings **with a total budget for these two years of EUR 5,25 million**. The 2019 AMIF call for proposals included a topic aimed at support third country national victims of trafficking for projects for a total budget of EUR 2,550,000.[184]

The Commission's Directorate-General for Migration and Home Affairs has allocated emergency financial support to the Italian Ministry of Interior to prevent and combat trafficking in human beings. In particular, EUR 30,2 million under **AMIF Emergency Assistance** was provided in 2019 to assist third country nationals subject to labour exploitation in the agricultural sector in five regions in Southern Italy and support them through integration into the legal labour market (SU.PR.EME). In 2018, EUR 5,3 million under the same fund was dedicated to identify potential victims of trafficking in the reception system, activate fast-track protection paths and provide safe accommodation (Project ALFA). In 2017, **under ISF-Borders Emergency Assistance,** Project FALCO (EUR 4.93 million) supported the combatting of crimes related to the trafficking of human beings during the surveillance of external borders. In 2016, financial support of EUR 0.65 million was provided for the implementation of an instrumental needs assessment to cope with migrant smuggling and investigate on trafficking connected with it.

Other calls for proposals addressed trafficking in human beings. For example, EUR 7.5 million in EU contribution under the **Internal Security Fund-Police is provided for the 'Common Operational Partnership (COP) along African migratory routes against Migrant Smuggling and Trafficking in Human Beings' project**. It was selected in 2019 with the aim of strengthening cooperation on migrant smuggling and trafficking in human beings. The awarded project has started implementation in January 2020 and is made up of several sub-projects involving EU countries (Austria, France, the

[184] https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/opportunities/topic-details/amif-2019-ag-call-05;freeTextSearchKeyword=;typeCodes=1;statusCodes=31094501,31094502,31094503;programCode=AMIF;programDivisionCode=null;focusAreaCode=null;crossCuttingPriorityCode=null;callCode=AMIF-2019-AG-CALL;sortQuery=submissionStatus;orderBy=asc;onlyTenders=false;topicListKey=callTopicSearchTableState

Netherlands, Germany, and Italy) and third countries (with a focus on Ivory Coast, Guinea, Tunisia, Nigeria, as well as countries along the Horn of Africa route (including Ethiopia, Niger, Eritrea and Sudan) and the African Union Mechanism for Police Cooperation (AFRIPOL).

Some Member States refer expressly to the use of EU funds and the financial support from EU agencies' budget for EMPACT actions increasingly for the operational activities of the criminal police (e.g. AT, DE).

Specific funding for EU anti-trafficking action is also referred to by some Member States. For example, Malta addresses trafficking in human beings as part of Sexual and Gender Based Violence in the context of migration via a project funded by the European Union's Rights, Equality and Citizenship Programme together with other 10 EU partner states, with the International Organisation for Migration leading the project.

Many Member States reported on concrete amounts of available funding allocated to anti-trafficking objectives and some reported on their impact and results. A recent analysis in **Italy** promoted by the Department for Equal Opportunities in Italy highlights how, in the last four years, a total amount of EUR 50 million have been allocated for actions to combat the phenomenon of trafficking and social protection of victims, with an annual average of about EUR 12.5 million. Data allowed to assume that the annual need for resources is significantly higher than the current level of expenditure, given the uneven territorial distribution of interventions and funding. The need was identified on the combined and complementary use of other financial resources (EU, national and regional) in order to ensure that all the territories affected by trafficking in human beings are enabled covered for the assistance, protection of the rights of trafficked persons. In the framework of the National Plan against Trafficking and Serious Exploitation, the funds to combat trafficking in human beings have been doubled: until 2015 the allocation was about 8 million euros per year, while in 2016 about EUR 15 million were made available for 18 projects lasting 15 months, up to EUR 22.5 million allocated in 2017 for 21 projects.

Through the Horizon 2020 Framework Programme for Research and Innovation, and especially its Societal Challenge 7 "Secure Societies", the EU also invested considerably in **research and innovation to build and improve capabilities** for security and border management practitioners to prevent and respond to crime, including trafficking in human beings and to protect victims. In the Horizon 2020 research area "Fight against Crime and Terrorism", some research projects study trafficking in human beings in close cooperation with law enforcement agencies in the EU and provide tools for example for investigations and mitigation. Furthermore, a call of EUR 5 million was recently open for proposals regarding new human and societal methods to prevent, investigate and mitigate trafficking in human beings and child sexual exploitation and on the protection of victims[185]. In the Horizon 2020 research area "Border and External Security", over EUR 100 million have been invested in projects on **innovation for border surveillance,**

[185] https://ec.europa.eu/research/participants/data/ref/h2020/wp/2018-2020/main/h2020-wp1820-security_en.pdf

border check and control, and customs control that will contribute to build, among others, future capabilities to detect illegal activities, including trafficking in human beings; identifying and protect victims of this crime; and investigating cross-border trafficking crimes. The EU is committed to continue investing in research and innovation to improve knowledge and technologies to fight trafficking in human beings.

The EU-UN Spotlight Initiative, a multi-year partnership between EU and UN to eliminate all forms of violence against women and girls by 2030, targets all forms of violence against women and girls, including trafficking in human beings. The EU has contributed an initial investment of €500 million to the initiative. As part of the Spotlight Initiative, the **International Labour Organization and UN-Women, in collaboration with UNODC, are currently implementing the "**Safe and Fair**"[186] programme in the ASEAN[187] region**. In 2019, "Safe and Fair" contributed to **enhanced quality through technical support to 19 legal and policy instruments** ranging from labour migration regulations to national ending violence against women action plans and draft legislation on domestic work, with inputs provided so that they are gender-responsive and survivor-centred. For instance, in **Cambodia**, Safe and Fair – in partnership with the National Committee for Counter-Trafficking and the Ministry of Social Affairs, Veterans and Youth Rehabilitation – enhanced the capacities of front-line service providers on violence against women and identification of trafficking in human beings. **Gender-sensitive safe migration information, including risks of violence and trafficking and rights** during migration, was provided to women migrant workers **in Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Singapore and Thailand**.

In collaboration with United Nations Office on Drugs and Crime (UNODC), **capacity development of police and justice officials** was undertaken in order to support more effective access to justice and reparation remedies for women survivors of violence, coupled with referrals and provision of quality essential services. For example, dialogues organized on coordinated quality services for women migrant workers subjected to violence and human trafficking **in Malaysia** contributed to enhancing cross-sectoral referral mechanisms across the ending violence against women, migration and trafficking sectors and to supporting access to essential services for women migrant workers who face violence.

The Global Action against Trafficking in Persons and the Smuggling of Migrants (GLO.ACT) - Asia and the Middle East is a four-year (2018-2022), EUR 12 million joint initiative by the EU and the UNODC being implemented in partnership with the IOM in four countries: Islamic Republic of Afghanistan, Islamic Republic of Iran, Republic of Iraq and Islamic Republic of Pakistan. The Global Action against Trafficking in Persons and the Smuggling of Migrants (GLO.ACT) – Bangladesh is a parallel four-year (2018-2022), joint initiative by the EU and the UNODC being implemented in partnership with the IOM.

[186] https://spotlightinitiative.org/safe-and-fair

[187] The Association of Southeast Asian Nations

Both **GLO.ACT Asia and the Middle East and GLO.ACT-Bangladesh** build on a global community of practice set in motion in GLO.ACT 2015-2019 and assist governmental authorities and civil society organisations in targeted, innovative and demand-driven interventions: sustaining effective strategy and policy development, legislative review and harmonisation, capability development, and international cooperation. The project also provides direct assistance to victims of human trafficking and vulnerable migrants through the strengthening of identification, referral, and protection mechanisms.

Dismantling the Criminal Networks Operating in North Africa and Involved in Migrant Smuggling and Human Trafficking is a EUR 15 million project (2019 – 2022) implemented by UNODC. This regional programme aims at stepping up efforts in the North Africa region to combat both migrant smuggling and human trafficking. The project covers Algeria, Egypt, Libya, Morocco and Tunisia and focuses on the regional dimension of the fight against smugglers and traffickers while strengthening national criminal justice capacities and upholding the rights of migrants, refugees, asylum seekers and vulnerable groups. The overall objective is to enhance the capacities of Egypt, Libya, Morocco and Tunisia to effectively dismantle criminal organisations involved in migrant smuggling and human trafficking.

As continued action, the EU has been providing **funding to anti-trafficking actions in non-EU countries** through its external financing instruments, such as the EU Trust Fund for Africa, the Development Cooperation Instrument, the European Fund for Development, the Technical Assistance and Information Exchange instrument of the European Commission (TAIEX) and the Instrument for Pre-Accession Assistance (IPA).

Relevant EU-funded projects in this context include "Organized Crime: West African Response to Trafficking - OCWAR-T project", EUR 20 million, to combat trafficking in human beings, drugs, firearms, organised crime and terrorism; "Support to Free Movement of Persons and Migration in West Africa – FMM West Africa", EUR 26 million, which build ECOWAS capacity in counter-trafficking, alongside migration data management, border management, and labour migration; the second phase of the "Better Migration Management programme" adopted in May 2019, EUR 30 M, and a CIVIPOL project "Disrupting criminal trafficking and smuggling networks through increased anti-money laundering and financial investigation capacity in the Greater Horn of Africa" adopted in December 2018, EUR 5 million, aiming at better equipping relevant country agencies to disrupt the traffickers and smugglers of human beings through efficient use of financial investigations and anti-money laundering approaches.

Anti-trafficking activities implemented with support from the Technical Assistance and Information Exchange instrument of the European Commission (TAIEX) in 2017-2019 in the area of trafficking in human beings and the Instrument for Pre-Accession Assistance (IPA/ ICsP) were carried out, among others, in Bosnia-Herzegovina, Montenegro, Serbia, Albania, Kosovo and Turkey.

10. - ANNEX: LIST OF REFERENCED DOCUMENTS

EU Legislation

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