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

Report on the progress made in the fight against trafficking in human beings (2016)

**as required under Article 20 of Directive 2011/36/EU on preventing and combating
trafficking in human beings and protecting its victims
{SWD(2016) 159 final}**

I. CONTEXT

Trafficking in human beings is the buying, selling and exploitation of adults and children. It is a phenomenon which has a detrimental effect on individuals, society, and the economy. **Traffickers exploit people's vulnerabilities**, which may be exacerbated by factors such as poverty, discrimination, gender inequality, violence against women, lack of access to education, ethnic conflict, and natural disasters.

Trafficking in human beings is a crime driven by demand and profit. The profits, in both the legal and illegal economies, result in a complex interplay between supply and demand that must be addressed if the crime is to be eradicated.

Trafficking in human beings is a gross violation of fundamental rights, and is explicitly prohibited under the Charter of Fundamental Rights of the European Union. It is also listed as a crime in Article 83 of the Treaty on the Functioning of the European Union. Crimes listed in Article 83 are known as 'Euro crimes'. These are particularly serious crimes with a cross-border dimension.

Cooperation and coordination between Member States is therefore essential, as reflected in **Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims**¹ ('the anti-trafficking Directive'). Article 20 of the directive provides that, in order to contribute to a coordinated and consolidated EU strategy against trafficking, 'Member States shall transmit to the Anti-Trafficking Coordinator (ATC) the information referred to in Article 19, on the basis of which the ATC shall contribute to reporting carried out by the European Commission every two years on the progress made in the fight against trafficking in human beings'.

To this end, the Commission appointed an EU Anti-Trafficking Coordinator, who is responsible for improving coordination and consistency between EU institutions, EU agencies, the Member States and international actors, and for developing new and improving existing EU policies to tackle trafficking in human beings.²

This is **the first Commission report on trafficking in human beings since the adoption of the anti-trafficking Directive.** In accordance with Recital 27 and Article 19 of that directive, the report is divided into three main sections: trends in trafficking in human beings, results of specific anti-trafficking actions, and statistics provided by the Member States. It is accompanied by a staff working document³ that provides detailed and comprehensive factual information complementing information included in this report. Furthermore, the report examines action taken by the Commission and any other relevant stakeholders under the EU

¹ <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32011L0036>

² https://ec.europa.eu/anti-trafficking/eu-anti-trafficking-coordinator_en

³ SWD(2016) 159.

Strategy towards the eradication of trafficking in human beings 2012-2016⁴ (‘the EU Strategy’). The findings of this report are used to highlight the Commission’s policy orientation and will feed into the development of a **post-2016 strategy on trafficking in human beings** to be published in 2016.

In addition, the report examines key EU policies that address trafficking in human beings, including the European Agenda on Migration;⁵ the European Agenda on Security;⁶ the EU Action Plan against migrant smuggling 2015-2020;⁷ the Action Plan on Human Rights and Democracy 2015-2019;⁸ the new framework for the EU’s activities on gender equality and women’s empowerment in the EU’s external relations for 2016-2020⁹ and the Strategic engagement of the EU for gender equality 2016-2019.¹⁰

This report focuses on issues that highlight the comprehensive approach of the anti-trafficking Directive and the EU Strategy. In particular, it examines the progress made on the implementation of ‘the three Ps’, **prosecution** (with a focus on financial investigations), **protection** (with a focus on setting up national referral mechanisms) and **prevention** (with a focus on action taken by Member States to prevent the crime as provided by Article 18 of the Anti-Trafficking Directive).

The report is based on information from three main sources: information gathered by the **National Rapporteurs or equivalent mechanisms** (‘NREMs’) and submitted to the EU’s Anti-Trafficking Coordinator by the Member States pursuant to Articles 19 and 20 of the anti-trafficking Directive; contributions submitted by civil society organisations participating in the **EU Civil Society Platform against trafficking in human beings**¹¹ and the **EU Civil Society e-Platform**; and information from the relevant **EU agencies, international and regional organisations**.

The information submitted by Member States mainly covers the **period 2011-2013**. However, the report also contains more up-to-date information, including **statistical data for the years 2013-2014**.¹²

⁴ <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52012DC0286>

⁵ http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf

⁶ http://ec.europa.eu/dgs/home-affairs/e-library/documents/basic-documents/docs/eu_agenda_on_security_en.pdf

⁷ http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/asylum/general/docs/eu_action_plan_against_migrant_smuggling_en.pdf

⁸ https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/joint_communication_on_human_rights_and_democracy_en.pdf

⁹ http://ec.europa.eu/europeaid/sites/devco/files/staff-working-document-gender-2016-2020-20150922_en.pdf

¹⁰ http://ec.europa.eu/europeaid/sites/devco/files/staff-working-document-gender-2016-2020-20150922_en.pdf

¹¹ All information about the EU Civil Society Platform is available on the dedicated Commission website: <http://ec.europa.eu/anti-trafficking/>.

¹² A specific request for statistical data for the years 2013 and 2014 was sent to Member States in December 2015.

II. TRENDS AND CHALLENGES IN ADDRESSING TRAFFICKING IN HUMAN BEINGS IN THE EU

Assessing the exact scale of the complex crime of trafficking in human beings at EU level is difficult because of its links with other criminal activities and the differences in national legislation. In recent years, the Commission, through Eurostat, has been collecting relevant statistics. The latest Eurostat report on trafficking in human beings¹³ was published in 2015 and covers the period 2010-2012.

The trends in the statistical data for the **period 2013-2014**¹⁴ provided by the Member States for this report are consistent with the trends in the previous period. It is important to stress that this data refers to ‘registered victims’ (both identified and presumed)¹⁵. However, given the complexity of the phenomenon, there are solid grounds to expect that the actual numbers of victims of trafficking in the EU are indeed substantially higher.

- In total there were **15 846 ‘registered victims’** (both identified and presumed) of trafficking in the EU.
- Trafficking for the purpose of **sexual exploitation** is still the most widespread form (67 % of registered victims), followed by labour exploitation (21 % of registered victims). The other 12 % were registered as victims of trafficking for other forms of exploitation.
- Over three quarters of the registered victims were women (76 %).
- At least 15 % of the registered victims were children¹⁶.
- **65 %** of registered victims were **EU citizens**.
- The **top five EU countries of citizenship** for registered victims in 2013-2014 were Romania, Bulgaria, the Netherlands, Hungary, and Poland. These are the same countries as for the years 2010-2012.
- The **top five non-EU countries of citizenship** were Nigeria, China, Albania, Vietnam and Morocco.

¹³ https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eurostat_report_on_trafficking_in_human_beings_-_2015_edition.pdf

¹⁴ Data was collected for this report as part of an interim and simplified exercise carried out after the publication of the two Eurostat working papers on trafficking in human beings and before any other future official data collection. For more information on how the Commission collects trafficking data, please see the Eurostat statistical working paper, ‘Trafficking in human beings’, 2015 edition.

¹⁵ In accordance with the definition in the anti-trafficking Directive, the term ‘identified victim’ refers to a person who has been formally identified by relevant authorities as a victim of trafficking. The term ‘presumed victim’ is used for a victim of trafficking who has met the criteria of the EU Directive but has not formally been identified by the competent authorities as a victim, or has declined to be formally and legally identified as a victim of trafficking. Some Member States have included both categories in their data collection, whereas others only include one of the two categories.

¹⁶ Based on the partial age-disaggregated data provided by the Member States.

- **6 324** people had formal contact with the police or the criminal justice system¹⁷ in connection with the crime of trafficking in human beings.¹⁸
- In total, **4 079** prosecutions and **3 129** convictions for trafficking in human beings were reported in the EU.

More detailed analysis of the statistical data is available in the staff working document accompanying this report.

Compared on an annual basis, the total number of registered victims in the data for 2013-2014 is lower than that recorded in the Eurostat working paper for 2010-2012 (8 034 in 2013 and 7812 in 2014; as compared to 9 710 in 2010, 9 438 in 2011 and 10 998 in 2012). Although the data collection methods used for both periods were similar, it would not be advisable at this stage to compare the data, either between the two exercises or across individual years, due to possible differences in recording methods and legal definitions. For this reason, the discrepancy in the annual totals, and in particular the reasons why fewer victims of trafficking were registered, are issues that need to be explored and analysed further. Furthermore, the consistency in terms of victims' countries of origin, countries of destination, the forms of exploitation and the age and gender profile of victims over the five-year period (2010-2014) shows that, despite the efforts made, the situation has not changed.¹⁹

On the basis of this evidence, it is important that **Member States continue efforts to improve the collection of data (age- and gender-disaggregated) on trafficking in human beings to monitor the phenomenon**. Data collection is equally important for measuring the impact of action to address trafficking. The consistency of the statistical trends in the two periods suggests that **Member States should step up efforts to investigate the crime, prosecute perpetrators and identify potential victims**. The Commission is committed to supporting the Member States in their efforts to do this. This will involve issuing better guidance and collecting data on additional indicators to improve the reliability and comparability of data.

Trends in forms of exploitation

Trafficking in human beings is a social phenomenon that takes many forms. It develops over time, often according to demand and the inventiveness of traffickers. The list of different forms of exploitation in the anti-trafficking Directive is non-exhaustive so that new exploitative forms can be included under the definition of trafficking in human beings.

¹⁷ May include persons suspected, arrested or cautioned for a criminal offence at the national level. For definition please see the Eurostat Crime and Criminal Justice Metadata in Euro SDMX Metadata Structure (ESMS) http://ec.europa.eu/eurostat/cache/metadata/en/crim_esms.htm

¹⁸ Not all Member States have provided data on the criminal justice process. Furthermore, although the majority of Member States refer to individual people, some Member States refer to cases or offences rather than individual people.

¹⁹ These findings are also mirrored in '[Europol Situation Report: Trafficking in human beings in the EU](#)', February 2016.

Member States and other actors should allocate anti-trafficking resources proportionately to tackle effectively all forms of trafficking in human beings, including emerging forms, and ensure that trafficking trends are monitored.

- **Trafficking for the purpose of sexual exploitation**

Trafficking in human beings for the purpose of sexual exploitation is still by far the most prevalent form of trafficking in the EU. According to statistical data for 2013-2014, there were 10 044 registered victims (67 % of total registered victims) of this type of exploitation, which primarily affects women and girls (95 % of registered victims), although a few Member States have reported an increase in the number of male victims. The majority of victims are found in the sex industry. The information available suggests that traffickers are increasingly shifting from visible to less visible forms of trafficking for sexual exploitation and that they are abusing the 'self-employed' status.

According to Europol, 'in countries where prostitution is legal and regulated, it is possible that sex work is affected by the demand for cheap labour' and in those countries 'it is much easier for traffickers who wish to use a legal environment in order to exploit their victims'.²⁰ Patterns are also changing, with a shift from visible to less visible forms of prostitution.

The data collected for this report suggests that, despite the efforts made so far, trafficking for sexual exploitation has not been tackled effectively and has not decreased. Member States should **continue and even intensify efforts to combat trafficking for sexual exploitation**.

- **Trafficking for the purpose of labour exploitation**

Several Member States have reported that trafficking in human beings for the purpose of labour exploitation is on the rise (21 % of total registered victims). Member States are also reporting an increase in the number of male victims of this type of trafficking, for example in the agricultural sector. Statistical data for 2013-2014 show that 74 % of registered labour exploitation victims were male.²¹

Traffickers exploit loopholes in enforcement or control of legislation on work permits, visas, labour rights and working conditions. Trafficking for labour exploitation is by no means a new phenomenon in the EU and, as a result of the economic crisis, demand for cheap labour has increased²², with people trafficked into and within the EU to carry out unpaid or very low-paid work, living and working in conditions that do not respect their human dignity.

Domestic servitude is a form of trafficking for labour exploitation that is particularly difficult to detect. It primarily affects women and girls. As it occurs in private households, victims are often isolated, with limited or no opportunities to report or escape the exploitation.

²⁰ *ibid.*

²¹ According to Member States, the main sectors in which male victims are exploited are agriculture, construction, hotel and catering services, manufacturing, and domestic work. Female victims are primarily exploited in domestic work.

²² As reported by Europol in its 'Situation Report – Trafficking in human beings in the EU', February 2016.

While it is important to stress that not all exploitative situations in the EU labour market are a result of trafficking in human beings, some may be. In these cases **all victims of trafficking for labour exploitation must be properly identified and helped.**

- **Trafficking for other forms of exploitation**

According to statistical data for 2013-2014, other forms of exploitation account for 12 % of the total number of victims.

Other forms of exploitation reported by the Member States include trafficking for the purpose of forced begging, criminal activity, forced marriage, sham marriage, or organ removal, trafficking of infants and young children for adoption, trafficking of pregnant women to sell their new-born babies, trafficking for the production of cannabis and trafficking for drug smuggling or the selling of drugs.

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

Reports from the Member States suggest that the **exploitation of people with physical, mental and developmental disabilities is on the rise**. An increase has also been reported in **trafficking** of people with a Roma ethnic background **for the purpose of forced begging**. Victims of trafficking are also being used **as drug mules**, exploited in **cannabis cultivation** or used to commit **benefit fraud**. Member States also report that **pregnant women are being recruited and forced to sell their new-born babies**.

Forced marriages²³ and sham marriages are increasingly reported in the context of trafficking in human beings by Member States. Europol indicates that it is possible to expect that the current migration and refugee crisis will result in more forced marriages due to the increased attempts by migrants and asylum-seekers to gain legitimate residency.²⁴

Trends in child trafficking

Child trafficking is reported by Member States as one of the trends that is increasing most sharply in the EU. The statistical data for 2013-2014 show that out of the 15 846 registered victims of trafficking in the EU, at least 2 375 were children.²⁵

²³ Please note that Member States use the terminologies in different ways but often to indicate similar phenomena, especially as regards sham marriages and marriages of convenience. For definitions used under EU law on free movement of EU citizens, please refer to the Handbook on addressing the issue of alleged marriages of convenience between EU citizens and non-EU nationals in the context of EU law on free movement of EU citizens, SWD(2014) 284 http://ec.europa.eu/justice/citizen/files/swd_2014_284_en.pdf

²⁴ Europol Situation Report: Trafficking in human beings in the EU, February 2016.

²⁵ Age information was only available for 13841 of the 15846 registered victims. Therefore the actual figure may be higher.

Trafficking networks target socially and economically disadvantaged families and push families into debt which they cannot repay. In this context, children are taken away from parents as a form of debt repayment.

Children are one of the most vulnerable groups targeted by traffickers. Organised crime groups choose to traffick children as they are easy to recruit and quick to replace.²⁶ Although child trafficking is prevalent in situations unrelated to migration, the information received suggests that the phenomenon has been exacerbated by the ongoing migration crisis, during which the number of children arriving in the EU has risen exponentially.²⁷ A significant proportion of those children are unaccompanied, travelling to and in the EU without a responsible adult, or left unaccompanied after entering the EU.

Identifying children who are victims of trafficking and establishing their true identity is a growing problem, as their vulnerability makes them a preferred target for traffickers.

Child trafficking for forced criminality and sexual exploitation is on the increase. Child victims are at high risk not only of being re-trafficked but also of undergoing **secondary victimisation** – being treated as perpetrators of crime rather than as victims of trafficking.²⁸

The Commission recommends that concerted and coordinated efforts are made to prevent and address child trafficking, reduce the vulnerability of at-risk children, provide adequate support to child victims, and ensure that a child protection dimension is incorporated into all measures targeting children, particularly through strengthening integrated child protection systems and their cross-border cooperation.²⁹

Trends in trafficking in human beings and organised crime

Trafficking in human beings is **usually linked to organised crime**, although there are some cases where a small number of victims are exploited locally and where **individual criminals act with limited organisation**. The criminal organisations involved in trafficking are characterised by loose, flexible networks that adapt quickly and are linked by kinship or ethnicity. Roles are often interchangeable between members and the organisations generally have a presence in a number of countries.³⁰

As a serious form of organised crime and a significant security threat, trafficking in human beings requires a **coordinated and targeted policy response at EU level**, as stated in the **European Agenda on Security**. The response should also involve **addressing other interrelated crimes**, such as the falsification of documents, drug trafficking, cybercrime, child pornography, migrant smuggling and benefit fraud. **The presence of these related crimes often means that trafficking in human beings is not investigated or recorded as**

²⁶ [Europol, Intelligence Notification, Child trafficking for exploitation in forced criminal activities, 2014.](#)

²⁷ UNHCR, <http://data.unhcr.org/mediterranean/regional.php>, 22/12/2015

²⁸ *ibid.*

²⁹ For more information, please see the Commission's the Study on High Risk Groups http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_children_as_high_risk_groups_of_trafficking_in_human_beings_0.pdf

³⁰ Europol Situation Report: Trafficking in human beings in the EU, February 2016

such.³¹ The continuously evolving forms of trafficking in human beings and the ability of traffickers to adapt to new situations make the crime even harder to investigate and prosecute people for.

Trafficking trends in the context of migration and asylum

According to the recent Commission Communication on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration,³² there is strong evidence that the **migration crisis has been exploited by criminal networks involved in trafficking in human beings to target the most vulnerable, in particular women and children.** Traffickers increasingly abuse asylum systems, which are not always linked to national referral mechanisms. A **worryingly sharp increase in Nigerian women and girls** leaving Libya has been identified (4 371 in January-September 2015 compared to 1 008 in the previous year, 80 % of whom estimated by IOM Italy to be victims of trafficking),³³ and there are general concerns of an increasing risk of trafficking for sexual exploitation.

As one of the tools to address the migration crisis during 2015, the EU has substantially reinforced cooperation with third countries, and trafficking in human beings is one of the main areas of cooperation with African, Western Balkan countries and Turkey.

Coordination should be ensured on the ground in the framework of the ‘hotspots approach’ between all different actors involved in the screening, fingerprinting, identification and registration of third country nationals and in other first line reception facilities in order to swiftly identify and refer victims of trafficking and provide appropriate levels of care and protection. This should include providing frontline staff with appropriate training.³⁴

Trends in the use of the internet and new technologies

The internet and new technologies enable organised crime groups to access a large pool of potential victims, hide their activities and carry out a wide range of criminal acts in a shorter period of time and on a much larger scale than ever before. Member States report that **many victims of trafficking, especially for sexual and labour exploitation, are recruited online.**

Measures need to be taken in order to **prevent and address the use of new technologies** as a tool for recruiting victims of trafficking in human beings.

³¹ *ibid.*

³² http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/managing_the_refugee_crisis_state_of_play_20160210_en.pdf

³³ IOM Italy, http://www.italy.iom.int/index.php?option=com_content&task=view&id=341&Itemid=46

³⁴ See [Guidelines for the identification of victims of trafficking in human beings, Especially for Consular Services and Border Guards](#), European Commission, 2013.

III. RESULTS OF ACTIONS TO ADDRESS TRAFFICKING IN HUMAN BEINGS

Most Member States have highlighted **the difficulty of measuring the results and impact of anti-trafficking actions**. However, only a few have developed relevant indicators, or have evaluated their national strategies and action plans.

To ensure effective, forward-thinking policies and actions, the Commission considers that **systematic evaluations of Member States' strategies and action plans and the measuring of the results and impact of the action taken** are very important.

This section of the report highlights the main actions undertaken by the Member States in three key thematic areas laid down in the anti-trafficking Directive and the EU Strategy. These areas are discussed further in the staff working document accompanying this report. The staff working document also includes examples from the Member States, and action taken by the Commission in the respective areas.

1. Criminal law, investigations and prosecutions

Increasing the number of investigations and prosecutions on trafficking in human beings is one of the key priorities of the EU legal and policy framework.

The level of prosecutions and convictions remains worryingly low, especially when compared to the number of victims identified. Although investigations in this field require a substantial body of evidence to secure a conviction, the information gathered for this report indicates that Member States are not using enough effective investigative tools. Financial investigations are mostly conducted on a case-by-case basis, rather than systematically and are often limited to asset recovery investigations.³⁵ This is contrary to Financial Action Task Force (FATF) standards³⁶ and Council recommendations.³⁷

It is further reported that an excessive burden is placed on victims both before and during criminal proceedings. Some information suggests that **victims are frequently refused assistance at police stations or misidentified as offenders, and subsequently prosecuted and convicted**.

In the information received, there is evidence of efforts to organise **joint investigations and set up joint investigation teams, and of the positive experiences gained from these**, together with an **increase in cross-EU cooperation** in this area.

The information also highlights practical problems making **seizures and confiscations** in cases involving trafficking in human beings, including **problems with detecting criminal**

³⁵ This issue is elaborated in the accompanying SWD.

³⁶ The Financial Action Task Force (FATF) is an inter-governmental body established in 1989 by the Ministers of its Member jurisdictions.

³⁷ All EU MS have been evaluated on financial crime and financial investigation between 2008 and 2011 in the context of the Council of the 5th EU round of mutual evaluations.

proceeds and **inefficient international cooperation** when the money has been sent to a country outside the EU. **Financial investigations** are reported to lead to more seizures and therefore more confiscations.

Traffickers frequently **abuse legitimate business structures to conceal their illicit activities**. The anti-trafficking Directive creates legal obligations on businesses, namely the liability and sanctioning of legal persons for trafficking in human beings' offences (Article 5). Although business activity can both perpetuate trafficking in human beings and contribute to its eradication, most companies are unaware of the linkages, and **only a few Member States have prosecuted legal persons as required under Article 5**.

The information gathered by the Commission clearly shows that it is important for Member States to strengthen efforts to **increase the number of investigations and prosecutions**, and to **reduce the burden placed on victims and their testimonies during proceedings for evidence gathering**. They could do this by **developing regular and tailor-made training for investigators, prosecutors and judges and by systematically using financial investigations** (as recommended by the Financial Action Task Force) and other effective intelligence-led investigative tools, which can provide a diversity of evidence to be used in addition to victims' testimonies. They should also dedicate sufficient financial and human resources to properly address this crime.

2. Identification, protection and assistance

A victim-centred approach is at the heart of the EU anti-trafficking legislation and policy. This means establishing appropriate mechanisms for the early identification of victims and provision of assistance and support, in cooperation with the relevant support organisations.

Providing unconditional access to assistance, support and protection to victims remains a challenge for most Member States. Trafficking remains an 'invisible crime', as the **number of identified victims remains low**. Indeed **many victims of trafficking are not identified, and so cannot exercise their rights**. Concerns have been expressed on **the treatment of victims during criminal proceedings**, where they may be subject to intimidation and secondary victimisation.

Gender and age-specific assistance and support are still inadequate, and there is a lack of services for male victims of trafficking. Shelters and accommodation are not always equipped to cater for the victims' needs, and many children and adults disappear from shelters that do not provide adequate care.

While Member States report on child-sensitive measures, the referral rate for children remains low, and procedures for finding durable solutions are inadequate. Problems persist with the appointment of guardians for child victims, and the wide range of different practices across the EU adds an additional layer of complexity, particularly in cross-border situation.

A specific measure envisaged in the EU Strategy and confirmed by Council Conclusions³⁸ invites Member States to develop or update **National Referral Mechanisms in order to coordinate the actors involved in identification, assistance, protection and reintegration**. According to the information available to the Commission, **over half of Member States³⁹ have formalised their National Referral Mechanisms**. While the EU Strategy calls for an approach based on an integrated child protection system, the **involvement of child protection services in referral mechanisms remains limited**. Member States report that the provision of services to victims has increased in quality since the mechanisms were introduced. However, measuring their general impact remains difficult.

Transnational cooperation, including **transnational referral mechanisms**, is also essential for victims who are trafficked outside their country of origin. In this regard, the **Schengen Information System** plays a major role in the cross-border exchange of information on victims of trafficking and their exploiters, as this is the main database for registering missing persons throughout Europe. The **future Entry Exit System** will help detect and identify third country nationals who are victims of trafficking by storing data on the entry and the exit of people, both visa exempt and visa holder.

All victims must be treated equally, and Member States should make an equal effort to identify, protect and assist victims of all forms of exploitation. Indeed, victims must be at the heart of anti-trafficking policy. No form of exploitation should be neglected, and the needs of victims should be catered to following an individual assessment.

Victims must be considered primarily as **rights holders**, and they must be able to understand and exercise their rights. In this context, the Commission recommends that all appropriate measures are taken at national level to ensure the **early identification of victims of trafficking**, in line with the obligation to provide assistance and support as soon as there are reasonable grounds to believe they are victims. **Formalising or setting up a National Referral Mechanism** is a key step in this direction. Such mechanisms should be regularly and meaningfully **monitored and evaluated, in cooperation with civil society and academia**.

For child victims of trafficking, there should be an **integrated approach to child protection**. It should be based on the standards of the UN Convention on the Rights of the Child, including the child's best interests, and the strengthening of guardianship systems. Finally, **creating a missing child alert in the Schengen Information System** is a crucial step in ensuring the early identification of child victims.

³⁸ The Council of the European Union in its conclusions welcoming the EU Strategy called on Member States to 'Develop or update functional national referral mechanisms as agreed in the EU Policy Cycle that describe procedures to better identify, refer, protect and assist victims and include all relevant public authorities and civil society', http://ec.europa.eu/anti-trafficking/eu-policy/council-conclusions-new-eu-strategy_en.

³⁹ Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Greece, Hungary, Ireland, Latvia, Malta, Poland, Portugal, Romania, Slovakia, Spain, the UK.

3. Prevention

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

Prevention needs to be placed in the wider context of the crime, which is profit- and -demand-driven. **A human-rights-based approach should ensure that those who profit from the crime and exploit the victims are brought to justice.**

Member States reported **extensive action on prevention measures** in line with Article 18 of the anti-trafficking Directive, such as training and awareness-raising. It is reported that, **following training for frontline staff, there has been an increase in the detection of cases of trafficking in human beings.** However, **little is known about the actual impact of such action** on demand and prevention.

Information received also addresses the **ad-hoc nature of training activities, the lack of specialised training and a gender-specific and child-centred approach.** It is also important to stress the need for tailor-made training activities, in **particular addressing the specificities of different forms of trafficking.**

Furthermore, Member States highlight the **role of the private sector in preventing trafficking in human beings.**

Criminalisation of the use of services of victims

A dimension that Member States have focused on less is legislative change targeting those who use the services of victims of trafficking, as recommended in **Article 18(4) of the anti-trafficking Directive.** To date, approximately **half of Member States treat the use of services provided by victims of trafficking in the knowledge that they are trafficked as a criminal offence.**⁴⁰

The **Employers' Sanctions Directive**⁴¹, which has a similar but narrower scope, has already established that Member States must impose criminal sanctions on employers who use the work or services of illegally staying third country nationals in the knowledge that they are victims of trafficking. There is thus a clear need to ensure consistency and bridge any existing legal gaps that may result in impunity.

⁴⁰ This report does not aim to examine the compliance of Member States with their obligations stemming from Article 18 of the Directive, as this will be performed in a separate report, as required under Article 23. The information included in this report is not exhaustive and does not prejudice in any way the findings of the European Commission.

⁴¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:168:0024:0032:EN:PDF> .

Often, the criminalisation of users of services of victims of trafficking concerns prostitution. In the case of child prostitution, the **Child Sexual Abuse Directive**⁴² also indirectly helps the fight against child trafficking by obliging Member States to ensure that the act of engaging in sexual activity with a child where recourse is made to prostitution is criminalised and subject to a minimum level of imprisonment penalties.

The information received by the Commission indicates a clear **need for strong safeguards ensuring that it is not the victims who are penalised, but those who exploit and use them**. Unless this is addressed, victims will be treated as criminals and punished themselves, while perpetrators and users will profit from this inaction. **Taking measures, including legal measures, to ensure the reduction of demand that fosters trafficking for all forms of exploitation is fundamental to this effect.**

4. Financial support to address trafficking in human beings and implement legal obligations

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

In the majority of Member States, practical assistance for victims is not provided by the state or local authorities, but by non-governmental organisations. It is therefore important that funding is secured for these organisations, allowing them to provide efficient and sustainable short- and long-term assistance to victims of trafficking.

Budgetary allocations need to be sufficient to address trafficking in human beings effectively, and this has to be done in cooperation with civil society. Effective use by Member States of all EU Funds relevant to addressing trafficking in human beings and the implementation of cost-effective national measures can bring tangible results and have a long-term impact.

CONCLUSIONS

The contributions to this report from Member States and other stakeholders make it possible to highlight a number of **key challenges** that the EU and its Member States need to address as a priority, by devoting appropriate efforts and resources.

In this respect, Member States should **address and prioritise tackling all forms of exploitation**; increase the **number and effectiveness of investigations and prosecutions**; work on **improving data collection** in the field of trafficking in human beings; focus on the **early identification of all victims** including by putting in place the right mechanisms to do

⁴² [Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography.](#)

so; ensure all victims are offered **protection and assistance**; take **gender-specific** measures and adopt a **child-centred** approach in all actions; focus on **the most vulnerable** victims including at-risk children; provide **adequate support to child victims**; **prevent** trafficking in human beings by addressing **the demand** that fosters all forms of exploitation; systematically **evaluate national strategies and action plans**; allocate **adequate resources** to address trafficking in human beings; and **cooperate meaningfully with civil society**.

It is important that Member States encourage **governments and independent bodies to routinely participate in the EU Network of National Rapporteurs or equivalent mechanisms** ('NREMs'), so that they are able to work at an **operational, strategic and monitoring** level in an informed and coordinated way.

The ratification of all relevant international and regional instruments by the Member States can promote effectiveness and consistency in joint efforts. In this context, **strengthening international cooperation** for the exchange of information, data collection, research, monitoring and evaluation needs to be encouraged in order to maximise the impact of action and avoid duplication of efforts, and to reduce the administrative burden on Member States.

The adoption of the anti-trafficking Directive and the transposition processes at national level⁴³ have created an important momentum in raising awareness on the scale of the phenomenon in the EU, and the need to address it with a wide range of tools relating to prevention, protection and prosecution. Ultimately, with **the correct and full implementation of the EU Directive, Member States will ensure the prevention of the crime, the prosecution of the perpetrators and most importantly, the protection of victims**.

The Commission will continue working on a coordinated and consistent response to trafficking in human beings. By the end of 2016, the Commission will publish the two further reports required under Article 23 of the anti-trafficking Directive, on compliance and criminalisation, together with a post-2016 Strategy on trafficking in human beings.

⁴³ To date, 26 out of 27 Member States to which the Directive applies have notified the Commission of full transposition.