The EU policy to fight and prevent trafficking in human beings

European Commission
DG Justice, freedom and security

- Trafficking in the world & in the EU
  - **Data and trends**
- EU legal framework
  - **Prevention**
  - **Protection**
  - **Prosecution**
- Other policy initiatives
  - **EU Anti Trafficking Coordinator**
  - **Partnership approach**
  - **EU anti trafficking day**
  - **National Rapporteurs**
  - **THB Website**
  - **Funding opportunities**
- Priorities

TRAFFICKING IN THE WORLD

The victims

- The majority of trafficking victims are between 18 and 24 years of age (IOM)
- An estimated 1.2 million children are trafficked each year (UNICEF)
- 43% of victims are used for forced commercial sexual exploitation, of whom 98 per cent are women and girls (ILO)
- 32% of victims are used for forced economic exploitation, of whom 56 per cent are women and girls (ILO)
- 25% of victims are used for a combination of forced exploitation and commercial sexual exploitation, or for undetermined reasons (ILO)
- Many trafficking victims have at least middle-level education (IOM)
- On a global level, it is estimated that up to 5%-10% of kidney transplants performed annually around the world are the result of trafficking (Council of Europe)

The traffickers

- 52% of those recruiting victims are men and 42% are women (IOM)
- In 54% of cases the recruiter was a stranger to the victim, in 46% of cases the recruiter was known to the victim (IOM)

Prosecutions

- In 2007 there were only 5,682 prosecutions and 3,427 convictions for trafficking throughout the world (Source: US State Department Trafficking in Persons Report 2008).
- This means that for every 800 people trafficked, only one person was convicted in 2007.

Source : OSCE Website

TRAFFICKING TO/IN THE EU FOR

- Sexual exploitation
- Labour exploitation
- Organ removal
- Begging
- Street crime
- Terrorism ?
- ...?

TRAFFICKING IN THE EU

- The EU has among its 27 MS both transit and source countries (in particular among the new Member States) but is as a whole primarily a destination region. However, data for the EU are scattered and often based on estimations and extrapolations
- IOM has estimated that about 120,000 women and children are trafficked every year through the Balkans alone.
- ILO has estimated that, at minimum, 270,000 victims are under exploitation as a result of trafficking in the industrialized countries (Europe and North America), at any moment.

Transcrime has estimated that, in Italy alone, about 40,000 victims are exploited for sexual exploitation.

TRENDS IN TRAFFICKING – FORMS OF TRAFFICKING

LABOUR EXPLOITATION ON THE RISE

The latest ILO finding (2009) is that the annual illicit profits from labour trafficking are five times higher than their earlier estimates in 2005.

Statistics from various EU countries testify to the increasing number of labour exploitation cases.

TRENDS IN TRAFFICKING - TOOLS

INTERNET RECRUITMENT ON THE RISE

The Internet offers a wide variety of possible approaches to recruitment; from offers aimed at a broad audience, such as employment opportunities (essentially abroad), through the use of search engines or pop-ups to publicise tempting offers, all the way to more targeted spaces, e.g. chat-rooms, spam mail and Internet dating, where victims can be recruited. *(Source : Council of Europe "Trafficking in human beings: Internet recruitment" 2007)*

TRENDS - PROSECUTIONS

- The response to human trafficking in terms of number of convictions recorded per year is still **weak,** especially compared to the number of victims.
- Most European countries record national conviction rates for human trafficking below one convict per 100,000 people.

In Europe, there are more convictions for rare crimes such as kidnapping in Denmark (3 per 100,000 people), homicide in Finland (4 per 100,000 people) or robbery in Norway (5.8 per 100,000 people) than for human trafficking (Source : UN. GIFT 2009)

A NEW EU LEGAL FRAMEWORK

A new proposal for a Directive was adopted on 29 March 2010 – key principles :

- Reinforcing a holistic approach (prevention, protection, prosecution)
- approximating substantive criminal law
- bringing robust provisions on victim's protection
- Supporting the principle

of non-punishment for

petty crimes and

unconditional assistance.

NEW EU LAW PROVISIONS ON PREVENTION

PREVENTION, including measures aimed at:

- **discouraging the demand that fosters trafficking, i.e. employers hiring trafficked persons and clients buying sexual services from victims of trafficking,**
- **training for officials likely to come in contact with victims, and of potential victims to warn them about the risks of falling prey to the traffickers.**

NEW EU LAW PROVISIONS ON PROTECTION OF VICTIMS

VICTIMS' RIGHTS IN CRIMINAL PROCEEDINGS, including **specific treatments** for particularly vulnerable victims aimed at **preventing secondary victimisation** (no visual contact with the defendant, no questioning on private life, no unnecessary repetition of the testimony etc.), **police protection of victims**, **legal counselling** also aimed to enable victims to claim compensation; special protective measures are envisaged for children such as the taking of interviews in a **friendly environment**.

NEW EU LAW PROVISIONS ON PROTECTION OF VICTIMS

VICTIMS' SUPPORT, including

- **national mechanisms for early identification and assistance to victims, based on cooperation between law enforcement and civil society organizations,**
- **providing victims with shelters, medical and psychological assistance, information, interpretation services.**

A victim shall be treated as such as soon as there is **an indication** that she/he has been trafficked, and will be provided with assistance **before, during and after** criminal proceedings.

NEW EU LAW - TOUGHER CRIMINAL LAW RULES TO FACILATATE PROSECUTION

- CRIMINAL LAW PROVISIONS, including a common definition of the crime, aggravating circumstances and higher penalties, as well as non-punishment of the victims for unlawful activities such the use of false documents in which they have been involved for being subjected to by traffickers.

- PROSECUTION OF OFFENDERS, including extraterritorial jurisdiction (the possibility to prosecute EU nationals for crimes committed in other countries), use of investigative tools typical for organised crime cases such as phone tapping and tracing proceeds of crime.

OTHER POLICY INITIATIVES

Establish an EU **Anti-Trafficking Coordinator**

- **Provided for by the "Stockholm Programme"**
- **Priorities will be**
  - to provide overall strategic policy orientation to the policy in the field of trafficking in human beings,
  - To improve co-ordination and coherence of the EU's external policy against trafficking in human beings in close co-operation with the EU institutions and agencies as well as with EU Member States and international actors.
  - To contribute to the elaboration of existing or new EU policies relevant to the fight against trafficking in human beings in particular in relation to third countries.

OTHER POLICY INITIATIVES

Introducing a fourth "P" – Partnership approach with third source and transit countries

- Framework for action : the Action Oriented Paper on the external aspects of THB adopted in November 2009.
- The aim of this AOP is to strengthen the commitment and co-coordinated action of the EU and the Member States to prevent and fight all forms of THB in partnership with third countries, regions and organisations at international level.

OTHER POLICY INITIATIVES

The EU Anti-Trafficking Day

Established on 18 October of every year. The first Anti-Trafficking Day in 2007 had the motto "Time for action". On that occasion, JLS presented Recommendations on the identification and referral to services of victims of trafficking in human beings, and an Assessment Manual on Measuring responses to Trafficking in Human Beings, which can be used by Member States to self-assess their anti-trafficking policy on the basis of comparable criteria.

OTHER POLICY INITIATIVES

- The New EU legislation on THB will oblige MS to set up a "**National Rapporteurs or equivalent mechanism"** (NR)
- NR would be responsible for monitoring implementation of anti-trafficking policy at the national level and will play a key role in data collection on THB at national and EU Level.
- An informal network at EU level of "national rapporteurs or equivalent mechanisms" was established in June 2009

With the help of the European Commission the network is meeting every year.

OTHER POLICY INITIATIVES

Anti-trafficking policy website to be launched end 2010

It would become one stop shop for practitioners and the public interested in the problem of trafficking with following content:

- **European, international and national legislation**
- **EU Policy contributions (policy papers, research reports, articles, books on various aspects of anti-trafficking policy, European project results).**
- **National Information Pages for all 27 MS.**
- **Event calendar**
- **Citizen information**

FUNDING OPPORTUNITIES

- Trafficking is a priority in the **financial programs 2007, 2008 2009 and 2010 Prevention of and fight against crime (ISEC).**

- Various projects on trafficking are also funded under the DAPHNE Financial programme on violence against women and children.

- The funding supported NGOs helping victims, awareness campaigns, and law enforcement cooperation with third countries or countries of transit.

http://ec.europa.eu/justice_home/funding/isec/funding_isec_en.htm

FUNDING OPPORTUNITIES

- Since more than a decade, the Commission's scope of work includes both trafficking towards Europe and intra-regional trafficking for labour and sexual exploitation in third countries.

- In addition to country and regional cooperation through the geographic instruments, the fight against trafficking is a priority in the thematic instruments, such as the **AENEAS Programme** (2004-2006) and currently, the Thematic Programme on Migration and Asylum, the **Instrument for Democracy and Human Rights (EIDHR)**

FUNDING OPPORTUNITIES

- Under the **Investing in People** Thematic Programme, the European Commission is funding 5 projects with civil society organisations in Africa:

- Under the **Thematic Programme Migration and Asylum**, a 3M global project is currently implemented by UNODC to promote the ratification of the Smuggling and the Trafficking Protocols and their transposition into domestic law, provide capacity building for criminal justice actors to implement these protocols, improve assistance and protection to trafficking victims and smuggled migrants, and raise awareness among the public and vulnerable groups.

KEY LEGAL AND POLICY DOCUMENTS

- Proposal for a **Directive** on preventing and combating trafficking in human beings and protecting victims (COM(2010)95 final)
- Commission Staff Working Document, Accompanying document to the Proposal for Framework Decision on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA, **IMPACT ASSESSMENT**, SEC(2009) 358
- Council **Framework Decision** on combating trafficking in human beings (2002/629/JHA), OJ L 203, 1.8.2002, p.1
- 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, p.19

KEY LEGAL AND POLICY DOCUMENTS

Council EU Plan on best practices, standards and procedures for combating and preventing trafficking in human beings (2005/311/01), OJ C 311, 9.12.2005, p.1

Commission Working Document Evaluation and monitoring of the implementation of the EU Plan on best practices, standards and procedures for combating and preventing trafficking in human beings, October 2008

http://ec.europa.eu/justice_home/fsj/crime/trafficking/fsj_crime_human_trafficking_en.htm

EU PRIORITIES

1. **New EU Strategy against THB** following an evaluation of the 2005 EU THB Action Plan with focus on implementation failures and new tendencies in trafficking

EU PRIORITIES

2. **Data collection** – establishing at EU level a system for comparable data collection leading to a better understanding of THB

3. Assist EU Member states in implementing EU Legislation and **enhance monitoring and evaluation** of Member states performances

4. Further develop the **network of National Rapporteurs** and assist member states in setting up such a mechanism

EU PRIORITIES

5. Bring **more coherence in EU external action** against Trafficking in human beings (anti-trafficking co-ordinator)

6. Continuously prioritise THB in providing **funding** for research, training, capacity building within the EU and outside.

- **Action Oriented Paper: Towards Global EU Actions against Trafficking in Human Beings.**

- Council initiative adopted in December 2009

  - **To strengthen EU cooperation with countries and regions outside the EU**
  - **Create more synergy between EU and its Member States**
  - **Shift from ad hoc to full fledged policy**

- Commission supports this initiative

- Some areas:
  - **Enhance cooperation and coordination of EU Actions against THB**
  - **Develop partnerships between the EU, third countries, regions and organisations at international level**
    - Set up specific agreements
    - Consider to develop a list of priority third countries and regions

- …. And more
  - **Develop a joint effort in partnership with third countries, region or organisation at international level**
  - **Make full use of existing cooperation arrangements:**
    - Country and Regional Strategy Papers and Indicative Programmes
    - EU-ASEAN Enhanced Partnership
    - EU-Euro Mediterranean Partnership
    - EU-Africa Strategy (and Ouagadougou Plan of Action)
    - EU cooperation with Latin America and the Caribbean

- …..still more
- Consideration should be given to regarding THB as an area of cooperation in its own right
- EU should engage further with international organisations and regional structures at international level
  - **UNHCR, UNODC, ILO, UNGA, IOM, OSCE, ICMPD and CoE**
  - **Encourage signature and ratification of CoE Convention and UN Protocol.**

Thank You!

Sabine ZWAENEPOEL/Gert BOGERS - DG HOME