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**COMMISSION STAFF WORKING DOCUMENT**

**Mid-term report on the implementation of the EU strategy towards the eradication of  
trafficking in human beings**

{COM(2014) 635 final}

## 1. INTRODUCTION

Trafficking in human beings (THB) is a severe violation of fundamental rights, explicitly prohibited by Article 5 of the European Union's Charter of Fundamental Rights. It is also a serious form of organised crime, driven by very high profits and high demand for the services of its victims. It affects women and men, girls and boys, from within the EU and from non-EU countries, causing profound and often life-long harm.

To address this phenomenon, the European Commission adopted the **EU Strategy towards the eradication of trafficking in human beings 2012-16**.<sup>2</sup> This **mid-term report** takes stock of how the EU Strategy has been implemented, from early 2012 to the third quarter of 2014. The report includes work carried out through cooperation between EU institutions, agencies and bodies, Member States,<sup>3</sup> civil society organisations and the private sector. It covers action taken within the EU and in cooperation with non-EU countries of origin, transit and destination.

The report starts by briefly presenting the legal and policy context in which the EU Strategy is being implemented. It then sets out the progress made on the Strategy's four key priorities:

- A. *Identifying, protecting and assisting victim of trafficking;*
- B. *Stepping up the prevention of trafficking in human beings;*
- C. *Increased prosecution of traffickers; and*
- D. *Enhanced coordination, cooperation and policy coherence.*

Progress made in relation to the fifth priority (*Increased knowledge of and effective response to emerging concerns relating to all forms of THB*) is covered under each of the key priorities. The report ends by pointing to next steps, in line with the Strategy.

The report emphasises the Commission's efforts to implement the EU policy framework on THB in a coordinated manner across all relevant policy fields and actors. It thus includes a section on the steps taken since 2012 under the **2009 action-oriented paper (AOP)** on strengthening the EU external dimension on action against THB. The report also includes an annex on the important work of seven **EU justice and home affairs agencies** to address THB, on the basis of the joint statement signed by the heads of the agencies on the occasion of the EU Anti-Trafficking Day on 18 October 2011.

## 2. THE SCALE OF THE PHENOMENON – DATA COLLECTION

For the first time at EU level, the Commission collected statistical data on THB. In line with the EU Strategy, a Eurostat working paper on THB was published in April 2013, which includes data for 2008-10 on the total number of victims disaggregated by gender, age, form of exploitation, citizenship, and type of assistance and protection received. This is a working paper looking at statistical data as gathered and submitted by national authorities. In this respect, it is a unique undertaking in this field at EU level. The paper also includes statistics

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<sup>2</sup> Communication on *The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016* (COM(2012) 286 final).

<sup>3</sup> The Member States were consulted via Council Working Group GENVAL on the basis of an informal questionnaire prepared by the Commission.

on suspected, prosecuted and convicted traffickers disaggregated by gender, citizenship and form of exploitation.

According to the working paper, 23 632 identified or presumed victims are reported in the Member States. Women and girls remain by far the largest group over the three reference years (2008-10), representing 80% of the total. Most of the registered victims (around 62%) are trafficked for the purpose of sexual exploitation. Labour exploitation (including forced labour and services, and domestic servitude) accounts for around 25% and the category 'other' (this includes exploitation for the purpose of forced begging, criminal activities, removal of organs, forced marriages and the selling of children) around 14%. More specifically, victims of sexual exploitation are overwhelmingly female (96% in 2010), whereas a majority of victims of labour exploitation are male (77% in 2010). The majority of identified and presumed victims (61%) have EU, in particular Bulgarian or Romanian, citizenship.

While trafficking within the EU (internal trafficking) dominates the statistics, victims also come from non-EU countries. Nigeria and China are the main non-EU countries of origin and Brazil, Russia and Algeria also feature in all three years.

Applying lessons learnt from the first data collection exercise, Eurostat has compiled data for 2010-12 and its second THB working paper is being published alongside this report. The paper is based on the questionnaire asking Member States for more specific information, including breakdowns of victims' and traffickers' ages, different sectors in which THB takes place, etc.

Over the three years 2010 – 2012, 30 146 victims were registered in the 28 Member States. According to data disaggregated by gender during the reference period 80% of registered victims were female. Looking at the data from Member States who provided a breakdown by gender and age (adults/minors), women account for 67%, men for 17%, girls for 13% and boys for 3% of the total number of registered victims of trafficking in human beings. Based on data from Member States who were able to provide a more detailed breakdown by age, 45% of registered victims were aged 25 or older. 36% were registered as aged 18-24, 17% were registered aged 12-17, and 2% were aged 0-11. Data on registered victims disaggregated by different forms of exploitation for all three reference years showed that the majority (69%) of victims registered were trafficked for the purpose of sexual exploitation, 19% for labour exploitation and 12% for other forms of exploitation such as the removal of organs, criminal activities, or selling of children. Of all the female victims registered, the overwhelming majority were trafficked for the purpose of sexual exploitation (85%). Among registered male victims, 64% were trafficked for labour exploitation.

Encouraging progress has been achieved in terms of availability of data. The second working paper reaffirms the need for further improvement, as more comprehensive and comparable data will allow for a more accurate assessment of the nature of the problem, as well as more accurate conclusions at EU level.

### **3. THE EU LEGAL AND POLICY FRAMEWORK ON THB**

THB is a complex transnational phenomenon and can be addressed effectively only if Member States work together in a coordinated way. The European Union has demonstrated strong legal and political commitment to addressing THB and has developed a comprehensive legal and policy framework.

This framework is victim-centred and anchored in fundamental rights. It takes a gender-specific and child-sensitive approach and aims for coherence across all relevant policy fields. It seeks prevention, the prosecution of criminals and the protection of victims. Partnerships with stakeholders and greater knowledge of emerging THB-related concerns are of the utmost importance.

### ***3.1. EU law on THB***

The milestone **Directive 2011/36/EU<sup>4</sup> on preventing and combating THB and protecting its victims** is the first act at EU level to address THB in a comprehensive and integrated way, focusing equally on the protection of victims, the prosecution of traffickers and the prevention of the phenomenon in the first place.

The Directive was to be transposed into national law by 6 April 2013<sup>5</sup> and the Commission has been closely monitoring progress in the Member States, proactively supporting the relevant national procedures. Several infringement cases were launched in 2013 against Member States that had failed to notify the Commission of any transposing legislation. To date, 25 Member States have indicated that they have transposed the Directive in full. The Commission is currently analysing the information received and will report in 2015, in accordance with Article 23 of the Directive, on the state of transposition across all Member States.

The EU legal framework also includes **Directive 2004/81/EC regulating the grant of a temporary residence permit to third-country national victims of THB cooperating with the authorities for the investigation and prosecution of the alleged traffickers.**<sup>6</sup> This lays down specific rules on residence permits and the treatment of third-country nationals cooperating with the authorities, while Directive 2011/36/EU applies horizontally to EU and non-EU citizens and strengthens some of the provisions of Directive 2004/81/EC, including as regards protection for children. The second report on the implementation of Directive 2004/81/EC is published on the same day as this mid-term report.

Furthermore, **Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime**<sup>7</sup> applies to the victims of trafficking in human beings and ensures that these victims benefit from a range of rights which are not specified in Directive 2011/36/EU. The legal framework is also complemented by **Directive 2004/80/EC relating to compensation to crime victims**<sup>8</sup>.

### ***3.2. EU policy on THB***

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<sup>4</sup> OJ L 101, 15.4.2011, p. 1.

<sup>5</sup> All Member States except Denmark participate in the implementation of the Directive.

<sup>6</sup> Directive 2004/81/EC 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).

<sup>7</sup> L 315/57, 14.11.2012

<sup>8</sup> L 261/15, 6.8.2004

The EU Strategy sets out the EU's overall approach to addressing THB. It recognises that the main responsibility lies with the Member States and provides a framework to complement their efforts and help them implement Directive 2011/36/EU ('the Directive'), focusing on priority areas and concrete action in partnership with EU institutions and the justice and home affairs agencies, and in cooperation with a wide variety of stakeholders. The EU Strategy confirms that eradicating THB is a priority for the EU's external migration policy, the Global Approach to Migration and Mobility,<sup>9</sup> and THB is systematically addressed in agreements and partnerships with third countries and in bilateral and regional dialogues on migration and mobility. This is in line with the 2009 action-oriented paper on strengthening the EU external dimension against THB.

### ***3.3. The EU anti-trafficking coordinator***

Within this legal and policy framework, in March 2011 the Commission appointed an EU anti-trafficking coordinator (EU ATC) to provide **strategic policy orientation, ensure consistent and coordinated planning**, coherently address THB within the EU and in relation to non-EU countries, and monitor the implementation of the EU Strategy.<sup>10</sup> The EU ATC ensures policy coherence and cooperation among diverse actors and this mandate should be extended.<sup>11</sup>

### ***3.4. Enabling action through funding***

To implement this comprehensive legal and policy framework, **the EU provides extensive funding under a number of thematic and geographical instruments**. The Commission has developed an **anti-trafficking website**<sup>12</sup> containing a **database of EU-funded projects on THB in the EU and elsewhere**, and updated information on, *inter alia*, EU legal and policy instruments, anti-trafficking measures in the Member States, funding opportunities and EU initiatives.

In line with the fifth priority of the EU Strategy on increased knowledge and effective response to emerging concerns relating to all forms of THB, the Commission funds specific quantitative and qualitative research (see below). This may provide valuable knowledge to ensure accessibility, upholding of the rights enshrined in the Directive and other relevant EU instruments, and the effectiveness of prevention measures, appropriately reducing risk and demand. The Commission also funds projects to improve the quality of data collection.

## **4. VICTIM IDENTIFICATION, PROTECTION AND ASSISTANCE**

Early identification of victims is still an important challenge in our joint efforts to address THB and a key priority in the EU legal and policy framework. Victims cannot be effectively assisted and protected if they are not properly identified.

<sup>9</sup> Communication on *The Global Approach to Migration and Mobility* (COM(2011) 743 final).

<sup>10</sup> Member States are to facilitate the EU ATC's tasks, transmitting the reports prepared by the NREMs under Article 19 of the Directive on the basis of which the EU ATC is to contribute to the Commission's two-yearly progress reports.

<sup>11</sup> Communication on *An open and secure Europe: making it happen* (COM(2014) 154 final).

<sup>12</sup> <http://ec.europa.eu/anti-trafficking/>.

#### ***4.1. National referral mechanisms***

The Directive calls on Member States to set up appropriate mechanisms to ensure early identification, protection and assistance, including legal assistance in criminal proceedings, and a child-sensitive approach, with specific measures for child victims of trafficking. The Strategy specifies that Member States **should maintain formal, functional national referral mechanisms** (NRMs), describing procedures and criteria to better identify, refer, protect and assist victims. Such mechanisms should involve the widest possible range of actors, including all relevant public authorities and civil society organisations.

The Commission has provided funding under a number of instruments for projects addressing these issues, details of which can be found on the EU's anti-trafficking website. According to the information available to the Commission, over half the Member States have formalised NRMs to coordinate the actors involved in identification, assistance, protection and reintegration. Member States report broad participation in these systems, including by national ministries (health, justice, social affairs, employment, etc.), law enforcement authorities, border guards and consular services, civil society organisations, service providers and labour inspectorates.

#### ***4.2. Guidelines for border guards and consular services on identifying THB victims***

As envisaged in the EU Strategy, in order to improve coordination and coherence in the area of victim identification, and to facilitate the work of front-line officials, the Commission has published **Guidelines for the identification of victims of THB**, addressed in particular to border guards and consular services.<sup>13</sup>

The guidelines are based on existing handbooks and manuals, and provide information on EU-funded projects on the identification of victims to ensure that there is no duplication in this area. They have been presented and disseminated on a number of occasions, e.g. at the Council Consular Affairs Working Group (COCON) meeting of 18 October 2013 in Vilnius, and in the framework of the European Multidisciplinary Platform against Criminal Threats (EMPACT) Group on THB, under the EU Policy Cycle on Serious and Organised Crime.

#### ***4.3. EU rights of trafficking victims***

The Directive grants a series of important rights to trafficking victims. **The Strategy accordingly stresses the importance of clear and consistent information for victims and front-line officials likely to come into contact with them.** This includes information on rights relating to assistance and healthcare, residence permits, labour rights, access to justice and to a lawyer, and the possibilities of claiming compensation.

In 2013, as envisaged in the Strategy, the Commission published a **document on the EU rights of trafficking victims**,<sup>14</sup> available on the EU anti-trafficking website in all official EU languages. It provides a practical overview of victims' rights, ranging from (emergency) assistance and healthcare to labour rights, access to justice and to a lawyer, and access to compensation, based on the EU Charter of Fundamental Rights, EU directives (such as in particular Directive 2011/36/EU and Directive 2012/29/EU), relevant framework decisions and the jurisprudence of the European Court of Justice and the European Court of Human Rights. Additional references to the rights of the child have been included at the end of each

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<sup>13</sup> [http://ec.europa.eu/anti-trafficking/EU+Policy/Guidelines\\_identification\\_victims](http://ec.europa.eu/anti-trafficking/EU+Policy/Guidelines_identification_victims).

<sup>14</sup> [http://ec.europa.eu/dgs/home-affairs/e-library/docs/thb\\_victims\\_rights/thb\\_victims\\_rights\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/docs/thb_victims_rights/thb_victims_rights_en.pdf).

chapter. The overview contributes to the upholding of victims' rights by helping Member State authorities deliver the information, assistance and protection that they need and deserve. It is addressed to victims and practitioners, and to Member States so that they can develop similar approaches to THB victims' rights at national level.

#### **4.4. Labour market intermediaries**

As mentioned in the EU Strategy, where implemented correctly, labour (-market) legislation and laws regulating migrants working in the EU will also help to prevent the various forms of human trafficking. Greater attention should be paid to those involved in THB, e.g. contractors, subcontractors and job recruitment agencies, in particular in high-risk sectors.

To this end, the European Foundation for the Improvement of Living and Working Conditions (Eurofound), in consultation with the Commission, is undertaking a comparative analytical study on the regulation of labour market intermediaries and the role of the social partners in preventing THB for the purpose of labour exploitation.<sup>15</sup> The study will map the situation in the Member States as regards the regulation of temporary work agencies and intermediaries, including their activities in placing workers from inside and outside the EU, and identify relevant social-partner initiatives to prevent THB. It will provide input for a best practice guide for public authorities on the monitoring of THB via temporary job agencies and intermediaries such as recruitment agencies. Publication is expected in 2015.

### **Focus on children**

#### **4.5. Child-sensitive protection systems**

Children are particularly vulnerable to victimisation and re-trafficking into the EU, within the EU and within individual Member States. The Directive sets out a number of provisions based on the principle of the 'best interests of the child', which require that Member States take into account the specific needs of child victims of trafficking.

The EU Strategy recognises that comprehensive child-sensitive protection systems, ensuring interagency and multidisciplinary coordination, are crucial in catering to the needs of child victims of THB. **The Commission has started work on a Communication providing guidance on integrated child protection systems**, which is expected to be adopted early in 2015. In 2012 and 2013, the European Forum on the Rights of the Child<sup>16</sup> focused on this issue, seeking to contribute to the development of EU guidance to support Member States in fulfilling their child protection responsibilities. A public consultation was held between April and July 2014 to allow a wide a range of stakeholders and organisations to contribute to the process and close to 300 contributions were received. The Communication will aim to provide information on EU legislation and policies relevant to integrated child protection systems, clarifying where the EU can support national child protection systems. It will also illustrate good practice on integrated child protection systems and promote to foster mutual learning in cross-border and national contexts.

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<sup>15</sup> <http://www.eurofound.europa.eu/research/projects.htm>.

<sup>16</sup> The European Forum on the Rights of the Child was launched following the 2006 Commission Communication *Towards an EU strategy on the Rights of the Child* (COM(2006) 367 — not published in the Official Journal). The Forum is chaired by the Commission and meets annually as a permanent group to promote children's rights in the EU's internal and external action. Its role is to advise and assist the Commission and other European institutions, in particular as regards the mainstreaming of children's rights across all EU policies, and to exchange information and good practices.

The Commission will also take account of a mapping of national child protection systems currently being carried out by the EU Agency for Fundamental Rights (FRA) in cooperation with the European Commission.

#### **4.6. Increasing knowledge on children vulnerability to THB**

Another current study seeks to develop knowledge and increase understanding of this vulnerable group, in line with the EU Strategy. The results, expected by the first half of 2015, should contribute to evidence-based policy development by the Commission, inform policy implementation and evaluation, and enhance coherence and impact.

#### **4.7. Guardianship for children deprived of parental care**

The EU Strategy stressed that effective guardianship systems are instrumental in preventing abuse, neglect and exploitation. However, guardians' roles, qualifications and competences vary from one Member State to another. In line with the EU Strategy, in June 2014 FRA and DG HOME published *Guardianship for children deprived of parental care: A handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking*.<sup>17</sup> This is designed to help standardise guardianship practice, ensuring also that it is better equipped to deal with the specific needs of child victims of trafficking. It provides Member States with guidance and recommendations on strengthening their guardianship systems, setting out the core principles, fundamental design and management of such systems. The handbook will be translated into all official EU languages. In parallel, FRA will publish a map of national guardianship systems, based on research carried out in 2013.

Over the reference period, the Commission continued to provide funding for projects targeting child victims of trafficking under several programmes, e.g. ISEC and DAPHNE.<sup>18</sup>

Lastly, the Commission has cooperated with non-governmental and international children's organisations.

## **5. PREVENTION AND DEMAND REDUCTION**

**A human rights-based approach focusing on victims must address prevention appropriately and effectively, and discourage the demand that fosters all forms of THB.** Vulnerability puts people at greater risk of becoming victims of THB, but does not *per se* cause THB. THB takes place because there is a demand for services and goods provided through exploitation and because it is a highly profitable form of organised crime.

### **5.1. Demand reduction**

The Directive requires the Member States to take appropriate measures to discourage and reduce the demand that fosters all forms of exploitation relating to THB. More specifically, it provides that 'Member States shall consider taking measures to establish as a criminal offence the use of services which are the objects of exploitation, with the knowledge that the person is a victim'. The Commission is to submit a report to the European Parliament and the Council

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<sup>17</sup> [http://ec.europa.eu/anti-trafficking/EU+Policy/Guardianship\\_for\\_children\\_deprived\\_of\\_parental\\_care](http://ec.europa.eu/anti-trafficking/EU+Policy/Guardianship_for_children_deprived_of_parental_care).

<sup>18</sup> Details of all funded projects are available on the EU anti-trafficking website: <http://ec.europa.eu/anti-trafficking/EU+Projects/;jsessionid=GQDmT0TWJhd5nvK7VnlqkCC8vLPf8wIwngBJx8QVYrlygfykGlvN!-684101059>.



by 2016, assessing the impact of national laws criminalising the use of services provided by victims of trafficking, accompanied, if necessary, by adequate proposals.

The THB Directive refers to the Employers' Sanctions Directive,<sup>19</sup> which already provides for criminal sanctions for employers who use the work or services of illegally staying third-country nationals in the knowledge that they are victims of trafficking. The first report on implementation of that Directive was published in May 2014.

The EU Strategy reflects the focus on prevention and demand reduction, recognising that increasing knowledge and the exchange of best practices are crucial to reducing demand for all forms of trafficking, including sexual exploitation. Addressing demand must include partnerships and cooperation with the private sector. In this framework, the THB Directive sets out several provisions to ensure that legal persons can be held liable for THB offences and the Commission has used various instruments to fund several projects focusing on demand.

### ***5.2. Assessing prevention work***

**The Commission's funding supports a wide range of projects on prevention**, including awareness-raising programmes, risk-reduction projects targeting vulnerable groups, e.g. campaigns targeting people looking for jobs abroad in high-risk sectors, and projects focused on reducing demand, e.g. campaigns targeting potential users of sexual services provided by THB victims.

In line with the EU Strategy, a current study will systematically evaluate the impact of THB prevention initiatives. The outcome, expected in the first half of 2015, should provide information that will help to enhance the effectiveness and impact of prevention measures and policies, and to ensure that EU funding is allocated in line with the Commission's priorities as set out in the EU Strategy. Prevention projects are thus being reviewed in terms of impact and results, to improve effectiveness, coherence and coordination, ensuring that fund allocation reflects the priorities for addressing THB as set out in the Strategy.

### ***5.3. The gender dimension of THB***

The EU legal and policy framework recognises that trafficking is a gender-specific phenomenon and requires Member States to take gender-specific action. For the first time, the Directive adopts a gender-specific approach to THB, recognising that women and men, girls and boys, are trafficked in different circumstances and require gender-specific assistance and support. Also, the EU Strategy identifies violence against women and gender inequalities as a root cause of trafficking and sets out a series of measures to address the gender dimension of THB, as vulnerability to trafficking for different forms of exploitation is shaped by gender.

The EU Strategy calls on the Commission to develop knowledge on the gender dimension of human trafficking. The Commission has launched a study to that effect and funded projects under various instruments; the results are expected in the second half of 2015.

Lastly, over the reference period the Commission worked with international organisations and non-governmental organisations on the gender dimension of THB.

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<sup>19</sup> Directive 2009/52/EC of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009, p. 24).

## 6. INVESTIGATION AND PROSECUTION OF OFFENDERS

The Strategy sets out specific measures to assist Member States in conducting effective prosecutions of traffickers and the Commission is funding several projects focused on training law enforcement authorities, prosecutors, the police and social services.

### 6.1. Targeted and regular training

Cooperation and partnerships at all levels are crucial to ensuring effective prosecutions and investigations. The EU legal and policy framework stresses the importance of appropriate and regular training for those responsible for investigating or prosecuting THB offences, and for the judiciary. According to information available to the Commission, Member States provide training for judiciary and law enforcement officials, including those deployed in cross-border contexts. Such courses are often delivered under EU-funded projects and many have been included in the curricula of relevant schools and academies. Training on specific dimensions of THB is generally organised in close cooperation with civil society organisations and/or European and international institutions and agencies (e.g. the European Police College – CEPOL).

### 6.2. ‘Follow the money’ – financial investigations

As stressed above, **THB is a highly profitable form of organised crime**. The EU Strategy therefore focuses on enhancing Member States’ cooperation with EU JHA agencies and bodies such as Europol, Eurojust and CEPOL to **encourage financial investigations of trafficking cases**. According to the information available to the Commission, financial (including asset-tracing) investigations are conducted in several Member States on a case-by-case basis when a case of THB is encountered, but not systematically across all Member States. The reasons for this vary between Member States and are often linked to a lack of best practices and experience at national level, or to legal obstacles. The Commission encourages Member States to use financial (including asset-tracing) investigations more proactively and systematically. Against this background and as required by the EU Strategy, **Europol is currently working on an analysis of financial investigations in THB cases in the EMPACT framework** on the basis of information from Member States.

The ability of MS authorities to freeze and confiscate the proceeds of THB will be considerably enhanced by the implementation, by end 2016, of the new Directive on confiscation<sup>20</sup>. This Directive foresees far-reaching legal measures (for example allowing the freezing and confiscation of property transferred to, or acquired by, third parties) which will apply to the proceeds of the most serious forms of organised crime, including THB.

At the same time, the improved cooperation between the Asset Recovery Offices in the Member States<sup>21</sup> will enhance the possibilities to identify and trace the proceeds of THB across the Union.

The EU Strategy also provides for the involvement of seven JHA agencies<sup>22</sup> and Eurofound. Details of all joint activities and a list of specific THB-related measures, broken down by agency and based on the joint statement, can be found in the Annex.

<sup>20</sup> Directive 2014/42/EU of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union (OJ L 127/39).

<sup>21</sup> The asset tracing requests exchanged between Asset Recovery Offices in the Europol SIENA system have increased from 471 in 2012 to 2251 in 2013. The quality of the information provided has also improved.

### **6.3. EU policy cycle and THB**

In June 2013, the **Council adopted conclusions<sup>23</sup> identifying the nine priority areas of the EU Serious and Organised Crime Policy Cycle starting in 2014, which include THB.** The Standing Committee on Operational Cooperation on Internal Security (COSI) has a mandate to facilitate, promote and strengthen the coordination of Member States' operations in the field of internal security, with support from Europol, and to adopt annual operational action plans (OAPs) on each priority area identified by the Council. The OAP for 2014 focuses on issues such as intelligence gathering, the use of financial investigations, the use of the internet and new technologies, child trafficking, joint investigation teams and cooperation with EU agencies and bodies and other stakeholders.

The OAP on THB is implemented by the EMPACT Group, which meets regularly on Europol's premises. The Commission participates in the meetings and contributes to discussions where appropriate.

**As envisaged in the EU Strategy, the Commission works proactively to facilitate cooperation at all levels.** In this context, cooperation has been established with EMPACT THB to step up cooperation between civil society organisations and law enforcement authorities in the Member States.

According to the information available to the Commission, several Member States have set up structured mechanisms to enhance cooperation in addressing THB cases, mainly between existing law enforcement departments/units and other relevant national institutions. Others have opted to set up new specialised, multidisciplinary law enforcement units to address THB. Generally, such systems gather expertise on THB, organised crime, border control and migration issues and, in several cases, on cybercrime. Structured mechanisms for cooperation to address THB cases and specialised law enforcement units are often overseen by a national coordinator, who in some cases is also the national rapporteur or equivalent mechanism (NREM) for the Member State in question.

### **6.4. The role of the internet and online recruitment**

The EU Strategy highlights that the **internet plays a key role today in facilitating THB and increases the challenges for law enforcement authorities.** Because of the relative anonymity it provides, the internet is used for recruitment through false job advertisements and also plays a crucial role in the sale of services provided through the exploitation of THB victims. According to Europol's *2013 Executive Report on Serious and Organised Crime Threat Assessment (SOCTA 2013)*, the internet will be an even more important marketplace for illicit commodities and criminal services in the future. Criminals advertise facilitation services to potential migrants online, recruit THB victims and connect to customers in destination countries. Social media, dating sites and online forums are becoming increasingly prominent in online child sexual exploitation, THB and fraud respectively.

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<sup>22</sup> The European Police College (CEPOL), the EU Judicial Cooperation Unit (Eurojust), the EU law enforcement agency (Europol), the European Asylum Support Office (EASO), the European Institute for Gender Equality (EIGE), the EU Agency for Fundamental Rights (FRA) and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex).

<sup>23</sup> [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/en/jha/137401.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/jha/137401.pdf).

The EU Anti-Trafficking Day Conference in Vilnius in October 2013 was devoted to the role of the internet in THB. **As envisaged in the EU Strategy, the Commission has started work on a report to increase knowledge of the use of internet and social networks for recruitment for all forms of THB.** The report is expected to be finalised by mid-2015.

#### ***6.5. Mapping case-law on THB for the purpose of labour exploitation***

A current study focuses on mapping relevant case-law and analysing practices across the Member States, including trends, police and judicial architecture, the relevant legal contexts and the challenges at national level. The results, due in the second half of 2015, are expected to feed into policy development and support Member States in ensuring effective investigations and prosecutions by increasing knowledge on the adjudication of THB in the EU.

#### ***Box 1: EU Anti-Trafficking Day***

*Since 2007, 18 October has been marked as EU Anti-Trafficking Day. Together with the Commission, successive EU Presidencies have organised high-profile events focusing on various areas, such as cooperation in the external dimension (Sweden) and partnerships (Belgium). The 2012 conference, held in Brussels under the Cypriot Presidency, focused on the EU Strategy and on future work to strengthen cooperation and partnerships, prevention, victim protection and assistance, and the prosecution of traffickers. The 2013 conference, held in Vilnius under the Lithuanian Presidency, focused on the role of the internet in THB.*

## **7. COORDINATION, COOPERATION AND POLICY COHERENCE**

Cooperation and partnerships among all actors working in the field are crucial to addressing THB. **The EU ATC is entrusted with overseeing implementation of the EU policy framework, in particular the EU Strategy,** ensuring overall coordination of THB-related activities within the Commission and with external stakeholders, and coordinating the allocation of funding so that it reflects EU priorities.

### ***7.1. Informal network of national rapporteurs or equivalent mechanisms***

Article 19 of the Directive provides for the **formal establishment of national rapporteurs or equivalent mechanisms (NREMs)** in charge, *inter alia*, of carrying out assessments of trends in THB, measuring the results of anti-trafficking action, including the gathering of statistics, in cooperation with civil society organisations, and reporting. The Directive further requires the Member States to facilitate the tasks of an ATC and transmit to the ATC the information referred to in Article 19, on the basis of which the ATC is to contribute to the Commission's two-yearly progress reports.

An informal network of NREMs was established under the Council Conclusions adopted on 4 June 2009.<sup>24</sup> Together with the EU Presidency, the EU ATC holds biannual meetings with the network, which plays an important role in discussing issues relating to the collection of comparable data and assessing trends based on commonly developed and agreed reporting templates, in line with Articles 19 and 20 of the Directive.

<sup>24</sup> [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/jha/108312.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/108312.pdf).

### ***Box 2: EU agencies' and bodies' joint statement***

*As regards greater coordination and coherence in anti-trafficking policies and action, the EU Strategy explicitly mentions Eurofound and seven JHA agencies directly involved in the implementation of the deliverables: CEPOL, Eurojust, Europol, EASO, EIGE, FRA and Frontex.*

*On the 5th EU Anti-Trafficking Day on 18 October 2011, the heads of the seven agencies were brought together by the Commission in Warsaw, under the Polish Presidency, to sign a joint statement<sup>25</sup> undertaking to address THB in a coordinated, coherent and comprehensive manner, in partnership with each other and with Member States and EU institutions, agencies and bodies.*

*The EU Strategy calls on the Commission to coordinate and monitor implementation of the joint statement. The agencies' THB contact points met initially in May 2012 and have come together at regular intervals since. On the 6th Anti-Trafficking Day, in 2012, Frontex presented a report on the implementation of the initiative and what had been achieved by the agencies one year on.*

*The agencies and the EU ATC continue to hold coordination meetings in order to monitor implementation of the EU Strategy and the joint statement. The second progress report is annexed to this report.*

## **7.2. The EU Civil Society Platform**

A key policy priority identified in the EU Strategy is to build up partnerships with all actors working against THB and most importantly with non-governmental organisations and civil society at large. One example of this was the launch, on 31 May 2013, of the **EU Civil Society Platform against THB** in Member States and selected non-EU countries.

The Civil Society Platform currently meets every two years, bringing together over 100 civil society organisations working in the field of THB in the Member States and in four neighbouring priority countries (Albania, Morocco, Turkey and Ukraine).

In March 2014, the Commission issued a call for expressions of interest to participate in the EU Civil Society e-Platform against THB, which is to complement the Platform and enable the continuity of the discussions beyond the biannual meetings in Brussels and ensure that they are broadened by including a higher number of organisations. The selection procedure has been finalised and **the e-Platform is now operational**.

The Commission will facilitate further exchange of information and ideas and invite the participants to discuss future action fostering open, inclusive and diverse participation.

Also, to facilitate cooperation between NREMs and civil society organisations, the Commission organised a joint meeting of the informal network of NREMs and the EU Civil Society Platform in May 2014, where participants were able to make contacts and strengthen cooperation in the context of reporting under Article 19 of the Directive, and propose specific contributions to the Commission in this respect.

<sup>25</sup> [http://ec.europa.eu/anti-trafficking/EU+Policy/EU\\_s\\_fifth\\_Anti\\_Trafficking\\_day](http://ec.europa.eu/anti-trafficking/EU+Policy/EU_s_fifth_Anti_Trafficking_day).

### ***7.3. The external dimension and the action-oriented paper on strengthening the EU external dimension on action against THB***

The EU policy framework on THB links the internal and external dimensions. A number of EU external policies and instruments help to address THB in non-EU countries, because:

- THB is a grave violation of human rights and tackling it is a clear objective of EU external action;
- non-EU countries are often countries of origin and transit for trafficking to the EU; and
- as a cross-border illegal activity, it is an important area for cooperation with non-EU countries.

The Commission funds numerous projects to address THB in a range of non-EU countries and regions. The EU ATC provides strategic policy guidance to ensure consistent and coordinated planning to address THB coherently within the EU and in relation to non-EU countries, and monitors the use of all appropriate forms of EU action.

#### ***7.3.1. Action-oriented paper***

In 2009, the Council adopted an action-oriented paper (AOP)<sup>26</sup> geared to strengthening the commitment and coordinated action of the EU and the Member States to address all forms of THB, in partnership with non-EU countries, regions and organisations at international level. The AOP is based on respect for human rights and the rule of law and includes a gender and child rights perspective. It elaborates on the EU's external relations policy and the programming of activities with non-EU countries, regions and organisations at international level, including development cooperation.

The first implementation report, in 2011, gave an overview of THB projects in non-EU countries funded by the EU and Member States. The second, adopted in December 2012,<sup>27</sup> includes a list of priority countries and regions<sup>28</sup> with which cooperation on THB needs to be further strengthened and streamlined. The Council has invited the Commission to report on progress made in 2014 and to include this in the first report on the implementation of the EU Strategy.

At the request of the Council, the Commission and European External Action Service have produced an **information package on activities in the priority countries and regions addressing THB, and a list of relevant tools and instruments** available to the EU and the Member States. The package includes an overview of EU policies, including external policies,

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<sup>26</sup> [http://ec.europa.eu/anti-trafficking/EU+Policy/Action\\_Oriented\\_Paper\\_on\\_strengthening\\_the\\_EU\\_external\\_dimension\\_on\\_action\\_against\\_THB](http://ec.europa.eu/anti-trafficking/EU+Policy/Action_Oriented_Paper_on_strengthening_the_EU_external_dimension_on_action_against_THB).

<sup>27</sup> [http://ec.europa.eu/anti-trafficking/EU+Policy/Second\\_report\\_AOP](http://ec.europa.eu/anti-trafficking/EU+Policy/Second_report_AOP).

<sup>28</sup> Priority countries and regions are grouped in three categories:  
I. Albania, Brazil, China, Dominican Republic, Morocco, Nigeria, Russian Federation, Turkey, Ukraine and Vietnam;  
II. Candidate and potential candidate countries in the Western Balkans, countries covered by the European Neighbourhood Policy, both Eastern Partnership and Southern Mediterranean countries; and  
III. Community of Latin America and Caribbean States (CELAC) countries (in particular Paraguay and Colombia), the Silk Route region (in particular India), South-East Asian countries (in particular Thailand, Laos, Cambodia and the Philippines) and Western Africa (in particular Sierra Leone).

addressing THB and of projects funded by the EU and Member States in the field of THB. It serves as a reference tool for EU Delegations and Member States, to enhance cooperation and the coherence of anti-THB action and policy in their host countries. Member States are also requested to cooperate with the Commission and the EEAS in this area.

As envisaged in the EU Strategy, EU Delegations in priority countries have been asked to create partnerships and ensure coordination and coherence in their host countries, appointing a contact person for THB-related issues, organising coordination meetings, closely monitoring EU-funded projects on THB and ensuring a regular exchange of information with the host-country authorities. To facilitate their work, in June 2014 the Commission organised a three-day training course for EU Delegations on external cooperation in the area of THB, with a particular focus on priority countries and regions.

Member States have reported extensively on their cooperation on THB with priority countries and regions. They have funded projects addressing several dimensions of THB in some of the category I countries, e.g. Brazil, Vietnam, Albania, Ukraine, Nigeria. Often these projects were implemented jointly by several Member States, also in cooperation with international organisations such as the International Organisation for Migration (IOM) and UN bodies. THB seminars, workshops and study visits have been organised, including training for diplomatic staff. At operational level, initiatives have been taken to increase cooperation between Member States' police liaison officers in third countries, e.g. Russia, Ukraine, Belarus and Morocco, on THB prevention and prosecution, and protecting and assisting THB victims. Specific projects have involved cooperation with airlines or addressed child sex tourism, in particular in Brazil, Thailand, Nepal, India and Senegal. Efforts have been made to mainstream activities addressing THB in broader policy areas such as migration, gender equality and children's rights.

Some Member States reported that they had signed bilateral agreements with priority countries (Albania, Belarus, China, Morocco, Russia, Thailand, Ukraine and Vietnam) to strengthen cooperation in the area of THB, often in the context of fighting organised crime.

Member States also reported regional cooperation efforts to address THB, in particular with South-East European, Western Balkan, Eastern Partnership and Community of Latin American and Caribbean States (CELAC) countries. Existing mechanisms have been used to address a range of issues, such as national referral mechanisms, coordination of anti-trafficking initiatives and measures, awareness-raising and cooperation with civil society organisations.

The Member States also contributed to the work of international organisations to improve coordination and coherence in the field of THB.

The Commission has signed letters of intent on cooperation with the UN Office on Drugs and Crime (UNODC) and the UN High Commissioner for Refugees (UNHCR), including in the field of THB. In 2012, DGs HOME, DEVCO and ECHO, together with EEAS, established a framework for strategic cooperation with IOM which serves as a basis for interaction and outlines the structure and development of their relationship. The Commission is a full member of the Baltic Sea States' THB Task Force, which aims to enhance cooperation on migration, development, humanitarian response and human rights issues. The EU is party to the UN Transnational Organised Crime Convention and its Protocols, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The Commission closely followed the process on the standard-setting item on supplementing the Forced Labour Convention in the International Labour Conference.

### ***7.3.2. The Global Approach to Migration and Mobility***

Eradicating THB is a priority area of the Global Approach to Migration and Mobility (GAMM), which since 2005 has represented the overarching framework for the EU's external migration policy. The GAMM determines how the EU conducts its policy dialogue and operational cooperation with third countries in the area of migration and mobility, on the basis of clearly defined priorities and firmly grounded in its overall external action, including development cooperation. Particular emphasis is placed on prevention, the prosecution of perpetrators, the protection of victims and the specific situation of unaccompanied minors. Preventing and combating THB and protecting its victims are systematically addressed in all relevant agreements and partnerships with non-EU countries and in all EU dialogues on migration and mobility, including the visa liberalisation dialogues. Addressing THB was also identified as a priority in the Commission's 4 December 2013 Communication on the work of the Task Force Mediterranean.

Thus, THB is included in the Stabilization and Association Agreements between the EU and the Western Balkans countries. Progress made in this field is regularly assessed in the process of aligning with the EU *acquis*, as part of the accession negotiations (Chapter 24 Justice, freedom and security) with those candidate countries negotiating their accession to the EU and is reported in the annual Enlargement progress reports on candidate and potential candidates. THB is also addressed in the action plans with the Neighbourhood countries and progress is reported in the Neighbourhood Policy annual reports.

The EU has justice, freedom and security subcommittees with all the Eastern Partnership countries (except Belarus) under the Political Cooperation Agreements (PCAs), where the partner country reports on its achievements on THB and the Commission issues recommendations for further work. In addition, the Eastern Partnership Panel on Asylum and Migration holds regional-level experts' meetings on THB and the smuggling of human beings, the latest of which took place in Vilnius in June 2014.

Effectively combating THB and protecting its victims is also an integral benchmark in the two phases of the Visa Liberalisation Action Plans with Ukraine, the Republic of Moldova and Georgia, and in the common steps for visa-free arrangements in the EU-Russia visa dialogue. Progress is assessed in depth in the context of the Action Plans, which require the partner countries to adopt and implement laws in line with the best European and international practices.

In line with the GAMM, THB is systematically covered in all dialogues and cooperation frameworks with non-EU countries, in particular the Mobility Partnerships and Common Agendas on Migration and Mobility. Hence, THB is an essential component of the EU's dialogues on migration, mobility and security with the Southern Mediterranean countries and a number of initiatives in this field have been included in the Mobility Partnerships with Morocco, Tunisia and Jordan.

This also applies to regional dialogue with Africa, in particular the Euro-African Dialogue on Migration and Mobility, the Rabat Process (with the countries along the migratory routes in West Africa). Likewise, the stand-alone declaration on migration and mobility adopted at the EU-Africa Summit in April 2014 renewed both sides' commitment to stepping up their efforts to address THB, in particular through closer partnership and cooperation on prevention, protection and prosecution, and fighting against those taking advantage of all forms of exploitation, both in Europe and in Africa. Furthermore, like all Common Agendas, the recently adopted Common Agenda with Nigeria pays special attention to this issue.



THB is also covered in migration dialogues with other regions, such as Latin America, the African, Caribbean and Pacific (ACP) or the Silk Route countries, and bilateral dialogues with China, Russia and India.

The above frameworks and dialogues involve numerous Commission-funded projects on THB in a wide variety of non-EU countries. THB is covered in a number of country strategy papers and national and regional indicative programmes, e.g. in South and South-East Asian countries, where there is a persistent problem at both country and regional level.

In addition, the EU raises THB in the framework of its human rights dialogues with over 40 countries worldwide, as an important component of its Action Plan on Human Rights and Democracy in relations with third countries. It also supports international efforts in this field, advocating in various UN fora for prevention, victim protection and assistance, establishment of a comprehensive legislative framework, policy development and law enforcement, and improved international cooperation and coordination in the work on THB. For example, it played a central and influential role in the preparations for the second High-level Dialogue on International Migration and Development, which took place during the UN General Assembly in New York on 3-4 October 2013. The EU successfully advocated for stronger language on THB in the outcome document.

#### ***7.4. Enabling policy implementation***

The EU Strategy recognises that the effectiveness of the EU framework on THB depends to a large extent on funding and the active involvement of all relevant stakeholders. **The Commission funds numerous projects within and outside the EU, which involve a wide range of promoters and partners, and address different dimensions of THB.**

The Commission is working to ensure that funding reflects the EU's priorities in addressing THB, as set out in the Strategy. A comprehensive inventory of all funded THB projects is being finalised so that they can be assessed in terms of impact and results. This will enhance coordination, avoid duplication and provide a solid basis for coherent, cost-effective and strategic planning.

Anti-trafficking projects are funded under a number of EU financial instruments (this includes projects not directly addressing trafficking, but other pertinent issues such as women's rights, integration of migrants, etc.); this reflects the importance the EU attaches to tackling this form of human rights violation.

The Prevention of and fight against crime (ISEC) financial programme has addressed THB as a priority since its inception in 2007 and has published several target calls for projects addressing THB. ISEC has funded many THB-related projects, covering topics such as gender, labour exploitation, child trafficking, identification and assistance, forced begging, sexual exploitation, etc. The number of applications from different types of stakeholder, including EU Member States and civil society, has increased sharply in the past three years.

About 62% of current home affairs funding is channelled through the Solidarity and management of migration flows (SOLID) general programme, which makes it by far the biggest delivery mechanism for home affairs policies. SOLID has comprised four funds<sup>29</sup> and supported action in the areas of migration, integration, asylum, external borders and return.

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<sup>29</sup> The European Refugee Fund, the European Fund for the Integration of non-EU nationals, the External Borders Fund and the Return Fund. It also includes other instruments, such as the European Migration Network and the Pilot Project on Resettlement.

Under the new Multiannual Financial Framework (MFF), the funds, along with ISEC and the Prevention, preparedness and consequence management of terrorism and other security-related risks (CIPS) specific programme, have been replaced by two new funds in the area of home affairs: the Asylum and Migration Fund and the Internal Security Fund.

Various THB projects were also funded in the area of justice under the Daphne financial programme on violence against women and children. The funding supported NGOs helping victims, awareness campaigns and law enforcement cooperation with non-EU countries or countries of transit. Under the new MFF, Daphne III and the Fundamental Rights and Citizenship Programme were replaced by the Rights, Equality and Citizenship Programme.

Projects on THB are also funded under financial instruments dealing with cooperation with non-EU countries, both geographical, such as the Development Cooperation Instrument (DCI), the European Development Fund (EDF) and the European Neighbourhood Partnership Instrument (ENPI), and thematic, such as the Thematic Programme for Migration and Asylum (and, in the past, AENEAS) and the European Instrument for Democracy and Human Rights (EIDHR). In the area of development cooperation and security, funding for THB-related projects is also available under the Instrument contributing to Stability and Peace (former Stability Instrument).<sup>30</sup>

Action in the framework of the Technical Assistance and Information Exchange (TAIEX) instrument has included study visits to the Member States and seminars for law enforcement authorities, prosecutors, and police and social service personnel from candidate, potential candidate and Neighbourhood countries. Funding is also available under the Progress programme.

THB has been included as one of the topics to be covered by calls for proposals under the Seventh Framework Programme (FP7) devoted to socio-economic sciences and humanities (SSH) and security research, so as to make use of the academic community's considerable expertise in the area of trafficking.

In line with the EU Strategy, the anti-trafficking website is regularly updated with projects funded under various instruments and the Commission works to ensure that the inventory is complete. Streamlining information on funded projects is a key part of the work of the Commission's THB Inter-Service Group, where all relevant services contribute information.

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<sup>30</sup> Some of these instruments changed from 2014, under the new (2014-20) MFF: ENPI is now ENI; the Thematic Migration and Asylum Programme is now included in the Global Public Goods and Challenges (GPGC) Programme; and the Instrument for Stability is now the Instrument contributing to Peace and Stability.

**Box 3: The EU anti-trafficking website**

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

*The EU anti-trafficking website, one of the Commission's few horizontal websites, attracts significant internet traffic. It serves as an information hub inter alia on EU legal and policy instruments, national information and updates on anti-trafficking measures and initiatives, case law, funding opportunities, publications and EU initiatives. It includes a database of EU-funded THB projects in EU and non-EU countries and serves as a portal for the Civil Society e-Platform.*

**8. FOLLOW-UP**

This report has highlighted the most important elements of the EU's legal and policy framework on THB and the efforts made to mainstream this work at regional, national, European and international levels. It has illustrated the Commission's coordinated and coherent approach to implementing the EU Strategy.

This work will continue in the coming years and be extended to take in a number of new measures, including:

- the establishing of a European Business Coalition;
- a review of all EU-funded THB projects;
- a mapping of funding allocation;
- awareness-raising;
- models and guidelines addressing demand reduction for all forms of exploitation;
- further strengthening the informal network of NREMs;
- ensuring support for the EU Civil Society Platform; and
- continued support for the work of EMPACT THB in the context of the EU Policy Cycle on Serious and Organised Crime and for JHA agencies' specific efforts on the basis of the joint statement.

In 2015, the Commission will submit reports:

- assessing Member States' measures to comply with the Directive; and
- on the THB situation in the EU, on the basis of information received by the Member States and other stakeholders (see Article 20 of the Directive).

Finally, in 2016, the Commission will assess the effect of existing national law criminalising the use of services that are the objects of exploitation of THB, accompanied, if necessary, by appropriate proposals (see Article 23 of the Directive).

The EU Strategy expires in 2016. The Commission plans to develop a new post-2016 Strategy in consultation with relevant stakeholders on the basis of the lessons learnt and needs identified.<sup>31</sup>

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<sup>31</sup> Communication on *An open and secure Europe: making it happen* (COM(2014) 154 final).

## ANNEX

# SECOND ACTIVITY REPORT FOLLOWING THE JOINT STATEMENT OF THE HEADS OF THE EU JUSTICE AND HOME AFFAIRS AGENCIES

## 1. INTRODUCTION

The JHA agencies' activities on THB need to be coordinated so that they act together in a more coherent and comprehensive manner, taking advantage of synergies and avoiding a duplication of effort.

This is why, on the occasion of the 5th EU Anti-Trafficking Day (18 October 2011), the heads of seven justice and home affairs (JHA) agencies<sup>1</sup> signed a joint statement undertaking to align their planning on THB and to take action together.<sup>2</sup>

In order to ensure that the agencies regularly exchange information on all THB-related activities and whenever appropriate work together closely to generate synergies and avoid duplication of effort, keeping in mind the need for a multidisciplinary approach, three coordination meetings of the agencies' THB contact points are organised every year by the EU Anti-Trafficking Coordinator (EU ATC) in Brussels.

The agencies' first joint report was presented by Frontex in October 2012 in the context of the 6th Anti-Trafficking Day. This second report, which has been coordinated by EASO as chair of the agencies' network in 2014, covers **joint action by the agencies between October 2012 and September 2014** and will be incorporated in the mid-term report on the implementation of the EU Strategy towards the eradication of THB 2012-16.

In line with the EU Strategy, this report focuses on areas in which the seven JHA agencies have joined forces to help implement Directive 2011/36/EU on preventing and combating THB and protecting its victims.<sup>3</sup> The report follows the structure of the Strategy. An additional document listing the key measures taken by each agency individually in the field of THB will be made available on the agencies' websites.

A significant number of measures fall into the section on the prosecution of traffickers, as CEPOL, Eurojust, Europol and Frontex are all involved in that area. Also, the agencies have different mandates and therefore do not all act on all priorities.

## 2. COOPERATION AND COORDINATION

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<sup>1</sup> The European Police College (CEPOL), the EU Judicial Cooperation Unit (Eurojust), the EU law enforcement agency (Europol), the European Asylum Support Office (EASO), the European Institute for Gender Equality (EIGE), the EU Agency for Fundamental Rights (FRA) and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex).

<sup>2</sup> <http://ec.europa.eu/anti-trafficking/download.action?nodePath=/EU+Policy/Joint+statement+of+the+Heads+of+the+EU+Justice+and+Home+Affairs+Agencies.pdf&fileName=Joint+statement+of+the+Heads+of+the+EU+Justice+and+Home+Affairs+Agencies.pdf&fileType=pdf>

<sup>3</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32011L0036>.

The EU ATC in Brussels chaired five coordination meetings between October 2012 (when the first joint report was presented) and the date of publication of this report.

Six of the agencies were represented at each meeting; to date, EIGE has been unable to attend, but it has contributed to a number of the activities listed below. At each meeting, the Commission gave an update on the implementation of the EU legal and policy framework and each agency reported on its recent joint and individual activities, the aim being to improve cooperation and coordinate action. The agencies' representatives worked intensively to ensure that a clear mapping of their joint activities reflected the structure and content of the EU Strategy as a basis for the report at hand.

In addition, the agencies' network, in which the Commission actively participates, has included THB among its priority areas for further operational cooperation on JHA. The heads of the agencies and the JHA Contact Group have regularly included THB on their meeting agendas in 2013 and 2014 in order to enhance practical cooperation in this area.

To further promote cooperation, the **Eurojust** and **FRA** THB contact persons have taken part in exchange visits on the basis of an agreement signed by their directors in 2012. Inter-agency exchange in areas of common interest, including THB, is also envisaged in the 2013 memorandum of understanding between **Eurojust** and **Frontex**. **Eurojust** and **FRA** concluded negotiations for a memorandum of understanding on cooperation in July 2014. Also, **EASO** and **FRA** signed a working arrangement in 2013 under which they will share best practices, information and expertise relating to the protection of vulnerable groups, including victims of THB, and explore possible targeted activities in this area. Lastly, **EASO** and **Frontex** continued to implement their working arrangement (signed in 2012), which provides for a framework of cooperation on identifying persons in need of protection.

### 3. JOINT ACTIVITIES

#### ***PRIORITY A: IDENTIFYING, PROTECTING AND ASSISTING VICTIMS OF TRAFFICKING***

In this priority area, **EASO**, **FRA**, **Eurojust**, **Frontex** and **CEPOL** in particular have been active in developing action plans, training modules and activities, surveys and mappings that concern the identification and further protection of the rights of vulnerable persons, with a specific focus on women, children and unaccompanied minors, and issues of legal guardianship and its key role for child victims or potential victims of THB.

The agencies' most relevant activities under this priority included the following:

- With support from **Frontex**, **FRA** carried out a study on fundamental rights at large airports in the EU, which looked *inter alia* at whether and how border guards are equipped to identify potential THB victims and refer them to the national protection authorities. The findings were presented to the Operational Heads of Airports Conference organised by **Frontex** in March 2014 and a report will soon be available on **FRA**'s website;
- The strategic project on **Eurojust's action against THB**<sup>4</sup> analysed the difficulties encountered in identifying THB victims and Member States' action to ensure that they

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<sup>4</sup> [http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/Casework/Eurojust%20action%20against%20trafficking%20in%20human%20beings%20\(October%202012\)/THB-report-2012-10-18-EN.pdf](http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/Casework/Eurojust%20action%20against%20trafficking%20in%20human%20beings%20(October%202012)/THB-report-2012-10-18-EN.pdf).

are assisted and protected. The main findings and recommendations were presented to the Standing Committee on Operational Cooperation on Internal Security (COSI)<sup>5</sup> on 11 February 2013. The project has continued in 2014 to analyse THB cases registered by Eurojust in 2012 and 2013;

- **FRA** conducted a large-scale survey exploring women’s experiences of violence, with input from **EIGE as part of the expert group assigned to follow the survey**. The survey was based on interviews with 42 000 women. The results (March 2014)<sup>6</sup> show that victims of serious violence usually approach healthcare services rather than reporting to the police. Although THB was not specifically covered by the survey, a number of its findings apply to women victims of THB;
- **EASO** is mapping and analysing Member State asylum authorities’ current practices as regards identifying vulnerable applicants (including victims of THB). A meeting at EASO premises last June on the identification of persons with special needs led to **EASO** setting up a working group composed of Member State experts tasked with developing a practical tool for identifying such persons (including victims of THB);
- In March 2014, EASO organised a first experts’ meeting on THB and asylum with support from the Commission and participation from **CEPOL, FRA, EIGE, Eurojust, Europol** and **Frontex**. The meeting focused on identifying Member States’ main interests as regards THB; these may be addressed in subsequent meetings;
- **Frontex** produced a *Handbook on THB Risk Profiles* to be used by border control and other law enforcement authorities, and during Frontex joint operations. The aim is more efficient detection and dismantling of criminal groups in cooperation, *inter alia*, with **Europol** and **Eurojust**. The *Handbook* is now part of the permanent risk analysis programme and will be updated every year;
- Under the Action Plan on Unaccompanied Minors (2010-14), **EASO** (with **Commission** and **FRA** support) focused on the prevention of trafficking of children in an updated version of its training module on interviewing children. **EASO** published *Age assessment practice in Europe*,<sup>7</sup> a useful guide for officials dealing with child victims of THB, in December 2013 and held several expert meetings on children on topics such as safe return to avoid re-trafficking and the role of guardians in protecting the best interests of child or potential victims of THB;
- In close cooperation with the Commission and the EU ATC, **FRA** produced a *Handbook on Guardianship for Children deprived of Parental Care*,<sup>8</sup> aiming to reinforce guardianship systems to cater for the specific needs of child victims of trafficking. The *Handbook* provides specific guidance for Member State officials and guardians on how guardianship systems and individual guardians can cater for the particular needs of child THB victims and protect their rights;

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<sup>5</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/internal-security/cosi/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/internal-security/cosi/index_en.htm).

<sup>6</sup> <http://fra.europa.eu/en/publication/2014/vaw-survey-main-results>.

<sup>7</sup> <http://easo.europa.eu/wp-content/uploads/AA.png>.

<sup>8</sup> <http://fra.europa.eu/en/publication/2014/guardianship-children-deprived-parental-care-handbook-reinforce-guardianship>.

- **Frontex** is currently developing a handbook with practical guidelines for border guards on how to identify children in need of protection at border crossing points. The aim is to formulate a comprehensive EU approach on child trafficking by collecting best practices from air border authorities that already have systems in place at airports. These practices were merged in 2014, with the support of international organisations and **FRA**, in an EU manual focusing on the law enforcement perspective. They will be shared with a wide range of stakeholders and non-law enforcement operators. The manual will be tested in autumn 2014;
- In June 2014, **Europol** organised an experts' conference<sup>9</sup> where child trafficking was one of two topics in the spotlight. The conference attracted broad participation, from **CEPOL**, **EASO**, **Eurojust** and **Frontex**, Member State law enforcement officers and experts from international and non-governmental organisations, who looked into the investigation of cross-border child trafficking cases and the protection of the victims;
- To provide information on victims' rights, **FRA** is compiling tables with an overview of generic victim support services in the 28 Member States, which are also relevant for victims of trafficking, for publication on its website; and
- With **FRA** support, **CEPOL** has been raising fundamental rights awareness through courses on human rights and police ethics.<sup>10</sup> The focus has been on victims' rights and the challenge of protecting fundamental rights while implementing the law. In 2014, Germany held a **CEPOL** webinar on police and human rights, outlining the roles of the relevant EU institutions in this context; this was supported by Lithuania and **FRA**, and attended by 94 participants from 21 countries, **Frontex** and **Interpol**. **CEPOL** also hosted a presentation by the EU ATC in the context of a webinar<sup>11</sup> in 2014 which focused on the EU ATC's efforts to ensure implementation of Directive 2011/36/EU and the EU Strategy.

### ***PRIORITY B: STEPPING UP THE PREVENTION OF THB***

The JHA agencies' contributions and cooperation in this area involved awareness-raising and training on prevention programmes and demand reduction; they included:

- In 2013 and 2014, Sweden organised a **CEPOL** course on THB prevention mechanisms, with a specific focus on demand reduction.<sup>12</sup> Topics included international cooperation, with examples from Sweden, Poland and Belgium. **Europol** provided an expert on each occasion. (In November 2012, this course had been organised by **CEPOL** itself, with **Frontex** contributing);
- **Europol** regularly organises **Europol** Roadshows aimed at raising awareness of its activities among Member State law enforcement agencies working in the field. In 2013, three roadshows (in Portugal, Spain and Slovakia) specifically covered THB; and

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<sup>9</sup> <https://www.europol.europa.eu/content/increased-focus-link-between-internet-and-human-trafficking>.

<sup>10</sup> 2013: 29 participants from 19 Member States (70%); 2014: 27 participants from 24 Member States (86%).

<sup>11</sup> A webinar is an online seminar.

<sup>12</sup> 2013: 27 participants from 18 Member States; 2014: 28 participants from 22 Member States.



- In 2013, **CEPOL** organised a webinar on best practices in THB prevention programmes,<sup>13</sup> involving a presentation by a **Frontex** expert on the early identification of victims and perpetrators, profiling, collecting intelligence, inter-agency cooperation and training.

### ***PRIORITY C: INCREASED PROSECUTION OF TRAFFICKERS***

The JHA agencies have sought to carry out more joint investigations and extend cross-border police and judicial cooperation:

- In 2014, **CEPOL** updated its Common Curriculum on Money Laundering<sup>14</sup> with the support of **Europol** in order to raise awareness of the importance of including financial investigators in THB cases. The CEPOL Common Curriculum on THB was updated with the support of **EASO, Europol, Frontex** and **Eurojust** to focus more on this issue. **Eurojust**'s Action Plan against THB encourages Member States to conduct financial investigations in THB cases with support from **Eurojust** and **Europol**;
- In 2012, **Eurojust** initiated a Strategic Project on Eurojust's action against THB.<sup>15</sup> The project and action plan address problems relating to the low number of investigations and prosecutions in the Member States, insufficient coordination of simultaneous action, financial investigations and asset recovery, and the setting-up and functioning of joint investigation teams (JITs) in THB cases, proposing solutions and possible action. The report and the action plan (for 2012-16) were first presented at the 6th EU Anti-Trafficking Day in Brussels on 18 October 2012. A mid-term evaluation report on the implementation of the action plan will be published in November 2014. The follow-up includes action focused on increasing the number of investigations and prosecutions, and promoting the involvement of **Eurojust** and **Europol** in all cross-border THB cases, in accordance with their mandates. **Eurojust** further supports Member States with coordination meetings, coordination centres and JITs. **Europol** is an associated partner in 5 JITs;
- **Europol** has actively supported implementation of the EMPACT THB project<sup>16</sup> under the first (2011-13) and subsequent (2013-17) policy cycles,<sup>17</sup> which have strong links to the EU Strategy. In 2013, in cooperation with **Eurojust** and **Frontex**, **Europol** published the *Serious and Organised Crime Threat Assessment*, on the basis of which THB was identified as a priority for the fight against serious and organised crime. The project seeks to foster a multidisciplinary, integrated and integral approach to address THB effectively and has been converted into operational action plans (OAPs). It started with 14 Member States, but four new Member States joined in 2012 and

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<sup>13</sup> 48 attendees.

<sup>14</sup> <https://www.cepol.europa.eu/education-training/trainers/common-curricula/money-laundering>.

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[http://eurojust.europa.eu/doclibrary/corporate/Casework%20publications/Eurojust%20action%20against%20trafficking%20in%20human%20beings%20\(October%202012\)/THB-report-2012-10-18-EN.pdf](http://eurojust.europa.eu/doclibrary/corporate/Casework%20publications/Eurojust%20action%20against%20trafficking%20in%20human%20beings%20(October%202012)/THB-report-2012-10-18-EN.pdf).

<sup>16</sup> The EMPACT THB Group is a multilateral cooperation platform to address THB at EU level. It is part of the intelligence-led policing approach to tackling organised crime, identifying priorities and establishing an international team-work approach to bringing down criminal groups that threaten the security of the EU.

<sup>17</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/pdf/4\\_council\\_conclusions\\_on\\_the\\_policy\\_cycle\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/pdf/4_council_conclusions_on_the_policy_cycle_en.pdf).

another five in 2013. Also in 2013, **Eurojust** organised three OAP meetings, where Eurojust, Frontex, CEPOL and the Commission were all represented;

- **CEPOL** supports the EMPACT THB project by giving it the opportunity to publicise its work to a wider law enforcement audience by means of an annual webinar;<sup>18</sup>
- **Frontex** has produced a handbook on the detection and disruption of criminal organisations involved in THB and smuggling at external air borders. It sets out best practices to counter smugglers and traffickers;
- In 2013-14, the **Eurojust** operational THB project (Analytical Work Files SOC- Focal Point Phoenix) received 4 514 national contributions relating to 555 new cross-border investigations initiated by the Member States. In this period, Focal Point Phoenix supported 33 high-profile cross-border operations, providing tailor-made operational support to the competent investigating teams. Of these, 10 were supported in close cooperation with **Eurojust**; and
- Lastly, as regards increasing cooperation beyond borders, in the context of EMPACT THB **Eurojust** and **Eurojust** joined (as associate partners) two ISEC<sup>19</sup> projects aimed *inter alia* at strengthening judicial cooperation on THB matters with Nigeria (ETUTU) and China (Chinese THB, in which **Frontex** also participates). They also both take part in the ISEC project on the use of JITs to fight THB in the Western Balkans at local level.

#### ***PRIORITY D: ENHANCED COORDINATION, COOPERATION AND POLICY COHERENCE***

This priority is at the core of the JHA agencies' coordination effort, as it refers to cooperation between key actors. The agencies' focus is on creating a high level of public awareness and developing training programmes that enhance synergies across EU agencies. Inter-agency coordination also concerns the external dimension, judicial cooperation with non-EU countries and facilitating investigations beyond the EU's borders. Training for those working in the field plays a very important role.

- The **CEPOL** Common Curriculum on THB is currently being updated with the support of experts from the Member States and from **Eurojust**, **Frontex** and **EASO**. This is a tool to support the standardisation and promote the consistency of THB training content in order to ensure the success of cross-border cooperation. In 2013, **CEPOL** produced an e-learning module on THB<sup>20</sup> with support from **Frontex**, **Eurojust**, **FRA** and **EIGE**;
- A **CEPOL** course on the EU approach to THB was delivered in 2013 and 2014 in close cooperation with the EMPACT Group on THB and **Eurojust**.<sup>21</sup> **Eurojust** contributed to the course. Topics included international cooperation, JITs and methods of investigation and gathering intelligence. Lithuania is planning to hold the course in

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<sup>18</sup> See point 2.5.

<sup>19</sup> Prevention of and fight against crime.

<sup>20</sup> [https://enet.cepol.europa.eu/index.php?id=courses-elearning&no\\_cache=1](https://enet.cepol.europa.eu/index.php?id=courses-elearning&no_cache=1).

<sup>21</sup> 2013: 27 participants from 18 Member States.

September 2014, with **Europol** and **Frontex** experts among the trainers and a representative from the EMPACT Group;

- In 2014, 10 officials took part in **CEPOL's European Police Exchange Programme**, under which law enforcement officers in different countries visit each other, exchange good practices on THB and learn about THB policing across the border;
- The **Frontex** THB training manual, which includes a toolkit and was developed in close cooperation with experts from Member States, Schengen associated countries, **JHA agencies** including **CEPOL** and **Europol**, and international organisations focuses on the role of first and second line officers in combating THB. The manual will be translated into all EU languages. It is the basis for training for non-EU countries' border guards and is updated on a regular basis. In 2014, two three-day training courses were held for trainers from Member States, with the participation of the Frontex partnership academies;
- **EASO** mainstreams awareness on THB issues in all its training materials. In particular, with the support of the Commission, it has been updating its 'interviewing vulnerable persons' training module to equip asylum officers with the skills to identify vulnerability indicators, including the ability to identify potential THB victims and prepare them for the asylum interview taking into account their special needs. EASO has also recently updated its 'country of origin information' (COI) module, introducing a distinct section on 'research on trafficking'; and
- **EASO** has set up a reference group to support the development and updating of **EASO** training material, of which the **Commission** is a core member. **Other EU agencies** may take part according to the material to be developed and their field of expertise.

#### ***PRIORITY E: INCREASED KNOWLEDGE OF AND EFFECTIVE RESPONSE TO EMERGING CONCERNS RELATING TO ALL FORMS OF THB***

One way in which JHA agencies can inform each other and the Member States of all ongoing or upcoming trends, in order to ensure a timely response, is by collecting data. Efforts have therefore been stepped up to improve the collection, accessibility and sharing of information on trafficking victims and organised crime groups. Efforts have also been made to develop knowledge on the gender dimension of THB and to target all forms of trafficking for human exploitation:

- **Eurojust** and **Europol** have established a secure connection for the exchanging of e-mails and operational information. **Europol** shared with the other agencies early warning notifications on:
  - a new trend relating to trafficking victims and organised criminal groups involved in marriages of convenience; and
  - the exploitation of trafficking victims in pantomime activities;
- A pilot project is being developed by **EASO**, with the involvement of **Europol**, **Eurojust** and **Frontex**, in the framework of the Commission's Communication to the European Parliament and the Council *on the work of the Task Force Mediterranean*.<sup>22</sup>

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<sup>22</sup> [http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/docs/20131204\\_communication\\_on\\_the\\_work\\_of\\_the\\_task\\_force\\_mediterranean\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-is-new/news/news/docs/20131204_communication_on_the_work_of_the_task_force_mediterranean_en.pdf).

It aims to collect information during the asylum process on routes and *modi operandi* that facilitators of irregular migrants and traffickers use and then to analyse trends and profiles with a view to a possible wider use of the methodology and lessons;

- To help develop knowledge relating to the gender dimension of THB, **EASO** (with **Commission, FRA** and **EIGE** support) is working on a new ‘gender, gender identity and sexual orientation’ training module (expected December 2014);
- One day of a **Europol** expert conference in June 2014 (also attended by experts from **Eurojust, Frontex** and **CEPOL**) was devoted to the use of the internet and online recruitment in the context of THB; and
- **CEPOL**’s 2014 webinar on the OAP on THB (62 attendees) included a presentation on labour exploitation, which will be an action point in the coming years in the EMPACT Group’s OAP.

#### **4. NEXT STEPS**

The JHA agencies are committed to continued cooperation and joint activities addressing THB in a coordinated, coherent and comprehensive manner in line with the joint statement. When working with Member States, they should make a special effort to encourage the comprehensive and coherent implementation of Directive 2011/36/EU. The Commission, in particular the EU ATC, will monitor progress in line with the EU Strategy.

As part of the multi-disciplinary approach that THB requires, the agencies’ cooperation is a key element of the Strategy to eradicate the phenomenon. The agencies are encouraged to continue discussing THB in the meetings of their network, with the Commission’s participation, in order further to enhance their practical cooperation in this field.