

Overview of the European Union's Priorities in the Fight against Trafficking in Human Beings

INTRODUCTION

This overview contains analysis of the European Union’s latest key documents for combating trafficking in human beings (THB).

It summarises relevant elements of the following strategic documents:

- **LISBON TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION (EU) - 9 MAY 2008.....3**
- **THE STOCKHOLM PROGRAMME - AN OPEN AND SECURE EUROPE SERVING AND PROTECTING THE CITIZENS - COUNCIL OF THE EU, BRUSSELS - 2 DECEMBER 20095**
- **ACTION PLAN IMPLEMENTING THE STOCKHOLM PROGRAMME: DELIVERING AN AREA OF FREEDOM, SECURITY AND JUSTICE FOR EUROPE'S CITIZENS - 20 APRIL 20107**
- **ACTION ORIENTED PAPER ON STRENGTHENING THE EU EXTERNAL DIMENSION ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS - 19 NOVEMBER 20099**
- **AOP ON STRENGTHENING THE EU EXTERNAL DIMENSION ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS - TABLE FOR COLLECTING/ UPDATING INFORMATION ON MS'S EXTERNAL ACTION.....11**
- **EUROPEAN PARLIAMENT RESOLUTION ON TRAFFICKING IN HUMAN BEINGS - 10 FEBRUARY 2010.....12**
- **DIRECTIVE ON PREVENTING AND COMBATING TRAFFICKING IN HUMAN BEINGS AND PROTECTING ITS VICTIMS– 5 APRIL 201113**
- **THE EU ANTI-TRAFFICKING COORDINATOR – 14 DECEMBER 2010.....16**

LISBON TREATY on the Functioning of the European Union (EU) - 9 May 2008

<http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2008:115:SOM:en:HTML>

Policy area: Part Three: Union Policies and Internal Actions; Title IV: Area of Freedom, Security and Justice; Chapters 1, 2, 4, 5.

The Lisbon Treaty enables the Union to develop a comprehensive common policy on asylum, immigration and external border controls. It provides a legal basis for the EU to develop common immigration policies under the Article 79 "The Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat illegal immigration and **trafficking in human beings**. Furthermore, the Lisbon Treaty introduces a **new separate legal base** within Article 79 (2) d, for measures "**combating trafficking in persons, in particular women and children**". This means that there will be a common policy applied by the Union and its member states, however, the area of freedom, security and justice is still considered as shared competence (Article 4) between the Union and the Member States (MS) which is explained in Article 2 (2) as "When the Treaties confer on the Union a competence shared with the Member States in a specific area, the Union and the Member States may legislate and adopt legally binding acts in that area. The Member States shall exercise their competence to the extent that the Union has not exercised its competence. The Member States shall again exercise their competence to the extent that the Union has decided to cease exercising its competence".

With regard to measures in order to ensure Union's policy in the area of freedom, security and justice, the Treaty focuses more specifically on "measures for coordination and cooperation between police and judicial authorities and other competent authorities, as well as through mutual recognition of judgment in criminal matters and, if necessary through the approximation of criminal laws" (Article 67). There are no specific measures only for trafficking in persons but all of the measures foreseen are applicable to some extent to trafficking.

Regarding the judicial cooperation (Chapter 4), Article 82 foresees adoption of the following measures:

" (a) lay down rules and procedures for ensuring recognition throughout the Union of all forms of judgments and judicial decisions;

(b) prevent and settle conflicts of jurisdiction between Member States;

(c) support the training of the judiciary and judicial staff;

(d) facilitate cooperation between judicial or equivalent authorities of the Member States (MS) in relation to proceedings in criminal matters and the enforcement of decisions."

In line with this, the Lisbon Treaty establishes the principle of increased legal cooperation in criminal matters, through the principle of "mutual recognition" in a cross border dimension. In addition the Treaty states that the minimum rules in this regard shall concern:

(a) mutual admissibility of evidence between Member States;

(b) the rights of individuals in criminal procedure;

(c) the rights of victims of crime;

(d) any other specific aspects of criminal procedure which the Council has identified in advance by a decision; for the adoption of such a decision, the Council shall act unanimously after obtaining the consent of the European Parliament.

Furthermore, according to Article 83 (1), "The European Parliament and the Council may, by means of directives adopted in accordance with the ordinary legislative procedure, establish minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis. These areas of crime are the following: terrorism, **trafficking in human beings** and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and organised crime. Within the same article (2), possibility of approximation of criminal laws and regulations of MS is foreseen with regard to definitions of criminal offences and sanctions.

The Lisbon Treaty acknowledges the existence of the Eurojust's mission that shall (Article 85)"support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime affecting two or more MS or requiring a prosecution on common bases, on the basis of operations conducted and information supplied by the MS' authorities and by Europol".

Regarding the police cooperation, according to Article 87 (2), the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish measures concerning:

- "(a) the collection, storage, processing, analysis and exchange of relevant information;
- (b) support for the training of staff, and cooperation on the exchange of staff, on equipment and on research into crime-detection;
- (c) common investigative techniques in relation to the detection of serious forms of organised crime."

In line with this, the Treaty emphasis the need of measures concerning operational cooperation between the authorities among MS.

The Lisbon Treaty acknowledges the existence of the Europol's mission that shall "support and strengthen action by the MS' police authorities and other law enforcement services and their mutual cooperation in preventing and combating serious crime affecting two or more MSs, terrorism and forms of crime which affect a common interest covered by a Union policy."

The Treaty facilitates the process of reaching the goals outlined in the Stockholm Programme, both for the institutions and for the Member States. The role of the Commission in preparing initiatives is confirmed, as well as the right for a group of at least seven Member States to submit legislative proposals. The legislative process is improved by the use, in most sectors, of co-decision procedure, thereby granting full involvement of the European Parliament. National Parliaments will play an increasing role in the legislative process. By enhancing also the role of the Court of Justice, it will improve the European capacity to fully implement policy in this area and ensure the consistency of interpretation.¹

¹ THE STOCKHOLM PROGRAMME- AN OPEN AND SECURE EUROPE SERVING AND PROTECTING THE CITIZENS; Council of the EU, Brussels, 2 December 2009

THE STOCKHOLM PROGRAMME - AN OPEN AND SECURE EUROPE SERVING AND PROTECTING THE CITIZENS - Council of the EU, Brussels, 2 December 2009

<http://register.consilium.europa.eu/pdf/en/09/st14/st14449.en09.pdf>

The Stockholm Programme is a multi-annual programme for the period 2010-2014, adopted by the European Council. It defines strategic guidelines for legislative and operational planning within the area of freedom, security and justice in accordance with Article 68 of the Lisbon Treaty.

The Stockholm Programme considers THB as a type of crime that deserves special priority in the years to come. It clearly separates human trafficking from illegal migration, however, the fight against THB is considered as a key priority in developing common immigration policy and in the fight against illegal migration. It is interesting that few times the fight against THB and smuggling of persons are mentioned together, which is not the case in the Lisbon Treaty and the Action Oriented Paper (AOP).

It calls for a comprehensive policy response that goes beyond the area of freedom, security and justice, including external relations, development cooperation, social affairs and employment. Like in the AOP (see below), cooperation and coordination with third countries is considered as crucial.

The programme considers establishment of an EU Anti-trafficking Coordinator (ATC) in order to reach a well coordinated and consolidated EU policy against trafficking.

Unfortunately, the programme lacks tools that relate to the role of the civil society support and engagement in the provision of assistance and protection of victims of THB.

“The European Council calls for:

- the adoption of new legislation on combating trafficking and protecting victims,
- the Commission to examine whether ad hoc cooperation agreements with specific third countries to be identified by the Council could be a way to enhance fight against trafficking and to make proposals to that end. In particular, such agreements could involve full use of all leverage available to the Union, including use of financing programmes, cooperation for the exchange of information, judicial cooperation and migration tools,
- Europol, with the support of the MS, to step up support for information gathering and strategic analysis, to be carried out in cooperation with the countries of origin and transit,
- Eurojust to step up its efforts to coordinate investigations conducted by Member States' authorities into trafficking in human beings,
- the Commission:
 - to propose further measures to protect and assist victims through an array of measures including the development of compensation schemes, safe return and assistance with reintegration into society in their country of origin if they return voluntarily and those relating to their stay; the EU should establish partnerships with the main countries of origin,
 - to propose cooperative measures to mobilise consular services in the countries of origin with a view to preventing the fraudulent issuing of visas. Information campaigns aimed at potential victims, especially women and children, could be conducted in the countries of origin in cooperation with the authorities there,

- to propose measures to make border checks more efficient in order to prevent human trafficking, in particular the trafficking of children. "

THB is also mentioned in Part 6.1.6: Effective policies to combat illegal migration. Priorities relevant for THB from this part are the following:

- "encouraging of voluntary return, including through the development of incentive systems, training, reintegration and subsidies, and by using the possibilities offered by existing financial instruments,
- more effective action against illegal immigration and trafficking in human beings and smuggling of persons by developing information on migration routes as well as aggregate and comprehensive information which improves our understanding of and response to migratory flows, promoting cooperation on surveillance and border controls, facilitating readmission by promoting support measures for return and reintegration, capacity building in third countries."

In part 7: Continued thematic priorities with new tools, is stated that the Commission should "examine whether ad hoc cooperation agreements with specific third countries to be identified by the Council could be a way of enhancing the fight against trafficking and smuggling of persons and making proposals to that end. In particular, such agreements could involve full use of all leverage available to the Union, including the use of existing financing programmes, cooperation in the exchange of information, judicial cooperation and migration tools."

Overall, the Stockholm Programme puts a lot of emphasis on exchange of information, judicial cooperation (especially in regard to "mutual recognition") and the existence and the increasing role of EUROPOL, EUROJUST and FRONTEX. However, a victim centered approach is significantly promoted throughout the document.

ACTION PLAN IMPLEMENTING THE STOCKHOLM PROGRAMME: Delivering an area of freedom, security and justice for Europe's citizens - 20 April 2010

http://ec.europa.eu/justice_home/news/intro/doc/com_2010_171_en.pdf

The Stockholm Programme and this Action Plan set out planned measures and initiatives for 2010-2014. The aim of this action plan is to ensure that all people, including third country nationals, benefit from the progress made in the European area of freedom, security and justice and from the effective respect of the fundamental rights enshrined in the Charter of Fundamental Rights of the European Union. In this regard, the 'Commission will apply a "Zero Tolerance Policy" as regards violations of the Charter.'

The Action Plan consists of a nine-page narrative and a 59 page Annex listing the priorities in the following subjects:

- Ensuring the protection of fundamental rights
- Empowering European citizens
- Strengthening confidence in the European judicial area
- Ensuring the security of Europe
- Putting solidarity and responsibility at the heart of our response
- Contributing to a global Europe
- From political priorities to actions and results

Trafficking in human beings (THB) is treated within the fourth title: Ensuring the security of Europe. More effective prosecution and conviction are seen as important as attending to the needs of the victims of this crime and reducing the demand for services from potential victims.

In this regard, the action plan foresees the following actions:

- Set up of EU Anti-trafficking Coordinator (ATC) within the Commission
- Proposal for a Directive on combating trafficking of human beings
- Report on the application of 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, and possible follow up
- Report on the implementation of the Action Plan on trafficking in human beings 2005-2009
- Report on the implementation the Action Oriented Paper on trafficking in human beings of November 2009
- Communication on a new integrated strategy on fighting trafficking in human beings, and on measures to protect and assist victims (including the development of compensation schemes, safe return and assistance with reintegration into society in their country of origin if they return voluntarily) using ad hoc cooperation agreements with specific third countries
- Guidelines for consular services and border guards for the identification of victims of trafficking of human beings

The document also acknowledges that the 'differences in the guarantees provided to victims of crime and terrorism across the 27 Member States should be analysed and reduced with a view to increasing protection by all means available'. Furthermore, 'a criminal justice strategy, fully respecting subsidiarity and coherence, should guide the EU's policy for the approximation of substantive and procedural criminal law. The administration of justice must not be impeded by unjustifiable differences between the Member States' judicial systems:

criminals should not be able to avoid prosecution and prison by crossing borders and exploiting differences between national legal systems.

In line with the Lisbon Treaty, this action plan once again confirms the crucial role of EU agencies and bodies such as FRONTEX, Europol and Eurojust and it anticipates that they must cooperate better and be given the powers and resources necessary to achieve their goals within clearly defined roles.

ACTION ORIENTED PAPER ON STRENGTHENING THE EU EXTERNAL DIMENSION ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS - 19 November 2009

<http://register.consilium.europa.eu/pdf/en/09/st11/st11450-re05.en09.pdf>

The Action Oriented Paper (AOP) exclusively and specifically addresses the EU external dimension on action against THB and the Union's objective to develop proactive, coordinated and coherent approach towards combating THB in cooperation with third countries, regions and organizations at international level. The document tackles THB in a very comprehensive manner and it requires action in a wide range of policy areas in addition to Justice and Home Affairs (JHA) emphasizing the victim centered and human rights based approach. It calls for a multidisciplinary approach and a policy response that will incorporate the THB element in different areas such as: external relations, development cooperation, social affairs and employment, migration policy, gender equality, capacity building and non-discrimination and involving all concerned actors, governmental as well as non-governmental and international.

The AOP gives special consideration to the "establishment of a specific coordination mechanisms at EU level involving MS, the Commission, EU agencies and other key stakeholders as appropriate." Furthermore, it calls for enhanced cooperation and coordination of EU action against trafficking vis-à-vis third countries. In line with this, the document foresees the following actions:

- Donor coordination;
- Improved information exchange on actions taken on THB;
- Financial support towards longer-term, sustainable support for organizations, structures and mechanisms;
- Set up an EU anti-THB portal;
- Develop partnerships between the EU, third countries, regions and organizations at international level.

Regarding the future priorities, the AOP divides them in the following four areas. In all areas, a serious effort should be given towards better "understanding of the root causes, factors in countries of destination facilitating THB, current trends with regard to victims, traffickers and criminal networks, their modus operandi, travel routes and different forms of exploitation. In addition, "creating synergies between anti-THB measures and other related areas of cooperation, that could make an impact on the trafficking dynamic, should be taken into consideration."

1. **Preventing trafficking, including addressing and reducing demand.** The following recommendations for action are considered:
 - **Preparatory work and training for international civilian police missions and other missions** should address the subject of THB, including codes of conduct, reporting on trafficking activity, refusal to become involved in any activity that adds to the exploitation of victims of THB and a capacity to assist local structures working on THB in the area concerned;
 - **Training of diplomats, liaison officers and consular and development cooperation officers** to improve identification of victims of THB;
 - **Development of guidelines by the transport companies active across the EU borders** including an ethical policy for the company, training of personnel, choosing only suppliers who repudiate THB, informing travellers, and establishing contacts with key persons at travel destinations;

- **Establishment of referral systems for victims identified** that will require training of border guards and law enforcement officers in third countries;
 - Building upon the existing tools, checklists and indicators, **improvement in early identification of victims at the EU borders in particularly identifying and protecting unaccompanied minors and special procedures** is required;
 - **Awareness-raising activities and training, including the development of curricula** to improve identification and protection of victims aimed at relevant target groups;
 - **Adoption of legislative or other measures, including educational, cultural, administrative measures** to prevent and discourage the demand for sexual exploitation as well as for labour exploitation, particularly in sectors prone to exploitation such as agriculture, the building industry, the catering industry, the tourist industry and domestic work;
 - **Increased knowledge of the impact of tourism from the EU on the exploitation of children by travelling sex offenders** in order to develop appropriate counter measures.
2. **Protecting and supporting victims of trafficking.** The following recommendations for action are considered:
- **Establishment of referral mechanisms, including cross-border referral** which should entail as a minimum: 1. Guidelines on the identification and treatment of victims of THB; 2. A reliable victim centered system to refer victims of THB; 3. Development of mechanisms to make assistance to trafficked persons a functional part of investigative and crime prosecution efforts;
3. **Investigating, prosecuting and controlling the external borders of the EU.** The following recommendations for action are considered:
- **Continuous enhancement of cooperation between FRONTEX, EUROJUST and EUROPOL and third countries** through the implementation of cooperation agreements, contact points and operational activities;
 - **Establishment of a dedicated Threat Assessment of THB** to the EU, including from third countries and regions
 - **Regional and national investigation on THB** (judicial or police investigations) as well as formation of joint investigative teams (JITs);
 - Based on the existing structures, to further **develop an EU network of law enforcement and judicial authorities** from MS, EUROJUST, EUROPOL and FRONTEX who can assist in exchanging best practices, gathering information, signalling trends and developments;
 - **Improvement of the operational cooperation and exchange of information** between, liaison officer networks, including immigration officers where necessary to facilitate joint investigation;
4. **Safe return and reintegration.** The following recommendations for action are considered:
- **Establishment of sustainable structures for safe and voluntary return of victims and further strengthening of the networking** and exchanges between organizations involved in the provision of assistance;
 - **Further establishment of reintegration and return programmes.** Temporary residence permits to be taken into consideration.

The AOP focuses on coordination, cooperation, coherence. This is especially apparent in the establishment of an EU ATC. Many international organizations have such a position to coordinate anti-trafficking work, and the EU should also introduce such a position to bring more coherence to its anti-THB efforts. Currently, the EU is lacking in coherence in the way that it deals with THB in different international fora. Depending on the discussion, the EU frames THB as an issue of migration, security, development, etc. In order to bring more coherence and unity to the EU's international approach, a template should be developed in order to see how THB is being dealt with in different international contexts. The EU is looking to establish itself as a global player and coherence is a vital issue in these regards.²

The **evaluation of the AOP** will be undertaken by June 2011 under the Hungarian EU Presidency.

AOP ON STRENGTHENING THE EU EXTERNAL DIMENSION ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS - table for collecting/ updating information on MS's external action.

On 1st March 2011, the Council of the European Union endorsed a document³ that refers to the AOP and it aims to provide a tool for collecting/ updating information on MS's external action. The AOP shall be revised and updated on regular basis in order to ensure coordinated and coherent response against THB and to strengthen the capacity to act in cooperation and partnership with third countries, regions and organisations at international level. For this reason, the part of the AOP consisted of a summary of action by MS and EC should be updated. The Hungarian Presidency invites delegations and agencies to update the information in the summary, focusing on the external dimension of their action. A table is provided within this paper on the implementation of the AOP to be filled in by MS. The delegations are requested to state with which countries/ international organisations they have specific agreements, the form of the cooperation (e.g. agreement, MoU. Project, referral mechanisms.....), the content of the agreement as well as the target group (e.g. awareness raising, training, identification, investigation, prosecution, assistance to victims...), duration of the action and funding.

² Draft Report of the Third National Networking Meeting; Towards Global EU Action against Trafficking in Human Beings; Madrid 5 March 2010.

³ AOP on strengthening the EU external dimension on action against THB- table for collecting/ updating information on MS's external action.

EUROPEAN PARLIAMENT RESOLUTION ON TRAFFICKING IN HUMAN BEINGS - 10 February 2010

<http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B7-2010-0029&language=EN>

With the entry into force of the Treaty of Lisbon, the EU action in the field of judicial and police cooperation in criminal matters, including in combating trafficking in human beings is going to be strengthened, and Parliament, as co-legislator, will have a full role to play.

- In this Parliament resolution, it is recognised that ‘action against trafficking in human beings cannot be limited to legislative instruments but also needs to include non-legislative efforts, in particular evaluation of the implementation of adopted measures, information gathering and sharing, cooperation and partnership-building and the sharing of best practices’. Furthermore, ‘experience shows that this legal framework is neither sufficiently effective nor implemented adequately, and that the EU must consequently take stronger action,
- ‘despite the efforts of the Swedish Presidency [to present proposal for a framework decision with the aim of strengthening the current framework decision through tougher sanctions, better protection of victims and active preventive measures] the text was not adopted, and whereas a proposal for a new legal instrument under the Treaty of Lisbon legal framework is likely to be tabled in the near future,
- ‘currently there is no precise data on this phenomenon and the available figures appear to underestimate its real scope, as it is a form of crime that takes place underground and is often undetected or wrongly identified; whereas more research must be done on how trafficking takes place, who commits it, how demand drives the supply of services from victims and who falls victim to it and why, and on ways to discourage demand; whereas cooperation and exchanges of information between the Member States and third countries need to be stepped up’,

The resolution calls the EU Council and the Commission to develop action against trafficking in human beings on the basis of a holistic and victim-focused approach; in particular, relevant for ICMPD:

- to establish, under the supervision of the Commissioner for Justice, Fundamental Rights and Citizenship, an EU anti-trafficking coordinator to coordinate EU action and policies in this field - including the activities of the network of national rapporteurs - and reporting to both the EP and the Standing Committee on Operational Cooperation on Internal Security (COSI)
- to ensure that policies on trafficking in human beings cover aspects linked to social affairs and social inclusion, and to insist on appropriate programmes and effective methods of ensuring social rehabilitation of victims, including measures relating to the labour market and the social security system;
- to give due attention to the external relations dimension of trafficking in human beings and the dimensions of immigration, asylum and reintegration policies;

The resolution makes specific recommendations in four thematic areas: 1) Information gathering 2) prevention 3) prosecution 4) Protection, support and assistance to victims.

DIRECTIVE ON PREVENTING AND COMBATING TRAFFICKING IN HUMAN BEINGS - 5TH April 2011

<http://ec.europa.eu/anti-trafficking/entity.action?id=0de0ea98-92d3-4290-bda6-341b357b7bae>

On 29th March 2010, the European Commission (EC) tabled a proposal for a new Directive on trafficking in human beings (THB) and protecting victims. On 14th December 2010, the European Parliament (EP) adopted a legislative resolution on the proposal for a Directive of the EP and of the Council on preventing and combating THB and protecting victims. The Directive was adopted on 5th April 2011 by the European parliament and the Council of the EU. This Directive is replacing entirely the Framework Decision 2002/629/JHA which was a first step to addressing the fight against THB at EU level. The crucial reasons for this entire replacement are the following:

- The Lisbon Treaty provides good basis for adoption of a new and more efficient legislation in the field of anti-trafficking. The Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 for the objectives that cannot be sufficiently achieved by the member states (MS) and can therefore, by reason of the scale and effects of the action be better achieved at Union level;
- There was a need for strengthening the rules at EU level and enforcing the implementation of the rules by all MS. The framework decision (2002/629/JHA) focuses on criminal law provisions while the implementation of the anti-trafficking policies addressing capacities of the law enforcement authorities, victims protection and assistance as well as monitoring of the current policies and new trends was underestimated;
- Implementation of the EU policies on national level needs to be monitored by the Commission in order to avoid that EU countries violate the rules;
- Legislation will no longer need to be approved unanimously by the EU Council of Ministers (i.e. national governments). Instead, it will be adopted by a majority of Member States at the Council together with the European Parliament. A single country will not be able to block a proposal;
- In accordance with the Action Oriented Paper (AOP), action against THB to involve third countries shall be envisaged;
- There is a need to address the gender- specific phenomenon of trafficking and that women and men are often trafficked for different purposes;
- A broader concept of what should be considered trafficking in human beings than under Framework Decision 2002/629/JHA and inclusion of additional forms of exploitation is needed.

This Directive establishes minimum rules concerning the definition of criminal offences and sanctions in the area of THB. It also introduces common provisions, taking into account the gender perspective, to strengthen the prevention of the crime and the protection of its victim. The Directive envisages the following:

- Close cross-border cooperation, including sharing of information and sharing of best practice, as well as continued open dialogue between police, judicial and financial authorities of the Member States;
- Development of general Union common indicators for the identification of victims of trafficking;
- MS to work closely with civil society organizations;
- More rigorous prevention, prosecution and protection of victims' rights as well as contextual understandings of the different forms of trafficking and aims at ensuring that each form is tackled with the most efficient measures;
- The child's best interests must be a primary consideration;

- Co-ordination between international organisations with competence with regard to action against trafficking in human beings should be supported in order to avoid duplication of effort;
- Use of existing instruments on seizure and confiscation of the proceeds of crime to be encouraged;
- Law enforcement officials and prosecutors should be adequately trained. The initiation of the investigations and prosecutions should not depend, in principle, only on reporting or accusation by the victim and criminal proceedings may continue even if the victim has withdrawn his or her statement;
- Training obligation should be promoted for members of the following different categories when they are likely to come into contact with victims: police officers, border guards, immigration officials, public prosecutors, lawyers, members of the judiciary and court officials, labour inspectors, social, child and health care personnel and consular staff, but could depending on local circumstances also involve other groups of public officials who are likely to encounter trafficking victims in their work;
- National monitoring systems such as National Rapporteurs or equivalent mechanisms should be established by MS. The Directive does not specify the independent role of these mechanisms but it states that the MS should establish them in the way in which they consider appropriate according to their internal organisation, and taking into account the need for a minimum structure with identified tasks, in order to carry out assessments of trends in trafficking in human beings, gather statistics, measure the results of anti-trafficking actions, and produce regular reports;
- The Union should continue to develop its work on methodologies and data collection methods to produce comparable statistics.

Offences and Penalties

Offences concerning trafficking in human beings are described in Article 2 of this Directive and it is stated that MS shall take the necessary measures to ensure that the described intentional acts are punishable:

"1. The recruitment, transportation, transfer, harbouring or reception of persons, including exchange or transfer of control over that person, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

2. A position of vulnerability means a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved.

3. Exploitation shall include, as a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs.

4. The consent of a victim of trafficking in human beings to the exploitation, intended or actual, shall be irrelevant where any of the means set forth in paragraph 1 has been used.

5. When the conduct referred to in paragraph 1 involves a child, it shall be a punishable offence of trafficking in human beings even if none of the means set forth in paragraph 1 has been used.

6. For the purpose of this Directive, 'child' shall mean any person below 18 years of age."

The Directive foresees penalties (only maximum not the minimum) for the offences referred to in Article 2 of a maximum of at least five years of imprisonment. The penalties are more severe- of a maximum of at least ten years of imprisonment where it has been committed in any of the following circumstances: the offence was committed against a victim who was particularly vulnerable (including child victims); the offence deliberately or by gross negligence endangered the life of the victim; the offence was committed by use of serious violence or has caused particularly serious harm to the victim.

Assistance, support and protection to victims of THB

The Directive includes provision for the assistance and support for victims of THB and protection of victims in criminal investigation and proceedings. Furthermore, it includes general provisions on assistance, support and protection measures for child victims of THB, as well as assistance, support and protection for unaccompanied child victims of trafficking in human beings. In this regard, MS shall, in accordance with the basic principles of their legal systems, take the necessary measures to ensure the following (please note that this is not an exhaustive list of measures included in the Directive):

- A person should be provided with assistance and support as soon as there are reasonable grounds for believing that he or she might have been trafficked and irrespective of his/her willingness to act as a witness. Assistance and support should be available to victims before, during and for an appropriate time after criminal proceedings;
- MS should provide for resources to support victim assistance, support and protection;
- Individual assessment to be carried out in accordance with national procedures;
- MS shall ensure the principle of non-prosecution or non-application of penalties to the victim;
- Victims of THB should be given access without delay to legal counselling and, in accordance with the role of victims in the relevant justice systems to legal representation, including for the purpose of claiming compensation;
- Appointment of a guardian or a representative for a child victim of THB from the moment he or she is identified by the authorities;
- Assistance and support for a victim are not made conditional on the victim's willingness to cooperate in the criminal investigation, prosecution and trial.

United Kingdom and Denmark are not taking part in the adoption of this Directive and will not be bound by or be subject to its application.

The EU Anti-Trafficking Coordinator – 14 December 2010

<http://ec.europa.eu/anti-trafficking/entity.action?id=e72b38b6-2724-40c5-810a-f444fdc8849a>

On the 14th of December the European Commission appointed Ms Myria Vassiliadou to serve as Anti-Trafficking Coordinator.



The establishment of an Anti Trafficking Coordinator will provide for an overall strategic and policy orientation in the field of trafficking in human beings. She will improve coordination and coherence between EU institutions and agencies as well as with Member States and international actors. The Anti-Trafficking Coordinator will contribute to the elaboration of existing and new EU policies relevant to the fight against trafficking in human beings, in particular in relation to third countries. By bringing together prevention, law enforcement, and victim protection, she will ensure that all appropriate means for EU action against trafficking are adequately used and mobilized.

Myria Vassiliadou from Cyprus, is currently Secretary General for the European Women's Lobby, EWL, based in Brussels. She holds a PhD in Sociology and has an extensive experience in areas such as fundamental rights, human trafficking, migration and women's rights through her work in academia, European institutions and non-governmental organisations.