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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

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

{SWD(2020) 226 final}

I. Introduction

Protecting society from organised crime, and in particular tackling trafficking in human beings, is a priority under the new EU security union strategy[1]. Article 20 of Directive 2011/36/EU[2] ('Anti-trafficking Directive') foresees a two-yearly report on the progress made in the fight against trafficking in human beings.

Trafficking in human beings is a highly profitable crime that brings enormous profit to criminals while incurring a tremendous cost to society. The estimated global annual profit from trafficking in human beings amounts to EUR 29.4 billion[3] (conservative estimate). The total cost of trafficking in the EU in a single year is estimated at EUR 2.7 billion. This is due to additional services in the area of law enforcement, health and social protection, lost economic output, lost quality of life and the co-ordination of anti-trafficking activities[4]. Such costs are triggered by the serious violation of fundamental rights of women, men, girls and boys by traffickers and continue to be borne by our societies as human trafficking persists.

Criminals have seized the opportunities during the Covid-19 pandemic to generate significant profits and intensify criminal activities. They have changed their operating methods and are increasingly advertising victims on the internet or exploiting them in private facilities. While the full impact of the pandemic is not yet measureable, it is clear that the crisis has given rise to extraordinary challenges, disproportionately affecting the most vulnerable, exacerbating people's vulnerability to trafficking in human beings, including those of women and children. Civil society organisations, international organisations and EU agencies have voiced concerns about delays in identifying victims, which hinders their access to justice, assistance and support[5].

The European Union Agency for Law Enforcement Cooperation (Europol) warns that trafficking in human beings is likely to increase in the wake of the economic downturn as unemployment has been triggered in its aftermath, and an increase in the demand for

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

2 OJ 101, 15.04.2011, p. 1.

3 Europol (2015) The THB financial business model, The Hague. https://www.europol.europa.eu/publications-documents/trafficking-in-human-beings-financial-business-model

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

5 How Covid-19 restrictions and the economic consequences are likely to impact migrant smuggling and cross-border trafficking in persons to Europe and North America, Research brief, United Nations Office on Drugs and Crime (UNODC), https://www.unodc.org/islamicrepublicofiran/en/how-covid-19-restrictions-and-the-economic-consequences-are-likely-to-impact-migrant-smuggling-and-cross-border-trafficking-in-persons-to-europe-and-north-america.html; Statement by OSCE Special Representative for Combating Trafficking in Human Beings on need to strengthen anti-trafficking efforts in a time of crisis; COVID-19 pandemic and its impact for victims and survivors of trafficking in persons, UNODC, https://icat.network/sites/default/files/28%20April_COVID%20ICAT%20webstory%20and%20list%20of%20resources%20%283%29.pdf; Civil Society Organisations have voiced concerns in their contributions to the Third progress report.

trafficking for labour and sexual exploitation can be expected. Besides the traditional fields of exploitation (prostitution, begging and theft, textile and agricultural sectors), sectors such as construction, tourism, catering, nursing and domestic services are increasingly affected by human trafficking. In addition to the prolonged harm suffered by victims of trafficking, the closure of businesses with lower profit margins due to an economic crisis will leave the market open to those with illegal or cheap labour at their disposal [6].

Trafficking in human beings is a particularly serious crime, prohibited by the EU Charter of Fundamental Rights as a grave violation of fundamental rights[7]. Organised crime groups are involved in trafficking for sexual or for labour exploitation, exploitation for the use of begging and exploitation for criminal purposes. Trafficking networks are often involved in (or linked to) other forms of criminality, such as migrant smuggling, drugs trafficking, smuggling of goods, extortion, money laundering, document fraud, payment card fraud and property crimes (e.g. theft).

This report: i) identifies key patterns and challenges in addressing trafficking in human beings, ii) provides an analysis of statistics and iii) outlines the results of anti-trafficking actions. It is complemented by a staff working document providing detailed, comprehensive and substantiated information. Both the report and the staff working document are based on:

- information provided by the national rapporteurs or equivalent mechanisms provided for under Articles 19 and 20 of the Anti-trafficking Directive;
- contributions submitted by civil society organisations participating in the EU Civil Society Platform against trafficking in human beings and the EU Civil Society e-Platform; and
- contributions from relevant EU agencies[8].

This report has also taken into account information from the European Parliament and Council as well as from international and regional organisations. Stakeholders reported on the results of anti-trafficking actions and on the impact of these actions in more detail compared to the previous reporting exercise[9].

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6 Europol, Beyond the pandemic – How Covid-19 will shape the serious and organized crime landscape in the EU, 30 April 2020.

7 See Article 83(2) of TFEU and Article 5(3) Charter of Fundamental Rights of the EU.

8 The ten EU agencies that signed the 2018 Joint Statement of Commitment to working together to address trafficking in human beings: European Asylum Support Office (EASO), European Union Agency for Fundamental Rights (FRA), EU Agency for Law Enforcement Cooperation (Europol), EU Agency for Criminal Justice Cooperation (Eurojust), European Foundation for the Improvement of Living and Working Conditions (Eurofound), EU Agency for Law Enforcement Training (CEPOL), European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA), European Border and Coast Guard Agency (Frontex) and the European Institute for Gender Equality (EIGE).

9 This report includes statistics for 2 years: 2017-2018 for the EU-27. All statistics reported by the EU-28 are included in the staff working document and "Data collection on trafficking in human beings in the EU" (2020).

II. PATTERNS OF TRAFFICKING IN HUMAN BEINGS IN THE EU AND IDENTIFIED CHALLENGES

The trafficking phenomenon is characterised by certain recurrent patterns, new concerns and emerging trends. The total number of **14 145** registered victims[10] reported by the EU Member States for 2 years (2017 and 2018) is higher compared to the previous reporting period.[11] It is likely **that the actual number of victims is significantly higher** than reported data as many victims remain undetected. In relation to the high number of victims, the number of prosecutions and convictions of perpetrators continue to remain low. Nearly half of all victims of trafficking in the EU are EU citizens. **Trafficking of victims internally within their own Member States continues to be significant, accounting for more than one third of all EU victims.**

The top five EU countries as regards citizenship of trafficking victims by absolute numbers were Romania, Hungary, France, the Netherlands and Bulgaria. **The top five non-EU countries as regards citizenship of trafficking victims** in the EU were Nigeria, China, Ukraine, Morocco and India.

Sexual exploitation continues to be the most prevalent purpose behind trafficking in the EU. An increase in trafficking for labour exploitation has been reported in several Member States. Nearly **three quarters of all victims in the EU were female** (women and girls), predominantly trafficked for sexual exploitation. Women and girls have consistently formed the majority of trafficking victims since 2008, when the EU started collecting data on trafficking in human beings. **Children** continue to account for a considerable number of victims in the EU. The majority of child victims were girls trafficked for sexual exploitation and were EU citizens.

Trafficking networks are increasingly showing higher levels of professionalism and expertise. Organised crime groups involved in trafficking in human beings have well-structured criminal networks, are operating internationally, in some cases with a pool of trans-border facilitators and specialised groups. The **increased misuse of information technology by criminals** presents a concern and a challenge to authorities tackling trafficking in human beings.

2.1. Trafficking for the purpose of sexual exploitation

Trafficking in human beings for sexual exploitation is a form of violence against women[12] and is rooted in gender inequalities. Sexual exploitation remains the most

[10] 'Victims' referred to in this report means 'registered' victims and as such concern formally identified and/ or presumed victims in the national context.

[11] 13461 in 2015 and 2016 in EU-27

[12] Combatting violence against women and supporting victims is a key priority to the Commission. The EU Gender Equality Strategy 2020-2025 presents policy objectives and actions on ending violence against women. The EU's accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence remains a key priority for the Commission. Should the EU's accession remain blocked, the Commission will propose measures to obtain the same objectives as the Istanbul Convention. On 16 September 2020, President von der Leyen announced that the Commission intends to issue a legislative proposal to prevent and combat specific forms of gender-

prevalent form of trafficking in the EU since 2008. 60% of victims are trafficked for sexual exploitation, over half of them being EU citizens. More than 90% of victims of trafficking for sexual exploitation are female, which highlights the gender aspect of the crime. Women and girls still account for the majority of victims of trafficking for all forms of exploitation. These patterns are consistently underlined by Member States, civil society organisations and EU agencies. High-risk environments include prostitution, escort agencies and services, massage services, bars and nightclubs. Civil society organisations report a rise in trafficking for sexual exploitation through the internet and new technological means, which are used to recruit and sell the victims, mainly women and girls, as well as to groom children.

Most Member States report on specific measures taken to address key patterns and emerging trends in relation to trafficking for sexual exploitation. These include identifying and supporting victims by providing social support such as exit programmes[13], social and professional reintegration[14] or sexual health services to victims of trafficking exploited in prostitution. Other measures target high-risk sectors and high-risk groups (vulnerable children, people from marginalised Roma communities, migrants and refugees) and provide for operational activities, such as criminal investigations, covert surveillance, internet surveillance, awareness-raising campaigns, education and training, and institutional and policy developments. Some Member States adopted legislation criminalising the use of services of victims of trafficking for sexual exploitation; carried out prevention measures focusing on demand reduction[15], and measures in the framework of gender-based violence[16]. EU-level cross-border cooperation is also reported, especially with the support of European Union Agency for Law Enforcement Cooperation (Europol) and the European Union Agency for Criminal Justice Cooperation (Eurojust). EU agencies continue to assist Member States in their efforts, including by means of publishing guidance[17] or with training.

Despite these concrete efforts, civil society organisations continue to highlight insufficient focus on trafficking for sexual exploitation in the EU, including when it comes to investigations and taking into account the gender aspect of the crime.

2.2. Trafficking for the purpose of labour exploitation

based violence. The legislative initiative will have the same objective as the Convention: ensuring that EU Member States have effective measures in place (in areas of EU competence) to prevent and combat violence against women.

13 For example, in France, Ireland, Malta.

14 For example, in Spain and France.

15 For example, the Irish Garda National Protective Service Bureau undertakes training and awareness-raising measures in cooperation with NGOs, to identify victims of trafficking for sexual exploitation and refer them to appropriate services.

16 Such as training and awareness-raising measures for professionals in law enforcement or education on different forms of gender-based violence, as well as political and legislative developments relating to gender-based violence.

17 See Fundamental Rights Agency and European Commission (2019), Children deprived of parental care found in an EU Member State other than their own – A guide to enhance child protection focusing on victims of trafficking; European Institute for Gender Equality (EIGE) (2018), Gender-specific measures in anti-trafficking actions: report.

Several Member States and civil society organisations report an increase in trafficking for labour exploitation. **15% of all victims** were trafficked for this form of exploitation. Reports show that victims have been exploited in the agricultural sector (including seasonal work), private employment agencies, the construction industry, hospitality, the cleaning sector, domestic work, care services, nursing homes, night shops, pubs, car washes, waste collecting and recycling businesses, forestry, textile and garments, food manufacturing, and processing and packaging.

Labour exploitation **predominantly affects men (68%**), although **in certain sectors, it affects predominantly women**, notably in domestic work, care activities or cleaning services. Member States also reported that increasingly **children have been falling victim to** trafficking for labour exploitation.

Dedicated actions to address trafficking for labour exploitation and improve the identification of victims enabled labour authorities to carry out more intensified inspections, which involved stronger cooperation with law enforcement. Member States report that they are providing targeted training courses for labour and social inspectors, professionals in law enforcement, the judiciary, the legal profession, social workers, customs authorities, diplomatic and consular officers, immigration authorities, those who work in the education sector, employment agencies, and shelters. Furthermore, Member States carried out inspections as part of the Joint Action Days on labour exploitation, joint investigations, and actions in the framework of the European Multidisciplinary Platform Against Criminal Threats (EMPACT-THB[18]), focusing specifically on high-risk sectors[19]. Measures targeted information to people at risk of trafficking for labour exploitation (especially job seekers), people in migration (for example, along migrants smugglers' routes and at risk due to criminal networks in the Mediterranean) and in asylum procedures, and to Roma communities and people going abroad for work.

The recently established European Labour Authority[20] will cooperate with EU agencies working in the area of employment and social policy as well as with those fighting against organised crime and trafficking in human beings, including Europol and Eurojust.

Despite progress made in identifying cases of trafficking for labour exploitation, civil society organisations indicate that labour inspections and the monitoring of employment standards still need to be improved, especially in sectors such as

[18] The 'fight against the trafficking in human beings in the EU for all forms of exploitation, including sexual and labour exploitation as well as all forms of child trafficking' is one of the EU's priorities when dealing with crime, helping the EU Policy Cycle/EMPACT to tackle organised and serious international crime in 2018–2021. See Council conclusions on setting the EU's priorities for the fight against organised and serious international crime between 2018 and 2021, ST 9450/17.

[19] For instance, as part of a joint investigative operation, Bulgarian and French law enforcement authorities, supported by Europol and Eurojust dismantled an organised crime group, which trafficked Bulgarian citizens for labour exploitation in the agricultural sector in France. About 167 people hired seasonally to harvest grapes near Lyon were identified as victims; https://www.europol.europa.eu/newsroom/news/bad-harvest-for-bulgarian-french-network-exploiting-vineyard-workers.

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

agriculture, construction, catering, cleaning, hospitality (e.g. hotels) and care (e.g. nail bars).

For combatting and preventing trafficking for labour exploitation in the international supply chains of products, several Member States **reported on the adoption of measures for addressing the responsibility of businesses and legal persons, due diligence in the supply chain, and the relation between business and human rights** (e.g. Greece, the Netherlands, Austria). Civil society organisations emphasise the importance of increasing transparency in the product supply chains, where human trafficking in human beings often occurs, as well as introducing due diligence requirements.

2.3. Other forms of exploitation

Victims of trafficking for other forms of exploitation accounted for 18% of the victims[21]. This included mainly cases of trafficking for forced begging, for forced criminalities, and also trafficking for selling of babies, for organ removal[22], for illegal adoption, trafficking of EU nationals being financially exploited through fraud, and trafficking in human beings through surrogacy.

Trafficking for forced criminality and for forced begging

These forms of exploitation were reportedly increasing in some Member States, namely Bulgaria, Croatia, Greece, The Netherlands, Poland, and often involve children. Trafficking for forced criminality is associated with petty crime, organised property crime such as pickpocketing or shoplifting, and theft. It is also associated with more complex forms of crime, including aggravated theft and fraud or selling and trafficking of drugs. Both forms of exploitation are characterised by a high level of movement between countries. Reports show that victims of trafficking for forced begging include people with substance and alcohol abuse disorders, physically disabled people, who belong to ethnic minorities, including people from marginalised Roma communities, or are in difficult financial situations. Victims of trafficking for forced criminality and for forced begging tend to be younger than those subject to other forms of exploitation. Significant challenges remain as regards identifying and recognising victims trafficked and exploited for these purposes.

Trafficking in human beings for forced and exploitative sham marriages

Victims trafficked for forced and exploitative sham marriages are sometimes reported as victims to other forms of trafficking, including sexual exploitation and/or labour exploitation. Women and children are particularly vulnerable to trafficking for these purposes. The prevalence of victims from marginalised Roma communities and the link with migration due to the vulnerability of migrant women and girls was identified.

[21] More disaggregated information on the forms of exploitation is available in "Data collection on trafficking in human beings in the EU" (2020).

[22] 17 cases of trafficking for organ removal were reported in the EU by the Member States during 2017 and 2018.

2.4. Child trafficking

The continued presence of children among victims of trafficking is alarming. **Children constitute nearly a quarter** of all victims in the EU. The vast majority of child victims in the EU were girls (78%). **Nearly 75%** of all child victims in the EU were **EU citizens.** Girls represented almost three quarters (69%) of the non-EU child victims. **More than 60%** of child victims in the EU have been **trafficked for the purpose of sexual exploitation. Child trafficking remains a major concern,** notably trafficking in girls and boys for sexual exploitation and for forced criminality for property crimes such as pickpocketing or shoplifting, for drug-related crimes, such as cannabis cultivation[23], and for forced, early age and sham marriages. Children in migration, and in particular unaccompanied migrant children, continue to be at higher risk of trafficking and exploitation along migration routes towards and within the EU. Traffickers have frequently used reception centres to identify potential victims and to arrange for them to be transported to places of exploitation[24].

Member States and EU actors have made worthwhile efforts to address child trafficking, including through i) guidance documents, ii) cooperation and support structures, iii) prevention initiatives, iv) training, v) awareness and information actions, vi) education, and vii) operational actions by law enforcement including cross-border actions. **Nevertheless, the persistence of child trafficking requires stronger measures to prevent and combat this crime effectively.** The Council Conclusions on combating the sexual abuse of children reiterate that the fight against **sexual abuse and the sexual exploitation of children** often also involves tackling organised crime and human trafficking[25]. The EU strategy for a more effective fight against child sexual abuse, adopted in 2020, further highlighted that prevention efforts need to take into account the specific circumstances for various groups of children, including child victims of trafficking[26].

2.5. **Emerging patterns**

The methods used by traffickers have changed due to the extensive use of the **internet** and social media, and the deployment of **new technology** in many stages of the trafficking chain. Traffickers are becoming more skilled at using technologies and the internet to expand their criminal activities online and to invest and hide their criminal proceeds. In a number of Member States, the internet and related social media have been among the predominant tools used to recruit trafficking victims, with children being particularly at risk. Information and communication technology is being used for the recruitment, the organisation of transport and accommodation of victims, the advertisement of services of victims, communication between perpetrators and the control of victims and transfer of criminal proceeds. Civil society organisations also point to the growing risk of the internet being used for trafficking in human beings, particularly for sexual exploitation for profit.

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[23] Europol, European Migrant Smuggling Centre (EMSC) 4th Annual Activity Report – 2019.
[24] Ibid.
[25] 12862/19.
[26] EU strategy for a more effective fight against child sexual abuse (COM(2020) 607 final).

However, technology can play an important role in preventing and disrupting human trafficking. Civil society organisations highlight the need to further develop and implement technological measures to address the crime. **More attention needs to be paid to exploring and leveraging the use of new technologies to prevent and disrupt trafficking in human beings and protect the victims.**

Further emerging trends reported by Europol concern **organised crime groups engaging in trafficking in human beings for the purpose of illegal adoptions**[27]. In addition, **trafficking for multiple forms of exploitation** was identified as an emerging pattern with women and girls appearing to be particularly vulnerable to this. Cases of trafficking for **selling of babies,** for **selling of organs,** trafficking of EU citizens with the aim to give birth and sell their babies and trafficking of EU nationals being financially **exploited through fraud** were reported**.** Some civil society organisations have raised concerns about emerging forms of trafficking in human beings for **surrogacy.**

2.6. Migration

Over the past three years, arrivals of migrants seeking international protection in the EU have continued. The identification and detection of victims or potential victims of trafficking in mixed migration flows remains a challenge. Reports have linked the migration context to an increased risk of trafficking in human beings, with trafficking networks abusing the vulnerabilities of high-risk groups as well as asylum procedures, mainly for the purpose of subsequent sexual exploitation. Trafficking in human beings is a complex criminal phenomenon linked to various other crimes, including supporting offences facilitating the different stages of the trafficking chain in specific contexts, such as the smuggling of migrants.

Addressing these challenges requires a wide range of actors to extensively cooperate in order to further develop and improve existing referral systems, enhance cooperation among national authorities and support organisations (e.g. when returning the victims to their country of origin), seek the support and guidance of EU agencies (e.g. European Border and Coast Guard, Fundamental Rights Agency, European Asylum and Support Office, Europol) and work with international organisations (e.g. in the case of voluntary returns). Collaboration with countries of origin and transit and with key stakeholders, including the United Nations Office on Drugs and Crime, the International Organization for Migration, the United Nations International Childrens Fund, the United Nations High Commissioner for Refugees, the International Centre for Migration Policy Development and civil society organisations is key.

Europol[28] highlights the links between trafficking in human beings and other crimes in the context of migration. For example, Nigerian networks significantly influence the criminal landscape in the EU by regularly cooperating with local criminal groups in carrying out other forms of organised crime. Based on Member States' operational contributions, Europol has further indicated that those networks 'abuse the asylum

[27] EMSC 4th Annual Activity Report, 2019.
[28] https://www.europol.europa.eu/publications-documents/emsc-4th-annual-activity-report-–-2019

mechanism to legalise both theirs and their victims' status. Many suspects involved in trafficking in human beings hold legal residence permits, are currently asylum applicants, or have refugee status [29].

Vulnerable migrant and refugee women as well as unaccompanied minors have been reported **at persistent risk to become victims of trafficking.** Civil society organisations point out that the migration and gender aspects of the crime are not sufficiently recognised, which results in the disproportionate targeting of women and girls for sexual exploitation. Furthermore, situations of vulnerability that migration can create, result in higher risks for women applying for international protection falling victim to human trafficking and other forms of gender-based violence, such as rape or domestic violence, in particular due to difficulties in accessing safe accommodation and adequate counselling. **Civil society organisations stress the need for a gender-sensitive approach to assisting and supporting victims trafficked for sexual exploitation.**

Scaling up prevention and prosecution efforts and strategies by Member States could bring change forward. **The European Asylum Support Office (EASO) reports on several factors that may impair the ability of trafficking victims to present and substantiate an application for international protection**. These challenges include the lack of identification of victims of trafficking and of people at risk of being exploited among applicants; ineffective referral mechanism to provide adequate support to the victims; or the lack of places in dedicated reception/protection centres which may hinder the support and protection of the victims. Victims are also sometimes directed to the national mechanism without their potential needs for international protection being considered and as a result, their refugee status may not be recognised.

The differences in policies and rules applicable to non-EU trafficking victims may affect them in accessing their rights, including those who apply for international protection[30]. Victims of human trafficking may be transferred to the country where they were exploited when they first arrived, therefore becoming more accessible to the traffickers, and more exposed to the risk of being re-trafficked. In this regard, civil society organisations have drawn attention to the provisions of the Dublin III Regulation[31], the EU Anti-trafficking Directive and the Residence Permit Directive[32].

III. RESULTS OF ACTIONS TO ADDRESS TRAFFICKING IN HUMAN BEINGS

The correct and complete transposition and full implementation of the Anti-Trafficking Directive remains a priority for the Commission. In this context, EU

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

[30] European Commission, Study on Reviewing the functioning of Member States' national and transnational referral mechanisms (2020).

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

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

actions includied funding support, providing guidance, developing knowledge and enhancing cooperation in the prosecution of criminals and dismantling their networks, enabling stakeholders to identify, assist and support victims, and contributing to the prevention of the crime.

The 2016 'Transposition report'[33] showed that Member States had made substantial efforts to transpose the Anti-Trafficking Directive. However, it noted that there remained a significant room for improvement in particular as regards specific child protection measures, presumption of childhood and child age assessment, the protection before and during criminal proceedings, access to unconditional assistance, compensation, non-punishment, assistance and support to the family member of a child victim as well as prevention. These findings were followed up via information requests to the Member States in March 2019. The Commission received replies from all 27 Member States bound by the Anti-Trafficking Directive[34]. It will continue to closely monitor the implementation in accordance with its powers under the Treaties and may take appropriate actions, including, where necessary, initiating infringement procedures.

3.1 Countering the culture of impunity

A culture of impunity prevails when those involved in the criminal business model and in the trafficking chain do not face consequences for their criminal acts. The Anti-Trafficking Directive requires the Member States to ensure that:

- effective investigative tools are available to investigators and prosecution services;
- individuals, units and services investigating and prosecuting trafficking offences are trained; and
- investigators and prosecution services are not dependent on victims' reports or accusations.

Trafficking is driven by the huge profits it renders to organised crime groups. Reducing demand in an effective way requires actions to deprive traffickers of their financial gain and to ensure that crime does not pay. Seizing and confiscating criminal proceeds and profits, and 'following the money', also via financial investigations and joint investigations, remain key to disrupting the criminal business model. Holding perpetrators accountable through, among other things, arrests, prosecutions and convictions increases deterrence as a method of prevention. Countering the culture of impunity and increasing accountability require intensifying investigations, prosecutions and convictions, not only against traffickers, but also against those who profit from the crime and exploit the victims.

The impunity of perpetrators in the EU persists, and the numbers of prosecutions and convictions of traffickers remain low. There were 11 788 suspects, 6 163 prosecutions and 2 426 convictions in the EU in 2017-2018 in relation to trafficking in

[33] COM(2016) 722 final; to be read in conjunction with the Report responding to the obligation of Article 23(2) COM(2016) 719 of the Anti-trafficking Directive.

[34] Denmark is not bound, the UK is bound.

human beings offences. The reasons behind the higher number of suspects and prosecutions and the lower number of convictions than in the previous reporting period[35] may be attributed to many factors, which caution against making a conclusive trend analysis. Nevertheless, the low numbers of prosecutions and even more so, the low number of convictions of traffickers in the EU compared to the number of investigations, indicate that bringing perpetrators to justice continues to be a challenge. The challenges for law enforcement and judicial authorities include i) evidentiary difficulties to prove the complex elements of the offence; ii) ensuring there is the right level of resources and knowledge for carrying out financial investigations; and iii) difficulties in cross-border and international cooperation. **The high number of registered victims within the EU calls for a strong criminal justice response to eradicate the impunity of the perpetrators and make the trafficking crime a 'high- risk low-profit' crime.**

France reported the highest number of prosecutions for trafficking in human beings in the EU, followed by Belgium, Romania, Austria and Bulgaria. France also registered the highest number of convictions for the offences of trafficking in human beings in the EU, followed by Romania, Germany, Spain and Belgium. 70% of the convicted **traffickers are EU citizens**. **The majority of traffickers carried out their crime for the purpose of sexual exploitation**. **Less than one-fifth of all perpetrators trafficked victims for labour exploitation**. **Men** continued to form the **majority of perpetrators,** accounting for more than two thirds of those suspected, prosecuted and convicted for trafficking.

Many Member States reported **on law enforcement and judicial actions taken to equip authorities with special investigation techniques and to give them specific responsibilities to investigate and prosecute trafficking offences.** Efforts have been made towards **increased financial investigations, joint investigations and cross-border cooperation,** as well as measures **to seize and confiscate criminal proceeds**. Member States are increasingly using EU **cooperation tools**, resources and **large-scale information systems**, notably with the support of EU agencies, to exchange information and carry out joint activities. Many Member States report that the joint investigation teams have proven to be a particularly effective cooperation tool contributing to the quality and efficiency of pre-trial investigations with rapid information exchange and gathering of evidence. Trafficking in human beings is among the crime areas with the highest number of established joint investigations teams[36]. Eurojust has registered an increasing number of trafficking cases, coordination meetings and joint investigation teams on trafficking in human beings in 2018-2019 as compared to previous years[37].

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[35] European Commission, Second report on the progress made in the fight against trafficking in human beings (2018) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, COM(2018) 777 final, https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM%3A2018%3A777%3AFIN, and its accompanying document, SWD(2018) 473 final, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018SC0473&from=EN; Study on data collection on trafficking in human beings in the EU (2018), https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181204_data-collection-study.pdf

[36] In 2019, 26 out of 103 joint investigation teams were established to deal with cases of trafficking in human beings.

[37] 4 coordination centres, 96 coordination meetings, 333 new trafficking in human beings cases, 118 joint investigation teams dealing with trafficking cases in 2018-2019.

Europol has received a growing number of contributions from Member States, resulting in a significant increase in the assistance provided to law enforcement authorities. In 2019, operational actions carried out under EMPACT in the area of trafficking in human beings resulted in 825 arrests, 8 824 suspects and 1 307 potential victims, including 69 children identified, 94 organized crime groups, identified or dismantled and EUR 1.5 million of assets frozen in bank accounts, companies and web domains[38]. **Although a number of Member States are increasingly using criminal justice tools for freezing and confiscating criminal assets, the overall rate of confiscation of criminal assets in the EU remains low.**

Competent authorities consider the use of large-scale IT systems, including the Visa Information System, the Schengen Information System (SIS II), and Eurodac[39] for preventing, investigating and/or prosecuting serious crime including cases of trafficking in human beings. The use of SIS II enables authorities to detect (including with the use of fingerprints), investigate and prosecute traffickers and to identify and protect victims. It also enables the localisation and seizure of certain items used by perpetrators for example vehicles, boats, containers and travel documents. The Member States, the Commission and eu-LISA[40] are planning further improvements/preparing to further strengthen the SIS II, which will give the law enforcement community additional means as of the end of 2021. Modernising the interoperability framework could be an important factor in improving the identification of victims of trafficking, including children, and perpetrators of the crime.

Preventing trafficking has been the overarching priority of the 2017 Commission Communication on stepping up EU action to address trafficking in human beings (the '2017 Communication')[41]. The Anti-trafficking Directive lays down concrete requirements for Member States, including action to discourage and reduce the demand for trafficking, as well as for awareness raising, training, and considering the criminalisation of users of services exacted from victims of trafficking. As a key action under the 2017 Communication, the European Commission has encouraged Member States to criminalise those knowingly using services exacted from victims of trafficking. The analysis in the European Commission's 2016 'Users report' showed a rather diverse legal landscape in the EU, which 'fails to effectively contribute to discouraging demand of such services.'[42] At national level, legislative measures taken under Article 18(4) of the Anti-Trafficking Directive follow different approaches to prevent the crime from happening and to reduce illegal demand for the 'services', 'use' or 'exploitation' of victims of human trafficking. These differences include the scope, the aims and/or specific requirements of such national measures. Since the second progress report, few

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

[39] The EURODAC Regulation establishes an EU asylum fingerprint database: https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/identification-of-applicants_en

[40] The European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice

[41] COM(2017)728 final.

[42] COM(2016) 719 final.

Member States reported on adopting new laws or amending existing legislation to reduce demand or criminalise the use of services of trafficking victims (e.g. Estonia, Cyprus, Luxembourg, Sweden, and Ireland). The Netherlands reported on ongoing legislative initiatives and others, for example Latvia, Hungary, Spain, are considering legislation.

Civil society organisations highlight that where such legislative provisions exist, its enforcement is limited while prosecutions and convictions are only gradually starting to materialise. They support for the Commission's priority of encouraging those Member States who have not done so to criminalise those who knowingly use the services of trafficking victims and highlight the importance of criminalising the use of services exacted from the victims for all forms of exploitation.

Data on the criminal offence of the use of the services of trafficking victims, as established in national law, was collected for the second time. Eleven Member States reported a total of 170 suspects, 162 prosecutions and 133 convictions in relation to the criminal offence of the use of the services of trafficking victims.

3.2 Access to and realisation of the rights of the victims

One of the priorities set out in the 2017 Communication was to 'provide better access to and realise the rights for victims'. EU law provides for victims of trafficking in human beings to be assisted, supported and protected under different legislative acts, including the Anti-trafficking Directive, Directive 2004/81/EC on Residence permits, Directive 2012/29/EU on Victims' Rights[43] and the Compensation Directive[44]. Member States and civil society organisations reported that there are a considerable number of legislative and policy developments, which enable victims to access and exercise their rights to assistance, support and protection, including in a cross-border context. Many Member States participated in the campaign run by the European Crime Prevention Network and Europol on the rights of victims of human trafficking[45], which aimed at reaching out to potential victims and inform them about assistance, protection, as well as their rights across EU countries[46].

Attending to victims' specific needs, while taking into account their personal history, and ensuring they have personalised services were identified as priorities in many reports. Member States and civil society organisations recalled the need for an efficient and effective multidisciplinary and multi-agency approach, including the use of multilingual staff. Many legislative changes concerned transposing and implementing the Victims' Rights Directive including for the protection of victims in criminal procedures and for protection and support measures for child victims.

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

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

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

[46] The 23 participating countries are Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Greece, Hungary, Iceland, Ireland, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Norway, Poland, Portugal, Romania, Slovak Republic, Slovenia and Spain. See: https://eucpn.org/preventhumantrafficking

All but one Member State have national referral mechanisms in place, to improve early identification, assistance and support to victims of trafficking. The scope, functioning and level of formalisation of the referral mechanisms vary across Member States. All Member States have in place at least some type of measure and procedure aiming at improving identification (e.g. indicators, guidelines focused on specific high-risk groups, joint initiative of law enforcement, labour inspectors, and migration services). For example, Greece reports that its National Referral Mechanism entered into force in 2019. Spain set up a procedure for the referral of potential victims of trafficking who apply for international protection at Madrid Barajas airport. Helplines for victims of trafficking are another tool that enable victims to be identified as well as to gain access to support services. In addition, the formal identification of child victims requires additional actors, procedures to be adjusted and, generally, the principle of the best interest of the child to be applied. Aside from law enforcement, police and border authorities and civil society organisations, other entities are also involved in identifying child victims such as migration officers, labour inspectors and diplomatic services. The Study on Reviewing the functioning of National and Transnational Referral Mechanisms highlighted specific challenges in the identification of victims within their own Member States, notably due to detection system being specifically tailored to identify non-EU victims, and not being effective enough in assisting EU victims, especially children[47].

Member States reported on child specific measures aimed at improving the identification of and referral procedures for victims of trafficking. These included adopting guidance, setting up specialised institutions and accommodation centres, and amending guardianship laws for children deprived of parental care[48].

Gender-specific measures included the adoption of policy instruments providing information to healthcare staff to identify women and girls victims of trafficking for sexual exploitation, training and guidance on gender-based violence, including sexual exploitation, for immigration authorities, and implementation of assistance procedures especially addressing women and children in the hotspots. Member States reported that increased knowledge and capacity of national authorities and other stakeholders involved in the identification process and improvement of referral procedures improved the identification of victims, resulting in a higher number of victims being identified. However, for children applying for international protection, the involvement of child protection services in referral mechanisms is currently limited, and needs to be strengthened.

Member States also highlighted that having clearly defined processes in place, with established roles and data available disaggregated by gender and age was useful for measuring the scale of the phenomenon and identifying the needs that are to be addressed. Civil society organisations deplored their exclusion from the official identification process in some EU Member States. They also highlighted an inconsistent

[47] European Commission, Study on Reviewing the functioning of Member States' national and transnational referral mechanisms, 2020.

[48] The Fundamental Rights Agency has continued to support Member States in strengthening guardianship systems, such as Greece and Italy, including a focus on child victims of trafficking in human beings.

application of recovery and reflection periods across Member States, a lack of early legal intervention and a lack of training for professionals involved in the identification process, which may lead to victims not being formally identified. The application of the non-punishment clause, according to which victims should not be penalised for crimes they were compelled to commit, and victims' access to compensation remain to be addressed.

3.3 Overarching actions

As a complex phenomenon, trafficking in human beings has continued to be addressed systematically in key relevant EU policy areas across the board such as security, migration, justice, gender equality, anti-discrimination, fundamental rights, child protection, employment, agriculture and fisheries, development, research, and humanitarian aid[49].

There is a strong link between the external and internal dimension of trafficking in human beings. The Commission services and the European External Action Service have carried out extensive work to ensure a coherent and coordinated approach to addressing this crime. Trafficking in human beings is addressed in a wide range of policy instruments, including, the Global Strategy for the EU Foreign and Security Policy, the Action Plan on Human Rights and Democracy 2020-2024[50], the Joint Communication 'Towards a comprehensive strategy with Africa'[51], the EU Western Balkans strategy[52] and the European neighbourhood policy.

Civilian and military Common Security and Defence Policy[53] [54] missions are an important tool in fighting organised crime. In the Central Mediterranean, EUNAVFOR MED Operation Sophia has played a decisive role in improving overall maritime security and has helped disrupt and dismantle the business model and criminal networks of migrants smugglers and traffickers and improve cooperation with a wide range of organisations. Operation EUNAVFOR MED IRINI has replaced Operation Sophia from 31 March 2020, with a core task to implement the UN arms embargo in Libya, while also contributing to disrupting the business model of networks for migrant smuggling and trafficking in human beings.

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49 As recent examples, see: A Union of Equality: Gender Equality Strategy 2020-2025 (A Union of Equality: Gender Equality Strategy 2020-2025); the EU Strategy on victims' rights (2020-2025) (COM(2020) 258 final); the EU strategy for a more effective fight against child sexual abuse (COM(2020) 607 final); EU Agenda and Action Plan on Drugs 2021-2025 (COM(2020) 606 final).

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

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

52 Strasbourg, 6.2.2018 COM(2018) 65 final.

53 JOINT STAFF WORKING DOCUMENT Joint Action Plan Implementing the Civilian CSDP Compact 8962/19.

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

Trafficking in human beings is extensively addressed in the development and cooperation instruments relating to the 2030 Agenda for Sustainable Development. Trafficking is included under three specific targets, including eliminating all forms of violence against women and girls, including for sexual exploitation (Sustainable Development Goal (SDG) 5.2), eradication of trafficking and forced labour (SDG 8.7) and eradication of trafficking of children (SDG 16.2). The EU is involved in the process that reviews the United Nations Convention against Transnational Organized Crime and its Protocols, including in the area of trafficking in human beings.

Numerous external policies, partnerships and initiatives with third countries or regional organisations have continued to address trafficking in human beings, notably as part of the follow up to the Joint Valetta action Plan such as the Khartoum and Rabat processes.

Enabling funding for anti-trafficking initiatives within the EU and in partner countries has also remained a priority**.** Member States reported on projects under shared management funding via the national programmes operating the Internal Security Fund or the Asylum, Migration and Integration Fund; and transnational projects funded under the EU grants of Internal Security Fund-Police and Asylum, Migration and Integration Fund. Projects also continued to be funded from:

- other EU funding streams (e.g. European Union's Rights, Equality and Citizenship Programme);
- EMPACT actions, provided for under the budgets of EU agencies;
- national funding;
- through the EU-UN Spotlight initiative;
- the EU Trust Fund for Africa;
- Glo.Act Initiative, the Development Cooperation Instrument; and
- the European Development Fund.

To enable policy coherence and consistency, coordination work at EU level continued via:

- the thematic and structured meetings of the EU Civil Society Platform against trafficking in human beings, and of the EU network of national rapporteurs and equivalent mechanisms;

- coordination meetings of the 10 EU agencies who, in 2018, signed the joint statement of commitment to work together against trafficking;

- the European Commission's inter-service group; and

- meetings with other EU institutions (European Parliament and Council).

International cooperation has also continued, including with international organisations and UN bodies.

4 CONCLUSIONS

The main findings of this report indicate that trafficking in human beings has not diminished, but has rather evolved within the EU and new risks have arisen. A huge number of victims continue to suffer from violence, threats and the immense harm caused by trafficking. The existence of trafficking in human beings triggers tremendous human, social and economic costs while traffickers and other actors who knowingly or unknowingly are involved in illicit businesses in the trafficking chain, make enormous profits. Countering the culture of impunity of perpetrators, users, exploiters and profiteers is essential to improve the status quo.

The report also notes worthwhile progress has been made on transnational cooperation within the EU and with non-EU countries, including cross-border law enforcement and judicial operational actions, and as regards putting in place and improving national and transnational referral mechanisms and developing the knowledge base about the phenomenon. Nevertheless, the number of prosecutions and convictions remains low, whereas the number of victims remains high. The rather diverse legal landscape on criminalising the use of services exacted from victims of trafficking may hamper further efforts to discourage demand for such services. When victims receive assistance, support and protection, their needs are not taken into account as regards the forms of exploitation they are subjected to, their gender and age and their specific needs and circumstances. Data recording and reporting remains inconsistent. The concerns identified highlight the poor implementation of the Anti-trafficking Directive in Member States, and it needs to be further stepped up.

Trafficking in human beings is a transnational crime feeding illegal demands from within and outside the EU and is having a negative impact on all EU Member States. Stepping up security partnerships between the EU and non-EU countries could increase cooperation to counter shared threats. Such an approach would be based on common security interests and build on established cooperation and security dialogue[55]. The insufficient progress made and the evolving trafficking trends call for a new strategic approach towards eradicating trafficking in human beings. These actions will be developed in the context of the Agenda on tackling organised crime.

[55] COM(2020) 605 final.