Implementation of the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims from a gender perspective

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The Committee on Women's Rights and Gender Equality adopted the own-initiative report by Catherine BEARDER (ALDE, UK) on implementation of the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims from a gender perspective.

The Committee on Civil Liberties, Justice and Home Affairs, exercising the prerogative of an associated committee in line with Article 54 of the Rules of Procedure of the European Parliament, was also consulted to give an opinion on the report.

To recall, trafficking in human beings (THB) is a violation of fundamental human rights under Article 5 of the Charter on Fundamental Rights of the EU, as well as a violation of the victim's personal integrity and a serious organised crime that undermines the state and the rule of law. It has been addressed at many levels of governance, most notably in the EU with Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, which established a legal framework to better enable criminal prosecutions against traffickers.

The current refugee crisis has shown up the lack of proper tools at a European level for jointly combating THB, especially when its aim is the sexual exploitation of women and children.

The report noted that women and girls make up 80 % of registered victims of THB and children make up approximately 16 % of registered victims. 70 % of the identified victims of THB and 70 % of suspected traffickers in the EU are EU nationals.

THB is a complex transnational phenomenon that can be tackled effectively only if the EU institutions and Member States work together in a coordinated manner in order to prevent 'forum shopping' by criminal groups and individuals.

Addressing the gender dimension of THB in the implementation of the directive: Members noted that Directive 2011/36/EU was due to be transposed into Member States' national laws by 6 April 2013, and that all Member States except one have notified the Commission of the transposition of this directive into national law. Members States should speed up the full and correct enforcement of Directive 2011/36/EU. The gender dimension must be consistently monitored in the implementation of EU anti-trafficking legislation.

Women and men, girls and boys are vulnerable in different ways, and are often trafficked for different purposes, and that prevention, assistance and support measures must therefore be **gender-specific**. Members welcomed the Commission's creation of a webpage against trafficking that contains a database of EU-funded projects in the EU and elsewhere, up-to-date information on EU legal and political instruments, measures to combat people trafficking in the Member States, funding possibilities and EU initiatives.

They considered that asylum seekers, refugees and migrants are particularly vulnerable to trafficking and that special attention should be given to the trafficking of women, children and other vulnerable groups. The Commission and the Member States are called upon to investigate the **link between the increasing numbers of refugees arriving and THB**.

Gender perspective in the prevention of THB: Members stressed the need for a gender perspective approach based on four key strategies:

- prevention;
- prosecution;
- victim protection;
- multi-level partnership.

They also stressed the need for a **consistent approach to prosecution of offences** related to human trafficking, and for the Member States to step up their investigations and prosecutions. Criminal penalties for crimes of human trafficking, modern slavery and exploitation should be put in place. Increased cross-border cooperation and collaboration with the relevant EU agencies is stressed.

Members called on Justice and Home Affairs (JHA) agencies such as Eurojust, Europol, the FRA, Frontex, CEPOL and the EASO to develop a sustained programme of improving gender balance in decision-making relevant to trafficking.

Members states are called upon to take **more proactive preventative actions** such as information and awareness-raising campaigns, training specifically designed for men, targeted workshops with vulnerable groups and education activities in schools, including promoting equality, combating sexist stereotypes and gender-based violence, as equal treatment should be an objective of the whole of society.

The EU is called upon to pay attention to and make visible the **new forms of trafficking** and exploitation of human beings, including reproductive exploitation and trafficking in new-born children.

Forced marriage can also be regarded as a form of trafficking in human beings if it contains an element of exploitation of the victim.

The gender dimension of assistance and support to, and protection of, victims: Members expressed concern that not all victims are able to access services easily or have knowledge of them. Victims of THB require specialised services, including access to safe short- and long-term accommodation, witness protection schemes, healthcare and counselling, translation and interpretation services, etc.

The Commission is asked to come forward with a **European strategy for combating gender violence**, containing a legislative proposal on violence against women that includes THB.

Member States are called upon to:

- establish **hotlines** which victims of human trafficking and exploitation can call to seek assistance and advice;
- provide **free** legal aid, including legal assistance and representation, psychological and medical support, and information on the rights to assistance and health care;
- make legal aid available to victims of trafficking not only in criminal proceedings, but also in any civil, labour or immigration/asylum proceedings in which they are involved.

Assessment of other gender-sensitive measures taken in the implementation of the Directive: noting that the current EU Strategy towards the Eradication of THB comes to an end in 2016, Members called on

the Commission to evaluate the current strategy and to introduce a new one that follows a human-rights-based approach, focusing on victims, includes a **clear gender dimension** and contains concrete actions in this regard, adequately and effectively addresses prevention, and continues to discourage the demand that fosters all forms of trafficking.

The report called on the Member States to collect **more detailed and up-to-date data** by compiling reliable statistical information gathered from all the main actors, by ensuring that the data is homogeneous and disaggregated by gender, age, type of exploitation (within the subsets of types of THB), country of origin and destination, and by including internally trafficked people, in order to better identify potential victims and prevent crime. Member States should increase data sharing in order to better assess the gender dimension and recent trends in THB and combat trafficking more effectively.

Despite the clear **definition** of THB given in the Directive, a number of different definitions have been adopted in Member States' national legislation. The Commission called on the Commission to conduct research on this and to report on what these differences in definition mean in practical terms for the application of the Directive.