

Preventing and combating trafficking in human beings and protecting its victims

2022/0426(COD) - 23/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted 563 votes to 7, with 17 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

Offences relating to trafficking in human beings

According to the amended text, exploitation should 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, or the exploitation of surrogacy, of forced marriage, or of illegal adoption.

Sanctions

Member States should take the necessary measures to ensure that an offence is punishable by a maximum penalty of at least ten years' imprisonment where the offence has been committed using serious violence or has caused particularly serious harm to the victim, including physical or psychological harm.

The following are regarded as aggravating circumstances: (a) the fact that the offence was committed by public officials in the performance of their duties; (b) the fact that the perpetrator facilitated or committed, by means of information and communication technologies, the dissemination of images or videos or similar material of a sexual nature involving the victim.

Member States should take the necessary measures to ensure that legal persons can be held liable for the offences committed for their benefit by any person, acting either individually or as part of an organ of the legal person.

Sanctions on legal persons may include criminal or non-criminal sanctions or measures, such as exclusion from entitlement to public benefits or aid; exclusion from access to public funding, including tender procedures, grants, concessions and licences; temporary or permanent disqualification from the practice of business activities; placing under judicial supervision or judicial winding-up.

Investigations and prosecutions, assistance to victims

Member States should ensure that investigation into or prosecution of offences is not dependent on reporting or accusation by a victim, and that criminal proceedings may continue even if the victim has withdrawn his or her statement.

Member States should take the necessary measures:

- to ensure that persons, units or services responsible for investigating or prosecuting the offences are trained accordingly;

- for specialised assistance and support to be provided to victims in a victim-centred, gender-, disability- and child-sensitive approach before, during, and for an appropriate period of time after the conclusion of, criminal proceedings;
- so that one or several mechanisms be established aimed at the early detection and identification of, assistance to, and support for identified and presumed victims, in cooperation with relevant support organisations, and to appoint a focal point for the cross-border referral of victims.

The assistance and support measures should be provided on a consensual and informed basis, and should include at least standards of living capable of ensuring victims' subsistence through measures such as the provision of appropriate and safe accommodation, including shelters and other appropriate interim accommodation, and material assistance, as well as necessary medical treatment including psychological assistance, counselling and information, and translation and interpretation services where appropriate.

The shelters and other appropriate interim accommodations should be provided in sufficient numbers and should be easily accessible to presumed and identified victims of trafficking.

Member States should ensure that victims of trafficking are able to exercise their right to apply for international protection or equivalent national status, including when the victim is receiving assistance, support and protection as a presumed or identified victim of trafficking in human beings.

Assistance and support for child victims

Member States should take the necessary measures to ensure that the specific actions to assist and support child victims of trafficking in human beings, in the short and long term, in their physical and psycho-social recovery, are undertaken following an individual assessment of the special circumstances of each particular child victim, taking due account of the child's views, needs and concerns with a view to finding a durable solution for the child, including programmes to support their transition to emancipation and adulthood in order to avoid re-trafficking.

Compensation to victims, prevention and training

Member States should: (i) ensure that victims of trafficking in human beings have access to existing schemes of compensation to victims of violent crimes of intent. They may establish a national victims fund or a similar instrument, in accordance with their national legislation, in order to pay compensation to victims; (ii) take appropriate measures, taking into account the specificities of the various forms of exploitation, such as education, training and campaigns, where relevant with specific attention to the online dimension; (iii) promote or offer regular and specialised training for professionals likely to come into contact with victims or potential victims of trafficking in human beings.

Member States should: (i) take the necessary measures to establish national anti-trafficking coordinators; (ii) adopt by four years from the date of entry into force of this amending Directive their National Anti-Trafficking Action Plans; (iii) facilitate the tasks of an EU anti-trafficking coordinator.