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From: Presidency
To: Delegations

Subject: General trends in trafficking in human beings in the EU

Introduction

Trafficking in human beings (THB) is a serious violation of fundamental human rights and a serious threat to the safety, security and social cohesion of the European Union (EU)¹, fuelling exploitation, undermining public trust and exacerbating inequality. It involves the exploitation of individuals through coercion, fraud or deception, encompassing various forms such as sexual exploitation, forced labour and forced criminal activities. It affects thousands of victims each year and it is one of the most profitable forms of organised crime globally. The organised nature of this crime poses cross-border challenges for EU Member States.

Despite robust EU policies, THB remains a persistent issue, demanding a strong, cohesive and multidisciplinary approach. THB affects all EU Member States as source, transit or destination countries. Vulnerable groups, including women, children and (undocumented) migrants, remain the primary targets of traffickers. Data from Europol suggests that thousands of victims have been identified in the EU in recent years, though the actual figures are believed to be significantly higher due to underreporting. The consequences for victims are severe and long-lasting. Moreover, THB destabilises the European internal market and supports criminal networks involved in other illegal activities. In response, the European Multidisciplinary Platform Against Criminal Threats

¹ EU Strategy for Combatting Trafficking in Human Beings 2021–2025, accessible at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021DC0171>.

(EMPACT) was established as an integrated collaborative platform bringing together Member States and EU agencies. EMPACT provides a coordinated approach to combating organised crime, including THB.

This paper explores and analyses how EMPACT THB contributes to combating this complex crime, and looks at the challenges and opportunities ahead.

EU approach to combating THB

One of the main EU law enforcement approaches to combating the crime of trafficking in human beings is through EMPACT THB. The aim of EMPACT THB for 2024-2025 is:

‘to disrupt criminal networks engaged in trafficking in human beings for all forms of exploitation, including labour and sexual exploitation, and with a special focus on those who exploit minors for forced criminality, those who use or threaten violence against victims and their families or mislead victims by simulating to officialise the exploitation, and those who recruit and advertise victims online and are serviced by brokers providing digital services’.

According to the EU Anti-trafficking Directive, trafficking in human beings entails ‘the recruitment, transportation, transfer, harbouring or receipt 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. 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. 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.’²

² Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, accessible at <https://eurlex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32011L0036>.

The revised Directive from 2024³ introduces stricter criminal provisions and provides stronger tools for public authorities to investigate and prosecute new forms of exploitation, including those that take place online, and ensure better assistance and support to victims.

For instance, national law will have to qualify the exploitation of surrogacy, of forced marriage and of illegal adoption as trafficking. Those who knowingly use services provided by victims of trafficking will be committing a criminal offence. The use of the internet, smartphones and computers for sexual exploitation will be considered an aggravating circumstance and could lead to higher penalties.

The key areas for EMPACT THB for 2024-2025 are:

- disrupting criminal networks that traffic and exploit minors;
- targeting the use of the online environment and of digital solutions, particularly those provided as a service by criminal brokers;
- focusing on the use of legal business structures to organise the movement and exploitation of THB victims, and to launder criminal profits;
- enhancing investigations into the financial dimension of THB, including money laundering mechanisms, with a focus on money laundering delivered as a service;
- cooperating with non-EU countries.

This is reflected in EMPACT THB's Operational Action Plan for 2024-2025 through 22 different Operational Actions (OA's), including several action weeks: Global Chain Joint Action Days (JAD), the EMPACT THB hackathon, and labour action weeks (JAD and EMPACT Action Days (EAD)).

There are dedicated operational actions to tackle the exploitation of minors and the illegal surrogacy and selling of babies. In addition, there are dedicated actions focusing on Eastern Partnership-related THB, with a focus on Ukrainian THB, Latin American THB, Chinese THB and Nigerian THB.

³ Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, accessible at <https://eurlex.europa.eu/eli/dir/2024/1712/oj/eng>.

Challenges

- The criminal use of the vast **online dimension**, not to mention the swift **technological developments** that conveniently support the criminal activities of organised crime groups, bring many challenges for law enforcement.
- Striving to **improve data collection systems** and training law enforcement officers in early identification will strengthen investigations and enable law enforcement to be more effective.
- **Recognising when someone is a victim of trafficking** may seem straightforward, but when dealing with other forms of crime and other predicate offences, it can suddenly be less clear to law enforcement officers who are not used to dealing with trafficking in human beings. This is especially the case when dealing with **criminal exploitation**, where the suspect could very well be a victim of trafficking but is not recognised as such.
- It is essential to clearly define the boundary between **forced labour** and violations of workers' rights in national legal systems and to bring the **different mechanisms** and mandated authorities into closer alignment.
- The number of **victims from Latin America** has grown exponentially throughout Europe. This requires closer cooperation with Latin American countries and within the EU.

Opportunities

There are also opportunities to be found in addressing the abovementioned challenges, for example by:

- Strengthening **cross-border cooperation**, including cooperation among the relevant authorities and with public-private partnerships where possible.
- Enhancing cooperation across the relevant EMPACT priorities/crime areas.
- Enhancing the data collection process and improving the **sharing of data**.
- Strengthening **awareness** through training and capacity building, including awareness of how to recognise **victims of criminal exploitation**.

- Strengthening **judicial cooperation** and including the public prosecution services at the earliest stages.
- Taking **innovative approaches** and making use of **new technologies** to combat trafficking in human beings.

Conclusion

Although combating trafficking in human beings can be complex, it is our duty to continue this fight to safeguard victims. The challenges are many, but with the EMPACT mechanism we can continue the work already done by improving on and strengthening existing achievements and by cooperating more effectively on the new and challenging developments in a comprehensive and inclusive manner.

With this discussion paper we call EMPACT and the law enforcement community to action. Together we will step up our fight against THB. We are stronger together.

Questions to delegations

1. Which previously discussed challenges should we prioritise in the next EMPACT cycle (2026-2029)?
2. How can we tackle these challenges in a comprehensive manner?