

The EU's policy to fight and prevent trafficking in human beings



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- o Trafficking in the world & in the EU
 - **Data and trends**
- o EU legal framework
 - **Prevention**
 - **Protection**
 - **Prosecution**
- o Other policy initiatives
 - **EU Anti Trafficking Coordinator**
 - **Partnership approach**
 - **EU anti trafficking day**
 - **National Rapporteurs**
 - **THB Website**
 - **Funding opportunities**
- o Priorities



A NEW EU LEGAL FRAMEWORK

A new proposal for a Directive was adopted on 29 March 2010 – key principles :

- Reinforcing a holistic approach (prevention, protection, prosecution)
 - approximating substantive criminal law
 - bringing robust provisions on victim's protection
 - Supporting the principle of non-punishment for petty crimes and unconditional assistance.
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NEW EU LAW PROVISIONS ON PREVENTION

PREVENTION, including measures aimed at:

- discouraging the demand that fosters trafficking, i.e. employers hiring trafficked persons and clients buying sexual services from victims of trafficking,
- training for officials likely to come in contact with victims, and of potential victims to warn them about the risks of falling prey to the traffickers.



NEW EU LAW PROVISIONS ON **PROTECTION** OF VICTIMS

VICTIMS' RIGHTS IN CRIMINAL PROCEEDINGS, including specific treatments for particularly vulnerable victims aimed at preventing secondary victimisation (no visual contact with the defendant, no questioning on private life, no unnecessary repetition of the testimony etc.), police protection of victims, legal counselling also aimed to enable victims to claim compensation; special protective measures are envisaged for children such as the taking of interviews in a friendly environment.



NEW EU LAW PROVISIONS ON **PROTECTION** OF VICTIMS

VICTIMS' SUPPORT, including

- national mechanisms for early identification and assistance to victims, based on cooperation between law enforcement and civil society organizations,
- providing victims with shelters, medical and psychological assistance, information, interpretation services.

A victim shall be treated as such as soon as there is an indication that she/he has been trafficked, and will be provided with assistance before, during and after criminal proceedings.




NEW EU LAW - TOUGHER CRIMINAL LAW RULES TO FACILITATE **PROSECUTION**

- CRIMINAL LAW PROVISIONS, including a common definition of the crime, aggravating circumstances and higher penalties, as well as non-punishment of the victims for unlawful activities such the use of false documents in which they have been involved for being subjected to by traffickers.
- PROSECUTION OF OFFENDERS, including extraterritorial jurisdiction (the possibility to prosecute EU nationals for crimes committed in other countries), use of investigative tools typical for organised crime cases such as phone tapping and tracing proceeds of crime.



OTHER POLICY INITIATIVES


Establish an EU **Anti-Trafficking Coordinator**

- **Provided for by the “Stockholm Programme”**
 - **Priorities will be**
 - to provide overall strategic policy orientation to the policy in the field of trafficking in human beings,
 - To improve co-ordination and coherence of the EU's external policy against trafficking in human beings in close co-operation with the EU institutions and agencies as well as with EU Member States and international actors.
 - To contribute to the elaboration of existing or new EU policies relevant to the fight against trafficking in human beings in particular in relation to third countries.
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OTHER POLICY INITIATIVES

Introducing a fourth “P” – **Partnership approach** with third source and transit countries

- Framework for action : the Action Oriented Paper on the external aspects of THB adopted in November 2009.
 - The aim of this AOP is to strengthen the commitment and co-coordinated action of the EU and the Member States to prevent and fight all forms of THB in partnership with third countries, regions and organisations at international level.
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OTHER POLICY INITIATIVES

- The New EU legislation on THB will oblige MS to set up a “**National Rapporteurs or equivalent mechanism**” (NR)
- NR would be responsible for monitoring implementation of anti-trafficking policy at the national level and will play a key role in data collection on THB at national and EU Level.
- An informal network at EU level of "national rapporteurs or equivalent mechanisms" was established in June 2009

With the help of the European Commission the network is meeting every year.



OTHER POLICY INITIATIVES

Anti-trafficking policy website to be launched end 2010

It would become one stop shop for practitioners and the public interested in the problem of trafficking with following content:

- European, international and national legislation
- EU Policy contributions (policy papers, research reports, articles, books on various aspects of anti-trafficking policy, European project results).
- National Information Pages for all 27 MS.
- Event calendar
- Citizen information



FUNDING OPPORTUNITIES

- Trafficking is a priority in the financial programs 2007, 2008 2009 and 2010 **Prevention of and fight against crime (ISEC)**.
- Various projects on trafficking are also funded under the DAPHNE Financial programme on violence against women and children.
- The funding supported NGOs helping victims, awareness campaigns, and law enforcement cooperation with third countries or countries of transit.

http://ec.europa.eu/justice_home/funding/isec/funding_isec_en.htm



FUNDING OPPORTUNITIES

- Since more than a decade, the Commission's scope of work includes both trafficking towards Europe and intra-regional trafficking for labour and sexual exploitation in third countries.
- In addition to country and regional cooperation through the geographic instruments, the fight against trafficking is a priority in the thematic instruments, such as the **AENEAS Programme** (2004-2006) and currently, the Thematic Programme on Migration and Asylum, the **Instrument for Democracy and Human Rights (EIDHR)**

FUNDING OPPORTUNITIES

- Under the **Investing in People Thematic Programme**, the European Commission is funding 5 projects with civil society organisations in Africa:
- Under the **Thematic Programme Migration and Asylum**, a 3M global project is currently implemented by UNODC to promote the ratification of the Smuggling and the Trafficking Protocols and their transposition into domestic law, provide capacity building for criminal justice actors to implement these protocols, improve assistance and protection to trafficking victims and smuggled migrants, and raise awareness among the public and vulnerable groups.



KEY LEGAL AND POLICY DOCUMENTS

- Proposal for a **Directive** on preventing and combating trafficking in human beings and protecting victims (COM(2010)95 final)
- Commission Staff Working Document, Accompanying document to the Proposal for Framework Decision on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA, **IMPACT ASSESSMENT**, SEC(2009) 358
- Council **Framework Decision** on combating trafficking in human beings (2002/629/JHA), OJ L 203, 1.8.2002, p.1
- 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, p.19



KEY LEGAL AND POLICY DOCUMENTS

Council **EU Plan on best practices, standards and procedures for combating and preventing trafficking in human beings** (2005/311/01), OJ C 311, 9.12.2005, p.1

Commission Working Document **Evaluation and monitoring of the implementation of the EU Plan on best practices, standards and procedures for combating and preventing trafficking in human beings**, October 2008



EU CURRENT RESEARCH PRIORITIES

1. Protection of victims
 - a) Consequences for law enforcement of a system of unconditional assistance and support to victims
 - b) Models for victim protection in source countries
 - c) following an evaluation of the 2005 EU THB Action Plan with focus on implementation failures and new tendencies in trafficking

 2. Prevention
 - a) Demand reduction
 - b) Awareness raising

 3. Data collection
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Thank You!

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