

Trafficking in human beings - Evaluation and Revision of the Directive

Fields marked with * are mandatory.

Introduction

Trafficking in human beings is prohibited by the Charter of Fundamental Rights of the European Union as a grave violation of fundamental rights. It is also addressed in Article 83(1) of the Treaty on the Functioning of the European Union as a particularly serious cross-border crime that can only be effectively tackled by common minimum rules across the European Union.

Nearly half of the victims of trafficking within the EU are EU citizens, and a significant number of them are trafficked within their own Member State. EU and non-EU victims are also trafficked from their country of origin via transit countries to their destination, both within and to the European Union. The EU Anti-Trafficking Directive ('[Directive](#)', 2011/36/EU) has been the backbone of the EU's efforts in combatting human trafficking since 2011. The Directive:

- establishes minimum rules concerning the definition of criminal offences and sanctions in the area of trafficking in human beings; and
- introduces provisions, taking into account the gender perspective, to strengthen the prevention of this crime and the protection of the victims as well as to reinforce investigation and prosecution.

The Commission First, Second and Third progress reports and the results of the EU-wide data collections demonstrate that trafficking in human beings has further evolved and the available means are not sufficient to fight it effectively. According to the latest available data, between 2017 and 2018, there were more than 14 000 registered victims within the European Union. The actual number is likely to be significantly higher as many victims remain undetected.

The Commission acknowledged in the EU Strategy on combatting trafficking in human beings 2021- 2025 adopted on 14 April 2021 ('[Strategy](#)') that various reports indicate that the decade old Directive may not be entirely fit for purpose any longer in all relevant aspects. As a consequence, the Strategy sets out as a key action to evaluate the implementation of the Anti-trafficking Directive and if necessary, based on the outcome of this evaluation, propose revising it to make it fit for purpose, including by assessing the possibility of having minimum EU rules that criminalise the use of exploited services from victims of trafficking.

This public consultation will inform the evaluation and a possible revision of the EU Anti-trafficking Directive, providing citizens and stakeholders with an opportunity to voice their opinions on current problems and the future of combatting the trafficking in human beings, including possible ways to reinforce, develop and modernise the existing framework.

The Inception Impact assessment and the Roadmap were already published for a consultation, which can be found here: [Roadmap](#)

About you

* Language of my contribution

- ☐ Bulgarian
- ☐ Croatian
- ☐ Czech
- ☐ Danish
- ☐ Dutch
- ☒ English
- ☐ Estonian
- ☐ Finnish
- ☐ French
- ☐ German
- ☐ Greek
- ☐ Hungarian
- ☐ Irish
- ☐ Italian
- ☐ Latvian
- ☐ Lithuanian
- ☐ Maltese
- ☐ Polish
- ☐ Portuguese
- ☐ Romanian
- ☐ Slovak
- ☐ Slovenian
- ☐ Spanish
- ☐ Swedish

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☐ Company/business organisation
- ☐ Consumer organisation
- ☐ EU citizen
- ☐ Environmental organisation
- ☐ Non-EU citizen

- ☐ Non-governmental organisation (NGO)
- ☐ Public authority
- ☐ Trade union
- ☒ Other

* First name

José Luis

* Surname

BAZÁN

* Email (this won't be published)

jose Luis@comece.eu

* Organisation name

255 character(s) maximum

Secretariat of COMECE (Commission of the Episcopates of the European Union)

* Organisation size

- ☐ Micro (1 to 9 employees)
- ☒ Small (10 to 49 employees)
- ☐ Medium (50 to 249 employees)
- ☐ Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

47350036909-69

* Country of origin

Please add your country of origin, or that of your organisation.

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| ○ Bosnia and Herzegovina | ○ Guam | ○ Nepal | ○ Syria |
| ○ Botswana | ○ Guatemala | ○ Netherlands | ○ Taiwan |
| ○ Bouvet Island | ○ Guernsey | ○ New Caledonia | ○ Tajikistan |
| ○ Brazil | ○ Guinea | ○ New Zealand | ○ Tanzania |
| ○ British Indian Ocean Territory | ○ Guinea-Bissau | ○ Nicaragua | ○ Thailand |
| ○ British Virgin Islands | ○ Guyana | ○ Niger | ○ The Gambia |
| ○ Brunei | ○ Haiti | ○ Nigeria | ○ Timor-Leste |
| ○ Bulgaria | ○ Heard Island and McDonald Islands | ○ Niue | ○ Togo |
| ○ Burkina Faso | ○ Honduras | ○ Norfolk Island | ○ Tokelau |
| ○ Burundi | ○ Hong Kong | ○ Northern Mariana Islands | ○ Tonga |
| ○ Cambodia | ○ Hungary | ○ North Korea | ○ Trinidad and Tobago |
| ○ Cameroon | ○ Iceland | ○ North Macedonia | ○ Tunisia |
| ○ Canada | ○ India | ○ Norway | ○ Turkey |
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| ○ Central African Republic | ○ Iraq | ○ Palau | ○ Tuvalu |
| ○ Chad | ○ Ireland | ○ Palestine | ○ Uganda |
| ○ Chile | ○ Isle of Man | ○ Panama | ○ Ukraine |
| ○ China | ○ Israel | ○ Papua New Guinea | ○ United Arab Emirates |
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| ○ Clipperton | ○ Jamaica | ○ Peru | ○ United States |

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Tristan da Cunha | <input type="radio"/> Zambia |
| <input type="radio"/> Democratic Republic of the Congo | <input type="radio"/> Lesotho | <input type="radio"/> Saint Kitts and Nevis | <input type="radio"/> Zimbabwe |
| <input type="radio"/> Denmark | <input type="radio"/> Liberia | <input type="radio"/> Saint Lucia | |

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association', 'consumer association', 'EU citizen') country of origin, organisation name and size, and its transparency register number, are always published. Your e-mail address will never be published.** Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

☒ **Anonymous**

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

☐ **Public**

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

☒ I agree with the [personal data protection provisions](#)

PART I – QUESTIONS CONCERNING THE EVALUATION OF DIRECTIVE 2011/36/EU ON PREVENTING AND COMBATING TRAFFICKING IN HUMAN BEINGS AND PROTECTING ITS VICTIMS

*** 1. In your view, is an EU-wide cooperation necessary to effectively combat trafficking in human beings?**

- ☒ **Yes**
☐ **No**
☐ **I do not know**

2. In your view, is trafficking in human beings linked to other types of serious crimes as listed below?

	Yes	No	I do not know
* Drug trafficking	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Migrant smuggling	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Corruption	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Document fraud	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Money laundering	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please indicate any other types of crime and add any comments (*maximum 255 characters*):

Certainly, international organized crime has a diversity of criminal profitable activities that are in many cases interlinked: e.g., corrupted border guards allowing traffickers to move their victims from one country to another. As a highly profitable criminal activity, trafficking in human beings should be addressed also from the perspective of the fight against money laundering. Reducing the profitability of trafficking in human beings as much as possible, and strengthening resources and mechanisms for the persecution of this crime and the prosecution of the leaders of the criminal networks will probably decrease the number of victims.

3. In your view, has the Directive contributed to reducing the demand for trafficking in human beings in relation to:

	Not at all	Small extent	Moderate extent	High extent	Very high extent	I do not know
* Sexual exploitation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Labour exploitation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Exploitation for criminal activities	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Removal of organs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
* Forced begging	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please indicate any other types of crime or add any comment (*maximum 255 characters*):

In the first instance, the answer would be negative, given that the statistics indicate that the various forms of this crime have not been curbed. However, and at the same time, albeit very slowly, there seems to be an increase in the awareness of society and the authorities on this issue, which could lead to more cases of trafficking in human beings becoming visible, even in statistics. In this regard, it would be important for the EU to use the statistical system of estimates of victims of trafficking in human beings, in addition to the one that indicates the number of presumed or identified victims. Some reports suggest that only one out of 20 victims of human trafficking are detected, while in particular in the case of sex trafficking, it would be one out of eight (1). Knowing more reliably the real statistical dimension of the trafficking crime would give it greater attention in the allocation of public resources to prevent and combat it, and a higher media profile.

On the other hand, organised crime is increasingly infiltrating legal businesses. As UNDOC reports (1), “businesses in the transport, hospitality, arts, retail, and beauty sectors are particularly vulnerable to infiltration by organized criminal groups (OCGs). As these businesses begin to reopen, some will find themselves either in the debt of OCGs, or directly controlled by them. The OCGs can seize control either through exchange of money for buying shares or by directly taking over operations. This generates more opportunities for criminal activity, including money laundering and trafficking activities.”

Although a full analysis cannot be made at this time, the impact of the COVID-19 pandemic appears to have reduced temporarily the number of trafficking cases, while it is expected to increase as transit possibilities improved while distress and poverty – something traffickers are exploiting- spread in our societies. In addition, the current war in Ukraine has shown how traffickers can take advantage of desperate people fleeing violence, as they are sometimes personating volunteers of NGOs or organisations such as Red Cross.

- (1) UNODC, The Globalization of Crime. A Transnational Organized Crime: Threat Assessment, Vienna, 2010, p. 49: https://www.unodc.org/documents/data-and-analysis/tocta/TOCTA_Report_2010_low_res.pdfv
- (2) https://www.unodc.org/documents/data-and-analysis/covid/RB_COVID_organized_crime_july13_web.pdf

4. In your view, have the following measures listed below reduced the risk of people becoming victims of trafficking in human beings?

	Not at all	Small extent	Moderate extent	High extent	Very high extent	I do not know
* Training	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Research	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Information	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Awareness-raising campaigns	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Education programmes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please specify any other measures or add any comments (*maximum 255 characters*):

One of the problems in dealing with the crime of human trafficking is a certain, sometimes only apparent, invisibility. However, it is a reality that can take place in the same neighbourhood, in the same city, close to where the ordinary life of citizens takes place. And yet, for lack of knowledge of the reality of trafficking or sufficient awareness of its implications, there is no adequate response. It is therefore important to involve not only public authorities, but also companies (e.g. hotels or public transport), civil associations, schools, trade unions, journalists, doctors and nurses, etc. On the other hand, prevention measures, which are insufficient, must be strengthened, particularly in the countries where the victims come from, most of them EU member states (e.g., through pre-departure orientation programmes for migrant workers). Investing more efforts and allocating more resources in those countries of origin would prevent some potential victims to fall into the hands of the criminal gangs. At the same time, increased labour inspections are needed to detect cases of trafficking, especially in areas far from urban centres, in rural areas in destination countries, especially in high-risk labour sectors, namely, agriculture, manufacturing, domestic work and maritime industry, among others. It is crucial that victims and potential victims have access to a lawyer and an interpreter (both should be protected to avoid reprisals by perpetrators). Programmes and publications should consider the mother languages of the victims and potential victims. Cultural mediators of the countries of origin of the victim are an advisable asset, too.

The more social links persons arriving in their country of destination have with members of the host community, the lower the risk of trafficking. Therefore, reception programmes should make available and encourage people arriving in an EU country not only to remain regularly in the country of destination, but also to be able to create links with religious communities of their denomination, with cultural, artistic or sport associations, etc. To put at their disposal information about these activities and give them the possibility to integrate in these social and community spaces would limit a deficit of social relations that can increase the risk of becoming a victim of human trafficking.

On the other hand, in the case of trafficked children, the perpetrators of the crime are in many cases their own family members (1). This reality probably requires a different approach, and for this reason, a specific strategy to prevent and combat it would be advisable, given the enormous difficulties that children have in

denouncing their own relatives.

Particular attention should be paid also to cases of re-trafficking, and to the identification, follow-up and assistance to victims at high risk of being re-victimised, in particular young girls and women (2). For example, the Dutch Human Trafficking Victims Monitoring Report 2016–2020 shows that 45% of victims of human trafficking fall victim to crime again within five years. Within seven years, that figure even climbs to 50% (3).

As for one type of trafficking, forced marriages, they are often invisible in Western countries: a typical case is that of the young woman who is taken by her parents to a third country (e.g. Pakistan) where she enters into a forced marriage (even as a minor) which, although not legally recognised in the European country, nevertheless conditions her life thereafter (e.g. not continuing her school education or being under permanent control of her husband at home).

(1) https://www.iom.int/sites/g/files/tmzbd1486/files/our_work/DMM/MAD/Counter-trafficking%20Data%20Brief%20081217.pdf

(2) https://publications.iom.int/system/files/pdf/causes_of_retrafficking.pdf

(3) <https://www.dutchrapporteur.nl/publications/reports/2022/01/06/human-trafficking-victims-monitoring-report-2016-2020>

*** 5. In your view, have the existing national laws criminalising the knowing use of exploited services of victims reduced the demand for such services?**

- ☐ Not at all
- ☐ Small extent
- ☒ Moderate extent
- ☐ High extent
- ☐ Very high extent
- ☐ I do not know

Comments (*maximum 255 characters*):

*** 6. In your view, has the Directive contributed to ensuring that victims of trafficking, including child victims of trafficking, have access to assistance, support, and protection measures?**

- ☐ Not at all
- ☐ Small extent
- ☒ Moderate extent
- ☐ High extent
- ☐ Very high extent
- ☐ I do not know

Comments (*maximum 255 characters*):

7. In your view, has the Directive contributed to the protection of trafficked victims in cross-border cases and within Member States?

	Not at all	Small extent	Moderate extent	High extent	Very high extent	I do not know
* Cross-border	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
* Within Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments *(maximum 255 characters):*

*** 8. In your view, has the Directive contributed to allowing victims of trafficking to receive adequate compensation?**

- ☐ Not at all
- ☐ Small extent
- ☐ Moderate extent
- ☒ High extent
- ☐ Very High extent
- ☐ I do not know

Comments *(maximum 255 characters):*

*** 9. In your view, has the Directive contributed to ensuring that victims of trafficking are not punished for their involvement in criminal activities that they have been compelled to commit as a consequence of being trafficked?**

- ☐ Not at all
- ☒ Small extent
- ☐ Moderate extent
- ☐ High extent
- ☐ Very high extent
- ☐ I do not know

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10. In your view, has the Directive contributed to bring perpetrators to justice?

- ☐ Not at all
- ☒ Small extent
- ☐ Moderate extent
- ☐ High extent
- ☐ Very high extent
- ☐ I do not know

Comments (*maximum 255 characters*):

*** 11. In your view, has the Directive contributed to the confiscation of criminal assets?**

- ☐ Not at all
- ☐ Small extent
- ☐ Moderate extent
- ☒ High extent
- ☐ Very high extent
- ☐ I do not know

Comments (*maximum 255 characters*):

*** 12. In your view, to has the Directive contributed to allowing victims of trafficking to effectively report a case?**

- ☐ Not at all
- ☐ Small extent
- ☐ Moderate extent
- ☒ High extent
- ☐ Very high extent
- ☐ I do not know

Comments (*maximum 255 characters*):

* 13. In your view, has the Directive contributed to holding legal persons liable for trafficking in human beings?

- ☐ Not at all
- ☐ Small extent
- ☐ Moderate extent
- ☒ High extent
- ☐ Very high extent
- ☐ I do not know

Comments (*maximum 255 characters*):

14. In your view, have the penalties foreseen by the Directive, including sanctions on legal persons, have an effective, proportionate and dissuasive character?

General penalties

	Not at all	Small extent	Moderate extent	High extent	Very high extent	I do not know
* Effective	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Proportionate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Dissuasive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Sanctions on legal persons

	Not at all	Small extent	Moderate extent	High extent	Very high extent	I do not know
* Effective	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Proportionate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Dissuasive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments (*maximum 255 characters*):

* 15. In your view, were the effects of the Directive achieved at a reasonable cost?

- ☒ Yes
- ☐ No
- ☐ I do not know

Comments (*maximum 255 characters*):

*** 16. In your view, has the implementation of the Directive caused unnecessary administrative burden?**

- ☐ Yes
- ☒ No
- ☐ I do not know

Comments (*maximum 255 characters*):

*** 17. Do you think that the provisions of the Directive address the current needs of the society? If not, specify.**

- ☐ Not at all
- ☐ Small extent
- ☐ Moderate extent
- ☒ High extent
- ☐ Very high extent
- ☐ I do not know

Comments (*maximum 255 characters*):

18. Do you consider the Directive is coherent with other relevant EU legislation, for example with the following?

	Yes	No	I do not know
* Victims' Rights Directive (2012/29/EU)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Employers Sanctions Directive (2009/52/EC)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Residence Permit Directive (2004/81/EC)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Child Sexual Abuse Directive (2011/93/EU)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please specify any other legislations or add any comments (*maximum 255 characters*):

19. Do you consider the Directive coherent with international instruments and standards related to trafficking in human beings?

International conventions	Yes	No	I do not know
* The United Nations Convention against Transnational Organized Crime and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* The ILO Forced Labour Convention	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* Convention on the Elimination of Discrimination against Women (CEDAW)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* UN Conventions on the Rights of Persons with Disabilities (UNCRPD)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
* UN Conventions on the Rights of the Child (UNCRC)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Comments (*maximum 255 characters*):

*** 20. Does the Directive continue to bring added value in the Member States in combatting trafficking in human being?**

- ☒ Yes
- ☐ No
- ☐ I do not know

Comments (*maximum 255 characters*):

*** 21. In your views, without the Directive would it be more difficult for Member States to tackle trafficking in human beings individually?**

- ☒ Yes
- ☐ No
- ☐ I do not know

Comments (*maximum 255 characters*):

PART II - QUESTIONS CONCERNING THE REVISION OF THE DIRECTIVE

*** 22. In your view, does the aim of preventing and combatting trafficking in human beings continue to require action at the EU level?**

- ☒ **Yes**
- ☐ **No**
- ☐ **I do not know**

Comments (*maximum 255 characters*):

To have a common legal instrument and framework for EU Member States to combat a transnational crime represents, in itself, an added value. A common understanding of what trafficking is and common applicable rules create a context that facilitates law enforcement and administrative cooperation between EU Member States, and a benchmark for European countries outside the EU. It is also a way to create a common front in a fight that sends a positive signal to European citizens. Therefore, it is important that the EU continues its commitment and action in the area of prevention and fight against trafficking in human beings and leads this combat. The use of Guidelines or Orientations could also be complementary instruments to be used by the European Commission to complement the legislative framework. The EU could also invest its resources in the social prevention of this crime. The EU should be instrumental also “to enhance cooperation with third countries in order to combat all forms of trafficking in human beings and to strengthen opportunities for joint investigations and specialized prosecutions”, as the European Parliament has requested in its resolution of 10 February 2021 on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (paragraph 29).

*** 23. Do you think that the gender dimension, in particular the protection of women and girls, should be more prominently articulated in the Directive? If yes, please specify.**

- ☒ **Yes**
- ☐ **No**
- ☐ **I do not know**

Comments (*maximum 255 characters*):

Although women and girls are frequently in vulnerable situation because of their sex in contexts where they are considered as subject to males or inferior to them, and this should be properly addressed, there is a risk of, indirectly, turning more invisible male victims of human trafficking, in particular in the area of labour exploitation, and to a lesser extent, sexual exploitation or forced begging. Trafficking in human beings should not be labeled as a “female-victim” phenomenon, as this could endanger the efforts to combat it in other areas, beyond sexual exploitation, where male is a substantial part of the victims.

*** 24. Do you think that the situation of vulnerable groups should be more prominently articulated in the Directive?**

- ☒ **Yes**
- ☐ **No**
- ☐ **I do not know**

Comments (*maximum 255 characters*):

The situation of vulnerable groups such as Roma people, or persons with mental disabilities should be more prominently articulated.

*** 25. Do you think that the Directive should explicitly refer to new types of exploitations? If yes, please specify.**

- ☒ **Yes**
- ☐ **No**
- ☐ **I do not know**

Comments (*maximum 255 characters*):

Yes. For example, the phenomenon of reproductive exploitation (also called “surrogacy” or “surrogate motherhood”) should be considered as a type of exploitation under the EU Anti-Trafficking Directive. The European Parliament condemned the practice of surrogacy in its resolution of 17 December 2015 on the Annual Report on Human Rights and Democracy in the World 2014 and the European Union's policy on the matter in stating that: “115. Condemns the practice of surrogacy, which undermines the human dignity of the woman since her body and its reproductive functions are used as a commodity; considers that the practice of gestational surrogacy which involves reproductive exploitation and use of the human body for financial or other gain, in particular in the case of vulnerable women in developing countries, shall be prohibited and treated as a matter of urgency in human rights instruments”. “Surrogacy” is a form of reproductive exploitation: the European Parliament, in its resolution of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women, asked EU Member States “to acknowledge the serious problem of surrogacy which constitutes an exploitation of the female body and her reproductive organs” (paragraph 20). Surrogacy should be treated as a form of exploitation of women and girls, and a phenomenon that it is inexorably linked to trafficking of babies. It is frequently related to situations of poverty of women and girls, and implies the violation of a number of the rights of the women and children (e.g., their “right to preserve his or her identity, including ... family relations”: Article 8.1 UN Convention of the Rights of the Child). As a matter of principle, it should be recognized that it is in the best interested of the child to live and be educated by their natural parents. Only legal adoption should be admitted as an exception to this principle.

We must be aware of the blurred distinction between the so-called “commercial” and “non-commercial” gestational “surrogacy” in many cases. “Compensations” given to women who accept pregnancy through nominally “non-commercial surrogacy”, in the context of women's poverty, use to be sufficiently attractive to be considered as de facto cases of commercial “surrogacy”.

In this regard, we would propose the EU: a) to fund research on the new forms of trafficking, including trafficking for reproductive purposes; b) to consider the feasibility of the adoption, ideally at global level, of an international legal instrument on “surrogacy”, in which the rights of the child and his best interests are protected; c) to raise awareness, together with Member States, to the grave affront to human dignity and basic human rights that “surrogacy” practices bring about.

*** 26. Do you think that the Directive should criminalise the knowing use of exploited services?**

- ☐ Yes
- ☐ No
- ☒ I do not know

Comments (*maximum 255 characters*):

*** 27. Do you think that the Directive should introduce specific provisions to address the online dimension of trafficking in human beings, including the online recruitment, advertisement and exploitation of the victims?**

- ☒ Yes
- ☐ No
- ☐ I do not know

Comments (*maximum 255 characters*):

The existence of a European anti-trafficking legislative framework has contributed positively to the fight against trafficking in human beings and remains at present a valid and effective tool to combat it. However, since the adoption of the Directive, the digital world has exploded in its variety, sophistication, and penetration of society. It is well known that digital media and social networks are tools used by criminals not only to attract, but also to control victims of trafficking. For example, in Spain, perpetrators are increasingly using digital platforms, such as Airbnb, to rent apartments where sexual exploitation takes place, which reduces the ability of law enforcement agencies to detect victims. There are reports of increased grooming and exploitation of children online through gaming sites and social media platforms (1).

Further development and enhancement of measures to combat trafficking in the digital environment would be desirable (e.g., blocking the online recruitment of victims). Not only public authorities but also social platforms and, more generally, digital media, should be active in monitoring, detecting, and reporting public authorities about credible activities that could relate to trafficking activities, as well as launching anti-trafficking prevention campaigns and victim support initiatives. Furthermore, law enforcement authorities and CSOs working in the fight against human trafficking “should be provided with the necessary technical knowledge and dedicated resources to respond to the challenges posed by the new technologies”, as the European Parliament calls. At the same time, technologies can be a highly useful instrument to combat trafficking in human beings, as shown by the “Safe Car Wash” app was launched by the Catholic Church and the Church of England. Users of the app flag up fearful workers, lack of protective clothing and workers living on site, which are among the signs people that might be working in conditions of slavery (2).

We would suggest enhancing the ongoing visible efforts by the EU in its strategy for the integration of Roma communities in Europe, to address the reality, already highlighted by the European Parliament, that “many of the victims of forced begging and forced criminality often come from marginalised Roma communities and are often children”. For example, an important number of the sex-trafficked victims in Germany from Romania, are Roma people (3).

In addition, victims of trafficking, who are also seeking asylum, must be provided with specialised support measures (4).

(1) <https://rm.coe.int/10th-general-report-greta-activities-en/1680a21620>

(2) <https://www.bbc.com/news/uk-england-47829016#:~:text=Organisers%20said%20in%2041%25%20of,on%20to%20make%20the%20call.>

(3) <https://www.state.gov/reports/2021-trafficking-in-persons-report/germany/>

(4) <https://rm.coe.int/10th-general-report-greta-activities-en/1680a21620>

***28. Do you think that the Directive should require Member States to establish formal national referral mechanisms for the early identification of, assistance to and support for victims?**

- ☒ Yes
- ☐ No
- ☐ I do not know

Comments (*maximum 255 characters*):

CONCLUDING REMARKS

29. If you wish to add further information — within the scope of this consultation — please feel free to do so here (*maximum 255 characters*).

Migrants & Refugees' Section, Vatican:

- Labour Recruitment and Human Trafficking: <https://migrants-refugees.va/2022/03/10/labour-recruitment-human-trafficking/>

- Pastoral Guidelines on Human Trafficking: <https://migrants-refugees.va/documents/en/read/a4/pastoral-orientations-on-human-trafficking.pdf>

- Santa Marta Group: <https://santamartagroup.com>

30. Please feel free to upload a concise document, such as a position paper. The maximum file size is 1MB. Please note that the uploaded document will be published alongside your response to the questionnaire, which is the essential input to this public consultation. The document is optional and serves as additional background reading to better understand your position.

Please upload your file(s)

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

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