



OPINION

European Economic and Social Committee

Combating trafficking in human beings

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy on Combating trafficking in human beings 2021-2025
[COM(2021) 171 final]

SOC/693

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Referral	European Commission, 31/05/2021
Legal basis	Article 304 of the Treaty on the Functioning of the European Union
Section responsible	Employment, Social Affairs and Citizenship
Adoption in section	07/09/2021
Adoption at plenary	22/09/2021
Plenary session No	563
Outcome of vote (for/against/abstentions)	215/1/4

1. Conclusions and recommendations

- 1.1 Trafficking in human beings (human trafficking) is first and foremost a serious violation of human rights. It violates fundamental rights such as freedom, dignity and equality, which are enshrined in numerous instruments such as the Universal Declaration of Human Rights, the European Convention on Human Rights, the Charter of Fundamental Rights of the European Union and the Treaty on the Functioning of the European Union.
- 1.2 The root causes of human trafficking lie in the vulnerability of its victims, caused by poverty, gender inequalities and violence against women and children, conflict and post-conflict situations, lack of social integration, lack of opportunities and employment, lack of access to education, and child labour.
- 1.3 Traffickers take advantage of such vulnerabilities to develop a criminal, complex and highly lucrative business model, which is still at present low-risk and high-yield.
- 1.4 The pandemic has exacerbated people's economic and social vulnerability and hampered access to justice and punishment of crimes. In parallel, a new business model for recruiting and exploiting victims has been developed using the internet.
- 1.5 The EESC broadly supports the EU Strategy on Combatting trafficking in human beings 2021-2025 ("the Strategy") presented by the European Commission ("the Commission"), without prejudice to the comments, proposals and recommendations set out in this opinion.
- 1.6 The EESC supports the Commission when it affirms that there is a need to improve the quality of the data collected on this phenomenon in a harmonised way in the Member States¹. In order to fight human trafficking more effectively, thorough, up-to-date knowledge of the phenomenon is required, in particular, of all the groups involved (victims, traffickers, users) and of the way trafficking networks operate, in particular by developing appropriate responses. If we do not tackle the matter in this way, we underestimate the real extent of the trafficking and fail to attach the proper importance to it.
- 1.7 The EESC notes that measures to combat human trafficking have not been effective enough and that action needs to be stepped up here, with a more comprehensive strategy and new measures adopted².
- 1.8 The EESC supports the possibility of the Anti-Trafficking Directive being reviewed following an evaluation of how it is being implemented, but while to fight human trafficking it is necessary to improve sanctions, it is not enough.
- 1.9 It underlines and supports the intention to establish minimum standards at EU level that criminalise the networks involved in trafficking and exploiting human beings, and the use of services arising from the exploitation of trafficking victims. It will be essential to cover the

¹ [COM\(2021\) 171 final](#), pp. 10, 13, 14.

² *Ibid.*, footnotes on p. 4 (20), p. 10 (39) and p. 11 (41).

criminalisation of the entire procurement and subcontracting chain involved in the process of trafficking and exploiting human beings.

- 1.10 The EESC believes that, in order to be more effective, the fight against human trafficking needs to be based on a more comprehensive analysis which takes into account the social aspect of the context that is enabling such trafficking to increase – something that is only occasionally considered in the design of the Strategy.
- 1.11 The EESC also notes³ that there is a link between the development of trafficking in low-income countries and child trafficking, "the majority of [the children being] forced into child labour", a situation linked to families' subsistence problems.
- 1.12 The EESC believes that the immense suffering of victims should lead to a humane approach being adopted to their situation at all stages. The Strategy's prevailing approach must not simply be repatriation or encouraging voluntary return to the country of origin, underestimating the conditions they would find there, which would make them more vulnerable to traffickers; it should also cover recognition of the right to integrate into the host society.
- 1.13 The EESC notes that there is no measure at all for recognising and enforcing victims' rights, nor for providing immediate assistance, support or protection (medical, legal, etc.), especially as regards any form of penalisation of victims by those who exploit them. The EESC proposes that the Commission incorporate this proposal into the Strategy.
- 1.14 The EESC notes that the Strategy acknowledges the difficulties victims face in rebuilding their lives and that opportunities for their inclusion in the labour market are scarce, but equally notes that no provision is made for changing this state of affairs⁴. To remedy this situation, the EESC proposes that victims be granted the right to be integrated into the host society, by means of an appropriate, fast-track integration process.
- 1.15 EU law only provides for the possibility of victims being granted a residence permit if they cooperate in the investigation into and prosecution of traffickers. The EESC draws attention to the fact that this situation can be extremely detrimental to victims, forcing them to relive the whole experience and trauma they have suffered, without respect for their physical or mental health. The EESC proposes that these situations be considered on a case-by-case basis, depending on the circumstances and psychological profile of each victim, who should, *inter alia*, be given strong psychological support in order to be able to relive and bear witness to the trauma they have suffered.
- 1.16 The EESC welcomes the Commission's position advocating the non-punishment of victims for crimes they have been forced to commit, as well as the review – in a spirit of protecting victims – of the 2004 Council Directive as regards residence permits issued to victims of human trafficking.

³ *Ibid.*, Section 6 – International dimension.

⁴ *Ibid.*, p. 18.

- 1.17 The EESC proposes that, in this respect, all victims of the crime of human trafficking be duly compensated by a public fund, taking into account the severity of the suffering inflicted on them. In cases of labour exploitation, they will also be entitled to receive payment due for the work carried out, and the direct beneficiary, i.e. the ultimate employer, or the recipient of the service provided, should be held liable when the "supply chains" are set up in such a way as to be an impregnable maze.
- 1.18 The EESC believes that what is missing from European immigration legislation is consideration of the situation of less-skilled and poorer economic immigrants arriving in Europe in search of better living and working conditions (the situation of more highly-skilled immigrants and those with greater economic resources being already covered). This omission, and the consequent absence of mechanisms allowing legal immigration, has meant that economic migrants are more likely to become involved in human trafficking networks. The EESC recommends that the European institutions put in place European legislation to remedy this situation.
- 1.19 The EESC believes that incorporating an international dimension⁵ into the Strategy boosts the effectiveness of the fight against human trafficking. However, it notes that little emphasis has been placed on the need to create decent and adequate economic and social conditions⁶ for people in countries of origin, which is the main way of hindering or preventing the recruitment of trafficking victims. The EESC suggests building on and incorporating into the Strategy the development cooperation dimension and efforts to achieve the UN Sustainable Development Goals as main ways of creating such positive structural conditions.
- 1.20 The EESC notes that, in the context of economic activity and the trafficking of human beings for labour exploitation, there is no reference in the Strategy to the unfair competition practised by companies using this workforce in relation to other companies operating in compliance with the legislation. This form of social dumping is incompatible with corporate social responsibility and should also be addressed in the field of social dialogue, as well as in the policing and legal fields.
- 1.21 The EESC notes that in sectors of economic activity where there is greater informality and a widespread lack of social dialogue and collective bargaining, there is a tendency to make greater use of this workforce. The EESC proposes that, in order to better combat labour exploitation, the Commission include in the Strategy the active involvement of the social partners in the fight against human trafficking, in line with their competences and respecting their independence, and thus the promotion of social dialogue and collective bargaining, as essential instruments to achieve this.
- 1.22 The EESC welcomes the forthcoming Commission initiative on sustainable corporate governance, which ensures in particular that public procurement encourages transparency and is socially responsible⁷. The EESC notes that a number of collective agreements have already been concluded at national level with the aim of preventing abuse and trafficking in the workplace

⁵ *Ibid.*, Section 6 – International dimension.

⁶ *Ibid.*, p. 17.

⁷ *Ibid.*, p. 9.

and providing for compensation for victims⁸. The EESC recommends that the Strategy incorporate these examples of good practice, which should be promoted and replicated in Member States as a specific way of ensuring such transparency.

- 1.23 The EESC welcomes the Commission's commitment to adhering to the Employers' Sanctions Directive, which will make it possible to increase the sanctions applicable to them⁹.
- 1.24 The EESC notes that there is no reference in the Strategy to the importance of involving civil society organisations and social partners, in particular trade unions. The role and activities of these organisations over the years – especially in areas relating to trafficking for sexual, labour and child exploitation – in identifying, reporting and addressing these situations and actively supporting victims should be duly recorded and properly valued. The EESC proposes that this involvement be incorporated into the Strategy and that these organisations be properly supported, including financially.
- 1.25 The EESC also notes that the Strategy makes no mention of the significant support provided by civil society organisations and community solidarity networks and the social partners in protecting, welcoming and integrating victims, or of their need for financial support to carry out these activities. The EESC proposes that the Commission incorporate this dimension into the Strategy.
- 1.26 The EESC endorses the view that, in this fight, it is necessary to involve, in addition to Europol and Eurojust, the European Labour Authority (ELA), in close cooperation with national authorities, especially labour inspectorates, strengthening its powers and equipping it with material resources, especially digital and physical resources. The EESC therefore suggests that the Commission Strategy propose to the Member States that they respect the ratios set out in International Labour Organization (ILO) Convention No. 81¹⁰.

2. **Background**

- 2.1 We see it, hear about it and read about it. We cannot ignore the fact that human trafficking causes huge distress for the victims, harms their dignity, deprives them of their liberty and destroys their lives. The EESC and all its members, along with all citizens of the European Union, are deeply aware of the horror of human trafficking and the harmful consequences for its victims, and stand alongside them, supporting all measures to fight and eradicate it.
- 2.2 Studies and reports have expanded knowledge of this phenomenon, helping to improve response strategies, but in spite of this, human trafficking puts thousands of people in danger every year, especially women and children. Thus:
 - i. between 2017/2018, a further 14 000 victims were recorded, and the number could be higher because there are difficulties in recording figures on this subject;

⁸ See the 2021 ILO report – [Access to protection and remedy for victims of human trafficking for the purpose of labour exploitation in Belgium and the Netherlands](#).

⁹ *Ibid.*, p. 8, p. 9.

¹⁰ ILO Convention No 81 (on Labour Inspection) provides that there be one labour inspector for every 10 000 workers.

- ii. almost half of the victims are EU citizens and the remainder come from outside the EU – from Africa, the Western Balkans and Asia¹¹;
- iii. the majority of victims are women and girls trafficked for sexual exploitation;
- iv. labour exploitation affects 15% of victims, but most of the victims are not detected;
- v. the main sectors where there is human trafficking for labour exploitation are: agriculture and forestry; construction; hospitality; cleaning work; domestic work, manufacturing (textile and garments, food manufacturing¹²);
- vi. most traffickers are EU citizens;
- vii. this crime generates large profits for traffickers, estimated at EUR 29.4 billion in 2015, of which about EUR 14 billion came from sexual exploitation¹³; this does not take into account trafficking for labour exploitation¹⁴;
- viii. the economic costs of human trafficking in 2020 amounted to EUR 2.7 billion;
- ix. traffickers take advantage of social inequalities, as well as people's economic and social vulnerability;
- x. almost a quarter of all victims of human trafficking are children and are trafficked for sexual exploitation¹⁵;
- xi. exploitation of victims of human trafficking takes the following forms: sexual; forced labour; forced criminality; forced begging; and child trafficking¹⁶.

2.3 The **Strategy on Combatting Trafficking in Human Beings 2021-2025**¹⁷ is being defined against a background distinguished, on the one hand, by growing awareness that the fight against human trafficking is a requirement for the EU because of its commitment to human dignity and human rights and, on the other hand, by a continuing increase in human trafficking.

2.4 Since 2002, the EU has been cracking down more and more in this domain, and the proposal for a Strategy aims to pursue this approach¹⁸.

2.5 Directive 2011/36/EU of 5 April 2011 was a major step forward in the fight against trafficking and rightly became known as the "Anti-Trafficking Directive". The phenomenon known as human trafficking has become more frequent and more widespread.

2.6 The directive adopted a broader concept of human trafficking to include new forms of exploitation of victims of trafficking. The EESC would draw particular attention to Article 2 of the directive – Offences concerning trafficking in human beings – which sets out the main lines for combatting human trafficking.

11 [COM\(2021\) 171 final](#), p. 2 e p. 19.

12 *Ibid.*, p. 6.

13 *Ibid.*, p. 7.

14 *Ibid.*, p. 8.

15 *Ibid.*, p. 14.

16 *Ibid.*, p. 12.

17 *Ibid.*

18 This refers to: [Council Framework Decision 2002/629/JHA of 19 July 2002](#); the EU Plan on best practices, standards and procedures for combating and preventing trafficking in human beings (2005); the Council of Europe Convention on Action against Trafficking in Human Beings (1.2.2008); and the Stockholm Programme – an open and secure Europe serving and protecting citizens (2010).

2.7 The EESC points to its significant body of opinions on human trafficking, whose conclusions made a general contribution to fighting this scourge at the time they were drawn up¹⁹.

2.8 It is against this background that the Commission is presenting this proposal for a Strategy, which consists of six sections, in each of which the Commission makes its own commitments (26), and in which it calls on the Member States to take action to implement it in their respective areas (16), in a total of forty-two activities provided for in the Strategy.

3. **General comments**

3.1 **The need for data (knowledge of the realities of the situation)**

3.1.1 The EESC underlines that the Commission does recognise that human trafficking is continuing to grow in the EU, with a rising number of victims and entailing very high human, social and economic costs despite the initiatives taken, owing, in particular, to the operating model of the criminal organisations involved.

3.1.2 The EESC points out that the number of identified and presumed victims reflects the seriousness of the situation, but there is a need to find out more about what is actually happening; there is still difficulty in obtaining data, particularly in the context of the COVID-19 pandemic, which is hampering access to some data in a situation where the public and private sector human resources assigned to this are limited by strict lockdown measures.

3.2 **Combatting human trafficking**

3.2.1 The EESC highlights that the Strategy focuses on criminal and security aspects of fighting human trafficking as a crime, which it places at the heart of its action, addressing the various dimensions.

3.2.2 The EESC notes that the Strategy attaches value to the role of legislation in this context, highlighting the Anti-Trafficking Directive, but recognises that, despite the Commission's monitoring of its implementation, transposition is uneven and, above all, many perpetrators still go unpunished in the EU and the number of convictions of traffickers remains low²⁰.

3.3 **The social dimension of the fight against human trafficking**

3.3.1 The EESC notes that, as acknowledged in the communication²¹: "Young women and minors from Roma communities are especially vulnerable to exploitation and trafficking due to several socio-economic factors such as multi-dimensional poverty (...)".

¹⁹ [OJ C 51, 17.2.2011, p.50](#), *Fight against trafficking in human beings*; [OJ C 24, 28.1.2012, p. 154](#), *Preventive measures to protect children from sexual abuse*; [OJ C 44, 15.2.2013, p. 115](#), *Eradication of trafficking in human beings*; [OJ C 177, 18.5.2016, p. 51](#), *European Agenda on Security*.

²⁰ *Ibid.*, p. 11.

²¹ *Ibid.*, Section 5 – Protecting, supporting and empowering the victims, especially women and children.

- 3.3.2 The EESC draws attention to the fact that people who combine multidimensional poverty with other specific characteristics (people with disabilities, LGBTI, etc.) are also particularly vulnerable to exploitation and human trafficking.
- 3.3.3 The EESC also notes²² that there is a link between the development of trafficking in low-income countries and child trafficking, "the majority of [the children being] forced into child labour", a situation linked to families' subsistence problems.
- 3.3.4 The EESC notes and greatly welcomes the fact that the ELA, labour inspectorates in the Member States, the social partners, many civil society organisations and many media and social networks constantly denounce and combat human trafficking, in particular by sharing and disseminating information, denouncing and combatting situations and seeking all kinds of solutions to protect victims and punish traffickers. The EESC proposes to the Commission that these interventions be included and promoted in the Strategy as examples of good practice to be replicated.
- 3.3.5 The EESC points out that many civil society organisations which have taken extremely commendable action in the various dimensions of combatting trafficking and supporting victims (rescuing shipwrecked people, hosting victims, supporting their integration, etc.) have in some cases been criminalised. The EESC rejects this approach and calls on the Commission to address the situation in the Strategy.

3.4 **Victims' rights**

- 3.4.1 The EESC feels that the situation of victims is not addressed in a consistently humane way throughout the Strategy.
- 3.4.2 The EESC considers that victims' access to their rights should be a core concern, in keeping with an approach that always focuses on affirming the human dignity of victims and their human rights.
- 3.4.3 The EESC agrees that the situation of victims who are not EU citizens is even more difficult. The EESC points out there are many situations where victims, whether EU citizens or from third countries, can become accessible to traffickers and exposed to the risk of being trafficked again.

3.5 **Comprehensiveness of the Strategy and its implementation**

- 3.5.1 The EESC is not unaware of the fact that, as the Commission points out, victims are trafficked to the EU in **mixed migration flows** across all sorts of different routes and criminal organisations²³. The response to this situation must not, however, be limited to tackling networks of smugglers, but should be more wide-ranging.

²² *Ibid.*, Section 6 – International dimension.

²³ *Ibid.*, Section 6 – International dimension.

- 3.5.2 The EESC underlines that the strategy for tackling human trafficking must not, therefore, be seen in isolation from the new Pact on Immigration and Asylum, nor from the Action Plan on Integration and Inclusion 2021-2027²⁴. The EESC points out that the European Pillar of Social Rights Action Plan should also be seen as an overarching framework for the EU's social strategy. The EESC recommends to the Commission that the Strategy provide for smooth coordination with other EU social policies, creating synergies and making them more effective.
- 3.5.3 The EESC supports the development of the Joint Statement of Commitment concluded by 10 European agencies to work together, and proposes that reports be submitted annually on the work carried out.
- 3.5.4 The EESC welcomes the gender perspective adopted, as well as several proposals for improving efforts to fight trafficking when victims are children.

4. **Specific comments**

4.1 **Section 2**

- 4.1.1 The EESC believes that the protection of victims at all stages, in particular women and children, needs to be properly ensured²⁵. To this end, civil society organisations operating in this domain and the social partners must be involved at all stages of the process.
- 4.1.2 The EESC welcomes and supports the Commission's position that the Anti-Trafficking Directive must be implemented in all Member States, and its review should be based on a thorough assessment of the limitations identified and on developments in human trafficking, in particular in the recruitment and exploitation of victims via the internet.
- 4.1.3 The EESC believes that the Strategy's prevailing approach should be that victims, if they so wish, should be able to regain full enjoyment of their human rights, guaranteeing them, first and foremost, access to protection and compensation for the suffering inflicted on them, and in particular, access to work with rights applying in the place where they are located, and for the victims not to be repatriated or in any other way returned to their countries of origin. There should be concern for the integration of victims both in the event that they choose to stay in the country in which they are located and if they freely choose to return to their country of origin. The EESC argues that victims should be given the right to integrate into the host society, through a specific fast-track integration process.
- 4.1.4 The EESC welcomes the Commission's commitment to ensuring adequate funding to combat trafficking inside and outside the EU²⁶.

²⁴ *Ibid.*, p. 18.

²⁵ *Ibid.*, Section 2.

²⁶ *Ibid.*, p. 6.

4.2 Section 3

- 4.2.1 The EESC welcomes the Commission's proposal calling on Member States to consider criminalising the knowing use of services exploited from trafficked persons²⁷.
- 4.2.2 The EESC proposes promoting the social partners' involvement in national and cross-border operations to monitor and combat human trafficking and forced labour, in cooperation with Member States' labour inspectorates and the European Labour Authority. The EESC notes that a number of collective agreements have already been concluded at national level with the aim of preventing abuse and trafficking in the workplace and providing for compensation for victims²⁸. The EESC recommends that the Strategy incorporate these examples of good practice, which should be promoted and replicated in Member States.
- 4.2.3 It warns that it is becoming necessary also to analyse the consequences, as regards human trafficking, of the massive proliferation of new forms of work and the implications thereof for new forms of labour exploitation. The Strategy rightly refers to the use of digital networks, but seems to focus more on trafficking for sexual exploitation than labour exploitation, notably through the use of digital platforms. The EESC recommends that the Strategy adopt a wide-ranging vision in this approach.
- 4.2.4 The EESC supports the Commission's commitment to ensuring that there is no forced labour in the value chains of European companies and that EU companies' supply chains are free from child labour²⁹.

4.3 Section 4

- 4.3.1 The EESC endorses the statement that organised crime seeks to penetrate legal economic activity, with the concomitant risks to society itself, it being necessary to combat, in particular, the systematic use of financial investigations in law enforcement investigations, as well as the development and implementation of a solid framework for identifying, seizing and confiscating criminal assets³⁰.
- 4.3.2 The EESC agrees that there is a need to strengthen capacities for combatting trafficking through the systematic training of law enforcement and justice practitioners, bearing in mind that training should always take into account the perspective and needs of victims³¹. The EESC draws particular attention to the need to increase the human resources of the services dealing with this issue.
- 4.3.3 The EESC believes that countering the business model for recruiting and exploiting victims via the internet requires compliance with the legal obligations already imposed on platforms, and

²⁷ *Ibid.*, p. 8.

²⁸ See the 2021 ILO report – [Access to protection and remedy for victims of human trafficking for the purpose of labour exploitation in Belgium and the Netherlands](#).

²⁹ *Ibid.*, p. 9.

³⁰ *Ibid.*, p. 11.

³¹ *Ibid.*, p. 10.

dialogue with relevant internet and technology companies to reduce the use of online platforms for the recruitment and exploitation of victims³². The EESC believes that the European Digital Media Observatory³³ could be a useful tool for monitoring illegal online recruitment channels for human trafficking.

4.3.4 The EESC deems it essential to ensure that internet service providers and related companies support the fight against human trafficking by identifying and removing material associated with the exploitation and abuse of victims.

4.3.5 The EESC draws particular attention to the fact that the success of the fight to dismantle the criminal model and stop the exploitation of victims of human trafficking depends largely on the active involvement of society at large and the actions in particular of citizens, local authorities, the education system, the health system, the social partners, civil society organisations and the messages disseminated by the media and social networks. There is a responsibility shared by all of society to combat the crime of human trafficking. The EESC proposes that the Strategy consider specific information and training programmes targeting these institutional and social actors, because the Strategy's effectiveness is directly linked to their respective engagement and efficiency.

4.4 **Section 5**

4.4.1 The EESC believes that more effective referral systems for victims of human trafficking should be promoted in such a way as to ensure their protection and secure their rights at Member State level, through coordinated responses, with the expert assistance of civil society organisations, social partners and international non-governmental organisations, taking into account, *inter alia*, the sharing of best practice³⁴.

4.4.2 The EESC supports the Commission's position advocating the non-punishment of victims for crimes they have been forced to commit, as well as the review – in a spirit of protecting victims – of the 2004 Council Directive as regards residence permits issued to victims of human trafficking.

4.4.3 The EESC endorses the Commission's position on strengthening cooperation on a European referral mechanism.

4.4.4 With regard to children, the EESC draws attention to the need to adopt a lifetime approach, as a traumatising event during childhood will have effects in adolescence and adulthood. The EESC believes that supporting these children's development should be part of the victim support strategy.

³² *Ibid.*, p. 13.

See DG CONNECT of the European Commission.

³⁴ In this context, the new system adopted in Portugal, the System of National Reclassification for children who are (presumed) victims of human trafficking, constitutes good practice.

4.5 Section 6

- 4.5.1 The EESC underlines that, in the international arena, the achievement of the UN Sustainable Development Goals is the key pillar for establishing economic, social, human rights and political conditions in countries of origin that enable their citizens to live a dignified life in peace and security. Sustainable development cooperation measures implemented by the EU and the Member States are one of the main instruments for this, which the EESC highlights and supports and proposes be promoted and included in the Strategy.
- 4.5.2 The EESC supports the Commission's efforts in external action with the various agencies of the United Nations and the Council of Europe to combat human trafficking, but points out that the ILO has very long-standing and fruitful experience in this fight³⁵. The International Organization for Migration (IOM) also has a great wealth of experience and good practices that should be taken into account. The EESC recommends that the Commission include these agencies in the interinstitutional relations through which it will work to implement the Strategy.
- 4.5.3 The EESC believes that the existence of mixed migration flows, through which immigrants are introduced in parallel with human trafficking, should not be seen only from the perspective of tackling smuggling networks, and points to this end to the new Pact on Migration³⁶.

Brussels, 22 September 2021.

Christa Schweng
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³⁵ Convention 29/1930 on Forced Labour, Convention 105/1957 concerning the Abolition of Forced Labour and the ILO Protocol of 2014 to the Convention on Forced Labour and the Abolition of Forced Labour.

³⁶ *Ibid.*, p. 20.