



Master thesis

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Modus Operandi of the European Union on Addressing Trafficking in Human Beings

Holistic Approach to EU Anti-trafficking Law, Policies,
Stakeholders, Actions and Partnerships

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3P	Prevention, Protection and Prosecution
4P	Prevention, Protection and Prosecution in Partnership
ATC	Anti-Trafficking Coordinator
CTHB	Counter Fighting Trafficking in Human Beings
EC	The European Commission
EFTA/EEA	European Free Trade Association/European Economic Association
EP	The European Parliament
EU	The European Union
EU ATC	EU Anti-Trafficking Coordinator
FEMM	The EP Committee on Women's Rights and Gender Equality
HT	Human Trafficking
IO/s	International Organisation/s
IGO/s	Intergovernmental Organisations
LIBE	The EP Committee on Civil Liberties, Justice and Home Affairs
MS/s	Member State/s
MEP/s	Member/s of the European Parliament
NGO/s	Non-governmental organization/s
PVoT/s	Presumed Victim/s of human trafficking
OSCE	Organization for Security and Co-operation in Europe
UN	United Nations
UNODC	United Nations Office of Drugs and Crime
UNTOC	UN Convention against Transnational Organised Crime
VoT/s	Victim/s of human trafficking

1. Introduction

1.1. Setting the scene

Trafficking in human beings (hereinafter THB)¹ is an important political, economic, and humanitarian issue. THB ranks as the second most profitable and fastest growing criminal industry (just next to the trade of illicit drugs). It supports “the vicious circle of crime, corruption, violence, poverty and underdevelopment in the lagged economies” (Mo, 2011, p. 4). THB is identified both by the European and the international law as a gross violation of fundamental human rights and as a form of organized crime. What is more, THB is the only form of organized crime explicitly prohibited by the Charter of Fundamental Rights of the European Union (see Article 5§3 of the Charter)². Practically all countries in the world are affected by the atrocity of THB, either as a source, transit, or destination country, or in some cases combination thereof (Aronowitz, 2009; Wheaton, Schauer & Galli, 2010). This atrocious activity destroys peoples` health and social lives, threatens national security and deteriorates the progress of the affected economies and societies due enlargement of the shadow economy and organized criminal activities (Belser 2005). In short, THB violates human rights, national borders, and criminal laws (Mo, 2011).

Exact and reliable data on the number of persons being trafficked is very challenging to collect due to the “underground nature” of THB (Wheaton, Schauer & Galli, 2010). Nonetheless, the International Labour Organization (ILO) estimates that at least 12.3 million people are under forced labour (ILO, 2005). Overall, the estimation is that there are currently 20 million victims worldwide and at least 600,000 more people are trafficked every year (U.S. *Department of State, 2014*). The severity, relevance and extent of THB are unquestionable. Thus, the issue of THB has risen to the top of the international political agenda. Kofi Annan UN Secretary-General stated that THB is “widespread and growing” (United Nations, 2004, p. 6). THB is not “lagging behind” in EU either. According to the latest statistics there are

¹ The term human trafficking in this thesis refers to *all* forms of human trafficking. Some research papers focus only on one specific aspect of human trafficking, most frequently women trafficking for the purpose of sexual exploitation. This thesis, however, aims to cover human trafficking in its full meaning regardless of which form of extortion occurred or which gender and age is the victim.

² The Charter of Fundamental Rights of the European Union is available at http://www.europarl.europa.eu/charter/pdf/text_en.pdf

around 30,000 new victims of trafficking (hereinafter VoTs) in EU annually (European Commission, Eurostat, 2014). Thus, it is not surprising that the European Parliament in its 2010 Resolution on THB identified the current situation as *alarming*. Beyond any doubt, THB is a global issue and should be addressed globally. However, due to the predefined limitations of this study and personal interest of the author the focus of this study will be narrowed down to a regional level, concretely, the European Union (hereinafter the EU) level.

1.2. Definition of the research problem and research questions

The concrete CTHB actions depend from which theoretical perspective CTHB is approached. For instance, trafficking may be addressed from at least two basic standpoints; 1) as an issue of illegal migration or organized crime that threatens the national security, or 2) as a threat to human rights of the victims since it encompasses a spectrum of abuses of fundamental rights. Logically, the anti-trafficking efforts that follow from these two different starting points will not have the same objectives and final concrete actions.

THB is often referred to as a modern form of slavery, which is fairly understandable concept. Nonetheless, one of the basic hypotheses of this paper is the understanding that trafficking in human beings is not a narrow concept. Only an in-depth approach, focused on various dimensions of THB, may disclose the full complexity of the phenomenon. For instance, some of the dimensions that should be considered are the root causes, driving forces of the demand side, involved countries and migration trends, diverse forms of exploitation, characteristics of the victims and traffickers, invested global, regional and national efforts on counter fighting trafficking in human beings (hereinafter CTHB), flexible *modus operandi* of the criminal groups and continual progressive developments of THB (hereinafter THB trends).

When national borders do not confine the crime and the criminals, the adequate strategy for counter fighting cannot be limited to isolated nation efforts. When the crime crosses borders, in order to be efficient, the policies, legislation and the law enforcement must follow the same route. When the rule of law is undermined in several countries, then those who defend it cannot limit their efforts to solely national means. In the EU context, a single nation country or organisation does not have the competences and the capacity to efficiently address this problem alone. Trafficking in human beings, as other forms of organized crime, has flourished due to strong, developed, easy adaptable and well-functioning criminal networks. Also, in the academic field there are increasingly reoccurring observations that the partnership, joint efforts and overall comprehensive approach are crucial for more successful results in anti-THB initiatives and actions (Cho, Dreher & Neumayer, 2011; Impe; 2000; Szaraz, 2010). Thus, the most logical way to combat THB in EU is to develop equally strong or ideally stronger *holistic modus operandi* for addressing CTHB.

Furthermore, THB is “rooted in social and economic conditions in the countries from which the victims come, facilitated by practices that discriminate against women and driven by cruel indifference to human suffering on the part of those who exploit the services that the victims are forced to provide” (United Nations, 2004, p6). In the same line, the European Commission defined THB as “a complex transnational phenomenon rooted in vulnerability to poverty, lack of democratic cultures, gender inequality and violence against women, conflict and post-conflict situations, lack of social integration, lack of opportunities and employment, lack of access to education, child labour and discrimination” (European Commission, 2012, p.). Thus, it is not surprising that some authors highlighted that there is “no easy or uni-dimensional solution to human trafficking, since it is influenced by a complex set of factors, often working in combination with one another” (Impe, 2000, p. 115). The eradication of such a complex phenomenon requires a *holistic approach* that includes in-depth and comprehensive understanding of THB, advanced efforts in prevention, fierce prosecution of the perpetrators and appropriate protection and assistance of the victims. Clearly, all this neither can be tackled by a single stakeholder nor by a simple structured policy. Consequently, stakeholders coming from diverse fields should address THB in EU in a broad and comprehensive policy area. Therefore, anti-trafficking efforts in EU may consist of a range of diverse actions across several EU government departments, including hard and soft policing, criminal justice, border controls, police investigations, intelligence, funding, social assistance, humanitarian assistance, development programmes, etc.

While there are plentiful reports on EU anti-THB actions and efforts published by EU authorities (see tables in third chapter), studies published by *independent* researchers on this specific topic is very scarce. Taking into consideration the importance of THB in general and in the EU in specific, the attention received on high political levels, civil society, media and the general public; the *evaluation* of EU CTHB efforts and actions received surprisingly little attention in the academic field. This observation enforced the choice of the topic and region in focus.

In the light of everything above, intention of this thesis is to present an independent evaluation of efforts on EU level in addressing THB and to offer concrete examples for future improvements. Correspondingly, this study aims to explore and analyse *how EU's responses address and correspond to the complexity of THB*. More concretely, this study will look at *how the EU's response to THB has developed over time, what is its current modus operandi in addressing CTHB and what should be in the focus of the future actions*. Thus, overarching

goal of this thesis is threefold. The first objective is to identify the most appropriate theoretical approach to CTHB given the complexity of the THB, the second objective is to evaluate EU CTHB past and present efforts within that theoretical framework and the third objective is to offer concrete suggestions for future advancements based on the identified gaps in existing EU policies and actions.

The main analytical research question will be operationalised and answered through the following three sets of empirical research questions:

1. What are the most relevant theoretical approaches to counter fighting trafficking in human beings? How they can be logically categorised? Given the complexity of THB, which theoretical approach is the best choice for shaping the most efficient EU anti-trafficking strategy?
2. Who are the most relevant anti-trafficking stakeholders on EU level? What is their role in CTHB and what are their concrete CTHB actions? In which direction their anti-trafficking efforts are progressing considering their actions on prevention of THB, prosecution of perpetrators, protection of victims and collaboration with other CTHB stakeholders?
3. Which concrete actions should the EU decision makers consider focusing on in future?

2. Methods

3. Literature review and discussion

3.1. Definition of trafficking in human beings

At European level, THB is defined by 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, and replacing Council Framework Decision 2002/629/JHA (Trafficking Directive 2011/36/EU)³ as

“the recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, 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. (...) 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”.

On the international level, THB is defined by The United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons especially women and children, supplementing the United Nations Convention against transnational organised crime (the Palermo Protocol). Hence, this research paper is focused on EU anti-trafficking policies and EU practices the definition presented by Trafficking Directive 2011/36/EU is quoted. However, it is worth noting that these two definitions are close to identical.

Due to complexity of the concept, human trafficking is oftentimes mistaken for other associated terms, especially people smuggling. People smuggling refers only to “the facilitation of crossing the border by using illegal means in order to obtain a financial or other material benefit” (El-Cherkeh et al. 2004, p.20). In addition, literature review conducted for this thesis shows that even the leading governmental institutions commit mistakes and confuse these two different concepts. Concretely, in the European Parliament resolution on

³ Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>

the mid-term review of the 2000-2003 Daphne Programme (2001/2265 (INI))⁴ it was stated the following “IOM estimates that, each year, 500 000 people (most of them women and children) become caught up in trafficking for the purpose of sexual exploitation in the EU”. However, if we read the original source (see Salt, 2000) we can notice that IOM talks about 500,000 *illegal aliens* entering Western Europe every year and *not victims of trafficking*. What is more, the same source emphasized that “it is not clear how many of these people went through the hands of traffickers” (Salt, 2000, p.40). Therefore, the aforementioned 500 000 people in the worst case scenario could be addressed as *potential VoTs* but not VoT per se. In the light of the above, it is worth indicating the main differences between trafficking in human beings and smuggling of migrants. For example, El-Cherkeh et al. (2004) listed four main differences: 1) Exploitation, 2) Consent to enter a country illegally, 3) Transnationality and 4) Source of profits. The most relevant difference is that *human smuggling does not involve extortion*; the migrant has an option to leave at any time but smuggling definitely ends with the migrants' arrival at their destination. Human trafficking does not end on the arrival to the destination. Actually, that is when the *extortion begins* as the victim has no right to decide whether to work, how many hours to work, or what kind of work to do (Wheaton, Schauer & Galli, 2010). Furthermore, human smuggling it may be dangerous or humiliating for the migrant, but it is always with the persons' consent. In addition, from a legal point of view, the victim of human smuggling is a nation state whose migration legislation was violated due to unauthorised border crossing while the offenders are the smugglers *and the smuggled*. Furthermore, while human smuggling is always transnational and it engages illegal border crossing, trafficking in human beings takes place both internationally and internally. VoT in EU may be EU citizens who may move legally all over the EU. Finally, the smugglers receive the payment from the migrants for the service of the transportation or facilitation of the illegal entry or stay of a person into another county. On the other hand, the traffickers' profits derive mainly from the exploitation but may involve the initial payment from the VoTs as well.

⁴ Available at <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P5-TA-2002-0398>

3.2. Theoretical approaches to counter trafficking in human beings

Policies are shaped by and legal acts are developed based on conceptual understanding of the undesired phenomenon. For that reason, the most relevant theoretical approaches will receive due attention in this section. What is more, this section will make an attempt to address the existing lack of clarity in theoretical THB landscape. In other words, this paper is the first attempt to analyse and organise diverse theoretical approaches into several main logically distinct categories. Thereupon, the theoretical advancement is expected to facilitate the future design and implementation of effective anti-THB strategy.

The way some undesired phenomenon is conceptualised is very relevant. For instance, the understanding of the dynamics behind the factors that drive human trafficking will define the policies, strategies and efforts aimed at eradicating it. For this reason, the general understanding of THB and theoretical approaches to CTHB in specific are of high relevance. Surprisingly, until now there have not been many comprehensive theoretical models explaining why human trafficking occurs and persists or what induces this modern slavery phenomenon (Capobianco, 2013). Salt (2000) pointed out the fact that deep concern and strong interest for THB in the media and international community is pushing forward policy measures ahead of factual evidence and theoretical understanding. Consequently, hasty chosen strategies might not be efficient enough or, even worse, might have negative unintended side effects. Taking into consideration all the aforementioned, this chapter will explore practical implications of diverse theoretical approaches to CTHB and indicate the most appropriate approach given the complexity of the problem.

The literature review conducted for the purpose of this thesis revealed that the attempts to collect and classify different approaches into one comprehensive theoretical landscape are practically non-existing. The most usual practice of the researchers is to address THB by taking the stand of one theoretical approach (Becsi, 1999; Capobianco, 2013; Wheaton, Schauer & Galli, 2010; Koettl, 2009). Some other researchers would choose to compare and contrast two different theoretical approaches (Vietti, 2008; Salt, 2000; Lobasz, 2009). What is more, researchers tend to use completely different names for the same or very similar theoretical approach, making the comprehensive understanding of the theoretical landscape very challenging. Some authors have indeed made a wider overview of diverse theoretical

approaches (see Lee, 2010). However, they did not make an attempt to organise similar and related approaches into distinct theoretical categories.

In the light of everything aforementioned, this chapter aims at taking one step further by organising the theoretical approaches into distinct logic categories. Thus, the guiding idea of this chapter is providing the most complete classification for the purpose of creating a comprehensive overview of the main theoretical approaches to counter THB.

3.2.1. Prosecuting or security threat approach

This approach in counter-trafficking is focused on protecting the national security of receiving countries by stopping or suppressing already ongoing criminal activities of THB. In this approach, THB is seen only from the point of view of institutional stakeholders in transit and receiving States, while the perspective of the sending States and especially VoT is neglected. Literature review shows that researchers use very diverse terms and key words to name this approach, for example, *reactive* (see Vietti, 2008), *prosecuting*, *suppressive* (see Mo, 2011), *criminal* (see Salt, 2000/2001), *traditional security* (Lobasz, 2009), *top-down* (see Vietti, 2008) approach.

This approach emphasizes the importance of border security, strong migration controls, international law enforcement cooperation (Lobasz, 2009) and *prosecution* of the traffickers. From the perspective of security threat approach destination countries are the possible “victims” of THB who need to be protected accordingly. In other words, THB is addressed just as another form of human smuggling. From this perspective, the main approaches that could be classified as subcategories in this higher level theoretical category are *border control or illegal migration approach*, *law-and-order approach* and *transnational/international security threat approach* to trafficking in human beings.

Border control or illegal migration approach

This approach presumes oversimplified conception of THB as being solely a problem of migration flows and consequently this approach presupposes strong national borders` control. According to Bach (2003) the most usual first reaction in the situation where the government is faced with a crisis is closing their borders. Thus, countries that take this approach in respect to frequently occurring THB on their territory will most usually instantly react by closing the borders which will be followed by further significant investment of resources in their border security. Their effort to combat THB is based on preserving the national security and therefore actions such as sophistication of documents and visas, increase of the number of overseas immigration officers, the reinforcement of border patrol, etc. are deemed most adequate. From the historical point of view, this is the first approach used against THB thus some authors refer to it as the traditional approach (Vietti, 2008).

This approach to CTHB is problematic for several reasons and many authors have criticised it. Among others, Buckland pointed out the fact that “traffickers often use legitimate means to gain entry into States, providing trafficked persons with visas and passports as well as letters or funds to support claims of legitimate travel” (Buckland, 2008, p. 45). Mo (2011) warned that strict border controls and large disparities of living conditions between countries are two main drivers for the growing pool of potential illicit migrants which will give rise to THB and other humanitarian disasters. Wheaton, Schauer, & Galli (2010) also pointed out that stricter immigration rules lead to reduce in legal migration and simultaneous *increase in illegal migration* making migrants more vulnerable to THB. Furthermore, Askola (2007) denoted that this approach is focused on eliminating illegal migration regardless whether it results from smuggling of migrants or human trafficking. Moreover, he pointed out that in many EU countries “victims of trafficking (...) are typically first detained and then expelled as irregular migrants under the increasingly strict and ‘Europeanised’ migration policies of the Member States” (Askola, 2007, p. 209). Since the protection and promotion of human rights of the VoT are not in the focus at all, this approach could be regarded as the opposite of the human rights and feminist approach. On top of that, the most recent evidence shows that THB in EU involves significant number of victims trafficked within EU (European Union. Eurostat, 2014). The majority of VoTs in EU are identified as originating from the Balkan region, including the EU countries, such as Romania and Bulgaria (UNODC, 2010). Hence these two countries are EU MS and Schengen candidate countries; once they join the Schengen area the migration approach is entirely not applicable in anti-THB strategies. Moreover, THB within currently existing Schengen area is also present. There are many examples such as the one of THB organisation active in trafficking Portuguese nationals to Spain where they were extorted by unpaid work in inhuman conditions (Eurojust, 2008b). Finally, this approach is problematic for yet another reason. The main element of THB is extortion and at the point of time when PVoT is crossing the border to the destination country the extortion did not occur yet. Thus, one cannot have enough evidence to conclude that a person crossing the border is indeed the case of THB or not. On the other hand, the border may be the last point where THB still can be prevented.

Law-and-order approach

THB is widely recognised as a form of crime or more specific as a form of organised crime (Friesendorf, 2007). This simplistic conception considers THB also a consequence of other forms of organized crime. Following this approach the focus is on catching the criminals, dismantling their criminal groups and bringing them to justice through the legal prosecution. In this regard, the THB is flourishing and the involved criminal groups capitalize when there is a weak international judicial and law enforcement cooperation. Based on this approach the cooperation among the law enforcement and the judicial authorities play a very important role. This approach largely shaped the international and national legislation dominantly focused on capturing and imprisoning of the traffickers. The downside of this approach is the focus that is usually limited to the criminal groups overlooking the cases of THB which did not occur through involvement of organised criminal groups. Some authors (Wheaton, 2010) criticize this approach claiming that the imprisonment of traffickers will just make space for others who will jump into the open places and grab the opportunity to earn money. Moreover, Friesendorf (2007) argues that CTHB is far from being efficient when limited solely to prosecution: “History shows the inadequacy of coercive strategies against complex social problems” (p. 398). On top of this, law-and-order approach does not deal with the prevention considering the deeper meaning of the term.

Transnational/international security threat approach

In addition to the notion of THB as a form of organised crime, THB may also be approached from the transnational security threat perspective. Transnational organised crime is a generic category that includes broad range of crimes such as cybercrime, money laundering, terrorism, infectious diseases, and illegal trafficking of drugs, weapons, wildlife, toxic waste, etc. These threats cross state borders, they are not linked to the foreign policies or deliberate actions of other states and they are facilitated by a complex, dynamic, and global web created by modern information and communication technologies, as well as transportation (Shambaugh & Matthew, 1998) or in other words; globalisation. THB is one example of contemporary transnational security threat that is relatively less studied compared to other transnational security threats (Klynn, 2012). According to Shelley (1995) transnational organised crime does not represent a threat to the nation-state but it undermines the integrity of individual countries. She also pointed out that there is no prototypical crime cartel. Thus,

the complexity of transnational organized crime does not support the construction of simple generalizations (Shelley, 1995). Furthermore, moving one more category level higher, all transnational crime can be placed in the broad category of non-traditional security threats together with threats as diverse as pollution, water scarcity, pandemics and migration. The complexity of these non-traditional security threats makes them inherently inter-disciplinary, requiring comprehensive study approach that involves various combinations of several different sciences.

Transnational and non-traditional security threats exist above and outside the boundaries of a single state control. Based on this notion, some researchers support the idea that a greater degree of supranationalism in the anti THB policy responses might be advantageous and yield better results in combatting these modern-day ills. Klynn (2012) tried to prove these claims; however the results of his study were not conclusive.

3.2.2. Protective or human rights based approach

An alternative naming *bottom up* approach is used in contraposition to the *top-down* approach. A bottom-up perspective to human trafficking implies approaching the complexity of the phenomenon from a different perspective where the attention shifts from destination countries to the origin countries and from traffickers to victims (Vietti, 2008). Thus, this approach includes the view from the angle of VoTs and PVoTs. In other words, those at the end side or “the bottom” of trafficking.

The most gruesome element of THB is the severe violation of the fundamental human rights of VoT, giving good basis for pushing forward claims that adequate approach to combating and preventing THB must be based on respect of human rights and human rights law (Rijke & de Volder, 2009). Human rights based approach is “victim-centred, gender-specific and focuses on the best interest of the child” (European Commission, Eurostat, 2014, p.9). Some authors refer to this approach also as *victims-centred* or *victims-oriented* (see Aronowitz, 2009), *humanitarian* (see Salt, 2000/2001; Mo 2011) or *feminist* (see Lobasz, 2009).

This approach is prioritizing the security of trafficked persons above the national security of the destination country (Lobasz, 2009). Moreover, this approach takes into consideration the interrelation of complex factors that make trafficked people vulnerable to this crime. Researchers supporting this approach recognize and emphasize that VoTs are threatened by both traffickers and the destination state itself (Lobasz, 2009). Withal, human rights based approach was early and very clearly advocated by the EU government on several occasions. For example, a decade ago the EC communicated to the EP and CoE that the VoT, both their needs and their rights, must be at the centre of the EU policy against THB (European Commission, 2005). In other words, the EC expressed the attitude that demands a commitment of all EU institutions and Member States to follow human rights centred approach and to promote it in their external relations and development policies.

Human rights based approach surely can be considered as an advance due to its focus on the VoTs who are neglected or possibly even criminalised in some other approaches, for example, border control approach. According to the European Commission and Eurostat (2014, p. 9) the human rights approach “stresses the importance of multi-disciplinary actions where all relevant actors are involved in working together towards the eradication of trafficking in

human beings". However, this is debatable considering that human rights based approach is primarily focused on the VoTs who are important but still only one part of the complex and multi-dimensional THB puzzle.

3.2.3. Preventive, business or economic approach

The main idea behind this approach involves considering this global and complex phenomenon as avoidable which implies that suffering and human rights violations, intrinsic to THB are preventable, and therefore it is possible to act on them (Vietti, 2008).

It is often said that THB is a profit driven lucrative business with low risk and high revenue. This is proven by the numerous organised crime groups who, motivated by attractive new business opportunity, expanded their business from drug and weapon trafficking to human trafficking (Mo, 2011). An economic market is a place (physical or virtual) that connects buyers or “*demand*” side of the market and sellers or “*supply*” side of the market (Wheaton, Schauer & Galli, 2010, p.1). According to Wheaton, Schauer & Galli who support this approach human trafficking is “monopolistically competitive industries in which traffickers act as intermediaries between vulnerable individuals and employers by supplying differentiated products to employers” (Wheaton, Schauer & Galli, 2010, p.1). The cause for this to happen is described by supply and demand side of the market, namely “push” and “pull” set of factors. On the supply side we have “push” factors such as poverty, lack of education and employment opportunities, oppression, corruption, etc. On the other side, the demand side, we have “pull” factors such as consumers willing to pay for the commodified human being due to low risk of severe consequences for the consumers, the demand for and lack of lowest-cost labour sources, commercial sex, human organs, etc. This is how the market for human trafficking is created. In this model, involved criminal networks are identified as the suppliers; they are intermediaries who provide the customers with the supply and agents who facilitate the THB process. Withal, the traded goods are victims of trafficking; both their services and their bodies are commodified and treated as mere merchandise. As Bales (2007) well noted there are three underlying factors at work which foster human trafficking and these factors are:

- (1) within the origin countries, an endless supply of victims remain available for exploitation
- (2) within the destination countries there seems to be an endless demand for the services of the victims and
- (3) organized criminal networks, some large and some small, have taken control of this economic “supply and demand” situation and exploit trafficked persons in order to generate enormous profits for themselves (p.277-278).

Significant efforts are being made to address the factors that “push” victims into being trafficked (Szaras, 2010), but based on this approach “push” factors alone are not the single cause for THB to occur. This approach implies that any successful effort to combat sex trafficking must address not only the supply side of the THB equation, but also the *demand* for all forms of THB which perpetuates it. From a simple market perspective demand is a crucial part of any market (ILO, 2006). Thus, it can be argued that THB market cannot exist without demand of the consumers. Some of the leading researchers supporting this model, such as Wheaton, Schauer & Galli (2010) promote the idea that the most efficient solution for eradicating THB is *eliminating the demand* (Wheaton, Schauer & Galli, 2010). ILO (2006) identified three different facets of demand that should be addressed:

- a) employer demand (employers, owners, managers and subcontractors); b) consumer demand (clients in the sex industry), corporate buyers (in manufacturing), household members (in domestic work); c) third parties involved in the process (recruiters, agents, transporters and others who participate knowingly in the movement of persons for purposes of exploitation) (ILO, 2006, p.2).

Considering the relevance of this model, there is surprisingly little research on the influence of demand on THB and the role of clients, consumers, end users and employers, including their profiles, awareness level and participation in the market (Wheaton, Schauer & Galli, 2010). ILO (2006) noted that even though THB has been almost 20 years an issue of global concern acknowledging the importance of the demand was lacking. The analytical shift towards understanding more about the demand and its influence occurred just recently in the international arena (ILO, 2006). While research papers on the demand in some regions can be found, for instance USA (see Brown, 2012) and Asia (see ILO, 2006), research targeted on demand in EU seem to be very scarce. Moreover, demand is very vaguely addressed in EU policy framework.

The economical approach has an added value as it takes into consideration the role of the demand side and emphasizes the importance of addressing that side of the THB phenomenon. On the other hand, it should be noted that every economic model represents a simplification of reality. Thus even proponents of this approach support claim that the economic model may not fully explain human trafficking market in its complexity. However, they believe that this

approach may offer advancement granted that it is incorporated in a general guideline for informing policymaking decisions (Wheaton, Schauer & Galli, 2010).

In addition, Wheaton, Schauer & Galli (2010) have addressed THB from microeconomic point and used a *rational choice theory* (simple cost-benefit analysis) as an assumption for explaining the behavior of VoTs. However, this model could be used as an explanation for the behaviour of other concerned individuals, traffickers and consumers respectively. Some other proponents of the economic model define human trafficking focusing solely on the concept of exploitation. For instance, Koettl (2009) asserts that, legally speaking, exploitation has two possible forms, non-consensual and consensual. Thus, THB is understood as *nonconsensual exploitation* which is mainly addressed through criminal justice law while consensual exploitation is mostly addressed through social and labor law (Koettl, 2009, p. 2). However, the economic theory itself deals only with exploitation as a concept without distinguishing non-consensual from consensual exploitation (Koettl, 2009, p. 8). Namely, these are legal standards that cannot be captured by economic theory. Over and above that, even in reality the distinction is unclear and the two forms of exploitation are often inseparable.

Mo (2011) has developed one of the most progressive economic models. In his model Mo is addressing THB as an economic problem caused by poverty and income/productivity and living quality disparities, thus his approach comes from the perspective of international division of labour and trade. Consequently, his focus is on eradicating the root cause of THB by closing the international disparities in living quality across countries. In his opinion, instead of relying on common humanitarian and/or suppressive measures, the best solution for addressing the root causes that would lead to eradicating THB lies in setting up the ‘reciprocal direct investment’ (RDI) scheme between leading and lagged economies. According to Mo, this scheme would “facilitate improvements in the quality of public governance in lagged economies and directly promote international competition, efficiency, trade liberalization and division of labour” (Mo, 2011, p.1). This anti THB model has some weak points even though it could be considered as one of the most advanced theoretical models hence it is addressing the root causes of illicit migrations. On the downside, considering that THB does solely involve illicit migrations, RDI scheme is not addressing the root causes of THB overall. For example, organ trafficking and THB in cases when PVoT are the citizens of countries with strong or moderate economies are not addressed in this model. On top of this, Mo disregarded one of the main elements of THB - state corruption.

3.2.4. Comprehensive approach

A comprehensive approach to human trafficking entails more than solely reactive or protective strategies. The basic idea is that earlier presented approaches are not exclusive or competing but just the opposite; they are complementary and therefore should be combined. This approach is supported by the most recent reports which indicate that THB is not decreasing but just the opposite; the numbers of VoTs continue to rise despite the worldwide effort to tackle the issues related to THB (Smarsch, 2011). The main idea is that more efficient anti-THB approach would need to address THB from more angles and with more tools *simultaneously*.

Integrative or 3P and 4P approach

Integrative or 3P approach to anti THB refers to prevention, prosecution of traffickers and protection of victims that are *integrated* and implemented simultaneously. This approach was initiated by the Palermo Protocol and supported by the Council of Europe Convention, as well as the Council of European Union Stockholm Programme: “*The fight against human trafficking must mobilise all means of action, bringing together prevention, law enforcement, and victim protection, and be tailored to combating trafficking into, within and out of the EU*” (Council of European Union, 2009, p.45). Following this approach Cho, Dreher and Neumayer (2011) developed a 3P-Anti-trafficking Policy Index which uses information on governmental efforts to fight THB and evaluates them in the three main policy areas - prosecution of traffickers, prevention of the crime and protection of trafficking victims.

In 2009, USA Secretary of State Hillary Rodham Clinton emphasized that further progress on the 3Ps in the effort against THB can be achieved through “fourth P”. Thus, the most recent debates about the fight against THB have widened the 3P approach by another P, namely *partnership*. 4P approach stresses the importance of collaborative actions where relevant actors are involved in working together towards the eradication of trafficking in human beings. Who exactly are and who should be the actors involved in these partnerships is oftentimes only lightly, vaguely or narrowly addressed in existing literature (see Goschin, Constantin & Roman, 2009; Jägers & Rijken, 2014; Koettl, 2009; Smarsch, 2011; Vietti, 2008).

Holistic approach

Eradicating human trafficking requires more developed and more complex approach than implementing three simple traditional goals; capturing and punishing the traffickers, protecting and assisting the VoTs and raising awareness of the general public. Narrow understanding of THB will shape narrow policies and even more narrow practice. For example, policy approach that is predominantly focused on sexual exploitation will most probably lead to practice of having shelters reserved exclusively for female VoTs, leaving male VoTs unprotected and discriminated. On the same account, when THB is not well understood, children VoTs who were forced into petty theft might easily end in jails for minors without necessary support and rehabilitation. For these and other reasons, THB needs to be approached and understood from the holistic perspective.

Even though, holistic approach is increasingly being mentioned in the research, the policy makers and researchers made very little or close to none effort to elaborate the used term. Overall, the majority of published resources refer to the 3 P approach or “the prevention of trafficking activities, the protection of and support for victims and the efficient prosecution of traffickers” (Szaraz, 2010) as “holistic” approach. However, the viewpoint in this study is that the described approach can rightly be referred to as integrative but calling it holistic is *not* justified. 3P approach presumes the integration of several different non-exclusive approaches; however it considers THB complexity only to a moderate level. The same could be argued for the 4P approach which is basically the same as 3P approach with an addition of emphasized need for partnerships.

Holistic approach to anti THB policy development and implementation, as understood and advocated in this study, addresses *all* forms of THB. Sexual exploitation is the predominant form of exploitation reported across EU (European Union. Eurostat, 2014; Szaras, 2010) and is also the most discussed form of THB (Szaraz, 2010). Despite the fact that some other forms of THB do not occur so frequent and involve lower number of VoTs the neglect and lack of action towards their eradication cannot be justified from the holistic point of view. Each victim, regardless of the form of the exploitation endured, should have equal rights; the same level of protection and assistance adjusted to their respective needs. The less “popular” forms of THB that are most usually left out are, for example, forced begging, catering, sports, domestic workers and au pairs, sweatshops, agriculture, construction work and all other so-

called three-D jobs (dirty, demanding and dangerous) (Yukawa, 1996, p. 27) including the ones, such as organ transplant, forced begging or stealing, etc.

It focuses on *all* involved countries; origin, transit and destination and considers *all* already ongoing and possible future change in THB trends. In addition, it deals with *all* facets of the phenomenon including root causes, intermediate causes, facilitating factors, THB process itself and its consequences addressed from *all* relevant aspects: legal, economic, political, ethical, cultural, human rights, gender, social, causal (push/pull factors), especially the demand (for organs, commercial sex, labour exploitation, etc.) which perpetuates the entire phenomenon. Furthermore, considering policy development, the standpoint of the holistic approach is that anti THB policies should be developed based on multidisciplinary efforts of diverse stakeholders. Hence, each of the stakeholders has a specific (rather narrow than holistic) approach to THB, policies created solely by one stakeholder most probably will not address THB in its full scope and thus not be as efficient as they could. For instance, considering governmental role in ensuring national and international safety their policy initiatives might be overemphasizing the relevance of the border control and the prosecution aspect of anti THB policy while neglecting some other perspective, for example, human rights and child right in specific. On the other hand, NGOs focused on human rights and especially women human rights might invest all their efforts exclusively on developing policies that protect and assist VoTs while neglecting other relevant aspects of anti THB policy, such as addressing the root causes of the phenomenon.

The same refers to the policy implementation in all aspects such as prevention, prosecution and protection. Diverse set of stakeholders and multidisciplinary efforts should be involved in each facet of anti THB strategy. Furthermore, the policies, implemented measures, involved stakeholders and partnerships should be in sync with all ongoing and possible future change in THB trends. Moreover, *potential* stakeholders coming from all three sectors of the society (public, private and civil) and their cooperation should be well considered for the purpose of implementation of all available effective anti THB methods, measures, mechanisms and concrete actions. All aforementioned should be implemented in *coordinated* and *comprehensive* manner based on correct/up-to-date intelligence collected by multidisciplinary research-based sources in order to primarily address *root causes* of the phenomenon next to intermediate causes and the consequences. Some traditionally neglected actors who should be actively involved in holistic anti THB approach are corporations and private sector in general, media, civil society in the widest sense including professional associations and religious-

based organisations/communities and regular citizens who should have the duty to report in case of suspected THB case. Concrete example may involve the EU funding opportunities, which would prioritise initiatives that match aforementioned principles.

Furthermore, from the holistic viewpoint, investigation and *prosecution* should aim at all actors that have been involved in supporting or executing THB throughout the trafficking chain. The list of these actors might include and is not limited to recruiters, transporters, exploiters, other intermediaries (health-care practitioners, mortuary workers involved in organ trafficking, marriage agencies, travel agencies, family members involved in selling the family members, advertisement agencies, etc.), *witnesses who did not report the crime* (informed *witnesses*), and last but not least, *clients* or *end users* regardless whether they committed the crime within EU or abroad. Forfeiture of assets, international exchange of information training of prosecutors and law enforcement officials is another set of principles supported by the holistic approach.

Protection of and assistance to *all* VoT and *all* PVoT, regardless of their gender, age, origin country or form of exploitation they endured would be another layer of the holistic anti THB approach. The guiding principle for appropriate approach to VoTs is to respect their specific individual needs for protection (safety physical, danger of re-trafficking, etc.), social inclusion (respect, recognition, residency status, etc.), assistance (such as translation, accommodation, medical help, etc.), access to judicial process and compensation. For example, VoTs who were sexually exploited will need one kind of assistance and medical attention while VoTs who were exploited for organ removal will need different kind of assistance and that should be adequately followed.

Traditionally, *prevention* efforts have mainly involved public awareness initiatives or education campaigns. On the other hand, holistic approach promotes more in-depth understanding of prevention. Thus, holistic approach prioritises prevention actions that address *root causes* while others that deal with intermediate causes or facilitating factors might be considered as supportive. For example, overall ignorance of general public, end users and PVoTs about the THB can be categorised only as intermediate cause or facilitating factor. Thus, in holistic approach information campaigns would not be predominantly used as a prevention measure but rather measures that address the PVoTs vulnerability to THB due to lack of opportunities and employment, equality, ethics, democratic cultures, access to education and of course poverty etc. Next, the prevention efforts would seek to address all

relevant actors in a balanced way, including the abusers on the demand side through strengthened legislation and introducing high fines. Furthermore, from the holistic perspective the prevention is understood in the widest sense. Thus, elements of holistic prevention might be and are not limited to creating economic opportunities for women such as microcredit loans, facilitating education and stimulating entrepreneurship, research,

In summary, holistic approach as understood and advocated in this research is the one that shapes understanding of THB, addresses THB policy development and policy implementation in its full complexity taking into consideration:

- a) *all* facets of the phenomenon including root causes, intermediate causes, facilitating factors, THB process itself and its consequences addressed from *all* relevant aspects;
- b) *all* relevant already active and *potential* stakeholders, from *all* three sectors of the society (public, private and civil), their *cooperation and partnerships*;
- c) *prosecution* of *all* actors involved in any of the stages of the THB chain;
- d) *protection* of and assistance to *all* VoTs and *all* PVoTs;
- e) *all prevention* efforts which should address rather *root causes* then intermediate causes or facilitating factors;
- f) implementation of *all* available effective anti THB methods, measures, mechanisms and concrete actions implemented in *coordinated* and comprehensive manner based on correct/up-to-date multidisciplinary research data;
- g) *all* forms of THB, including the ones most usually left out, such as organ transplant, forced begging or stealing, etc.;
- h) *all* involved countries; origin, transit and destination;
- i) *all* ongoing and possible future change in THB trends.

In conclusion, holistic approach calls for policy development based on extensive and in-depth conceptualisation of THB and policy implementation achieved thorough, coherent, comprehensive and multidisciplinary anti-trafficking cooperative efforts. In the light of everything that was discussed above, the next chapter will aim to assess the EU law, policies, actions and partnerships within the framework of holistic approach.

4.2. Mapping the landscape of the EU government anti-trafficking stakeholders, their anti-trafficking actions and partnerships

In this section, I will provide an overview of the issue of trafficking in the EU through the most important developments in the policy and legal framework to address THB at the EU level. More concretely, I will outline the landscape of the EU anti-trafficking stakeholders, their relations and actions and analyse them from the holistic perspective. Thus, this section will assess who are the main stakeholders involved in working on prevention of THB, prosecution of criminals and protection of VoTs on the EU level, how they work and how they are interconnected. More specifically, the focus will explicitly be on identifying the most relevant EU anti-trafficking stakeholders within EU government, outlining their specific roles in this context and analysing their actions with special focus on 4P efforts in CTHB, both internally (among EU government actors) and externally (between EU government actors and other partners). In summary, I will analyse EU government practical application of EU anti-THB policies in the context of holistic approach. Insights of the evaluation of the policy measures and concrete actions will be duly presented.

The European Union is run by multi-body government made up of several institutions. The European Parliament, the European Commission and the Council of the European Union are the most relevant EU institutions as they exercise the legislative function of the European Union. All EU laws and EU budget are decided by these three institutions. For example, in case of the new EU directive on trafficking in human beings, all three institutions had a very important co-decision role. Principally, EU government anti-trafficking stakeholders can be classified in two distinct categories; EU institutions and EU agencies.

The European Parliament (oftentimes abbreviated as the EU Parliament or just the EP) is the parliamentary institution of the EU. The members of the EP (MEPs) are directly elected by the voters in their respective countries. Thus, the EU Parliament is also referred to as the people's house. The EP is organised in 22 standing Committees that are designed to assist the European Commission in initiating legislation. As a matter of fact, two EP committees were co-sharing the responsibility in regard the EU directive on trafficking in human beings; the Committee on Civil Liberties, Justice and Home Affairs (LIBE), and the Committee on Women's Rights and Gender Equality (FEMM).

The Council of the European Union (often referred to as the Council of Ministers, or just the Council) is an EU institution where the Ministers of the 28 Member States meet together. All EU laws and budget must pass through it. It holds a key position as it also houses the European Council, consisting of 28 Heads of States and government who are representing the interests of all 28 Member States and are determining the EU's general political direction. In addition to the efforts in developing the EU legal framework for THB the Council made at least a dozen legally non-binding initiatives against human trafficking (soft policy actions).

The European Commission (often referred to as the EU Commission or just the EC) is completely separated and independent from EU Member States governments. The EC is a supranational authority that holds executive powers over the European Union. In short, the EC is EU's executive body and the Guardian of the Treaties. The EU Commission proposes the EU laws and implements the laws once they are adopted. It also ensures that the Treaties are upheld. The EC has a crucial and perplexed role in addressing THB in EU. The ongoing and completed activities of the EC demonstrate that the EC has a crucial role in the CTHB on EU ground and stands as key partner for many actors working on anti-trafficking. The most important EC activities in this regard are drafting relevant legislation and strategies as well as evaluating their implementation. Furthermore, the EC has also published several public communications to the EP and the EU Council, where other relevant actors were also addressed. The EC is also active in drafting and publishing relevant reports, opinions and other publications, launching and hosting important events and information exchange initiatives such as conferences, seminars, e-platforms, forums, open access library, etc.

The EU agencies are decentralised bodies distinct from EU institutions and with its own legal personality. There are over 40 EU agencies, divided into several groups. The main division includes 36 decentralized agencies and 6 executive agencies. Decentralized agencies do not have time frame while executive agencies are established by European Commission for a fixed period of time. Each EU Agency is set to accomplish specific tasks as defined by their respective mission statements. Some EU agencies mission is to develop scientific or technical know-how in their respective fields while others are established with a goal to establish well-connected interest groups in order to facilitate dialogue and actions at EU and international level. Overall, EU agencies are providing services, information and know-how to the EU MSs and EU general public in specific areas such as safety and security, environmental protection, transport safety and multilingualism.

The Treaty establishing the European Community from 1958 (TEEC or the Treaty of Rome) and the Treaty on European Union from 1993 (TEU or the Maastricht Treaty) (hereinafter The Treaties) form the constitutional basis of the European Union. Being two core functional treaties they define how the EU operates on all relevant matters, including the EU's power to act on THB. The Treaty of Lisbon (entered into force 1 December 2009) amended the Treaties strengthening EU action in the field of judicial and police cooperation in criminal matters, including in CTHB. In addition, the EP's role was strengthened as it became a co-legislator. Also, the Treaty of Rome was renamed to the Treaty on the Functioning of the European Union (TFEU). As defined by the Consolidated versions of the Treaties⁵, the EU's responsibility is to address THB as (1) a migration phenomenon (Article 79 of the Treaty) and (2) a cross-border crime (Article 83 of the Treaty) (European Commission, 2014). In order to reach the aims set out in the EU Treaties, the EU is using several types of legally binding acts (Regulations, Directives and Decisions) and non-binding acts (Recommendations, Resolutions and Opinions).

⁵ Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:C:2012:326:FULL&from=EN>

4.2.1. EU Law on trafficking in human beings

Given the EU institutions' raison d'être their most relevant anti THB actions involve legally binding actions, namely developing relevant legal framework through directives and decisions. As Szaras (2010) pointed out, THB must be addressed as a clear law enforcement priority in order to convert from being “low risk – high profit” illegal business enterprise to “high risk - low profit” activity. In this regard, the EU institutions have adopted several relevant legally binding acts. The latest EU Directive stands as the most relevant legally binding act on THB in EU currently in force and for that reason will be addressed with special attention.

Table 1 EU Legal Acts on Trafficking in Human Beings

Year	Legal acts
2000 ⁶	• The Charter of Fundamental Rights of the European Union ⁷
2001	• Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings 2001/220/JHA ⁸
2002	• Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings ⁹
2004	• 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 ¹⁰

⁶ Legally binding only since 2009

⁷ Available at http://www.europarl.europa.eu/charter/pdf/text_en.pdf

⁸ Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001F0220:en:HTML>

⁹ Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32002F0629&from=EN>

¹⁰ Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004L0081&from=EN>

2004	<ul style="list-style-type: none"> • Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims¹¹
2005	<ul style="list-style-type: none"> • Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property¹²
2008	<ul style="list-style-type: none"> • Council Framework Decision 2008/841/JHA of 24 October 2008 on the fight against organised crime¹³
2009	<ul style="list-style-type: none"> • Directive 2009/52/EC providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals¹⁴
2011	<ul style="list-style-type: none"> • Directive of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA¹⁵
2011	<ul style="list-style-type: none"> • Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims
2012	<ul style="list-style-type: none"> • Directive 2012/29/EU of the European Parliament and the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA¹⁶

¹¹ Available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/directive_2004_80_relating_to_compensation_en_1.pdf

¹² Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005F0212&from=EN>

¹³ Available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/framework_decision_2008_841_on_fight_against_organised_crime_en_1.pdf

¹⁴ Available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/directive_2009_52_on_sanctions_against_employers_en_1.pdf

¹⁵ Available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/directive_2011_92_1.pdf

¹⁶ Available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/directive_2012_29_eu_1.pdf

The Charter of Fundamental Rights of the European Union

The European Parliament, the Council and the European Commission proclaimed the Charter of Fundamental Rights of the European Union on 7 December 2000. However, it achieved the full legal effect nine years later, after the Treaty of Lisbon entered into force on 1 December 2009. Thus, since then the Charter enshrines certain political, social, and economic rights of the EU citizens and residents into EU law. Consequently the EU's courts have the power to strike down legislation adopted by the EU's institutions or EU MSs that contravenes it. Namely, as already mentioned, THB is explicitly prohibited by the Charter:

Article 5

Prohibition of slavery and forced labour

1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour.
3. *Trafficking in human beings is prohibited.*

The Framework Decision on combating trafficking in human beings

In 2002 the Council adopted the first legal act on THB; The *Framework Decision on combating trafficking in human beings*. This Framework Decision was adopted while having regard to the proposal of the Commission (Proposal for a Council Framework Decision on combating trafficking in human beings 2001/C 62 E/24) and the opinion of the European Parliament (European Parliament legislative resolution on the proposal for a Council framework decision on combating trafficking in human beings (COM(2000)854C5-0042/2001,2001/0024 (CNS))). Moreover, this Framework Decision leaned on Council's recommendations adopted in *Joint action 96/700/JHA* (see the section on the Council) and correspondingly provided for measures aimed at ensuring approximation of national penal legislation concerning the definition of offences, penalties, liability of and sanctions on legal persons, jurisdiction and prosecution, protection of and assistance to VoTs. It emphasized the importance of *comprehensive approach* and joint actions of MSs in addressing a serious criminal offence such as THB. From legal perspective, this act stands as the most relevant EU action to that point in time as it is the first legally binding act. On the other hand, the

Framework Decision cancelled the recommendations concerning THB adopted by *Joint action 96/700/JHA* which addressed a wider scope of THB issues more thoroughly, especially in regard to cooperation between Member States. The Framework Decision followed the EC's proposals and made some additions. For example, the EC proposed that MSs should be obliged to provide each *VoT* with adequate legal protection in judicial proceedings and to ensure that police investigations and following judicial proceedings do not cause any further damage for them. The Framework Decision incorporated this proposal in a way that MSs were obliged to conduct investigations and prosecution independent from the report or accusation made by *VoT*. Even more, the Framework Decision incorporated child rights sensitive approach and addressed children *VoTs* separately giving them and their families a unique entitlement to receive appropriate assistance. However, the Framework Decision did not accept all elements of the EC proposal. Inter alia, the EC proposal envisaged emphasizing the obligation to fully involve and cooperate with Europol, for the purpose of exchange of information on THB and within the limits of its mandate, which was not transferred in the Framework Decision. Furthermore, the EP's resolution included amendment of the EC proposal concerning MSs duty to use "*common strategies for the improved training of officials responsible for criminal prosecution, immigration and the prevention of trafficking in human beings*" which was not included in the final version. To sum up, the Framework Decision was developed with the specific aim to ensure a *minimum* degree of harmonisation of constituent elements of national criminal legislation concerning offences involving labour or sexual exploitation including *legal* persons involved. Thus, we may conclude that the first legal act on THB has narrower i.e. less holistic approach to anti THB than the preceding soft policies.

Other relevant legally binding acts

The Framework Decision was in force until the adoption of the new EU legal framework on THB in 2011. Meanwhile, several other legal acts were developed that did not address THB per se but were complimenting Framework Decision as they gave provision to some specific aspect of THB. In 2004, the Council adopted two relevant legal acts; *Directive relating to compensation to crime victims* and *Directive 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*. The

first mentioned Directive ensures that VoTs and other victims of crime have the right to compensation. The second Directive gives VoTs the right to a residence permit if they cooperate with authorities in the investigation and prosecution of their perpetrators. In 2005 the Council adopted *Framework Decision on Confiscation of Crime-Related Proceeds, Instrumentalities and Property* which addressed profits gained in THB as well. The next relevant legally binding act was adopted in 2009 and that was *Directive 2009/52/EC providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals*. This act is addressing one specific category of the actors in THB. Namely, employers who are not charged with or convicted of THB but who use work or services exacted from a person with the knowledge that that person is a VoT (hereinafter informed employers). This provision refers only to illegally staying third-country nationals. On the other hand, the majority of VoTs in the EU are actually from *within* EU. Thus this Directive has significant limitations in addressing informed employers in EU who use work or services exacted from VoTs from EU MSs.

Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims

The European Commission made a proposal for a new EU legal framework on THB already in 2009. However, due to the Lisbon Treaty that brought the change in the role of the EP the new legal framework was adopted two years later. Thus, *Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims is replacing Council Framework Decision 2002/629/JHA* is the legislation on THB currently in force in the EU. In comparison to the 2002 Framework Decision, the *Directive 2011/36/EU* accepted much broader concept of what should be considered THB and included additional forms of exploitation such as forced begging, exploitation of criminal activities, organ trafficking, illegal adoption and forced marriage. This change represents a significant step forward towards the holistic understanding of THB. This Directive is not just the latest but is also widely accepted as the most important legally binding act on THB in EU. *Prosecution* aspect has also been addressed with more comprehensive provision, for example the new Directive facilitated the prosecution including extraterritorial jurisdiction i.e. the possibility to prosecute MSs Nationals for crimes committed abroad. However, as well noted by the NGOs during the EP seminar in 2010 “the

proposed Directive does not provide for a provision on the obligation to extradite or prosecute suspects (*aut dedere aut judicare*) as enshrined in other international instruments”.

Furthermore, NGOs have accepted the new Directive very well for several particular reasons, mainly related to the novelty of explicit commitment to *protection* of the rights of VoTs and PVoTs and not merely on combating trafficking. This is notably evident with regard to the inclusion of: 1) establishment of mechanisms for early identification, 2) explicit protection of the rights of VoTs to receive assistance and support including “appropriate and safe accommodation and material assistance, as well as necessary medical treatment including psychological assistance, counselling and information, and translation and interpretation services where appropriate” 3) explicit safeguards for VoTs in order to protect them from prosecution or punishment for unlawful activities (use of false documents, petty crimes, etc.) while being trafficked 4) VoTs right to receive appropriate protection on the basis of an individual risk assessment, for example, by having access to witness protection programmes or other similar measures 5) explicit safeguards for trafficked children and VoTs with special needs (pregnancy, health, disability, etc.) 6) free legal counselling and legal representation, including for the purpose of claiming compensation. As Ventrella (2014) pointed out this is the first provision that acknowledges THB as a gender specific phenomenon where female and male VoTs are often exploited for different purposes (in paragraph 3). In addition, the Directive also emphasized that in CTHB prosecutors should fully use all the existing instruments on the seizure and confiscation of the proceeds of crime such as *Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-Related Proceeds, Instrumentalities and Property* “to support victims’ assistance and protection, including compensation of victims”. All abovementioned demonstrates that the new Directive brings robust provisions on VoTs’ protection. Consequently, NGOs agreed that these improvements are critical to the development of an effective and human rights based response to THB at EU level.

Prevention was addressed in Article 18 of the Directive through several provisions. First, MSs are directed to implement education, training and other appropriate measures to discourage and reduce the demand. MS are also instructed to use information and awareness-rising campaigns, as well as research and education programmes aimed at raising awareness and reducing the risk of PVoTs, especially children. Moreover, MSs are called for using internet in achieving these goals. Thirdly, continuous training for officials likely to come into contact

with VoTs or PVoTs, including front-line police officers, is identified as yet another relevant method MSs should implement. Lastly and most importantly, MSs are instructed to consider discouraging demand in more determined way through adopting legal measures which criminalize the use of services of VoTs in cases when the customer has the knowledge that the service is provided by VoTs (hereinafter informed customers).

Monitoring stands as yet another significant novelty in the new Directive, in comparison to the 2002 Framework Decision. This is achieved through establishment of National Rapporteurs who are in charge of monitoring the implementation of the measures foreseen by the Directive. Concretely, they are supposed to conduct assessment of trends in THB and measuring of results of anti-trafficking actions and to report the results to EU anti-trafficking coordinator (hereinafter EU ATC). Based on the reports, in case of EU law violation, the EC will have grounds to refer the case to the European Court of Justice. Thus, we may expect that monitoring of Member States' THB national trends and their implementation of anti-trafficking policies will have a motivating effect for improved and more diligent anti-trafficking efforts on national level across the EU. In addition, MSs are asked to facilitate other tasks of an EU ATC in order to contribute to a coordinated and consolidated EU strategy against THB.

Regarding *cooperation and partnership* MSs are instructed to “establish appropriate mechanisms aimed at the early identification of, assistance to and support for victims, in cooperation with relevant support organisations”. Furthermore, the Directive emphasized that MSs “should encourage and work closely with civil society organisations, including recognised and active non-governmental organisations in this field working with trafficked persons, in particular in policy-making initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of anti-trafficking measures”. This is yet another praiseworthy provision and it should be acknowledged that some of the actions on the EU level also follow these principles, for example involvement of NGOs in policy-making initiatives such as this Directive. Furthermore, MSs were instructed to collect the statistics in close cooperation with relevant civil society organisations active in this field and to establish cooperation with relevant civil society organisations and other stakeholders.

The new Directive defined itself as adopting an integrated, holistic, and human rights approach to the fight against THB in line with the highest European standards. All

abovementioned novelties and improvements suggest a significant progress in the indicated direction and prove strong political will to be at the forefront of the international fight against THB.

3.3.2. Soft policy and other anti-trafficking actions of the main EU anti-trafficking stakeholders

The European Parliament

In addition to collaborative efforts in developing the EU legal framework for THB the EP made significant number of independent initiatives against THB. These initiatives are legally non-binding and sometimes addressed as soft policy actions. Namely, the EU Parliament in general and some EP groups in specific are active in the field of anti THB in regard to awareness rising and policy shaping through resolutions, reports, debates, addressing questions to the European Commission, public discussions, organising and hosting seminars and press releases. The most relevant initiatives are presented chronologically in the table below.

Table 2 European Parliament actions against trafficking in human beings

Year	Actions (resolutions, recommendations, etc.)
1996	• European Parliament Resolution on 18 January 1996 on trafficking in human beings ¹⁷
1997	• Resolution on the Communication from the Commission to the Council and the European Parliament on trafficking in women for the purpose of sexual exploitation (COM(96)0567 C4-0638/ 96) ¹⁸
2000	• Resolution on finding missing or sexually exploited children

¹⁷ Available at http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOC_1996_032_R_0068_01&from=EN

¹⁸ Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:51997IP0372>

2000	<ul style="list-style-type: none"> • Resolution on the communication from the Commission to the Council, the European Parliament, the Economic and Social Committee and the Committee of the Regions on the implementation of measures to combat child sex tourism (COM(1999) 262 - C5-0096/1999 -1999/2097(COS))¹⁹
2000	<ul style="list-style-type: none"> • Resolution for further actions in the fight against trafficking in women
2000	<ul style="list-style-type: none"> • Resolution on the victims of crime
2001	<ul style="list-style-type: none"> • Resolution on the mid-term review of the 2000-2003 Daphne Programme (2001/2265(INI))
2002	<ul style="list-style-type: none"> • European Parliament legislative resolution on the proposal for a Council framework decision on combating trafficking in human beings (COM(2000) 854 C5-0042/2001 2001/0024(CNS))
2004	<ul style="list-style-type: none"> • Council Framework Decision of 22 December 2003 on combating the sexual exploitation of children and child pornography 2004/68/JHA²⁰
2005	<ul style="list-style-type: none"> • Study on National Legislation on Prostitution and the Trafficking in Women and Children²¹ (financing the study)
2006	<ul style="list-style-type: none"> • Recommendation to the Council on fighting trafficking in human beings – an integrated approach and proposals for an action plan (2006/2078(INI))
2006	<ul style="list-style-type: none"> • Resolution on strategies to prevent the trafficking of women and children who are vulnerable to sexual exploitation
2010	<ul style="list-style-type: none"> • Resolution on preventing Trafficking in Human Beings²²

¹⁹ Available at <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P5-TA-2000-0133>

²⁰ Available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/framework_decision_2004_68_on_combating_sexual_exploitation_en_1.pdf

²¹ Available at http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_national_legislation_and_prostitution_en_6.pdf

In 1996, three years after the Council's first anti THB initiative in a form of recommendations on combating THB, the European Parliament also acknowledged the growing scope of THB and adopted its first *Resolution on trafficking in human beings*. The following year, the EP adopted *Resolution on the Communication from the Commission to the Council and the European Parliament on trafficking in women for the purpose of sexual exploitation*. In this resolution the EP primarily referred to trafficking in women for the purpose of sexual exploitation. Notwithstanding, this resolution acknowledged the need for “international co-operation and multidisciplinary approaches focusing on prevention, detection and successful prosecution of the traffickers, protection of the victims and rehabilitation of the survivors” which indicates quite good level of understanding of the complexity of the phenomenon. Moreover, it recommended that MSs provide for NGO participation in coordinated anti-trafficking action. The EP also called for extending the mission of Europol Drugs Unit (EDU) which would involve EDU's role in CTHB. This initiative was well-accepted by the Council that responded by adopting a relevant Joint Action later that year. In addition, the EP recommended to the EC to prioritise the efforts against THB and noted that “...the Treaty of EU, which concerns cooperation in judicial, customs, police and statistical matters, focuses mainly on intergovernmental activities and neglects the democratic control and dynamism which the European Parliament might bring to bear in this sphere.” Thus, the EP called on the Intergovernmental Conferences²³ to define and extend community powers concerning issues that put an individual in both physical and mental danger, such as THB. The downside of the EP Resolution was that it linked THB “to an illegal international movement of persons, did not count with domestic trafficking, neither with the possibility that the future victim can enter a country legally and just after that get trafficked” (Szaraz, 2010, p. 73).

²² Available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0018+0+DOC+XML+V0//EN>

²³ Intergovernmental Conferences are held under the framework of the ordinary revision procedure of the Treaties provided for by Article 48 of the Treaty on European Union. Their main purpose is to gather the Member States' governments with a view to amending the Treaties.

In 2010, two aforementioned EP committees, LIBE and FEMM, jointly organized and hosted the European Parliament Seminar on Combating and Preventing Trafficking²⁴. The main aim of the Seminar was to involve the relevant institutional and civil society stakeholders, both at EU and international level, in order to give the MEPs the widest awareness of and knowledge on the phenomenon in view of ongoing discussions and negotiations on the best ways to proceed forward in regard to the proposed new Directive 2011/36/EU. The seminar was open to public and live web streaming was available for the wider public through the European parliament television (EPTV)²⁵. The participants were the representatives from all three EU institutions, EU Agencies (Europol, Eurojust and Frontex, FRA), international organisations (ILO, Council of Europe, ICC, OSCE, International Save the Children Alliance - Europe Group, The Poppy Project) and Swedish national police. The most relevant outcome of this seminar was *the joint statement*²⁶ made by six NGOs active in CTHB, namely La Strada International, Save the Children, ECPAT, Terre des Hommes, Amnesty International and Churches Commission for Migrants. In this statement the NGOs embraced the proposal for a Directive on preventing and combating trafficking in human beings, and protecting victims. In particular they welcome the objective of the proposed Directive of improving the protection and assistance to VoTs, in recognition that this is “an obligation under human rights standards”. Most importantly, NGOs provided a number of general recommendations for improvements of the Directive, which from their perspective are crucial to the development of an effective and rights based response to trafficking at EU level. On top of that, the EP made a statement on its deep commitment in cooperating with the Commission and the Council in enhancing an effective EU policy against trafficking in human beings.

The latest most relevant legally non-binding EP initiatives were in 2010. In February the EP adopted its *Resolution on preventing Trafficking in Human Beings* and in June it organised a *Seminar on Combating and preventing trafficking in human beings: the way forward*. As already mentioned, the EP gained a new and strengthened role as a co-legislator after the Lisbon treaty entered into force in 2009. Thus, the 2010 Resolution was developed and adopted with an intention to reflect the EP’s stand as co-legislator. In general section, the EP called on the Council and the Commission to develop action against THB on the basis of a *holistic approach* centred on human rights and focusing on CTHB, prevention, and protection

²⁴ The Programme of the Seminar is available at http://fra.europa.eu/sites/default/files/fra_uploads/909-Draft_programme_seminar.pdf

²⁵ EPTV schedule is available at <http://www.europarl.europa.eu/ep-live/en/schedule>

²⁶ The full text of the statement is available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/ngo_statement_for_ep_seminar_10_june_2010_en_1.pdf

of victims. Also, it reiterated that victim-focused approach needs to be adopted, including *all* potential categories of VoT and taking care of the different aspects of their rehabilitation (social inclusion, social security system, labour opportunities, etc.). In addition, the EP called for establishing new partnerships and enhancing ongoing cooperation with 1) NGOs working in this field 2) EU anti-trafficking coordinator 3) European Union Agency for Fundamental Rights and the European Union Institute for Gender Equality. The EP also called on improvements in coordination at operational level between EU bodies such as Eurojust and Europol. Furthermore, the EP requested the establishment of a permanent platform at EU level where the EU anti THB efforts of active stakeholders would be gathered and made accessible. Even though many stakeholders were listed (EU institutions, agencies and institutes, police, customs services, procurement offices, law enforcement bodies at regional and national level in the MSs, international organisations and NGOs) some still remain not mentioned. Another initiative involving cooperation was the request for the annual publication of a joint report by Eurojust, Europol and Frontex that should be presented to the EC, the Council, the EP and the national parliaments and afterwards followed by a public hearing with NGOs and civil society who would add their expertise. This report is supposed to present results on the root causes of THB, different forms of exploitation push factors in countries of origin and pull factors in destination country as well as other factors that facilitate THB, current trends and travel routes. This report was definitely needed on EU level. However, Szaraz (2010) raised concerns whether it is feasible to expect a report of this scope to be produced every year, especially because the Resolution did not appoint any external body to coordinate the work of these three independent agencies. In the section on Prevention, the EP called on MSs and gave strong emphasise on the need for massive awareness campaigns aimed both at potential VoTs and potential end users as well as targeted awareness-raising education programmes aimed at educating vulnerable children. Unfortunately, the suggested preventive actions at this point still do not address the majority of recognised root causes of THB (see the section on EU Strategy 2012-2016). In the Prosecution section inter alia the EP pointed out the need for addressing the *legal persons* involved in THB as well as *cybercriminals* behind THB. The EP also mentioned that the future prevention and action *could* aim at the *customers*, which might be interpreted as the EP's reluctance to give the acknowledgement of the personal responsibility belonging to the bottom line actors on the demand side of THB in EU, concretely EU (mainly male) citizens.

The Council of the European Union

The Council has addressed THB *inter alia* by adopting: recommendations, plans, proposals, joint actions, etc. The most relevant are presented chronologically in the following table.

Table 3 The Council of the EU actions against trafficking in human beings

Year	Actions (joint actions, recommendations, plans, etc.)
1993	• Council Recommendations on combating trafficking in human beings
1996	• Council Joint Action concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union (96/277/JHA) ²⁷
1996	• Council Joint Action 96/700/JHA of 29 November 1996 establishing an incentive and exchange programme for persons responsible for combating trade in human beings and the sexual exploitation of children (STOP) ²⁸
1996	• Council Joint Action on extending the mandate given to the Europol Drugs Unit (96/748/JHA) ²⁹
1997	• Council joint action to combat trafficking in human beings and the sexual exploitation of children (97/154/JHA) ³⁰
1998	• Council Joint Action 98/428/ JHA of 29 June 1998 on the creation of a European Judicial Network

²⁷ Available at http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.1996.105.01.0001.01.ENG

²⁸ Available at http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.1996.322.01.0007.01.ENG

²⁹ Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31996F0748&from=EN>

³⁰ Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31997F0154&from=EN>

1998	<ul style="list-style-type: none"> • Council Joint Action 98/427/JHA of 29 June 1998 on good practice in mutual legal assistance in criminal matters
2001	<ul style="list-style-type: none"> • Resolution on the contribution of civil society in finding missing or sexually exploited children³¹
2001	<ul style="list-style-type: none"> • Council Decision of 28 June 2001 establishing a second phase of the programme of incentives, exchanges, training and cooperation for persons responsible for combating trade in human beings and the sexual exploitation of children (Stop II) (2001/514/JHA)³²
2002	<ul style="list-style-type: none"> • <i>Proposal for a comprehensive plan to combat illegal immigration and trafficking of human beings in the European Union</i> (2002/C 142/02)³³
2002	<ul style="list-style-type: none"> • Brussels Declaration on Preventing and Combating Trafficking in Human Beings³⁴
2005	<ul style="list-style-type: none"> • EU Action Plan on best practices, standards and procedures for combating and preventing trafficking in human beings (2005/C 311/01)³⁵
2009	<ul style="list-style-type: none"> • Council Conclusions on establishing an informal network of National Rapporteurs or equivalent mechanisms on THB³⁶
2009	<ul style="list-style-type: none"> • Action oriented paper on trafficking in human beings: Towards Global EU Action against Trafficking in Human Beings³⁷

³¹ Available at [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32001G1009\(01\)](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32001G1009(01))

³² Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001D0514&from=EN>

³³ Available at [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52002XG0614\(02\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52002XG0614(02)&from=EN)

³⁴ Available at <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=4693ac222>

³⁵ Available at [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52005XG1209\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52005XG1209(01)&from=EN)

³⁶ Available at http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/council_conclusions_on_national_rapporteur_network_2009_en_1.pdf

³⁷ Available at http://ec.europa.eu/anti-trafficking/eu-policy/action-oriented-paper-strengthening-eu-external-dimension-against-trafficking-human-beings_en

It may be worth noticing that on the EU level, the Council was the first to make an official step to address THB by adopting the set of recommendations on combating THB in November 1993. The document contained only five recommendations in total. It emphasized the importance of police officers' training and international exchange of information. In addition, it recommended MS to set up national co-ordination structures and it called for "information campaigns in diplomatic and consular circles and among the border-control authorities". Some of these recommendations are not met even two decades later (Szaras, 2010). Most importantly, the Council declared that the "work carried out in the fight against trafficking in human beings for the purpose of prostitution will be extended and intensified in the areas of administrative and police cooperation, law enforcement, immigration and entry to national territories." From the holistic viewpoint this initiative clearly has shortcomings as it dealt only with THB for the purposes of prostitution and addressed partnerships in quite narrow aspect considering only administrative and police cooperation (and possibly border control). Notwithstanding, this action represents a cornerstone and an important first step in EU anti THB efforts.

The subsequent several anti THB steps followed in 1996. These initiatives may be considered as initial steps along the way towards increased cooperation in penal and police matters. Concretely, the Council adopted *Joint Action on extending the mandate given to the Europol Drugs Unit (96/748/JHA)* with the intention to facilitate cooperation among the Member States' national police forces in regard to human trafficking. The extended mandate Europol Drugs Unit (EDU) included responsibilities in combating trafficking in human beings. In addition, EDU task was to draw up a register of authorities in the MSs that specialize in combating international organized crime, including specialists in the field of CTHB. In addition, a joint action project to increase legal cooperation in CTHB of women for the purpose of sexual exploitation and the sexual abuse of children was adopted. Namely, *Council Joint Action concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union (96/277/JHA)* aimed to provide specifically for extra-territorial competence allowing acts of child sexual abuse committed outside the Union to be prosecuted in the MS.

The same year, the Council supported the proposal of the Commission for the STOP programme and adopted *Joint action 96/700/JHA, of 29 November 1996, pursuant to Article K.3 of the Treaty on European Union, establishing an incentive and exchange programme for*

persons responsible for combating trade in human beings and the sexual exploitation of children. Concretely, STOP was a multiannual action programme (1996-2000) with a budget of 6.5 million euros that involved an exchange programme for the representatives of the stakeholders responsible for CTHB of women for sexual exploitation and the sexual exploitation of children, namely; judges, public prosecutors, police departments, civil servants, public services dealing with immigration and border controls and with social and tax legislation, the prevention or combating of such phenomena and assisting the victims or dealing with the perpetrators. In addition, the STOP programme addressed the gaps in training, data, studies and research, multidisciplinary meetings and seminars and dissemination of information between authorities. This programme was continued in a second phase that was called STOP II programme and it was implemented over the next two-year period (2001-2002).

In 1997, at the initiative of the Belgian Government and on the basis of Article K.3 of the Treaty on European Union, the Council adopted *Joint Action concerning actions to combat trafficking in human beings and sexual exploitation of children (97/154/JHA)*. This action showed a step forward in the understanding of the complexity of the THB phenomenon. Thus, trafficking was defined as “any behaviour, which facilitates the entry into, transit through residence in or exit from the territory of a Member State, for the purpose of sexual exploitation”. Furthermore, sexual exploitation was defined in relation to an adult as “at least the exploitative use of the adult in prostitution” and in relation to a *child* as “(a) the inducement or coercion of a child to engage in any unlawful sexual activity; (b) the exploitative use of a child in prostitution or other unlawful sexual practices; (c) the exploitative use of children in pornographic performances and materials, including the production, sale and distribution or other forms of trafficking in such materials and the possession of such materials.” Moreover, it called on MSs to take a *multidisciplinary* approach to the whole issue of CTHB. This Joint Action had as its overall objective to establish common rules for action to CTHB, thus it called on MSs to review their national criminal legislation as regards to THB, to introduce tougher sentencing and penalisation of those committing the offence, the confiscation of their earning, etc. It also called on better cooperation between law enforcement and judicial authorities and it encouraged protection of VoT in judicial proceedings. In so far as it concerns THB, this Joint Action ceased to apply five years later due to the adoption of the Framework Decision 2002/629/JHA.

In 2005 the Council adopted *EU Action Plan on best practices, standards and procedures for combating and preventing trafficking in human beings (hereinafter the AP)*. The objective of the AP was twofold. Namely, it aims to step up the efforts against THB for any form of exploitation and to protect, support and rehabilitate VoTs. The Council has foreseen to achieve that by developing common standards, identifying best practices and establishing effective mechanisms. The proposed actions were grouped into eight distinct priority categories 1) coordination of EU action 2) scoping the problem 3) preventing trafficking 4) reducing demand 5) investigating and prosecuting 6) protecting and supporting victims of trafficking 7) returns and reintegration and 8) external relations. Within the first category the Council identified the objective to establish a safeguard for an ongoing debate on the THB issues in the EU, including the human rights issues. The EC achieved this objective by initiating the EU Anti-Trafficking Day³⁸, which was established in 2007 and since then celebrated regularly every year. Furthermore, from the holistic perspective this anti-THB initiative represents a significant headway as it enshrined several very important advancements. Namely, within the first priority addressing the coordination of EU action the AP has foreseen that the EU funding should prioritise initiatives, which match areas highlighted by AC. The EU AP has also foreseen to address *the root causes* of THB as one of the most important objectives *in preventing THB*. Concretely, the MSs and EU institutions were called to support anti-trafficking initiatives including broader measures addressing root causes, especially poverty, gender inequalities, insecurity and exclusion. On the same account, the Council proposed an additional action which would include development cooperation that is also considering gender specific prevention strategies and strategies aimed at strengthening the economic, legal and political position of especially vulnerable groups especially women and children. Safe and assisted return accompanied with reintegration measures is defined as a distinct priority in the AP. The planned objective in this regard is collecting and disseminating intelligence about possible reintegration schemes in source countries and risk assessment tools used before return. Consequently, planned actions involve outlining best solutions in practice and organising a seminar on gathered findings. The proposed actions indicate some elements of holistic approach such as in-depth understanding of THB prevention and VoTs assistance, together with comprehensive considerations of using already existing mechanisms and measures for the purpose of THB prevention. Next, the AP has also addressed the *demand* by asking the MSs to report on any informal community

³⁸ For more information on the EU Anti-Trafficking Day see the section on the European Commission

engagement and community policing strategies for deterring the demand that have independently occurred and could be set as an example of best practice for other MSs.

In 2009, the Council adopted Conclusions that called on MSs to establish *the Informal Network of National Rapporteurs or Equivalent Mechanisms on THB* (hereinafter *Network of National Rapporteurs*). This initiative was reinforced by the Directive provisions in 2011. The main aim of this independent *Network of National Rapporteurs* is to provide the EU government and MSs with objective, reliable, comparable and up-to-date strategic intelligence in the field of THB that would advance the understanding of the phenomenon of THB in the EU. Thus, the main responsibilities of the *Network of National Rapporteurs* are 1) the gathering and analysis of quantitative and qualitative information on implementation of anti-THB policies at the national level 2) the exchange of best practices, 3) the development of key criteria and indicators to advance the comparability of statistics on THB at EU level. All the aforementioned is promoting and facilitating monitoring of implementation of anti-THB policies at national and EU level. Under the coordination and with the assistance of the EC, the *Network of National Rapporteurs* meets twice per year to discuss the progress of EU anti-trafficking strategy. EU institutions and other relevant international stakeholders are invited to participate in the meetings as observers. With this new initiative the Council has constructed one new pertinent partnership structure in addressing THB in EU.

The same year the *Network of National Rapporteurs* was established, the Council adopted *the Action oriented paper on trafficking in human beings: Towards Global EU Action against Trafficking in Human Beings* (hereinafter the AOP). The aim of the AOP is to strengthen the commitment and coordinated action of the EU to prevent and CTHB in partnership with non-EU countries, regions and organisations at international level, such as UNHCR, UNODC, ILO, UNGA, IOM, OSCE, ICMPD and CoE. The AOP is based on an integrated, holistic and multidisciplinary approach, having as its basis the respect for human rights and the rule of law, including a gender and child rights perspective. The main value of this action is the progress from ad hoc responses to developed policy through establishment of dialogue and *partnerships* with origin and transit countries, or in other words introducing a fourth “P”. *Inter alia*, the AOP proposed addressing THB as an area of cooperation in its own right. At the same time, it supported the use of already existing cooperation arrangements, such as EU-ASEAN Enhanced Partnership, EU-Euro Mediterranean Partnership, EU-Africa Strategy (and Ouagadougou Plan of Action), etc. In addition, the AOP underlined that the EU should

consult EU agencies (such as Eurojust, Europol, Frontex and FRA) before taking action to cooperate with non-EU countries in CTHB.

The European Commission

The most relevant actions against human trafficking initiated by the European Commission are presented chronologically in Table 4. The list included some actions of the bodies established by the EC, such as the Group of Experts.

Table 4 The European Commission actions and initiatives against trafficking in human beings

Year	Actions (strategy, working documents, communication, conferences, reports, etc.)
1996	<ul style="list-style-type: none"> The first European conference on trafficking in women (Vienna)
1996	<ul style="list-style-type: none"> Communication to the Council and the European Parliament on trafficking in women for the purpose of sexual exploitation COM(96)0567 – C4-0638/96³⁹
1997	<ul style="list-style-type: none"> Commission communication on combating child sex tourism (97/C 3/02)⁴⁰
1998	<ul style="list-style-type: none"> Communication from the Commission to the Council and the European Parliament for further actions in the fight against trafficking in women⁴¹
2000	<ul style="list-style-type: none"> Communication from the Commission to the Council and the European Parliament on combating trafficking in human beings and combating the sexual exploitation of children and child pornography⁴²
2001	<ul style="list-style-type: none"> Proposal for a Council Framework Decision on combating trafficking in human

³⁹ Available at http://europa.eu/legislation_summaries/employment_and_social_policy/equality_between_men_and_women/l33095_en.htm

⁴⁰ Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:C1997/003/02&from=EN>

⁴¹ Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=URISERV:l33096&from=EN&isLegisum=true>

⁴² Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52000DC0854>

	beings (2001/C 62 E/24) COM(2000) 854 final/2 _ 2001/0024(CNS) ⁴³
2002	<ul style="list-style-type: none"> The European Conference on Preventing and Combating Trafficking in Human Beings - Global Challenge for the 21st Century
2003	<ul style="list-style-type: none"> Commission Decision setting up a consultative group, to be known as the “Experts Group on trafficking in human beings”⁴⁴
2004	<ul style="list-style-type: none"> Report of the Experts Group on Trafficking in Human Beings⁴⁵
2004	<ul style="list-style-type: none"> Opinion on measures in the Council of Europe Convention on Action against Trafficking in Human Beings to establish a Monitoring Mechanism⁴⁶
2005	<ul style="list-style-type: none"> Communication from the Commission to the European Parliament and the Council –Fighting trafficking in human beings: an integrated approach and proposals for an action plan⁴⁷
2005	<ul style="list-style-type: none"> Opinion of the Experts Group in connection with the conference - Tackling human trafficking, policy and best practices in Europe - and its related documents⁴⁸
2006	<ul style="list-style-type: none"> Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee Developing a comprehensive and coherent EU strategy to measure crime and criminal justice: An EU Action Plan 2006 – 2010 (COM(2006) 437 final)⁴⁹

⁴³ Available at http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOC_2001_062_E_0324_01&from=EN

⁴⁴ Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32003D0209&from=EN>

⁴⁵ Available at

http://www.google.fi/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=2&ved=0CCcQFjAB&url=http%3A%2F%2Fwww.legislationline.org%2Fdocuments%2Fid%2F8755&ei=KZNUVfarAYWc7gb_sYHoCA&usg=AFQjCNFwtfMDvkIEf9oQQ38obfLVCck1IQ&sig2=JP46rFdcgaOm9fLbOeli3w&bvm=bv.93112503,d.ZGU

⁴⁶ Available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/opinion_2004_09_24_en_1.pdf

⁴⁷ Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52005DC0514&from=EN>

⁴⁸ Available at https://ec.europa.eu/anti-trafficking/eu-policy/opinion-connection-conference-tackling-human-trafficking-policy-and-best-practices-europe_en

⁴⁹ Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52006DC0437&from=EN>

2006	<ul style="list-style-type: none"> The report from the Commission to the Council and the European Parliament based on Article 10 of the Council Framework Decision of 19 July 2002 on combating trafficking in human beings (COM(2006)0187)⁵⁰
2006	<ul style="list-style-type: none"> Commission staff working document Annex to the report from the Commission to the Council and the European Parliament based on Article 10 of the Council Framework Decision of 19 July 2002 on combating trafficking in human beings (COM(2006)0187)⁵¹
2007	<ul style="list-style-type: none"> Commission Decision on setting up the Group of Experts on Trafficking in Human Beings (2007/675/EC)⁵²
2007	<ul style="list-style-type: none"> Recommendations on the identification and referral to services of victims of trafficking in human beings⁵³
2008	<ul style="list-style-type: none"> Commission Decision on the appointment of members of the Group of Experts on Trafficking in Human Beings (2008/604/EC)⁵⁴
2008	<ul style="list-style-type: none"> Commission Working Document on the evaluation and monitoring of the implementation of the EU Plan on Best Practices, Standards and Procedures for Combating and Preventing Trafficking in Human Beings COM (2008) 657 final⁵⁵

⁵⁰ Available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/com_2006_187_report_from_commission_on_article_10_cfd_en_4.pdf

⁵¹ Available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/sec_2006_525_annex_to_report_on_article_10_en_1.pdf

⁵² Available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/com_decision_setting_up_expert_group_en_1.pdf

⁵³ Available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/recommendations_on_identification_and_referral_to_services_of_victims_of_trafficking_in_human_beings_1.pdf

⁵⁴ Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32008D0604>

⁵⁵ Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52008DC0657&from=EN>

2009	<ul style="list-style-type: none"> • The Commission proposal for a Council framework decision on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA (COM(2009)0136 final)⁵⁶
2009	<ul style="list-style-type: none"> • 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
2009	<ul style="list-style-type: none"> • Opinion of the Experts Group on Trafficking in Human Beings of the European Commission: On the revision of the Council Framework Decision of 19 July 2002 on Combating Trafficking in Human Beings
2010	<ul style="list-style-type: none"> • Establishment of an EU Anti-Trafficking Coordinator
2010	<ul style="list-style-type: none"> • Opinion No 7/2010 of the Group of Experts on Trafficking in Human Beings of the European Commission. Proposal for a European Strategy and Priority Actions on combating and preventing trafficking in human beings (THB) and protecting the rights of trafficked and exploited persons⁵⁷
2010	<ul style="list-style-type: none"> • Commission Report on Directive 2004/81/EC on the Residence Permit issued to Third-Country nationals who are victims of Human Trafficking
2010	<ul style="list-style-type: none"> • Commission Proposal for a Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA (COM(2010)95 final)⁵⁸

⁵⁶ Available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/ec_proposal_for_council_framework_decision_on_trafficking_en_1.pdf

⁵⁷ Available at <http://lastradainternational.org/lisidocs/EU%20experts%20group%20Opinion%20No%207.pdf>

⁵⁸ Available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/ec_proposal_for_a_directive_on_combating_trafficking_com_2010_95_en_1.pdf

2011	<ul style="list-style-type: none"> Commission decision on setting up the Group of Experts on Trafficking in Human Beings and repealing Decision 2007/675/EC (2011/502/EU)⁵⁹
2012	<ul style="list-style-type: none"> The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016⁶⁰
2013	<ul style="list-style-type: none"> The EU civil society e-platform against trafficking in human beings
2013	<ul style="list-style-type: none"> Guidelines for the identification of victims of trafficking in human beings. Especially for Consular Services and Border Guards. Reference document⁶¹
2014	<ul style="list-style-type: none"> Mid-term report on the implementation of the EU strategy towards the eradication of trafficking in human beings⁶²
2014	<ul style="list-style-type: none"> Communication from the Commission to the Council and the European Parliament on the application of Directive 2004/81 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 (SWD(2014) 318 final)⁶³

Following the adoption of the first anti trafficking EP Resolution, the EC initiated the first action against THB by organising *the first European conference on trafficking in women* that was held in June 1996 in Vienna. The conference gathered stakeholders from various sections of society; academia, NGOs and government officials, including members of the parliaments, police and immigration officers, etc. Even though the conference aimed at finding appropriate

⁵⁹ Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011D0502&from=EN>

⁶⁰ Available at http://ec.europa.eu/home-affairs/doc_centre/crime/docs/trafficking_in_human_beings_eradication-2012_2016_en.pdf

⁶¹ Available at http://ec.europa.eu/dgs/home-affairs/e-library/docs/thb-victims-identification/thb_identification_en.pdf

⁶² Available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/commission_staff_working_document_-_mid-term_report_on_the_implementation_of_the_eu_strategy_towards_the_eradication_of_trafficking_in_human_beings.pdf

⁶³ Available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/trafficking_en_act_part1_v6.pdf

measures for addressing trafficking of women for the purpose of sexual exploitation, one of the main conclusions of the conference was the development of a *comprehensive* action plan with a structured, multidisciplinary and coordinated approach, which is in line with holistic approach. On the other hand, one of the conclusions was that the MS have a “lead responsibility” which is contradictory to the fact that THB has a transnational character and therefore CTHB requires actions at regional (EU level) and global level. Furthermore, the participants recognised the lack of opportunity for information exchange, lack of efficient contacts between the stakeholders involved in the various stages of help for VoTs and the lack of available training for each professional group as the most important challenges to tackle THB. Thus, another recommendation to MSs was to appoint national contact points, establish national directories and central coordinating bodies with representatives of all relevant stakeholders (law enforcement, migration, judicial and social authorities, NGOs, etc.).

During the same year, the conference was followed by the Commissions first communication on the issue *the European Commission Communication to the Council and the European Parliament on trafficking in women for the purpose of sexual exploitation (COM(96)0567 - C4-0638/96)*. The Commission highlighted the need for an *integrated* policy to be put in place with the participation of all the stakeholders whose representatives attended the conference in Vienna. Moreover, the EC indicated several areas which should be covered by the policy: interdisciplinary proposals, immigration, judicial cooperation, police cooperation, social and employment cooperation, cooperation with third countries. More concretely, the EC suggested the adoption of a programme intended for stakeholders responsible for CTHB of women and the sexual exploitation of children. Furthermore, the EC highlighted the need for 1) better coordination between the MSs in regard to the exchange of information and their actions within the Council 2) enhanced dialogue between NGOs in the EU and in third countries 3) information campaigns addressing women in their countries of origin and the end users within the EU. In this communication the EC also suggested to MSs to require “proofs of good character or repute for employers of bars, dancing establishments, massage parlours and for those running marriage bureaux and escort services, or for those involved in transport of immigrants.” As clearly stated in the title, this communication addressed solely THB in women and it defined trafficking for the purpose of sexual exploitation as “transport of women from third countries into the European Union (including perhaps subsequent movements between Member States) for the purpose of sexual exploitation.” However, the EC made a link between trafficking in women and sexual exploitation of children without

recognising it as trafficking in children at that point yet. The latter was addressed in the following Commission communication. In addition, the EC suggested the initiative in the field of justice and home affairs called “STOP” (Sexual Trafficking of Persons) programme. This proposal of the Commission for the STOP programme intended to be a remedy for the gaps earlier identified in the field was supported by the Council in a form of Joint action 96/700/JHA, of 29 November 1996, adopted by the Council.

As earlier mentioned, the same year the Commission addressed the issue of child sex tourism by adopting *Communication on combating child sex tourism (97/C 3/02)*. In this communication the EC recognised that involvement of MSs and their national tourism authorities, including tourism industry, as well as international organisations and civil society in the fight against this type of sexual exploitation of children is crucial and it called on them to be more actively involved in fighting this form of child abuse. In practical terms, the EC considered EU measures in three priority areas: 1) deterring and punishing child sex abusers, 2) taking action in relation to the demand and the supply of sex tourism involving children and 3) encouraging the MSs to take a common stance against sex tourism involving children. Furthermore, the EC’s main focus was on the demand side involving the citizens of EU countries. Thus, planned actions involved EU-funded public information and awareness-raising campaigns against child sex tourism. This initiative is definitely a step forward especially in acknowledging the importance of addressing the demand. However, it is worth noting that the deeper understanding of child sexual abuse was lacking as visible in claims where abused children are addressed as “child prostitutes”.

In 1998 the EC adopted *Communication to the Council and the European Parliament for further actions in the fight against trafficking in women*. This Communication assessed the developments over the past two years, recommended several of new actions and suggested the deepening of certain existing target initiatives against the trafficking in women. Children VoTs were in focus of the next EC’s communication that was adopted in 2000 titled *Communication to the Council and the European Parliament on combating trafficking in human beings and combating the sexual exploitation of children and child pornography*. This Communication proposed measures to address the whole chain of THB, including recruiters, transporters, exploiters and clients, which demonstrate that understanding of THB and CTHB was further broadened.

In September 2002, the International Organization for Migration (IOM) organized *the European Conference on Preventing and Combating Trafficking in Human Beings - Global Challenge for the 21st Century*. It was organised in co-operation with the EC, the EP and EU MSs within the framework of the EC's STOP Program and it had a particular focus on enhancing co-operation in the process of the EU enlargement. The conference yielded with an annex of recommendations, standard mechanisms and best practices for CTHB. In addition, it underlined the need for an advisory group of experts on THB to be set up by and for the Commission. The aforementioned participants enshrined their intentions to address all three aspects of anti-THB efforts (prevention, protection and prosecution) in partnership and cooperation on EU and international level with other countries, regions and organisations by signing *the Brussels Declaration on Preventing and Combating Trafficking in Human Beings*.⁶⁴

The Experts Group on Trafficking in Human Beings

In 2003, following the proposal exposed in the Brussels' Conference, the EC adopted the decision to set up a consultative group with 20 expert members representatives of EU MSs governments, EU NGOs, academics and Europol, known as *the Experts Group on Trafficking in Human Beings* (hereinafter the Experts Group). Following its mandate, over the next years the Experts Group provided consultations, opinions and reports (see the table above) with relevant experts' insights to assist the EC in developing further concrete proposals, including legislative proposals. The first Report of the Experts Group formulated a proposal on how to implement the recommendations of the Brussels Declaration through 132 recommendations with focus on prevention, victim assistance and protection. It also emphasized the need for an integrated strategy to prevent and CTHB based on a human rights' and victims' centred multidisciplinary approach, which should be integrated as a normative framework in the future development of policies and measures against THB. The EC re-adopted the decision on setting up the Experts Group in 2007 and 2011 while taking into consideration the EU enlargement and needed additional expertise in the different areas of anti-trafficking policy.

In 2005 the EC adopted a *Communication to the European Parliament and the Council - Fighting trafficking in human beings: an integrated approach and proposals for an action*

⁶⁴ Available at <http://www.refworld.org/docid/4693ac222.html>

plan. This Communication aimed to further advance EU and MSs efforts in prevention and CTHB, for the purpose of sexual or labour exploitation and to protect, support and rehabilitate VoTs. The Communication is based on the recognition that an integrated approach that is human rights oriented while taking into account THB global nature is a prerequisite for fruitful anti THB strategy. In addition, law enforcement agencies (hereinafter LEAs) in MSs are encouraged to enhance involvement of Europol in the exchange of information as well as to use the potential of Eurojust to facilitate the prosecution of traffickers.

In 2008 the EC published *Working Document on the evaluation and monitoring of the implementation of the EU Plan on Best Practices, Standards and Procedures for Combating and Preventing THB*. Taking into account the focus of this study, the main findings on MS achievements demonstrate that prevention actions primarily included training for law enforcement agencies and information and awareness raising campaign, while significantly less has been done on addressing more important aspect of the prevention - the root causes. Thus, long-term preventive measures conducted by MSs are evaluated as insufficient. On the other hand, the EC reported that it “has financed a wide range of initiatives aimed at addressing the root causes of trafficking such as poverty, exclusion, social inequalities and gender discrimination” (p. 7) including directly focusing on the prevention of THB in a large number of countries of origin. Besides that, the EC reported about financing a certain number of activities developed to address economic, legal and political needs of the most vulnerable groups. The EC also noted the lack of victims' assistance schemes provided by MSs and underlined that the protection and assistance to VoTs also needs significant improvements. Based on presumed very high scale of the crime, the investigation and prosecution was evaluated as low. However, from the holistic perspective investigation and prosecution have some advancement as evidenced by some forms of police cooperation, including through Europol and Interpol. On the other hand, joint investigation teams are rarely registered.

The EU Anti-Trafficking Day

In 2007, following the initiative of the Council, the EC established the EU Anti-Trafficking Day. It is marked every year on 18 October over the past seven years. The main objective is to ensure an ongoing debate on THB, raising public awareness on THB and enhancing the exchange of information, knowledge and best practices amongst the different stakeholders

active in CTBH. Each year, the EU Commission together with the respective EU Presidencies and EU Member States organise high-profile events to observe this day at the EU and the national level. These events are concentrated around various relevant topics, such as human rights-centred approach to anti-THB (in 2007), cooperation in the external dimension (during the 2009 Swedish EU Presidency) and partnerships (during the 2010 Belgian EU Presidency). Some of the most relevant outcomes from the EU level events are the following: *Recommendations on the identification and referral to services of victims of trafficking in human beings* (2007), input to the *Action Oriented Paper on strengthening of the external dimension on actions against trafficking in human beings* (2009), and the *Joint Statement of the Heads of EU Justice and Home Affairs Agencies*⁶⁵ (2011). Furthermore, the most recent EU Presidencies (the Polish, the Cypriot and the Lithuanian) marked the EU Anti-Trafficking Day by organising high-level conferences. The 2011 conference titled *Together against Trafficking in Human Beings* and the 2012 conference titled *Working together towards the eradication of trafficking in human beings: The Way Forward*⁶⁶ focused on the EU Strategy and on future work to strengthen cooperation and partnerships, as well as advancement in prevention, while the 2013 conference focused on the role of the internet in THB. All the aforementioned EU actions go in line with the holistic approach.

EU Anti-Trafficking Coordinator

In 2010, the EU Commission made a decision to appoint an *EU Anti-Trafficking Coordinator* (hereinafter EU ATC or just ATC) with the office based within the European Commission, DG Home-Affairs. The establishment of an EU ATC is provided for by the Stockholm Programme⁶⁷ and it came after the latest EP's Resolution in February 2010, where the Council and the EC were called on: “..to establish, under the supervision of the Commissioner for Justice, Fundamental Rights and Citizenship, an EU anti-trafficking coordinator to coordinate EU action and policies in this field – including the activities of the network of national rapporteurs – and reporting to both the EP and the Standing Committee on Operational Cooperation on Internal Security (COSI)”. This new initiative was supposed to

⁶⁵ Available at http://fra.europa.eu/sites/default/files/fra_uploads/1793-joint-statement-EC-181011.pdf

⁶⁶ More information on the conference is available at <https://ec.europa.eu/anti-trafficking/node/4043>

⁶⁷ Stockholm programme was adopted by the Council in December 2009. More information is available at http://europa.eu/legislation_summaries/human_rights/fundamental_rights_within_european_union/jl0034_en.htm

vide for an overall strategic and policy orientation in the field of CTHB. The Directive 2011/36/EU further elaborated the notions on the EU ATC mandate. Namely, the mandate of the appointed EU ATC is to enhance coordination and coherence between most relevant stakeholders in implementing EU policy against THB. Thus, the EU ATC has a key role in coordinating the work of relevant EU agencies in this area, EU institutions, EU Member States, third countries and international actors. Furthermore, the EU ATC is also responsible for developing new and improving existing EU policies to address THB in EU, as well as providing overall strategic policy orientation for the EU's external policy in this field. Since the appointment of the first EU ATC, Ms Myria Vassiliadou⁶⁸, the main focus has been placed on the monitoring of the implementation of the Directive and the EU Strategy. In this process, Ms Vassiliadou intensively advocates person-centered approach that emphasizes that VoTs are not numbers in statistics but human beings.

The EU Anti-Trafficking website

The same year the EC also launched an EU Anti-Trafficking website, www.ec.europa.eu/anti-trafficking, with the aim of having an information hub on THB for practitioners, civil society, academics and the public. Everybody interested in the problem of THB could find the following content on the website:

- legislation (European, international and national)
- EU policy contributions (policy papers, research reports, articles, books on various aspects of anti-trafficking policy, results of the EU anti-THB projects);
- publications (more than 250 resources)
- national information (in-depth country reports and statistics on THB for all MS, access to the database with the Network of National Rapporteurs)
- EU actions, projects and funding
- Media outreach and general information.

The EU Strategy 2012–2016

⁶⁸ More information about Ms Myria Vassiliadou is available at http://ec.europa.eu/anti-trafficking/eu-anti-trafficking-coordinator_en

The EU strategy towards the eradication of trafficking in human beings 2012 – 2016 (hereinafter the EU Strategy 2012 - 2016) was initiated following an evaluation of measures and policies that are completed or currently in place such as the 2005 EU THB Action Plan. The purpose of the strategy is to show how the EC intends to *support* the transposition and implementation of Directive 2011/36/EU through concrete measures (European Commission, 2012) and to call attention of the MS on the measures that they need to complete or improve. The main aim is to “bring added value and complement the work done by governments, international organisations and civil society in the EU and third countries” (European Commission, 2012, p. 2) while taking into consideration previous implementation failures and new tendencies in THB in the EU and globally. Bearing in mind a considerable amount of legislative and policy measures on THB, the objective of this strategy is to define priorities, address gaps and provide a coherent framework for ongoing and planned anti-THB initiatives. The proposed measures were developed considering the views of VoTs and came as a result of cooperation efforts involving the Group of Experts, MSs Governments’, NGOs, IOs, scholars, national rapporteurs or equivalent mechanisms and other stakeholders (European Commission, 2012). Concretely, the Strategy defined 40 concrete initiatives around the following five priorities

1. Identifying, protecting and assisting victims of trafficking
2. Stepping up the prevention of trafficking in human beings
3. Increased prosecution of traffickers
4. Enhanced coordination and cooperation among key actors and policy coherence
5. Increased knowledge of and effective response to emerging concerns related to all forms of trafficking in human beings

The first priority concerns VoTs and the following four actions are identified for addressing their rights and their needs: provision of information on the rights of victims, protection of child victims of trafficking, identification of victims and establishment of national and transnational referral mechanisms. Within the first action the EC announced to develop guidelines on how to further advance national referral mechanisms and to design a model of an EU Transnational Referral Mechanism which would link national referral mechanisms and facilitate advanced identification, referral, protection and assistance to VoTs. Identification of VoTs received a special attention as the EC announced to develop specific guidelines for consular services and border guards and is funding a project that is developing routine

guidelines for improved identification of VoTs. Children VoTs are addressed with special set of announced measures such as funding of the development of guidelines on child protection systems. In addition, the EC will address the gap concerning common definition of the guardians and their role by developing a best practice model. The last action concerns the registered gaps in providing information to VoTs concerning their labour, social, victim and migrant rights under EU law and this is planned to be addressed by providing clear and user-friendly information.

The second priority addressed future steps in advancing the prevention. Concretely, they involved the following three sets of measures: 1) understanding and reducing demand, 2) promoting the establishment of a private sector platform and 3) EU-wide awareness raising activities and prevention programmes. The chosen measures for addressing prevention involve several significant novelties, such as identification of the private sector as a new future anti-THB stakeholder and addressing the demand. The concrete activity the EC has planned concerning the first measure is providing a funding for research on reducing the demand for and supply of services provided by and goods made by VoTs. In addition, based on the national reports of the Informal Network of National Rapporteurs or Equivalent Mechanisms the EC will publish an EU report on the legal provisions that MSs have taken to criminalise the use of services of VoTs. Next step forward the EC plans to take concerns establishing an EU Business Coalition against THB which should facilitate the communication and cooperation of the EU government with businesses and other stakeholders. The EC's intention is to create best practice models and guidelines on reducing the demand in collaboration with the Coalition. These described actions stand as a further progress towards more holistic anti-trafficking approach. Thirdly, acknowledging the lack of assessment of prevention initiatives the EC announced thorough evaluation of ongoing initiatives carried out by various actors which will be used for making the links between them and for developing EU-wide guidance on future prevention measures. In addition, the EC is planning to introduce EU-wide awareness-raising activities aiming at specific vulnerable groups.

The third priority concerns the prosecution of traffickers and it envisaged the following actions: 1) establishment of national multidisciplinary law enforcement units, 2) ensuring proactive financial investigation, 3) increasing cross-border police and judicial cooperation and 4) increasing cooperation beyond borders. The first action calls on MSs to establish

national multidisciplinary law-enforcement units on THB. These units would have a role of contact points for EU agencies, especially Europol and should also address changing THB patterns. The consideration of changing THB patterns talks about improved understanding of THB as dynamic phenomenon. In the line with the second action, Europol will conduct analysis of financial investigations of THB cases based on the information collected from MSs, which will be used for gaining new knowledge on modus operandi of the criminal groups, identification of best practice and developing models for the future financial police investigations. The third action calls on MSs to make full use of EU agencies in all cross-border trafficking cases, especially Europol and Eurojust. The last action within this priority is focused on strengthening regional cooperation on THB along routes from the East to the EU.

The fourth priority addresses policy coherence and enhanced coordination and cooperation among key stakeholders. In this regard the EC took the responsibility for coordinating and monitoring the implementation of joint statement on collaboration in THB prevention, prosecution of traffickers and protection of VoTs that the EU Justice and Home Affairs Agencies signed in 2011. In total of six concrete actions were identified within this priority: 1) strengthening the EU Network of National Rapporteurs or Equivalent Mechanisms, 2) coordinating EU external policy activities, 3) promoting the establishment of a Civil Society Platform, 4) reviewing projects funded by the EU, 5) strengthening the fundamental rights in anti-trafficking policy and related actions and 6) coordinating training needs in a multidisciplinary context. Within the second action the EC envisioned strengthening and formalising cooperation with *international organisations* active in anti-trafficking policy development, prioritisation, data collection, research and monitoring and evaluation. Actions that are already ongoing will also be continued, such as covering THB in the EU's agreements with third countries, including the Free Trade Agreements and funding of projects through the development cooperation. Another relevant step forward within the fourth priority is defined under action three and it concerns *The EU Civil Society Platform against Trafficking in Human Beings* which was established the following year. The next foreseen EC action concerns conducting a review of the projects funded by the EU with the aim to "strengthen future projects and provide a solid basis for coherent, cost effective, and strategic EU policy and funding initiatives" (European Commission, 2012, p. 11). The fifth planned action is focused on ensuring that anti-THB efforts are coherent which should be achieved through mainstreaming fundamental rights in all anti-trafficking policy and legislation acts. For this

purpose, the EC will issue a tool to assist MSs to properly respond to human rights issues specifically related to anti-THB policy and actions. The EC has also foreseen to use the future funding programmes to assist MSs in implementing this tool. The last action within this priority will address the need for more uniform and consistent training on THB. Thus, the EC's planned action is to coordinate and bring together various actors in order to facilitate training policy coherence. The EC has also planned to explore the possibilities of involving the European Training Foundation in developing training frameworks for non-EU countries, namely transition and developing countries. In addition, the EC confirmed that the European Police College (hereinafter CEPOL), Frontex, and the European Asylum Support Office (EASO) will continue addressing the training needs in their respective fields.

The EC developed the last set of prioritised measures around the idea that THB is a dynamic process with changeable trends and patterns which need to be addressed effectively and quickly. The first proposed action within this priority aims at establishing an EU-wide system for the collection and publication of comparable and reliable THB data. For this purpose, the EC intends to collaborate with national rapporteurs. The following action aims at generating advanced knowledge on the gender dimension and high-risk groups. Another action was foreseen that is in the line with the principles of the holistic approach as it corresponds to the new THB trends. Namely, that is acquiring a better understanding of online recruitment through funding the projects that will aim on collecting the relevant intelligence. The last action is addressing the limited number of investigated and prosecuted cases of THB for labour exploitation. In addition, the EC has detected lack of coherence in MSs' provisions on this form of THB which may hamper cross-border cooperation. Better overview of case law in MSs would provide better understanding of the differences in the approach and for this reason; the EC will fund a study of case law in all MSs. In addition, the EC plans to strengthen cooperation with labour, social, health and safety inspectors. Another foreseen collaboration involves working together with the European Foundation for the Improvement of Living and Working Conditions (hereinafter Eurofound) on designing a guidebook that would assist national authorities in "the monitoring and enforcement of temporary work agencies and intermediary agencies such as job recruitment agencies to prevent trafficking in human beings" (European Commission, 2012, p. 14).

In addition to all aforementioned key priorities, the EC announced the establishment of effective monitoring and evaluation mechanisms that avoid repetitive reporting procedures for

MSs. Also, in line with the Directive and based on the reports produced by the Informal Network of National Rapporteurs or Equivalent Mechanisms in the Member State, the Commission will produce a biannual report to the Council and the EP on the progress made in the fight against THB. For this purpose, the EC strongly advised that the national reporting is prepared in consultation with the relevant representatives of civil society organisations.

In conclusion, the EU Strategy goes far beyond the earlier established approach of protection, prevention and prosecution. The progress towards an in-depth understanding of THB and holistic approach to anti-THB is visible in all six concrete measures addressing EU-wide coordination, EU and global cooperation and coherence of EU policies.

The EU Civil Society Platform and the e-Platform

As already mentioned, in 2013 the EC established *The EU Civil Society Platform against Trafficking in Human Beings* (hereinafter the EU Civil Society Platform). The Civil Society Platform was developed with intention to empower civil society in addressing the challenges of THB in the EU through facilitating information and experience exchange of over 100 civil society organisations working in the field of THB in the MSs and in four prioritised neighbouring countries (Albania, Morocco, Turkey and Ukraine). It was foreseen that the members meet biannually. In addition, the EC launched the EU Civil Society e-Platform (hereinafter e-Platform). The e-platform was developed with the aim to open continuous space for dialogue, exchange of information, experience, good practices and to facilitate coordination and cooperation among civil society organisations working on protection of and assistance to VoTs in EU and prioritised third countries. While, the EU Civil Society Platform is not open for new members the e-Platform opened that possibility in 2014. Thus, the e-Platform offers opportunities that go beyond the possibilities of the EU Civil Society Platform. The e-Platform is easily accessible for the members through EU Anti-Trafficking website.

Guidelines on identification of victims

The importance of early identification of victims of trafficking in human beings is reflected both in the [Directive 2011/36/EU](#) and in the EU Strategy. Moreover, the EU Strategy underlined that early identification of VoTs and provision of adequate protection is crucial

and should be prioritised. On that account and to ensure systematic use, better coordination and advanced coherence in this area, in 2013 the EC has published a *Reference document* outlining *Guidelines for the identification of victims of trafficking in human beings especially for consular services and border guards* (hereinafter The Guidelines). As outlined in the Guidelines the early identification of VoTs is essential for facilitating and advancing THB investigations and prosecution of the perpetrators. For this reason, consular services and border control offices are invited to organise regular trainings on identification of VoTs and PVoTs for their officers. In addition, the Guidelines underlined that cooperation should be established with the NGOs. The Guidelines underlined that cooperation agreements between front-line officers in consular services and border control offices could facilitate the identification of VoTs and thus should be taken into consideration. The EC also published a user friendly format of the Guidelines containing only indicative guidelines (Ventrella, 2014).

3.4. Way forward

Given that THB is the single explicitly criminalized action in the European Charter of Fundamental Rights, the legal obligations for the EU to take a strong stance to THB are unambiguous. The analysis presented in this chapter demonstrates that the EU has been actively engaged in the development of a multidisciplinary approach to prevent and combat THB since the mid-1990s. Over the past two decades, the policies and actions involved increasing number of stakeholders on EU level and national level in the countries of origin, transit and destination. Applied measures for THB prevention, law enforcement, and victim protection were advancing and with time more and more developed strategy was applied. The methods currently in use are appropriate given complex ramifications and non-existent straightforward or simple solutions for THB. Furthermore, strong political commitment at EU level to address the problem of THB is visible both in the quality and in the quantity of policy initiatives, concrete measures and funding programmes. Beyond any doubt the new Directive and the EU Strategy both represent a significant step forward in the direction towards integrated, comprehensive, coherent, multidisciplinary, gender-specific and children sensitive human rights anti THB approach i.e. *holistic approach*. On the other hand, space for a constructive critique and improvements still does exist.

The EU role and responsibility

The EU Strategy has several strongly emphasised claims (printed in bold) and two of them are especially relevant for the purpose of this research. The first deals with identifying the main responsible actor/s in CTHB. Interestingly, the Strategy acknowledges that THB “extends beyond individual Member States” and at the same time it underlined that “the main responsibility for addressing trafficking in human beings lies with the Member States” (p.2). Should we make an illustrative analogy with an example of a big international organisation, this statement would mean that we proclaim the *staff* as the main responsible for the success or failure of the entire mission of the organisation while we refer to the management board as having only a supportive role. Thus, the aforementioned statement contradicts common sense of understanding where the main responsibility lies. Additionally, that statement contradicts widely acknowledged understanding of THB as extremely complex *international*

phenomenon. In addition, even the EU policy makers as early as in 1996 acknowledged that anti THB “objectives may be more efficiently pursued at European Union level than by the Member States acting individually in view of the specific experience available in some Member States and of the likely savings and cumulative effects of the planned actions” (Council Joint Action 97/154/JHA to combat trafficking in human beings and the sexual exploitation of children, 1997). Finally and most importantly, the aforementioned claim may seem even more awkward when we consider that THB is identified in the same document (EU Strategy 2012-2016) as “complex transnational phenomenon” and “a serious form of crime that often has implications which individual countries cannot effectively address on their own.” (European Commission, 2012, p.2). Considering all the aforementioned, placing *the main* responsibility on the Member States does not seem justified or even reasonable. These claims can be fairly easily reinforced when we consider the possibilities of one single MS (given their capacity, political, territorial and other limitations) and concrete national strategies put in place. As an illustrative example we can look at one of the strongest EU MS national strategies to combat THB. In this regard, the UK defined the key priority areas as “...a stronger border at home to stop victims being brought into the UK; tougher law enforcement action to tackle the criminal gangs that orchestrate the crime; and improved identification and care for the victims of trafficking.” (Local Government Association, 2013, p.1). This quote demonstrates quite well to which extent the UK national strategy for CTHB can be compared to the current EU anti THB Strategy. Many other EU countries have similar or even narrower scope of their national strategy for CTHB. Thus, we can conclude that, even though the individual MSs and their respective strategies play a very important role, the main responsibility in counter fighting THB across EU lies with the EU government. The second relevant emphasised sentence in the Strategy goes in the same direction as it refers to the self-definition of the role of the European Commission “The purpose of this Communication is to show how the European Commission intends to support the Member States in doing this” (p.3.). Thus, the EC defines its role rather as supporting than the one on the forefront of CTHB in EU. Considering everything aforementioned, one of the main prerequisites to move forward and achieve more efficient results in EU CTHB is the EU’s acceptance of the role that cannot be defined as merely supporting but rather *leading coordinating and the main monitoring role in this agenda*. Actually, as visible in the EU Strategy, the EU has already achieved this role to a large degree.

Protection of, support for and assistance to VoTs

VoTs and PVoTs have received significant attention in the recent EU policy developments. The current EU's policy framework supports a variety of measures to ensure adequate protection of, support for, and assistance to the victims. Even though diverse spectrum of VoTs is mentioned in policy documents mainly women and children victims of sexual exploitation receive due attention in the EU policies. Moreover, they are predefined as more vulnerable and are consequently addressed with more care in policy implementation. Unfortunately, this approach positions all other VoTs in disadvantaged position or even completely neglects them, which should be changed. From the holistic perspective, *protection of, support for and assistance to VoTs* should not be done ad hoc but rather in well planned, coordinated manner including all available partnerships.

Goschin, Constantin and Roman (2009) presented successful examples of VoTs' reintegration due to purposeful involvement of religious organisation. Moreover, high level of achieved results concerning assisted reintegration of the VoTs indicate a strong potential that involvement of the church and various religious organisations may have and this should be explored more in the future. What is more, granted that integration of the church in the networks working against THB is already quite intensively addressed Worldwide (Goschin, Constantin and Roman, 2009) the EU is lagging behind and should invest some supplementary effort to catch up. One way to achieve this might be to follow the example of joint statement of all relevant EU Agencies Directors. In this case, for the next EU Anti-Trafficking day the EC could invite all EU mainstream religion leaders to sign a joint statement of intention to assist VoTs. In addition, considering the specific position of the religion leaders they could also make statement on addressing the demand within their religious communities.

Prosecution of perpetrators

From the holistic perspective, the prosecution in EU should not be exclusively "reserved" for traffickers. The chain of THB usually involves diverse set of actors and facilitators who could and should be recognised and identified as perpetrators. The EU Directive made significant steps forward in ensuring more comprehensive prosecution in particular concerning the

extraterritorial jurisdiction and criminalisation of informed customers. Notwithstanding, from the holistic perspective, the Directive made only soft provision in regard to the responsibility of the bottom line users of the THB services. The suggestion for the future amendments might be reconsidering the following wording “...Member States *should take into consideration the possibility of* imposing sanctions on the users of any service exacted from a victim...” and substituting it with “...Member States *shall* impose sanctions on the users of any service exacted from a victim...”. In addition, the future amendments should also consider including sanctions for the witnesses of THB who knowingly did not report the crime and/or did not notify the authorities about PVoTs. This especially refers to organ trafficking, which is to a large degree overlooked even by the newest EU law framework and strategy. In this regard, the EU government should consider taking stronger attitude and introduce new provisions. In this regard, every individual both in private and professional situations should be obliged to report suspected case of THB, including organ trafficking. For example, all medical personnel should have an obligation to report the local authorities on suspected case of THB when a patient has scars indicating undergone unregistered operation. This provision should be applied both in cases when the patient has possibly received organ. This provision follows the logic of the obligation to report on suspected child victim of physical or sexual abuse. Furthermore, in addition to already existing provisions on confiscating the assets acquired by illegal activities the EU lawmakers may consider introducing high fines for the customers of services provided by VoTs. This provision might significant financial resources that could and should be used for the compensation of the victims.

Prevention of trafficking in human beings

Prevention aspect of EU anti THB policies and actions seem to be the least developed, demanding more committed approach. From the holistic perspective, the variety of proposed, supported and undertaken purposeful anti THB EU actions directly addressing root causes of THB is very narrow or almost non-existing. Concretely, the Directive did not foresee any provision directed at widely acknowledged root causes of THB such as social and economic vulnerability due to poverty, lack of employment opportunities, gender inequality and discrimination. This might be even more surprising knowing that the EC defined THB as “a complex transnational phenomenon rooted in vulnerability to poverty, lack of democratic cultures, gender inequality and violence against women, conflict and post-conflict situations,

lack of social integration, lack of opportunities and employment, lack of access to education, child labour and discrimination” (European Commission, 2012, p.). On this account, the EP 2010 Resolution on THB called for massive information and awareness-raising campaigns to be developed and carried out focused on general public, potential buyers of VoTs services and PVoTs with distinct focus on children PVoT who should be targeted with appropriately designed awareness-raising education programmes. Furthermore, the EU Directive addressed the prevention along the same line. Given the significant costs of the numerous already taken mass campaigns, further similar actions should be invested only in duly justified and efficient-proven actions. What is more, reoccurring cases of re-trafficked VoTs serves as undeniable evidence that the lack of knowledge about the dangers of THB is not the reason for PVoTs to fall into a “trap”. Thus, the EU decision makers should thoroughly analyse so far undertaken prevention initiatives and re-evaluate their future implementation. This was actually envisaged by the EU Strategy and was supposed to be implemented in 2013 by the Commission under the home affairs funding programme. However, there is no tracked record of such analysis being conducted. In the light of everything discussed above, we would call for stronger commitment in addressing the root causes of THB on the EU level. In this regard, next to wide range of other policies, development cooperation programmes might be a good choice and an adequate tool for that purpose.

Similarly, stipulated prevention initiative focused on the demand is “education and training, to discourage and reduce the demand that fosters all forms of exploitation related to trafficking in human beings”. Bearing in mind the relevance and the role of the demand in the dynamics and trends of THB, as well as the proven effect of awareness-raising campaigns on altering undesirable human behaviour, addressing the demand solely with information campaigns is neither severe nor adequate. All anti THB actions, including those addressing prevention, should be based on the realities of THB and intelligence available from other relevant sources. For example, some of the prospective end users might be individuals who are on a long list for organ donation with life expectancy of couple of months in case of not available organ transplant. On the other hand, the prospective customers could be individuals who feel strong appeal to have a sexual intercourse with an underage virgin while travelling abroad where this kind of behaviour is accepted as “normal” or any other concrete example that we can imagine. Thus, assuming that the future probable illegal actions of these individuals will be discouraged due to watching a video or reading a brochure about THB is very naïve to say the least. The success of anti-smoking campaigns could be used as a logical parallel of the

overall effectiveness of awareness raising campaigns in deterring human behaviour. Furthermore, the costs of massive awareness-raising campaigns and consequently possible waste of significant resources

Additionally, it is well known that natural disasters and human-made crises increase the chances of abuse and exploitation of affected people. Thus, EU prevention policies and efforts should be based on earlier experiences and acquired knowledge of possible sudden increase in human vulnerability to THB in the immediate aftermath of large natural disasters. In this line, the EC should consider involving new partners, such as the European Commission's Humanitarian Aid and Civil Protection department (hereinafter ECHO) in addressing the escalation in vulnerability of PVoTs, especially children in aforementioned turmoil situations.

Enhanced actions on neglected forms of trafficking in human beings

The Directive has many improvements when comparing to the previous EU law from 2002, such as considering much larger number of possible extortions (forced begging, exploitation of criminal activities, organ trafficking, illegal adoption and forced marriage) as examples of THB. However, when taking a more critical look from the holistic perspective, we can easily notice that this “new” forms of extortions are not addressed on the same level as the “more traditional” forms of extortion, such as sexual extortion. Thus, another suggestion for improving the future policy development and implementation is to give more serious attention to the newly recognised forms of THB and to address them more thoroughly.

Concretely, prohibition of organ trafficking is legally established in the new Directive. However, considering that this form of extortion has very specific elements legislative loopholes in this domain can be fairly easy detected. For instance, the criminal responsibility of the person receiving the organ is not specified at all. From the holistic perspective the investigation and prosecution should focus on brokers, intermediaries, surgeons and other medical staff, including drivers and medical laboratory technicians, individuals and hospitals that provide information on “transplant tourism” and the person receiving the organ. In other words, *all* actors involved in organ trafficking who fail to notify the authorities should be held liable respectively.

Partnerships, cooperation, coordination and monitoring

A key policy priority identified in the EU Strategy is to build up partnerships and establish cooperation with and among all relevant actors working against THB including experts, NGOs and civil society in general. The establishment of the Experts Group, EU ATC, Network of National Rapporteurs and the EU civil society platform against THB are all praiseworthy initiatives and a clear step forward in that direction. Additionally, the EU's role should be to encourage support and participate in partnerships. For example, the EU should advocate for THB to be considered as an area of cooperation in its own right.

In the future the EU ATC and her office steps and should expand their mission and responsibilities. For example, EU ATC could take over the maintenance of the e-platform and "Together against Trafficking in Human Beings" web page contents. In addition, ATC should ensure more coherence in EU external action against THB.

Furthermore, the EU civil society platform was open for new memberships only for a limited time and selected members. It seems that civil society organisations with demonstrated specific experience in protection and assistance to VoTs were only accepted. In addition, the EC approved access only to four neighbouring countries (Albania, Morocco, Turkey and Ukraine), which leaves quite a lot of space for improvements. Concretely, in line with the comprehensive approach of the EU legal and policy framework to address THB the EC should consider leaving the platform open for new members with demonstrated experience in THB that is not limited to providing protection and assistance to VoTs. In addition, the platform should be open to civil society organisations that are located in other neighbouring countries, especially candidate countries and the probable future candidate countries. Most importantly, scholars, researchers and members of professional associations with interest on THB should have access to the platform and have their space for facilitating collaborative research, exchange of publications and academic debates on the topic. In addition, in line with awareness raising of the general public the platform should be open for every individual regardless of his or her location. Given the probable high interest of the public this could be achieved through memberships with observation rights only. Naturally, sensitive topics and discussion should remain with limited access. In addition, one section of the platform could be open for general public to discuss the topics on THB. Finally, all other relevant stakeholders should also have designated space. In addition, the EC should explore other possibilities of the use of the e-platform. For example, the space for NGOs could be used for

the promotion of their activities and for sharing best practice examples with wider public, not only other civil society actors. Furthermore, the Commission might consider using the e-Platform for fundraising opportunities as well.

5. Suggestions for the future research

Over the course of this research, a several interesting findings were discovered. One interesting finding was that, for unidentified reasons, the EU decision makers ignored some concrete recommendations of the Experts Group concerning development of provisions on THB prevention. Concretely, despite very clear directions on designing the prevention efforts based on addressing the root causes of THB the Directive and the EU Strategy do not follow those suggestions. Thus, it would be interesting to explore why the recommendations of the Experts Group were ignored.

Secondly, on the same account that prevention should ideally address *root causes* of THB (such as PVoTs vulnerability due to poverty, inequality, lack of opportunities, etc.), the overview of concrete actions aiming on tackling this crucial problem seems disproportionate in comparison to the efforts and resources invested on addressing *facilitating factors* (such as ignorance of PVoTs and end users) or *consequences* (protection of and assistance to the VoTs). Bearing in mind the aforementioned, it would be very interesting to see how much financial resource in total was spent within the EU (on actions such as information campaigns, conferences, seminars, trainings, etc.) and how much EU finances was spent on addressing the root causes i.e. relocated to the regions where VoTs originate .

5. Conclusive remarks

This paper advocates that the only feasible efficient strategy for eradicating THB has to be based on a *holistic approach* to CTHB. Considering the significance and attention given to THB in the political discourse, media, civil society and academia, the underdevelopment of the theoretical landscape on THB and CTHB is striking. For this reason the author focused on classifying the existing theories into distinct categories and gave a special attention to outline the most appropriate (holistic) approach more comprehensively and more clearly.

This study supports the idea that the most effective anti THB approach is *holistic* approach which supplements prosecution-prevention-protection interventions with active involvement of *all* relevant stakeholders from *all* relevant sectors as well as disciplines and whose efforts are coordinated on a regional/international level and directed at the THB *root causes* not only consequences or facilitating factors. In other words, the advocated holistic approach consists of and is not limited to synchronised, transnational, well-coordinated, comprehensive and constantly re-evaluated multi-disciplinary efforts (policies, programmes, projects, etc.) based on *partnership* of all relevant stakeholders on global, regional and national level in all concerned (receiving, sending and transit) countries. To conclude, anti THB *holistic* approach supported in this study is the one based on *international/regional, multi-disciplinary and multi-sector partnerships*.

The EU's high commitment to prevention of, fight against THB and protection of the rights of trafficked persons is beyond any doubt. The EU started addressing THB very early. The first responses and concrete actions occurred in the early and mid-1990s, just a few years following the Maastricht Treaty. In almost two decades the diversity of applied measures and the total number of anti THB actions grew to a praiseworthy degree. The recognised forms of exploitation have increased and overall conceptual understanding of THB was significantly broadened.

As the list of EU's anti THB partners was steadily growing overtime, understanding of the relevance for the cooperation with them and among them also grew. Some of the most recent EU actions such as the establishment of 1) the EU Anti-Trafficking Coordinator, 2) the Group of Experts, 3) the Informal EU Network of National Rapporteurs and Equivalent Mechanisms, 4) joint reports of the EU agencies 5) the EU Anti-Trafficking website and 6) the EU Civil

Society e-Platform against THB prove the EU's recognition of the need for and relevance of the cooperation between various EU bodies and other stakeholders, coordination of their activities including the cooperation between relevant EU agencies and civil society organisations. Thus, it can be concluded that the EU has been actively engaged in the development of integrated, multidisciplinary and multi-stakeholder approach since it's very beginning. Moreover, the latest actions that involve Directive 2011, Anti THB Strategy 2012 – 2016 and the Mid-term evaluation report indicate that the EU is on a good way to develop a holistic approach in the full meaning of the term as defined in this paper. Notwithstanding significant and admirable EU efforts, space for improvements does exist.

The main constructive critique concerns the EU's positioning itself in merely supportive role while emphasizing that the main responsibility for tackling this *transnational* challenge is on the EU member States. The EU's pushing the main responsibility on individual MSs for such a complex phenomenon that requires actions that go beyond their capabilities seems unreasonable and unjustified. In order to make a serious step forward in eradicating THB the EU should be ready to reflect on and re-define its own respective role. Namely, from the holistic perspective the role of the EU is not only to develop the legislation on THB and to support MS in implementing it. On the contrary, the role of the EU withholds the main responsibility as it is crucial in providing the prerequisites for the partnerships, coordination of cooperation efforts, guidelines and monitoring of the implementation of both hard and soft policies.

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