

THIRD-COUNTRY NATIONAL VICTIMS OF TRAFFICKING IN HUMAN BEINGS: DETECTION, IDENTIFICATION AND PROTECTION

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Background

Trafficking in human beings is a crime against the victim's fundamental rights. It can take several forms, such as sexual exploitation, forced labour or services, slavery and servitude-related practices, as well as the removal of organs. This practice is prohibited under numerous EU and international instruments. Yet, persistent demand for sexual services and for low-wage workers employed in manual jobs continues to provide opportunities for traffickers to exploit human beings. This EMN study provides an overview of measures and best practices around detection, identification and protection

of third-country national victims of trafficking in human beings in 25 EU Member States¹, Norway and Georgia from January 2015 to December 2020.

Key questions answered in the study: How do EU Member States, Norway and Georgia tackle human trafficking of third-country nationals? How do countries ensure cooperation at EU and international level? What were the main challenges and good practices identified in respect of the impact of COVID-19? At a glance, the main findings are introduced below.

Key trends and findings

- Between 2015 and 2020 more than 10 500 third-country national victims of trafficking in human beings were registered in the EU Member States, Norway and Georgia, with minors accounting for 8.5%, and sexual and labour exploitation representing approximately 75% of the cases.² Institutional, policy and legislative initiatives have been adopted with the aim to strengthen coordination among relevant actors and better equip them to protect (presumed) victims, as well as enhance investigations and increase sanctions against perpetrators.
- Given its clandestine nature trafficking in human beings remains underreported. As (presumed) victims also fear retaliation against those who are close to them, their detection and identification is challenging, albeit critical for their safety and well-being. While conceptually and legally different, in practice a clear distinction between the two phases does not always exist. Early detection and identification are crucial to ensure the prompt organisation of assistance and protection. It also enables competent authorities to better investigate, prosecute, and convict traffickers.
- In general, the formal identification of a victim constitutes the trigger for different forms of support, although in some cases these are already provided at detection stage too. Following a reflection period, an authorisation to reside in the country where they were identified can be made, on the grounds of their victimisation and/or to support investigation and prosecution of their perpetrators. In most cases residence rights that are not conditional on victims' participation in criminal proceedings or on humanitarian or international protection grounds are granted.
- The grounds for and modalities of assistance and protection of (presumed) victims are provided for in different EU legal instruments. Support measures cover the right to information, translation and interpretation, counselling, legal representation and legal aid, access to appropriate accommodation and material support, as well as to medical treatment and psychological assistance, and the right to compensation. Access to witness protection programmes and measures to avoid repeat and secondary victimisation during the investigation and criminal proceedings are offered too.
- Due to the cross-border and cross-cutting nature of trafficking in human beings, cooperation at national and international level is a crucial element and can take different forms, ranging from networks and mechanisms to exchange information and good practices, to joint operations that reinforce collaboration between competent authorities, to ad-hoc initiatives in response to emerging needs or challenges with third countries whose nationals are victims in EU Member States.
- EU Member States, Norway and Georgia finally reported that the outbreak of the COVID-19 pandemic has added significant challenges to the detection, identification and protection of (presumed) victims of trafficking in human beings. Moreover, the disruption in the economy resulting from the pandemic has dramatically increased the vulnerability of some people who were already at risk. The pandemic has changed how victims are recruited, trafficked and exploited, with most countries sharing concern about the growing use of online means.

1 AT, BE, BG, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, SE, SI, SK.

2 Other forms of trafficking in human beings can include also forced services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs. 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 (Anti-trafficking Directive), <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32011L0036>, Article 3(2), last accessed on 22 March 2022.

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