

Preventing and combating trafficking in human beings and protecting its victims

2022/0426(COD) - 24/06/2024 - Final act

PURPOSE: to prevent and combat trafficking in human beings and protecting the victims of that crime.

LEGISLATIVE ACT: Directive (EU) 2024/1712 of the European Parliament and of the Council amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.

CONTENT: this directive updates EU legislation adopted in 2011 on preventing and combating trafficking in human beings and protecting victims of such crime, with a view to strengthening the rules on combating trafficking in human beings.

Offences relating to trafficking in human beings

The directive states explicitly that exploitation will 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, or the exploitation of surrogacy, of forced marriage, or of illegal adoption.

Where the intentional acts concern a child, they fall within the scope of trafficking in human beings and, as such, are punishable. More specifically, with regard to trafficking for the purpose of the exploitation of surrogacy, this directive targets those who coerce or deceive women into acting as surrogate mothers.

Sanctions

As is the case in the current directive, the new types of exploitation will be punishable by a maximum penalty of at least five years of imprisonment, or of at least ten years of imprisonment in case of aggravated offences.

The following are regarded as **aggravating circumstances**:

- the offence was committed by public officials in the performance of their duties;
- the perpetrator facilitated or committed, by means of information and communication technologies, the dissemination of images or videos or similar material of a sexual nature involving the victim.

Legal persons

Member States will take the necessary measures to ensure that legal persons can be held liable for the offences referred to in the Directive committed for their benefit by any person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person.

Sanctions against legal persons, such as companies, held responsible for offences related to trafficking in human beings have also been strengthened. They will now cover exclusion from access to public funding, including tendering procedures, subsidies, concessions and licences, as well as the withdrawal of permits and authorisations to pursue activities that resulted in the relevant offence.

Investigations and prosecutions, assistance to victims

Member States should ensure that investigation into or prosecution of offences is not dependent on reporting or accusation by a victim, and that criminal proceedings may continue even if the victim has withdrawn his or her statement.

Member States should take the necessary measures:

- to ensure that persons, units or services responsible for investigating or prosecuting the offences are trained accordingly;
- for **specialised assistance and support** to be provided to victims in a victim-centred, gender-, disability- and child-sensitive approach before, during, and for an appropriate period of time after the conclusion of, criminal proceedings;
- to create one or several mechanisms aimed at the **early detection and identification of, assistance to, and support for identified and presumed victims**, in cooperation with relevant support organisations, and to appoint a focal point for the cross-border referral of victims;
- for victims of trafficking in human beings have the right to apply for **international protection** or equivalent national status.

Assistance and support for child victims

Member States should take the necessary measures to ensure that the specific actions to assist and support child victims of trafficking in human beings, in the short and long term, in their physical and psycho-social recovery, are undertaken following an individual assessment of the special circumstances of each particular child victim, taking due account of the child's views, needs and concerns with a view to finding a durable solution for the child.

Compensation to victims

Victims of trafficking in human beings will have access to existing schemes of compensation to victims of violent crimes of intent. Member States may establish a **national victims fund** or a similar instrument, in accordance with their national legislation, in order to pay compensation to victims.

Prevention

Member States will take appropriate measures, such as education, training and campaigns, with specific attention to the online dimension.

Use of services provided by victims of trafficking

The directive provides that Member States will take the necessary measures to ensure that, when it is an intentional act, the use of services provided by a victim of an offence constitutes a criminal offence, where the victim is exploited to render such services and the user of the services **knows** that the person providing the service is a victim of an offence. In such cases, Member States must ensure that this offence is punishable by effective, proportionate and dissuasive penalties.

ENTRY INTO FORCE: 15.4.2024.