

Preventing and combating trafficking in human beings, and protecting victims

2010/0065(COD) - 02/12/2016 - Follow-up document

The Commission presented a report to the European Parliament and the Council assessing the extent to which Member States have taken the necessary measures in order to comply with Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, in accordance with Article 23 (1).

As a reminder, a major step in the EU action to address this phenomenon was the adoption of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims which replaced the previous EU legal instrument on trafficking in human beings, [Council Framework Decision 2002/629/JHA](#). The Directive applies to all Member States except for Denmark. It sets out minimum standards to be applied throughout the European Union in preventing and combating trafficking in human beings and protecting victims. It is based on the human rights approach and gender perspective, to strengthen the prevention of this crime and the protection of and assistance to the victims thereof.

Main conclusions of the report: the report made the following conclusions:

- state of transposition and implementation: complete and correct transposition of the Directive, followed by its meaningful implementation, is not only compulsory but also necessary in order to make a substantial progress on national level in addressing trafficking in human beings. The ultimate aim is to make a real difference in the lives of victims and step up the fight against this crime by increasing the number of prosecutions and convictions. This report, which should be read in conjunction with [COM\(2016\) 719](#) of the Directive (refer to the corresponding summary in the procedure file), is part of the process of ensuring its correct application and implementation. This overview shows that substantial efforts have been taken by the Member States to transpose this comprehensive instrument;
- room for progress: the report noted that there still remains significant room for improvement in particular as regards:
 - specific child protection measures,
 - presumption of childhood and child age assessment,
 - the protection before and during criminal proceedings,
 - access to unconditional assistance,
 - compensation,
 - non-punishment (for instance, some Member States make an explicit reference to non-prosecution trafficking victims, while others foresee the non-prosecution of a person who was compelled, threatened or coerced to commit a criminal act,
 - assistance and support to the family member of a child victim,
 - prevention.

Next steps: in its conclusions, the Commission stated that it is ready to provide further support to Member States to ensure a satisfactory level of the implementation of the Directive in view of the European Agenda on Security, which highlights trafficking in human beings as a form of serious and organised crime.

If necessary, guidelines on the practical implementation of the Directive could also be drawn up for specific provisions requiring it.

The Commission will continue to monitor the implementation of the Directive by Member States in accordance with its powers under the Treaties and may take the appropriate action, including, where necessary, the initiation of infringement procedures.