



**COUNCIL OF
THE EUROPEAN UNION**



Council conclusions on the new EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016

*3195th JUSTICE and HOME AFFAIRS Council meeting
Luxembourg, 25 October 2012*

The Council adopted the following conclusions:

"THE COUNCIL OF THE EUROPEAN UNION,

RECOGNISING that trafficking in human beings is a gross violation of human rights, prohibited by the Charter of Fundamental Rights of the European Union and the European Convention of Human Rights;

REMINDING that trafficking in human beings affects women, men, girls and boys and taking into account that Member States are faced with an extensively complex and ever changing form of organised crime;

EMPHASIZING the need to identify, assist, support, protect and compensate the victims of trafficking in human beings;

AFFIRMING that trafficking in human beings needs to be addressed in an integrated, multidisciplinary way and that measures should be human rights- and victim-centred based, gender-sensitive and taking into account the best interest of the child;

AFFIRMING the need for more efficient EU internal and external cooperation for the effective combating of this crime and for the protection of its victims;

P R E S S

RECALLING that the European Council in the Stockholm Programme – An Open and Secure Europe Serving and Protecting Citizens¹ - has stressed that trafficking of human beings is a very serious crimes involving violations of human rights and human dignity that the EU cannot condone, and that it has deemed necessary that the Union should develop a consolidated EU policy against trafficking aiming at further strengthening the commitment and efforts made, by the EU and the Member States, through a coordinated and coherent policy response which goes beyond the area of freedom, security and justice;

RECALLING the importance of the UN Protocol against trafficking in Persons including women and children dated 14 December 2000², and the Council of Europe (CoE) Convention on action against trafficking in human beings dated 16 May 2005³;

RECALLING the appointment by the Commission of an Anti-Trafficking Coordinator;

RECALLING the Council conclusions on establishing an informal EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings, adopted on 4 June 2009⁴;

RECALLING the 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/JHA⁵;

RECALLING the Directive 2004/81/EC of the Council 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 authorities⁶;

RECALLING the Action-Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings; Towards Global EU Action against Trafficking in Human Beings, of 2009⁷;

RECALLING the Council Conclusions 'Targeting developing forms of trafficking in human beings in the EU Member States' of June 2011⁸;

RECALLING the Council Conclusions to the 'Global Approach to Migration and Mobility' of November 2011⁹ and the follow-up thereto¹⁰;

¹ OJ C 115, 4.5.2010, p.1.

² United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime, Palermo, 2000.

³ Council of Europe Treaty Series (CETS) No. 197.

⁴ 8723/4/09 CRIMORG 63 MIGR 43 ENFOPOL 86.

⁵ OJ L 101, 15.4.2011, p. 1.

⁶ ~~OJ L 261, 6.8.2004, p. 3~~ (OJ L 261, 6.8.2004, p. 19).

⁷ 6865/10 CRIMORG 38 JAIEX 22 RELEX 163 JAI 163.

⁸ 8776/3/11 GENVAL 36 CRIMORG 48 ENFOPOL 100.

⁹ 9417/12 ASIM 50 RELEX 396 DEVGEN 116.

¹⁰ 10210/12 ASIM 58 RELEX 452 DEVGEN 144.

RECALLING the Joint statement of the Heads of the EU Justice and Home Affairs Agencies signed in Warsaw in October 2011, on the occasion of the 5th EU Anti-Trafficking Day¹¹;

UNDERLINING the on-going work within the framework of the EU Policy Cycle to fight Serious and Organised Crime 2010¹² and the proposed way forward¹³;

TAKING INTO ACCOUNT the work carried out by the EU Institutions, Agencies and the Member States for strengthening cooperation for combating trafficking in human beings and protecting its victims;

RECALLING the recent case law of the European Court of Human Rights, which provide a decisive human rights benchmark on obligations of states, including the principle of non-refoulement, to address different aspects of trafficking in human beings, such as recruitment, investigation, prosecution, protection of human rights, and providing assistance to victims;

WELCOMING the Communication of the 19 June 2012 from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy Towards the Eradication of Trafficking in Human Beings 2012–2016¹⁴;

REITERATING that focus should be given to the five priorities indicated in the Strategy taking into account its timely implementation;

INVITES MEMBER STATES to:

- Ensure the timely transposition of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims;
- Ratify, without delay, the UN Palermo Protocol on Trafficking in Persons and the 2005 Council of Europe Convention on Actions against Trafficking in Human Beings;
- Step up their efforts for effectively combating trafficking in human beings and protecting its victims by strengthening internal and external cooperation and by taking into account the five priorities identified in the new EU Strategy;
- Foster the work developed under the EU Policy Cycle to tackle this threat;

¹¹ The statement can be found at the Commission anti-trafficking website:
<http://ec.europa.eu/anti-trafficking/>.

¹² 15358/10 COSI 69.

¹³ 13712/11 JAI 576 COSI 63 ENFOPOL 273 GENVAL 86.

¹⁴ 11780/12 JAI 465 GENVAL 43 COSI 53 ENFOPOL 208 JAIEX 48 RELEX 589
EUROJUST 58 (COM(2012) 286 final).

- Consider to establish and/or reinforce national law enforcement units and/or other relevant bodies to better investigate, e.g. by making use of special investigation techniques, as defined in Recommendation 2005/10 of the Committee of Ministers of the CoE and the 2000 UN protocol against trafficking in Persons, and prosecute traffickers, exchange information and data at national level, where appropriate increase cross-border cooperation and centralise knowledge on trafficking in human beings; they should ensure functioning contact points for exchange of information with EU agencies;
- Further promote establishing joint investigations or joint investigation teams among Member States and with third countries as an effective tool to tackle trafficking in human beings and enhance law enforcement cooperation with judicial authorities;
- Continue to provide training to all relevant actors working in combating trafficking in human beings, ensuring a human rights' and a gender perspective;
- Develop or update functional national referral mechanisms as agreed in the EU Policy Cycle that describe procedures to better identify, refer, protect and assist victims and include all relevant public authorities and civil society;
- Promote further policies to reduce demand that fosters all forms of exploitation related to trafficking in human beings;
- Enhance the use of relevant EU Agencies for the exchange of information and the development of cross-border investigations, including, where relevant, Joint Investigation Teams, as well as establishing parallel and mirror investigations;
- Strengthen child protection systems that take into account the best interest of the child and ensure interagency cooperation and coordination, in human trafficking situations, to further prevent re-trafficking of and to better protect and assist child victims, by establishing cooperation mechanisms between countries of origin, transit and destination;
- Developing clear information for victims of trafficking in human beings including on their rights and disseminate the information to all relevant actors that work with victims;
- Strengthen cooperation, in particular with priority third countries and regions in the different areas of trafficking in human beings, where appropriate in co-operation with the European External Action Service;
- Promote and support innovative, multidisciplinary approaches to tackle trafficking in human beings, e.g. develop, through the informal network of national contact points on the administrative approach to fight against crimes a common approach aimed at raising awareness of administrative authorities on their role in preventing and combating trafficking in human beings, as part of a comprehensive approach;
- Facilitate and support the work of National Rapporteurs or Equivalent Mechanisms, taking into account in accordance with Directive 2011/36/EU and taking into account the CoE Convention on action against trafficking in human beings;
- Encourage their private sector to take part in the European Business Coalition against trafficking in human beings to be established in 2014;

- To step up their efforts for conducting financial investigations and for the effective use of available tools to locate, seize and confiscate the proceeds of crime acquired by illegal activities related to trafficking in human beings;
- Ensure the collection and exchange of comparable disaggregated and anonymised data, e.g. on victims, perpetrators etc., broken down according to gender and age for all forms of trafficking in human beings;

INVITES THE RELEVANT EU AGENCIES to:

- Step up their efforts, as agreed in the 2011 joint statement signed by the EU Justice and Home Affairs agencies, in addressing trafficking in human beings in a coordinated, coherent and comprehensive manner, in partnership with EU Member States, EU institutions and other partners, including civil society;
- Facilitate and support the use of multidisciplinary approaches and the establishment and/or reinforcement of national law enforcement units and/or other relevant bodies;
- Within the framework of investigation, strengthen the multidisciplinary operational cooperation and capacity to tackle trafficking in human beings at EU-level;
- Develop a relevant best practice guides/handbooks, e.g. on the identification of victims, to assist Member States in addressing trafficking in human beings;

INVITES THE COMMISSION to:

- Further support the efforts of the Member States to combat trafficking in human beings through inter alia ensuring adequate financial resources for implementing the EU Strategy, through the current and future external financial instruments;
- Implement the Strategy and report on the progress made in its first evaluation thereof in 2014;
- Further coordinate actions with existing international organisations as well as other European agencies and bodies and make full use of the monitoring reports of international organisations, especially the Council of Europe Group of Experts on Trafficking in Human Beings (GRETA);
- Closely cooperate with the national rapporteurs or equivalent mechanisms of the Member States in carrying out their tasks as well as in the reporting on the progress made in the fight against trafficking in human beings every two years as required by Directive 2011/36/EU;
- Carry out independent research on the supply and reduction of demand and supply;
- Further assist the protection of victims through the development of a model for an EU transnational referral mechanism, and the development of guidelines on the role of guardians;
- Explore the establishment of EU cooperation mechanisms in priority third countries, also involving Member States;
- Develop innovative, multidisciplinary approaches to tackle trafficking in human beings at EU-level;

- Fund projects on reducing the demand and supply for services provided by victims of trafficking and develop models and guidelines on the reduction of demand;
 - Raise further awareness regarding trafficking in human beings and support the implementation of the EU Strategy by designating one of the coming years up to 2016 as the "European Year Against Trafficking in Human Beings";
 - Promote EU-wide awareness-raising activities targeting specific vulnerable groups and the professionals working with them;
 - Ensure the review and effectiveness of projects funded by the EU reflects the basis for a cost-effective EU anti-trafficking policy;
 - In cooperation with the Europol, consider to organise an in depth seminar on best practices of ~~such~~ national law enforcement units and/or bodies to further facilitate the on-going discussion in the context of the EU Policy Cycle;
 - Mainstream counter-trafficking into different European policies and enhance the cooperation and coordination among all relevant Directorates-general (DGs)."
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