EU statement

Trafficking in human beings, including children, is a grave human rights violation, as well as a demand-driven and highly profitable form of transnational organised crime. This heinous crime remains all too pervasive in the OSCE region, including within the EU.

The European Union remains committed to eradicating trafficking in human beings. As such, trafficking in human beings is prohibited by the EU Charter of Fundamental Rights (Article 5.3) and defined by the TFEU as a particularly serious form of organised crime (Article 83). The EU has put in place a robust comprehensive legal and policy framework, set out in the 2011 European Directive on Preventing and Combating Trafficking in Human Beings (Directive 2011/36) and, respectively, in the 2012 Strategy towards the Eradication of Trafficking in Human Beings. The 2011 Directive establishes robust provisions on victim's protection, assistance and support, but also on prevention and prosecution of the crime. The implementation of the Directive is monitored by the European Commission, which issues reports on progress. The Strategy expands on issues identified in the Directive and is consistent with its holistic approach. It focuses therefore on prevention, protection, prosecution and partnerships, as well as on ways to increase knowledge on emerging concerns related to trafficking in human beings. The framework is also complemented by reports on the follow up of the EU Strategy and by a set of targeted actions in three priority areas to prevent trafficking in human beings, which address also children's vulnerabilities.

The EU framework is human rights based, victim centred, gender specific and child sensitive.

Children, above all, constitute a particularly vulnerable group. Children continue to be trafficked for the purpose of sexual exploitation, forced criminal activities, forced begging and more.

The EU's Strategy recognises that comprehensive child-sensitive protection systems, ensuring inter-agency and multi-disciplinary coordination are crucial in catering to the needs of child victims of trafficking.

The vulnerability of the migrant children, especially unaccompanied minors in migration context, including within the arrivals to the EU, is a concern that we take seriously. The European Commission developed an Action Plan on Unaccompanied Children, having at its core the best interest of the child, with a view of ensuring coherence, strengthen cooperation within the EU and with countries of origin and transit.
Trafficking has a strong gender dimension, with trafficking for the purpose of sexual exploitation, involving predominantly women and girls, consistently reported prevalent, while child trafficking for forced labour affects predominantly men and boys. Thus, the gender dimension of trafficking in human beings cannot be underestimated and needs to be addressed in all our efforts. The 2011 Directive recognises the different purposes for which women and man are trafficked and, thus, different needs and assistance required. Both the 2011 Directive and the 2012 Strategy underline the need of knowledge on the gender dimensions of human trafficking, including the gender consequences of the various forms of trafficking and potential differences in the vulnerability of men and women to victimisation and its impact on them. The 2016 Study of the European Commission on the gender dimension of trafficking in human beings is worth mentioning in this context.

Concerning the protection of victims, the EU legislation grants trafficking victims a number of rights – to legal assistance, medical help, temporary residence and more. For those rights to be known and applied effectively in practice, both victims and practitioners working in the field of trafficking in human beings need clear and accessible information about their content. The Commission published in 2013 The EU Rights of victims of trafficking in all official languages, giving practical and comprehensive overview of victims’ right, based on the Charter of Fundamental Rights, EU legislation and the case law of the European Court of Human Rights. The document contains a specific chapter on Child victims.

Identifying the victims efficiently and at an early stage is the first step towards making sure they are treated as rights holders and have access to their rights. Thus they can access appropriate, gender specific and child sensitive assistance and protection and benefit from relevant safeguards, in line with obligations under international law. Robust guardianship systems are needed for this purpose. European Commission together with the European Union Agency for Fundamental Rights developed in 2014 a Handbook on Guardianship for children deprived of parental care, which underlines the importance of guardians and legal representatives in preventing and responding to child abuse and exploitation and in protecting and assisting child victims of trafficking. Guidelines on Identification of victims of trafficking were published by the European Commission in 2013.

As also indicated in the 2013 OSCE Addendum to the Action Plan to Combat Trafficking in Human Beings, appropriate gender specific and child sensitive training should be provided to all relevant actors likely to come to contact with victims of trafficking. This includes, amongst others, healthcare workers, childcare and child protection authorities, guardians, asylum and immigration officers, law enforcement authorities, labour inspectors.

However, it remains significant room for improvement regarding specific child protection measures, according to the latest Communications of the European Commission, in particular with regard to presumption of childhood and child age assessment, the protection before and during criminal proceedings, access to unconditional assistance, compensation, non-punishment, assistance and support to the family member of a child victim as well as prevention. The EU will continue to address the findings of these assessments. More also needs to be done to step up investigations and prosecutions, and bring perpetrators to justice, including through enhanced use of all available investigative
tools and techniques. Establishing or reinforcing joint investigations or joint investigation teams among EUMS and with third countries is an effective tool.

The EU framework also emphasises the need for coordinated, multidisciplinary action. EU Members States established National Rapporteurs or Equivalent Mechanisms to monitor the implementation of anti-trafficking policy at the national level. An EU network of NREMIs was also established, which is instrumental in further promoting cooperation and coordination at EU level. The EU Anti-Trafficking Coordinator contributes to a coordinated and consolidated Union response against trafficking in human beings from EU institutions, EU agencies, EU Member States and civil society.

When addressing trafficking, it is also crucial to involve all relevant actors, from civil society organisations to healthcare and labour inspectors, from border guards to childcare and protection authorities. The European Union engages with civil society organisations working specifically on children in the context of the EU-Civil Society Platform against trafficking in Human Beings. For instance, the European Commission organises joint meetings with the network of NREMIs and EU Civil Society Platform. The synergies created by this platform, also in cooperation across borders, are worth mentioning and possibly replicating across the OSCE region to empower civil society and to involve them as partners.

Promoting cooperation also between countries of origin, transit and destination, is essential in the fight against trafficking in human beings.

The anti-trafficking angle is also included in all aspects of EU relations with third countries and in all relevant policies areas, including human rights, security and organised crime, and gender equality.

The EU remains the world's largest donor of aid and finances many projects promoting anti-trafficking action across the world. The EU remains committed to support anti trafficking actions within and outside the EU, including by prioritising action to meet the specific needs of child victims.

Globally, the EU reaffirms the standards and principles set out in the UNTOC Convention and its Supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, as the primary international legal instruments to address trafficking in human beings, as well regional instruments such as the Council of Europe Convention against Trafficking in Human Beings. All EU Member States are party to the Council of Europe Convention on Action against Trafficking in Human Beings.

We welcome the work undertaken by ODIHR, the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings and her team with regard to combatting trafficking in human beings in OSCE participating States. We welcome the adoption of MC Decisions 6/17 and 7/17 of last year and we look forward to working together in the implementation of these decisions, alongside all other OSCE related commitments.