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Anti-trafficking day: the Commission calls for better protection of the victims

In a majority of EU Member States, only a small number of residence permits are issued to victims of trafficking. This is shown in a report the Commission has published today, on the EU Anti-trafficking day, on the implementation of the Directive on the residence permits issued to victims of trafficking.

"We can not accept that, while several hundred thousand victims are estimated to be trafficked every year within and into the EU, only a few thousand victims are assisted" said Cecilia Malmström, EU Commissioner for Home Affairs. Trafficking in human beings, whether it is called forced labour or sexual exploitation, is a terrible crime and should be called by its right name: modern slavery. "Fighting it is a top priority for me and we must mobilise all instruments of action to reinforce prevention, law enforcement and victim protection.

The European Commission has a strong commitment in combating trafficking in human beings, reflected in its proposal for a new EU Directive presented in March 2010. In addition to approximating substantive criminal law, the new proposal ensures better protection of and assistance to victims and strengthens the prevention of crime. The Directive also includes the principle of non-punishment of the victims for crimes they have been compelled to commit as a direct consequence of being subject to trafficking.

To assist victims is not only important in order to help the victims themselves, but also to prevent others from being trafficked by the same networks. Victims of trafficking in human being do not always dare to cooperate with law enforcement authorities, which makes it, difficult to detect perpetrators. It is therefore, for several reasons, important to make full use of the existing instruments concerning the protection of victims. In particular, Directive [2004/81/EC](#) makes it possible for the Member States to issue residence permits linked to the length of national proceedings in exchange for cooperation of victims with investigation authorities. In its report on the implementation of this Directive, the European Commission however notes that while the number of identified victims in some Member States ranges from several hundred to even two thousand per year, the number of residence permits based on the Directive is rarely higher than twenty per year. Even if a certain proportion of victims would not qualify under this Directive (because they are coming from within EU), the difference between identified victims and those who made use of the specific residence permits is remarkable.

The Commission will examine all cases where problems of application of this Directive have arisen. The Commission might also consider the need for amendments of the Directive, which could increase its potential in combating trafficking and enhancing the protection of victims. This includes the possibility to obtain a temporary residence permit based on the vulnerable situation of the victim, and not necessarily in exchange for cooperation with competent authorities. Other amendments might include having a specified length of reflection periods for victims; strengthening the framework of treatment, in particular for minors, reinforcement of the obligation to inform victims of their rights.

Background

The EU Anti-Trafficking Day has been established on 18 October of every year. The first Anti-Trafficking Day took place in 2007. On the occasion of this fourth edition, the Belgian EU Presidency organises a high level conference 'Towards a multidisciplinary approach to prevention of trafficking in human beings, prosecution of traffickers and protection of victims' bringing together politicians, government practitioners and civil society from across EU.

In March 2010, the European Commission proposed a new EU Directive on anti-trafficking, which covers action on different fronts:

- Criminal law provisions, including a common definition of the crime, aggravating circumstances and higher penalties, as well as non-punishment of the victims.
- Prosecution of offenders, including the possibility to prosecute EU nationals for crimes committed in other countries.
- Victims' rights in criminal proceedings, including specific treatments for particularly vulnerable victims, police protection of victims, legal counselling, special protective measures for children.
- Victims' support, including national mechanisms for early identification and assistance to victims.
- Prevention, including measures aimed at discouraging the demand that fosters trafficking.
- Monitoring, providing for the establishment of National Rapporteurs or equivalent mechanisms, in charge of monitoring the implementation.

Directive [2004/81/EC](#) 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 irregular immigration and who cooperate with the competent authorities, establishes a system whereby every victim of trafficking being a third-country national should be first offered a reflection period to take a decision on whether to cooperate with the authorities. In the course of the reflection period the victims are entitled to be provided with necessary resources and treatment which is aiming particularly at those with special needs. The victims who decided to cooperate with the competent authorities can obtain the residence permit, linked to the length of national proceedings.

For more information

Homepage of Cecilia Malmström, EU Commissioner for Home Affairs:

http://ec.europa.eu/commission_2010-2014/malmstrom/index_en.htm