



2021 PORTUGAL.EU

International Conference

“Ten years on the European Anti-Trafficking Directive and the new European Strategy to Combat Trafficking in Human Beings (2021-2025)” (Associated Event)

25 May, 2021

09:10 – 13:00 (Portuguese Time)

10:10 - 14:00 CET

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Associated Event

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Observatory on Trafficking in Human Beings
Commission for Citizenship and Gender Equality

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Concept note

Background and Rationale

In **2011**, 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/JHA* – commonly known as the **Anti Trafficking Directive** – was adopted.

The Directive is part of global action and has before it an extensive *acquis* against Trafficking in Human Beings, including legal instruments of both the United Nations and of the Council of Europe.

Adopting an **integrated, holistic, human rights, victim-centered and gender and child sensitive approach**, the Directive is comprised by provisions starting by establishing common minimum rules to approximate substantive criminal law in matters such as: criminal offences, sanctions/penalties, seizure and confiscation, non-prosecution or non-application of penalties to the victim. Also, provisions on investigation and prosecution, jurisdiction, assistance and support for victims, with a special focus on children's, throughout all stages. Furthermore, provisions on the crimes' prevention, and monitoring and evaluation of the efforts in the implementation of the Directive via:

- The establishment of National Rapporteurs or Equivalent Mechanisms (NREM) working in close cooperation with civil society organizations;
- The support of the NREM and the EU Civil Society Platform against Trafficking in Human Being to the EU Anti-Trafficking Coordinator¹.

In **2012**, the *EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016* presented the policy framework with concrete measures to support the transposition and implementation of Anti Trafficking Directive. The Strategy identified five priorities:

A. *Identifying, protecting and assisting victims of trafficking.*

B. *Stepping up the prevention of trafficking in human beings.*

C. *Increased prosecution of traffickers.*

D. *Enhanced coordination and cooperation among key actors and policy coherence.*

E. *Increased knowledge of and effective response to emerging concerns related to all forms of trafficking in human beings.*

In **2017**, and building on the EU Strategy and the ongoing efforts to fully implement the Anti Trafficking Directive, the Commission launched the *Communication 'Reporting on the follow-up to the EU Strategy towards eradication of trafficking in human beings and identifying further concrete actions'*. The Communication identified the following key areas:

A. *Disrupting the business model and untangling the trafficking chain.*

B. *Provide better access to and realise the rights for victims.*

¹ First set at the *Stockholm Programme - An open and secure Europe serving and protecting the citizens* [Official Journal of the European Union C115 from 4.5.2010]. The ATC also gathers information from EU agencies and international and regional organisations. More information at https://ec.europa.eu/anti-trafficking/node/4598_en

C. Intensify a coordinated and consolidated response, both within and outside the European Union.

Pursuant to **Recital 27, articles 19 and 20** of the Anti Trafficking Directive, **3 reports** and complemented **Staff Working Documents** were published by the European Commission, presenting the progress made in the fight against Trafficking in Human Beings:

- 1st Report on the progress made in the fight against trafficking in human beings (2016) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (timeframe 2013- 2014) and respective Staff Working Document.

- 2nd Report on the progress made in the fight against trafficking in human beings (time frame 2015-2016) and respective Staff Working Document.

- 3rd Report on the progress made in the fight against trafficking in human beings (time-frame 2017-2018) and respective Staff Working Document.

Combined with the above, **five reports** with a compilation of **statistics presenting the main trends at the EU Member-State level**. This dimension is crucial not only for the assessment of the implementation of the Anti Trafficking Directive, as well as for the development of evidence-base knowledge and policies.

More recently (2021), the adoption of the *Report on the implementation of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (2020/2029(INI))*, from the Committee on Civil Liberties, Justice and Home Affairs Committee on Women's Rights and Gender Equality with an assessment on the implementation of Directive and recommendation to its revision.

On 29 January 2020, the **European Commission's new work programme** was published. Under the fifth priority - 'Promoting our European Way of Life', the Commission announced its intention to launch an overarching **Strategy on Combating Trafficking in Human Beings** during 2021.

Last April 14, a new **EU Strategy on Combatting Trafficking in Human Beings** was launched (closely interlinked with the also new "EU Strategy to Tackle Organised Crime 2021-2025"), complementing the **Anti Trafficking Directive** that celebrates **10 years** since its adoption.

This strategic document identifies priorities, proposing concrete actions developed with full respect for fundamental rights. The intervention axes are:

- *Comprehensive response to combatting trafficking in human beings – from prevention through protection of victims to prosecution and conviction of traffickers.*
- *Reducing demand that fosters trafficking.*
- *Breaking the criminal model to halt victims' exploitation.*
- *Desmantelar o modelo criminoso para prevenir a exploração das vítimas.*
 - *Effective operational means against the criminal business model;*
 - *Tackling the culture of impunity by building capacity for a robust criminal justice response;*
 - *Tackling the digital business model of traffickers*
- *Protecting, supporting and empowering the victims, especially women and children.*
- *International dimension.*

Recognizing the progress made, Trafficking in Human Beings has not diminished and has severe economic, social and human costs.

The prevalence of a culture of impunity, the persisting of vulnerabilities within certain groups and contexts, the need to increase the quality and comparability of data, and the emergence of new risks (namely within the context of and in the aftermath of the Covid-19 pandemic) as examples, possess challenges that requires further efforts and a stronger political will.

The Conference

Portugal has been one of the countries at the forefront of policies aimed at the prevention and protection to victims and combat to Trafficking in Human Beings.

During the **Portuguese Presidency of the European Union in 2007**, and in the context of the Conference “Trafficking in Human Beings and Gender” which took place in Oporto, between the 8th and 9th of October, the *Porto’s Declaration* was adopted.

This Declaration appealed to the Council, the Commission and the Member States to create develop and promote several measures, such as common mechanisms of European reference to monitor Trafficking in Human Beings, a coordinated approach (national and international level) which would promote a multidisciplinary action, and the implementation of national and comprehensive action plans against Trafficking in Human Beings.

Presently, the **Portuguese Presidency of the European Union 2021 (PPEU2021)** will continue the work of the European Union within the framework of the EU Security Union Strategy/ Police cooperation, in the prevention, combat and repression of cross-border crime, in particular with regard to combating Trafficking in Human Beings and related crimes (“A secure Europe committed to a preventive approach” –PPEU21 Programme for Home Affairs).

To take stock of the progress made and to look at the way ahead, the Observatory on Trafficking in Human Beings under the Ministry of Home Affairs, and the Commission for Citizenship and Gender Equality under the Minister of State for the Presidency, promote this International Conference, taking place in 25 May 2021.

The International Conference opens with the words from the European Commissioner for Home Affairs, Ylva Johansson, from the Portuguese Minister of Home Affairs, Eduardo Cabrita, from the Portuguese Secretary of State of Justice, Anabela Pedrosa, and from the Portuguese Secretary of State for Citizenship and Equality, Rosa Monteiro.

The Conference continues with the following sessions around four central objectives:

- **Objective 1 | Plenary Session – The Anti Trafficking Directive and the new Strategy**

Critical overview on what was achieved so far and what are the primary dimensions that need further efforts. In this critical debate, how is the new Strategy (and its alignment with other EU Strategies) going to support and push forward the implementation of the Anti Trafficking Directive.

- **Objective 2 | Thematic Session – A Gender Approach to Trafficking in Human Beings**

Several international and European reports continues to reveal a clear disproportionality of victimization amongst women and girls. Therefore, the debate of Trafficking in Human Beings as a form of gender-based violence, fueled by structural inequalities requiring the strengthening of a Gender Approach in its prevention, combat and assistance to the victims. Accompanying this reflection, the connection with other phenomena, namely the link with migration, as demonstrated by the EU agencies and civil society organizations reporting.

- **Objective 3 | Thematic Session – Data Harmonization and its role in the development of evidence-base policies: what (d)effects?**

Despite the efforts made the Member States and the European Commission in the collection of data to provide evidence on the criminal phenomenon and on its victims, the European Commission (as other bodies) and Member States recognize that there are still substantial differences in the way that Member States record and collect data. Further efforts across the EU are need to ensure quality and comparability of data on Trafficking in Human Beings. How can we move forward?

- **Objective 4 | Thematic Session – Child Trafficking**

The latest statistics at a European level shows that children accounted for nearly a quarter (22%) of all registered victims in the EU 27. Special efforts are required for the detection, identification, protection and assistance to children.

In the framework of this International Conference, Portugal launches the “Protocol for the definition of action procedures for the Prevention, Detection and Protection of children (presumed) victims of trafficking in human beings - National Referral System”. This Guideline is included as a measure in the *Fourth National Action Plan to Prevent and Combat Trafficking in Human Beings (2018-2021)*, and in the *National Implementation Plan of the Global Compact for Migration*. It is also the commitment of Portugal to comply with international and European standards and recommendations (e.g. Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings).

Supporting documents

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