



International Labour Organization



JOINT UNITED NATIONS SUBMISSION ON THE FUTURE EUROPEAN UNION COMPREHENSIVE ANTI-TRAFFICKING STRATEGY

This submission by UNODC, OHCHR, UNHCR, UNICEF, ILO, and UN Women is made in the framework of our respective mandates in response to the European Commission consultation on the future European Union comprehensive strategy to prevent and combat human trafficking, and protect victims (hereinafter the “Strategy”). It builds on our June 2010 joint submission on the draft Directive on preventing and combating trafficking and protecting victims (hereinafter the “Directive”),¹ which our agencies welcomed, as well as our continued engagement with the European Union institutions in this field.

We value the efforts and the interest of the European Union and its Member States to end trafficking in persons. In this context, we particularly welcome the initiative to develop a Strategy against trafficking in persons, as well as the consultative process initiated by the European Commission on the development of this Strategy. We also welcome the Commission’s comprehensive approach, and in particular the efforts to strengthen the standards of protection for the victims, and the focus on preventing human trafficking.

This submission has been prepared using a gender sensitive human rights-based approach, as is the case in the new Directive, and our recommendations are anchored in its main principles. The human rights-based approach should also provide guidance for the operationalization of the Strategy and further support by the Commission to the Member States in the implementation of the Directive, recognizing that this is an important part of the European Union’s overall set of measures to address trafficking in

¹ UNODC, OHCHR, UNHCR, UNICEF, ILO, UN Women: Joint Letter on the Draft European Union Directive on Prevention and combating trafficking in human beings and protecting victims released by the European Commission on 29 March 2010 (COM(2010)095), 9 June 2010, available at: <http://www.europarl.europa.eu/document/activities/cont/201006/20100610ATT75834/20100610ATT75834EN.pdf>

human beings.² The submission first considers some critical guiding principles, as well as the methodology and the “four P” approach. It then provides an overview of some of the key issues we recommend addressing in the future Strategy and its implementation. The thematic areas we have identified for future focus take into account the topics selected for the non-paper prepared by the Commission for its consultation rounds at the end of 2010. The reasons for the selection of these thematic priorities are elaborated upon and followed by a series of recommended initiatives to complement the Member States’ actions in preventing and combating human trafficking, and protecting victims in the full respect of their dignity and rights. The submission ends with some general recommendations for the way forward.

1. Guiding principles

A human rights-based approach - Human trafficking is a serious crime, and a violation of human rights and fundamental freedoms. As such, in line with the human rights-based approach incorporated into the Directive on trafficking, we recommend that due attention be given to the **principles of non-discrimination, accountability and victim participation** when developing the Strategy. The Strategy should ensure that anti-trafficking measures do not affect the protection granted under international and regional law, in particular, with regard to the rights of refugees and asylum seekers, victims of torture, unaccompanied and separated children, women, stateless persons, persons with disabilities, and other vulnerable groups. The Strategy should also strive to strengthen the mechanisms that underpin the full enjoyment of these rights.

The respect of the principle of non-discrimination is particularly important in the area of human trafficking, including with regards the measures to address this crime. Persons most likely to be trafficked are often victims of discrimination and especially susceptible to further discrimination and intolerance based primarily on their race, ethnicity, or religion during and beyond the trafficking cycle. Similarly, in addition to increasing the risk of trafficking, discriminatory attitudes, perceptions and practices can often contribute to shaping and fuelling the demand for trafficking. We therefore recommend that the Strategy apply the principle of non-discrimination throughout, with agreed targets and benchmarks to measure progress. In addition, the Strategy should involve and be implemented in consultation with the judiciary, law enforcement, border and immigration, and asylum authorities, labour administration, and other relevant government agencies, employer and worker organizations, social actors, specialized agencies and civil society who come in contact with victims. Likewise, the Strategy should equally ensure that the voices of victims are heard and that mechanisms are put in place to ensure their full participation in the search for durable solutions, including their right to reparation and compensation.

² The United Nations Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add1) are a crucial reference in this context.

Gender sensitivity - According to the June 2010 UNODC Report on the Globalization of Crime,³ two thirds of the victims detected by state authorities are women. The Strategy would therefore gain from a gender- equality- and women’s empowerment-based approach. In particular, we encourage consistency of the Strategy with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) comprehensive definition of discrimination against women, which provides a framework to address the often disproportionate discrimination and violence against trafficked and migrant women, as well as the definition of State obligations, which requires States Parties to CEDAW to promote, protect and fulfill women’s human rights, and ensure that non-state actors act accordingly, with accountability provisions for erring or non-performing parties. CEDAW General Recommendations (GR) Nos. 19 and 26 on Gender-based violence, and on Women Migrant Workers, and other relevant CEDAW GRs, should also be drawn upon to address the gender equality and women’s rights dimensions of trafficking. Moreover, the Concluding Observations of the Committee on the Elimination of Discrimination Against Women to Member States on trafficking and migration could also inform the development of the Strategy. Likewise, the Strategy would ensure that gender sensitivity is mainstreamed throughout all priorities and initiatives to address the differences in the way men and women experience human trafficking, vulnerability on grounds of gender, as well as gender-based discrimination and violence, in terms of gender-based vulnerabilities, violations, coping mechanisms, and hence gender-responsive and preventive interventions, immediate assistance and long term recovery needs.

Age sensitivity - Children deprived of their rights, and who are socially or economically marginalized are particularly vulnerable to trafficking and exploitation, especially children from ethnic minority background, asylum seeking, undocumented, or unaccompanied and separated children. State structures and systems may put children at risk of human rights violations, when children are not able to exercise their rights due to their immigration status, or tolerated patterns of discrimination and exclusion, or other factors. Increasing evidence also suggests that children have become victims of trafficking as a result of their own migration derived from inter-generational family dynamics. Evidence further suggests that not only unaccompanied and separated children who seek asylum, but also accompanied child migrants, including European Union citizens, are vulnerable to, or victims of trafficking. Trafficked boys, including those exploited in criminal activities, are particularly vulnerable since existing legal and policy measures tend to focus on the protection of girls and women. Children who are victims of trafficking are therefore a highly heterogeneous group. Little concrete evidence is available on the exploitation of children in criminal activities, including drug smuggling and trade, petty crime and burglary, begging or as street vendors, but there is

³ UNODC, Report on the Globalization of Crime – A transnational Organized Crime Threat Assessment, June 2010. available at: http://www.unodc.org/documents/data-and-analysis/tocta/TOCTA_Report_2010_low_res.pdf

growing research showing that children are exploited in these ways. Further research to better understand this phenomenon is needed. These children are particularly vulnerable to being misidentified as juvenile delinquents and to being sanctioned, prosecuted and/or returned without access to assistance and justice. The complexity and diversity of the issue has to be taken into account when prevention and response measures are being developed. We therefore recommend that the Strategy adopt an age and gender sensitive approach that addresses the different needs of boys and girls at different ages. The principle of the best interests of the child, at the core of the UN Convention on the Rights of the Child, must always guide any response to trafficking in children, including the search for durable solutions.

2. Methodology

Terminology - We support the terminology used in the December 2010 consultation non-paper “trafficked and exploited persons”, and would suggest adopting this language in the Strategy. The term is an important step towards avoiding a narrow focus on exploitation in the context of trafficking only, and therefore addressing the needs of exploited persons in cases where the trafficking offence cannot be proven by the criminal justice system. We would further suggest that the wording be used consistently throughout the Strategy, where relevant, including in the context of access to rights and services.

Integrated regional and international approach - Trafficking is a multifaceted, multidisciplinary and a transnational issue. An effective Strategy will require an integrated regional and international approach in the countries of origin, transit and destination. The Strategy also needs an interdisciplinary and coordinated approach. The Strategy should ensure that anti-trafficking measures and policies are undertaken and developed in a coordinated and consistent manner amongst regional and international institutions and organizations as well as States, involving the judiciary, law enforcement, immigration and border, and asylum authorities, and other relevant government agencies, social actors, specialized agencies and civil society who come in contact with and assist and protect victims of trafficking.

Evidence-based approach - To be founded on strong premises, the Strategy should adopt a solid evidence-based approach. Concretely, it would support the development of policies and the implementation of initiatives on the basis of data collection and research, as well as regular monitoring and evaluation of the anti-trafficking response.

3. The “four P” approach – a comprehensive approach

The focus of the Strategy must be underpinned by an effective, holistic and comprehensive approach in line with the spirit of the new Directive. The ability of the Strategy to balance and strategically calibrate its approach and priorities, and reduce the tension between the “4 Ps”, Prevention, Protection, Prosecution, and Partnership, is critical to its success.

Innovative, tailored, protection-focused, gender and age-sensitive **prevention** initiatives should go beyond general awareness raising campaigns, the impact of which remains difficult to measure, and address the root causes of trafficking in countries of origin, transit and destination, and involve effectively all relevant actors. This includes addressing the demand for cheap goods and services produced by through trafficking, as well as the key structural factors behind this demand, such as the regulation of labour markets (formal and informal), global competition or cultural and social patterns of behavior.

The Strategy should aim at enhancing victim protection before, during and after criminal proceedings, and the respect for their rights, including their needs for international protection, independently from their willingness to collaborate in criminal proceedings. Without effective victim **protection**, the essential contribution of victims to criminal proceedings will remain elusive. Victim support and legal counseling during the entire proceeding are also critical, and so is the need to bridge the gap between the “Ps” for Prosecution and Protection.

As for **prosecution**, the number of successful criminal proceedings is very low, and awareness raising and capacity building are still lagging behind. The Strategy will therefore need to further strengthen or develop national legal frameworks, and enhance the capacity of judicial and criminal institutions as well as co-ordination among relevant institutions.

Last but not least, the Strategy must strive to enhance **partnerships** at the national level, as well as in the region and beyond, to support the need for multi-disciplinary expertise and holistic responses, including amongst countries of origin, transit and destination. The strategy could be reinforced by seeking guidance from the regional and the international human rights mechanisms, in particular the UN Special Rapporteur on trafficking in persons, especially women and children. The work of the Special Rapporteur could be particularly relevant not only on the global context, but also for ensuring that victims' voices are heard at the international and regional level, given her contacts with trafficked persons during her country visits and through the individual complaint mechanism. The Strategy would therefore ensure more coordination and the crystallization of synergies between the European Commission-led initiatives on the one hand, and processes or projects underway in other fora at the international but also at the regional levels through the work of the Council of Europe. The Commission may also

wish to note the Interagency Co-ordination Group against Trafficking in Persons (ICAT), a mandated body (GA Resolution A/RES/61/180), which promotes coordination within the UN system on trafficking in persons.

4. Thematic priorities

Below are our recommended thematic priorities for the Strategy, the objectives for each priority, as well as the reasons underpinning such focus.

A. Promote prevention of trafficking and victim protection, including through better policy coherence between anti-trafficking, asylum, migration and employment policies

The impact of restrictive and gender-biased labour migration, policies and practice enhance the vulnerability of migrants to trafficking in persons, and in particular to domestic servitude, is increasingly a topic of concern. We also note that the costs and benefits of migration are different for women and men, and perhaps more discriminatory to the former, when the legal migration channels for traditionally female dominated sectors, such as domestic and care work, are limited. Women face a spectrum of obstacles, including having fewer skilled, legal, decent jobs open to women than men. This is based on marginalized economic status, ethnicity, nationality and the interaction of these with discriminatory gender stereotypes.

Effective prevention measures should seek to promote more work opportunities, in particular decent work, and social protection in countries of origin as viable alternatives to irregular migration. They should also target, throughout its complex supply chain, the demand for cheap goods and services that create the enabling environment where organized crime, labour and sexual exploitation and trafficking flourish. In this context, it is also worth recalling that support to long term return and socio-economic reintegration of trafficking victims ensures their effective protection, and prevents repeat trafficking.

Likewise, the capacity to identify at the earliest opportunity and protect victims of trafficking and persons at risk of being trafficked needs to be strengthened. Operational, situation-specific and tailored indicators for victim identification such as the Delphi indicators also need to be more widely disseminated and systematically used.⁴ National referral mechanisms are at various levels of development around the European Union. Exchange of good practices on a multi-disciplinary and victim-centred approach as well as linkages at the regional and sub-regional level of these mechanisms would greatly

⁴ These indicators were developed by ILO with the support of the European Commission, using the Delphi methodology to generate consensus amongst experts, available at: http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_105023.pdf

support prevention and protection. The asylum systems in the EU also remain a weak link in the chain in terms of identifying, referring and protecting victims, including under the protection regime for refugees and other persons in need of international protection, and preventing gender and age-vulnerable asylum seekers and refugees from falling prey to traffickers. The recent Report on the application of Directive 2004/81 on the residence permit issued to third-country nationals, who are victims of trafficking in human beings, also shows the inadequate use of this protection tool and the urgent need to revise it so as to provide adequate long-term solutions for the victims.

For these reasons, it is recommended that the future Strategy seek to achieve the following objectives:

- Undertake an evaluation of the awareness raising campaigns carried out by Member States, international organizations and NGOs in EU Member States, including the impact achieved by these campaigns, to identify good and ineffective practices, and develop EU-wide guidance on prevention measures and gender sensitive information campaigns in a language that women are familiar with, at times that are convenient to women, in sites where women tend to be and through media forms that women predominantly use.
- Develop the knowledge base, including through the exchange of good practice, on effective demand reduction strategies of all forms of human trafficking.
- Promote decent work and enhance social protection in countries of origin.
- Review regulations governing the recruitment and employment of foreign workers, in particular in low-skilled economic sectors and in sectors largely excluded from legal and social protections and where law enforcement is weak, e.g. domestic service.
- Develop the knowledge base on the impact of asylum and return policies and practices on vulnerabilities to trafficking, state obligations to protect, and human rights.
- Invest in building and strengthening comprehensive approaches to support protection-sensitive border management, and human rights-based asylum systems, where victims of trafficking are placed at the centre. These comprehensive approaches would include *inter alia* innovative, tailored, protection-focused, indicators to support the early identification of victims and persons at risk of being trafficked; EU-wide guidelines on the (trans-)national referral of identified victims and persons at risk of being trafficked; institutionalized EU-wide gender and age-sensitive training modules on trafficking and effective training capacity to support Member States' compliance with their obligations, including in the European Asylum Curriculum (EAC); and enhanced EU Coordination fora, where the newly established European Asylum Support Office (EASO) will have a full role to play.
- Foster Member States' efforts in linking the border and asylum systems to the anti-trafficking referral and coordination mechanisms.

- Foster regional and sub-regional exchanges of good practices on effective assistance to victims of trafficking, including for victims of new forms of trafficking, as well as effective networking between all relevant actors.
- Ensure adequate funding is allocated to the assistance of victims of all forms of trafficking, taking into account the gender and age specific needs of these persons.
- Revise Directive 2004/81 on the residence permit issued to third-country nationals who are victims of trafficking in human beings, in line with the spirit of the new Directive on trafficking and addressing the shortcomings in implementation of the existing text.
- Enhance state capacity to ensure that human-rights based return policies and practices are in place to support state compliance with international and regional legal obligations, including the principle of *non-refoulement*, through a combination of legislative, institutional and protection initiatives such as the development of a pre-return risk assessment tool.
- Support safe return and long term socio-economic reintegration of trafficking victims, who opt to go back to their countries or communities of origin.

B. Promote victim protection capacity building and enhanced coordination in the law enforcement and criminal justice sectors to ensure trafficked persons are adequately treated as rights holders, victims and witnesses

The trafficking cycle cannot be broken without attention being given to the rights and needs for effective protection of those who have been trafficked. Despite efforts to strengthen the capacity of law enforcement agencies and that of the judiciary to effectively investigate and prosecute trafficking cases in the full respect of international standards, a sustained focus on this area is still much required. The 2009 UNODC/UN.GIFT Global Report on Trafficking in Persons⁵ concluded there was an implementation gap of the legislative frameworks. With 80% of the 155 countries and territories covered by the report having a legislation covering most or all forms of trafficking in persons, but with a meager 17% of these countries and territories reporting 1 to 10 convictions per year, and only 29% at least 10 convictions per year. It is important to bridge the implementation gap. The relatively new legislative framework in the European Union would therefore benefit from further capacity building of the law enforcement and criminal justice systems, in particular with regards regional and international cooperation on trafficking cases.

The number of victims identified by state authorities is also extremely low. The same Global Report reported that only 14,909 victims were identified in the 71 countries where information was available in 2006. The timely identification of victims, which relies on the multi-disciplinary skills of those officials likely to come into contact with victims, and their referral to protection and assistance services through (trans-)national

⁵ UNODC, Global Report on Trafficking in Persons, February 2009, available at: http://www.unodc.org/documents/human-trafficking/Executive_summary_english.pdf

referral mechanisms as well as their access to adequate legal assistance, remains a priority for the European Union. It is therefore crucial that the Strategy further support the identification of victims by all officials likely to come into contact with these, as well as their assistance, recovery and protection, in accordance with international human rights standards and in particular those standards with specific focus on gender equality and women's rights.

Victims including witnesses must be protected before, during and after criminal investigations and proceedings, regardless of their willingness to cooperate. In addition, victims' access to legal representation and counseling continues to be a weak component in the victim and witness protection mechanisms across Member States. Likewise for the legal and institutional frameworks allowing compensation and access to remedies.

For these reasons, it is recommended that the future Strategy seek to achieve the following objectives:

- Support the development of innovative, protection-focused indicators, such as the Delphi indicators, for the early identification of victims and persons at risk of being trafficked tailored for the law enforcement and judicial sectors, as well as EU-wide guidelines on the (trans-)national referral of identified victims and persons at risk of being trafficked.
- Support the development and delivery of EU-wide training for judges, prosecutors and law enforcement agents to promote more successful prosecution of all forms of trafficking.
- Support the development of lawyers' and legal counselors' capacity in association with the national bar associations, with a focus on the challenges in legal proceedings for victims of trafficking.
- Enhance the responsiveness of the administrative and judicial processes to the needs of victims, by *inter alia* improving the information provided to victims, in a language they can understand, on the administrative and judicial processes, their role in these proceedings, especially where serious crimes are involved; allowing victims' views and concerns to be presented and considered at the appropriate stages of the proceedings, where their personal interests are affected, without prejudice to the accused. The particular needs of women and children need to be taken into account.
- Support capacity building efforts to enhance the skills and knowledge of investigative and police units to identify and appropriately address the needs of victims of trafficking.
- Consider how to further improve the provision of adequate legal representation and assistance to victims, and compensation schemes, and access facilitation to employment tribunals. The EU Victim Protection package should take these aspects into consideration and address the specific needs of victims of

- trafficking, in particular women and children, in the horizontal protection framework.
- Support the establishment of cooperation agreements between civil society and law enforcement, in the form of Memoranda of Understanding or other forms of agreements, e.g. to ensure victims of trafficking clearly understand the remedies at their disposal and ways to efficiently access these.

C. Enhance the prevention of all forms of child trafficking and protection of child victims

Evidence increasingly shows that children, including accompanied and unaccompanied, and undocumented children, are vulnerable to trafficking into and within the European Union. Research also suggests that instances of disappearances of unaccompanied and separated children from asylum reception centres are not uncommon. These children may be recruited by traffickers or may end up living on the street, where they are vulnerable to exploitation. Where disaggregated data exist, children, including European Union citizens, are also known to have been trafficked internally within one or more Member States, and subjected to exploitation, including when they are on the move with parents or relatives. Furthermore, child vulnerability to trafficking is reinforced by the lack of comprehensive child-sensitive protection frameworks, and an over-emphasis on the 'categorization' of children according to their legal status rather than due consideration to their rights as children and their individual needs. The compartmentalized understanding of this crime may exclude from protection other children in similarly exploitative but equally vulnerable situations. Responses to child trafficking should therefore be integrated into more systemic, rights-based policy frameworks and approaches. These responses should also include demand for children involved in sexual exploitation where there are clear linkages to be drawn with the soon-to-be adopted Directive on combating the sexual abuse, sexual exploitation of children and child pornography, repealing Framework Decision 2004/68/JHA which will criminalize the demand for child prostitution and the involvement of children in sexual exploitation across the European Union.

For these reasons, it is recommended that the future Strategy seek to achieve the following objectives:

- Strengthen a child rights-based approach in coordination with the Action Plan on Unaccompanied Minors 2010 - 2014 and in line with the EU Agenda for the Rights of the Child, in order to protect from and prevent child trafficking.
- Strengthen a child rights-based approach on reducing demand for children in exploited situations in coordination with and building on the criminal penalties in the

soon to be adopted Directive on combating sexual abuse, sexual exploitation of children and child pornography.⁶

- Build EU-wide comprehensive responses and comparable standards on child trafficking and related child rights and protection issues, including by strengthening multi-sectoral and multi-stakeholder cooperation and coordination at the national and regional levels.

- Ensure that the mechanisms for the identification, referral and assistance of child victims of trafficking as well as the asylum systems are linked up with the national child protection system to ensure that vulnerable children have full access to their rights, including shelter, health care and education.

- Support capacity building of the law enforcement and criminal justice authorities likely to deal with trafficking to ensure they have the skills to deal with child victims and witnesses of this crime, as well as foster mechanisms that ensure these authorities work closely with the social welfare and child protection sectors.

- Foster an arena for exchange of good practice amongst all the relevant stakeholders, and contribute to the design and monitoring of European Union actions to prevent and respond to child trafficking, including countering the new forms of trafficking.

- Strengthen cooperation among the main stakeholders, making optimal use of existing networks and international organizations or bodies involved in children's rights and responses to trafficking. Of note is the fact that child trafficking is also a priority for the OSCE and its Special Representative on trafficking, and the Council of Europe Convention on Action against Trafficking in Human beings provides a strong legal framework, which both create grounds for synergies and targeted effective partnerships in the region.

- Consider how this approach can be replicated in third countries where the European Union Delegations could initiate systematic dialogue with international and national partners active in the field of children's rights and anti-trafficking.

D. Enhance comprehensive responses to trafficking in persons for all forms of exploitation, in particular for forced labour

The trends on human trafficking in the European Union show that the overwhelming majority of detected cases relate to either sexual exploitation and/or labour trafficking. The Strategy will therefore need to address these crimes as a priority. Still very little is known on labour exploitation into and within the European Union due to poor national data. In addition, victims of forced labour usually work in locations that are difficult to reach for labour inspectors. Complex sub-contracting arrangements or disguised self-employment may further prevent their identification. Labour administrations are still weakly integrated into the national anti-trafficking policies, though a trend can be observed of a growing involvement of ministries of labour and labour market actors in

⁶ Proposal for a Directive on combating sexual abuse, sexual exploitation of children and child pornography repealing Framework Decision 2004/68/JHA.

the prevention and identification of human trafficking. The trend towards integrated global supply chains is accompanied by more and more complex labour recruitment systems that often make it difficult to identify the actual employer. Private intermediaries and private employment agencies play a growing role in these processes and are often responsible of abusive practices linked to trafficking.

For these reasons, it is recommended that the future Strategy seek to achieve the following objectives:

- Expand the knowledge base on the interaction between migration policies and labour legislation, including regulations on contract labour, and labour recruitment, to better understand the possible impact these have on the vulnerability to trafficking. A gender perspective is critical to this work.
- Engage in dialogue with the private sector, and document experiences in combating forced labour and trafficking in global supply chains. Improve the regulation and monitoring of recruitment agencies, including cover agencies and individual intermediaries that recruit under false pretenses.
- Support research that explores possible linkages between demand for cheap goods and services, forced labour and the employment of migrants and documents good practices on demand reduction strategies.
- Ensure coherence between criminal and labour law in order to ensure protection and compensation for victims trafficked for labour exploitation.
- Support efforts to ensure that trafficked persons have access to employment tribunals.
- Support training of labour inspectors in source and destination countries on the application of identification indicators and anti-trafficking laws in their regular inspection activities.
- Support capacity building of judges and prosecutors with a particular focus on ILO and national jurisprudence on forced labour to improve effectiveness of prosecution and to facilitate harmonization of the justice response.
- Foster Member States' efforts to support trade unions to reach out to potential trafficking victims, to enter into partnerships with NGOs and to conclude bilateral cooperation agreements in order to protect migrant workers.
- Promote an EU-wide balanced approach between sanctions against unscrupulous employers and preventive action to bring business into compliance, through a combination of legislative, preventive and Corporate Social Responsibility-led initiatives.

E. Enhance research, data collection and monitoring and evaluation capacity, and foster fora for networking and exchange of knowledge and good practice

Legal and policy measures, as well as interventions for effective prevention and protection of victims of trafficking need to be based on a comprehensive understanding of changing and emerging trends of trafficking. The first step in tackling a transnational

issue must be information sharing. Today, the Member States lack the ability to say with any precision how many victims of human trafficking there are, which form of exploitation they are subjected to, where they come from or where they are going. The various estimates that have been made have been highly controversial. Since the magnitude of the problem or where it is most acute cannot be stated, changes cannot be tracked over time, and interventions cannot be evaluated for their impact. Tackling transnational trafficking in human beings requires a systematic collection, research, dissemination and evaluation of better quality, harmonized, comparable and disaggregated data respectful of the need to preserve the privacy of trafficked persons. More specifically, we also need to achieve a better understanding of the new forms human trafficking, including how they affect women and children, how they develop and how best to counter them while protecting their victims. While we welcome the provision in the new Directive to appoint National Rapporteurs or equivalent mechanisms, and the Council Resolution establishing an informal EU network of national rapporteurs or equivalent mechanisms, as highlighted under several sections above, a vibrant forum for networking and exchanging knowledge and good practices, involving all relevant actors across the European Union is still very much needed.

For these reasons, it is recommended that the future Strategy seek to achieve the following objectives:

- Establish a work programme to continue harmonizing data collection amongst Member States, based on common definitions and understanding of key concepts, such as the Delphi indicators.
- Establish a formal system for the collection and publication of harmonized sex and age-disaggregated data, including on access to assistance and protection for victims.
- Establish a formal cooperation framework with GRETA to support data and information exchange, and ensure that monitoring efforts do not lead to double-ups for Member States.
- Strengthen EU-wide coordination mechanisms to support National Rapporteurs' efforts to monitor the implementation of Member States' international and regional obligations, collect data, analyze and research human trafficking trends at the national level, and assess progress on preventing and combating human trafficking as well as protecting victims of trafficking.
- Maintain and further develop the newly launched EU anti-trafficking website to ensure the information is up-to-date and encompasses published and non-published studies and research on all forms of trafficking.
- Support the contribution of information to other data and information collection mechanisms.
- Ensure adequate funding is allocated to research into all forms of trafficking, and that the knowledge gained informs further policy and legal developments.

- Strengthen cooperation through a forum, which will include all the relevant stakeholders, and will contribute to the design and monitoring of EU actions and act as an arena for networking and exchange of good practice.

F. Promote anti-trafficking capacity in the external dimension and ensure coherence between the external and internal dimensions

As already noted, trafficking is a multifaceted, multidisciplinary and transnational issue. As such, regional and international co-operation must also be fostered, especially amongst the countries of origin, transit and destination. Coherence between the EU internal actions and policies on the one hand, and those addressing external action and policy engagement with third countries on the other hand, is particularly relevant in the area of preventing trafficking and protecting the victims. The Strategy would need to ensure that anti-trafficking measures and policies are undertaken and developed in a coordinated and consistent manner with these countries, and involving all relevant actors. Likewise, coherence and coordination between the internal and external dimensions of the European Union on anti-trafficking-related matters are key to the effectiveness of the Strategy, in line with the Action Oriented Paper.

The promotion and protection of economic rights and security, especially those of women and girls, in countries of origin is crucial. Indeed their acute erosion is a driver for forced migrations, and renders these persons, in particular women and girls, vulnerable to trafficking. In addition to developing gender-sensitive migration policies and laws, the need remains to assess macro-economic and trade policies, as well as discriminatory labour laws from a gender perspective, and advocate for reform. Further, we support the call for trade initiatives to be gender and market-responsive, as small scale, unsustainable initiatives that reinforce traditional gender stereotypes all contribute to rendering women and girls more susceptible to forced migration and trafficking.

Anti-trafficking prevention efforts need to be better and more explicitly linked into and reflected in broader areas of European Union development cooperation that can improve the situation in countries of origin, reducing vulnerabilities and reducing incentives to undertake unsafe migration. These include important areas of development cooperation such as decent work and comprehensive social protection programmes targeting vulnerable families. Of note is the Plan of Action on Unaccompanied Minors, which commits the European Union to promoting the development of child protection systems and birth registration systems as important interventions to reduce the vulnerability of children to unsafe migration and trafficking.

For these reasons, it is recommended that the future Strategy seek to achieve the following objectives:

- Develop gender responsive EU Anti-Trafficking Guidelines for use by the European Union Delegations, as well as consular services, whose capacity to identify persons at risk of being trafficked, refer and assist these persons should be enhanced.
- Develop specific guidance on how to better link and enhance the contribution that relevant areas of EU development cooperation can make to anti-trafficking efforts.
- Promote holistic, gender sensitive human rights-based and victim-centered responses to human trafficking through EU humanitarian and development aid programmes.
- Contribute to increased cooperation between national authorities and civil society in Member States and source countries outside the European Union.
- Encourage non-legal preventive measures such as community awareness raising on the costs and benefits of migration linked to the ploys of traffickers and the impact of trafficking, as well as information dissemination on how to use the legal channels for migration.
- Foster partnerships at the bilateral and (sub-)regional levels amongst countries of origin, transit and destination to address and combat trafficking, in particular in the area of mutual legal assistance and extradition, in accordance with relevant international and regional laws and with specific anti-trafficking efforts of regional organizations.
- Consider how strengthened cooperation among the main stakeholders, making optimal use of existing networks and international organizations or bodies involved in trafficking can be replicated in third countries where the European Union Delegations could initiate systematic dialogue with international and national partners active in the field of trafficking.

Conclusion

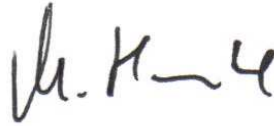
The above-named UN agencies provide this submission and its recommendations to assist and inform the newly appointed European Union Anti-Trafficking Coordinator and the European Commission in formulating and developing the future Strategy. We are ready and willing to continue our close collaboration with the European Union institutions in the further development of a comprehensive response to trafficking in human beings within our respective mandates and areas of expertise, and further discuss the prioritization of the selected themes for the Strategy.

Finally, we would recommend for the way forward that the future European Union comprehensive anti-trafficking Strategy be translated into a concrete Anti-Trafficking Action Plan, with measurable outputs, identified baselines and targets, and a distinct

financial allocation by the European Commission to support its implementation. We also call upon the European Union institutions and its Member States to ensure a consistent, coordinated and sustained response over the coming years with appropriate funding and resources.



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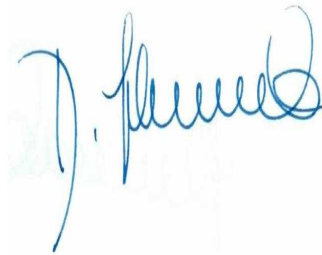
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