

Existing European Union Legislation - Duties of the authorities in EU Member States

European Union legislation already requires or requests EU Member States to do many things regarding human trafficking. Here is a summary of the main points. Please refer especially to [Directive 2011/36/EU](#) . See also the separate EFN text on the the rights of Victims of Trafficking – which put many more requirements on the authorities.

Member States should:

Prevent trafficking in the 1st place.

Implement measures to **reduce demand** and **to train officials** likely to come into contact with potential victims. E.g. police, border guards, immigration officials, lawyers, labour inspectors, social workers, health care personnel, consular staff. (Whereas para. 25, Article 18).

Remember the victims

Always care for victims. Support victims of trafficking whether or not they will act as a witness in court. This should happen before, during and after any criminal proceedings. (Whereas para. 18. See separate EFN brief which spells out the rights of victims of trafficking in EU legislation.)

Especially care about **child victims**. Always bear in mind the best interest of child victims. (Whereas para. 8, Article 13).

Learn from others how to identify victims. Exchange best practices. (Whereas para. 4).

Take care of foreign nationals. In international law, no foreign national can be sent back to a country where there is reasonable evidence to suggest they will be in danger (the “non-refoulement” principle). (Whereas para. 10).

Investigation & Prosecution.

Assisting or trying to traffic are wrong. Ensure that inciting, aiding, abetting or attempting to traffic someone are all offences. (Article 3).

Get the money. Use all legal means to seize the proceeds of crime. (See Whereas para.13, Article 7).

Punish the employer & client. Ensure sanctions against those who employ any illegal workers from outside the EU when they know that the worker had been trafficked. Consider sanctions against those who use their services when they knew the worker had been trafficked. (Whereas para. 26).



The European Freedom Network (EFN) is a Christian community that exists to prevent and combat human trafficking and commercial exploitation in Europe and to seek the restoration of victims, in collaboration with strategic stakeholders.

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Punish properly. Ensure a maximum penalty for trafficking of at least 5 years, and 10 years when the victim is especially vulnerable, when a criminal organisation is involved or when there is serious harm or violence. (Whereas para. 12, Article 4).

Train & resource well. Train law enforcement officials and ensure that all necessary tools & time are available to aid good investigation. Investigation and prosecution should not have to depend on reporting by the victim. (Whereas para. 15, Article 9).

Know where to prosecute. Where a crime is taking place in several countries, ensure legal jurisdiction (the power to lead the investigation and prosecute) happens in the country where the alleged offender or the victim are nationals or normally live. (Article 10).

It's not just the individual. Ensure that businesses and organisations (legal persons) can also be prosecuted. (Articles 5 & 6).

Work internationally

Work together. Ensure cooperation between law enforcement agencies in different nations. EUROPOL (police forces) & EUROJUST (judiciaries) should assist. (Whereas para. 5).

Work across the world. Act in 3rd countries (those outside the EU) to raise awareness, reduce vulnerability, support victims, fight root causes & support governments in developing legislation. (Whereas para. 2).

See the big picture

Encourage & work with both **civil society and trafficked persons** themselves e.g. as they design policy and campaigns or assess trends and actions . (Whereas para. 6, Articles 2 & 19).

Establish national systems to **monitor the human trafficking situation** e.g. by appointing a rapporteur. (Whereas para. 27, Article 19).

EFN believes that far more effort should be put into seizing the proceeds of trafficking crime. This would not only act as a deterrent to the criminals but would also enable proper compensation and support for the survivors of their crimes.