

Commission Proposed Tougher Rules to Combat THB

Thomas Wahl

News

On 19 December 2022, the [Commission proposed](#) strengthening the rules to prevent and combat trafficking in human beings (THB). The Commission pointed out that every year over 7000 people become victims of human trafficking in the EU. However, it can be expected that many victims remain undetected. Most victims are women and girls, but more and more men are also affected – especially in the area of labour exploitation. In addition, the online dimension in exploiting human beings has considerably increased in recent years. These developments call for an update of [Directive 2011/36](#) on preventing and combating trafficking in human beings and protecting its victims. The proposed reform of the Directive aims at:

- Increasing security and legal certainty;
- Strengthening the protection of victims;
- Establishing stronger sanctions against companies involved in crimes of human trafficking.

Among other things, the [updated Directive](#) would provide that forced marriages and illegal adoptions also fall under the concept of exploitation, which means that Member States will have to criminalise such conduct. Member States must also ensure that the defined criminal offences of human trafficking and exploitation make reference to acts committed by means of information and communication technologies. This modification aims at enabling national authorities to better investigate and prosecute offences committed in whole or in part online, reaffirming the EU's focus on the digital aspects of THB. Another change in substantive criminal law relates to the obligation to criminalise the knowing use of services provided by victims of THB.

Legal persons held responsible for offences related to THB are also to be sanctioned. These sanctions include, for example, exclusion from public benefits, aid or subsidies, or the temporary or permanent closure of establishments where the offence was committed. In the most serious cases, the companies may be disqualified from commercial activities, be placed under judicial supervision or be subject to judicial winding-up.

In addition, the early identification of victims is to be improved through the creation of formal national referral mechanisms. Lastly, the Commission wishes to formalise an annual EU-wide data collection on THB, conducted and published by Eurostat. The aim is to improve the collection of reliable and comparable data in order to map criminal trends and law enforcement challenges. The European Parliament and the Council must now examine the proposal.

The evaluation and possible review of the 2011 Anti-Trafficking Directive is one of the key priorities for the Commission, as laid down in the EU Strategy on Combatting Trafficking in Human Beings in the period of 2021-2025 (→ [eucriM 2/2021, 92](#)). In parallel to the legislative proposal for an amendment of the 2011 Anti-

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Trafficking Directive, the Commission published its [fourth report on progress made](#) by the EU in preventing and combating THB. The report describes key patterns and challenges in addressing THB, outlines the main anti-trafficking actions from 2019 to 2022, and provides an [analysis of statistics on THB](#) in the EU for the period of 2019-2020.

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