

# New Directive to Strengthen Anti-Human Trafficking

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## News

After negotiators from the European Parliament and the Belgian Council Presidency reached a [provisional agreement](#) in January 2024, the revised EU rules on preventing and combating human trafficking have been finalised: "[Directive \(EU\) 2024/1712](#) of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims" was published in the Official Journal on 24 June 2024. The proposal to update the EU law on the prevention and combat of trafficking in human beings was tabled by the Commission in December 2022 (→ [eucrim 4/2022, 249](#)).

The Directive considerably changes or modifies the provisions of the EU's [2011 anti-human trafficking directive](#) that set minimum rules for the definition of criminal offences and sanctions at the national level. The new rules are designed to further reinforce the fight against human trafficking across the EU by broadening its scope.

The key features of Directive 2024/1712 are as follows:

- Forced marriage, illegal adoption, and surrogacy are explicitly mentioned as forms of exploitation falling under the umbrella term "trafficking." The exploitation of women in surrogacy arrangements (i.e. a woman agrees to deliver a child on behalf of another person or couple to become the child's parent(s) after birth), whereby they are forced to act/misled into acting as surrogates, would henceforth be subject to penalties under EU law.
- Member States are obliged to make it a criminal offence if a person who uses the service provided by a trafficking victim knows that the person is a victim of trafficking. The intention is to reduce the demand that drives exploitation by holding users to account. In such cases, Member States need to ensure that this offence is punishable by effective, proportionate and dissuasive penalties.
- It is ensured that the new types of exploitation (forced marriage, illegal adoption and surrogacy) will fall under the penalty thresholds defined in Directive 2011/36 (maximum of at least five years of imprisonment and maximum of at least ten years of imprisonment for aggravated cases).
- Member States must regard two new situations as aggravating circumstances: a) the fact that the offence was committed by public officials in the performance of their duties; b) the fact that the perpetrator facilitated or committed, by means of information and communication technologies, the dissemination of images or videos or similar material of a sexual nature involving the victim (while Member States can also define this conduct as a separate criminal offence with more severe penalties).

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- Legal entities, such as companies, held accountable for trafficking offences, would be subject to more stringent penalties, including exclusion from public tenders, grants, concessions and licences, and the withdrawal of permits and authorisations to pursue activities which have resulted in committing the offence.
- The possibilities of non-prosecution of and non-application of penalties to victims of trafficking are expanded. Hence, victims of trafficking should not, for instance, be held responsible for administrative offences related to prostitution, begging, loitering or undeclared work. This should encourage victims to report crimes and seek support or assistance.
- The support provided to victims has been reinforced, requiring the establishment of national anti-trafficking coordinators and formal referral mechanisms. These measures would guarantee the prompt identification of victims and the delivery of assistance, particularly for the most vulnerable individuals, including women, children, and those requiring international protection.

Other novel issues of the Directive include improvements on the protection of victims of trafficking who may be in need of international protection and strengthened rules on the assistance and support of child victims of trafficking in human beings. Regarding compensation, victims of trafficking in human beings will have access to existing schemes of compensation to victims of violent crimes of intent. Member States may establish a national victims fund for paying compensation to victims. As regards prevention, Member States must take appropriate measures, such as education, training and campaigns, with specific attention to the online dimension.

Directive 2024/1712 **entered into force** on 14 July 2024. It is incumbent upon Member States to transpose the new rules into their national legislations by 15 July 2026.

The reform of the 2011 anti-human trafficking Directive has been 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](#)).

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