



European Union

**EU Statement on
Agenda item 2**

Twelfth session of the Working Group on Trafficking in Persons

**Conference of the Parties to the United Nations Convention against
Transnational Organised Crime**

Vienna, 29 – 30 June 2022

Agenda Item 2: Guidance on the issue of appropriate criminal justice responses to victims who have been compelled to commit offences as a result of being trafficked

Mister Chair,

I have the honour to speak on behalf of the European Union and its Member States. The following countries align themselves with this statement: North Macedonia*, Montenegro*, Albania*, Ukraine*, the Republic of Moldova*, Bosnia and Herzegovina*, Iceland+ and San Marino.

This Working Group on Trafficking in Persons is gathering in a critical context. A few weeks ago, UNODC published a report on the impact of the ongoing conflict in Ukraine on risks of trafficking in persons among those fleeing the conflict.

Since the beginning of the war, civil society organisations have reported numerous suspicious incidents where individuals approach Ukrainian women in stations and near shelter points, with offers of transport, work or accommodation. As more people start to flee individually, rather than in groups, individuals who need protection are sadly even more vulnerable to trafficking in human beings.

Therefore, let me express the EU and its Member States' full solidarity with Ukraine and the Ukrainian people and reaffirm that we strongly condemn the war crimes committed by the Russian Federation in Ukraine. As such, the European Union is deeply concerned about the safety of refugees entering the EU from

* Candidate Countries North Macedonia, Montenegro, Albania, Ukraine and the Republic of Moldova as well as potential Candidate Country Bosnia and Herzegovina continue to be part of the Stabilisation and Association Process.

+ Iceland is a member of the EFTA and of the European Economic Area.

Ukraine, especially women and children, who are particularly at risk of being targeted by traffickers.

Since the beginning of the war, the EU has been on alert on the risks of trafficking and active in reducing the vulnerability of persons fleeing the war. In May, the EU put in place a Common Anti-Trafficking Plan, which includes numerous ongoing concrete actions at the EU level and recommendations to EU Member States. Two of the key objectives are enhancing the law enforcement and judicial responses and improving early identification, support and protection of victims.

We consider that human trafficking victims need to be identified at an early stage and be better assisted, taking into account their individual needs, ensuring that such assistance is unconditionally provided to all victims, and adhering to the principles of non-punishment and non-discrimination.

Although not as common as sexual and labour exploitation, forced criminality is increasingly recorded as a purpose of trafficking in the EU. Those crimes are committed under circumstances that deprive the victims of their free will and are an integral part of the exploitation victims are subjected to.

Vulnerable victims are often compelled to commit offences under the threat of being reported to the law enforcement authorities or of facing the reprisals of traffickers.

Within the EU, the Anti-trafficking Directive requires Member States to ensure that national authorities are entitled not to prosecute or impose penalties on victims for their involvement in criminal activities that they have been compelled to commit as a direct consequence of being trafficked.

The vast majority of EU Member States have incorporated such a provision in their legal systems, but there is room for improvement in its practical application.

Punishing victims limits the effectiveness of investigations and prosecutions. It prevents victims from reporting the crime or seeking assistance. The principle of non-prosecution and non-punishment are cornerstones of legal systems that aim to protect and empower victims and to avoid their re-victimisation, while enhancing the law enforcement and judicial response.

Victims of trafficking in human beings are entitled to protection, assistance and support, and to a wide range of rights within the EU. It is crucial that high protection standards are available to victims worldwide, and the principles of non-punishment and non-discrimination form an integral part of these.

Thank you, Mister Chair.