



**PERSPECTIVES ON
THE EU ANTI-
TRAFFICKING
FRAMEWORK
ACROSS EUROPE**

September 2026

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Table of Abbreviations

The following abbreviations are used in this article.

Abbreviation	Meaning
ACCEM	Asociación Comisión Católica Española de Migración (Spain)
EU	European Union
FRA	European Union Agency for Fundamental Rights
GHRD	Global Human Rights Defence
ICT / ICTs	Information and Communications Technology / Technologies
LEFÖ-IBF	LEFÖ – Interventionsstelle für Betroffene des Frauenhandels (Intervention Centre for Trafficked Women), the anti-trafficking work area of LEFÖ (Austria)
NGO	non-governmental organisation / organisations
NRM	National Referral Mechanism / Mechanisms

I. Executive Summary

This article draws on consultations with civil society organisations in Spain, Austria, and Belgium to assess how the European Union (EU) Directive 2024/1712 is translating into practice ahead of its July 2026 transposition deadline.¹ The analysis identifies four key issues. First, victim identification remains the primary point of failure, hampered by fragmented or absent National Referral Mechanisms (NRMs) and by failure to capture the transnational, coercive dynamics of exploitation. Second, trafficking is becoming less visible rather than less common, driven by digital recruitment, the continued absence of forced marriage, illegal adoption, exploitative surrogacy from national criminal codes, and by socio-cultural barriers that keep such practices private. Third, gender-sensitive and trauma-informed care remains unevenly applied, constrained by underfunding and detention practices that particularly harm transgender victims. Fourth, proposed extraterritorial return hubs risk compounding victims' vulnerability rather than protecting them. Across all four issues, the Directive sets the correct standard, but implementation gaps at the Member State level remain the central obstacle to protection.

II. Introduction

EU Directive 2024/1712 requires Member States to strengthen victim identification, formalise NRMs, embed gender-sensitive and trauma-informed care, and recognise forced marriage, illegal adoption, and exploitative surrogacy as forms of trafficking.² As the July 2026 transposition deadline approaches, this article examines the gap between these commitments and their implementation in practice, drawing on consultations with *Asociación Comisión Católica Española de Migración* (ACCEM) from Spain, *Interventionsstelle für Betroffene des Frauenhandels*, the Intervention Centre for Trafficked Women (LEFÖ-IBF) from Austria, and additional confidential input from an anonymous organisation in Belgium.³ Organisations were asked to reflect on digital recruitment, hidden forms of exploitation, NRMs, gender-sensitive care, extraterritorial return hubs, and gaps in official victim data. While the findings are shaped

¹ 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, Official Journal of the European Union (OJ) L, 2024/1712, 24.6.2024 (Directive 2024/1712), art 2(1) (transposition by 15 July 2026). Directive 2024/1712 amends Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, OJ L 101, 15.4.2011, p 1 (Directive 2011/36/EU).

² Directive 2024/1712 (n 1) art 1(1)(a) (amending art 2(3) of Directive 2011/36/EU to list the exploitation of surrogacy, of forced marriage and of illegal adoption); art 1(9)(a) (amending art 11(1): specialised assistance and support in a victim-centred, gender-, disability- and child-sensitive approach); art 1(9)(b) (amending art 11(4): referral mechanisms established by laws, regulations or administrative provisions).

³ Consultations for this article with ACCEM (Spain) and LEFÖ-IBF (Austria), and confidential input from an anonymous organisation (Belgium), gathered through survey between June 1 and June 17, 2026. Unless otherwise indicated, accounts in this article of the experience and views of these organisations are drawn from these consultations.

by each organisation's specific national context, the recurrence of similar structural gaps across otherwise distinct systems suggests that these are not isolated shortcomings but common features of implementation. The sections that follow examine each issue in turn, before closing with recommendations.

III. Findings

Issue 1: Identification remains the main failure point

Although Directive 2024/1712 formally requires Member States to establish NRMs, implementation remains uneven.⁴ In Spain, for instance, the absence of a comprehensive NRM has left victim identification fragmented and referral procedures dependent on disparate regional protocols and procedures, resulting in inconsistencies in access to protection and support across different territories.⁵

Beyond this, existing approaches often fail to fully capture the complex and transnational dynamics of exploitation. Consultations with civil society organisations indicated that exploitation frequently spans multiple jurisdictions, beginning in countries of origin, continuing through transit routes, and persisting in destination countries.⁶ Moreover, upon arrival in the EU, victims may remain under the influence or control of their exploiters, creating additional barriers to identification, referral, and effective access to support services.

Additionally, victims often face a significant risk of retaliation from their abusers and exploiters, which can further discourage them from seeking assistance or reporting their experiences. For example, the publicly available address of a specialised facility providing support to children and girls in Vienna raises concerns regarding the safety and confidentiality of protection services.⁷ Such vulnerabilities may reinforce victims' fears of reprisals and create additional barriers to coming forward, reporting exploitation, and engaging with formal referral and protection mechanisms.

Lastly, a significant gap remains in the legal and institutional recognition of victims who are exploited through being coerced into committing criminal activities. These forms of exploitation remain substantially under-detected, with victims frequently being identified and treated as offenders rather than individuals subjected to coercion and exploitation.⁸ However,

⁴ Directive 2024/1712 (n 1) art 1(9)(b) (amending art 11(4) of Directive 2011/36/EU: one or several mechanisms for the early detection and identification of, assistance to and support for identified and presumed victims, and a focal point for cross-border referral); recital 15 (referral mechanisms may take the form of established procedures, guidelines, cooperation arrangements or protocols).

⁵ Consultations (n 3) with ACCEM.

⁶ Consultations (n 3).

⁷ Consultations (n 3) with LEFÖ-IBF.

⁸ Consultations (n 3) with ACCEM.

consultations with ACCEM Spain highlight that individuals involved in such activities may themselves have been trafficked, coerced, or exploited into carrying out these tasks on behalf of higher-level organisers within trafficking networks. This failure to recognise the coercive circumstances surrounding their involvement demonstrates a persistent gap in victim identification frameworks and risks further marginalising individuals who require protection rather than prosecution.



Man in black jacket holding black and white quote board
© Hermes Rivera, [Unsplash](#), 2021.

Issue 2: Trafficking is becoming less visible, not less common

Recent updates to European anti-trafficking frameworks highlight a shift toward highly discreet and decentralised methods of exploitation. Evidence from civil society organisations indicates that human trafficking has not decreased but has instead become less visible. This hidden growth is sustained by two primary factors. First, traffickers increasingly use digital platforms for recruitment and exploitation.⁹ Second, national legal frameworks and social dynamics fail to account for specific abuses such as exploitative surrogacy, illegal adoption, and forced marriage.¹⁰

and behind screens. Frontline organisations note that while Information and Communications Technologies (ICTs) have drastically improved internal case management and cross-border cooperation, they have simultaneously provided perpetrators with a powerful tool for covert exploitation.¹¹

The digital transformation of society has fundamentally altered the landscape of human trafficking, moving it away from physical spaces

In Austria, the non-governmental organisation (NGO) LEFÖ emphasises that recruitment processes have largely shifted online. Exploitation is increasingly facilitated through digital platforms and social media channels. To combat this, support organisations have had to adapt,

⁹ Directive 2024/1712 (n 1) recitals 8 and 9 (increasing number of trafficking offences committed or facilitated by means of information or communication technologies, including to recruit, advertise and control victims).

¹⁰ Directive 2024/1712 (n 1) recital 6 (the exploitation of surrogacy, forced marriage and illegal adoption can already fall within Directive 2011/36/EU where all constitutive elements are met, and is now expressly included as a form of exploitation).

¹¹ Consultations (n 3).

expanding their outreach into digital spaces like Telegram, Facebook, and TikTok to provide counselling and rights information.¹² This shift represents a major tactical challenge because NGOs are called to navigate complex data protection and confidentiality protocols when cooperating with authorities, which can delay responses. Furthermore, state-level prevention is failing to adapt. For instance, in Spain, the NGO ACCEM notes that the state has yet to implement specific, strategic preventative measures regarding ICT use.

In addition, ACCEM and LEFÖ observe that even though Directive 2024/1712 explicitly refers to practices like forced marriage and illegal adoption, national criminal codes have yet to include them as crimes under the human trafficking umbrella.¹³ Consequently, frontline caseworkers cannot officially classify victims, which means that cases are systematically misclassified, under-reported, or completely hidden from official state data.¹⁴ This structural statistical exclusion is heavily reinforced by the deeply private nature of the exploitation itself. As LEFÖ notes, these practices typically occur within the family unit and private spheres, often through informal religious ceremonies that lack official state registration. By bypassing formal legal channels and occasionally involving cross-border transfers, these crimes effectively remove vulnerable victims from both the jurisdiction and sight of European support systems.

Crucially, an anonymous frontline organisation in Belgium sheds light on the complex socio-cultural dynamics that silence these communities. The powerful pressure to maintain cultural identity post-migration is sometimes exploited by religious or cultural leaders both in Europe and in countries of origin to enforce traditions and ensure the flow of financial remittances, deterring victims from coming forward due to fear of judgment and prosecution. Furthermore, a profound collective reluctance to involve external authorities stems from a justified fear that mainstream white European society will weaponise outlier cases to condescendingly judge and stereotype an entire culture or religion. To pre-emptively avoid the intervention of privileged, external actors policing their communities, internal circles often attempt to resolve these severe abuses privately. This insular protection mechanism, though born out of a desire to shield the community from systemic racism, inadvertently leaves the most vulnerable victims isolated and completely invisible to the state.¹⁵

¹² Consultations (n 3) with LEFÖ-IBF.

¹³ Directive 2024/1712 (n 1) art 1(1)(a); recital 6 (the amendments are without prejudice to national definitions of marriage, adoption, forced marriage and illegal adoption, and to national rules on surrogacy, including criminal and family law).

¹⁴ Cf Directive 2024/1712 (n 1) art 1(17) (inserting art 19a into Directive 2011/36/EU: anonymised statistical data on identified and presumed victims, disaggregated among other things by form of exploitation and transmitted annually to the Commission).

¹⁵ Consultation with an anonymous organisation (Belgium) (n 3). Cf Directive 2024/1712 (n 1) recital 4 (intersectional discrimination; particular attention to discrimination based on racial and ethnic origin).

Issue 3: Victim support must be operational, not rhetorical

The new EU Anti-Trafficking Directive places gender-sensitive and trauma-informed care at the core of protection and support for female victims.¹⁶ However, its translation into consistent day-to-day practice remains partial across Member States. In Spain, for instance, consultations with ACCEM indicate that there is no homogeneous, legally binding NRM regulating identification, referral, protection, and support for all victims nationwide.¹⁷ The *Marco Protocol for the Protection of Victims of Trafficking in Human Beings* (2011) operates as a *de facto* substitute, coordinating law enforcement, the judiciary, health services, and specialised NGOs, but it does so unevenly across regions and retains a strong police-centred orientation that constrains the full integration of gender-sensitive and trauma-informed principles.¹⁸

Beyond questions of formal architecture, the sustainability of gender-sensitive practice is also shaped by resourcing. An anonymous organisation working in Belgium reported that female-only floors and locations are already used to ensure a sense of safety, and that victims are permitted to reject non-female social workers where discomfort is anticipated. However, this model of care is financially



People Walking With Signs © Simon Goldstein, Unsplash, 2021.

precarious: organisations may be discouraged from keeping female-only spaces open when unfilled, as doing so threatens the funding needed to sustain the safe house overall.¹⁹ Similarly, the practice of accompanying victims to police hearings, which is a measure that can meaningfully support disclosure, is described as highly time-consuming and increasingly difficult to maintain under conditions of structural underfunding and high caseloads per staff

¹⁶ Directive 2024/1712 (n 1) art 1(9)(a) (amending art 11(1): victim-centred, gender-, disability- and child-sensitive assistance and support); art 1(9)(b) (amending art 11(5): support to include safe accommodation, medical treatment including psychological assistance, counselling and information); art 1(15) (inserting art 18b: human-rights based, victim-centred and gender-sensitive training for professionals likely to come into contact with victims).

¹⁷ Consultation (n 3) with ACCEM.

¹⁸ *Protocolo Marco de Protección de las Víctimas de Trata de Seres Humanos*, adopted by agreement of 28 October 2011 between the competent Spanish ministries, the State Attorney General's Office and the General Council of the Judiciary (Marco Protocol).

¹⁹ Consultation (n 3) with an anonymous organisation (Belgium).

member. This suggests that gender-sensitive care is not merely a matter of protocol design but is directly contingent on adequate and stable financing.

Even where gender-sensitive and trauma-informed care is formally embedded within an organisation's practice, consistency across the wider protection system cannot be assumed. LEFÖ-IBF, the specialised Austrian intervention centre for trafficked women, noted that female victims may still be interviewed by male police officers, creating significant barriers to disclosure, particularly for those who have experienced sexual or gender-based violence.²⁰ Access to healthcare for uninsured victims was also identified as a persistent obstacle, especially during the reflection and recovery period, when psychological stabilisation is most urgently needed.²¹

Lastly, immigration detention emerges as a setting in which gender-sensitive and trauma-informed principles are most acutely undermined. LEFÖ-IBF observed that women held in detention are often unable to meaningfully benefit from the reflection and recovery period, since in practice the only realistic route for release is cooperation with law enforcement and the filing of a police report, a dynamic that inverts the purpose of a period intended to allow recovery free from pressure.²² This gap is compounded for transgender women: LEFÖ-IBF reported cases in which individuals professionally identified as trafficking victims were nonetheless placed in male detention units under current Austrian regulations, a practice incompatible with a gender-sensitive approach and carrying a substantial risk of retraumatisation. Taken together, these findings point to a persistent gap between the principle of gender-sensitive and trauma-informed care as set out in the Directive and its uneven, resource-dependent, and at times contradictory application in practice - one that risks leaving some of the most vulnerable victims, including transgender women and those in detention, without the protection the Directive intends to guarantee.

Issue 4: Return hubs and detention risk erasing victims before identification

The EU Anti-Trafficking Directive aims to strengthen protections for victims. Nevertheless, EU-level advocacy for extraterritorial return hubs in third countries sits in considerable tension with these protective aims.²³ Consultations with ACCEM Spain indicate that individuals

²⁰ Cf Directive 2024/1712 (n 1) art 1(15) (inserting art 18b(1): gender-sensitive training for professionals likely to come into contact with victims, including front-line police officers).

²¹ Directive 2024/1712 (n 1) art 1(9)(d) (amending art 11(6) of Directive 2011/36/EU); Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, OJ L 261, 6.8.2004, p 19.

²² Consultation (n 3) with LEFÖ-IBF.

²³ European Commission, 'Proposal for a Regulation of the European Parliament and of the Council establishing a common system for the return of third-country nationals staying illegally in the Union' COM(2025) 101 final,

undertaking migratory routes are already in a situation of heightened vulnerability to exploitation, and that the establishment of such hubs exponentially increases this risk. Detention, uncertainty, lack of oversight, and limited access to rights were identified as conditions in which trafficking networks can operate more easily, with ACCEM reporting cases in which deportation procedures or detention conditions left individuals particularly exposed, whether through lack of access to legal assistance, isolation from support organisations, or coercive environments that traffickers were able to exploit.²⁴

Beyond this general risk of exposure, extraterritorial return mechanisms may also be actively instrumentalised by exploiters. The anonymous organisation working in Belgium reported that people who escape detention centres are often willing to accept almost any circumstance to avoid being sent back, which in itself heightens their vulnerability to exploitation and makes them considerably less likely to report abuse for fear of return. Perpetrators are already observed using the threat of removal to close centres within the country to subdue and control victims; the organisation assessed that this dynamic would only be reinforced if such facilities were located outside national or EU territory altogether, further discouraging disclosure and reinforcing victims' dependence on their traffickers.²⁵

Additionally, the practical capacity of civil society organisations to reach and support victims within such mechanisms was raised as a significant concern. The Belgian organisation noted that access to existing return centres within the country is already complicated and time-consuming, limiting both the frequency of contact with potential victims and the ability to build the trust necessary to obtain reliable information. Extending this model beyond national borders was described as raising serious questions of feasibility: travel to extraterritorial locations would likely be unaffordable for an NGO, reliance on local contacts would require those contacts to be highly trained in national trafficking legislation, and it remains unclear who would bear financial or logistical responsibility for transporting victims or facilitating sensitive interviews with police or labour inspectorates. This raises doubts about whether such mechanisms could offer victims meaningful practical recourse once they leave EU territory.²⁶

Lastly, LEFÖ-IBF expressed clear opposition to extraterritorial return hubs on victim-protection grounds, stressing that return procedures cannot be based on migration management

11 March 2025, art 17 (return to a third country with which an agreement or arrangement has been concluded, so-called 'return hubs').

²⁴ Consultation (n 3) with ACCEM.

²⁵ Consultation (n 3) with an anonymous organisation (Belgium).

²⁶ Consultation (n 3) with an anonymous organisation (Belgium).

considerations alone. Individual trafficking-specific risk assessments were described as essential before any return decision to ensure victims are not exposed to re-trafficking, retaliation, or further exploitation upon transfer. LEFÖ-IBF further noted that many survivors require a period of recovery and stabilisation before they are able to make informed decisions, and that the prospect of transfer to a third country under conditions of detention or uncertainty may heighten fear and distress, undermining both recovery and cooperation with support services.²⁷

Particular concerns were raised over the risk that return hubs could be located in countries where victims had previously experienced exploitation during their journey to Europe, given that transit countries are frequently independent sites of trafficking. Taken together, these accounts suggest that extraterritorial return hubs risk compounding, rather than mitigating, the vulnerabilities the Directive is designed to address, and reinforcing victims' fear of authorities, weakening the practical reach of specialised support organisations, and prioritising migration control objectives over the individualised, victim-centred risk assessment that protection from re-trafficking requires.²⁸

IV. Conclusion and the Path Forward

Read together, the four issues point to a single structural pattern: the standards set by Directive 2024/1712 are largely sound, but they are being translated into practice through instruments, resources and priorities that do not yet match them. The transposition deadline of 15 July 2026 has now passed.²⁹ The central question is therefore no longer whether the standards exist, but whether national measures give them operational effect for the victims who are hardest to reach.

To support the development of a sound EU-level framework which addresses the gaps identified by consulting anti-trafficking NGOs across the EU, the way forward ought to target the realisation of four goals, to be achieved through advocacy, policy change, and legislative implementation. Specifically, to bridge the gap between EU standards and reality, the EU must:

1. **Improve victim identification** by establishing an EU-wide and legally binding NRM to replace fragmented regional protocols.

²⁷ Consultation (n 3) with LEFÖ-IBF.

²⁸ European Union Agency for Fundamental Rights (FRA), *Planned return hubs in third countries – EU fundamental rights law issues* (FRA Position Paper, Vienna, 6 February 2025) <<https://fra.europa.eu/en/publication/2025/return-hubs>> accessed 20 September 2026 (setting out safeguards required for return hubs to comply with EU law, including an individualised assessment before return and independent fundamental rights monitoring).

²⁹ Directive 2024/1712 (n 1) art 2(1).

2. **Counter digital exploitation** by the creation of special funds by the European Commission and national governments dedicated to NGOs for online outreach. Additionally, an EU-level, Member State-led digital prevention strategy should be implemented to match the shift toward online recruitment.
3. **Ensure trauma-informed care** by setting up, through the European Commission, a binding framework for Member State-based support systems to reduce police dominance and prioritise the victim's long-term stability.
4. **Restrict return hubs** and ensure the limitation of detention-based return mechanisms to prevent further exploitation and ensure that victim protection remains the priority.

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Consultations

Consultation with ACCEM (Spain), LEFÖ-IBF (Austria), and confidential input from an anonymous organisation (Belgium) 1 – 17 June 2026