



European Union

EU Statement on

**Agenda item 2: Evidential issues related to trafficking in persons cases,
especially regarding online scam**

15th session of the Working Group on Trafficking in Persons

**Conference of the Parties to the UN Convention
against Transnational Organised Crime**

United Nations Office on Drugs and Crime

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Chair,

I have the honour to speak on behalf of the European Union and its Member States.
[...] align themselves with this statement.

"Evidential issues, particularly those linked to victim-centred evidence and digital evidence, represent enduring and emerging challenges. In this context, international cooperation, including with UNODC, is of the utmost importance in guaranteeing justice for trafficking victims while safeguarding their dignity, rights and well-being, and ensuring a gender-responsive approach.

In the EU, the total number of individuals prosecuted and convicted for trafficking in human beings has increased over recent years. The absolute figures of prosecution and conviction however remain low, especially when compared to the number of registered victims and suspects. This is often linked to difficulties in collecting enough evidence to prosecute and convict traffickers.

Several key factors contribute to these challenges.

First, collection of evidence is time and resource-intensive and too often relies solely on victims' testimonies. Victims of trafficking frequently suffer from polytrauma, fear of retaliation and mistrust of authorities, all of which can prevent them from giving detailed, consistent or timely statements. Many may be reluctant to testify due to threats to their families or risks of re-traumatisation in court proceedings and fear of expulsion, a vulnerability precisely targeted by criminals. Others do not even self-identify as victims, especially if they have been coerced into

believing they were complicit in the criminal activities. We see this trend particularly in South-East Asia, where scam centres have proliferated in recent years.

It is important therefore to support and protect the presumed victims from the start, when they are detected and to ensure that their rights are safeguarded throughout criminal proceedings.

The EU Anti-trafficking Directive revised in 2024 formalises the need for EU Member States to establish National Referral Mechanisms (NRMs). NRMs serve a dual function: ensuring that presumed victims of trafficking receive the protection, care and support they are entitled to as rights holders in line with the Directive, while also enabling the preservation of evidence and contributing to the successful prosecution of traffickers by fostering victims' trust and cooperation with law enforcement authorities. A well-functioning NRM should therefore connect all relevant actors across different phases of the referral process, from early detection and identification to assistance, protection and long-term support.

Moreover, through the non-prosecution and non-punishment principle under Article 8 of the EU Anti-trafficking directive, member states shall, in accordance with the principles of their legal systems, ensure that competent national authorities are entitled not to prosecute or impose penalties on victims of trafficking in human beings for their involvement in criminal or other unlawful activities which they have been compelled to commit as victims of trafficking. This is particularly important in the cases of trafficking in for the purpose of forced criminality, such as scam centres.

Second, the increasing shift of trafficking activities to the online environment poses significant evidential challenges. Digital platforms allow traffickers to conceal their identities, operate across borders and exploit victims in ways that leave fragmented, volatile and often anonymised traces of evidence. Preserving, accessing and authenticating such digital evidence is complex, especially given jurisdictional obstacles and the speed with which online content can be altered or erased. Addressing these challenges requires aligning and coordinating efforts at EU level.

The ProtectEU Internal Security Strategy, presented this year, highlights the need for a modern law enforcement and judicial response to technological developments. This can alleviate the situation of victims in criminal proceedings.

For example, there would be less need to rely on victims' testimony if other types of evidence are found, allowing victims to avoid the trauma of facing their traffickers in court. In this regard, the EU e-evidence Regulation, which facilitates cross-border access to electronic evidence in criminal proceedings, will be a vital tool to

strengthen investigations, secure digital evidence more effectively and ultimately reduce reliance on victim testimony alone.

Following the money is equally important. The recently adopted EU rules on asset recovery and confiscation will strengthen cross-border cooperation, facilitating the identification, freezing and seizure of assets, reinforcing accountability while safeguarding the rights and interests of victims.

Finally, I would like to emphasise the importance of cooperation and training in tackling evidential challenges. Europol plays a central role in strengthening the EU's response to trafficking in human beings by enhancing the detection and analysis of online content used by traffickers and ensuring that digital evidence can effectively support prosecutions. Each year, Europol works closely with Member States through initiatives such as the hackathons within EMPACT (European Multi-disciplinary Platform Against Criminal Threats), generating actionable leads to investigate trafficking activities facilitated via the internet.

The Focus Group for Specialised Prosecutors on Trafficking in Human Beings at Eurojust connects judicial authorities across Member States and beyond, fostering a coordinated response and reinforcing our collective commitment to hold traffickers accountable and protect victims.

The first International Forum of Prosecutors in countering Trafficking in Persons and Smuggling of Migrants, organised by UNODC last year, as part of the EU-funded PACTS (Promoting Action and Cooperation among countries at global level against Trafficking in Human Beings and the Smuggling of Migrants) also represents a significant and promising advance in international cooperation to address these serious issues.

We commit to further cooperate with international partners, including UNODC, to strengthen a comprehensive, victim-centred gender-, disability- and child-responsive approach to tackling trafficking in human beings and bringing perpetrators to justice. This entails the need for close judicial and law enforcement cooperation and maximising cross border cooperation and the use of digital evidence, to reduce reliance on victim testimonies and to ensure victims' rights are safeguarded throughout the legal process.

Investing in capacity-building and training for law enforcement and judicial entities is also crucial in equipping them to manage the sophisticated challenges of digital evidence and victim protection. Prioritising financial investigations and asset recovery will be fundamental in dismantling trafficking networks and reinforcing accountability.

Strengthening evidential approaches in trafficking in human beings' cases is a shared responsibility requiring funding. The EU and its Member States remain committed to working closely with UNODC, international partners and all countries represented in this session to advance victim-centred, rights-based, gender-responsive and technology-adapted solutions that will ensure traffickers are held accountable and victims are better protected.

Thank you.