

# The impact of freedom of movement in the European Union on the spread of human trafficking: Legal challenges and opportunities for improving countermeasures

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**Abstract.** This study aimed to investigate the impact of the European Union's freedom of movement on the prevalence of human trafficking and to identify the associated legal problems. The research technique integrated comparative legal analysis, content analysis of European Union legislation and case law, and the evaluation of statistical data and case studies related to the operation of the freedom of movement. The research examined the legal frameworks in France, the United Kingdom, Italy, and the Baltic States, facilitating the identification of both commonalities and divergences in national methodologies for adapting European rules. The study's primary findings indicated inadequate interstate coordination, deficiencies in regulating individual travel, and the reliance of anti-trafficking efficacy on the institutional ability of each state. It was noted that criminal organisations often utilise freedom of movement to lawfully transport victims inside the European Union, particularly via labour migration pathways or by misusing residency privileges. National responses differ: France advocates for an interagency model; the United Kingdom employs a criminal law-based approach incorporating non-state players; Italy prioritises humanitarian assistance for victims; and the Baltic States implement a constrained, minimalist model dependent on external resources. The research's practical value is evident in its recommendations for enhancing European Union legislation and state frameworks, particularly through the harmonisation of legal methods, the establishment of a unified database, and the fortification of legal protections for victims

**Keywords:** labour exploitation; protection of victims' rights; cross-border crime; law enforcement cooperation; harmonisation of legislation; combating modern slavery

## Introduction

The importance of this study arises from the need to reassess the balance between freedom of movement – one of the fundamental tenets of the European Union (EU) – and the imperative to effectively combat transnational crime, such as human trafficking. The current open borders policy creates new opportunities for EU residents, while also introducing security challenges that require enhancements to legislative and institutional structures. The primary study issue pertains to the intrinsic conflict between the enforcement of freedom of movement within the EU and the duty to provide sufficient safeguards against criminal exploitation. Notwithstanding the presence of supranational rules, Member States persistently encounter substantial challenges in the identification, prosecution, and prevention of human trafficking. These issues arise from legislative deficiencies, inadequate coordination, and the intricate practical implementation of legal principles inside the EU's Area of Freedom, Security,

and Justice. Although a regulatory framework exists at the EU level to combat human trafficking, the ongoing challenges encountered by Member States indicate that these procedures are not consistently effective in practice.

Criminal organisations frequently utilise lawful avenues for mobility, residency regulations, and procedural deficiencies in victim recognition. In many instances, individuals are trafficked and exploited in other Member States, where their access to legal protection is obstructed by language, legal, or social hurdles (Urpí, 2023). This scenario exemplifies the paradox between the actualisation of freedom of movement as a protector of human rights and the necessity to ensure security and protection against criminal activities. The need for a thorough review stems from both legal inadequacies and the challenges of applying current policies in practice among open internal borders. Consequently, the matter necessitates a comprehensive examination, especially regarding

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legal protection mechanisms, accountability structures, and international collaboration. It is crucial to examine both the regulatory and practical aspects of this issue to develop balanced, effective solutions that uphold the fundamental principles of the Union while improving the safeguarding of vulnerable individuals against trafficking and exploitation.

An examination of contemporary academic methodologies regarding the study of freedom of movement inside the EU indicates that the topic is meticulously analysed in connection with social rights, migration policy, and security issues, including human trafficking. N. Tietze (2025) examined the relationship between social rights and labor mobility within the EU citizenship regime, focusing on how the concept of social citizenship evolved during the 2000s and 2010s. By analysing three European Court of Justice (ECJ) judgments, the author explored the determination of worker status, the non-discrimination principle, and social entitlements granted or denied to plaintiffs. Researcher concluded that while the ECJ initially supported a social citizenship approach to labor mobility, it later dismantled it, reflecting a flexible, fragmented view of intra-European migrant workers' social citizenship aligned with changing labor market policies and economic goals. J. Ramji-Nogales and I.G. Lang (2020) examined the nexus between freedom of movement, migration, and state borders. They argued that, despite the formal openness of borders within the EU, significant asymmetries in access to rights and protections persist, increasing the risk of exploitation – especially for persons in precarious or border situations and for vulnerable groups. Similarly, A. Voivozeanu and J.-M. Lafleur (2023) introduced the concept of “welfare brokers” – actors who mediate between migrants and the social protection systems of EU Member States. These intermediaries may facilitate legal access to services, but can also create informal and potentially exploitative arrangements that may be used to control or abuse individuals.

Although D. Howarth and J. Schild (2021) focused on the creation of a fiscal union within the EU, their macroeconomic analysis highlights broader structural constraints and political-legal barriers to integration. They argued that limited fiscal solidarity and the lack of a harmonised approach to the redistribution of resources within the Union hinder effective policy coordination in areas such as the fight against cross-border crimes, including human trafficking. These insights can be extrapolated to the issue of fragmented protections for vulnerable individuals who move freely within the EU, underscoring the need for deeper institutional cooperation among Member States. D.E. Efthymiou (2022) challenged the justification for restrictions on EU immigrants' access to welfare rights, which are often based on the principle of reciprocity among member states. The author used a veil of ignorance device to argue that the current approach to reciprocity is flawed, suggesting that EU member states should adopt welfare policies that do not assume prior contributions, but instead consider what would be fair under conditions of uncertainty about migrants' contributions. The Article concluded that a fairer approach to reciprocity in welfare rights would require EU member states to adopt policies that account for the uncertainty of migrants' contributions and prevent member states from exploiting loopholes in the welfare system.

J. Rahnasto (2023) contended in a legal examination of genetic data that not all such data should be inherently

classified as personal, given the varying degrees of identifiability and sensitivity. These findings are particularly pertinent to the legal management of data concerning vulnerable populations, such as trafficking victims, where the equilibrium between protection, identification, and data sensitivity is crucial within the framework of EU freedom of movement. F. Tammone (2024) examined the viability of Article 4 of the European Convention on Human Rights (1950) as a legal instrument to contest external migration policies that could enable trafficking. The author suggested innovative judicial methods for safeguarding victims using international legal frameworks. I. Rossoni and R. De Massol De Rebetz (2025) examined the influence of political and media discourse in shaping the archetypes of the “convenient criminal” and the “typical victim.” These preconceptions, they contend, foster the rise of “anti-politics” that prioritises control above protection, ultimately marginalising genuine victims of human trafficking. Collectively, these studies underscored the imperative for a sophisticated legal and policy response to the unforeseen ramifications of freedom of movement inside the EU.

This study aimed to investigate the legislative deficiencies that enable the exploitation of freedom of movement inside the EU for human trafficking purposes. The objectives of the study were: to examine the impact of the principle of freedom of movement within the EU on the extent and dynamics of human trafficking, addressing both its beneficial and detrimental effects; to analyse the current EU legal framework for combating human trafficking, pinpointing significant gaps and deficiencies in enforcement and efficacy; and to suggest enhancements to legal mechanisms and international collaboration, striving to balance the safeguarding of fundamental rights – particularly freedom of movement – with the necessity for sufficient security and effective measures against transnational crime.

### Materials and methods

The study utilised a multidisciplinary methodology, integrating a comparative legal approach with the examination of official statistical data. A comparative legal analysis was conducted to evaluate the legislative and law enforcement frameworks addressing human trafficking in France, the United Kingdom (UK), Italy, and the Baltic States. Special emphasis was placed on the parallels and differences in national strategies for the adoption and implementation of EU regulations. The primary legal sources analysed included: Charter of Fundamental Rights of the European Union (CFREU) (2000), Treaty establishing the European Community (2002), directives and regulations of the European Parliament and of the Council No. 2004/38/EC (2004), No. 2011/93/EU (2005), No. 2011/36/EU (2011), No. 2012/29/EU (2012), No. 2016/399 (2016), case law of the Court of Justice of the European Union (CJEU), including judgments in the cases No. C-2/74 (1974), No. C-415/93 (1995), No. C-384/93 (1995), No. C-145/09 (2010), No. C-34/09 (2011), No. C-333/13 (2014). Empirical data were drawn from the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) and related reports (Council of Europe, 2024). The case study method was used to provide an in-depth examination of landmark judgments of the European Court of Human Rights, including cases *Case of Rantsev v. Cyprus and Russia* (2010) and *Commissioner General for Refugees and Stateless Persons v. Mostafa Lounani* (2017), which illustrate

the application of international standards in protecting the rights of trafficking victims.

Special attention was paid to the legal developments following Brexit, particularly concerning the regulation of freedom of movement and anti-trafficking efforts. This analysis was conducted with reference to the Trade and Cooperation Agreement between the EU and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the Other Part (2021) and the Immigration and Social Security Co-ordination (EU Withdrawal) Act (2020). Specific issues examined included new restrictions on the mobility of EU citizens, changes to victim identification procedures, and emerging challenges in interstate information exchange and law enforcement cooperation.

### Results

The freedom of movement inside the EU is firmly established in both core EU legislation and the case law of the CJEU. It includes the unrestricted movement of individuals, labourers, service providers, and entrepreneurs, constituting a fundamental element of the EU internal market. The principal legal foundation supporting this right is the Treaty on the Functioning of the European Union (TFEU) (2017). Article 21 Treaty confers upon every Union citizen the fundamental freedom to move and reside freely within the territories of the Member States. This provision underpins the formulation of secondary legislation and the interpretative jurisprudence of the CJEU, encompassing the conditions under which this right may be legally constrained. Significant emphasis is placed on the unrestricted mobility of workers, as stipulated in Article 45 Treaty. This Article forbids discrimination based on nationality for employment, compensation, and other working circumstances. The CJEU has generally construed this Article broadly. In the ruling of Judgment of the European Court of Justice in Case No. C-415/93 (1995), the Court determined that transfer regulations in professional football infringed upon the freedom of movement of workers by imposing unwarranted constraints on mobility between Member States.

Articles 49 and 56 TFEU enshrine the freedom of establishment and the right to supply services, respectively. These laws ensure that individuals and businesses possess the freedom to participate in economic activities in other Member States without unwarranted obstacles. According to the ECJ Decision No. Judgment of the European Court of Justice in Case No. C-2/74 (1974), Article 49 possesses immediate effect and can be asserted by people in national courts. The Judgment of the European Court of Justice in Case No. C-384/93 (1995) affirmed that Dutch regulations prohibiting brokers from cold calling perspective clients in other Member States violated the freedom to provide services, despite the invocation of national consumer protection objectives. The CFREU (2000), which acquired binding primary law status after the Treaty of Lisbon, supplements these treaty articles. Article 45 of the Charter asserts the entitlement of Union citizens to travel and reside freely inside the EU. It underscores the essential nature of freedom of movement and its inherent link to EU citizenship as a distinct legal category.

The case law of the CJEU has been significant in defining the extent and boundaries of this freedom. In the ruling of Judgment of the European Court of Justice in Case No. C-413/99 (2002), the Court determined that an EU

citizen maintains the right of residence even without economic activity, as long as they have adequate finances and health insurance. This verdict affirmed the interpretation of EU citizenship as a source of rights independent of economic position. In the Judgment of the European Court of Justice in Case No. C-34/09 (2011), the Court elaborated on this principle, determining that a Member State could not undertake actions, such as expelling third-country national parents of minor EU citizens, that would inhibit the citizen's genuine enjoyment of their rights under EU law. These verdicts collectively demonstrate the progressive and broad interpretation of freedom of movement in EU law, confirming it as a fundamental value of Union membership and a guiding precept in the evolution of the EU's legal framework.

The legal foundation for freedom of movement inside the EU is multifaceted, comprising treaty provisions, fundamental rights, and complex judicial interpretations. This freedom is regarded not just as an economic entitlement but also as a personal right, reinforcing European integration and legal consistency among Member States. The implementation of freedom of movement within the EU is closely connected to the functioning of the Schengen Area, the core principles of the internal market, and the governance of labour mobility and migration trends. Despite variations in breadth and legal character, these features establish a cohesive framework enabling EU nationals to travel, work, and dwell freely within Member States devoid of internal borders.

The Schengen Area exemplifies a significant accomplishment of EU integration by eliminating internal border controls among member states. This advancement has markedly enhanced citizen mobility and fostered increased contact in tourism, commerce, and social domains. The elimination of internal border inspections has thus presented new security issues, especially with terrorism, transnational crime, and mass migration. In response, Member States have intermittently reintroduced temporary border controls, as authorised by Articles 25-30 of the Schengen Borders Code (Regulation of the European Parliament and the Council No. 2016/399, 2016). During the 2015 refugee crisis, nations including Germany, Austria, and Sweden reinstated internal controls, citing concerns regarding public order and internal security.

The exercise of freedom of movement is inherently connected to the four fundamental freedoms of the EU internal market, especially the free movement of individuals. This independence includes the abolition of physical boundaries as well as the eradication of administrative and legal obstacles (Tovias, 2024). Essential elements encompass the reciprocal acknowledgement of professional credentials, equitable access to the employment market, and streamlined residency registration processes. A notable example illustrating the judicial defence of these principles is the case *Commission v. Luxembourg* (2004), where the CJEU held that Luxembourg had infringed the freedom to provide services. The state had imposed disproportionately burdensome conditions for the recognition of foreign engineering qualifications, thereby obstructing the ability of professionals from other EU Member States to exercise their rights within its territory. These developments underscore that while freedom of movement remains a cornerstone of EU integration, its practical application continues to be shaped by evolving legal standards, national interests, and security considerations.

A further tangible expression of freedom of movement within the EU is the mobility of labour. The capacity to

pursue and get employment in any Member State fosters economic growth and improves employment prospects throughout the Union. For governments facing population decline or employment shortages, this mobility provides a means to occupy vacancies with individuals from other EU nations. However, such patterns of intra-EU migration can also produce conflicts in host nation labour markets. Before Brexit, the UK consistently expressed apprehensions regarding the effects of workforce migration from Central and Eastern Europe. These concerns influenced public sentiment and political backing for the UK's exit from the EU. The Judgment of the European Court of Justice in Case No. C-333/13 (2014), affirmed the authority of Member States to limit access to social assistance for economically inactive EU residents who do not meet the requirements for legitimate residence.

The ruling emphasised that the principle of freedom of movement does not absolutely encompass the entitlement to social assistance. Migration movements inside the EU are also heavily driven by economic differences between Member States. A significant problem is the “brain drain”, in which experienced individuals from less economically developed nations, such as Bulgaria or Romania, migrate to more affluent Member States, notably Germany and the Netherlands. This mobility enhances integration and the efficient distribution of human capital, while it also intensifies regional disparities and imposes more strain on the labour markets and public services of both origin and destination nations. In reaction to these issues, the EU has implemented measures to improve coordination in employment and social protection. The establishment of the European Labour Authority is a step designed to enhance transparency, ensure adherence to EU labour legislation, and promote equity within the internal labour market (Cremers, 2020).

The execution of freedom of movement within the EU constitutes a complex procedure with legal, economic, and security dimensions. It advances the momentum of European integration while requiring a careful balance between individual rights and the legitimate regulatory interests of Member States. The freedom of movement inside the EU, while a fundamental principle of European integration, is not absolute. The TFEU (2017) and related secondary legislation impose substantial restrictions on this right, especially regarding national security, public order, or the protection of public health (Bruzelius, 2018). These exceptions are narrowly construed and may only be applied based on valid, justified, and proportionate assessments, which are subject to judicial review at both national and European levels. The legal basis for these restrictions is delineated in Article 45(3) TFEU concerning the freedom of movement of workers, and specifically in Article 27 of Directive of the European Parliament and of the Council No. 2004/38/EC (2004), which regulates the rights of Union citizens and their family members to move and reside freely within Member States. Member States may restrict entry or residency rights alone if the individual poses a genuine, imminent, and sufficiently substantial harm to one of society's core interests. Such a threat must be authentic and current, not hypothetical or just based on past actions.

The CJEU has frequently underlined the necessity for a stringent and restrictive interpretation of the principles of “public order” and “national security”. In case *Yvonne van Duyn v Home Office* (1974), the Court affirmed a limitation predicated on ideological association, specifically the applicant's

passive membership in the Church of Scientology, acknowledging that a Member State may intervene if it can substantiate that the organisation's activities contravene public order. Subsequently, the Court clarified its stance in further case law. In case *Regina v. Bouchereau* (1977), it was determined that prior criminal convictions alone do not warrant expulsion unless there is demonstrable proof of a present and substantial threat to public order. These cases demonstrate that although Member States possess a degree of latitude in protecting public interests, the application of this discretion is limited by the fundamental principles of EU law, including proportionality, individual assessment, and judicial scrutiny.

Public health measures are a significant category of possible limitations on freedom of movement inside the EU. Such measures may encompass quarantine mandates, obligatory medical assessments, or even provisional entrance prohibitions, but solely in instances of significant hazards – especially during epidemics of infectious diseases (Hu *et al.*, 2021). Throughout the COVID-19 pandemic, some EU Member States enacted limitations on migration and border crossings, inciting legal discourse concerning the proportionality and constitutionality of these actions. Although these activities were executed in accordance with Article 29 of Directive of the European Parliament and of the Council No. 2004/38/EC (2004), they were nonetheless mandated to adhere to the criteria of necessity, minimal interference, and non-discrimination.

In its ruling in Judgment of the European Court of Justice in Case No. C-808/18 (2020), the CJEU reiterated that measures purportedly justified by public security or health cannot serve as a pretext for systematic or disproportionate infringement of the rights of Union citizens. This judgement affirmed the Court's resolute position that any deviation from core EU freedoms must be rare, substantiated by evidence, and reasonable. Legal instruments for enforcing limits encompass expulsion orders and re-entry prohibitions. Nonetheless, these measures must adhere to the procedural safeguards delineated in Directive No. 2004/38/EC of the EPC (2004). These protections encompass the right to appeal, written notification, and a tailored evaluation of the individual's circumstances, including duration of residence, degree of integration, and familial connections. In Judgment of the European Court of Justice in Case No. C-145/09 (2010), the Court determined that restrictions on the right to free movement are permissible, even in instances of significant criminal conduct such as drug trafficking, only if the individual presents an immediate and tangible threat to public order. Furthermore, any decision must be evaluated in accordance with the idea of proportionality, especially with its effects on an individual's private and family life.

Consequently, limitations on freedom of movement under EU law are uncommon and may only be employed as a final recourse. They must be based on explicitly stated legal principles, undergo stringent judicial examination, and consistently adhere to fundamental rights, especially the respect for human dignity, private life, and family life, as articulated in the CFREU (2000). The UK's exit from the EU (Brexit) has significantly affected the right to freedom of movement, which was formerly assured to both UK citizens living in the EU and EU people living in the UK. Brexit has profoundly impacted the legal status of individuals, border control procedures, and migration dynamics, with extensive consequences for the combat against human trafficking (Sredanovic, 2020).

The legal right to free movement between the UK and the EU officially ended at the conclusion of the transition period on 31 December 2020. A points-based immigration system was established, uniformly applicable to all foreign nationals, regardless of nationality. As a result, EU nationals no longer have an automatic right to enter, reside, or work in the UK. The only exception applies to individuals who successfully applied under the EU Settlement Scheme, as outlined in the Withdrawal Agreement – specifically Articles 15 to 18 – which ensures the retention of certain rights for EU nationals who were lawfully residing in the UK before the end of the transition period (Portes & Springford, 2023).

The alteration of the freedom of movement framework has resulted in stricter border controls. The UK has exited the Schengen Information System (SIS) and ceased participation in the Common European Entry/Exit System. As a result, UK border authorities now possess complete discretion in regulating entry into the Kingdom, including the authority to deny access to EU residents who fail to meet the new immigration criteria (Fürst, 2023). The Immigration and Social Security Co-ordination (EU Withdrawal) Act (2020) establishes the legal basis for the new border control system, consolidating the UK's immigration strategy following Brexit. Furthermore, the government has instituted more stringent entrance regulations, which opponents argue have created further obstacles for visitors, students, and seasonal workers from the EU. These developments indicate a substantial shift from prior EU-UK mobility agreements and have repercussions for the identification, prevention, and prosecution of human trafficking, especially due to the relaxation of information-sharing frameworks and cross-border cooperation mechanisms that were previously established.

The ramifications of Brexit in the realm of migration have been complex. The imposition of mobility restrictions has resulted in a significant decrease in the influx of EU citizens seeking employment in the UK. This reduction has notably impacted sectors traditionally dependent on migrant workers, including agriculture, healthcare, and services. The UK Office for National Statistics (ONS) reported a notable decline in worker migration from Eastern Europe from 2021 to 2023, leading to severe manpower shortages in various critical sectors (Portes, 2025). The enhancement of border restrictions and the cessation of access to European migrant protection systems post-Brexit have markedly heightened the susceptibility of some demographics, particularly migrant workers pursuing employment in the UK. The revised immigration regulations have rendered it more challenging for EU residents, especially those from Eastern Europe, to lawfully enter and work in the UK, resulting in an increase in unreported employment, labour exploitation, and restricted access to social safeguards. The lack of organised collaboration with EU entities has diminished the ability to address labour rights infringements and has established obstacles to lodging complaints or obtaining legal support, thereby heightening the danger of discrimination and exploitation.

Concerning the battle against human trafficking, Brexit has posed supplementary hazards. The dissolution of the joint EU legal framework has obstructed cross-border collaboration in this domain. The UK has forfeited direct access to essential tools like Europol and the Rapid Alert System, which formerly facilitated the swift discovery and prosecution of transnational trafficking networks (Landman *et al.*, 2024). The UK maintains involvement in certain security

cooperation frameworks established by the Trade and Cooperation Agreement between the EU, the European Atomic Energy Community, and the UK (2021); however, their efficacy is constrained relative to the advantages provided by complete EU membership. The introduction of new entry and residency laws has heightened the vulnerability of specific groups, including EU nationals who were unable to apply for status regularisation or had adequate evidence of legitimate presence. This has increased the likelihood of irregular migration and exploitation, both of which are significant contributors to human trafficking. In this context, international organisations, such as GRETA (Council of Europe, 2024), have urged UK authorities to enhance the safeguarding of victims' rights and to refine procedures for identification, support, and legal recourse.

Brexit has profoundly transformed the UK's stance on freedom of movement, transitioning from a participant in an integrated European legal framework to an independent state with complete control over its immigration policy. The ramifications of this transition are unclear: although the UK has attained enhanced authority over its borders and migration policies, it has concurrently become more vulnerable to challenges, including heightened risks of human rights infringements and increased difficulties in combating transnational crime, such as human trafficking.

The combat against human trafficking continues to be a fundamental objective within the EU's legal and regulatory framework. This dedication is shown through a thorough array of regulatory measures designed to establish a cohesive legal framework for the prevention of trafficking, the prosecution of perpetrators, and the safeguarding of victims' rights. The core of this framework is Directive of the European Parliament and of the Council No. 2011/36/EU (2011), which superseded the previous Framework Decision and established a rights-based methodology for addressing human trafficking. Directive of the European Parliament and of the Council No. 2011/36/EU (2011) offers a standardised definition of trafficking, which includes sexual and labour exploitation, forced begging, organ removal, and coerced employment. The Directive emphasises the protection of vulnerable populations, particularly children, and requires Member States to ensure: efficient criminal prosecution (Articles 2-5), the establishment of national coordination mechanisms (Article 19), the availability of specialised support services (Article 11), and the development of reintegration programs for victims. Article 8 is significant since it allows for the non-prosecution of victims for offences they were compelled to commit as a result of their exploitation. This principle aligns with the reasoning of the landmark Judgment of the European Court of Human Rights in Case No. 25965/04 (2010) rendered by the European Court of Human Rights. Although not a ruling from the CJEU, *Rantsev* established that States had a positive obligation to proactively identify, protect, and help victims of trafficking.

The Directive's implementation is bolstered by strategic initiatives, particularly the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of the Regions (2021), released by the European Commission. This strategy prioritises four key objectives: reducing demand for exploitative services, destroying criminal networks, protecting and empowering victims, and strengthening international cooperation. The policy underscores the

imperative for digital interventions to combat rising forms of exploitation, including online trafficking and the grooming of minors via social media platforms. The policy is implemented through the European Platform for the Coordination of Interstate Cooperation, alongside the increased involvement of Europol in international investigations.

The Joint Action Day operation sought to discover workforce exploitation within the construction and agriculture sectors. In addition to the major legislative frameworks, various other important EU legal instruments contribute to the fight against human trafficking. Directive No. 2004/81/EC (2004) mandates the issuance of temporary residence permits to third-country nationals who are victims of trafficking and cooperate with law enforcement authorities. This Directive guarantees access to medical care, psychological support, and legal assistance within a Member State, and it includes a period for recuperation and contemplation during which the victim may opt to cooperate with the authorities. The justification for this victim-centered approach was affirmed in the CJEU's judgment in case *Commissioner General for Refugees and Stateless Persons v. Mostafa Lounani* (2017), in which the Court emphasised the importance of an individualised assessment of each victim in determining their right to residence. This ruling emphasises the imperative of treating trafficking victims with dignity and in alignment with their specific situations.

Directive No. 2011/93/EU (2011) is significantly pertinent to child protection. The primary aim is to protect minors from sexual offences, while also addressing child trafficking laws, with a focus on protection, investigation, and prosecution. Directive No. 2012/29/EU (2012) provides enhanced protection by setting minimum standards for the rights, assistance, and protecting of crime victims. This Directive ensures that victims of trafficking are informed of their rights and legal processes, provided with assistance and secure accommodation, and protected from re-traumatisation during criminal investigations. The EU's legal framework for addressing human trafficking is based on a comprehensive approach that integrates criminal prosecution, victim protection, prevention, and international collaboration. These instruments are perpetually advancing to tackle developing difficulties, such as the digital transformation of crime, heightened migratory patterns, and the escalating necessity for cross-border coordination. The institutional framework underpinning the EU's anti-trafficking initiatives comprises multiple essential entities collaborating closely.

Europol, the body tasked with assisting Member States' law enforcement in the fight against severe and organised crime, plays a crucial role. Europol enables information interchange, assists in collaborative operations, and offers strategic and operational analysis. During Joint Action Days, Europol orchestrates focused efforts to identify trafficking victims around the EU (Maftai, 2023). In conjunction with Europol, Eurojust is crucial in coordinating the investigation and prosecution of trafficking offences on a transnational scale. Eurojust facilitates the formation of Joint Investigation Teams (JITs), uniting prosecutors and law enforcement personnel from several Member States. The CIA has orchestrated multiple extensive operations to eliminate trafficking networks engaged in sexual exploitation and forced labour. The European Border and Coast Guard Agency (Frontex) is another crucial agency. Frontex aids anti-trafficking initiatives by bolstering external border management, aiding in

the identification of trafficking victims, and enabling evidence collection. Moreover, Frontex provides training programs for border guards, emphasising the identification of trafficking signs and the safeguarding of victims throughout border processes.

The EU Anti-Trafficking Coordinator oversees the strategic coordination of anti-trafficking efforts inside the EU. The primary duty of this role is to facilitate collaboration among EU institutions, Member States, and international partners. The coordinator is responsible for developing strategic policy documents, specifically the European Union Strategies on Combatting Trafficking in Human Beings, managing their implementation, and promoting the sharing of best practices across the Union (Nordquist, 2024). The Council of Europe Convention on Action against Trafficking in Human Beings (2005) is an essential legislative tool for international collaboration. This Convention has laid the foundation for the development of European standards on victim protection, the criminalisation of all forms of human trafficking, and the effective prosecution of offenders. Unlike many other international treaties, the Convention adopts a victim-centered approach and establishes a distinct monitoring structure. GRETA, the Group of Experts on Action against Trafficking in Human Beings, oversees compliance with the Convention. GRETA conducts systematic evaluations of State Parties' compliance with their obligations and offers recommendations to improve national legislation and policies. Recent studies indicate that GRETA has emphasised the necessity of improving access to compensation procedures for trafficking victims in several European nations (Novika *et al.*, 2020).

The EU actively collaborates with foreign organisations, including the United Nations Office on Drugs and Crime (UNODC) and the foreign Organisation for Migration (IOM). Collaborative efforts encompass the formulation of methodological standards, training programs for law enforcement personnel and judiciary members, and the creation of victim identification protocols, especially for refugees and migrants. The EU collaborates with Office to support worldwide initiatives aimed at improving legislative frameworks and bolstering transnational cooperation in combating human trafficking.

Cooperation with third countries represents another essential dimension of the EU's external anti-trafficking strategy. Through joint technical assistance programmes, such as the EU Action against Trafficking in Human Beings in South and Southeast Asia, the Union supports the capacity-building of local law enforcement and judicial institutions (McGregor *et al.*, 2025). These efforts are often complemented by bilateral agreements and regional dialogues on trafficking prevention, information exchange, and the repatriation of victims, conducted with full respect for victims' rights and dignity. In sum, the EU's institutional architecture for combatting trafficking in human beings is multi-level and comprehensive, encompassing both internal coordination among EU agencies and extensive international engagement. This structure enables the Union to adopt a holistic, cross-sectoral approach to tackling trafficking, addressing not only prosecution but also prevention, protection, and international collaboration.

The strategies delineated in the EU's external action plan to combat human trafficking, especially its collaboration with third countries, seem to be efficacious in tackling the intricate issues associated with human trafficking. The EU is enhancing the capabilities of local law enforcement and

judicial authorities through collaborative technical assistance initiatives, such as the EU Action to Combat Trafficking in Human Beings in South and Southeast Asia, thereby increasing these nations' efficacy in addressing human trafficking. These initiatives, backed by bilateral agreements and regional discussions on preventing human trafficking, contribute to improving information sharing and victim repatriation procedures. In addition, the EU's multi-level institutional structure, which combines internal coordination between EU institutions with broad international participation, facilitates the implementation of a comprehensive cross-sectoral strategy. This strategy focuses not only on prosecution but also on prevention, protection, and international cooperation, thereby addressing the problem of human trafficking from all angles. Taking into account the rights and dignity of victims in these approaches enhances their effectiveness, ensuring comprehensive measures to address a multifaceted global problem.

In France, the combat against human trafficking is anchored on a comprehensive legislative framework, particularly the Penal Code of France (2025) and the Code of Entry and Residence of Foreigners and the Right to Asylum (2025). Articles 225-4-1 et seq. of the Penal Code explicitly criminalise diverse forms of human trafficking, encompassing exploitation, forced work, and sexual exploitation, and stipulate stringent punishments upon conviction. The Code on Entry and Stay delineates particular safeguards for international trafficking victims, including the potential to acquire a residence permit dependent on their collaboration with investigative and prosecuting entities. France has established a comprehensive system for identifying and assisting victims, comprising cooperation between official entities and non-governmental organisations (NGOs). Non-governmental organisations frequently serve as initial responders in suspected trafficking incidents and play a crucial role in offering interim housing, psychological support, legal assistance, and safeguarding against forced repatriation, which may subject victims to re-exploitation. Special emphasis is placed on high-risk populations, particularly migrants, unaccompanied adolescents, and women vulnerable to sexual or labour exploitation (Sabaj-Sidur, 2019). France's geographical location, providing direct access to the Atlantic Ocean and the English Channel, renders it both a transit and destination nation for trafficking victims. Although numerous persons want to utilise French territory as a launchpad for access to the UK or other European nations, a considerable proportion are subjected to exploitation within France itself.

In the wake of the United Kingdom's exit from the EU (Brexit), its national migration policy has experienced significant alterations, which have indirectly impacted its anti-trafficking frameworks. The withdrawal from EU-level information exchange platforms and the facilitation of free movement has led to increased border controls and the implementation of a new points-based immigration system aimed at prioritising the UK's economic interests. This approach has restricted legal avenues for admission, especially for low-skilled migrants, hence unintentionally heightening the susceptibility of specific groups to recruitment by criminal organisations (Landman *et al.*, 2024). The National Referral Mechanism (NRM) serves as the primary institutional framework for the identification and safeguarding of trafficking victims in the UK. The evaluation process consists of two stages: the initial phase ascertains whether there are "reasonable grounds" to suspect that an individual is a

trafficking victim, followed by a definitive determination confirming the victim's status. The NRM provides access to several protection measures, including medical assistance, legal support, and the opportunity to acquire a resident permit. Nonetheless, the NRM has encountered criticism due to its protracted procedures, insufficient knowledge among possible victims, and discrepancies in execution, which have diminished its efficacy in victim identification and assistance. Post-Brexit border reforms have produced a dual effect: enhanced border security has complicated human smuggling, yet it has concurrently exacerbated the marginalisation of vulnerable populations, who may now turn to irregular and perilous migration routes, thereby elevating the risk of exploitation and trafficking.

Italy, owing to its strategic geographical position in the Mediterranean, continues to serve as a principal entrance point for irregular migrants into Europe. The connection between irregular migration and human trafficking in Italy is clear, since a substantial number of individuals coming by sea are at increased risk of being exploited by criminal organisations for forced labour or sexual exploitation (Punzo & Scaglione, 2024). One of Italy's most urgent challenges in this area is the prompt identification of trafficking victims among asylum seekers. A multitude of victims refrain from revealing their exploitation experiences owing to apprehension of retaliation, scepticism towards authorities, or ongoing coercion by traffickers. The overcrowding of reception centres and the scarcity of trained workers exacerbate these challenges, so restricting the ability for efficient screening and victim support. Notwithstanding these challenges, Italy has established an extensive protection and reintegration framework for trafficking victims. Initiatives encompass access to temporary housing in specialist shelters, medical and psychological care, vocational training, and employment aid programs. Victims who collaborate with law enforcement may receive a residence permit, facilitating social integration or, when applicable, safe voluntary repatriation.

The Baltic nations, namely Lithuania, Latvia, and Estonia, predominantly serve as countries of origin for victims of human trafficking. Citizens of these countries – especially women and children – are frequently subjected to forced labour, sexual exploitation, and trafficking for the purpose of begging, predominantly within Western European states. In recent years (2021-2025), the role of the Baltic States within the broader EU trafficking landscape has evolved. While they continue to function mainly as countries of origin, there is increasing evidence of their involvement as transit and even destination countries, signalling a shift in their position within intra-European trafficking dynamics. Latvia has actively developed its legislation regarding the fight against human trafficking, particularly through the adoption of new legal frameworks and alignment with European standards. The Penal Code of Latvia (2004) includes provisions for human trafficking (Articles 154-1 and 154-2), with a maximum prison sentence of up to 15 years. However, these provisions are sometimes accompanied by suspended sentences, raising concerns about the effectiveness of punishment. In 2016, there were 11 criminal cases initiated under Article 154-1, four of which resulted in suspended sentences without real imprisonment. This highlights the need for improvements in judicial practices and stronger accountability for such crimes. In 2022, the Latvian government initiated the development of a new action plan to enhance the fight against human

trafficking (Group of Experts on Action against Trafficking in Human Beings, 2022). This plan includes expanding training for front-line workers, developing new tools for identifying victims, and strengthening inter-agency cooperation. It also includes the implementation of a European directive that criminalises knowingly using services provided by victims of human trafficking, with stricter penalties, including up to ten years of imprisonment in severe cases. These measures aim to increase the effectiveness of the fight against human trafficking and provide better protection for victims.

Estonia defines human trafficking as a serious crime, with penalties ranging from one to seven years in prison. However, unlike Latvia, Estonia does not have a dedicated law specifically addressing human trafficking. This absence of specialised legislation may complicate effective action against the issue, as a lack of clear legal definitions and procedures can hinder investigations and judicial proceedings. In 2021, the Estonian government adopted the Agreement on Violence Prevention for the Period Until 2025 (2021) which includes a section dedicated to human trafficking. This agreement provides a comprehensive approach to combating human trafficking, covering prevention, victim identification, assistance, and prosecution of perpetrators. However, the absence of a dedicated law may limit the full implementation of these measures, reducing their effectiveness.

Lithuania possesses a robust legislative framework for addressing human trafficking. The Penal Code of Lithuania (2000) stipulates penalties for human trafficking, with a maximum incarceration period of 12 years. The Law on Assistance to Victims of Crime (2021) established a support system for victims of crime, including trafficking victims. This legislation guarantees that victims receive psychiatric, medical, legal, and other essential support services. Lithuania incorporates a “reflection period” provision for foreign nationals who have fallen victim to human trafficking. This duration permits victims to remain in the nation for 30 days to determine whether to collaborate with law enforcement. This method facilitates improved identification and safeguarding of victims while augmenting the efficacy of investigations. Consequently, the Baltic nations exhibit varying strategies in addressing human trafficking. Latvia and Lithuania have established legislative frameworks and specialised methods to tackle this issue, whereas Estonia, despite its active involvement, lacks a specific law addressing human trafficking.

A comparative analysis of the anti-trafficking frameworks in France, the UK, and Italy reveals both commonalities and distinctive features, predominantly shaped by each country’s legislative framework, migration policy, and institutional arrangements. All three nations uniformly classify human trafficking as a criminal offence within their legal frameworks. Each nation has enacted specific laws that criminalise certain types of trafficking and specify corresponding penalties. A common feature is the victim-centered approach adopted in legal systems and practices: in France, the UK, and Italy, victims who cooperate with law enforcement are granted protection, which includes medical assistance, legal support, and the possibility of obtaining residence permits. However, considerable inconsistencies remain in the implementation of these procedures. France emphasises the cooperation between governmental and non-governmental organisations, particularly in the identification and protection of at-risk groups, including adolescents and migrants.

The National Referral Mechanism (NRM) in the UK functions as the principal framework for the formal acknowledgement of trafficking victims. Although it offers access to several support services, it has faced criticism for its protracted procedures and bureaucratic delays, which may diminish its efficacy. Italy, in contrast, has its most pressing difficulty in the prompt identification of victims, particularly among migrants coming by sea; yet, it has established one of the EU’s most extensive reintegration programs, providing long-term support to acknowledged victims. France exhibits a significant degree of conformity with European standards, particularly with EU and Council of Europe instruments, including the Council of Europe Convention on Action against Trafficking in Human Beings (2005) and Directive No. 2011/36/EU (2011). Italy has incorporated the fundamental elements of EU law into its national laws; nonetheless, the effective implementation is sometimes obstructed by the excessive demands on migration services and limited resources.

The UK, post-Brexit, is no longer formally required to enact EU directives. Nonetheless, it upholds stringent anti-trafficking standards via its domestic laws and international obligations, persistently engaging in global cooperative frameworks like as those orchestrated by GRETA and the United Nations. The comparison research reveals multiple systemic difficulties common to all three jurisdictions. This encompasses: challenges in the prompt identification of victims, especially among migrants and asylum seekers; inadequate awareness among victims about their rights and available assistance; insufficient collaboration among law enforcement, social services, and non-governmental organisations; and protracted administrative processes concerning protection and status determination, which frequently intensify victims’ vulnerability. In conclusion, whereas France, the UK, and Italy have established unique national frameworks for addressing human trafficking, they encounter same structural constraints. Resolving these difficulties necessitates refined identification systems, expedited administrative procedures, and strengthened inter-agency collaboration at both national and international levels.

A comparative analysis of the strategies employed by France, the UK, Italy, and the Baltic States in addressing human trafficking uncovers varied models of adaptation to European standards, influenced by each nation’s legal tradition, political context, and administrative framework. In France, a nation rooted in the continental legal tradition, the stipulations of Directive No. 2011/36/EU (2011) were integrated via amendments to the Penal Code of France (2025) and the creation of an inter-agency coordination body, the Interministerial Mission for the Protection of Women against Violence and the Fight against Trafficking in Human Beings (MIPROF). France’s model prioritises inter-agency collaboration, victim safeguarding, and public awareness initiatives, demonstrating a preventive and protective approach. In contrast, the UK formulated an own anti-trafficking plan before its exit from the EU. The enactment of the Modern Slavery Act (2015) constituted a pivotal legislative achievement and is acknowledged as one of the most extensive regulatory frameworks in this domain.

The UK’s strategy emphasises the prosecution of traffickers, the implementation of a formalised National Referral Mechanism (NRM) for victim identification, and substantial partnership with non-governmental organisations (NGOs).

Despite the UK's retention of certain European norms following Brexit, its enhanced authority over migration policy has led to stricter border restrictions, which, according to expert evaluations, may restrict access to protective measures for prospective trafficking victims. Italy, located on significant Mediterranean migration pathways, implements a humanitarian strategy based on the Victims' Rights Directive (Directive of the European Parliament and of the Council No. 2012/29/EU, 2012). Italian laws provide an extensive array of support measures, including temporary residence permits, social protection programs, and reintegration services, available even in the absence of victims' cooperation with law enforcement agencies. Notwithstanding this rights-based framework, Italy's anti-trafficking system has faced criticism for bureaucratic inefficiency and restricted accessibility of victim support programs, especially in overwhelmed migration hotspots.

In the Baltic States anti-trafficking initiatives have predominantly emphasised prevention over post-exploitation rehabilitation, indicative of their historical role as nations of origin. A significant portion of the operational tasks involved in identifying and assisting victims is conducted by international organisations and NGOs, as governmental systems often experience constraints in funding and institutional capacity. Prevention measures are generally focused on public information campaigns and anti-recruitment initiatives. Nevertheless, as migratory flows escalate, the Baltic nations are gradually evolving into transit and even destination countries, requiring a realignment of national policy and the enhancement of internal protection infrastructure. Despite all analysed countries legally adhering to European norms, the processes of implementation vary considerably. France exemplifies a centralised, inter-agency coordination model; the UK adopts a criminal-legal strategy marked by significant NGO involvement; Italy adheres to a humanitarian model with a strong social assistance component; the Baltic States embody a minimalist, externally supported model, dependent on international partnerships and targeted

prevention efforts. These disparities highlight the necessity of accounting for national contexts when developing a unified and coordinated EU policy to combat human trafficking. An effective Union-wide strategy must possess adequate flexibility to integrate various administrative systems while guaranteeing uniform minimum standards of protection, prosecution, and prevention among all Member States.

Criminal networks exploit the spheres of freedom, security, and justice to legitimise the global trafficking of victims (Khamzin *et al.*, 2022). They often employ lawful mobility options, such as temporary residence or work permits, and frequently rely on fraudulent documentation or identity theft to enable movement with diminished chance of detection. Upon arrival, they faced labour or sexual exploitation. For instance, when a victim travels from Lithuania through Poland to a destination in Western Europe, law enforcement agencies in each jurisdiction may lack timely intelligence or legal authority to intervene effectively, especially in the absence of clear legal infractions during the transit. The Baltic States have always been regarded as source countries for trafficking victims. Recent trends indicate that they are progressively transforming into transit and, in certain cases, destination countries, thereby complicating their national anti-trafficking strategies. While freedom of movement is not a direct catalyst for trafficking, it fosters an environment that allows trafficking networks to modify their strategies within a borderless Europe. This requires augmented surveillance systems, strengthened cross-border collaboration, and more efficient early detection measures for possible victims.

To comprehend the influence of freedom of movement on trafficking dynamics, it is beneficial to compare the national strategies of specific EU Member States. Table 1 presents a comparative analysis of the legislative frameworks, victim identification and protection methods, and the special issues faced in France, the UK, and Italy. This comparative analysis elucidates the various ways in which freedom of movement, among other legal and policy considerations, has impacted the efficacy of national anti-trafficking measures.

**Table 1.** Comparison of approaches of France, Great Britain and Italy to combating Human Trafficking

Country	Legislative regulation	Victim identification	Access to protection	Impact of freedom of movement	Specific problems
France	High compliance with EU standards	Well developed through partnership with Non-Governmental Organisation (NGO)	Guaranteed	Increased migration through open borders has made it more difficult to identify victims	Shelter overcrowding
Great Britain	Separate national law after Brexit	Complex two-step procedure (NRM)	Guaranteed, but the procedure was long	Increased controls after Brexit have reduced migrant mobility	Delays in recognising victim status
Italy	Implementation of European standards	Complicated among migrants and asylum seekers	Guaranteed	Freedom of movement facilitated the transit of victims through the country	Lack of resources for reintegration

**Source:** compiled by the author

The comparative analysis indicates that France, the UK, and Italy exhibit a collective dedication to upholding elevated standards of victim protection regarding human trafficking; yet, each nation encounters unique practical obstacles in execution. In France, the victim identification system is comparatively advanced and bolstered by inter-agency collaboration procedures. The rising influx of migrants has significantly strained social services, impacting the speed and quality of

care provided to victims. The UK, subsequent to its exit from the EU, has enhanced border control protocols. Nonetheless, it has ongoing difficulties due to procedural delays and backlogs within the National Referral Mechanism (NRM).

The complications arise chiefly from the intricate nature of the evaluation and identification procedure, which frequently delays victims' access to protection. Italy, as both a transit and destination nation for migrants, continues to

encounter a significant deficiency in resources for the reintegration of victims. Successful reintegration necessitates significant investment in housing, healthcare, legal assistance, vocational training, and employment support. The restricted financial and institutional capabilities of both governmental entities and non-governmental organisations (NGOs) significantly impede the execution of these vital programs. This, consequently, impedes initiatives to assist in the rehabilitation and sustained recovery of trafficking victims. These country disparities highlight the necessity for further harmonisation of victim protection systems throughout Europe and more vigorous interstate collaboration in tackling the intricate, transnational aspects of human trafficking.

To better understand the systemic challenges confronting individual Member States, it is useful to identify the recurring barriers in victim protection. In France, the early identification of victims of violence and abuse remains a major challenge, with studies indicating that only 20-25% of victims are identified at the initial point of contact with medical, social, or law enforcement services (INSEE, 2024). Protection procedures, including emergency protection orders and long-term support mechanisms, often face delays, with an average processing time of 4 to 8 weeks depending on the jurisdiction. Resource limitations significantly affect victim assistance: according to the report by the French National Consultative Commission on Human Rights (2022), nearly 40% of victim support organisations report insufficient funding and staff shortages. Furthermore, coordination between judicial, medical, and social services remains fragmented, leading to repeated interviews and case mismanagement. As a result, secondary victimisation affects a significant proportion of individuals – over 30% of victims report feeling re-traumatised by the justice system itself (French National Consultative Commission on Human Rights, 2022).

In the UK, identifying victims early remains a significant challenge – research has found that police data systems often lack basic victim details, hindering timely detection and referral. Once cases are flagged, protection procedures can be slow: for example, average times to charge or summons in sexual offences reached 423 days for rape and 277 days for broader sexual crimes in the year ending March 2024 (Crime outcomes..., 2025). Resources for victim support are stretched – 43% of domestic abuse survivors in England and Wales reported not reporting incidents due to lack of trust or confidence in authorities, citing overstretched services and insufficient legal aid. Coordination between agencies is also weak: major inquiries such as in Rotherham, Telford, and Rochdale have repeatedly exposed fragmented inter-agency communication, cultural barriers, and data gaps. As a direct consequence, secondary victimisation is widespread – Victim Support and academic studies highlight that insensitive interactions with police, courts, and other agencies often exacerbate trauma, with victims citing repeated interviews, disbelief, and poor risk assessments.

In Italy, the early identification of victims – especially trafficking, domestic violence, and child abuse – remains a significant challenge due to strict trafficker control, victims' fear or lack of awareness, and fragmented referral systems. Protection procedures, including restraining orders and pre-trial hearings, can take weeks or months before implementation, with specialised “special evidence pre-trial hearings” rarely invoked without NGO intervention. Resources are insufficient: although around 486 shelters operate

nationwide (with ~1,045 beds), anti-violence centres and support networks are unevenly distributed and lack comprehensive services – often missing legal, psychological, and economic aid (VICToRIIA, 2021). Coordination between authorities (judiciary, social, health, law enforcement) is weak and inconsistent across regions, lacking a unified national protocol and systematic victim referrals. Consequently, secondary victimisation remains widespread: victims report repeated interviews, re-traumatising cross-examinations, and disrespectful court treatment – often blamed for their situation or inadequately protected under procedural safeguards.

Thus, France, the UK, and Italy have systemic deficiencies in victim protection, characterised by persistent issues in early identification, procedural delays, inadequate resources, and disjointed inter-agency collaboration. These institutional deficiencies hinder access to prompt and effective protection and also lead to elevated rates of secondary victimisation, wherein victims are re-traumatised by the systems designed to assist them. Notwithstanding national disparities, a consistent pattern emerges: in the absence of comprehensive protocols, continuous funding, and trauma-informed practices, victim protection remains insufficient across these Member States.

## Discussion

The examination of the effects of freedom of movement inside the EU on the proliferation of human trafficking has uncovered significant patterns, national vulnerabilities, and systemic legal and practical obstacles. The freedom to free movement offers considerable advantages for EU residents; nonetheless, the findings indicate that it concurrently generates structural vulnerabilities that are increasingly exploited by organised trafficking networks. Open borders facilitate the unimpeded transnational movement of victims, complicating the identification of at-risk individuals, inter-state coordination, and the provision of prompt protection and support (Ismayilov *et al.*, 2024).

The comparative analysis of France, the UK, and Italy illustrates that these countries encounter the same core challenges, albeit with varying intensity: difficulties in early victim identification, prolonged protection procedures, inadequate resources, limited inter-agency coordination, and risks of secondary victimisation. Among the three, Italy – a principal transit country for migratory flows – exhibits the highest levels of concern regarding resource shortages (notably uneven service distribution and inadequate shelter capacity) and victim identification difficulties due to trafficker control and fragmented referral systems. These findings align with the research of S.R. Bell and R.W. Frank (2022), who argue that geographic proximity to migration routes and Schengen liberalisation increase exposure to trafficking risks, particularly in the southern regions of Europe. The case of the UK, which introduced stricter border controls post-Brexit, presents a contrasting yet instructive example.

Despite a reduction in cross-border migration volumes, the complexity and length of protection procedures under the National Referral Mechanism (NRM) remain a substantial issue, with average times to charge reaching 423 days for rape cases. This outcome supports the claims of D. Hernandez and A. Rudolph (2015), who contend that restrictive migration policies alone do not reduce trafficking in human beings unless supported by robust identification and support frameworks. A particularly sensitive issue in this context is

the balance between the right to freedom of movement and the need for restriction in the interest of victim protection. S.V. Prodyvus (2023) notes that international human rights standards permit the legitimate restriction of freedom of movement when such limitations are necessary to safeguard individuals at risk, especially victims of trafficking. Although the EU remains reluctant to impose such restrictions for political reasons, the study suggests that targeted measures, such as enhanced monitoring of migration flows, may be both justified and consistent with the European Convention on Human Rights (1950). Relevant in this discussion are the insights of S. Nordquist (2023), who demonstrated that state welfare policies directly influence the level of vulnerability to trafficking. Countries with more comprehensive victim support systems tend to report lower rates of secondary victimisation. This is reflected in the current study: in France, where NGOs play an integral role in victim assistance, the rate of secondary victimisation is approximately 30%, compared to over 30% in the UK and significantly higher in Italy, where institutional support remains fragmented and under-resourced. Some of the findings, however, challenge prevailing scholarly claims.

For instance, A. Sojka *et al.* (2023) argue that EU citizens are often unwilling to extend the right to freedom of movement to third-country nationals, potentially deepening structural inequalities. The present research suggests that the greater obstacle lies not in public sentiment, but rather in the institutional inability of states to promptly identify and protect vulnerable migrant groups, regardless of their citizenship status. Further insight is offered by F. Tamone (2024), who explores the application of Article 4 of the ECHR (1950) as a legal avenue to protect victims of trafficking. He argues for the strengthened judicial enforcement of victims' rights through international legal mechanisms, a direction this study affirms as essential to enhancing European anti-trafficking systems. Likewise, V. Turanjanin and J. Stanisavljević (2024), in their in-depth analysis of forced prostitution under Article 4, advocate for an evolution in legal interpretation that reflects contemporary forms of exploitation. The present findings reinforce their position: legal obligations must be translated into operational mechanisms at the national level – ranging from early identification and protection to long-term rehabilitation. In sum, the study underscores the complex interplay between freedom of movement, migration policy, legal frameworks, and victim protection systems. Addressing the root causes and systemic enablers of trafficking will require not only stronger legal instruments but also their effective implementation, coupled with a commitment to cross-border coordination, resource allocation, and judicial accountability. Strengthening national and European mechanisms to protect victims must remain a core priority in the ongoing evolution of EU policy in this area (Zhukorska, 2024).

M. Stobb and C. McDonald (2019) focus on the conditions influencing the implementation of legislative initiatives aimed at protecting victims of trafficking in EU Member States. Their study reveals that EU membership status exerts a significant “conditional effect” on the fulfilment of obligations to protect victims. The authors argue that Member States are generally more effective in implementing European obligations, as they are embedded within a common legal framework. However, the study also highlights serious challenges in ensuring effective anti-trafficking responses,

primarily due to the lack of uniform standards in the application of legal norms across different national jurisdictions. This disparity is, in part, a consequence of the EU's open-border policy, which allows criminal groups to legitimately transfer victims between states, exploiting gaps in legal protection systems (Shcherbatiuk *et al.*, 2024). In a complementary analysis, M. Počuča and J. Matijašević (2021) examine the impact of migration processes on EU security, with particular emphasis on the rise in human trafficking cases. While acknowledging that freedom of movement contributes to economic integration, the authors note that it also creates significant security vulnerabilities, including the facilitation of trafficking networks.

Migration flows, they argue, increase individual vulnerability, particularly among persons with limited access to legal assistance or protection, often due to language barriers, cultural differences, or uncertainty regarding their legal status. Furthermore, open internal borders have contributed to the expansion of trafficking transit routes, which complicates victim identification and the implementation of protective measures (Dzhuzha *et al.*, 2025). The study concludes that addressing these risks requires a holistic strategy, combining national protection frameworks with enhanced cross-border cooperation to effectively dismantle trafficking networks that exploit mobility rights within the EU. Both studies underscore the necessity of developing common standards and mechanisms for combating trafficking in human beings across the EU. While freedom of movement is a cornerstone of European integration and a tool for promoting human rights, it can also be exploited as a vector for organised crime (Oldak, 2023). Thus, it is not only the legal provisions that must be improved, but also the practices and procedures associated with their enforcement. This includes reinforcing victim identification systems, enhancing cross-border collaboration, and introducing more effective mechanisms for monitoring movement within and across Member States.

The present analysis confirmed that freedom of movement has a tangible impact on the spread of human trafficking in the EU. However, the effectiveness of national responses varies considerably. In France, social support systems are under strain due to high migrant inflows, which limits the state's capacity to provide adequate assistance. The UK, following the introduction of tighter border controls, is challenged by protracted victim recognition procedures under the National Referral Mechanism. Italy, as a critical transit country, suffers from an acute shortage of resources to support the reintegration of victims, particularly in the face of sustained migratory pressure. The findings suggest that freedom of movement without adequate control mechanisms creates enabling conditions for trafficking. However, the restriction of movement alone is not a sufficient or effective countermeasure. Instead, a comprehensive and rights-based approach is essential. This should encompass: preventive measures targeting recruitment and exploitation; streamlined identification procedures; expedited recognition of victim status; increased funding for support and reintegration programmes; and strong interagency coordination at both the national and EU levels. Moreover, the development of judicial and human rights mechanisms must align with international legal standards, ensuring that victims receive not only protection but also access to remedies, restitution, and long-term rehabilitation. These integrated efforts will enhance the resilience of Member States against trafficking

networks and uphold the foundational human rights values upon which the EU is built.

### Conclusions

This research on the influence of freedom of movement inside the EU on the proliferation of human trafficking has highlighted numerous critical aspects contributing to the issue, as well as the primary problems encountered by various EU Member States in their anti-trafficking initiatives. The analysis affirms that, although freedom of movement is a fundamental principle of the EU, it simultaneously heightens the susceptibility of migrants to exploitation. The lack of internal border controls enables the transnational mobility of victims, so complicating their identification, monitoring, and protection. The findings indicate that unregulated and uncoordinated freedom of movement can lead to unforeseen adverse effects. Effective counteraction necessitates supplementary measures in the domains of regulation, intergovernmental collaboration, and prompt intervention.

The quantitative data gathered in the study revealed notable issues specific to each country: In Italy, the primary challenges pertain to resource deficiencies and victim identification, mostly attributable to the nation's status as a significant migratory transit hub and the disparate allocation of support resources. In the UK, notwithstanding enhanced border controls following Brexit, the principal challenges persist in the protracted duration of victim recognition processes – averaging 423 days to charge in rape cases – and inadequate inter-agency coordination, as evidenced by numerous prominent inquiry outcomes. France, leveraging robust collaboration with NGOs, demonstrates comparatively more effective protection procedures. Nonetheless, systemic overburden remains a considerable obstacle to prompt help and case processing, with about 20-25% of victims recognised at the initial point of contact. The results confirm that the principle of freedom of movement inside the EU necessitates strong safeguards, including measures for: swift victim identification; immediate response and aid; and improved inter-agency collaboration across national systems.

The study also examined the Baltic States which face distinct challenges in addressing human trafficking within the framework of EU mobility. Limited financial and human resources, combined with high levels of transit migration and unclear legal status of many individuals, hinder the identification and protection of victims. In Latvia and Lithuania, weak coordination between law enforcement and social services exacerbates this problem, while the geopolitical location of these countries – bordering Russia and Belarus – further increases their importance as transit corridors for trafficking operations. Compared to larger EU Member States, the Baltic countries also face limited funding and technological capacity, particularly in the development of digital monitoring systems to track migration flows. Consequently, improving the response in these countries requires: strengthening the legal framework; enhancing interdepartmental collaboration; and allocating additional resources to support victim identification and rehabilitation programmes.

One limitation of the present study lies in the restricted geographical coverage, which does not allow for comprehensive generalisations across the entire EU. To achieve a more accurate and representative assessment, future research should seek to include a broader range of Member States and regional contexts. Additional inquiry is necessary regarding the function of digital technology in addressing human trafficking. In particular, research should focus on how data-driven tools, AI-supported monitoring, and cross-border information exchange can strengthen cooperation among technical, human rights, and law enforcement agencies.

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## Вплив свободи пересування в Європейському Союзі на поширення торгівлі людьми: правові виклики та можливості для вдосконалення контрзаходів

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**Анотація.** Метою цього дослідження було вивчення того, як реалізація свободи пересування в межах Європейського Союзу впливає на масштаби торгівлі людьми, а також визначення правових проблем, що виникають у зв'язку з цим явищем. Методологія дослідження поєднала порівняльно-правовий аналіз, контент-аналіз нормативних актів Європейського Союзу та судової практики, а також вивчення статистичних даних та тематичних досліджень щодо функціонування свободи пересування. Досліджувалися нормативні база Франції, Сполученого Королівства, Італії та країн Балтії, що дозволило виявити як спільні риси, так і відмінності в національних підходах до адаптації європейських норм. Основні результати дослідження виявили недостатню міждержавну координацію, прогалини в контролі за пересуванням осіб та залежність ефективності боротьби з торгівлею людьми від інституційного потенціалу кожної держави. Було зазначено, що свобода пересування часто використовується злочинними групами для легального переміщення жертв у межах Європейського Союзу, зокрема через канали трудової міграції або шляхом зловживання правом на проживання. Національні відповіді різняться: Франція надає перевагу міжвідомчій моделі; Сполучене Королівство застосовує підхід, заснований на кримінальному праві, що включає недержавні суб'єкти; Італія наголошує на гуманітарній підтримці жертв; а країни Балтії застосовують обмежену, мінімалістичну модель, що залежить від зовнішніх ресурсів. Практичне значення дослідження полягає в його пропозиціях щодо вдосконалення законодавства Європейського Союзу та національних рамок, зокрема, шляхом гармонізації правових підходів, створення єдиної бази даних та посилення правових гарантій для жертв

**Ключові слова:** трудова експлуатація; захист прав жертв; транскордонна злочинність; співпраця правоохоронних органів; гармонізація законодавства; боротьба із сучасним рабством