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Committee on Employment and Social Affairs

2006/2078(INI)

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OPINION

of the Committee on Employment and Social Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

on fighting trafficking in human beings - an integrated approach and proposals
for an action plan
(2006/2078(INI))

Draftswoman: Jean Lambert

SUGGESTIONS

The Committee on Employment and Social Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Welcomes the human rights based approach of the integrated approach and action plan and recognises that this requires an emphasis on the forced labour or services, slavery and slavery-like outcomes of trafficking, which need action by all legal means to combat this serious crime; this approach necessitates ensuring that trafficked persons are treated as victims and are given the necessary information, counselling, social support, the possibility of legal aid, and support for educational and occupational reintegration; stresses also the importance of an approach to the above problems centred on young people and children;
2. Considers that a non-discrimination approach to trafficking is required in addition to a human rights approach and therefore considers references to equality and non-discrimination in part five of the Commission communication to be critical;
3. Recognises that the lack of sustainable economic and social prospects, high levels of unemployment and the spectre of constantly growing poverty in certain countries of origin, the level of economic and social development existing in Europe, contribute to a climate which makes it easy for criminal organisations to profit from trafficking;
4. Notes that this situation is also encouraged by the grey areas in the Member States' labour markets, which help to foster a climate of tolerance for day-to-day abuses, creating fertile ground for all types of exploitation; therefore considers that an effective and systematic application of existing labour laws in each Member State could serve as a deterrent to criminal organisations involved in the trafficking of human beings;
5. Considers that a demand for low cost, undocumented and docile workers in the EU contributes to the illegal trade of trafficking in human beings; believes that the existence of such a workforce may drive down costs but at the expense of human dignity and that it undermines labour standards, health and safety measures, fair pay and local and/or state income through a failure to pay taxes and social contributions;
6. Considers that Member States which have not yet done so should sign and comply with relevant international Conventions, including the UN Trafficking Protocol, the Council of Europe Convention on Action against Trafficking in Human Beings, the UN Convention against Transnational Organized Crime, the UN Convention on the Rights of the Child, the UN Convention on the Protection of the Rights of all Migrant Workers and their Families, International Labour Organisation Conventions and core labour standards, in particular No 29 concerning forced labour, No 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour, and those relating to freedom of association, labour inspection and employment agencies;
7. Encourages the Member States to transpose into their national legislation as rapidly as

possible 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 authorities¹;

8. Considers that good company practice, which includes requiring sub-contractors to fulfil their contractual and legal obligations (supply-chain compliance), has an important role in reducing demand and the role of companies, as well as other social agents is vital in ensuring the application of all existing labour and social laws and in particular making sure that workers receive the benefits to which they are legally entitled; welcomes the Athens Declaration, which seeks to ensure that companies do not tolerate forced labour;
9. Takes the view that extremely severe penalties must be imposed on companies found to have been employing cheap labour supplied through human trafficking, particularly where the companies concerned have been acting fraudulently;
10. Calls on the EU to use existing and future resources to address the multiple issues surrounding trafficking; considers, in this regard, that the future EU gender Institute should address the issue of trafficking as a priority, given the high number of women who are victims of trafficking, which often leads to sexual exploitation;
11. Believes that an important role in uncovering and supporting the victims of trafficking is played by employers, trade unions, local authorities, individual citizens and NGOs and that best practice should be disseminated by an appropriate network using the broadest possible means; considers, also, that monitoring of exploitation-prone employment sectors should be carried out by agencies responsible for employment in co-operation with other agencies and social agents;
12. Recognises the need for preventative measures in the countries of origin of victims of trafficking, including police and judicial cooperation; considers that the strong support of NGOs working to support victims is important in this regard; considers that the embassies of the Member States and the third countries concerned should be involved in combating trafficking and calls on the Commission and Member States to launch a prevention campaign targeted at potential victims of trafficking, informing them about the risks and potential dangers and providing them with information as to their rights and obligations and where they can obtain assistance in countries of destination;
13. Believes that the support for victims of trafficking should be tailored to their particular needs, given that victims of trafficking do not form one homogenous group; points out, in this respect, that gender equality, and the rights of children, indigenous people and minority groups are particularly relevant as many victims or potential victims of human trafficking are women, children and individuals belonging to ethnic and minority groups who may be subject to discrimination in their place of origin;
14. Considers that the inspection and enforcement mechanisms relating to labour law should

¹ OJ L 261, 6.8.2004, p. 19.

- be strengthened in all Member States; considers also that Member States should ensure that they have the necessary legal framework in place and that the relevant mechanisms, training and adequate technical resources are there to fulfil their legal obligations, giving responsibility to officials from inspection bodies and providing them with information and awareness training to enable them to recognise victims of trafficking whose labour is being exploited; considers that a network of inspectorates relating to employment could serve a useful purpose in the exchange of best practice;
15. Recognises that the exploitation of such workers may not be immediately evident but may take such forms as the reduction of the wage received due to spurious deductions, or money appearing to be deducted for tax purposes but in fact being taken by the agent or employer: points out that the relevant authorities need to be alert to such possibilities and appropriate support, such as helplines, must be put in place;
 16. Believes that there should be coordinated thinking on trafficking at EU level; observes that EU development policy focuses on the primary objective of poverty reduction and the achievement of the Millennium Development Goals, which address fundamental factors that make persons vulnerable to trafficking, e.g. poverty, lack of access to basic and higher education, gender inequality, denial of the right of nationality, discrimination, and the lack of access to services and of equal opportunity;
 17. Recognises the need for action and coordination on the part of international bodies to gather and analyse relevant data on trafficking, including labour data in each Member State so that more effective sectoral interventions can be made; calls also on the Commission to centralise these data and keep the Parliament and the Economic and Social Committee informed on a regular basis.

PROCEDURE

Title	Fighting trafficking in human beings - an integrated approach and proposals for an action plan
Procedure number	2006/2078(INI)
Committee responsible	LIBE
Opinion by Date announced in plenary	EMPL 18.5.2006
Enhanced cooperation – date announced in plenary	
Drafts(wo)man Date appointed	Jean Lambert 1.2.2006
Previous drafts(wo)man	
Discussed in committee	21.3.2006 21.6.2006
Date adopted	22.6.2006
Result of final vote	+: 42 -: 0 0: 2
Members present for the final vote	Jan Andersson, Jean-Luc Bennahmias, Emine Bozkurt, Iles Braghetto, Alejandro Cercas, Ole Christensen, Derek Roland Clark, Luigi Cocilovo, Jean Louis Cottigny, Proinsias De Rossa, Harlem Désir, Harald Ettl, Carlo Fatuzzo, Ilda Figueiredo, Roger Helmer, Stephen Hughes, Ona Juknevičienė, Jan Jerzy Kułakowski, Sepp Kusstatscher, Jean Lambert, Raymond Langendries, Bernard Lehideux, Elizabeth Lynne, Thomas Mann, Jan Tadeusz Masiel, Ana Mato Adrover, Maria Matsouka, Ria Oomen-Ruijten, Csaba Óry, Marie Panayotopoulos-Cassiotou, Pier Antonio Panzeri, José Albino Silva Peneda, Kathy Sinnott, Anne Van Lancker, Gabriele Zimmer
Substitute(s) present for the final vote	Edit Bauer, Mihael Brejc, Françoise Castex, Dieter-Lebrecht Koch, Magda Kósáné Kovács, Marianne Mikko, Leopold Józef Rutowicz, Patrizia Toia
Substitute(s) under Rule 178(2) present for the final vote	Małgorzata Handzlik
Comments (available in one language only)	