



EUROPEAN PARLIAMENT

2014 - 2019

Committee on Civil Liberties, Justice and Home Affairs

2014/0258(NLE)

13.5.2015

DRAFT RECOMMENDATION

on the draft Council decision authorising Member States to ratify, in the interests of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation as regards Articles 1 to 4 of the Protocol with regard to matters relating to judicial cooperation in criminal matters

(06731/2015 – C8-0078/2015 – 2014/0258(NLE))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Helga Stevens

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	6

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the draft Council decision authorising Member States to ratify, in the interests of the European Union, the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organisation as regards Articles 1 to 4 of the Protocol with regard to matters relating to judicial cooperation in criminal matters (06731/2015 – C8-0078/2015 – 2014/0258(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council decision (06731/2015),
 - having regard to the request for consent submitted by the Council in accordance with Article 82(2) in conjunction with Article 218(6), second subparagraph, point (a)(v) of the Treaty on the Functioning of the European Union (C8-0078/2015),
 - having regard to Rule 99(1), first and third subparagraphs, Rule 99(2), and Rule 108(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A8-0000/2015),
1. Gives its consent to the draft Council decision,
 2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States.

EXPLANATORY STATEMENT

The Forced Labour Convention is one of the ILO's eight fundamental Conventions that make up the core international labour standards, and it is considered a human rights instrument. In adopting the Convention in 1930, the International Labour Conference called upon States to end the use of forced labour within the shortest possible period, and to criminalise the offence. Yet, more than 80 years later, the ILO estimates that globally at least 20.9 million people are victims of forced labour.

The Protocol seeks to address gaps in implementation and to make progress on preventing trafficking for labour exploitation as well as protecting and compensating victims of forced labour.

The Protocol requires ILO Member States to develop a national policy and plan of action for the effective and sustained suppression of forced labour and to take measures to apply the Protocol's provisions, in consultation with employers' and workers' organisations. It also sets out the measures that ILO Member States must take to prevent forced labour: educating and informing people, to ensure that legislation relevant to the prevention of forced labour apply to all workers and all sectors of the economy; protecting people, especially migrant workers, from potentially abusive and fraudulent recruitment and placement practices and addressing the root causes heightening the risks of forced labour.

As regards the victims the Protocol provides that effective measures are to be taken for their identification, release, protection, recovery and rehabilitation in addition to other forms of assistance and support. ILO Member States are required to ensure that all victims have access to remedies, such as compensation, and that competent authorities are entitled not to prosecute victims for unlawful activities that they have been compelled to commit.

The Protocol creates legal obligations applicable to ratifying States and can only be ratified by States that have ratified the Convention. In accordance with case law of the Court of Justice of the European Union Member States are not able to decide to ratify the Protocol outside the framework of the EU's institutions, as parts of the Protocol fall into areas of EU competence.

The draft Council Decision authorises Member States to ratify, in the interest of the EU, those parts of the Protocol that fall into areas of EU competence, and recommends them to make efforts to do so by the end of 2016.

In the view of your rapporteur the 2014 Protocol concerns fundamental rights, victims and the fight against trafficking, a crime that affects not only individuals but also the full society and the entire economy. The ratification of this protocol is an important step in the fight against trafficking and of ensuring the rights of victims of crime all over Europe. The original Forced Labour Convention entered into force almost a hundred years ago and yet it is regrettable that still millions of people across the world are subject to forced labour.

The ratification of the Protocol by the Member States will make it easier to fight against traffickers therefore your rapporteur welcomes the draft Council Decision and proposes that Parliament gives its consent, the rapporteur also encourages Member States to swiftly ratify the Protocol.