



Tougher penalties to prevent and combat trafficking in human beings

Knowingly using the sexual or other services of a trafficked person would be made a criminal offence, and penalties for traffickers would be stepped up, by amendments, tabled Thursday by the Civil Liberties and Women's Rights committees, to a draft EU directive on human trafficking. The proceeds and profits of human trafficking crime should be seized and used to support victims, add MEPs.

Several hundred thousand people are trafficked into or within the EU each year. Many victims are exploited for prostitution (43%) - overwhelmingly women and girls - or for menial labour (32%).

More rigorous prevention, prosecution of traffickers and protection of victims' rights are the key aims of the proposed directive. It lays down minimum rules for defining criminal offences and sanctions and introduces common provisions to strengthen prevention and protection.

Broader definition of exploitation

The draft directive takes a broader view of what should be considered trafficking in human beings than under framework decision of 2002 (which it is due to replace) and includes additional forms of exploitation.

MEPs in the Civil Liberties and Women's Rights committees, who voted over two hundred amendments to the text, also include in the definition of "exploitation" the use of a trafficked dependent person for begging or the illegal adoption of children (including trafficking of pregnant women for the purpose of illegal adoption of their newborn children), and trafficking with a view to forced marriages.

Knowing use of sexual or other services to become a criminal offence

MEPs say that Member States must take measures to make it a criminal offence knowingly to use the sexual or other services of victims of trafficking: "Sanctions shall be foreseen for buyers of sexual services from any trafficked person, irrespective of their nationality". In its proposal, the Commission only encourages such measures.

When the use of the service was determined by a concrete risk for the life of the users, or the service was used to aid the victim for humanitarian reasons or a person was strongly coerced into using the service, a "case by case evaluation will be needed to establish the applicability of sanctions", add MEPs.

Making the knowing use of sexual services "offered" by trafficked people a criminal offence could have a strong preventive effect on trafficking, and would be consistent with other EU legislation on penalties for employers who use trafficked labour, say MEPs.

To discourage and eliminate the demand that fosters all forms of exploitation related to trafficking in human beings, education and training, "particularly from a gender perspective", should be provided by Member States, they add.

Tougher penalties and confiscation of assets

Press release

The draft directive also aims to harmonise and stiffen penalties in the EU. MEPs want the penalties foreseen by the Commission to be increased from at least 5 to at least 6 years for offences such as exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs.

In aggravating circumstances, e.g. where such crimes are committed against particularly vulnerable victims, such as children or adults who are particularly vulnerable on grounds of gender, pregnancy, health conditions, disability, mental or psychological disorders, or the victim has been subjected to forced drug/medication usage, torture, rape or other serious forms of psychological, physical or sexual violence, the penalty should be increased from at least 10 to at least 12 years, they add.

Member States should ensure that the proceeds of crime and profits from the offences are seized and confiscated, MEPs say. These proceeds should be used to support victim assistance and protection, including compensating victims and EU trans-border law enforcement and counter-trafficking activities.

MEPs also want specific tools to be developed to prevent and tackle trafficking via cyberspace.

Broadening protection for victims

Victims should receive accommodation, medical care to help them recover and witness protection so that they are not afraid to testify against the perpetrators of crime. They should have access to free legal advice and representation - "including for the purpose of claiming compensation and asserting withheld wages" - as soon as the person has been identified as a victim of trafficking in human beings, MEPs say.

Member States should ensure that assistance and support are given to all victims of trafficking for an appropriate time "regardless of their migration status before, during and after criminal proceedings", say MEPs. A requirement not to prosecute or impose penalties upon victims is explicitly included in the text.

Once the national authorities have established that a person is a victim of trafficking in human beings, the Member State must consider issuing a residence permit, MEPs add. Member States must guarantee a safe return for trafficked persons by both the receiving state and the state of origin. Trafficked persons should be offered "alternatives to repatriation in cases where it is reasonable to conclude that such repatriation would pose a serious risk to their safety and or that there is a serious risk of being re-trafficked upon return", urge MEPs.

The committees back proposals to create a Pan-European network of organisations dealing with direct assistance and support to victims. The existing free-of-charge multilingual hotline/helpline with a single European number should be supported with the aim of providing immediate assistance to the victims. Member States should also consider the possibility of making it possible to use the free-of-charge hotline from outside the EU, add MEPs.

EU Anti-trafficking Co-ordinator

The draft directive would establish an EU Anti-trafficking Co-ordinator, to be appointed by Parliament and the Council for a 5-year term, to ensure a coherent approach against trafficking in human beings across the Member States as well as at EU level, and provide harmonised monitoring and reporting to the European institutions.

The amendments to the draft directive were approved at a joint meeting with a overwhelming majority (42 votes in favour, 1 against and 5 abstentions).

Next steps

Negotiations with the Council on the amended text will start on 14 September 2010. A date has yet to be fixed for Parliament's plenary vote, and will depend on the outcome of the negotiations, but could take place by the end on the year.

Press release

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