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REPORT

on the communication from the Commission to the Council and the European Parliament 'For further actions in the fight against trafficking in women' (COM(1998) 726 - C5-0123/1999 - 1999/2125(COS))

Committee on Women's Rights and Equal Opportunities

Rapporteur: Patsy Sørensen

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PROCEDURAL PAGE

By letter of 11 December 1998 the Commission forwarded to Parliament its communication on further actions in the fight against trafficking in women (COM(1998) 726 - 1999/2125(COS)).

At the sitting of 13 September 1999 the President of Parliament announced that she had referred this communication to the Committee on Women's Rights and Equal Opportunities as the committee responsible, and to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the Committee on Development and Cooperation for their opinions (C5-0123/1999).

The Committee on Women's Rights and Equal Opportunities had appointed Patsy Sørensen rapporteur at its meeting of 2 September 1999.

The Committee on Women's Rights and Equal Opportunities considered the Commission communication and the draft report at its meetings of 2 September 1999, 12 October 1999, 8 November 1999, 21 March 2000 and 18 April 2000.

At the last meeting it adopted the motion for a resolution unanimously.

The following were present for the vote: Maj Britt Theorin, chairperson; Marianne Eriksson and Anne E.M. Van Lancker, vice-chairperson; Patsy Sørensen, rapporteur; Armonia Bordes, Geneviève Fraisse, Cristina García-Orcóyen Tormo (for María Antonia Avilés Perea), Fiorella Ghilardotti, Koldo Gorostiaga Atxalandabaso, Lissy Gröner, Heidi Anneli Hautala, María Izquierdo Rojo (for Elena Valenciano Martínez-Orozco), Anna Karamanou, Christa Kläß, Hanja Maij-Weggen (for Maria Martens), Christa Prets, María Rodríguez Ramos, Miet Smet, Olle Schmidt (for Lone Dybkjær), Joke Swiebel.

The opinion of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs is attached. The Committee on Development and Cooperation decided not to deliver an opinion.

The report was tabled on 2 May 2000.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

MOTION FOR A RESOLUTION

Resolution of the European Parliament on the communication from the Commission to the Council and the European Parliament 'For further actions in the fight against trafficking in women'(COM(1998) 726 - C5-0123/1999 -1999/2125(COS))

The European Parliament,

- having regard to the Commission communication (COM(1998) 726 - C5-0123/99),¹
- having regard to its resolutions of 11 June 1986 on violence against women², of 14 April 1989 on the exploitation of prostitution and the traffic of human beings³, of 16 September 1993 on trade in women⁴, of 18 January 1996 on trafficking in human beings⁵ and of 16 September 1997 on the need to establish a European Union-wide campaign for zero tolerance of violence against women,⁶
- having regard to its resolution of 16 December 1997 on the Commission Communication to the Council and the European Parliament on trafficking in women for the purpose of sexual exploitation (COM(96)0567 - C4 -0638/96),⁷
- having regard to the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) of 18 December 1979, in particular Article 6 thereof, to the UN Declaration on the Elimination of Violence against Women (1993) and to the UN Convention on the Rights of the Child (1989),
- having regard to the Declaration and Platform for Action resulting from the Fourth UN World Conference on Women in Beijing in September 1995, in particular its critical concern area D,
- having regard to the Ministerial Declaration on European guidelines for effective measures to prevent and combat trafficking in women for the purpose of sexual exploitation agreed in the Hague on 24-26 April 1997, and the fact that only one Member State has appointed a national rapporteur against trafficking in women,
- having regard to the Ministerial Declaration on European guidelines for effective measures to prevent and combat trafficking in women for the purpose of sexual exploitation agreed in the Hague on 24-26 April 1997,
- having regard to the Joint action of 24 February 1997, adopted by the Council on the basis of Article K.3 of the Treaty on the European Union, concerning action to combat trafficking in human beings and sexual exploitation of children⁸, whereby the Member States agreed to review their national legislation with a view to making a number of offences criminal acts and to introduce sanctions as regards trafficking in human beings for the purpose of sexual exploitation;

¹ Not yet published in OJ.

² OJ C 176, 14.7.1986, p.73.

³ OJ C 120, 16.5.1989, p.352.

⁴ OJ C 268, 4.10.1993, p. 141.

⁵ OJ C 32, 5.2.1996, p. 88.

⁶ OJ C 304, 6.10.1997, p. 55.

⁷ OJ C 14, 19.1.1998, p.39.

⁸ OJ L 63, 4.3.97, p.2.

- having regard to the recommendation 1325 (1997) adopted by the Parliamentary Assembly of the Council of Europe on 23 April 1997,
 - having regard to the Action Plan to combat organised crime approved by the Amsterdam European Council on 16 and 17 June 1997,¹
 - having regard to the International Conference on trafficking in Women, held in Vienna on 20-21 October 1998,
 - having regard to the Action Plan on how best to implement the provisions of the Treaty of Amsterdam establishing an area of freedom, security and justice, adopted by the Vienna European Council on 3 December 1998,²
 - having regard to the European Parliament and Council Decision of 24 January 2000 adopting a programme of Community action (the Daphne programme) (2000 to 2003) on preventive measures to fight violence against children, young persons and women,³
 - having regard to the conclusions of the European Council of Tampere of 15 and 16 October 1999,
 - having regard to the Pact of Stability for South-Eastern Europe, adopted on 19 June 1999 in Cologne,
 - having regard to the resolution on trafficking in women and children adopted by the Parliamentary Assembly of the OSCE in July 1999,
 - having regard to the Draft Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime,
 - having regard to the outcome of the public Hearing of 23 February 2000 on the fight against trafficking in women,
 - having regard to Rule 47(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Women's Rights and Equal Opportunities and the opinion of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0127/2000),
- A. Whereas according to UN and IOM estimates four million people are trafficked world-wide and 500 000 victims of trafficking enter Western Europe annually; whereas according to all indicators the number of victims is on the increase and the flows from Central and Eastern European countries have dramatically increased, in addition to the already existing flow from Africa, Latin-America, the Caribbean and Asia,
- B. Points out that, as a rule, prostitution is not the result of a lifestyle choice, but is a phenomenon closely linked to the economic, social, political and cultural possibilities

¹ OJ C251, 15.8.1997, p.1

² OJ C 19, 23.01.1999

³ OJ L 34, 9.2.2000, p.1

open to women in a given social reality and, in one way or another, is forced upon those who carry it out, and that sexual exploitation is a serious crime; points out that it is therefore necessary to focus greater efforts and resources on the fight against forced prostitution and trafficking in human beings, particularly women, aimed at sexual exploitation,

- C. whereas many victims of trafficking were kidnapped by international gangs, whilst others were sold by their families or lured away with false promises of work,
- D. Whereas women and children are particularly vulnerable to this contemporary form of slavery, including sexual exploitation, where victims are deprived of any elementary right, have no legal status and are reduced, through threats and violence, to a state of extreme dependency,
- E. whereas many women who have become victims of trafficking are now living on the territory of the European Union and the great majority of them have no access whatsoever to social protection,
- F. Whereas sectors other than the sex industry are involved in trafficking in human beings in general and in trafficking in women and children in particular,
- G. Whereas trafficking in women is one branch of organised crime, with highly organised networks making huge profits from the exploitation of human beings and often being involved in other criminal activities such as drugs and weapons trafficking, with comparatively low penalties,
- H. Whereas there has been a huge increase in violence and mental cruelty suffered by the victims and in violence between competing gangs,
- I. Considers that the system of direct and indirect prohibition of prostitution used in the majority of Member States creates a black market monopolised by organised crime, which exposes those involved, particularly immigrants, to violence and marginalisation,
- J. Whereas the Treaty of Amsterdam (Article 29 TEU) has made the fight against trafficking in human beings one of the objectives for the implementation of an area of freedom, security and justice,
- K. Whereas the conclusions of the European Council of Tampere contain a clear mandate for an EU action to combat trafficking in human beings, particularly sexual exploitation of women and children, since this is one of the sectors where efforts should be focused in order to agree speedily and as a priority on common definitions, incriminations and sanctions,
- L. Whereas in the Hague ministerial declaration of 26 April 1997 the Justice ministers called on each Member State to appoint a national rapporteur to inform the government on the developments in the extent, nature and methods of trafficking in women,
- M. Whereas in Tampere the European Council confirmed its determination to tackle illegal immigration, by combating those who engage in trafficking in human beings and economic exploitation of migrants, and urged the adoption of legislation foreseeing severe sanctions against this crime,

- N. Whereas commitments and policy statements have not been adequately translated into penal legislation; whereas the lack of specific legal provisions on trafficking in women in some Member States and applicant countries and the divergent legal systems and the lack of cooperation within and between the judicial authorities in the countries of origin, transit and destination allow traffickers to operate with impunity,
- O. Whereas the lack of a common agreed definition of trafficking in human beings is a major obstacle to coherent action and policies to fight this crime,
- P. Whereas the legal international instruments available, in particular the 1949 UN Convention on the suppression of the trafficking in persons and the exploitation of the prostitution of others, are inadequate and there is no international instrument addressing all aspects of trafficking in persons; whereas, however, the perceiving of such instruments as inadequate is also due to lack of political will and commitment to give priority to these issues,
- Q. Whereas trafficking in women is a complex phenomenon and involves such aspects as human rights violations; fight against organised crime; migration and visa policies; gender inequalities; poverty and socio-economic inequalities within and between countries; remarking that a consensus exists on the need for a multidisciplinary approach involving all actors and for national and international cooperation between the origin, transit and destination countries,
- R. Whereas the European Union needs to ensure the coordination and coherence of its action within various international fora, such as the United Nations, the Council of Europe, the OSCE, the Beijing review process, the Stability Pact for South-Eastern Europe and the G8,
1. Condemns trafficking in women and children as an intolerable violation of fundamental human rights and consequently as a criminal act and stresses that such violations take place increasingly and repeatedly on the EU territory;
 2. Welcomes the Commission communication which confirms the commitment to keep high on the Union's political agenda the fight against trafficking in women and children, and expects practical actions/initiatives;
 3. Points to the links between trafficking in persons, migration and asylum policies; calls on the Commission to analyse the extent to which immigration laws and practices in the EU contribute to trafficking and calls for a specific approach to trafficking in women beyond irregular migration issues;
 4. Urges the Commission to take full advantage of all the possibilities afforded by Articles 30, 31 and 34 of the Treaty on European Union to combat trafficking in human beings for the purposes of sexual exploitation;
 5. Calls on the IGC to insert in the Treaty a clear legal basis for fighting all forms of violence against women *including trafficking in women* and to decide on the full *communitarisation* of a *European* policy on the fight against trafficking in human beings and on the related issues of migration and asylum, in particular the right of asylum in response to gender related oppression and persecution;
 6. Recommends a common EU policy focused on legal framework and law enforcement

response, repression and punishment of offenders, as well as prevention and protection of and support to the victims;

7. Believes that a clear and harmonised definition of trafficking is a pre-condition for effectively countering trafficking in women and that such definition should cover all slavery-like practices besides forced prostitution and sexual exploitation, e.g. forced labour and forced marriage;
8. Calls on the Member States and applicant countries
 - to define trafficking in women, and related slavery-like practices, as a crime in their legislation and to ensure enforcement of existing laws,
 - to improve coordination at national level and set up a central authority to deal with trafficking and related crimes,
 - to set up or reinforce special anti-trafficking police units,
 - to improve their report mechanisms and cooperation between countries of origin, transit and destination, Europol and Interpol, in investigation and judicial processes with a view to detecting and dismantling networks active in trafficking and other criminal activities, with particular attention to money laundering,
 - to report yearly on progress achieved in the above-mentioned areas;
9. Calls on the Commission, further to the poor implementation of the 1997 Joint Action and in line with the conclusions of Tampere, to make specific proposals towards the harmonisation of national laws and methods of detection and prosecution, with a view to ensuring
 - a harmonised definition of the trafficking in human beings, whereby this crime is categorised in the same way in all Member States,
 - effective, proportional and dissuasive sanctions against traffickers,
 - extraterritoriality jurisdiction and extradition for the crime of trafficking in human beings,
 - seizure of the proceeds of criminal activities and legal scope for compensation and reparations for victims for the financial, physical and psychological harm they have suffered,
 - non-criminalisation of trafficked persons, including non-criminalisation for the use of forged visas or documents made as a result of their ordeal, together with a ban on any form of internment of victims in detention centres,
 - measures to protect victims and witnesses, and the families of witnesses, not least in the country of origin and guaranteed safety for women acting as witnesses or wishing to testify,
 - the possibility for NGOs to bring court actions on behalf of the victim;
 - the reversal of the burden of proof in court actions on trafficking charges, so that it rests with the alleged trafficker in a way that complies with national constitutions,
 - that the circumstances of victims of trafficking should not constitute grounds for an investigation of their background or of public or private documents, and can in no event be used against them, their families or their close relations, particularly when they freely exercise their rights as regards freedom of movement, establishment and seeking gainful employment,
 - strict confidentiality in medical and psychological tests, which may be conducted only at the request of the person concerned and must be preceded and followed by proper counselling,
 - an analysis of trafficking and the existing instruments for combating it, including

- specific data and estimates – number, origin, age and sex of persons involved, comparison of criminal law,
 - a detailed examination of the difficulties encountered in identifying and dismantling networks and detecting any links between different mafia organisations,
 - a specific evaluation of police cooperation and cooperation with non-member countries, in particular candidate countries, and an overview of arrangements for victim support,
 - an estimate of the budgetary resources required to implement the support measures required at European Union level;
10. Stresses the key role of Europol in crime prevention, analyses and investigation, and calls on the Council to provide the necessary support and resources and urges the Commission, in cooperation with the Member States, to strengthen Europol's resources, both personnel and financial, so that it can combat trafficking in women;
11. Calls on Member States to adequately tackle the tendency to use new technologies, in particular the Internet, for the circulation of supply and demand information by trafficking networks including sale of women by mail order;
12. Calls on the Commission, in cooperation with the Member States and the applicant countries, to take immediate and effective measures in the following areas:
- collection, analysis and exchange of compatible data between the various actors, including NGOs;
 - research to address the underlying causes in the origin countries, notably poverty, socio-economic conditions, the unequal status of women; the profile and the motives of the actors, especially the victims;
 - research on the market mechanisms of demand and supply in trafficking in women and sex tourism;
 - information and prevention campaigns aimed at potential victims and government officials in the origin and transit countries;
 - development of a global warning system to monitor probable refugee and migrant movements in order to take primary action to prevent trafficking in women and children;
 - information and awareness-raising activities with a view to reducing the demand side;
 - promoting or reinforcing networks and partnerships between the police, judicial and social authorities and NGOs;
 - training for police, prosecutors, judicial authorities and staff of embassies, consulates and migration offices with a view to identifying potential victims;
 - exchange of best practices;
 - and to issue an annual report, which is readily accessible to members of the general public, on progress in these areas.
13. Calls on Interpol to publish regularly, starting by the end of 2000, overviews on legislation and penalties relating to forced prostitution and trafficking in women and on police methods in the fight against trafficking to be reviewed and supplemented with information on all Member States and candidate countries;
14. Calls on all Member States to act on the Hague Declaration and to appoint without delay a national rapporteur on trafficking in women;

15. Calls on the Council, in cooperation with the Member States, to assign a liaison officer to one embassy of the Member States in the applicant countries and countries of origin for trafficking in women and children;
16. Draws attention to the emergence of new trends in trafficking and to the situation of women in conflict and post-conflict areas, where political, social and economic disruption and a large international presence create conditions in which trafficking can flourish and calls on the international organisations to sensibilise staff deployed in those areas;
17. Calls on the Member States, in cooperation with local/regional authorities and NGOs, to provide to victims of trafficking of insufficient means, free of charge:
 - suitable housing which meets the appropriate security requirements,
 - medical and psychological care, together with access to all social and health services,
 - legal counselling and the services of a competent translator in the event of administrative or legal proceedings,
 - financial help, assistance in finding employment, vocational training,
 - safe and voluntary re-integration in their country of origin or integration in the country of residence or final destination,
 - Points out that people who are sexually exploited must be regarded as victims and that, in view of the great difficulty they have in escaping sexual exploitation, both the Union and the Member States must take the measures necessary for their reintegration; through the use of Community resources and the development of programmes for combating social exclusion, as well as through special measures for the reintegration of female prostitutes;
18. Calls on the Commission to add to the measures proposed:
 - an initiative to encourage, as part of its legitimate multidisciplinary approach, cooperation between all those who are in a position to help the victims of trafficking in men and women, such as NGOs working in this field and judicial and police authorities in the Member States and in the applicant countries, Europol and Interpol;
19. Stresses the vital role played by NGOs; calls on governments and on the Commission to adopt measures to build capacity and support emerging local NGOs, in particular in the applicant countries;
20. Believes that the countries of destination should grant temporary residence permits to victims of trafficking in human beings, regardless of whether or not they wish to testify subsequently in court that they have been victims of trafficking; furthermore, calls on the Member States to grant, in the framework of readmission agreements, a special permanent residence permit on humanitarian grounds to women victims of trafficking; suggests that NGOs with established credentials in assisting women victims of trafficking be authorised to give their opinions as to whether or not residence permits should be issued;
21. Welcomes the intention of the Commission to present, before the end of the Portuguese presidency, a proposal for legislative measures for victims;

22. Believes that victims of persecution on grounds of gender and, more specifically, of trafficking in human beings, should be eligible for refugee status;
23. Calls on the Commission
 - to evaluate its current actions concerning prevention and reception facilities for victims, to review preventive measures and reception facilities in the Member States and candidate countries and to list sticking points/key issues in these areas;
 - to present a proposal for the renewal of the STOP programme, expanded to include the applicant countries of the EU, with adequate funding;
 - to implement the Daphne programme 2000-2003 according to the priorities stated in the EP reports and to ensure coordination with Tacis and Phare and other relevant Community programmes (Grotius, Odysseus, Oisin, Socrates), with a view to end trafficking at source by making appropriate adjustments to legislation and strengthening NGOs in the applicant countries;
 - to initiate, in cooperation with the Member States, a pluriannual campaign including information campaigns in the countries of origin of the victims against trafficking in women which targets public opinion, the media, and primarily the male population, in concertation with the Council of Europe and NGOs, which is also to be conducted through the European Union's contacts with non-member countries;
24. Calls on the Commission in particular to extend the proposals it envisages presenting, firstly, to trafficking in human beings in general, so as to include trafficking in men and children and, secondly, to trafficking in human beings who are nationals of the Member States of the European Union;-
25. Stresses that an effective EU policy to combat trafficking and violence against women requires adequate funding and demands that sufficient resources be allocated to the EU budget;
26. Calls on the Commission and the Council
 - to link the enlargement process to the implementation of effective instruments in preventing and combating trafficking in the applicant countries,
 - to link cooperation agreements between the applicant countries and Europol to the fulfilment of specific criteria for policing trafficking in these countries;
27. Draws attention to origin regions such as the ACP, Latin America and Asia; calls on the Commission and the Member States to address the underlying causes through gender specific poverty programmes and development cooperation instruments ensuring sustainable and community-based development and to organise information campaigns;
28. Calls on the Commission, the Council and the governments of the signatory states to take account of the need to adjust legislation and the clampdown on trafficking in human beings in the countries of origin when verifying the implementation of the democracy clause within the context of cooperation agreements;
29. Calls on the Council to appoint a EU rapporteur on trafficking;
30. Calls on the Commission to focus, in the negotiations on the UN trafficking Protocol, on the definition of trafficking, its recognition as a national and international crime and on coherence with national legislation and existing treaties;

31. Calls on the European Union to provide the initiative for a UN convention on the punishment of persons who instigate, organise or perpetrate any form of trafficking in human beings;
32. Recommends that the European Parliament's interparliamentary delegations hold regular talks on the problem of trafficking in human beings at the meetings they have with members of other parliaments and representatives of civil society;
33. Calls on the media, through its code of good practice, to limit or refuse publicity for the sex trade, with a view to making it as difficult as possible for networks engaged in trafficking in women to operate;
34. Stresses that the International Criminal Court could be an effective instrument for combating trafficking in human beings and calls on the Member States to ratify the Convention on the International Criminal Court;
35. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of Member States and applicant countries.

EXPLANATORY STATEMENT

Background

The communication from the Commission to the Council and the European Parliament concerning trafficking in women and entitled *For further actions in the fight against trafficking in women* (COM(1998) 726 final) emerged after a statement by Parliament with a request for a report before 1 January 1999 on the follow-up to the recommendations contained in the earlier communication of 20 November 1996 on *Trafficking in women for the purpose of sexual exploitation* (COM(96) 567 final). Since the latter communication, efforts by the Council, Parliament, the Commission and European NGOs have resulted in greater awareness of this unacceptable form of violation of women's human rights. Despite good intentions and the efforts made, it was found that large numbers of women were smuggled into EU countries and became victims of trafficking in women. This trafficking was accompanied by enforced prostitution in conditions akin to slavery. It was found that trafficking in women was an area in which international criminal organisations were predominantly operating, that new networks constantly emerged and that methods used became increasingly violent.

Evaluation

The Commission's communication reflects the current situation in the fight against trafficking in women, reports on the sticking points, discusses new initiatives and links them to the strengthening of the measures that have hitherto been taken.

The political premises of the Commission are

- placing trafficking in women at the top of the political agenda to alert everyone to the correct application of the current legal requirements;
- international cooperation (in and outside Europe) would be strengthened in cooperation with NGOs and governments of countries of origin, transit and destination;
- the multidisciplinary approach would be given fresh momentum in the areas of prevention, research, effective prosecution under criminal law and help for the victims;
- having regard to the enlargement of the EU, candidate countries would take necessary measures in cooperation with the EU.

The sticking points referred to in communication COM(1998) 726 final have unfortunately not been resolved.

- There is no complete data base containing an overview of information on victims, 'trade routes', legislation, 'implementing decisions' or measures.
- The traditional flow of victims from Third World countries continues and is growing.
- There is an increase in the number of victims from Central and Eastern Europe. These countries are countries of origin, transit and destination.
- Trafficking in women is a problem that affects all Member States.
- Trafficking in women is in the hands of criminal networks.
- Trafficking in women has links to other forms of crime.
- High profits, laundering operations and fictitious companies are associated with trafficking in women.
- The 'movement' of women makes it difficult to trace victims.

The premises for the policy formulated at that time (COM(1996) 567) were:

- giving priority to assistance to victims,
- a multidisciplinary and coordinated approach: NGOs, social services, judicial authorities, migration services, law and order bodies,
- combating all the 'components' of the trade channel: recruitment, transport, managers, middlemen and clients,
- taking preventive and repressive measures,
- providing help for victims to give them an opportunity to regain their dignity and integrity,
- the cross-border nature of the problem, indicating a need for action at European level on the basis of the EC Treaty and under the third pillar of 'justice and home affairs',
- placing the fight against cross-border crime in a wider context.

Within this framework a number of **action points** attuned to the situation at that time were formulated. They concerned Achievements and further initiatives regarding co-operation and co-ordination, information, data, research work and training, Specific sectors of interest as there are migration and related issues, penal legislation and judicial co-operation, police co-operation and social assistance to victims, and Co-operation with Central and Eastern Europe, the NIS, and developing countries.

Various new initiatives were taken, and some important things were done. Worth mentioning in this context is the STOP programme, a multiannual programme financed by the Council (ECU 6.5 m over five years) that created a new framework for actions in the areas of training, information, studies and exchanges as part of a coordinated multidisciplinary approach to the problem. The aim is to promote training and cooperation between people and organisations professionally concerned with the fight against trafficking in human beings and the sexual exploitation of children (including an analysis by the International Organisation for Migration). By introducing the STOP programme, Europe reacted to the current situation, and opportunities for cooperation were created. In this context cooperative links were forged between Belgium, Italy and Albania (Kosovo). With a renewal of the STOP-programme for a five year period from 2001, and the opening to all applicant countries, Commissioner Vitorino expects impetus for improvements in legislations and administrative structures in the applicant countries, stressing that this would be an important element in their efforts to join the European Union.

The DAPHNE Programme on measures aimed to prevent violence against children, young persons and women is a new instrument, adopted last year by the Council and the Parliament in co-decision¹, will help victims of violence or sexual exploitation by providing a financial contribution of 20 million ECU in the period from 2000 to 2003. It covers all forms of violence against women and children – physical, sexual and psychological violence. Three novelties have been introduced into the new programme. It is no longer limited to NGOs and the voluntary sector, but public institutions may apply. It is open to the Central and Eastern European Applicant States, as well as to Cyprus, Malta, Turkey and the EEA/EFTA countries. Furthermore, multi-annual projects can be funded. These changes provide an added value to the effectiveness of the programme. The fact that the applicant countries can participate is crucial as the Central Eastern European countries are important origins for both victims of trafficking and perpetrators.

It is encouraging to note that the Commission intends to put forward detailed proposals in the first half of this year on the alignment of penal provisions in Member States concerning the trafficking in human beings for the purpose of sexual exploitation and especially on the granting of limited residence permits for victims willing to testify before the courts. The Committee on

¹ PE 229.156 and PE 284.545

Women's rights and Equal Opportunities welcomes this initiative as a major step forward, as it will mean that when adopted, hopefully before the end of the year, all Member States will have the same range of penalties against trafficking and the confidence of victims to testify in Courts and co-operate with authorities will be enforced. Furthermore, this new framework provisions to be adopted will then be part of the Acquis Communautaire that candidate countries will have to take on board.

The Commission is working on proposing a common approach among Member States to documentation for visa used by Member States.

Conclusions

Despite these efforts, the European problem persists. A good start has been made on improving awareness (activities of INTERPOL and EUROPOL, initiatives taken in individual Member States, Habitat projects, etc.), but priority needs to be given at European level to the harmonisation of the various national laws in this sphere and the resulting differences of methods of detection and prosecution.

It is also important for new areas of policy to be added.

The Committee on Women's Rights and Equal Opportunities believes that:

- sectors other than the sex industry are involved in trafficking in human beings in general and in trafficking in women and children in particular,
- the number of victims is continuing to rise,
- the number of minors involved is on the increase,
- children from the candidate countries in particular are ending up in prostitution in Member States,
- some Member States and candidate countries have no legislation on trafficking in women, or existing legislation is not enforced,
- there has been a huge increase in the violence suffered by the victims and between competing gangs.

Tackling trafficking in women is, of course, an ambitious undertaking. After all, a great deal of money is made in trafficking in women: it forms part of the area of activity of organised crime. The penalty for smuggling drugs, for example, is much higher than the penalty for trafficking in women. Given their illegal situation, many of the victims are unable to make themselves heard. As there are clear indications that these problems arise in the area of activity of international networks, it is important that the problems are addressed and tackled at European level. Top priority should be given to combating the skilfully organised networks who deals not only with trade in human beings but also all other sorts of criminal acts such as trade in drugs, weapons, etc. Some networks are large organisations with political and economical contacts at all levels, in both countries of origin and destination. The Committee on Women's Rights and Equal Opportunities is waiting with great interest for new Community Initiatives on money laundering, where revenues from trafficking in women is one important ingredient.

If efficient initiatives are to be taken in the fight against trafficking in women, it is of the utmost

importance that the definition of trafficking in women is harmonised and that the area of action against it is marked out. This is necessary if victims in various Member States are to be treated equally so that there may be clarity about the penalties imposed and sentences may be coordinated/balanced. The original definition of trafficking in women was as follows: *‘The transport of women from third countries into the European Union for the purpose of sexual exploitation. A distinction must be made between legal and illegal entry. Trafficking for the purpose of sexual exploitation covers women who have suffered intimidation and/or violence at the hands of their traffickers. Initial consent may not be relevant, as some enter the trafficking chain knowing that they will work as prostitutes, but are then deprived of their basic human rights, in conditions which are akin to slavery’*. This definition was extended in the recent communication to include the following

- women smuggled abroad and forced to perform commercialised sex (other than prostitution)
- women forced into marriage for the purpose of sexual commercial exploitation.

To assess the situation in each Member State and the candidate countries, it must be established what legislation applies to trafficking in women or human beings generally, what additional measures and initiatives local authorities have taken, what action NGOs have taken in this sphere, what tactics and techniques are used by police forces to detect perpetrators and to help victims at all stages and in all branches of networks that traffic in human beings. It is also very important to establish how NGOs, police forces and authorities cooperate and how international cooperation is structured (EUROPOL, EURODAC, INTERPOL, etc.).

The fight against trafficking in women has to focus on prevention, reception of victims and legislation and regulation.

Prevention

Traffickers in human beings take advantage of the vulnerable social and economic position of women. Their susceptibility is also increased by the image of the rich west that the potential victims have or is conveyed to them. They are attracted by advertisements for dancers, waitresses, club hostesses and hairdressers. Not only the women themselves are misled by false promises, but their families too. If recruited for work in discotheques and bars, they are not aware of the wretched conditions in which they will be ‘employed’.

Reception facilities for victims

The rapporteur believes that better support for victims forms a better basis for the fight against trafficking in human beings.

They are victims of violence, threats, ill treatment, incarceration and extortion, and they have to pay off considerable debts to meet the cost of their transport and documents. They are illegal residents, and the fact that they have been robbed of their money and identity documents deprives them of any hope of improving their situation. If they resist the pressure from the traffickers and pimps, they are threatened with the prospect of their families being informed of their activities as prostitutes. The power of the trafficker increases where the criminal organisation has control over several links in the network that controls the victim. The hopelessness of the victims’ situation, together with the environment in which they ‘work’, may also result in their becoming drug addicts.

Legislation and regulation

INTERPOL (International Conference on Trafficking in Women, Vienna 1998) has undertaken comparative research on legislation and penalties relating to prostitution and trafficking in women as well as on police methods and other services used in the fight against trafficking in

women for sexual purposes.

In Belgium a royal decree (KB 16.06.95) has made it possible for NGOs to take court action on behalf of victims.

In Italy and Belgium victims lodging a formal complaint against a trafficker in human beings receive a residence permit until the trial has ended.

27 March 2000

OPINION OF COMMITTEE ON CITIZENS' FREEDOMS AND RIGHTS, JUSTICE AND HOME AFFAIRS

(Rule 162 of the Rules of Procedure)

for the Committee on Women's Rights and Equal Opportunities

on the communication from the Commission to the Council and the European Parliament 'for further actions in the fight against trafficking in women' (COM(1998) 726 – C5-0123/1999 - 1999/2125(COS)) (report by Patsy Sørensen)

Draftsman: Martine Roure

PROCEDURE

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs appointed Martine Roure draftsman at its meeting of 22 March 2000.

It considered the draft opinion at its meetings of 24 February and 22 March 2000.

At the last meeting it adopted the amendments below by 17 votes to 13.

The following were present for the vote: Graham R. Watson chairman; Robert J.E. Evans, vice-chairman; Martine Roure, draftsman; Jan Andersson (for Duhamel), Mary Elizabeth Banotti, Kathalijne Maria Buitenweg (for Alima Boumediene-Thiery), Michael Cashman, Charlotte Cederschiöld, Ozan Ceyhun, Carlos Coelho, Giuseppe Di Lello Finuoli, Carlo Fatuzzo (for Rocco Buttiglione pursuant to Rule 153(2)), Francesco Fiori (for Marcello Dell'Utri pursuant to Rule 153(2)), Pernille Frahm, Anna Karamanou, Margot Keßler, Timothy Kirkhope, Ewa Klamt, Jean Lambert (for Patsy Sørensen), Baroness Sarah Ludford, Francesco Musotto (for Thierry Cornillet), Hartmut Nassauer, Arie M. Oostlander (for Daniel J. Hannan), Elena Ornella Paciotti, Hubert Pirker, Gerhard Schmid, Ingo Schmitt (for Gérard M.J. Deprez), Martin Schulz, Gianni Vattimo, Christian von Boetticher and Jan-Kees Wiebenga.

GENERAL OBSERVATIONS

Trafficking in women, the subject of the Commission communication, is one of the main areas of activity of organised crime. It is linked to forced prostitution operated by pimps, one of the modern forms of slavery. The vast majority of women who are victims of trafficking increasingly also suffer extreme violence. This is a trade in which the goods bought and sold are human beings.

The Commission paints a gloomy picture of the situation which, from the European Union point of view, is exacerbated by the fact that 'the main flow is coming from or through the candidate countries' (page 1).

The objectives of the communication are:

- to ensure that trafficking in women remains high on the political agenda of the Union and

- its Member States;
- to strengthen prevention, law enforcement and victim support;
- to send a clear message to the candidate countries;
- to recommend new initiatives.

A new element, compared with the Commission's first communication in 1996 (COM(1996) 567), is that this communication includes women taken abroad and forced into forms of commercialised sex other than prostitution, as well as women who are forced into marriage for the purposes of sexual commercial exploitation. Traffickers take advantage of the vulnerable situation of such women and lure their victims by promising them large earnings in the West; they approach women through the small ads or by direct recruitment in discothèques and bars or through marriage bureaux. Once the women arrive at their destination, they are forced to continue with prostitution because of the need to repay heavy debts or through drugs, threats, blackmail based on the threat of revelations to their families, violence or sequestration.

The communication reviews the action taken to combat this particularly vile form of exploitation:

- action upstream – for example detecting forged documents when issuing visas or on entry and identifying the part played by any trafficking network when issuing visas or carrying out checks;
- The Commission proposes programmes under ODYSSEUS and STOP.
- action downstream:

a) Legislation and judicial cooperation:

- This involves follow-up by the Member States to the joint action of February 1997, which included a guarantee of effective penalties for offences linked to sexual exploitation; criminal law should specifically address the question of sexual exploitation, which is rarely the case; victims should be able to give evidence and should be granted provisional residence status to enable them to do so, as is already the case in Belgium, Italy and the Netherlands.
- In the near future the Commission plans to present proposals on the granting of temporary residence permits to victims who are prepared to give evidence, and on witness protection.

b) Police cooperation:

- The Commission proposes that the Member States should set up specialised units or coordination units in the fight against trafficking in human beings; it also suggests that the STOP programme should promote the training of law enforcement personnel specialising in trafficking in women, in collaboration with EUROPOL.

c) Social assistance for victims:

- The Commission proposes to support the NGOs, and networking between NGOs, through the DAPHNE programme.

d) International cooperation

It is a matter of some concern that the Commission reports that 'the aggravation of the economic

situation in these countries has had a direct effect on the flow of trafficking in women' (page 16). In Central and Eastern Europe and in the countries of the former Soviet Union the 'accession partnerships' have focused in particular on developing the administrative and judicial capacities of the applicant countries.

- The Commission calls on the Member States to coordinate between themselves their positions as regards the future UN protocol on trafficking in human beings.
- It supports the setting up and development of NGOs specialising in the fight against trafficking (PHARE, TACIS) and proposes opening up the DAPHNE and STOP programmes to the applicant countries.
- It advocates stepping up the exchange of information with Russia and the Ukraine (dialogue on organised crime).

Assessment of the communication

Your draftsman welcomes the principle of the communication, its ambitious approach and the practical proposals it contains and particularly appreciates the clear commitment to a multidisciplinary and inter-pillar approach.

However, she regrets that:

- the analysis contains no specific estimates or data on trafficking or the means of combating it, and that the proposals fail to give any estimate of the budgetary resources required to implement the support measures advocated;
- insufficient emphasis is placed on poverty, which is the main reason why people are forced into prostitution,
- the communication deals only with trafficking in women, whereas we are seeing an ever-increasing number of adolescents and young men being forced into prostitution and becoming the victims of extreme violence,
- the communication confines itself to trafficking in women from outside the EU without tackling the question of trafficking in human beings who are nationals of EU Member States,
- it contains no proposals on the possibility of a specialist NGO joining proceedings as a civil party claiming damages for any victim of trafficking in human beings, a possibility that has existed in Belgium since 1995.

CONCLUSIONS

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs calls on the Committee on Women's Rights and Equal Opportunities, as the committee responsible, to incorporate the following amendments into its report:

(Amendment 1)

1. Points out that, as a rule, prostitution is not the result of a lifestyle choice, but is a phenomenon closely linked to the economic, social, political and cultural possibilities open to women in a given social reality and, in one way or another, is forced upon those who carry it out, and that sexual exploitation is a serious crime; points out that it is therefore necessary to focus greater efforts and resources on the fight against forced prostitution and trafficking in human beings, particularly women, aimed at sexual exploitation;

(Amendment 2)

2. Considers that the system of direct and indirect prohibition of prostitution used in the majority of Member States creates a black market monopolised by organised crime, which exposes those involved, particularly immigrants, to violence and marginalisation;

(Amendment 3)

3. Points out that people who are sexually exploited must be regarded as victims and that, in view of the great difficulty they have in escaping sexual exploitation, both the Union and the Member States must take the measures necessary for their reintegration; through the use of Community resources and the development of programmes for combating social exclusion, as well as through special measures for the reintegration of female prostitutes.

(Amendment 4)

4. Urges that, as soon as possible and with a view to making specific proposals, which must be based on a detailed analysis, the Commission should flesh out its communication with:
 - an analysis of trafficking and the existing instruments for combating it, including specific data and estimates – number, origin, age and sex of persons involved, comparison of criminal law;
 - a detailed examination of the difficulties encountered in identifying and dismantling networks and detecting any links between different mafia organisations;
 - a specific evaluation of police cooperation and cooperation with non-member countries, in particular candidate countries, and an overview of arrangements for victim support;
 - an estimate of the budgetary resources required to implement the support measures required at European Union level;

(Amendment 5)

2. Calls on the Commission in particular to extend the proposals it envisages presenting, firstly, to trafficking in human beings in general, so as to include trafficking in men and children and, secondly, to trafficking in human beings who are nationals of the Member States of the European Union;

(Amendment 6)

6. Urges the Commission to take full advantage of all the possibilities afforded by Articles 30, 31 and 34 of the Treaty on European Union to combat trafficking in human beings for the purposes of sexual exploitation;

(Amendment 7)

7. Calls on the Commission to add to the measures proposed:
- an initiative to encourage, as part of its legitimate multidisciplinary approach, cooperation between all those who are in a position to help the victims of trafficking in men and women, such as NGOs working in this field and judicial and police authorities in the Member States and in the applicant countries, Europol and Interpol.