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## REPORT

with a proposal for a European Parliament recommendation to the Council on fighting trafficking in human beings - an integrated approach and proposals for an action plan  
(2006/2078(INI))

Committee on Civil Liberties, Justice and Home Affairs

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(\*): Enhanced cooperation between committees - Rule 47 of the Rules of Procedure

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(\*) Enhanced cooperation between committees - Rule 47 of the Rules of Procedure

## PROPOSAL FOR A EUROPEAN PARLIAMENT RECOMMENDATION TO THE COUNCIL

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

*The European Parliament,*

- having regard to the proposal for a recommendation to the Council by Barbara Kudrycka on behalf of the PPE-DE Group on fighting trafficking in human beings - an integrated approach and proposals for an action plan (B6-0613/2005),
- having regard to the 1948 Universal Declaration of Human Rights, especially to Articles 4 and 5 which highlight that the slave trade shall be prohibited in all their forms,
- having regard to the Beijing Declaration of the Fourth UN World Conference on Women, the Beijing+5 and +10 follow-up and its resolution of 10 March 2005 on the follow-up to the Fourth World Conference on Women – Platform for Action (Beijing + 10)<sup>1</sup>,
- having regard to the 1989 UN Convention on the Rights of the Child, particularly Articles 1, 7, 32, 34 and 35; and to 2000 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in particular Article 3,
- having regard to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women<sup>2</sup> (CEDAW), particularly Articles 5 and 6,
- having regard to the 2000 UN Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime,
- having regard to the International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour (1930) and No. 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour adopted by the conference at its eighty-seventh session (1999),
- having regard to the 2005 ILO "A Global Alliance Against Forced Labour" Global Report Under the Follow-up to the ILO Declaration on Fundamental principles and Rights at Work 2005,
- having regard to the 2004 US Department of State Report on "The link between

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<sup>1</sup> OJ C 320 E, 15.12.2005, p 247

<sup>2</sup> <http://www.un.org/Overview/rights.html>

prostitution and sex trafficking"<sup>1</sup>,

- having regard to the 1997 European Convention on Human Rights and Biomedicine and the Article 22 of the 2002 Additional Protocol concerning Transplantation of Organs and Tissues of Human Origin,
- having regard to the Council of Europe Convention on Action against Trafficking in Human Beings adopted by the Committee of Ministers on the 3 May 2005,
- having regard to the Council of Europe Organised Crime Situation Report 2005 - Focus on the threat of economic crime,
- having regard to the Council of Europe Recommendation 1611/2003 on trafficking in organs in Europe,
- having regard to the 2000 Charter of Fundamental Rights of the European Union<sup>2</sup>, particularly to Articles 1, 3, 4, 5 and 6,
- having regard to the Brussels Declaration on Preventing and Combating Trafficking in Human Beings adopted on 20 September 2002 at the European Conference on Preventing and Combating Trafficking in Human Beings - Global Challenge for the 21st Century,
- having regard to the Hague Programme<sup>3</sup> on freedom, security and justice that invites the Council and the Commission to develop a plan on best practices, standards and mechanism in the fight against trafficking,
- having regard to the Council Conclusions on Trafficking in Human Beings of the 2725th Justice and Home Affairs Council meeting of 27 and 28 April 2006<sup>4</sup>,
- having regard to the Council Framework Decision 2002/629/JHA on combating trafficking in human beings<sup>5</sup> adopted on 19 July 2002,
- having regard to the Council Framework Decision 2004/68/JHA on combating the sexual exploitation of children and child pornography<sup>6</sup> adopted on 22 December 2003,
- having regard to the Council Directive 2004/81/EC 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 authorities<sup>7</sup> adopted on 29 April 2004,

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<sup>1</sup> US Department of State (2004),

[http://www.humantrafficking.org/countries/eap/united\\_states/news/2005\\_05/tip\\_factsheet\\_response.html](http://www.humantrafficking.org/countries/eap/united_states/news/2005_05/tip_factsheet_response.html).

<sup>2</sup> OJ C 364, 18.2.2000

<sup>3</sup> The Hague Programme endorsed by the European Council in November 2004

<sup>4</sup> <http://www.cosilium.europa.eu>

<sup>5</sup> OJ L 203, 1.8.2002, p. 1

<sup>6</sup> OJ L 13, 20.1.2004, p. 44

<sup>7</sup> OJ L 261, 6.8.2004, p. 19

- having regard to the Report from the Commission to the Council and the European Parliament based on Article 10 of the Council Framework Decision of 19 July 2002 on combating trafficking in human beings (COM(2006)0187),
  - having regard to the Council Information 2005/C311/01 on an EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings <sup>1</sup>,
  - having regard to the Commission communication of 18 October 2005 entitled 'Fighting trafficking in human beings - an integrated approach and proposals for an action plan' (COM(2005)0514),
  - having regard to its resolution of 17 January 2006 on strategies to prevent the trafficking of women and children who are vulnerable to sexual exploitation<sup>2</sup>,
  - having regard to its resolution of 19 May 2000 on the communication from the Commission to the Council and the European Parliament 'For further actions in the fight against trafficking in women'<sup>3</sup>,
  - having regard to the report and the recommendations of 22 December 2004 of the Experts Group on Trafficking in Human Beings, set up in 2003 by the European Commission,
  - having regard to the DAPHNE programmes to combat violence against children, young people and women<sup>4</sup>,
  - having regard to Europol's reports on trafficking in human beings, particularly to its 2005 EU Organised Crime Report,<sup>5</sup>
  - having regard to Rule 114(3) and Rule 94 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Foreign Affairs, the Committee on Employment and Social Affairs and the Committee on Women's Rights and Gender Equality (A6-0368/2006),
- A. whereas trafficking in human beings is a modern form of slavery, a serious crime and a severe violation of fundamental human rights and reduces people to a state of dependency via threats, violence and humiliation,
- B. whereas trafficking in human beings is a global problem which occurs within and across national borders, regardless of whether a country is one of origin, transit or destination, and ranks as one of the most lucrative forms of international organised crime;
- C. whereas, according to the Council of Europe, trafficking in human beings represents the

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<sup>1</sup> OJ C 311, 9.12.2005

<sup>2</sup> *Texts Adopted*, 17.1.2006, P6\_TA(2006)0005

<sup>3</sup> OJ C 59, 23.2.2001, p 307

<sup>4</sup> Decision No. 293/2000/EC, Decision No. 803/2004/EC

<sup>5</sup> [www.europol.eu.int](http://www.europol.eu.int)

third largest source of income for organised crime<sup>1</sup>,

- D. whereas the measures taken so far to reduce trafficking in human beings have not yielded results in the form of a reduction in the number of victims; whereas, on the contrary, trafficking in human beings is the fastest-growing criminal activity in comparison with other forms of organised crime in the EU;
- E. whereas seven Member States have still not ratified the United Nation's International Convention against Transnational Organized Crime, ten Member States have not ratified its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, ten Member States have not ratified the UN's Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and none of the Member States has ratified the Council of Europe Convention on Action against Trafficking in Human Beings,
- F. whereas trafficking in human beings is committed not only with the purpose of sexual exploitation, but also labour exploitation, illegal adoptions, forced domestic servitude, selling organs, which means fighting trafficking must go far beyond fighting forced prostitution and take all related forms of exploitation and oppression into account,
- G. whereas human trafficking is not necessarily a gender-specific crime as men, and particularly boys, are also victims of sexual and labour exploitation; whereas, however, most victims of trafficking are still women and girls,
- H. whereas women and children are particularly vulnerable and thus run a greater risk of becoming victims of trafficking,
- I. whereas victims of trafficking, many of whom are minors, are exposed to physical and psychological violence and abuse, are denied dignity, freedom from slavery, torture and other inhuman or degrading treatment, security of the person, freedom of movement and labour rights, and often find themselves in a forced and unwanted relationship of dependency on their traffickers;
- J. whereas in spite of the fact, pursuant to the UN Convention on the Rights of the Child, each child shall be registered immediately after birth, according to UNICEF<sup>2</sup> over half of all births in the developing world - excluding China - are unregistered (more than 50 million children); whereas these invisible children, together with millions of orphans and street children are the most vulnerable to trafficking, becoming an easy prey for illegal adoption or for use in the trade of human organs; whereas conflicts, disasters and post-conflict and post-disaster situations likewise expose children to greater risks of exploitation in trafficking in human beings,
- K. whereas the causes of illegal immigration are different from those causing trafficking in human beings and therefore these issues should be treated separately,
- L. whereas the US Department of State "Trafficking in Persons Report 2005" showed that of the estimated 600 000 to 800 000 people trafficked each year, approximately 80 % are women and girls,

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<sup>1</sup> *Council of Europe Convention on action against trafficking in human beings - Explanatory Report, 2005*

<sup>2</sup> 'The State of the World's Children 2006: Excluded and invisible', UNICEF 2005

- M. whereas most women and girls who are trafficked are subjected to different kinds of exploitation, in particular sexual exploitation, which is the primary purpose for trafficking, forced labour and organ trafficking,
- N. whereas the 2005 ILO<sup>1</sup> report estimates that 80% of victims of trafficking are women and girls; whereas the report also estimates that between 40 to 50% of all victims are children; whereas, according to the report, 56% of victims specifically in forced labour are women and girls; whereas 98% of those trafficked into sexual exploitation are women and girls,
- O. whereas the 2004 London Metropolitan University report on prostitution showed that legalization of prostitution leads to an increase in organized crime, sexual abuse of children, violence against women and a substantial increase in the number of foreign women and girls trafficked into the region,
- P. whereas the 2005 TransCrime study states that there is reason to believe that the Swedish legislation criminalizing the buying of another person's body for sexual use leads to a decrease in trafficking for sexual purposes; whereas the study also states that the models that seem to “produce” more victims are “regulationism” whilst the model that seems to “produce” fewer victims is “prohibitionism”, which may to some extent be attributable to the fact that the victims become less visible and, therefore, less easily recordable as statistics; whereas the study also points out that an evaluation of the link between prostitution and trafficking for sexual exploitation should be based on more reliable figures and more comparable statistics (particularly with regard to the victims) as well as on more data concerning other factors/variables,
- Q. whereas the sex industry is based on the principle of supply and demand; whereas the 2003 IOM report recognizes that “growing consumer demand is undoubtedly one of the factors contributing to the phenomenon of forced labour in the sex industry”,
- R. whereas the UN Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, entitled, "Integration of the human rights of women and a gender perspective" states that "while the human rights of women and children are violated in many forms of trafficking, sex trafficking is a particular form of trafficking in which the human rights of women and children are violated as women and children",
- S. whereas access to the labour market of the EU is complicated or even restricted and overregulated, while at the same time there is a clear demand for labour, which factors result in illegal migration, smuggling and trafficking,
- T. whereas handling of the issue of supply of services is of high political priority; whereas the existence of labour exploitation is often widely tolerated by public opinion,
- U. whereas the demand for low cost, undocumented and docile workers in the EU contributes to the illegal trade of trafficking in human beings; whereas the existence of such a workforce may drive down costs but does so at the expense of human dignity and whereas it undermines labour standards, health and safety measures, fair pay and local

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<sup>1</sup> International Labour Organisation (2005), A global alliance against forced labour  
[http://www.ilo.org/dyn/declaris/DECLARATIONWEB.GLOBALREPORTSLIST?var\\_language=EN](http://www.ilo.org/dyn/declaris/DECLARATIONWEB.GLOBALREPORTSLIST?var_language=EN)

- and/or state income because through a failure to pay taxes and social contributions;
- V. whereas the high profits from human trafficking are often laundered, enabling other organised criminal activities, including bribery and fraud and allowing perpetrators to gain illegitimate economic, social or even political power,
  - W. whereas demand for services provided by trafficked people, in combination with poverty, social exclusion and lack of viable alternatives for decent work, is the main driving force behind trafficking in human beings, and without strengthening the political will and joint effort in order to reduce such demand, it will be almost impossible to stop or even substantially reduce trafficking<sup>1</sup>,
  - X. whereas the lack of sustainable economic and social prospects, high levels of unemployment and the spectre of constantly growing poverty in certain countries of origin, together with 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;
  - Y. whereas strengthening law enforcement by criminalising traffickers and middlemen is a crucial aspect of the fight against trafficking; whereas law enforcement should also include the possibility of confiscating the proceeds of crime; whereas it is necessary to strengthen labour inspections, including punishment of labour exploitation and illegal work; whereas the creation of a network of national labour inspections, harmonising the penalisation of labour exploitation could lead to a reduction in these offences; whereas, to ensure the effective investigation and prosecution of cases of trafficking it would be useful to set up specially equipped and trained units within the national police and prosecutors' offices,
  - Z. whereas the prompt identification of victims is crucial in the fight against trafficking,

**Addresses the following recommendations to the Council:**

**1. Legal framework and law enforcement**

- (a) trafficking in human beings must be tackled by means of a coherent policy approach (migration, gender, employment, social, development, external, neighbourhood and visa policy) and consequent criminalisation, at least reaching the standards of EU legislation in accordance with the Council Framework Decision 2002/629/JHA on Combating Trafficking in Human Beings adopted on 19 July 2002;
- (b) The Commission and Member States should adopt a strategy for implementing Council Information on an EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings (Action Plan);
- (c) the Council and Member States should strengthen the human rights-based, gender-equality and victim-centred approach in implementing the Action Plan on combating trafficking in human beings;

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<sup>1</sup> Gabal, I. Potírání obchodu s lidmi v ČR a možnosti optimalizace bezpečnostní politiky státu., Policy paper of the MHA of the Czech Republic, 2006, Praha



- (d) Considers that an anti-discrimination approach to trafficking is required in addition to a human rights approach and that, therefore, references to equality and non-discrimination are critical;
- (e) Member States should, if they have not already done so, ratify and implement all relevant international Conventions, including the UN Convention against Transnational Organized Crime, its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and Protocol Against the Smuggling of Migrants by Land, Sea and Air, the UN Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the UN Convention on the Protection of the Rights of all Migrant Workers and their Families, the Council of Europe Convention on Action against Trafficking in Human Beings, 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;
- (f) Member States should implement as soon as possible Framework Decision 2002/629/JHA and Directive 2004/81/EC and, at a minimum, ensure that victims of trafficking, whether or not they cooperate with the competent authorities during investigations and as witnesses in criminal procedures, are granted short-term residence status, including a reflection/recovery period for victims lasting no less than 30 days, and access to information on the legal and administrative procedures in a language that the victims understand, together with free legal assistance;
- (g) Member States should make full use of Council Framework Decision 2005/212/JHA on Confiscation of Crime-related Proceeds, Instrumentalities and Property<sup>1</sup> as a part of fight against trafficking in human beings;
- (h) Member States should shoulder their responsibility for victims of trafficking in human beings, by giving them the opportunity to receive assistance, either in returning to their home country if they so desire or in remaining in the Union<sup>2</sup>; they should also receive assistance and encouragement to cooperate with the competent authorities during investigations and as witnesses in criminal proceedings;
- (i) Member States should consider the introduction of mechanisms to encourage, support and protect informants who may face reprisals;
- (j) Member States should adopt measures to ensure that the identification of victims of trafficking, especially children, is carried out by trained law enforcement agency staff qualified in the prevention of trafficking by making a more consistent distinction between smuggling and trafficking in human beings; government agencies should develop guidelines to ensure that in interviewing undocumented migrants, the appropriate questions are asked to ensure that victims of trafficking can be identified as such;
- (k) Member States should minimise the risk of organ trafficking in Europe including by reducing demand, promoting organ donation more effectively, maintaining strict

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<sup>1</sup> OJ L 68, 15.3.2005, p.49, Art.3

<sup>2</sup> In accordance with opinion PE 362.828 by LIBE

legislation in regard to living unrelated donors, guaranteeing the transparency of national registers and waiting lists, establishing legal responsibility for irregularities ;

- (l) Member States should improve the analysis of the current situation by implementing uniform methods to collect comparable data related particularly to the routes of trafficking and victims' profiles in accordance with existing protocols and Community legislation on data protection;
- (m) Member States should implement consistently Article 4 of the Council Framework Decision on combating trafficking in human beings to ensure that legal persons can be held liable for offences committed for their benefit by any person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, connected with trafficking in human beings or using the services of victims of trafficking;
- (n) Member States should adopt measures to ensure that the kidnapping and transport of persons, including housing and keeping them and the transfer of control over them, is defined in law as a crime and considered an imprisonable offence;
- (o) 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;
- (p) 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;
- (q) Member States should adopt the necessary measures to ensure that the financial penalties imposed under criminal law or of an administrative nature on legal persons found guilty of trafficking shall include the confiscation or seizure of the proceeds of trafficking, with a view, as a matter of priority, to ensuring compensation and reparation for the victims for the financial, physical and psychological damage suffered;
- (r) Member States should implement mechanisms which offer integrated solutions to allow the police to tackle international trafficking in women and children for purposes of sexual exploitation, with measures for prevention, awareness-raising, education and training, assistance and protection for victims, and evaluation of the resources needed for carrying out the measures concerned;
- (s) Considers that inspection and enforcement mechanisms relating to labour law should 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 available to enable Member States 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 transnational network of inspectorates relating to employment could serve a useful purpose in the exchange of best practice and fighting labour exploitation; Member States should strengthen cooperation and coordination at an EU level in this area;

- (t) Member States should better control the activities of labour agencies and agencies for recruitment of seasonal workers; the Council should consider the networking of national labour inspections;
- (u) Member States should ensure that their consulates' staff exchange experience and receive adequate training in how to recognise visa applications which could involve human trafficking; the Council and the Commission should as soon as possible complete the development of a common Visa Information System;
- (v) the Council and the Commission should set up EU guidelines on the fight against trafficking in human beings, as a further instrument for conducting EU human rights policy;

## **2. Prevention and reducing demand**

- (w) discussion of trafficking in human beings should form part of education in schools; the provision of information to the public and the raising of public awareness of trafficking as an unacceptable crime should be recognised as vital elements in fighting trafficking;
- (x) the Commission should, no later than 2007, launch a study on the causal correlation between the various Member States' legislation on prostitution and trafficking for sexual exploitation, as envisaged by Commissioner Frattini on 8 March 2006 and as requested in Parliament's resolution of 17 January 2006; such a study should also include an assessment of the possible shifting of sex tourism to other countries as a result of prohibitionist models and how the various laws on prostitution affect both trafficking for sexual exploitation and the number of children in the sex industry; the results should subsequently be used to implement best practice for fighting trafficking in human beings for sexual exploitation;
- (y) anti-trafficking initiatives from governments or civil society, in particular practical awareness-raising campaigns, should be supported by the Commission, the Council and Member States;
- (z) the Commission should evaluate and disseminate best practices for reducing demand in the Member States for services provided by persons trafficked for the purposes of labour or sexual exploitation or any other purpose;
- (aa) Member States should implement measures to reduce demand on the basis of best practices and to encourage the business sector, in particular the tourism sector and Internet providers, to develop and adhere to codes of conduct with a view to preventing trafficking in persons;
- (ab) the Commission should establish an anti-trafficking day on the 25th of March, starting in 2007, to mark the abolition of the slave trade in many countries across the world;<sup>1</sup>
- (ac) measures should be taken to improve legal mechanisms for safe migration, to ensure access to information about safe migration opportunities and to guarantee transparency of procedures as being the best ways of reducing trafficking;

- (ad) the Commission and the Member States should, in their neighbourhood, development and aid policies, consider measures which address the root causes of trafficking in human beings in the countries of origin, including measures to encourage registration of children to reduce their vulnerability to illegal adoptions, forced marriages, trade in human organs and trafficking in minors for purposes of sexual exploitation;
- (ae) the Commission and the Member States should pay particular attention to the improper use of the new communication and information technologies for trafficking in women and children, and should promote compliance with all legal and technological initiatives that are necessary to tackle this problem;
- (af) the Commission should adopt a proposal for a Code of Conduct for officials of the EU institutions and bodies, particularly while on EU mission to third countries, similar to the 'Code of Conduct' issued by the UN; the Code should express clear disapproval of the purchase of sexual services, other forms of sexual exploitation and gender-based violence, and should contain necessary sanctions in the case of misconduct; officials should be given detailed information on the content of the Code of Conduct before being sent on a mission;
- (ag) the Council and the Commission should regularly raise trafficking in human beings in political dialogue with third countries (particularly with those countries whence come most victims of trafficking<sup>1</sup>), drawing on the human rights essential elements clause included in EU agreements with those countries;
- (ah) the Council and the Commission should follow up all allegations of trafficking of organs within the framework of the EU human rights dialogue with third countries;

### **3. Protecting victims**

- (ai) the Commission and the Member States should establish a multilingual hotline with a single European number with the aim of providing first assistance to the victims;
- (aj) Member States should take action against trafficking in human beings while respecting prostitutes and preventing discrimination against them or their further marginalisation or stigmatisation, which increases their vulnerability to trafficking and other forms of violence or abuse,
- (ak) The Council should encourage the creation of a European website with the data and pictures of the missing persons with close cooperation with national coordinators;
- (al) Member States should recognize that legalisation of prostitution facilitates the buying of sex, including from victims of trafficking,
- (am) Measures are required to ensure the protection not only of victims of sexual exploitation but also victims of labour exploitation and other types of trafficking;
- (an) The Commission and Member States should establish and implement clear European standards and guidelines on assistance and protection for victims, irrespective of their ability or willingness to act as witnesses, including special standards for the protection of

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<sup>1</sup> See the countries listed in the U.S. State Department's Trafficking in Persons Report of 5 June 2006

children's rights and a victim referral mechanism ensuring that identification of victims is an integral part of support and assistance;

- (ao) Member States should ensure access to short and/or long-term assistance to victims; this support should include, among others, specialised shelters in the first instance, with the possibility to have access to housing at a later stage, medical services and counselling, legal assistance, information on their rights and involving victims as witnesses, language and vocational training courses, cultural induction courses, financial assistance and assistance in finding work, including special legal guardianship for children;
- (ap) support for victims of trafficking should be tailored to their particular needs, given that victims of trafficking do not form a homogenous group; in this respect, gender equality, 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 have been subject to discrimination in their places of origin;
- (aq) Member States should provide victims with access to education, training programmes and the labour market as well as protection of rights during civil, criminal and administrative procedures and access to legal remedies;
- (ar) victims of trafficking should not be returned to the country of origin when it may be reasonably suspected that they may suffer further harm through stigmatization and discrimination, risk reprisals or risk being re-trafficked; stresses the importance of safe return, reintegration and social inclusion programmes for victims with full respect of victim's rights to safety and privacy, including ensuring that states are responsible, where victims are identified, for conducting individual risk assessment prior, during and after the return of a victim;
- (as) Member States should respect in their legislation as well as in their administrative practice the UN definition of the child,<sup>1</sup> i.e. every human being below the age of 18 years; decisions on a long-term solution to trafficking in children should therefore be made either by an authority with a statutory responsibility for children's welfare or by a judicial authority whose primary responsibility is to ensure the best interests of the child during the whole decision-making process;
- (at) Member States should fully implement the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption to avoid illegal adoption;
- (au) Member States should strengthen public-private partnership in the field of victim protection, including sustainable funding of their activities;

#### **4. Coordination of actions at national and EU level**

- (av) Member States should establish and strengthen national anti-trafficking coordination structures and pursue the integration of these structures into an international network;
- (aw) Underlines the importance for EU institutions and Member States to promote gender-specific prevention strategies as a key element in combating trafficking in women and

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<sup>1</sup> *Article 1, Convention on the Rights of the Child, UN, 1989*

- girls, apply gender-equality principles and eliminate the demand for all forms of exploitation, including sexual exploitation and the exploitation of domestic labour,
- (ax) the Commission should encourage and support the establishment and implementation of national plans to fight trafficking in human beings;
  - (ay) Member States should ensure financial support for special units investigating cases of trafficking in human beings;
  - (az) Coordination and cooperation between source, transit and destination countries of trafficking is paramount; the Council, the Commission and Member States should coordinate anti-trafficking strategies in order to complement the work of the United Nations, the Council of Europe, the OSCE, the International Organization for Migration, the Beijing review process, the Stability Pact for Southern Europe and the G8;
  - (ba) The Council, the Commission and Member States should continue to promote regional initiatives that complement and provide inspiration for EU-wide cooperation, e.g. the Nordic Baltic Task Force against Trafficking in Human Beings, the Southeast European Cooperative Initiative, the pan-European Budapest Process, the “5+5 dialogue” between the Western Mediterranean countries, the Mediterranean Transit Migration Dialogue, and regional action plans in Africa and the Middle East and the Economic Community of West African States region;
  - (bb) while recognising the need for a specific report dealing with trafficking in human organs and tissue, the Commission and the Council should consider human organ trafficking as part of their overall strategy to deal with human trafficking from an internal and external policy point of view;
  - (bc) the Commission and its Expert Group should initiate, promote and evaluate research into new trends of trafficking, particularly in view of the EU Action Plan against Trafficking in Human Beings;
  - (bd) the Commission and the Council should take into account the importance of early identification of victims of trafficking in human beings during the process of development of common Visa Information System and at the same time fight trafficking within the borders of each Member State and the EU as a whole;
  - (be) Member States should strengthen cooperation within the EU in fighting human trafficking by regularly involving EU bodies such as Europol, Eurojust and Frontex;
  - (bf) the Commission, the Council and the Member States should monitor the application of the democracy and human rights clause in agreements with third countries, also with reference to the legislative adaptations required in order to prosecute and fight trafficking in human beings;
  - (bg) the Financial Task Force, and especially the Working Group on Typologies, should continue the work on money laundering methods linked to trafficking in human beings;
  - (bh) a European Anti-Trafficking Network consisting of contact points designated by each Member State and by the Commission, including governmental and non-governmental agencies and covering prevention, victims' assistance, law enforcement and police and

judicial cooperation, should be established;

- (bi) the Commission and the German government should collect and analyse information gained in relation to forced prostitution and other forms of exploitation related to trafficking in human beings during the 2006 Football World Cup and share these experiences with a view to developing best practices for future events;
- (bj) Calls on the Member States to consult and work closely with NGOs and associations which are active in this field, especially by providing long-term financing for their activities;
- (bk) the Council and the Member States should encourage cooperation with NGOs working in the countries of origin, which should aim to collect data, implement activities, train social workers, and work with the mass media in order to raise public awareness of human trafficking;

Instructs its President to forward this recommendation to Council and, for information, to the Commission, the Member States and accession countries.

## EXPLANATORY STATEMENT

According to the 2005 Trafficking in Persons Report by the US Department of State Office an estimated 600 000 to 800 000 men, women and children are trafficked across international borders each year. Approximately 80% of those are women and girls and up to 50% are minors. The majority of transnational victims are trafficked with the aim of commercial sexual exploitation. Other estimations are even higher - the UN estimates over 1 million victims yearly, ILO speaks about more than 1,2 million trafficked children. The Council of Europe believes that trafficking in human beings is the third largest source of money produced by organized crime, after arms and drugs.<sup>1</sup> However, the 2005 Trafficking in Persons Report points out the alarming enslavement of people for purposes of labour exploitation too.

The estimated number of victims of trafficking in the EU is over 100 000. (However, one should deal with the statistics very carefully, because there are no reliable data concerning the trafficking of human beings). It is important to stress that the most vulnerable are women and children. "Children are particularly vulnerable to trafficking in human beings, due to their lack of experience, dependence and trust of adults, notably relatives and people in positions of authority and have fewer possibilities to escape exploitive situations."<sup>2</sup> The latest report of the UNICEF highlights the huge number of unregistered children who are the most vulnerable to trafficking.<sup>3</sup>

This report is based on the internationally accepted definition of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons. According to the Article 3, "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or removal of organs. The IOM also stresses the growing frequency of other forms of child trafficking or trafficking in families such as for begging or criminal activities.<sup>4</sup>

Even though trafficking in human beings is generally considered as a "horrendous" crime<sup>5</sup>, ratification and implementation of international conventions, mainly the COE Convention on Action against Trafficking in Human Beings as well as directives is not satisfactory and just slowly proceeding.

As the decisive part of trafficking in human beings has an international character, it is necessary to strengthen the international cooperation in the field of investigation, exchange of

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<sup>1</sup> Explanatory Report on the Council of Europe Convention on Action against Trafficking in Human Beings, 2005

<sup>2</sup> Resource book for Law Enforcement Officers on Good Practices in Combating Child Trafficking, IOM, Vienna, 2006

<sup>3</sup> The State of the World's Children 2006: Excluded and invisible, UNICEF 2005

<sup>4</sup> Ibid.

<sup>5</sup> High-level Conference on Combating Trafficking in Human Beings, Especially Women and Children: Prevention-Protection-Prosecution, Vienna, March 2006



information, identification of victims, law-enforcement and reintegration. In this cooperation Europol, Eurojust, Frontex and Police Chiefs Task Force have to play a more significant role.

International documents stress the human rights based approach, mainly focusing on victims' protection. Since seriousness of human rights abuse is not always transposed into prosecution, some doubts might occur, mainly in labour exploitation as if trafficking is considered primarily as a human rights abuse, the prosecution will weaken.<sup>1</sup>

Definitions of trafficking make a clear distinction between trafficking in human beings and smuggling. Some experts consider such a distinction as illusory; the real consequences appear often at the end. "What we know about both smuggling and trafficking suggests that it would be more accurate to view them as a continuum, shading into and out of one another across a number of dimensions".<sup>2</sup> In this context the clear identification of the victim has a very important role as it enables to distinguish trafficking from smuggling. Experiences show that police in consequence of shortages in distinguishing between the two terms, often deal with the victims of trafficking as with smuggled persons or illegal migrants.

Human trafficking includes both supply and demand forces. On the supply side are reported mainly poverty, unemployment, gender based discrimination, discrimination of minorities, lack of education, and corruption. According to some experts the main drive of trafficking is the demand. Market demand - particularly from sex-buyers - creates strong profit incentives for traffickers, boosting the growth of trafficking in human beings. The US State Department Report<sup>3</sup> stresses, that where prostitution flourishes, so does an environment that fuels trafficking in persons. Other studies emphasize the high level of tolerance towards labour exploitation of trafficked workers, as a socially accepted way of making services or goods cheaper.<sup>4</sup> It seems that without changing the tolerance and ambivalence of public opinion towards the demand of services provided by the victims of trafficking in human beings we will hardly achieve significant improvement in the fight against trafficking in human beings.

Even though comprehensive knowledge and data about the demand are missing, it seems that there is mainly helplessness, and probably also lack of political will, how to break down the demand and to make a definitive step toward a solution. Some of the reports speak even about high corruption in decision-making process about limitation of the demand.<sup>5</sup>

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<sup>1</sup> Gabal, I.: Potírání obchodu s lidmi v ČR a možnosti optimalizace bezpečnostní politiky státu, Policy paper of the MHA of the Czech Republic, 2006, Praha

<sup>2</sup> Kelly, L.: A Critical reflection in research... In: Data and research on Human Trafficking: A global survey, 2005, IOM

<sup>3</sup> Trafficking in Persons Report, June 2005, US State Department

<sup>4</sup> Gabal, I. ibid.

<sup>5</sup> Gabal, I. ibid.

## PROPOSAL FOR A RECOMMENDATION TO THE COUNCIL (B6-0613/2005)

pursuant to Rule 114(1) of the Rules of Procedure

by Barbara Kudrycka

on behalf of the PPE-DE Group

on fighting trafficking in human beings – an integrated approach and proposals for an action plan

*The European Parliament,*

- having regard to the EU and EC Treaties and the Charter of Fundamental Rights of the European Union,
  - having regard to the Commission Communication to the European Parliament and to the Council on fighting trafficking in human beings - an integrated approach and proposals for an action plan (COM(2005)0514),
  - having regard to Rule 114(1) of its Rules of Procedure,
- A. whereas trafficking of human beings violates the fundamental principle of human dignity which is the very foundation of the EU and of Member States' policy in protecting human rights,
- B. whereas the EU has already adopted measures to combat human smuggling and human trafficking according to the principles outlined in the protocols of the Palermo Convention and will take into account the principles recently established by the Council of Europe Convention on Action against Trafficking in Human Beings,
- C. whereas in 2004 the European Council recommended in the Hague Programme for strengthening freedom, security and justice that an EU plan be adopted 'with a view to the development of common standards, best practices and mechanisms to prevent and combat trafficking in human beings' (notes in section 1.7.1),
1. Addresses the following recommendations to the Council:

Recommendation 1: Human trafficking should be converted from a 'low risk – high reward enterprise for organised crime' into a high risk – low reward one. Law enforcement must use all the resources and capacity available to enforce the prohibition of human trafficking, to deprive it of any economic advantage and, where financial gain has been made, to seize and confiscate any assets. The investigation of human trafficking should be afforded the same priority as other areas of organised crime in that specialist

investigative techniques and disruption strategies should be employed;

Recommendation 2: Member States should, where necessary, speed up the transposition of Directive 2004/81/EC and take into consideration the recently concluded Council of Europe Convention on Action against Trafficking in Human Beings;

Recommendation 3: In judicial and police cooperation, Member States should ensure the necessary organisational structures, specialised personnel and adequate financial resources for their law enforcement authorities to be able effectively to combat human trafficking. Member States should ensure that national law enforcement agencies regularly involve Europol in the exchange of information, in joint operations and joint investigative teams and use the potential of Eurojust to facilitate the prosecution of traffickers;

Recommendation 4: Member States and the Commission should strengthen political dialogue with third countries bilaterally and multilaterally on the human rights dimensions of anti-trafficking policies and continue to raise the issue in relevant regional and multilateral forums;

Recommendation 5: The EU recognises the importance of taking forward a human rights and victims-centred approach. Member States should ensure that the human rights of victims of trafficking are protected fully at all stages in the process, and that appropriate referral mechanisms are in place, as necessary and in line with national practice and law, to enable the early identification and referral of trafficked persons;

Recommendation 6: Regional solutions to prevent trafficking in human beings and to ensure the safe return and reintegration of victims are essential. Member States and the Commission should continue to promote regional initiatives that complement and inspire EU-wide cooperation (inter alia the Nordic Baltic Task Force against Trafficking in Human Beings, the Southeast European Cooperative Initiative, the pan-European Budapest Process, the '5+5 dialogue' between the Western Mediterranean countries, the Mediterranean Transit Migration Dialogue and other forums/organisations);

2. Calls on its President to forward this recommendation to the Council and, for information, to the governments and parliaments of the Member States.

3.10.2006

## OPINION OF THE COMMITTEE ON FOREIGN 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))

Draftsman : Simon Coveney

### SUGGESTIONS

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its proposal for a recommendation to the Council:

- having regard to its resolution of 4 July 2006 on the amended proposal for a Council decision on the conclusion, on behalf of the European Community, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organised Crime<sup>1</sup>,
  - having regard to the results of the High-level Conference on Combating Trafficking in Human Beings held on 17 March 2006 in Vienna, and the EU Expert Conference on the Implementation of the EU Plan on Trafficking in Human Beings held on 28/29 June 2006 in Brussels,
  - having regard to the United Nations Convention Against Transnational Organised Crime (General Assembly Resolution 55/25, Annex I) and the two protocols thereto on combating trafficking in persons (Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2003) and Protocol Against the Smuggling of Migrants by Land, Sea and Air (2004),
- A. whereas the Commission has agreed further to strengthen the commitment of the EU and the Member States to fight trafficking in human beings by pursuing an integrated approach and a coordinated policy response based on respect for human rights;
- B. whereas victims of trafficking, many of whom are minors, are exposed to physical and psychological violence and abuse, are denied dignity, freedom from slavery, torture and

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<sup>1</sup> *Texts Adopted* of that date, P6\_TA(2006)0282.

other inhuman or degrading treatment, security of the person, freedom of movement and labour rights, and often find themselves in a forced and unwanted relationship of dependency on their traffickers;

- C. whereas trafficking in human beings is rapidly expanding on account of various factors, such as the easy profits made from exploitation, growing deprivation and marginalisation of the poor, lack of access to education and the labour market, discrimination, restrictive immigration laws, a lack of information about the realities and dangers of trafficking, inadequate penalties against traffickers, lack of inspections in sex establishments and the demand for services;
- D. whereas trafficking in human beings is a global problem which occurs within and across national borders, regardless of whether a country is one of origin, transit or destination, and ranks as one of the most lucrative forms of international organised crime;
- E. whereas, under the Rome Statute, the jurisdiction of the International Criminal Court extends to enslavement as a crime against humanity, and whereas, according to international law and commitments, a State which condones human trafficking or fails to take any effective measures to curb it commits a human rights violation,
- F. whereas approaches to prostitution differ from one Member State to the next, making it difficult for integrated action to be taken to combat the social problems accompanying this phenomenon and in particular hampering efforts to prevent trafficking in human beings for purposes of sexual exploitation,

Addresses the following recommendations to the Council:

### ***Legal framework and law enforcement***

1. Member States and all third countries concerned should, if they have not already done so, ratify the relevant human rights instruments, in particular the UN Convention Against Transnational Organised Crime (the first global instrument designed to combat criminal networks and to protect persons against slavery, sexual exploitation and illegal employment) and its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; ILO Conventions and core labour standards, in particular No 29 on forced labour, No 182 on the worst forms of child labour, and those relating to freedom of association, labour inspection and employment agencies; the Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which covers the transfer of human organs and illegal adoption; and the Council of Europe Convention on Action against Trafficking in Human Beings; those countries that have ratified them should pay greater attention to their implementation and enforcement;
2. The Council and Member States should regularly take action to integrate trafficking concerns into regularly scheduled multilateral meetings and take relevant action at the UN level, for example in the Human Rights Council and the General Assembly Third Committee;
3. The Council, the Commission and Member States should actively support the work of the

UN Special Rapporteur on trafficking in persons and cooperate with the OSCE, in particular the Alliance against Trafficking in Persons and the OSCE Special Representative on Combating Trafficking in Human Beings and the Council of Europe Action Programme on Children and Violence;

4. Coordination and cooperation between source, transit and destination countries of trafficking is paramount; the Council, the Commission and Member States should coordinate anti-trafficking strategies in order to complement the work of the United Nations, the Council of Europe, the OSCE, the International Organization for Migration, the Beijing review process, the Stability Pact for Southern Europe and the G8;
5. The Council, the Commission and Member States should continue to promote regional initiatives that complement and provide inspiration for EU-wide cooperation, e.g. the Nordic Baltic Task Force against Trafficking in Human Beings, the Southeast European Cooperative Initiative, the pan-European Budapest Process, the “5+5 dialogue” between the Western Mediterranean countries, the Mediterranean Transit Migration Dialogue, and regional action plans in Africa and the Middle East (MENA) and the Economic Community of West African States (ECOWAS) region;
6. The Council Presidency and the Council should ensure, within the context of current discussions on the draft directive relating thereto, that common standards and procedures in Member States on the return of third-country nationals illegally staying on their territory are adopted in full compliance with international law;
7. Member States should promote the principles of non-discrimination and proportionality and should ratify Protocol 4 to the European Convention on Human Rights prohibiting the collective expulsion of foreign nationals;
8. Member States should implement Council Directive 2004/81/EC<sup>1</sup> on residence permits in order to grant victims of trafficking the option of temporary residence, including recovery and reflection periods, and should ensure that repatriation only takes place if the safety of the individual can be guaranteed;
9. In addition to criminal investigations, administrative inspections by municipalities should be seen as a crucial enforcement tool;
10. Reliable data on the phenomenon must be collected and analysed and a typology of statistics should be developed at EU level, in relations with third countries, key international organisations and NGOs;

### ***Prevention and reducing demand***

#### ***EU action in relation to third countries***

11. The EU and its Member States should actively pursue preventive long-term anti-trafficking policies and share best practices within the framework of existing partnerships

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<sup>1</sup> 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 authorities (OJ L 261, 6.8.2004, p.

between the EU and countries of origin in order to assist the governments of the latter in addressing the root causes of trafficking and in developing policing and legislative reforms;

12. The Commission should therefore develop and assess regularly, where relevant, within the framework of Poverty Reduction Strategy Papers, Country and Regional Strategy Papers and Indicative Programmes as well as Action Plans, tailored strategies for the prevention and mitigation of trafficking in human beings, and should consider the establishment of specific experts' working groups in order to allow the parties to draw up concrete programmes in the field;
13. The Council and the Commission should regularly raise the issue in political dialogues with third countries (particularly with the most offending countries<sup>1</sup>), drawing on the human rights essential elements clause included in EU agreements with those countries;
14. The role of EC delegations in third countries is essential when it comes to making local populations aware of the dangers of human trafficking and to publicising EU policies on illegal immigration, including measures such as the boat patrols carried out by Frontex; the role of EC delegations in monitoring how such EU policies and measures are reported in local media and their impact as a potential deterrent to local traffickers must be enhanced;
15. The Council, the Commission and Member States should provide increased support for anti-trafficking initiatives within the EU and in relations with third countries through economic and development cooperation border control policy and migration control policy;
16. The Council and the Commission should develop human rights and children's rights-based prevention programmes based on close consultation and cooperation with countries of origin, transit and destination, addressing in particular factors related to poverty and social marginalisation that facilitate child trafficking, such as failure to secure birth registration or a lack of access to basic education;
17. Continuity of funding and sustainability of projects must be ensured; the Commission should strengthen financial support for projects designed to prevent trafficking in human beings, with particular regard to women and children exposed to the risk of sexual and economic exploitation, both through the new financial instrument for the protection of human rights and through geographical programmes;
18. The Community should – notably through the EU development policy, which focuses on the primary objective of poverty reduction, and achievement of the Millennium Development Goals - continue funding measures addressing factors that make persons vulnerable to trafficking, e.g. poverty, lack of access to basic and higher education, gender inequality, denial of the right to nationality, discrimination, lack of access to services and inequality of opportunity;
19. The Commission should take the steps necessary to ensure that all the measures included

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<sup>1</sup> See the countries listed in the U.S. State Department's Trafficking in Persons Report of 5 June 2006.

in the programme of financial and technical assistance to third countries in the field of migration and asylum (AENEAS) take into account efforts to combat trafficking in human beings so as to obtain tangible results in preventing and eradicating such trafficking;

20. The Council and the Commission should follow up all allegations of trafficking of harvested organs within the framework of the EU human rights dialogue with third countries;

#### ***Measures at the level of Member States and at EU level***

21. The Council and the Commission should set up EU guidelines on the fight against trafficking in human beings, as a further instrument for conducting EU human rights policy;
22. While recognising the need for a specific report dealing with trafficking in human organs and tissue, the Commission and the Council should consider human organ trafficking as part of their overall strategy to deal with human trafficking, from an internal and external policy point of view;
23. More research must be carried out into levels of trafficking and factors that fuel the demand for trafficking, including the relationship between migration policies and the demand for cheap unprotected labour, services and prostitution; the recruiters involved in trafficking in human beings cannot remain beyond the reach of the law, and special attention should be paid to countries without visa requirements; moreover, a clear distinction should be drawn between trafficking in human beings and smuggling, so as to avoid dealing with victims of trafficking on the same basis as smuggled persons or illegal migrants;
24. Member States should take the necessary steps to actively target and prosecute those who knowingly use the services of victims of trafficking, in order to reduce the demand for trafficked persons;
25. Member States should ensure that their consulates' staff exchange experience and receive adequate training in how to recognise visa applications which could involve human trafficking; the Council and the Commission should as soon as possible complete the development of a common Visa Information System;
26. Civil society must be more involved in anti-trafficking initiatives, in particular in practical awareness-raising campaigns such as Stop the Traffik, Business Travellers against Human Trafficking, Celebrate the World Cup, Fight sexual slavery (organised by PES Women), the Red Card to Forced Prostitution and other special topical programmes or campaigns run by organisations such as the European Women's Lobby or Save the Children; the Commission, the Council and Member States should lend their support to such campaigns; the Council, in close cooperation with the Commission and on the basis of an in-depth dialogue with civil society, should hold at least once a year a political debate on EU anti-trafficking policy and assess its compliance with human rights standards and the need for further action;



27. The Council and the Commission should strengthen the specific measures (as outlined at the JHA Council meeting of 27/28 April 2006) against trafficking in human beings in connection with major international and European events, including sports events, as it has been demonstrated that such events contribute to a temporary increase in trafficking; Member States holding a major international event should, prior to the event, exchange best practices on the basis of their previous experience and take action in order to enhance their cooperation, with a view to preventing and combating the increase in trafficking in human beings, notably for the purpose of sexual exploitation; the Commission must evaluate the measures carried out to combat trafficking at the FIFA World Cup in July 2006 and should improve on and maintain as appropriate those measures for other major international events;
28. A European Anti-Trafficking Network consisting of contact points designated by each Member State and by the Commission, including governmental and non-governmental agencies and covering the areas of prevention, victims' assistance, law enforcement and police and judicial cooperation, should be established;
29. The Council and Commission should take measures to reduce the financial attractiveness of goods and services whose production or provision involves the employment of victims of trafficking in human beings;
30. The Commission should include in the strategic programming for the Neighbourhood Policy the financing of initiatives to combat human trafficking networks, border surveillance and control of illegal immigration;
31. Calls on the Commission and Member States, in combination with NGOs, to launch a prevention campaign targeted at potential victims of trafficking, informing them about the risks and potential dangers and providing them with information on their rights and obligations and where they can obtain assistance in countries of destination;
32. Emphasises the importance of trafficked persons being treated as victims by Member States and being given the necessary information, counselling and social support and the possibility of legal aid;
33. Believes that an important role in uncovering and supporting the victims of trafficking is played by reputable employers, trade unions, local authorities, individual citizens and NGOs and that best practice should be disseminated through an appropriate network; 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.

## PROCEDURE

<b>Title</b>	Proposal for a European Parliament recommendation to the Council on fighting trafficking in human beings - an integrated approach and proposals for an action plan
<b>Procedure number</b>	2006/2078(INI)
<b>Committee responsible</b>	LIBE
<b>Opinion by</b> Date announced in plenary	AFET 18.5.2006
<b>Enhanced cooperation – date announced in plenary</b>	
<b>Draftsman</b> Date appointed	Simon Coveney 30.5.2006
<b>Previous drafts(wo)man</b>	
<b>Discussed in committee</b>	10.7.2006      28.8.2006      3.10.2006
<b>Date adopted</b>	3.10.2006
<b>Result of final vote</b>	+:            38 -:            0 0:            [0]
<b>Members present for the final vote</b>	Vittorio Agnoletto, Panagiotis Beglitis, Simon Coveney, Giorgos Dimitrakopoulos, Camiel Eurlings, Maciej Marian Giertych, Ana Maria Gomes, Jana Hybášková, Toomas Hendrik Ilves, Ioannis Kasoulides, Helmut Kuhne, Vytautas Landsbergis, Francisco José Millán Mon, Philippe Morillon, Pasqualina Napoletano, Raimon Obiols i Germà, Vural Öger, Justas Vincas Paleckis, Alojz Peterle, Tobias Pflüger, Michel Rocard, Libor Rouček, György Schöpflin, István Szent-Iványi, Ari Vatanen, Josef Zieleniec
<b>Substitute(s) present for the final vote</b>	Francisco Assis, Irena Belohorská, Alexandra Dobolyi, Árpád Duka-Zólyomi, Carlo Fatuzzo, Kinga Gál, Jaromír Kohlíček, Ģirts Valdis Kristovskis, Achille Occhetto, Elena Valenciano Martínez-Orozco
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Hanna Foltyn-Kubicka, Elizabeth Lynne
<b>Comments (available in one language only)</b>	

26.6.2006

## **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 proposal for a recommendation to the Council:

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 authorities<sup>1</sup>;
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;

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<sup>1</sup> OJ L 261, 6.8.2004, p. 19.

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 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

<b>Title</b>	Fighting trafficking in human beings - an integrated approach and proposals for an action plan
<b>Procedure number</b>	2006/2078(INI)
<b>Committee responsible</b>	LIBE
<b>Opinion by</b> Date announced in plenary	EMPL 18.5.2006
<b>Enhanced cooperation – date announced in plenary</b>	
<b>Drafts(wo)man</b> Date appointed	Jean Lambert 1.2.2006
<b>Previous drafts(wo)man</b>	
<b>Discussed in committee</b>	21.3.2006      21.6.2006
<b>Date adopted</b>	22.6.2006
<b>Result of final vote</b>	+:            42 -:            0 0:            2
<b>Members present for the final vote</b>	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
<b>Substitute(s) present for the final vote</b>	Edit Bauer, Mihael Brejc, Françoise Castex, Dieter-Lebrecht Koch, Magda Kósáné Kovács, Marianne Mikko, Leopold Józef Rutowicz, Patrizia Toia
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Małgorzata Handzlik
<b>Comments (available in one language only)</b>	

18.9.2006

**OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY  
(\* )**

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 (\*): Maria Carlshamre

(\* ) Enhanced cooperation between committees - Rule 47 of the Rules of Procedure

**SUGGESTIONS**

The Committee on Women's Rights and Gender Equality calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions in its proposal for a recommendation to the Council:

- having regard to the Charter of Fundamental Rights of the European Union<sup>1</sup>, in particular Article 3 thereof, which lays down the right to integrity of the person and prohibits making the human body and its parts as such a source of financial gain, and Article 5 thereof, which prohibits trafficking in human beings,
- having regard to the annual US State of Department "Trafficking in Persons Report 2005"<sup>2</sup>,
- having regard to the 2004 London Metropolitan University Report "A Critical Examination into Responses to Prostitution in Four Countries: Victoria - Australia, Ireland, the Netherlands and Sweden"<sup>3</sup>,

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<sup>1</sup> OJ C 364, 18.2.2000. p 1.

<sup>2</sup> US Department of State (2005), <http://www.state.gov/g/tip/rls/tiprpt/2005/>

<sup>3</sup> A Critical Examination of Responses to Prostitution in Four Countries: Victoria, Australia, Ireland, the Netherlands and Sweden, London Metropolitan University, February 2004  
[http://www.glasgow.gov.uk/en/YourCouncil/PolicyPlanning\\_Strategy/Corporate/Equalities/Women/Prostitution.htm](http://www.glasgow.gov.uk/en/YourCouncil/PolicyPlanning_Strategy/Corporate/Equalities/Women/Prostitution.htm)

- having regard to the 2005 TransCrime Study, financed by the European Parliament on "National Legislation on Prostitution and the Trafficking in Women and Children"<sup>1</sup>,
- having regard to the 2004 US Department of State Report on "The link between prostitution and sex trafficking"<sup>2</sup>,
- having regard to the 2003 International Organisation for Migration Report "Is Trafficking in Human Beings Demand Driven? A Multi-Country Pilot Study"<sup>3</sup>,
- having regard to the reports by Amnesty International 2004 and Anti-Slavery International 2004<sup>4</sup>, Human Rights Watch 2002<sup>5</sup>, Pomodoro 2001<sup>6</sup>,
- having regard to the 2001 Report of the ECPAT Europe Law Enforcement Group on "Trafficking in Children for Sexual Purposes From Eastern Europe to Western Europe"<sup>7</sup>,
- having regard to the Council's EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings<sup>8</sup> and to the Luxembourg Justice and Home Affairs Council conclusions on trafficking in human beings on 27 and 28 April 2006,
- having regard to the report of 31 March 2004 of UNICEF, the Office of the High Commissioner for Human Rights and the OSCE Office for Democratic Institutions and Human Rights, entitled 'Trafficking in Human Beings in South-East Europe 2004: Focus on Prevention',
- having regard to the Beijing Declaration of the Fourth UN World Conference on Women, the Beijing+5 and +10 follow-up and its resolution of 10 March 2005 on the follow-up to the Fourth World Conference on Women – Platform for Action (Beijing + 10)<sup>9</sup>,
- having regard to its resolution of 17 January 2006 on strategies to prevent the trafficking

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<sup>1</sup> <http://www.carlshamre.net/images/stories/study.pdf>

<sup>2</sup> US Department of State (2004), [http://www.humantrafficking.org/countries/eap/united\\_states/news/2005\\_05/tip\\_factsheet\\_response.html](http://www.humantrafficking.org/countries/eap/united_states/news/2005_05/tip_factsheet_response.html),

<sup>3</sup> International Organisation for Migration (2003), [http://www.iom.int/DOCUMENTS/PUBLICATION/EN/mrs\\_15\\_2003.pdf](http://www.iom.int/DOCUMENTS/PUBLICATION/EN/mrs_15_2003.pdf)

<sup>4</sup> Amnesty International and Anti-Slavery International's (2004), "Enhancing the Protection of the Rights of Trafficked Persons: Amnesty International and Anti-Slavery International's Recommendations to strengthen provisions of the July 2004 draft European Convention against Trafficking in Human Beings <http://web.amnesty.org/library/index/engior610162004>

<sup>5</sup> Human Rights Watch (2002), "A Human Rights Approach to the Rehabilitation and Reintegration into Society of Trafficked Victims", paper presented by Widney Brown, Human Rights Watch 21st Century Slavery - The Human Rights Dimension to Trafficking in Human Beings" Conference in Rome, Italy on May 15-16 <http://www.hrw.org/backgrounder/wrd/trafficked-victims.htm>

<sup>6</sup> Pomodoro, L. (2001), "Trafficking and sexual exploitation of women and children", in P. Williams and D. Vlassis (eds) Combating transnational crime: Concepts, activities and responses, Frank Cass, London.

<sup>7</sup> ECPAT Europe Law Enforcement Group (2001), [http://www.ecpat.nl/ariadne/loader.php/nl/ecpat/Rapporten/trafficking1/Trafficking\\_1\\_Introduction.pdf/](http://www.ecpat.nl/ariadne/loader.php/nl/ecpat/Rapporten/trafficking1/Trafficking_1_Introduction.pdf/)

<sup>8</sup> OJ C 311, 9.12.2005, p. 1.

<sup>9</sup> OJ C 320 E, 15.12.2005, p 247..



- of women and children who are vulnerable to sexual exploitation<sup>1</sup> ,
- having regard to its resolution of 19 May 2000 on the communication from the Commission to the Council and the European Parliament 'For further actions in the fight against trafficking in women'<sup>2</sup> ,
  - having regard to Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted<sup>3</sup> ,
  - having regard to 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 authorities<sup>4</sup> ,
  - having regard to Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings<sup>5</sup> ,
  - having regard to the Council of Europe Convention on action against trafficking in human beings,
- A. whereas the Palermo Protocol<sup>6</sup> underlines the fact that trafficking in persons is the recruitment, transportation, harbouring or receipt of a person by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits for the purpose of exploitation; whereas the crucial part of the definition of trafficking is the exploitative purpose rather than the movement from one location to another; whereas the Protocol underlines the fact that trafficking in children does not have to involve the threat or use of force or other forms of coercion; whereas the Protocol defines "child" as any person under 18 years of age,
- B. whereas trafficking in human beings particularly in women and children for sexual as well as other forms of exploitation is a modern-day form of slavery which constitutes a serious violation of basic human rights and includes cruel practices such as coercion, force, threats, humiliation, abduction, violence, sexual exploitation, deceit or fraud,
- C. whereas trafficking in human beings is one of the fastest-growing forms of organised crime globally, led by an increase in volume and profitability,
- D. whereas women and children are particularly vulnerable and thus run a greater risk of becoming victims of trafficking,

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<sup>1</sup> *Texts Adopted*, P6\_TA(2006)0005.

<sup>2</sup> OJ C 59, 23.2.2001, p 307.

<sup>3</sup> OJ L 304, 30.9.2004, p. 12.

<sup>4</sup> OJ L 261, 6.8.2004, p. 19.

<sup>5</sup> OJ L 203, 1.8.2002, p. 1.

<sup>6</sup> UN Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, November 2000, <http://www.un.org/>

- E. whereas the US Department of State "Trafficking in Persons Report 2005" showed that of the estimated 600 000 to 800 000 people trafficked each year, approximately 80 % are women and girls,
- F. whereas most women and girls who are trafficked are subjected to different kinds of exploitation, in particular sexual exploitation, which is the primary purpose for trafficking, forced labour and organ trafficking,
- G. whereas the 2005 ILO<sup>1</sup> report estimates that 80% of victims of trafficking are women and girls; whereas the report also estimates that between 40 to 50% of all victims are children; whereas, according to the report, 56% of victims specifically in forced labour are women and girls; whereas 98% of those trafficked into sexual exploitation are women and girls,
- H. whereas trafficking does not take place for the purpose of sexual exploitation only, but occurs in many other unregulated sectors of the labour market, such as domestic work, the construction sector, catering, agricultural work and sweat shops,
- I. whereas the 2004 London Metropolitan University report on prostitution showed that legalization of prostitution leads to an increase in organized crime, sexual abuse of children, violence against women and a substantial increase in the number of foreign women and girls trafficked into the region,
- J. whereas the 2005 TransCrime study states that there is reason to believe that the Swedish legislation criminalizing the buying of another person's body for sexual use leads to a decrease in trafficking for sexual purposes; whereas the study also states that the models that seem to "produce" more victims are "regulationism" whilst the model that seems to "produce" fewer victims is "prohibitionism" , which may to some extent be attributable to the fact that the victims become less visible and, therefore, less easily recordable as statistics; whereas the study also points out that an evaluation of the link between prostitution and trafficking for sexual exploitation should be based on more reliable figures and more comparable statistics (particularly with regard to the victims) as well as on more data concerning other factors/variables,
- K. whereas the 2004 US Department of State report<sup>2</sup> states that where prostitution has been legalised or tolerated, there is an increase in demand and that legalisation of prostitution opens markets for criminal enterprises,
- L. whereas various human rights organisations have noted that unlike the trades in narcotics and arms, the act of trading people is in itself a human rights abuse, in addition to being a crime,
- M. whereas trafficking in women and children is a branch of organised crime run by gangs which make huge profits and are frequently involved in other criminal activities such as drugs and arms trafficking, in comparison with which trafficking in women and children

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<sup>1</sup> International Labour Organisation (2005), A global alliance against forced labour

[http://www.ilo.org/dyn/declaris/DECLARATIONWEB.GLOBALREPORTSLIST?var\\_language=EN](http://www.ilo.org/dyn/declaris/DECLARATIONWEB.GLOBALREPORTSLIST?var_language=EN)

<sup>2</sup> US Department of State (2004),

[http://www.humantrafficking.org/countries/eap/united\\_states/news/2005\\_05/tip\\_factsheet\\_response.html](http://www.humantrafficking.org/countries/eap/united_states/news/2005_05/tip_factsheet_response.html)

carries lighter penalties,

- N. whereas the sex industry is based on the principle of supply and demand; whereas the 2003 IOM<sup>1</sup> report recognizes that “growing consumer demand is undoubtedly one of the factors contributing to the phenomenon of forced labour in the sex industry”,
- O. whereas the UN Report<sup>2</sup> of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, entitled, "Integration of the human rights of women and a gender perspective" states that "while the human rights of women and children are violated in many forms of trafficking, sex trafficking is a particular form of trafficking in which the human rights of women and children are violated as women and children",

**Addresses the following recommendations to the Council:**

- (a) Member states should deal with the problem of trafficking from a gender perspective, taking into account the fact that the great majority of victims are women,
- (b) Member States should strengthen the rights of the victims of trafficking, in particular by granting them long-term residence permits, compensatory measures and access to services (hosting structures), and provide effective and adequate protection and support for the victims through medical, psychological and legal assistance, setting up national and international telephone help lines (emergency calls) and operating in an effective manner refuges,
- (c) Urges the Member States, the Commission and the Council to implement fully the EU action plan on Trafficking in Human Beings and within this framework, calls on the Member States to implement immediately Directive 2004/81/EC.
- (d) in addition to its being necessary to point out what should be done to help the victims, there is an urgent need for Member States also to look at the choices of the men who exploit the victims,
- (e) in addition to its being necessary to point out what should be done for the protection of victims of trafficking such as adapted medical, legal and social assistance, there is an urgent need for prevention and Member States should also focus on demand and provide information through education campaigns, making the public, and in particular customers/clients, aware of the problem ,
- (f) Member States should recognize that legalisation of prostitution facilitates the buying of sex, including from victims of trafficking,
- (g) Member States should recognize that diminishing the demand for trafficking is of vital importance,

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<sup>1</sup> International Organisation for Migration (2003),

[http://www.iom.int/DOCUMENTS/PUBLICATION/EN/mrs\\_15\\_2003.pdf](http://www.iom.int/DOCUMENTS/PUBLICATION/EN/mrs_15_2003.pdf)

<sup>2</sup> Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, Sigma Huda, March 2006, [www.un.org](http://www.un.org)

- (h) during 2006 the Commission should arrange for a study to be carried out into a possible correlation between legislation on prostitution and trafficking for sexual exploitation, which also investigates the possible shifting of sex tourism to other countries as a result of prohibitionist models (Sweden),
- (i) Member States should continue to study how the various laws on prostitution affect both trafficking for sexual exploitation and the number of children in the sex industry, and subsequently use the results to implement best practice to combat trafficking in human beings for sexual exploitation,
- (j) Member States should take action against trafficking in human beings while respecting prostitutes and preventing discrimination against them or their further marginalisation or stigmatisation, which increases their vulnerability to trafficking and other forms of violence or abuse,
- (k) Member States should reinforce the prosecution of traffickers, adopt effective, proportionate and dissuasive sanctions in all cases of trafficking in human beings and take measures to prevent and fight against the growing number of cases in trafficking of minors mainly in the sex industry, taking into account the fact that any person under the age of 18 is to be considered a minor, in accordance with the UN Convention on the Rights of the Child, and the Palermo Protocol,
- (l) Member States should, in cooperation with the Commission and all relevant European and international organisations, coordinate their activities in order to develop effective strategies to prevent trafficking in human beings; such strategies should be based on an holistic approach of the trafficking dimension (victim-trafficker-client) and include adequate and permanent awareness-raising actions, exchange of information on criminal networks, trafficking itineraries and the identity of traffickers as well as cooperation between countries of origin, transit and destination,
- (m) Member States, the Council and the Commission should collect data on trafficking in human beings, launch national contact points or appoint national rapporteurs to gather, exchange, disseminate and process information on trafficking, and appoint an EU-rapporteur, who would base her or his work on that of the national rapporteurs,
- (n) Member States should recognize that both illegal and legal sexual services include severe physical and mental health risks, several studies showing that 75-85 % of prostitutes are victims of violence, including rape, and the high frequency of unprotected sex, which leads to risks of epidemics, including the spread of HIV/AIDS and other sexually transmitted infections,
- (o) the Commission and the Council should incorporate in their political dialogue with third countries the issue of trafficking in children and women and the measures needed to combat it, with cooperation between the countries of origin, transit and destination,
- (p) the Commission and Member States should provide adequate and systematic information concerning the various forms of human trafficking and its consequences, with the aim of increasing public awareness and improving the knowledge of the most vulnerable groups, such as women,

- (q) Member States should strengthen the networks for international cooperation and the police authorities' cooperation with Europol and Eurojust, and they should make the necessary adjustments to the competent authorities to enable them to monitor developments in and the current forms of the sex trade, such as via the Internet, with the focus on children,
- (r) Member States' national laws should provide for a right of victims to compensation,
- (s) Member States should take into account in their action plans the fact that trafficking in women means not only forced prostitution but also forced marriages, domestic servitude and forced labour,
- (t) Member States at high risk of becoming a country of origin, or in their bilateral or multilateral cooperation as a country of destination, should take measures to alleviate the factors that make individuals, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunities,
- (u) Calls on the Council and the Commission to establish an EU anti-trafficking day as soon as possible,
- (v) Calls on the Member States to take appropriate measures to ensure better protection of and support for victims and those at risk of becoming victims of violence against women by providing safe shelters as well as necessary assistance regarding legal advice and counselling,
- (w) Calls on the Commission and Council to take a decision on the full communitarisation of a European policy to combat trafficking in human beings and on the related topics of immigration and asylum, and specifically on a right to asylum on the grounds of gender-based repression and persecution,
- (x) Calls on the Member States to implement and enforce legislation that would strengthen the prosecution and punishment of traffickers, both natural and legal persons, (in particular, by laying down proportionate, effective and dissuasive penalties), their accomplices, authors of websites that advertise trafficking agents, persons encouraging, arranging or using sexual services from minors (the definition of whom must be the same throughout the Member States, namely, persons under 18 years of age) and persons attempting to institute such activities and to prosecute the laundering of the proceeds of trafficking,
- (y) Underlines the importance for EU institutions and Member States to promote gender-specific prevention strategies as a key element in combating trafficking in women and girls, apply gender-equality principles and eliminate the demand for all forms of exploitation, including sexual exploitation and the exploitation of domestic labour,
- (z) Calls on the Member States to ratify the Council of Europe Convention against Trafficking in human beings.

## PROCEDURE

<b>Title</b>	Proposal for a European Parliament recommendation to the Council on fighting trafficking in human beings - an integrated approach and proposals for an action plan
<b>Procedure number</b>	2006/2078(INI)
<b>Committee responsible</b>	LIBE
<b>Opinion by</b> Date announced in plenary	FEMM 6.4.2006
<b>Enhanced cooperation – date announced in plenary</b>	6.4.2006
<b>Drafts(wo)man</b> Date appointed	Maria Carlshamre 24.4.2006
<b>Previous drafts(wo)man</b>	
<b>Discussed in committee</b>	11.7.2006      13.9.2006
<b>Date adopted</b>	13.9.2006
<b>Result of final vote</b>	+:            10 -:            0 0:            10
<b>Members present for the final vote</b>	Edit Bauer, Edite Estrela, Věra Flasarová, Claire Gibault, Lissy Gröner, Anneli Jäätteenmäki, Piia-Noora Kauppi, Rodi Kratsa-Tsagaropoulou, Urszula Krupa, Astrid Lulling, Siiri Oviir, Christa Prets, Marie-Line Reynaud, Raül Romeva i Rueda, Amalia Sartori, Britta Thomsen, Eva-Britt Svensson, Anna Záborská
<b>Substitute(s) present for the final vote</b>	Ana Maria Gomes, Karin Resetarits
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	
<b>Comments (available in one language only)</b>	...



## PROCEDURE

<b>Title</b>	Proposal for a European Parliament recommendation to the Council on fighting trafficking in human beings - an integrated approach and proposals for an action plan		
<b>Procedure number</b>	2006/2078(INI)		
<b>Proposal(s) for recommendation(s) considered</b>	B6-0613/2005		
<b>Committee responsible</b> Date announced in plenary	LIBE 6.4.2006		
<b>Date of decision to draw up report</b>	13.10.2005		
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	FEMM 6.4.2006	EMPL 18.5.2006	AFET 18.5.2006
<b>Not delivering opinion(s)</b> Date of decision			
<b>Enhanced cooperation</b> Date announced in plenary	FEMM 15.6.2006		
<b>Rapporteur(s)</b> Date appointed	Edit Bauer 13.10.2005		
<b>Previous rapporteur(s)</b>			
<b>Discussed in committee</b>	4.5.2006	12.7.2006	5.10.2006
<b>Date adopted</b>	5.10.2006		
<b>Result of final vote</b>	+	34	
	-	0	
	0	1	
<b>Members present for the final vote</b>	Alexander Alvaro, Edit Bauer, Johannes Blokland, Mihael Brejc, Maria Carlshamre, Michael Cashman, Jean-Marie Cavada, Carlos Coelho, Fausto Correia, Agustín Díaz de Mera García Consuegra, Kinga Gál, Patrick Gaubert, Elly de Groen-Kouwenhoven, Lilli Gruber, Adeline Hazan, Livia Járóka, Barbara Kudrycka, Henrik Lax, Antonio Masip Hidalgo, Edith Mastenbroek, Hartmut Nassauer, Martine Roure, Inger Segelström, Manfred Weber		
<b>Substitute(s) present for the final vote</b>	Lutz Goepel, Genowefa Grabowska, Luis Herrero-Tejedor, Sophia in 't Veld, Sylvia-Yvonne Kaufmann, Viktória Mohácsi, Javier Moreno Sánchez, Marie-Line Reynaud, Bogusław Sonik		
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Jens Holm, Feleknas Uca		
<b>Date tabled</b>	24.10.2006		
<b>Comments</b> (available in one language only)			