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Committee on Foreign Affairs

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OPINION

of the Committee on Foreign Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

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))

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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 motion for a resolution:

- 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 Crime¹,
 - 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 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,

¹ *Texts Adopted* of that date, P6_TA(2006)0282.

- 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/EC¹ 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 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 countries²), 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;

¹ 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.

² See the countries listed in the U.S. State Department's Trafficking in Persons Report of 5 June 2006.

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 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

Title	Proposal for a European Parliament recommendation to the Council on fighting trafficking in human beings - an integrated approach and proposals for an action plan		
Procedure number	2006/2078(INI)		
Committee responsible	LIBE		
Opinion by Date announced in plenary	AFET 18.5.2006		
Enhanced cooperation – date announced in plenary			
Draftsman Date appointed	Simon Coveney 30.5.2006		
Previous drafts(wo)man			
Discussed in committee	10.7.2006	28.8.2006	3.10.2006
Date adopted	3.10.2006		
Result of final vote	+: -: 0:	38 0 [0]	
Members present for the final vote	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		
Substitute(s) present for the final vote	Francisco Assis, Irena Belohorská, Alexandra Dobolyi, Árpád Duka-Zólyomi, Carlo Fatuzzo, Kinga Gál, Jaromír Kohlíček, Ģirts Valdis Kristovskis, Achille Occhetto, Elena Valenciano Martínez-Orozco		
Substitute(s) under Rule 178(2) present for the final vote	Hanna Foltyn-Kubicka, Elizabeth Lynne		
Comments (available in one language only)			