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B7-0029/2010

## MOTION FOR A RESOLUTION

further to Questions for Oral Answer B7-0341/2009 and B7-0342/2009

pursuant to Rule 115(5) of the Rules of Procedure

on preventing trafficking in human beings

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**B7-0029/2010**

**European Parliament resolution on preventing trafficking in human beings**

*The European Parliament,*

- having regard to the Charter of Fundamental Rights of the European Union, particularly Articles 1, 3, 4, 5 and 6 thereof,
- having regard to the 1948 Universal Declaration of Human Rights, especially Articles 4 and 5 thereof, affirming that the slave trade shall be prohibited in all its forms,
- having regard to the 1949 United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,
- having regard to the 1989 UN Convention on the Rights of the Child, particularly Articles 1, 7, 32, 34 and 35 thereof, and to the 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 thereof,
- having regard to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), particularly Articles 5 and 6 thereof,
- 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 International Labour Organization Conventions No 29 concerning forced or compulsory labour (1930) and No 182, adopted by the ILO General Conference at its 87th session (1999), concerning the prohibition and immediate action for the elimination of the worst forms of child labour,
- having regard to the Fourth World Conference on Women held in Beijing in September 1995, the Declaration and Platform for Action adopted in Beijing and the subsequent outcome documents adopted at the United Nations Beijing +5 and Beijing +10 Special Session on further actions and initiatives to implement the Beijing Declaration and Platform for Action, adopted on 9 June 2000 and 11 March 2005 respectively,
- having regard to the 1997 European Convention on Human Rights and Biomedicine and Article 22 of the 2002 Additional Protocol thereto on Transplantation of Organs and Tissues of Human Origin,
- having regard to the UNICEF Guidelines on Protection of the Rights of Child Victims of Trafficking (2003) and the Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe (2006),
- having regard to the 2005 Council of Europe Convention on Action against Trafficking in Human Beings,

- having regard to the Council of Europe Organised Crime Situation Report 2005,
- having regard to Council of Europe Recommendation 1611/2003 on trafficking in organs in Europe,
- having regard to the Brussels Declaration on Preventing and Combating Trafficking in Human Beings, adopted on 20 September 2002,
- having regard to Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings,
- 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>1</sup>,
- 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 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 the Commission working document entitled ‘Evaluation and monitoring of the implementation of the EU Plan on best practices, standards and procedures for combating and preventing trafficking in human beings (COM(2008)0657 final),
- having regard to the Commission proposal for a Council framework decision on preventing and combating trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA (COM(2009)0136 final),
- having regard to the Roadmap for equality between women and men: 2006-2010 (COM(2006)0092), particularly the priority action aimed at eradicating gender-based violence and trafficking,
- having regard to the Stockholm Programme on an area of freedom, security and justice serving the citizen,
- having regard to the October 2009 Brussels Declaration on trafficking in human beings,
- having regard to Europol’s 2009 reports on trafficking in human beings,
- having regard to the July 2009 report of the European Union Agency for Fundamental Rights on child trafficking in the European Union,
- having regard to the United Nations Office on Drugs and Crime (UNODC) Global Report on Trafficking in Persons, of February 2009,

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<sup>1</sup> OJ L 261, 6.8.2004, pp. 19-23.

- having regard to the report of 6 February 2009 by the UN Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, and the recommendations contained therein,
  - having regard to the US Department of State Trafficking in Persons Report of June 2009,
  - having regard to its resolutions on this subject<sup>1</sup>,
  - having regard to the oral questions to the Commission on preventing trafficking in human beings and protecting victims (O-0148/2009 – B7-0341/2009, O-0149/2009 – B7-0342/2009),
  - having regard to Rules 115(5) and 110(2) of its Rules of Procedure,
- 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 an extremely profitable business for organised crime, with high profit possibilities and limited risk-taking,
  - C. whereas trafficking takes many forms, relating for example to sexual exploitation, forced labour, illegal trade in human organs, begging, illegal adoptions and domestic work,
  - D. whereas Europol's assessment for 2009 is that trafficking of women for sexual exploitation has not decreased and trafficking for forced labour is increasing,
  - E. whereas the UNODC, in its Global Report on Trafficking in Persons, records sexual exploitation as the most commonly identified form of human trafficking, followed by forced labour, and has also noted that 79% of the identified victims of trafficking are women and girls,
  - F. whereas mail-order brides can be trapped into an environment of slavery, becoming victims of sexual exploitation, forced labour, domestic work and other forms of trafficking in human beings,
  - G. whereas children are particularly vulnerable and thus at greater risk of becoming victims of trafficking in human beings,
  - H. whereas the financial and economic crisis may lead to increased trafficking in human beings, exploiting the need of potential victims to find a decent job and escape poverty,
  - I. whereas the extent and severity of this problem are alarming:
    - Europol's 2009 report on trafficking in human beings in the European Union shows that this is a business worth many millions of euros/dollars a year;

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<sup>1</sup> European Parliament resolution of 17 January 2006 on strategies to prevent the trafficking of women and children who are vulnerable to sexual exploitation; European Parliament recommendation to the Council on fighting trafficking in human beings – an integrated approach and proposals for an action plan (2006/2078(INI)).

- based on the available figures, it is reasonable to estimate that several hundred thousand people are trafficked into or within the EU every year;
  - in 2008 Eurojust opened 83 cases of trafficking in human beings, representing an increase of more than 10% in comparison with 2007 (71 cases),
- J. whereas the EU legal framework on trafficking in human beings is currently based mainly on:
- Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings, which aims to ensure a minimum degree of harmonisation of national legislation;
  - 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,
- K. whereas experience shows that this legal framework is neither sufficiently effective nor implemented adequately, and that the EU must consequently take stronger action,
- L. whereas in March 2009 the Commission presented a proposal for a framework decision on preventing and combating trafficking in human beings and protecting victims, repealing Framework Decision 2002/629/JHA COM(2009)0136 final, with the aim of strengthening the current framework decision through tougher sanctions, better protection of victims and active preventive measures,
- M. whereas, despite the efforts of the Swedish Presidency, the text was not adopted, and whereas a proposal for a new legal instrument under the Treaty of Lisbon legal framework is likely to be tabled in the near future,
- N. whereas the Treaty of Lisbon will strengthen EU action in the field of judicial and police cooperation in criminal matters, including in combating trafficking in human beings, and Parliament, as co-legislator, will have a full role to play here,
- O. whereas action against trafficking in human beings cannot be limited to legislative instruments but also needs to include non-legislative efforts, in particular evaluation of the implementation of adopted measures, information gathering and sharing, cooperation and partnership-building and the sharing of best practices,
- P. whereas it is crucial to involve civil society organisations active in the field from the outset and at every stage: from identification through to the provision of assistance to victims, including in the legislative process,
- Q. whereas currently there is no precise data on this phenomenon and the available figures appear to underestimate its real scope, as it is a form of crime that takes place underground and is often undetected or wrongly identified; whereas more research must be done on how trafficking takes place, who commits it, how demand drives the supply of services from victims and who falls victim to it and why, and on ways to discourage

demand; whereas cooperation and exchanges of information between the Member States and third countries need to be stepped up,

- R. whereas future action must start with an integrated approach, bringing together prevention and repression as well as protection, support and assistance for victims, and including enhanced cooperation among all stakeholders,
- S. whereas if the demand from potential buyers of the services and products supplied by victims of trafficking is reduced, thereby also reducing profits from trafficking in human beings, the supply of such services and goods by victims will in turn decrease,
- T. whereas the social integration of potential victims has an indirect preventive effect, helping to stop them being re-victimised or even becoming potential traffickers,
- U. whereas cooperation and partnership between the EU, the Council of Europe, the UN and third countries – and in particular with countries of origin of trafficked persons and with the United States, as a commonly recognised country of destination – is crucial in order to protect fundamental rights and to combat trafficking effectively,
- V. whereas, in the establishment and subsequent implementation of policies and measures relating to trafficking in human beings, attention must be paid to securing such an outcome without discrimination on any ground such as nationality, race, colour, sex, religion, political or other views, social background or other status,

### ***General***

#### 1. Calls on the Council and the Commission:

- to develop action against trafficking in human beings on the basis of a holistic approach centred on human rights and focusing on combating trafficking, prevention, and protection of victims;
- to adopt a victim-focused approach, meaning that all potential categories of victim must be identified, targeted and protected, with special attention being given to children and other at-risk groups;
- to establish, under the supervision of the Commissioner for Justice, Fundamental Rights and Citizenship, an EU anti-trafficking coordinator to coordinate EU action and policies in this field – including the activities of the network of national rapporteurs – and reporting to both the EP and the Standing Committee on Operational Cooperation on Internal Security (COSI);
- to ensure that the fight against trafficking in human beings stays high on their agenda during times of economic and financial crisis, for instance when preparing recovery plans;
- to ensure that policies on trafficking in human beings cover aspects linked to social affairs and social inclusion, and to insist on appropriate programmes and effective methods of ensuring social rehabilitation of victims, including measures relating to the

labour market and the social security system;

- to give due attention to the external relations dimension of trafficking in human beings and the dimensions of immigration, asylum and reintegration policies;
  - to run information and awareness campaigns through the education and school system in the countries of origin, transit and destination for trafficking;
  - to make the best interests of children a primary consideration in all action against trafficking, in accordance with the 1989 UN Convention on the Rights of the Child;
  - to approach all policies, strategies and measures against trafficking from a gender perspective;
  - to strengthen coordination and cooperation with the European Union Agency for Fundamental Rights and the European Union Institute for Gender Equality;
  - to establish and step up ongoing cooperation with NGOs working in this field;
  - to establish a permanent platform at EU level, grouping the efforts of EU institutions, agencies and institutes, of police, customs services, procurement offices and law enforcement bodies at regional and national level in the Member States, and of international organisations and NGOs;
2. Calls on those Member States that have not yet done so to ratify and implement the 2005 Council of Europe Convention on Action against Trafficking in Human Beings;

### ***Information gathering***

3. Calls on the Council and the Commission, in order to obtain as much information as possible, to take action with a view to:
- the annual publication of a joint report by Eurojust, Europol and Frontex, to be presented to the EP and the national parliaments as well as the Commission and the Council. This joint report, the presentation of which should be followed by a public hearing with NGOs and civil society so that they can add their expertise, should promote work towards a better understanding of:
    - root causes;
    - factors in countries of origin and destination that facilitate trafficking in human beings;
    - current trends with regard to victims, traffickers, users and criminal networks and their modus operandi;
    - travel routes, local circumstances in destination countries that are conducive to use of the services performed by trafficked human beings, and different forms of exploitation (sexual exploitation, labour exploitation, organ trafficking, child trafficking, including for the purpose of exploitation by travelling sex offenders, the

production of abusive sexual images of children, and other forms of exploitation that are adjacent to trafficking in human beings but do not fall explicitly within the definition thereof, such as begging and petty crime);

- developing a common EU template for the collection and collation of data relating to all aspects of trafficking in human beings, including age and gender, to be used in both the Member States and third countries, while complying with relevant legislation on data protection and the rights of the data subject;
- establishing, in line with Article 70 of the Treaty on the Functioning of the European Union, an objective and impartial annual evaluation system with specific regard to the implementation of EU policies on trafficking in human beings, the EP and the national parliaments to be kept fully informed;
- the evaluation of information and awareness-raising campaigns to be carried out and developed in both the Member States and third countries;

### ***Prevention***

4. Welcomes the suggested provision on prevention set out in the Commission's proposal and calls for further action to be taken;
5. Stresses that further legislative and non-legislative measures, including educational, social, cultural and administrative measures as well as awareness campaigns aimed at the general public, should be adopted and strengthened by the Member States in order to reduce the demand for services performed by trafficked persons;
6. Calls for massive information and awareness-raising campaigns to be carried out and developed, both in the Member States and in third countries which have been shown to be departure or stopover points for trafficking, targeting both potential victims of trafficking and potential buyers of services from trafficked persons;
7. Calls on the Member States to develop targeted awareness-raising education programmes designed to draw children's attention to traps that can easily lead to trafficking;

### ***Prosecution***

8. Calls for an exhaustive and comprehensive legal framework, including policies to counter cybercrime connected to trafficking, to be adopted as soon as possible;
9. Calls for the Commission and the Member States to take into account the following elements in drafting any future proposal for a legislative instrument in this field:
  - a. the level of penalties and sanctions for those – including legal persons – who profit from trafficking in human beings should reflect the seriousness of the crime and have a dissuasive effect, and trafficking in children should be particularly severely punished;
  - b. further action should focus on victims' protection – with due consideration for the situation of children and women – by, inter alia, ensuring that assistance to victims is



unconditional, that a victim's consent to exploitation is always irrelevant and that victims are entitled to assistance irrespective of their willingness to cooperate in criminal proceedings;

- c. further prevention and action could also focus on the users of services supplied by trafficked people;
  - d. due attention should be paid to the need for extraterritorial jurisdiction for trafficking-related offences, with regard to both EU nationals and residents;
  - e. any provision on jurisdiction should be coordinated with the draft framework decision on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings;
10. Calls on the Member States and the national parliaments – given that legislation has no effect if it is not correctly implemented – to implement in full the EU policies on trafficking in human beings at national level and to ratify and implement other legal instruments in this field as soon as possible;
  11. Calls on the Council, the Commission and the Member States to take action to improve coordination at operational level between EU bodies such as Eurojust and Europol;
  12. Draws attention to the positive results achieved by joint investigation teams and calls on the Member States to make wider use of this tool;
  13. Underlines the importance of providing assistance and support for victims of trafficking who have already reached the EU's external borders, and calls on Frontex and national border-control agencies, in all their activities, to distinguish them from illegal immigrants and to make their officials and staff more aware of trafficking;
  14. Calls, given that repression cannot be limited to the confines of the EU, for comprehensive agreements – including provisions on respect for fundamental rights – to be concluded with third countries and for the establishment of cooperation, subject to strict rules, with those countries;

### ***Protection, support and assistance for victims***

15. Calls for protection and support for victims to be a priority in EU actions in this field, and for victims to receive all possible help from the moment they are identified as such, including:
  - access to a residence permit irrespective of their willingness to cooperate in criminal proceedings;
  - simplified access to the labour market, including the provision of training and other forms of upskilling;
  - a simplified family reunification policy;
16. Draws attention to particularly vulnerable victims, such as children and women, and calls

for specific assistance and protection programmes for them;

17. Stresses that victims of trafficking should receive the broadest possible protection, support and assistance, including where they have been trafficked outside the EU rather than to or within it;
18. Calls for victims to be given professional help, including free legal aid (which is essential to enable them to escape the situation of coercion in which they find themselves), bearing in mind that they lack financial means and would thus be unable to pay for such assistance;
19. Instructs its President to forward this resolution to the Council, the Commission, the governments and national parliaments of the Member States and the Council of Europe.