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*Committee on Women's Rights and Gender Equality*

**2006/2078(INI)**

18.9.2006

## OPINION

of the Committee on Women's Rights and Gender Equality

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

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## 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 motion for a resolution:

- 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>,
- 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>4</sup>,
- having regard to the 2004 US Department of State Report on "The link between prostitution and sex trafficking"<sup>5</sup>,
- having regard to the 2003 International Organisation for Migration Report "Is Trafficking in Human Beings Demand Driven? A Multi-Country Pilot Study"<sup>6</sup>,
- having regard to the reports by Amnesty International 2004 and Anti-Slavery International 2004<sup>7</sup>, Human Rights Watch 2002<sup>8</sup>, Pomodoro 2001<sup>9</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

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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)

<sup>4</sup> <http://www.carlshamre.net/images/stories/study.pdf>

<sup>5</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>6</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>7</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>8</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>9</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.

Europe"<sup>10</sup>,

- having regard to the Council's EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings<sup>11</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>12</sup>,
- 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>13</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>14</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>15</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>16</sup>,
- having regard to Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings<sup>17</sup>,
- having regard to the Council of Europe Convention on action against trafficking in human beings,

A. whereas the Palermo Protocol<sup>18</sup> underlines the fact that trafficking in persons is the

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<sup>10</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>11</sup> OJ C 311, 9.12.2005, p. 1.

<sup>12</sup> OJ C 320 E, 15.12.2005, p 247..

<sup>13</sup> *Texts Adopted*, P6\_TA(2006)0005.

<sup>14</sup> OJ C 59, 23.2.2001, p 307.

<sup>15</sup> OJ L 304, 30.9.2004, p. 12.

<sup>16</sup> OJ L 261, 6.8.2004, p. 19.

<sup>17</sup> OJ L 203, 1.8.2002, p. 1.

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,
- 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>19</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

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<sup>18</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/>

<sup>19</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)

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>20</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 carries lighter penalties,
- N. whereas the sex industry is based on the principle of supply and demand; whereas the 2003 IOM<sup>21</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>22</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,

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<sup>20</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>21</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>22</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)

- (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,
- (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, Raúl 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>	...	