

Fighting trafficking in human beings

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 Articles 4 and 5 thereof, which highlight the fact that the slave trade shall be prohibited in all its 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)¹,
- 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 Women² (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 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 prostitution and sex trafficking"³,

¹ OJ C 320 E, 15.12.2005, p 247.

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

³ US Department of State (2004),

- having regard to the 1997 European Convention on Human Rights and Biomedicine and the Article 22 of the 2002 Additional Protocol thereto 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 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 Council of Europe Recommendation 1611/2003 on trafficking in organs in Europe,
- having regard to the Charter of Fundamental Rights of the European Union¹, particularly Articles 1, 3, 4, 5 and 6 thereof,
- 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 Programme² 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 2006³,
- having regard to Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings⁴,
- having regard to the Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography⁵,
- having regard to the 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 authorities⁶,
- 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),

http://www.humantrafficking.org/countries/eap/united_states/news/2005_05/tip_factsheet_response.html.

¹ OJ C 364, 18.12.2000, p. 1.

² The Hague Programme endorsed by the European Council in November 2004.

³ <http://www.consilium.europa.eu>.

⁴ OJ L 203, 1.8.2002, p. 1.

⁵ OJ L 13, 20.1.2004, p. 44.

⁶ OJ L 261, 6.8.2004, p. 19.

- having regard to the EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings¹ (the "Action Plan"),
 - 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 exploitation²,
 - 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'³,
 - 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 Commission,
 - having regard to the DAPHNE programmes to combat violence against children, young people and women⁴,
 - having regard to Europol's reports on trafficking in human beings, particularly to its 2005 EU Organised Crime Report,⁵
 - 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 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,

¹ OJ C 311, 9.12.2005, p. 1.

² *Texts Adopted*, P6_TA(2006)0005.

³ OJ C 59, 23.2.2001, p. 307.

⁴ Decision No 293/2000/EC of the European Parliament and of the Council of 24 January 2000 adopting a programme of Community action (the Daphne programme) (2000 to 2003) on preventive measures to fight violence against children, young persons and women (OJ L 34, 9.2.2000, p. 1.) and Decision No 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme) (OJ L 143, 30.4.2004, p. 1).

⁵ www.europol.eu.int.

- 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 third largest source of income for organised crime¹,
- 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 activity² in comparison with other forms of organised crime in the EU,
- E. whereas it is therefore necessary to adopt clear and specific goals such as halving the number of victims of trafficking in human beings over the next ten years, although the overriding aim should be to eliminate this type of crime completely without delay,
- F. whereas five Member States have still not ratified the United Nation's International Convention against Transnational Organized Crime, five 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 only one Member State has ratified the Council of Europe Convention on Action against Trafficking in Human Beings,
- G. whereas trafficking in human beings is committed not only for the purpose of sexual exploitation, but also labour exploitation, illegal adoptions, forced domestic servitude and selling organs, which means that fighting trafficking must go far beyond fighting forced prostitution and take all related forms of exploitation and oppression into account,
- H. 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,
- I. whereas women and children are particularly vulnerable and thus run a greater risk of becoming victims of trafficking,
- J. 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,
- K. whereas, in spite of the fact that, pursuant to the UN Convention on the Rights of the Child, each child shall be registered immediately after birth, according to UNICEF³ 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

¹ Council of Europe Convention on action against trafficking in human beings - Explanatory Report, 2005.

² "Lost kids, lost futures" The EU's response to child trafficking, 2004.

³ 'The State of the World's Children 2006: Excluded and invisible', UNICEF 2005.

and street children are the most vulnerable to trafficking, becoming 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,

- L. whereas the causes of illegal immigration are different from those of trafficking in human beings, and therefore these issues should be treated separately,
- M. 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,
- N. 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,
- O. whereas the 2005 ILO¹ 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,
- P. whereas the sex industry is based on the principle of supply and demand; whereas the 2003 report of the International Organisation for Migration recognizes that "growing consumer demand is undoubtedly one of the factors contributing to the phenomenon of forced labour in the sex industry",
- Q. 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",
- R. 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,
- S. whereas handling the issue of supply of services is a high political priority; whereas the existence of labour exploitation is often widely tolerated by public opinion,
- T. 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 and/or state income through a failure to pay taxes and social contributions,
- U. whereas the high profits from human trafficking are often laundered, enabling other

¹ International Labour Organisation (2005), A global alliance against forced labour
http://www.ilo.org/dyn/declaris/DECLARATIONWEB.GLOBALREPORTSLIST?var_language=EN

organised criminal activities, including bribery and fraud and allowing perpetrators to gain illegitimate economic, social or even political power,

- V. whereas demand for services provided by trafficked people, for example, the demand from men who wish to purchase or who purchase women and children for sexual purposes, 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 making a joint effort in order to reduce such demand, it will be almost impossible to stop or even substantially reduce trafficking¹,
- W. 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,
- X. 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 national police forces and prosecutors' offices,
- Y. whereas the prompt identification of victims is crucial in the fight against trafficking,
- 1. Addresses the following recommendations to the Council:

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 Framework Decision 2002/629/JHA;
- (b) calls upon the European Community to sign and ratify the Council of Europe Convention on Action against Trafficking in Human Beings as soon as possible; urges the Commission to initiate without further delay the internal procedure making it possible for the European Community to sign and ratify this Convention; likewise asks the Council to take the decision to sign and ratify the Convention,

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

- (c) the Commission and Member States should adopt a strategy for implementing the Action Plan,
- (d) the Council and Member States should strengthen the human rights-based, gender-equality and victim-centred approach in implementing the Action Plan,
- (e) 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,
- (f) 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 the 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,
- (g) 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,
- (h) Member States should make full use of Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime-related Proceeds, Instrumentalities and Property¹, in particular Article 3 thereof, as a part of fight against trafficking in human beings,
- (i) 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 Union²; they should also receive assistance and encouragement to cooperate with the competent authorities during investigations and as witnesses in criminal proceedings,
- (j) Member States should consider the introduction of mechanisms to encourage, support and protect informants who may face reprisals,
- (k) Member States should adopt measures to ensure that the identification of victims of

¹ OJ L 68, 15.3.2005, p. 49.

² In accordance with opinion PE 362.828 by its Committee on Civil Liberties, Justice and Home Affairs.

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, when undocumented migrants are interviewed, the appropriate questions are asked so as to ensure that victims of trafficking can be identified as such,

- (l) Member States should minimise the risk of organ trafficking in Europe including by reducing demand, promoting organ donation more effectively, maintaining strict legislation as regards living unrelated donors, guaranteeing the transparency of national registers and waiting lists and establishing legal responsibility for irregularities,
- (m) Member States should improve the analysis of the current situation by implementing uniform methods to collect comparable data relating particularly to the routes of trafficking and victims' profiles in accordance with existing protocols and Community legislation on data protection,
- (n) Member States should implement consistently Article 4 of Framework Decision 2002/629/JHA 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,
- (o) 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,
- (p) 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,
- (q) 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,
- (r) 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,
- (s) 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,

- (t) 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,
- (u) 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,
- (v) Member States should support job-matching services, through monitoring of private employment agencies, which are often disguised as bridal or tourist agencies and can lead to abusive recruitment practice and, as a consequence, to trafficking,
- (w) 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,
- (x) the Council and the Commission should establish EU guidelines on the fight against trafficking in human beings, as a further instrument for conducting a coherent EU human rights and child rights policy,

Prevention and reducing demand

- (y) discussion of trafficking in human beings should form part of education in schools and address the reduction of social and gender inequalities; 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; Member States should support the introduction of life skills education in all classrooms as a way of preventing child trafficking,
- (z) the Commission should, no later than 2007, launch a study on both the causal correlation between the various Member States' legislation on prostitution and trafficking for sexual exploitation and on the causal correlation between the various Member States' legislation and policy on migration and trafficking in human beings, as envisaged by Commissioner Frattini on 8 March 2006; in order to ensure the scientific credibility of the study, it must be based on comparable figures; a standardised data collection method should therefore be designed and implemented as soon as possible; the results should subsequently be used to implement best practice for fighting trafficking in human beings for sexual exploitation,

- (aa) 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,
- (ab) 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,
- (ac) Member States should implement measures to reduce demand and to address other causes such as marginalisation and lack of equal opportunities for employment and decent work 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,
- (ad) 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,
- (ae) 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,
- (af) the Commission and the Member States should, in their internal policies and in 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 strengthen national child protection systems and to encourage registration of children to reduce their vulnerability to illegal adoptions, forced marriages, trade in human organs and trafficking in children for any purpose, including sexual exploitation,
- (ag) the Commission and the Member States should pay particular attention to preventing 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,
- (ah) the Commission should adopt a proposal for a Code of Conduct for officials of the EU institutions and bodies, particularly for officials on an 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 mission,
- (ai) 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 trafficking¹), drawing on the human rights essential elements clause included in EU agreements with those countries,

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

- (aj) the Commission and the Member States should address the issue of trafficking in human beings within the Union and within individual Member States and support research to enhance the understanding of this phenomenon and inform the development and implementation of effective policy measures;
- (ak) 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,

Protecting victims

- (al) 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,
- (am) 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,
- (an) the Council should encourage the creation of a European website with the data and pictures of missing persons with close cooperation with national coordinators,
- (ao) 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,
- (ap) 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 children's rights and a victim referral mechanism ensuring that identification of victims is an integral part of support and assistance,
- (aq) 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 of having 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,
- (ar) 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,
- (as) 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,
- (at) 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,

- (au) Member States should respect in their legislation as well as in their administrative practice the UN definition of the child,¹ 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; in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration; Member States shall ensure that a child who is capable of forming his or her own views has the right to express those views freely in all matters affecting the child and that the views of the child are given due weight in accordance with the age and maturity of the child,
- (av) Member States should guarantee that child victims of trafficking are protected from criminal prosecution or sanctions for offences committed in relation to their status as victims of trafficking; child victims should not, as a general rule, be deprived of their liberty, including on the basis of the child being unaccompanied or separated, or of their migration or residence status, or lack thereof,
- (aw) Member States should ensure that child victims and witnesses of trafficking benefit from safeguards of their human rights, receive special protection, assistance and support in order to prevent additional hardship as a result of their participation in the criminal justice process and in order to ensure that their human rights, their best interests and dignity are fully respected at all stages; Member States should also protect children from the effects of giving evidence in open court (Article 8(4) of Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings²);
- (ax) special protection measures for children and a child protection policy according to the abovementioned UNICEF Guidelines and Reference Guide should be implemented in both countries of origin and destination, including more street social work, family assistance, building a safety net for children, more information on the risks of unsafe migration, and assisted returns according to the views and best interest of the child,
- (ay) Member States should fully implement the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption to avoid illegal adoption,
- (az) Member States should strengthen public-private partnership in the field of victim protection, including sustainable funding of their activities,

¹ Article 1 of the Convention on the Rights of the Child, UN, 1989.

² OJ L 82, 22.3.2001, p. 1.

Coordination of actions at national and EU level

- (ba) Member States should establish and strengthen national anti-trafficking coordination structures and pursue the integration of these structures into an international network,
- (bb) 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,
- (bc) the Commission should encourage and support the establishment and implementation of national plans to fight trafficking in human beings,
- (bd) Member States should ensure financial support for special units investigating cases of trafficking in human beings;
- (be) 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,
- (bf) 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,
- (bg) 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,
- (bh) the Commission and its Expert Group should initiate, promote and evaluate research into new trends of trafficking, the links between trafficking and the demand for cheap labour, trafficking and migration and research with a view to evaluating the effectiveness of existing anti-trafficking programmes, including their impact on the promotion and realisation of children’s rights and particularly in view of the Action Plan,
- (bi) 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 the development of the common Visa Information System and at the same time fight trafficking within the borders of each Member State and the EU as a whole,
- (bj) Member States should strengthen cooperation within the EU in fighting human

trafficking by regularly involving EU bodies such as Europol, Eurojust and Frontex,

- (bk) 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,
- (bl) 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,
- (bm) 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,
- (bn) 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,
- (bo) the Commission should address the problem of child trafficking in the sports sector in the context of Framework Decision 2002/629/JHA, paying particular attention to cases where some clubs might consider giving contracts to very young children in order to circumvent the home-grown players rule,
- (bp) calls on the Member States to consult and work closely with NGOs and associations which are active in this field in countries of origin, transit or destination, especially by providing long-term financing for their activities,
- (bq) 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,

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