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Committee on Women's Rights and Gender Equality

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DRAFT 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

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 the Fundamental Rights of the European Union¹, in and 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,
- having regard to the annual US State of Department "Trafficking in Persons Report 2005"²,
- having regard to the 2004 Scottish Government Report "A Critical Examination into Responses to Prostitution in Four Countries: Victoria - Australia, Ireland, the Netherlands and Sweden"³,
- having regard to the 2005 TransCrime Study, financed by the European Parliament on "National Legislation on Prostitution and the Trafficking in Women and Children"⁴,
- having regard to the 2004 US Department of State Report on "The link between prostitution and sex trafficking"⁵,
- having regard to the 2003 International Organisation for Migration Report "Is Trafficking in Human Beings Demand Driven? A Multi-Country Pilot Study"⁶,
- having regard to the reports by Amnesty International 2004 and Anti-Slavery International 2004⁷, Human Rights Watch 2002⁸, Pomodoro 2001⁹;
- having regard to the 2001 Report of the ECPAT Europe Law Enforcement Group on "Trafficking in Children for Sexual Purposes From Eastern Europe to Western Europe"¹⁰,

¹ OJ C 364, 18.2.2000.

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

³ http://www.glasgow.gov.uk/en/YourCouncil/PolicyPlanning_Strategy/Corporate/Equalities/Women/Prostitution.htm

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

⁵ US Department of State (2004),

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

⁶ International Organisation for Migration (2003),

http://www.iom.int/DOCUMENTS/PUBLICATION/EN/mrs_15_2003.pdf

⁷ 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>

⁸ 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>

⁹ 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.

¹⁰ ECPAT Europe Law Enforcement Group (2001),

http://www.ecpat.nl/ariadne/loader.php/nl/ecpat/Rapporten/trafficking1/Trafficking_1_Introduction.pdf/

- A. whereas the Palermo Protocol underlines the fact that the crucial part of the definition of trafficking is the exploitative purpose rather than the movement from one location to another;
- B. 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,
- C. whereas the 2005 ILO report¹¹ estimates that 98% of those trafficked into sexual exploitation are women and girls,
- D. whereas the 2004 Scottish government report on prostitution, based on a comparison of prostitution policies in Sweden, Australia, Ireland, and the Netherlands, showed that legalization of prostitution leads to an increase in organized crime, an increase in sexual abuse of children, an increase in violence against women and a substantial increase in the number of foreign women and girls trafficked into the region,
- E. whereas the 2005 TransCrime study states that there is reason to believe that the Swedish legislation criminalizing the buying of another person's body for sexual use leads to a decrease in trafficking for sexual purposes; whereas the study also states that the models that seem to "produce" more victims are "regulationism" (Netherlands, Germany and Austria) whilst the model that seems to "produce" less victims is "prohibitionism" (Sweden),
- F. whereas the 2004 US Department of State report states that where prostitution has been legalised or tolerated, there is an increase in the demand for sex slaves and that legalisation of prostitution opens markets for criminal enterprises and create a safe haven for criminals,
- G. 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 and not simply a crime,
- H. whereas the sex industry is based on the same economic principles of supply and demand as any other business; whereas the 2003 IOM report recognizes that "growing consumer demand is undoubtedly one of the factors contributing to the phenomenon of forced labour in the sex industry",
- I. whereas the Dutch Organization for the Rights of the Child estimates that the number of minors who are prostituted in the Netherlands has increased from 4 000 in 1996 to 15 000 in 2001, including at least 5 000 who are of foreign origin,

Addresses the following recommendations to the Council:

- (a) Member States should deal with the problem of trafficking in a gender perspective, taking into account the fact that more than 80% of the victims are female, rising to 98% in

¹¹ International Labour Organisation (2005), " A global alliance against forced labour
http://www.ilo.org/dyn/declaris/DECLARATIONWEB.GLOBALREPORTSLIST?var_language=EN

trafficking for sexual exploitation,

- (b) 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,
- (c) Member States should recognize that legalisation of prostitution facilitates the buying of sex, including from victims of trafficking,
- (d) during 2006 the Commission should launch a further assessment of the causal correlation between legislation on prostitution and trafficking for sexual exploitation, as envisaged by Commissioner Franco Frattini on 8 March 2006,
- (e) 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,
- (f) Member States should take forceful measures against all cases of minors in the sex industry, taking into account the fact that any person under the age of 18 is to be considered a minor,
- (g) Member States should recognize that both illegal and legal sexual services include severe 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,
- (h) the Commission should launch a campaign on the health dangers of sex work.