

Opinion of the Expert Group on Trafficking in Human Beings of the European Commission

In connection with the world Football Cup 2006 in Germany and the related assumption of increased trafficking activities around this event

On 25 March 2003, the Commission adopted the Decision to set up a consultative group to be known as the Experts Group on Trafficking in Human Beings.¹ In August 2003, the Commission appointed the members of the Group and established its terms of reference.

The Group began its work in September 2003 and, after consultations with governmental institutions, NGOs, IGOs and IOs, submitted its final Report to the Commission on 22 December 2004². The Report and its comprehensive set of 132 recommendations on common priorities, guiding principles, prevention, assistance, protection and social inclusion, and law enforcement strategies aim to indicate ways to strengthen EU-action against trafficking in human beings and, where appropriate, launch new initiatives, programmes and activities.

The Experts Group also issued opinions on relevant European policies related to Trafficking in Human Beings, such as on the Green Paper on an EU approach to managing migration, the Tampere-II agenda and the Council of Europe Convention on Action against Trafficking in Human Beings.³

The Experts Group sees the World Football Cup as a specific moment in time with an increased international attention towards trafficking in human beings, which in its complexity and structural causes will not be solved by one-off activities around this or other similar events. However, these and future similar events in Europe are a good occasion to raise awareness among the public, specifically among consumers and users of goods and services. Moreover, the Experts Group would like to make some suggestions for future international sports events, thus minimising the risk of human beings to be trafficked and exploited in connection with such events. Therefore, the opinion expressed by the Experts Group focuses on general concerns related to trafficking in human beings as well as on concerns to be taken into account when organising any kind of international sports or other major public events.

OPINION

1. Support of the Activities of German Organisations connected with the FWC 2006

The Experts Group supports the many activities of German Organisations working on combating trafficking in human beings around the Football World Cup and congratulates them for their many efforts. These efforts should lead to an increased awareness of the phenomenon and preferably be embedded in long term policies to prevent and fight trafficking and the exploitation of human beings under forced labour or slavery-like conditions, including but not limited to the sex sector.

2. General Concerns

Facts based information

The Experts Group would like to highlight the need for facts-based and differentiated information as the basis for effective policies, avoiding to feed the myths – specifically on the numbers of victims of trafficking for sexual exploitation in connection with this event - circulating in the public. While acknowledging that increased trafficking activities in this moment are likely to happen, the Experts Group advises caution when using figures, as there are no confirmed figures quantifying the extent of the phenomenon.

A careful distinction should be made between prostitution and trafficking. The Experts Group unremittingly highlights that trafficking in human beings is a crime implying serious human rights violations such as exploitation, coercion and deprivation of personal freedom. However, it should be kept in mind that trafficking does not happen for the purpose of sexual exploitation only, but occurs in many other unregulated segments of the labour market, such as domestic work, the construction sector, the gastronomy, agricultural work and sweat shops. Some of these sectors play an important role in connection with such major international sports events. In this context, the need for more in depth research on trafficking, forced labour and slavery-like practices in other sectors of the labour market becomes evident, as they still happen almost unnoticed by the public.

The Experts Group would like to underline that all activities in connection with this or other similar events should not be misinterpreted or instrumentalised to discriminate against prostitutes or to further marginalise or stigmatise them, thus increasing their vulnerability to trafficking and other forms of violence and abuse.

Balanced approach between prevention, assistance and punishment of perpetrators

The Experts Group in its report has sought to redress the imbalance of an approach which concentrates predominantly on measures in the area of crime control and migration policies, rather than on victim assistance and protection. The balance between prevention of trafficking, assistance and protection of victims and punishment of perpetrators should always be integral part of a any strategy against trafficking in human beings.

Protecting the human rights of victims of trafficking

Trafficked persons are subjects of rights as any other human being. Therefore it is of utmost importance that the human rights of trafficked persons are protected and that their recovery is an integral part of measures to combat trafficking in human beings. Under international human rights law, trafficked persons have the right to be provided with adequate remedies, including the right to information, compensation, legal, social, psychological and financial support and, above all, protection against the perpetrators, also when this means that they cannot return to their home country.

Legal channels for labour migration

Legal channels for labour migration are still largely lacking within the EU. The Experts Group is of the opinion that established legal channels would substantially decrease the risk for potential labour migrants to be trafficked and end up in slavery like conditions. They would have real opportunities to enter the EU legally and participate in the labour market.

Visible and measurable EU-policies

The Experts Group strongly calls for future substantial policy measures at EU-level. These should include: The appointment of an EU-Rapporteur on Trafficking in Human Beings,

which bases her or his work on National Rapporteurs, which need to be put in place respectively. Moreover, clear indicators⁴ to measure the EU-wide success of policies and measures for preventing and combating trafficking in human beings should be developed. The 132 recommendations developed by the Experts Group provide a good foundation for the development of such indicators.

All policies have to be assessed against their impact on human rights. A “Human Rights Assessment Model” as suggested in the report of the Experts Group would be an instrument to monitor and evaluate the human rights’ impact of anti-trafficking laws, policies and practices, which the Experts Group would like to see come into being in the near future.

3. Suggested measures in connection with international sports or other major public events

In its resolution of 15 March 2006, the European Parliament⁵ stresses the need for an integrated Europe-wide campaign and for the setting up of multilingual telephone hotlines “*followed by a high-profile publicity campaign designed to provide the necessary information, counselling, safe housing and legal aid to women and children and other victims forced into prostitution and in order to inform other victims, (...)*”.

The Justice and Home Affairs Council of 27 and 28 April 2006 in Luxemburg⁶ while taking into account the resolution of the EP emphasises “*the fact that major international events, including sports events, have shown to pose the risk to contribute to a temporary increase in trafficking in human beings.*” In its conclusions, it proposes a series of measures in order to enhance co-operation among Member States in connection with world sports events to prevent and combat the increase of trafficking in human beings, notably for the purpose of sexual exploitation.

While welcoming these proposals, in particular those in connection with the provision of assistance and protection of victims of trafficking in human beings and cooperation with civil society, the Experts Group would like to add the following suggestions to be taken into account for the organisation of any future European and international sports event.

World sports events free from exploitation of human beings

The Experts Group would like to suggest a clause to be introduced into the contracts, which link the parties involved in the organisation and the delivery of goods and services around international sports and other major public events in Europe. Parties who contribute to the realisation of the event, should commit themselves to guarantee the absence of the exploitation of human beings in connection with any kind of services provided and products sold under license in relation to the event concerned. In the case of the sex industry, authorities should make sure that it does not recruit and use the services of trafficked persons working as forced labourers.

Awareness raising

Apart from raising awareness among the general public, the Experts Group would like to draw attention to the need to raise awareness and provide information to those working in sectors which are vulnerable to trafficking, as they can play an important role in identifying, informing and supporting victims of trafficking in these sectors.

Strengthening local structures and the involvement of civil society

In addressing increased risks of trafficking, the Experts group would like to stress the importance that any additional measures build upon and connect to local and national expertise and structures already in place, including securing funding for local victims support initiatives as well as strengthening capacity for community policing during such events, rather than to set up new duplicating structures.

The Experts Group finally offers its expertise and knowledge for the evaluation of the experiences made in the area of combating trafficking in human beings during the Football World Cup in Germany as announced in the Justice and Home Affairs Council Conclusions⁷, in order to use this experience as “*a basis for drawing up best practices in this matter in view of future events*”.

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¹ OJ L 79, 26.3.2003, p.25.

² http://www.europa.eu.int/comm/justice_home/fsj/crime/trafficking/fsj_crime_human_trafficking_en.htm#

³ http://www.europa.eu.int/comm/justice_home/fsj/crime/trafficking/fsj_crime_human_trafficking_en.htm#

⁴ as used in many other EU policy areas

⁵ <http://www.europarl.eu.int/omk/sipade3?TYPE-DOC=TA&REF=P6-TA-2006-0086&MODE=SIP&L=EN&LSTDOC=N>

⁶ http://ue.eu.int/ueDocs/newsWord/en/jha/89381.doc#_Toc134331563

⁷ op.cit Point Nr. 10