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## REPORT

on strategies to prevent the trafficking of women and children who are  
vulnerable to sexual exploitation  
(2004/2216(INI))

Committee on Women's Rights and Gender Equality

Rapporteur: Christa Prets

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

**on strategies to prevent the trafficking of women and children who are vulnerable to sexual exploitation  
(2004/2216(INI))**

*The European Parliament,*

- having regard to Article 5 of the Charter of Fundamental Rights of the European Union<sup>1</sup> which states that 'trafficking in human beings is prohibited',
- having regard to the Articles 4 and 5 of the 1948 Universal Declaration of Human Rights,
- having regard to UN conventions and declarations, particularly Articles 5 and 6 of the CEDAW Convention (Convention on the Elimination of All Forms of Discrimination against Women<sup>2</sup>) of 1979,
- having regard to the 1989 Convention on the Rights of the Child which concerns the protection of children against all forms of sexual exploitation and sexual abuse and seeks to prevent the abduction of or the sale of or trafficking in children,
- having regard to the 2000 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 Brussels Declaration on Preventing and Combating Trafficking in Human Beings adopted on 20 September 2002 which calls for effective coordinated actions between the origin, transit and destination countries among all national and international players in the relevant fields, particularly Articles 7 and 8,
- having regard to Council Framework Decision 2002/629/JHA on combating trafficking in human beings<sup>3</sup> adopted on 19 July 2002,
- having regard to Council Framework Decision 2004/68/JHA on combating the sexual exploitation of children and child pornography<sup>4</sup> adopted on 22 December 2003,
- having regard to Council Directive 2004/81/EC 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>5</sup> adopted on 29 April 2004,

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<sup>1</sup> OJ C 364, 18.2.2000

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

<sup>3</sup> OJ L 203, 1.8.2002, p. 1.

<sup>4</sup> OJ L 13, 20.1.2004, p. 44.

<sup>5</sup> OJ L 261 of 6.8.2004, p. 19.

- having regard to the report of the Experts Group on Trafficking in Human Beings, formed in 2003 by the European Commission,
- having regard to the conclusions of the European Council of Tampere of 15 and 16 October 1999 calling for those who engage in trafficking in human beings to be combated and stressing the need for the prevention of all forms of human trafficking,
- having regard to the communication from the Commission to the Council and the European Parliament entitled 'Area of Freedom, Security and Justice: Assessment of the Tampere programme and future orientations' (COM(2004)0401)<sup>1</sup>,
- having regard to 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) on preventive measures to fight violence against children, young persons and women<sup>2</sup>,
- having regard to the Beijing Declaration of the Fourth UN World Conference on Women<sup>3</sup>,
- having regard to the Hague Programme<sup>4</sup> 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 of Europe Convention on Action against Trafficking in Human Beings adopted by the Committee of Ministers on 3 May 2005,
- 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>5</sup>
- having regard to Rule 45 of its Rules of Procedure,
- having regard to the report of the Committee on Women's Rights and Gender Equality and the opinion of the Committee on Civil Liberties, Justice and Home Affairs (A6-0400/2005),

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<sup>1</sup> Bulletin EU 6-2004

<sup>2</sup> OJ L 34, 9.2.2000, p. 1.

<sup>3</sup> The United Nations, Beijing Declaration and Platform for Action  
<http://www.un.org/womenwatch/daw/beijing/platform/declar.htm>

<sup>4</sup> The Hague Programme endorsed by the European Council in November 2004.

<sup>5</sup> <sup>1</sup> OJ C 59, 23.2.2001, p. 307

- A. whereas trafficking involves serious violations of fundamental human rights and cruel practices such as coercion, force, threats, humiliation, abduction, violence, sexual exploitation, deceit or fraud,
- B. recalling that, as the President-in-Office of the Council stated before the European Parliament on 23 June 2005, between 600 000 and 800 000 people are the victims of trafficking throughout the world each year; whereas every year, over 100 000 women are the victims of trafficking in the European Union,
- C. whereas women and children are particularly vulnerable to this organised crime and modern form of slavery, which is mainly controlled by criminal networks, and are therefore at greater risk of falling victim to trafficking,
- D. whereas one of the principal preconditions for international trafficking in women and children is the existence of local prostitution markets where men can and wish to sell and buy women and children for the purpose of exploiting them sexually; whereas traffickers in human beings mainly send women from countries in the south to countries in the north and from east to west, where demand from purchasers is strongest,
- E. considering that, in order to achieve zero tolerance of trafficking, the Union should set some visible and credible targets, such as halving the number of victims of trafficking over the next 10 years; whereas, however, the overriding objective should of course be to fully eliminate this form of very serious crime and gross violation of human rights as quickly as possible,
- F. whereas the Vienna Action Plan of the Council and the Commission<sup>1</sup> on how best to implement the provisions of the Treaty of Amsterdam on the creation of an area of freedom, security and justice calls for greater efforts to agree on common definitions, charges and sanctions in the first instance in a limited number of sectors such as trafficking in human beings, particularly the sexual exploitation of women, adolescents and children,
- G. whereas trafficking in children and adolescents cannot be considered on the basis of criteria identical to the ones relating to trafficking in women, and whereas specific arrangements should therefore be made which take into account on the one hand the needs of children and on the other the needs of adolescents, since the needs of the latter have to be dealt with in a different way from the needs of children,
- H. whereas despite the adoption of Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings (which lays down the constituent elements and establishes a common definition of trafficking in human beings to be used by the EU Member States), the sanctions applicable in the Member States (with particular reference to the sexual exploitation of women and children) have still not been harmonised,

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<sup>1</sup> OJ C 191, 23.1.1999.

- I. bearing in mind that, notwithstanding the Treaties, the numerous legislative measures already adopted and the political declarations made, such as the 2002 Brussels Declaration, all of which stress the political priority of fighting trafficking in human beings, and particularly women and children, there are still no perceptible real improvements; whereas, on the contrary, trafficking is the fastest-growing criminal activity in comparison to other forms of organised crime,
- J. whereas it is necessary to address the prevention of trafficking not only through individual actions by each Member State but by a holistic and integrated multidisciplinary approach at the EU and international levels which would include the laying down of aspects of criminal law which are common to all the Member States and which relate in particular to effective, proportionate and dissuasive sanctions,
- K. having regard to the seriousness of the personal situations of the victims and their vulnerability, but also the need for their contribution to procedures to hold the criminal organisation to account and to the investigation into and capture of those responsible for them,
- L. whereas the lack of a common agreed definition of trafficking in women and children and the lack of common guidelines for comparative data, research and analysis are major obstacles to effective actions and policies,
- M. whereas, trafficking in women and children, being a transnational crime, building effective prevention strategies requires:
- addressing the triangle of the trafficking market, i.e. victim, trafficker and client;
  - programmes and protection in terms of legal and psychological assistance for the groups most at risk;
  - appropriate, constant and systematic provision of information and raising of awareness amongst all categories of the population and in particular within vulnerable groups
  - cooperation among the countries of origin, transit and destination;
  - cooperation at the global, international, EU, regional, national and local levels;
  - coherent actions among international organisations such as the United Nations, the Council of Europe, the European Union, the Organization for Security and Cooperation in Europe, and the G8,
- N. whereas virtual sex, especially cybersex (virtual sex over the internet), is another expanding market, the rise of which affects the increase in and amplification of trafficking, as new technologies facilitate the sexual exploitation of women and children.
1. Underlines the importance of a human rights based approach, the use of gender mainstreaming and a child sensitive approach in developing and implementing prevention strategies;
  2. Deplores the fact that the measures which have so far been taken to reduce trafficking in human beings have not yielded results in the form of a reduction in the numbers of women and children being exploited in the sex slave trade; considers on the contrary that trafficking in human beings for sexual purposes is the fastest growing criminal activity in comparison with other forms of organised crime in the EU; stresses that it is high time to adopt clear and specific goals such as halving the number of victims of trafficking in

human beings over the next ten years; considers that, naturally, the overriding aim should be to eliminate this type of crime completely without delay;

3. Regrets that there is a lack of recognition of the links between trafficking and migration, social protection and development policy, and calls for more coherent external policy on trafficking;
4. Calls on the Commission and Council to create a clear legal basis for combating all forms of violence against women, including trafficking, and 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;
5. Recommends a common EU policy focused on drawing up a legal framework and enforcing legislation and on counter-measures, prevention, prosecuting and punishing perpetrators and protecting and supporting victims;
6. Underlines the need to develop specific anti-trafficking measures within the framework of the EU neighbourhood policy; calls urgently for financial assistance to be provided to the accession states such as Bulgaria and Romania to enable them to develop long-term strategies to prevent trafficking;
7. Considers that the actions of the Member States should be in accord with their political declarations and that the Member States should transpose the relevant Community legislation in a more efficient way, particularly by improving operational cooperation and the exchange of relevant data between themselves and with Europol and Eurojust;
8. Emphasises that the promotion of gender equality in all EU policies and implementation of national legislation on equal opportunities are essential to counter-act the 'drivers' of trafficking, such as poverty, social exclusion, unemployment, lack of education, corruption, discrimination and violence against women;
9. Considers that research into the underlying causes of trafficking in human beings particularly trafficking in women and children for purposes of sexual exploitation - (i.e. what factors place people at risk of being trafficked and what factors affect demand for sexual services and sexual exploitation of women and children) should be carried out at both national and Community level; calls on the Member States and the Commission to continue research into the subject and to grant the necessary funding from the programmes available, such as Daphne; considers that the findings from such research can help to bring about the introduction of an adequate sex education programme in all Member States;
10. Draws the attention of the Commission and the Member States to the findings of the study initiated by the European Parliament concerning the Member States' various types of law on prostitution and their relationship with trafficking in women and children for sexual purposes (Transcrime, 'Study on National Legislation on Trafficking in Women and Children');

11. Stresses that action should be taken first and foremost with a view to explicitly discouraging demand by means which include educational, social and cultural measures;
12. Calls on the Council and Commission to include, as a matter of course, in their political dialogue with third countries, the issue of the trafficking of women and children and – if no improvement is forthcoming or no clear signal is given by the third country of a political will to take action – to take appropriate measures such as those listed in the human rights and democracy clauses in all cooperation and association agreements with third countries;
13. Calls on the Member States to make a stronger commitment to gender mainstreaming and to a child-sensitive approach in the EU development cooperation and poverty reduction programmes, and urges international organisations such as the World Bank, the International Monetary Fund and the World Trade Organization to address the battle against the feminisation of poverty and child poverty as priority issues;
14. Emphasizes the importance of addressing the link between trafficking and legal and illegal immigration, and of regarding legal migration channels as a mechanism to prevent trafficking;
15. Stresses the link between sexual exploitation and labour exploitation in the provision of domestic services; underlines that children and adolescents, subject to a dependence of which traffickers take advantage, are exploited not only sexually but also in ways connected with slavery, illegal adoption and forced labour; calls on vigorous measures with a view to preventing and combating all crimes and offences;
16. Regrets the lack of any analysis of the demand for prostitution in the Member States as a possible motivation for the phenomenon of trafficking; considers that the Commission should carry out a comprehensive study on the impact of the Member States' legislation on prostitution on the number of victims of trafficking;
17. Calls on the Member States to review and/or revise their visa policies in order to prevent abuse and provide protection against exploitation; calls on the Member States to ensure that the staff at their consulates in the countries of origin cooperate and exchange experience and that they receive training in how to recognise cases of trafficking in their work with visa applications; believes that such staff should also be trained to cooperate with the relevant NGOs;
18. Calls on the Member States to set up national and international telephone helplines against trafficking in women, which would be publicised through information campaigns on national and local television, inter alia; supports demands for a child helpline, which should take the form of a standard free international number for children;
19. Wishes the humiliating practice of men buying and exploiting women and children to be made the subject of an active and effective campaign under EU programmes in this field; considers that this campaign should be announced by the Commission and the Member States, with the unqualified support of the European Parliament and of all the other



European institutions in their respective fields of competence;

20. Calls on the Commission and the Member States to tackle in an urgent and appropriate manner (including the adoption of legislation) the tendency to use new particularly the Internet in disseminating the information about access to and demand for women and children for sexual exploitation, including pornography, rise of which affects the increase of trafficking;
21. Regrets the ongoing difficulties between the Member States and the European as far as the ratification and implementation of international treaties and conventions are concerned;
22. Calls on the Commission to monitor the implementation and common interpretation of existing instruments against trafficking and to launch a study on existing legal measures and actions at the EU and international levels to combat trafficking in women and children;
23. Welcomes the proposal in the Council of Europe Convention on Action against Trafficking in Human Beings to establish a monitoring mechanism (GRETA) in order to ensure effective implementation of the provisions thereof and emphasises the need for more intensive cooperation with the Council of Europe and other international organisations in the implementation of a strategy to combat sexual exploitation; informs that it includes the possibility of penalising clients;
24. Urges the Commission to cooperate with the Council of Europe and other international organisations like the IOM in the development of common guidelines for data collection and recommends to establish a common centre such as quickly as possible for the implementation of common definitions (trafficking, victim, etc.), the collection of comparable homogeneous data, for situation assessment and development, information exchange and evaluation of the links between the purpose of anti-trafficking laws, policies and action and their actual impact;
25. Calls on the Commission to submit an independent Daphne programme and ensure that it is kept distinct from the anti-drugs programme;
26. Regrets the lack of reliable data on the phenomenon of trafficking in Europe and the fact that neither the Commission nor Europol, nor any other EU body, has been to publish precise figures about the EU-wide extent of trafficking in human beings, and regrets particularly the lack of data on more vulnerable groups, such as women and children, and the failure to take effective steps to tackle the problem;
27. Urges the Member States to launch national contact points or to appoint national rapporteurs to gather, exchange, disseminate and process information on trafficking, and stresses the importance of gathering gender-based and comparable data, bearing in mind that it is of the utmost importance to ensure the confidentiality of information and to grant NGOs access to information and figures;
28. Calls on the Member States to establish and/or strengthen the awareness-raising

campaigns targeted at informing about the dangers and educating the vulnerable members of society in the of origin and to alert and sensitize the public about the problem and reduce the demand in the countries of destination; calls on the Member States, especially on Germany, to take appropriate measures in the course of the World Cup football tournament in 2006 to prevent trafficking of women and forced prostitution;

29. Urges the Member States to create a network of media contacts on trafficking to publicise up-to-date information within the EU and outside;
30. Calls on the Commission to launch an EU-wide Anti-Trafficking Day with an international anti-trafficking logo to raise general awareness of the phenomenon of trafficking in women and children and to increase public sensitivity and the visibility of the issue by addressing the public with one coherent message;
31. Stresses the need for the competent authorities to be staffed with qualified people specially trained in preventing trafficking by means of joint trainings programmes for all the parties involved - police, law enforcement, the medical profession, social workers, representative associations specialising in combating and preventing trafficking in women and children and others, using gender-sensitive tools and skills;
32. Calls on the Member States to set up an external group of experts to assist the police in order to step up the investigation of trafficking in women;
33. Stresses the importance of providing additional funding and staff for advisory bodies on trafficking in women and of greater cooperation on the part of non-governmental organisations active in this field;
34. Calls on the Member States to enforce the law and strengthen the prosecution and punishment of traffickers, accomplices and persons seeking sexual services from minors and to prosecute the laundering of the proceeds of trafficking;
35. 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;
36. Calls on the Member States to initiate a training campaign at police colleges, schools of social work and schools on combating and dealing with trafficking in women;
37. Calls on the Member States to increase their supervision of the way in which employment is negotiated in order to prevent the organisation of international trafficking in women;
38. Calls for continuing action to be taken against the laundering of the proceeds of trafficking through the implementation by the Member States of the various texts adopted

at European and international level, and for consideration to be given, if necessary, to strengthening the existing legal provisions relating to this type of crime;

39. Encourages the Member States to ensure that 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 is incorporated as quickly as possible into their domestic law;
40. Calls on the Member States to promote the principle of corporate social responsibility and public-private partnership involving civil society organisations in the implementation of prevention, reintegration and coordination strategies; calls on all the EU institutions to set a good example to other national public institutions and the private sector;
41. Calls on the Commission and the Member States to intensify their contacts with the hotel and tourist industry, so as to establish better cooperation on the industry's social responsibility and encourage the industry to adopt a code of ethics covering trafficking and prostitution where no such code exists; considers that good examples of ethical codes should be highlighted and recorded;
42. Calls on the Member States, in order to prevent amplification of trafficking and 're-trafficking', to develop and implement programmes of social inclusion and rehabilitation of women and children who have been the victims of trafficking in the past in association with authorised institutions and associations; and to envisage setting up a European reintegration fund; urges the Member States to develop micro-financing services in order to make it easier for women to obtain financial support;
43. Stresses that people who have been subjected to sexual exploitation must be considered victims; bearing in mind how immensely difficult it is for them to find a way out of their situation, both the European Union and the Member States should take the necessary measures to protect and support them, such as:
  - not sentencing people who have been victims of trafficking,
  - medical and psychological care,
  - legal advice and the assistance of a competent translator,
  - specific measures to reintegrate women who have been working as prostitutes, etc.;-to take responsibility for women and children who have been the victims of trafficking within the EU; such women and children should be offered support, either to return to their country of origin at their own request, or to make a new start;
44. Calls on the Member States to adopt mandatory, binding provisions relating to the protection of the victims of trafficking, since such provisions are essential if traffickers are to be prosecuted;
45. Emphasises that, up to now, a right of residence for victims of trafficking in women after the traffickers have been tried exists only in Belgium and Italy, and stresses that it would encourage victims to give statements and help secure the conviction of offenders if this right of residence were granted in all the Member States; emphasises, in particular, that it must be possible to give anonymous statements in the context of investigations into trafficking in women in order to ensure that more offenders are convicted;

46. Stresses the importance of introducing a criminal offence of 'deliberate exploitation by clients of persons from social risk groups and persons in a situation of coercion';
47. Urges the Member States to introduce measures enabling special residence authorisation to be granted in special cases in order to enable foreign victims who are in an irregular situation to escape from violence, and calls for the implementation of a victim-assistance and victim-integration programme to be run by social-service departments;
48. Urges all Member States to establish identical codifying provisions in their criminal law, including a clear legal definition of child trafficking based on internationally agreed standards enshrined in the Palermo Protocol<sup>1</sup> and the UN Convention on the Rights of the Child which is intended to prevent child trafficking from being treated as a sub-category of trafficking in human beings;
49. Stresses the urgent need to develop and implement a special children's rights-based prevention programme based on co-operation between the countries of origin, transit and destination; and draws attention to the lack of a coherent EU external policy in third countries where the greatest number of child victims of trafficking originate;
50. Asks the Commission to submit an adequate legislative proposal on European action to combat child prostitution and trafficking in human organs and tissue; notes that, even though the anti-trafficking legislation adopted under the first and third pillars includes specific provisions for their protection, children are still vulnerable, notably when they are exploited for sexual purposes;
51. Asks the Member States and the Community to ratify the Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography of 25 May 2000, which goes further than the Palermo Protocol, since it includes crimes which are not of a transnational nature and which do not involve criminal organisations, and moreover covers the transfer of human organs and illegal adoption;
52. Believes that children should be involved as participants in such a programme and asks Member States to introduce education programmes for girls and boys to fight discrimination and promote gender equality;
53. Urges the Commission to ensure that Country and Regional Strategy Papers stress the need for ensuring birth registration in third countries;
54. Regrets the lack of measurable added value delivered so far by the existing agencies and organisations at European level, especially the limited exchange of information between the Member States and Europol, which is the main European for fighting trafficking in human beings under Article 2(2) of the Europol Convention<sup>2</sup>, the EU Treaty, the Presidency Conclusions of the Tampere European Council and the Hague Programme; further regrets the fact that, among its numerous analyses of specific crimes, Europol has

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<sup>1</sup> According to the Palermo Protocol, child trafficking is the 'act of recruitment, transportation, transfer, harbouring or receipt of a child for the purposes of exploitation either within or outside the country'.

<sup>2</sup> OJ C 316, 27.11.1995.

so far produced only one analytical document in this field;

55. Emphasizes that Europol's financial and personnel resources should be used to make work to prevent trafficking more efficient, particularly trafficking in women and children; and in combating large-scale international organised crime;
56. Stresses the importance of close cooperation between Europol staff and their international counterparts who are responsible for combating trafficking (with particular regard to exchanging information concerning criminal networks, trafficking routes and traffickers' identity) as a means of making legal proceedings more effective;
57. Calls on the Commission to submit an annual assessment of the actions conducted in each Member States;
58. Calls on the Commission and Council to ensure that their activities within various international for a such as the United Nations, the Council of Europe, the OSCE, the Beijing review process, the Stability Pact for Southern Europe and the G8 are coordinated and coherent;
59. Calls on Member States to implement programmes for local-level cooperation with security services in regions with the highest unemployment rates, in order to prevent people trafficking;
60. Instructs its President to forward this resolution to the Council, the Commission, and to the governments and parliaments of the Member States and accession countries.

## EXPLANATORY STATEMENT

As stated by the United Nations Secretary-General Kofi Annan, the trafficking of persons, particularly women and children for sexual as well as other forms of exploitation is 'one the most egregious violations of human rights'<sup>1</sup>. Internationally defined as the recruitment, transport, transfer, harbouring or receipt of a person by use of threat, force, coercion, abduction fraud or deception for the purpose of the exploitation<sup>2</sup> (sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs) trafficking in human beings is growing globally led by the increase of organised crime and their profitability (broad pool of potential victims out of category of irregular migrants reveal profitability of the trafficking as according to International Organisation of Migration some 50 percent of the 175 million migrant worldwide are women).

According to the year 2005 Trafficking in Persons report released by USA Department of State Office to Monitor and Combat Trafficking in Persons, 'of the estimated 600,000 to 800,000 men, women, and children trafficked across international borders each year, approximately 80 percent are women and girls and up to 50 percent are minors'<sup>3</sup>. The data also illustrate that the majority of transnational victims are trafficked into commercial sexual exploitation. Trafficking networks have recently become increasingly flexible, managing to adapt to various situations and changing faces to adjust to the different possible routes. Their decentralised nature allows them to rapidly respond to law enforcement measures and possible competitors<sup>4</sup>.

Developing successful prevention strategies should go hand in hand with addressing main causes of trafficking just as the feminisation of poverty and unemployment rate, the attraction by difference in life quality between the country of origin and country of destination, violence against women and children, discrimination against women, strict migratory policies in the countries of destination, political instability in the countries of origin, etc. It is of ultimate importance to introduce and promote gender mainstreaming and child-sensitive approach in all the policies of the European Union including strategies to combat trafficking.

For development of efficient social and economic policies within the countries, it is important to identify main vulnerability factors of women and children to trafficking that might be country - specific and needs to be addressed with high priority. Study conducted by the International Migration Organisation in Romania reveals, that many factors such as early school leave, coming from an abusive family environment, single-parent families, living in medium-sized towns, belonging to minorities or poor knowledge of conditions living and working abroad, etc. can actually affect the increase in the women's vulnerability to trafficking. Special attention should be granted to women and children belonging to

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<sup>1</sup> From Statement released in December 12 2000, Palermo Italy.

<sup>2</sup> *Report of the Experts Group on Trafficking in Human Beings* (European Commission, DG Justice, Freedom and Security, 2004)

<sup>3</sup> *Trafficking in Persons Report*, (Department of State, United States of America, 2005)

<sup>4</sup> *Who is next victim? Vulnerability of young Romanian women to trafficking in human beings*, (International Organization for Migration, 2003, p.61)

minorities, women and children living in rural areas. Their increased vulnerability to become the victims of trafficking should be therefore addressed with special measures. Understanding vulnerability factors can become an effective instrument to fight trafficking from the ground and to organise prevention efforts. Knowing who potential victims are shall assist the law enforcement with identifying the profiles of the traffickers<sup>1</sup>.

Trafficking is a humanitarian problem requiring global, regional and local cooperation. Development of preventive strategies should be based on cooperation between civil society organisations and law enforcement agencies. As one of the first steps to develop cooperation on EU level is to use an integrated and harmonised approach to collecting data on trafficking. Obtaining reliable and comparable data is a prerequisite for developing the successful prevention strategies. The Report draws attention to the importance of establishing national and/or regional focal points or rapporteurs in every EU member and future member state in order to facilitate and synchronise the data collection process. It also emphasizes the importance of collecting data on child victims and argues that they should constitute a separate category.

Furthermore, to be efficient, prevention strategies must address triangle of the trafficking: supply and demand sides and the traffickers. When talking about the supply side or the potential victims of trafficking, preventive measures should firstly address the most vulnerable groups of this phenomenon by improving and expanding their opportunities for education and employment, fighting the problem of the feminisation of poverty, discrimination and inequality. On the level of practical actions, awareness raising campaigns including common logo on EU level to make the problem easily visible should be developed informing about the dangers of trafficking, ways of recruitment, help lines, etc. Trafficking phenomenon has harsh consequences of women's and children's health. The corresponding health consequences associated with trafficking include physical health, sexual and reproductive health, mental health, substance abuse and misuse, social well-being, etc. Strategies to prevent trafficking should include public health promotion strategies aimed at providing information on reproductive and sexual health, on infectious diseases, mental health, or health risks associated with migration including legal rights to health services in other countries.<sup>2</sup> As regards traffickers, law enforcement must prosecute and strictly punish traffickers, fight corruption, and put efforts to successfully identify changing trafficking routes, using the internationally established common definition of trafficking in human beings. Special training to better identify the trafficking victims should be provided to law enforcement personnel so the victims of trafficking would be encouraged to address the appropriate institutions. It also concerns the better understanding of trafficking flows and trends leading to better understanding of magnitude and nature of the problem so that effective policy responses could be developed. Addressing the demand side requires development of awareness raising campaigns in the destination countries in order to put the problem for public discussion. Furthermore, persons claiming sexual services with minors should be prosecuted as well as indirect accomplices (covered model agencies, massage agencies etc.) cooperating with traffickers. The Member States should also review their Visa policies in order to prevent and reduce abuse and provide protection against exploitation.

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<sup>1</sup> *Who is next victim? Vulnerability of young Romanian women to trafficking in human beings*, (International Organization for Migration, 2003)

<sup>2</sup> *The Health Risks and Consequences of Trafficking in Women and Adolescents: Findings from a European study*, (London School of Hygiene and Tropical Medicine, 2003)

It is undeniable that trafficking for sexual exploitation is directly linked to the prostitution. From country to country the governmental policies on prostitution differ from abolitionism, new abolitionist to prohibitionism and regulationism; and although new study on National Legislation on Prostitution and the Trafficking in Women and Children<sup>1</sup> suggests that while the models of new abolitionism and regulationism seem to increase the number of trafficking victims as compared to the model of prohibitionism, the final evaluation of the legislative models on prostitution in the European Union in terms of their impact on the number of victims should be based on more reliable and comparable statistics as well as on the broader set of data referred to other factors.

Finally, there is no simple solution to human trafficking. It is a global problem and solving it requires global partnership. Taking the Millennium Development Goal as a road map, eliminating root causes of trafficking is not only about eradicating poverty, creating conditions for education and employment, solving health problems or ensuring environmental sustainability; these goals cannot be achieved unless gender equality and empowerment of women is worked on. It is essential to understand the importance of promoting gender equality in all the international, national and local policies designed to prevent and combat the phenomenon of trafficking.

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<sup>1</sup> *Study on National Legislation on Prostitution and Trafficking in Women and Children*, (Transcrime, 2005)



28.11.2005

## **OPINION OF THE COMMITTEE ON CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS**

For the Committee on Women's Rights and Gender Equality

on strategies to prevent the trafficking of women and children who are vulnerable to sexual exploitation(2004/2216(INI))

Draftswoman: Inger Segelström

### **SUGGESTIONS**

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Women's Rights and Gender Equality, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. recalling that, as the President-in-Office of the Council stated before the European Parliament on 23 June 2005, between 600 000 and 800 000 people are the victims of trafficking throughout the world each year; whereas every year, over 100 000 women are the victims of trafficking in the European Union,
- B. considering that, in order to achieve zero tolerance of trafficking, the Union should set some visible and credible targets, such as halving the number of victims of trafficking over the next 10 years; whereas, however, the overriding objective should of course be to fully eliminate this form of very serious crime and gross violation of human rights as quickly as possible,
- C. bearing in mind that, notwithstanding the Treaties, the numerous legislative measures already adopted and the political declarations made, such as the 2002 Brussels Declaration, all of which stress the political priority of fighting trafficking in human beings, and particularly women and children, there are still no perceptible real improvements; whereas, on the contrary, trafficking is the fastest-growing criminal activity in comparison to other forms of organised crime,
  - 1. Regrets:
    - (a) the lack of reliable data on the phenomenon of trafficking in Europe and the fact that neither the Commission nor Europol, nor any other EU body, has been able to publish precise figures about the EU-wide extent of trafficking in human beings<sup>1</sup>,

and regrets particularly the lack of data on more vulnerable groups, such as women and children, and the failure to take effective steps to tackle the problem,

- (b) the ongoing difficulties between the Member States and the European institutions as far as the ratification and implementation of international treaties and conventions are concerned <sup>2</sup>,
- (c) the lack of measurable added value delivered so far by the existing agencies and organisations at European level, especially the limited exchange of information between the Member States and Europol, which is the main European tool for fighting trafficking in human beings under Article 2(2) of the Europol Convention<sup>1</sup>, the EU Treaty, the Presidency Conclusions of the Tampere European Council and the Hague Programme; further regrets the fact that, among its numerous analyses of specific crimes, Europol has so far produced only one analytical document in this field,
- (d) the lack of any analysis of the demand for prostitution in the Member States as a possible motivation for the phenomenon of trafficking;

2. Considers that:

- (a) the actions of the Member States should be in accord with their political declarations and that the Member States should transpose the relevant Community legislation in a more efficient way, particularly by improving operational cooperation and the exchange of relevant data between themselves and with Europol and Eurojust,
- (b) a new legislative initiative should be submitted by the Commission to approximate the different approaches taken by the Member States towards legislation concerning, or the criminalisation of, the purchase of sexual services and in particular the criminalisation of the purchase of the sexual services of forced prostitutes; considers that such an initiative would complete the existing legal provisions of Framework Decision 2002/629/JHA and Framework Decision 2004/68/JHA,
- (c) closer and more effective cooperation between the Union and other international organisations, and in particular the Council of Europe, should be established so as to coordinate the respective endeavours to tackle this problem,
- (d) the Commission should carry out a comprehensive study on the impact of the Member States' legislation on prostitution on the number of victims of trafficking,
- (e) the Commission and the Member States should take appropriate action to tackle the trend towards using new technology, particularly Internet websites and mobile phone text messages, to spread illegal information on access to, and demand for, children for sexual services;

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<sup>1</sup> OJ C 316, 27.11.1995.

3. As far as children are concerned:

- (a) asks the Commission to submit an adequate legislative proposal on European action to combat child prostitution and trafficking in human organs and tissue; notes that, even though the anti-trafficking legislation adopted under the first and third pillars includes specific provisions for their protection, children are still vulnerable, notably when they are exploited for sexual purposes,
- (b) asks the Member States and the Community to ratify the Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography of 25 May 2000, which goes further than the Palermo Protocol, since it includes crimes which are not of a transnational nature and which do not involve criminal organisations, and moreover covers the transfer of human organs and illegal adoption;

4. As far as financial assistance from the Union is concerned:

stresses the need for a substantial increase in European resources in this field, and in particular, suggests that Daphne II (2007-13) should be focused more on specific emergencies as they arise in reality and the situation in the various Member States; calls on:

- (a) the Council and Commission to include, as a matter of course, in their political dialogue with third countries, the issue of the trafficking of women and children and – if no improvement is forthcoming or no clear signal is given by the third country of a political will to take action – to take appropriate measures such as those listed in the human rights and democracy clauses in all cooperation and association agreements with third countries,
- (b) the Commission and the Member States to intensify their contacts with the hotel and tourist industry, so as to establish better cooperation on the industry's social responsibility and encourage the industry to adopt a code of ethics covering trafficking and prostitution where no such code exists; considers that good examples of ethical codes should be highlighted and recorded,
- (c) the Commission and the Member States to take responsibility for women and children who have been the victims of trafficking within the EU; believes that such women and children should be offered support, either to return to their country of origin at their own request, or to make a new start,
- (d) the Member States to ensure that the staff at their consulates in the countries of origin cooperate and exchange experience and that they receive training in how to recognise cases of trafficking in their work with visa applications; believes that such staff should also be trained to cooperate with the relevant NGOs.

## PROCEDURE

|  |   |
|--|---|
| Title  | Strategies to prevent the trafficking of women and children who are vulnerable to sexual exploitation   |
| Procedure number   | 2004/2216(INI)  |
| Committee responsible                                      | FEMM  |
| Opinion by<br>Date announced in plenary                    | LIBE<br>18.11.2004  |
| Enhanced cooperation – date announced in plenary           |   |
| Drafts(wo)man<br>Date appointed                            | Inger Segelström<br>21.2.2005   |
| Previous drafts(wo)man                                     |   |
| Discussed in committee                                     | 13.10.2005 14.11.2005   |
| Date adopted   | 14.11.2005  |
| Result of final vote                                       | +: 18<br>–: 10<br>0: 0  |
| Members present for the final vote                         | Alexander Nuno Alvaro, Edit Bauer, Johannes Blokland, Kathalijne Maria Buitenweg, Michael Cashman, Jean-Marie Cavada, Charlotte Cederschiöld, Carlos Coelho, Fausto Correia, Agustín Díaz de Mera García Consuegra, Rosa Díez González, Antoine Duquesne, Wolfgang Kreissl-Dörfler, Barbara Kudrycka, Stavros Lambrinidis, Edith Mastenbroek, Hartmut Nassauer, Martine Roure, Inger Segelström, Ioannis Varvitsiotis, Stefano Zappalà, Tatjana Ždanoka |
| Substitute(s) present for the final vote                   | Panayiotis Demetriou, Maria da Assunção Esteves, Ignasi Guardans Cambó, Sophia in 't Veld, Jean Lambert, Siiri Oviir, Marie-Line Reynaud  |
| Substitute(s) under Rule 178(2) present for the final vote |   |
| Comments (available in one language only)                  |   |

## PROCEDURE

|   |  |              |            |
|---|--|--------------|------------|
| <b>Title</b>  | Strategies to prevent the trafficking of women and children who are vulnerable to sexual exploitation  |              |            |
| <b>Procedure number</b>   | 2004/2216(INI)   |              |            |
|   |  |              |            |
| <b>Basis in Rules of Procedure</b>                                      | Rule 45  |              |            |
|   |  |              |            |
| <b>Committee responsible</b><br>Date authorisation announced in plenary | FEMM<br>18.11.2004   |              |            |
| <b>Committee(s) asked for opinion(s)</b><br>Date announced in plenary   | LIBE<br>18.11.2004   |              |            |
| <b>Not delivering opinion(s)</b><br>Date of decision                    |  |              |            |
| <b>Enhanced cooperation</b><br>Date announced in plenary                | No   |              |            |
| <b>Rapporteur(s)</b><br>Date appointed                                  | Christa Prets<br>16.12.2004  |              |            |
| <b>Previous rapporteur(s)</b>   |  |              |            |
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| <b>Discussed in committee</b>   | 20.6.2005  | 4.10.2005    | 24.11.2005 |
| <b>Date adopted</b>   | 24.11.2005   |              |            |
| <b>Result of final vote</b>   | for: 27<br>against: 0<br>abstentions: 0  |              |            |
| <b>Members present for the final vote</b>                               | Edit Bauer, Emine Bozkurt, Edite Estrela, Ilda Figueiredo, Věra Flasarová, Nicole Fontaine, Claire Gibault, Lissy Gröner, Zita Gurmai, Lívía Járóka, Rodi Kratsa-Tsagaropoulou, Marie Panayotopoulos-Cassiotou, Christa Prets, Marie-Line Reynaud, Eva-Britt Svensson, Britta Thomsen, Anna Záborská |              |            |
| <b>Substitutes present for the final vote</b>                           | Katerina Batzeli, Lidia Joanna Geringer de Oedenberg, Anna Hedh, Mary Honeyball, Elisabeth Jeggle, Christa Klač, Zita Pleštinská   |              |            |
| <b>Substitutes under Rule 178(2) present for the final vote</b>         | Mieczysław Edmund Janowski, Miroslav Mikolášik, Kathy Sinnott  |              |            |
| <b>Date tabled - A6</b>   | 14.12.2005   | A6-0400/2005 |            |