

Friday 19 May 2000

2. Trafficking in women

A5-0127/2000

European Parliament resolution on the communication from the Commission to the Council and the European Parliament 'For further actions in the fight against trafficking in women' (COM(1998) 726 – C5-0123/1999 – 1999/2125(COS))

The European Parliament,

- having regard to the Commission communication (COM(1998) 726 – C5-0123/1999),
- having regard to its resolutions of 11 June 1986 on violence against women⁽¹⁾, of 14 April 1989 on the exploitation of prostitution and the traffic of human beings⁽²⁾, of 16 September 1993 on trade in women⁽³⁾, of 18 January 1996 on trafficking in human beings⁽⁴⁾ and of 16 September 1997 on the need to establish a European Union-wide campaign for zero tolerance of violence against women⁽⁵⁾,
- having regard to its resolution of 16 December 1997 on the Commission Communication to the Council and the European Parliament on trafficking in women for the purpose of sexual exploitation (COM(96) 567 – C4-0638/96)⁽⁶⁾,
- having regard to the United Nations Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) of 18 December 1979, in particular Article 6 thereof, to the UN Declaration on the Elimination of Violence against Women (1993) and to the UN Convention on the Rights of the Child (1989),
- having regard to the Declaration and Platform for Action resulting from the Fourth UN World Conference on Women in Beijing in September 1995, in particular its critical concern area D,
- having regard to the Ministerial Declaration on European guidelines for effective measures to prevent and combat trafficking in women for the purpose of sexual exploitation agreed in the Hague on 24-26 April 1997, and the fact that only one Member State has appointed a national rapporteur against trafficking in women,
- having regard to the Joint action of 24 February 1997, adopted by the Council on the basis of Article K.3 of the Treaty on the European Union, concerning action to combat trafficking in human beings and sexual exploitation of children⁽⁷⁾, whereby the Member States agreed to review their national legislation with a view to making a number of offences criminal acts and to introduce sanctions as regards trafficking in human beings for the purpose of sexual exploitation;
- having regard to recommendation 1325 (1997) adopted by the Parliamentary Assembly of the Council of Europe on 23 April 1997,
- having regard to the Action Plan to combat organised crime approved by the Amsterdam European Council on 16 and 17 June 1997⁽⁸⁾,
- having regard to the International Conference on trafficking in Women, held in Vienna on 20-21 October 1998,
- having regard to the Action Plan on how best to implement the provisions of the Treaty of Amsterdam establishing an area of freedom, security and justice, adopted by the Vienna European Council on 3 December 1998⁽⁹⁾,

⁽¹⁾ OJ C 176, 14.7.1986, p. 73.

⁽²⁾ OJ C 120, 16.5.1989, p. 352.

⁽³⁾ OJ C 268, 4.10.1993, p. 141.

⁽⁴⁾ OJ C 32, 5.2.1996, p. 88.

⁽⁵⁾ OJ C 304, 6.10.1997, p. 55.

⁽⁶⁾ OJ C 14, 19.1.1998, p. 39.

⁽⁷⁾ OJ L 63, 4.3.1997, p. 2.

⁽⁸⁾ OJ C 251, 15.8.1997, p. 1.

⁽⁹⁾ OJ C 19, 23.1.1999, p. 1.

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- having regard to European Parliament and Council Decision 293/2000/EC 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⁽¹⁾,
 - having regard to the conclusions of the European Council of Tampere of 15 and 16 October 1999,
 - having regard to the Pact of Stability for South-Eastern Europe, adopted on 19 June 1999 in Cologne,
 - having regard to the resolution on trafficking in women and children adopted by the Parliamentary Assembly of the OSCE in July 1999,
 - having regard to the Draft Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime,
 - having regard to the outcome of the public hearing of 23 February 2000 on the fight against trafficking in women,
 - having regard to Rule 47(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Women's Rights and Equal Opportunities and the opinion of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0127/2000),
- A. whereas according to UN and IOM estimates four million people are victims of trafficking worldwide and 500 000 victims of trafficking enter Western Europe annually; whereas according to all indicators the number of victims is on the increase and the flows from Central and Eastern European countries have dramatically increased, in addition to the already existing flow from Africa, Latin-America, the Caribbean and Asia,
- B. points out that, as a rule, prostitution is not the result of a lifestyle choice, but is a phenomenon closely linked to the economic, social, political and cultural possibilities open to women in a given social environment and, in one way or another, is forced upon those who carry it out, and that sexual exploitation is a serious crime; points out that it is therefore necessary to focus greater efforts and resources on the fight against forced prostitution and trafficking in human beings, particularly women, aimed at sexual exploitation,
- C. whereas many victims of trafficking were kidnapped by international gangs, whilst others were sold by their families or lured away with false promises of work,
- D. whereas women and children are particularly vulnerable to this contemporary form of slavery, including sexual exploitation, where victims are deprived of any elementary right, have no legal status and are reduced, through threats and violence, to a state of extreme dependency,
- E. whereas many women who have become victims of trafficking are now living on the territory of the European Union and the great majority of them have no access whatsoever to social protection,
- F. whereas sectors other than the sex industry are involved in trafficking in human beings in general and in trafficking in women and children in particular,
- G. whereas trafficking in women is one branch of organised crime, with highly organised networks making huge profits from the exploitation of human beings and often being involved in other criminal activities such as drugs and weapons trafficking, with comparatively low penalties,
- H. whereas there has been a huge increase in violence and mental cruelty suffered by the victims and in violence between competing gangs,

⁽¹⁾ OJ L 34, 9.2.2000, p. 1.

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- I. considers that the system of direct and indirect prohibition of prostitution used in the majority of Member States creates a black market monopolised by organised crime, which exposes those involved, particularly immigrants, to violence and marginalisation,
- J. whereas the Treaty of Amsterdam (Article 29 EU) has made the fight against trafficking in human beings one of the objectives for the implementation of an area of freedom, security and justice,
- K. whereas the conclusions of the European Council of Tampere contain a clear mandate for EU action to combat trafficking in human beings, particularly sexual exploitation of women and children, since this is one of the sectors where efforts should be focused in order to agree speedily and as a priority on common definitions, incriminations and sanctions,
- L. whereas in the Hague ministerial declaration of 26 April 1997 the Justice ministers called on each Member State to appoint a national rapporteur to inform the government on the developments in the extent, nature and methods of trafficking in women,
- M. whereas in Tampere the European Council confirmed its determination to tackle illegal immigration, by combating those who engage in trafficking in human beings and economic exploitation of migrants, and urged the adoption of legislation providing for severe penalties for this crime,
- N. whereas commitments and policy statements have not been adequately translated into penal legislation; whereas the lack of specific legal provisions on trafficking in women in some Member States and applicant countries and the divergent legal systems and the lack of cooperation within and between the judicial authorities in the countries of origin, transit and destination allow traffickers to operate with impunity,
- O. whereas the lack of a common agreed definition of trafficking in human beings is a major obstacle to coherent action and policies to fight this crime,
- P. whereas the legal international instruments available, in particular the 1949 UN Convention on the suppression of trafficking in persons and the exploitation of the prostitution of others, are inadequate and there is no international instrument addressing all aspects of trafficking in persons; whereas, however, the perceiving of such instruments as inadequate is also due to a lack of political will or commitment to give priority to these issues,
- Q. whereas trafficking in women is a complex phenomenon and involves such aspects as human rights violations, the fight against organised crime, migration and visa policies, gender inequalities, poverty and socio-economic inequalities within and between countries; noting that a consensus exists on the need for a multidisciplinary approach involving all actors and for national and international cooperation between the origin, transit and destination countries,
- R. whereas the European Union needs to ensure the coordination and coherence of its action within various international fora, such as the United Nations, the Council of Europe, the OSCE, the Beijing review process, the Stability Pact for South-Eastern Europe and the G8,
 1. Condemns trafficking in women and children as an intolerable violation of fundamental human rights and consequently as a criminal act and stresses that such violations take place increasingly and repeatedly on EU territory;
 2. Welcomes the Commission communication which confirms the commitment to keep high on the Union's political agenda the fight against trafficking in women and children, and expects practical actions/initiatives;
 3. Points to the links between trafficking in persons, migration and asylum policies; calls on the Commission to analyse the extent to which immigration laws and practices in the EU contribute to trafficking and calls for a specific approach to trafficking in women beyond irregular migration issues;

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4. Urges the Commission to take full advantage of all the possibilities afforded by Articles 30, 31 and 34 of the Treaty on European Union to combat trafficking in human beings for the purposes of sexual exploitation;
5. Calls on the IGC to insert in the Treaty a clear legal basis for combating all forms of violence against women, including trafficking in women, at the same time as integrating police and judicial cooperation into the Community pillar in order to achieve greater legislative coherence and stronger democratic controls;
6. Recommends a common EU policy focused on a legal framework, on law enforcement, on measures to combat and punish offenders, on prevention and on protection of and support for victims;
7. Believes that a clear and harmonised definition of trafficking is a pre-condition for effectively countering trafficking in women and that such definition should cover all slavery-like practices besides forced prostitution and sexual exploitation, e.g. forced labour and forced marriage;
8. Calls on the Member States and applicant countries
 - to define trafficking in women, and related slavery-like practices, as a crime in their legislation and to ensure enforcement of existing laws,
 - to improve coordination at national level and set up a central authority to deal with trafficking and related crimes,
 - to set up or reinforce special anti-trafficking police units,
 - to improve their report mechanisms and cooperation between countries of origin, transit and destination, Europol and Interpol, in investigation and judicial processes with a view to detecting and dismantling networks active in trafficking and other criminal activities, with particular attention to money laundering,
 - to report yearly on progress achieved in the above-mentioned areas;
9. Calls on the Commission, further to the poor implementation of the 1997 Joint Action and in line with the conclusions of Tampere, to make specific proposals towards the harmonisation of national laws and methods of detection and prosecution, with a view to ensuring
 - a harmonised definition of trafficking in human beings, whereby this crime is categorised in the same way in all Member States,
 - effective, proportional and dissuasive sanctions against traffickers,
 - extraterritorial jurisdiction and extradition for the crime of trafficking in human beings,
 - seizure of the proceeds of criminal activities and legal scope for compensation and reparations for victims for the financial, physical and psychological harm they have suffered,
 - non-criminalisation of trafficked persons, including non-criminalisation for the use of forged visas or documents made as a result of their ordeal, together with a ban on any form of internment of victims in detention centres,
 - measures to protect victims and witnesses, and the families of witnesses, not least in the country of origin and guaranteed safety for women acting as witnesses or wishing to testify,
 - the possibility for NGOs to bring court actions on behalf of the victim,
 - the reversal of the burden of proof in court actions on trafficking charges, so that it rests with the alleged trafficker in a way that complies with national constitutions,
 - that the circumstances of victims of trafficking should not constitute grounds for an investigation of their background or of public or private documents, and can in no event be used against them, their families or their close relations, particularly when they freely exercise their rights as regards freedom of movement, establishment and seeking gainful employment,
 - strict confidentiality in medical and psychological tests, which may be conducted only at the request of the person concerned and must be preceded and followed by proper counselling,

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- an analysis of trafficking and the existing instruments for combating it, including specific data and estimates — number, origin, age and sex of persons involved, comparison of criminal law,
- a detailed examination of the difficulties encountered in identifying and dismantling networks and detecting any links between different mafia organisations,
- a specific evaluation of police cooperation and cooperation with non-member countries, in particular candidate countries, and an overview of arrangements for victim support,
- an estimate of the budgetary resources required to implement the support measures required at European Union level;

10. Stresses the key role of Europol in crime prevention, analyses and investigation; calls on the Council to provide the necessary support and resources; urges the Commission, in cooperation with the Member States, to strengthen Europol's resources, both personnel and financial, so that it can combat trafficking in women;

11. Calls on Member States to adequately tackle the tendency to use new technologies, in particular the Internet, for the circulation of supply and demand information by trafficking networks including sale of women by mail order;

12. Calls on the Commission, in cooperation with Member States and the applicant countries, to take immediate and effective measures in the following areas:

- collection, analysis and exchange of compatible data between the various actors, including NGOs,
- research to address the underlying causes in the origin countries, notably poverty; socio-economic conditions, the unequal status of women; the profile and the motives of the actors, especially the victims,
- research on the market mechanisms of demand and supply in trafficking in women and sex tourism,
- information and prevention campaigns aimed at potential victims and government officials in the origin and transit countries,
- development of a global warning system to monitor probable refugee and migrant movements in order to take primary action to prevent trafficking in women and children,
- information and awareness-raising activities with a view to reducing the demand side,
- promoting or reinforcing networks and partnerships between the police, judicial and social authorities and NGOs,
- training for police, prosecutors, judicial authorities and staff of embassies, consulates and migration offices with a view to identifying potential victims,
- exchange of best practices,

publication of an annual report readily accessible to members of the general public on progress in these areas;

13. Calls on Interpol to publish regularly, starting by the end of 2000, overviews on legislation and penalties relating to forced prostitution and trafficking in women and on police methods in the fight against trafficking to be reviewed and supplemented with information on all Member States and candidate countries;

14. Calls on all Member States to act on the Hague Declaration and to appoint without delay a national rapporteur on trafficking in women;

15. Calls on the Council, in cooperation with the Member States, to assign a liaison officer to one embassy of the Member States in the applicant countries and countries of origin for trafficking in women and children;

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16. Draws attention to the emergence of new trends in trafficking and to the situation of women in conflict and post-conflict areas, where political, social and economic disruption and a large international presence create conditions in which trafficking can flourish; calls on the international organisations to sensibilise staff deployed in those areas;

17. Calls on the Member States, in cooperation with local/regional authorities and NGOs, to provide to victims of trafficking of insufficient means, free of charge:

- suitable housing which meets the appropriate security requirements,
- medical and psychological care, together with access to all social and health services,
- legal counselling and the services of a competent translator in the event of administrative or legal proceedings,
- financial help, assistance in finding employment, vocational training,
- safe and voluntary re-integration in their country of origin or integration in the country of residence or final destination,

18. Points out that people who are sexually exploited must be regarded as victims and that, in view of the great difficulty they have in escaping sexual exploitation, both the Union and the Member States must take the measures necessary for their reintegration through the use of Community resources and the development of programmes for combating social exclusion, as well as through special measures for the reintegration of female prostitutes;

19. Calls on the Commission to add to the measures proposed an initiative to encourage, as part of its legitimate multidisciplinary approach, cooperation between all those who are in a position to help the victims of trafficking in men and women, such as NGOs working in this field, judicial and police authorities in the Member States and in the applicant countries, Europol and Interpol;

20. Stresses the vital role played by NGOs; calls on governments and on the Commission to adopt measures to build capacity and support emerging local NGOs, in particular in the applicant countries;

21. Believes that the countries of destination should grant temporary residence permits to victims of trafficking in human beings, regardless of whether or not they wish to testify subsequently in court that they have been victims of trafficking; furthermore, calls on the Member States to grant, in the framework of readmission agreements, a special permanent residence permit on humanitarian grounds to women victims of trafficking; suggests that NGOs with established credentials in assisting women victims of trafficking be authorised to give their opinions as to whether or not residence permits should be issued;

22. Welcomes the intention of the Commission to present, before the end of the Portuguese presidency, a proposal for legislative measures for victims;

23. Believes that victims of persecution on grounds of gender and, more specifically, of trafficking in human beings, should be eligible for refugee status;

24. Calls on the Commission

- to evaluate its current actions concerning prevention and reception facilities for victims, to review preventive measures and reception facilities in the Member States and candidate countries and to list sticking points/key issues in these areas;
- to present a proposal for the renewal of the STOP programme, expanded to include the applicant countries of the EU, with adequate funding;

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- to implement the Daphne programme 2000-2003 according to the priorities stated in Parliament's positions and to ensure coordination with Tacis and Phare and other relevant Community programmes (Grotius, Odysseus, Oisin, Socrates), with a view to end trafficking at source by making appropriate adjustments to legislation and strengthening NGOs in the applicant countries;
 - to initiate, in cooperation with the Member States, a pluriannual campaign including information campaigns in the countries of origin of the victims against trafficking in women which targets public opinion, the media, and primarily the male population, in concertation with the Council of Europe and NGOs, a campaign which is also to be conducted through the European Union's contacts with non-member countries;
25. Calls on the Commission in particular to extend the proposals it envisages presenting, firstly, to trafficking in human beings in general, so as to include trafficking in men and children and, secondly, to trafficking in human beings who are nationals of the Member States of the European Union;
26. Stresses that an effective EU policy to combat trafficking and violence against women requires adequate funding and demands that sufficient resources be allocated to the EU budget;
27. Calls on the Commission and the Council
- to link the enlargement process to the implementation of effective instruments in preventing and combating trafficking in the applicant countries,
 - to link cooperation agreements between the applicant countries and Europol to the fulfilment of specific criteria for policing trafficking in these countries;
28. Draws attention to origin regions such as the ACP, Latin America and Asia; calls on the Commission and the Member States to address the underlying causes through gender specific poverty programmes and development cooperation instruments ensuring sustainable and community-based development and to organise information campaigns;
29. Calls on the Commission, the Council and the governments of the signatory states to take account of the need to adjust legislation and the clampdown on trafficking in human beings in the countries of origin when verifying the implementation of the democracy clause within the context of cooperation agreements;
30. Calls on the Council to appoint a EU rapporteur on trafficking;
31. Calls on the Commission to focus, in the negotiations on the UN trafficking Protocol, on the definition of trafficking, its recognition as a national and international crime and on coherence with national legislation and existing treaties;
32. Calls on the European Union to provide the initiative for a UN convention on the punishment of persons who instigate, organise or perpetrate any form of trafficking in human beings;
33. Recommends that Parliament's interparliamentary delegations hold regular talks on the problem of trafficking in human beings at the meetings they have with members of other parliaments and representatives of civil society;
34. Calls on the media, through its code of good practice, to limit or refuse publicity for the sex trade, with a view to making it as difficult as possible for networks engaged in trafficking in women to operate;
35. Stresses that the International Criminal Court could be an effective instrument for combating trafficking in human beings and calls on the Member States to ratify the statute of the International Criminal Court;
36. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States and of the applicant countries.
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