

Opinion of the European Economic and Social Committee on the ‘Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-16’

COM(2012) 286 final

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Rapporteur: **Béatrice OUI**N

On 19 June 2012, the European Commission decided to consult the European Economic and Social Committee, under Article 304 of the TFEU, on the

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016

COM(2012) 286 final.

The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee’s work on the subject, adopted its opinion on 23 November 2012.

At its 485th. plenary session, held on 12 and 13 December 2012 (meeting of 13 December), the European Economic and Social Committee adopted the following opinion by 104 votes, with none against and 1 abstention.

1. Conclusions and recommendations

1.1 The Committee welcomes the strategy towards the eradication of trafficking in human beings, to which it would like to contribute. Nevertheless, it emphasises that the term eradication seems unrealistic in view of the current scale of the phenomenon, the climate of relative tolerance surrounding it and the inadequate resources devoted to tackling it.

1.2 The Committee stresses that this strategy cannot be applied without active support from civil society, which has direct contact with the victims. Victim support associations need financial resources in order to carry out their work effectively.

1.3 The Committee proposes that a distinction be drawn between trafficking for sexual exploitation and the other forms of trafficking (forced labour and begging, fictive marriages, and organ trafficking), so that it is clear to all what needs to be addressed. It also proposes the introduction of a label for cities hostile to sexual exploitation of women and children.

1.4 Likewise, the Committee would like to see a differentiated approach adopted for children (United Nations Convention on the Rights of the Child).

1.5 The EU Member States should work quickly to ratify the ILO Convention concerning decent work for domestic workers and all the international conventions which address this issue.

1.6 The Committee urges that victims be given sufficient protection to enable them to reintegrate into the legal sphere of the society from which they were excluded (i.e. that they be afforded protection when they report an offence, together with access to housing, healthcare and other services, etc.). In order

to be sustainable, this integration should give victims the chance to find work in an inclusive labour market supported by public funding.

1.7 The fight against trafficking must be a cross-cutting policy, including a genuine social policy strand as well as anti-trafficking measures. Synergies must be created with other strategies, particularly on Roma integration and combating poverty, drug addiction and the sexual abuse of children, etc.

2. Introduction

2.1 Far from being confined to the history books, slavery still exists today, even in the most developed countries. The persistence - even expansion - of trafficking in human beings within the territory of the European Union is a cancer that undermines its democratic foundations. When individuals are sold by other individuals in states governed by the rule of law, whether it be for sexual or labour exploitation, forced begging or, more recently, for organ trafficking, fictive marriages and when the traffickers are able to make substantial profits from their activity, the very credibility of the principles of respect for human rights, which the European Union strives so hard to spread across the world, is affected.

2.2 Trafficking in human beings is prohibited in Article 5 of the EU Charter of Fundamental Rights. Once fully transposed by the Member States by 6 April 2013, Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, which adopts a comprehensive, integrated approach that focuses on human rights and on the victims and is gender-specific, should lay the ground for a more effective response. Other legal instruments on the rights of victims, gender equality and sexual exploitation of children or providing for sanctions against employers who knowingly employ illegally resident third-country nationals, can allow for the pursuit of human traffickers.

2.3 However, a disparate collection of possibly overlapping legal instruments does not constitute a policy. Hence the need to adopt a strategy to establish priorities, bridge the gaps and ensure that the various texts are consistent. This is the objective of the strategy under consideration.

2.4 At the moment, there is a huge gulf between the principles that have been affirmed and the reality on the ground. In terms of principles, the European Union, the Member States and the public are strongly against trafficking in human beings, which is seen as a form of modern slavery. However, on the ground, all of us, whether ordinary members of the public, social workers, doctors, police officers or elected representatives, may come across the victims – young women from abroad soliciting on the streets of Europe's cities, children begging – or become involved, indirectly, in the exploitation of others by buying products that are so cheap that we know that forced labour is likely to have been involved at some stage of their production. The reality is that there is a vast collective tolerance and silence around human trafficking. Most people close their eyes, do not wish to see, do not feel that it is their concern, although everyone has a role to play.

2.5 In the text under consideration, the Commission is proposing an action strategy in order to be more effective. The Committee called for an approach of this kind in its opinion on the proposal for a Directive⁽¹⁾ and therefore supports the Commission's proposal.

2.6 If it is to succeed, this strategy needs to involve civil society as a key partner. In this field, civil society organisations have the best grasp of the issue, being well placed to help identify victims and work actively on prevention. The police, the justice system and the labour inspectorate all have a vital role to play, but if state services alone could eradicate trafficking in human beings, it would already have disappeared. The strategy will only be effective if civil society organisations are involved in its implementation. Organisations that provide assistance to victims need financial support.

2.7 The text sets out five priorities: identifying, protecting and assisting victims; stepping up the prevention of trafficking in human beings; increased prosecution of traffickers; enhanced coordination and cooperation among key actors and policy coherence; increased knowledge of and effective response to changing trends in trafficking in human beings, in particular the use of the internet by criminal networks.

3. The Committee's comments

3.1 The Committee has already expressed its views on issues related to trafficking in human beings in several of its opinions, including the opinions on the sexual exploitation of children⁽²⁾, the rights of victims⁽³⁾ and the global approach to the issue of migration and mobility⁽⁴⁾.

Identifying the victims

3.2 In its Opinion of October 2010, the Committee called for protection for victims and recognition of their status as

victims. Recognition and the fact that the burden of proof falls on vulnerable people who do not speak the language, are closely watched by their exploiters, are afraid, unaware of their rights and do not know who to turn to, are the crux of the problem. The area where progress needs to be made is identifying victims, so that they can be listened to more carefully. A number of trade union organisations have conducted pilot training initiatives with a view to enabling workers who might come into contact with victims of forced labour to identify them and learn how to contact, support and protect them. Public authorities and associations should conduct the same kind of work with people likely to come into contact with the victims of trafficking for sexual exploitation (who represent around 80 % of the victims). The existing tools, training courses, guidelines and procedures manuals must be disseminated much more widely so that information can be provided about who to contact in cases where human trafficking is suspected and how to do so.

3.3 As things currently stand, victims who contact one support organisation are very often referred on to another that is considered more appropriate. This approach, which means that some victims are obliged to tell their stories to dozens of people before they receive proper support, needs to be turned on its head. We need to move towards a situation where every organisation feels that it has the capacity to listen to and help victims, which means giving them the information, training and tools to know what to say and what to do and ensuring that associations and social services work as a network.

3.4 Different victims also require specific approaches. This is particularly important in the case of children, where the overriding principle must be the interest of the child. The fight against forced begging by children must be incorporated into the European Roma integration strategy.

Stepping up prevention

3.5 The Committee welcomes the focus on the gender dimension. As things stand, 80 % of the victims of trafficking are women, most forced into prostitution against their will, and sexual exploitation represents 76 % of all trafficking in human beings. The persistence of this form of trafficking for sexual exploitation highlights the inequality between women and men. The fact that women, often very young women, are brought into the wealthiest cities in the European Union for prostitution, raises the question of what image their clients have both of these women and women in general, and undermines the steps being taken in other areas to establish equality between women and men.

3.6 Consequently, the Committee recommends that clear distinctions be drawn between the various types of trafficking in human beings - for sexual exploitation, forced labour and begging, and organ trafficking and that sexual exploitation of children also be addressed as a distinct issue. Sexual exploitation makes up the bulk of trafficking in human beings (80 %) and it is therefore important to name it. It is important to be clear about what needs to be combated. The traffickers may appear to belong to a nebulous, far away and unreachable group, but both clients and victims are people any of us might come across on the streets of Europe's cities.

⁽¹⁾ OJ C 51, 17.2.2011, pp. 50-54

⁽²⁾ OJ C 48, 15.2.2011, pp. 138-144

⁽³⁾ OJ C 43, 15.2.2012, pp. 39-46

⁽⁴⁾ OJ C 191, 29.6.2012, pp. 134-141

3.7 First and foremost, stepping up prevention entails tackling demand. As long as there are clients, there will be traffickers. Reducing demand will involve educating people from all backgrounds about gender equality from a very young age, as well as increasing workplace gender balance. When workplaces are mixed, and men and women do the same jobs and are promoted to the same levels of responsibility, it becomes more difficult to maintain unreal fantasy images of women and to perceive them as sexual objects which can be bought. Sex education encompassing both the emotional aspects and human dignity is vital. If parents are silent on sexual matters, young people go looking for information on the internet and risk being exposed to negative images which may affect their future understanding of relationships between women and men.

3.8 The gender dimension is an important one, but it is also important to adopt differentiated approaches for children and adults. It must be emphasised that engaging in sexual relations with children is a serious crime. With the proliferation of pornographic websites showing explicit images of children, some adults appear to be forgetting or failing to comply with the law and, in the face of this, it is increasingly urgent to make more resources available to address this aspect. Children must also be educated about sexuality and taught about the respect that is due to them⁽⁵⁾.

3.9 Prevention also means countering the poverty that drives people to leave their homes and the people smugglers who take advantage of their situation. Attracted by the dream of obtaining access to western prosperity, illegal immigrants in vulnerable circumstances, with no papers, no money and no ability to communicate, and scared of being caught by the police, find themselves at the mercy of traffickers who reduce them to slavery, even though they came originally of their own accord and were not abducted by force.

3.10 The increase in forced labour is worrying. Attention also needs to be paid to abuses, with a clarification of the status of 'au pair' work and work conducted by pilgrims for some religious institutions, since the boundary between voluntary work and forced labour is sometimes blurred in this area.

Prosecution of traffickers

3.11 In its previous opinion, the Committee stressed the financial aspect of prosecutions and this is still relevant. The fact is that this is one of the most lucrative forms of crime. The estimated global annual profits made from the exploitation of all trafficked forced labour are USD 31,6 billion. Of this, USD 15,5 billion, or 49 %, are made from people trafficked and forced to work in industrialised countries⁽⁶⁾. Financial investigations at European level are a key part of the pursuit of

traffickers. The Committee calls for the profits generated through human trafficking to be confiscated and used to compensate the victims and combat trafficking.

3.12 Protecting victims and taking account of the gender dimension are other challenges that need to be taken up. Victims play a key role in enabling traffickers to be prosecuted successfully but in order for them to do so, they need to feel safe. Protection should also include access to housing, healthcare and personal safety. In order to be sustainable, this integration should give victims the chance to find work in an inclusive labour market supported by public funding so that they can acquire work experience and habits as a prerequisite for their rehabilitation and a successful transition into the open labour market. After having been forced to live on the margins, victims need to be helped to reintegrate legally into society.

3.13 Agreements need to be concluded with illegal immigrants' countries of origin to help them fight more effectively against people smugglers, who are not prosecuted for human trafficking despite the fact that they are responsible for providing criminal networks with potential victims.

Enhanced coordination and cooperation among key actors and policy coherence

3.14 The Committee welcomes the establishment of a European Business Coalition against trafficking in human beings. Commitment from businesses is vital to combat forced labour, not only in third countries but also within the European Union. This coalition should be extended to small enterprises sub-contracting for the major conglomerates in branches such as catering, construction and agriculture, where the black economy plays a large role. Combating human trafficking – including illegal or forced labour in third countries and in all subcontractors at all stages of the production chain – is a crucial aspect of corporate social responsibility. Given that processes are now globalised, multi-national companies have a key role to play in verifying how all the products they use are manufactured.

3.15 Similarly, trade agreements must include explicit clauses prohibiting the circulation of goods and services produced using forced labour.

3.16 We know that slavery is still happening in the service sector, particularly in the area of domestic service. The ILO adopted an instrument for combating these abuses in June 2011 in the form of Convention 189 concerning decent work for domestic workers⁽⁷⁾. The EESC recommends that

⁽⁵⁾ OJ C 24, 28.1.2012, pp. 154–158.

⁽⁶⁾ Patrick Belser, 'Forced Labour and Human Trafficking: Estimating the Profits', working document, Geneva, International Labour Office, 2005).

⁽⁷⁾ As yet, no European State has ratified this ILO convention (which has been ratified by two countries, Uruguay and the Philippines).

this convention be ratified rapidly by the 27 Member States, together with all the international instruments that address trafficking in human beings ⁽⁸⁾.

3.17 The Committee supports the establishment of a Civil Society Platform, allowing information and training on the human trafficking dimension to be provided in all the associations potentially concerned by this issue and possessing the necessary expertise.

3.18 National rapporteurs and better data collection are essential. Data collection must be unified to ensure that all Member States proceed in the same way. National rapporteurs will have primary responsibility for the fight against human trafficking and will therefore be able to coordinate the action of the various departments and associations, including immigration, child protection and youth services, and associations combating violence against women, which are involved in this issue but do not always work together. With traffickers operating across borders, Europol has an important role to play.

3.19 Coordinating the EU's external action and speaking explicitly about the trafficking of human beings in free trade agreements will draw attention to this all too often hidden or underestimated phenomenon.

3.20 In view of their close connection with what is happening on the ground, local authorities, especially those in the major cities, are particularly well placed to combat illegal sexual exploitation of the victims of trafficking. The Committee recommends the creation, by an independent authority, of a label identifying the cities most hostile to human trafficking and most actively opposed to prostitution or forced begging. There are labels for air and water quality, is the human environment not equally important?

3.21 Other measures that need to be taken are assessing the efficacy of EU funding, developing effective procedures and producing, disseminating and translating good practice guides tailored to the various players, including the police, the justice system, local authorities and associations.

Responding to changing trends

3.22 The recruitment of victims and clients via the internet is a new risk, which needs to be analysed and countered by using the internet and social networks to disseminate a discourse stressing responsibility and respect for human dignity. It would be a shame to focus only on the, albeit real, dangers of the internet when this new tool can also be used to disseminate positive messages and serve as a means of prevention.

Brussels, 13 December 2012.

The President
of the European Economic and Social Committee
Staffan NILSSON

⁽⁸⁾ Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime, United Nations Treaty Series, Vol. 2237, p. 319; Council of Europe Convention on Action against Trafficking in Human Beings (CETS No 197), Warsaw, 16.5.2005; United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), New York, 18 December 1979, United Nations Treaty Series, Vol. 1249, p. 13; United Nations Convention on the Rights of the Child, 20 November 1989, United Nations Treaty Series, Vol. 1577, p. 3; ILO Forced Labour Convention, 1930 (No 29); ILO Abolition of Forced Labour Convention, 1957 (No 105); ILO Worst Forms of Child Labour Convention, 1999 (No 182).