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Resolution on trafficking in human beings

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The European Parliament,

- having regard to the United Nations Convention of 21 March 1950 for the suppression of the traffic in persons and of the exploitation of the prostitution of others,
 - having regard to the United Nations Convention of 18 December 1979 on the elimination of all forms of discrimination against women,
 - having regard to the UN General Assembly's Resolution 42/140 of 7 December 1987 on the rights and dignity of migrant workers,
 - having regard to the United Nations Convention of 20 November 1989 on the rights of the child,
 - having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms,
 - having regard to the Council of Europe's Recommendation No. R (91) 11 of 9 September 1991 concerning sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults,
 - having regard to the Beijing Platform of Action,
 - having regard to the recommendations of the Council of Justice and Home Affairs Ministers of 29 and 30 November 1993 ((Minutes of the meeting of the Council of Justice and Home Affairs Ministers of 29 and 30 November 1993.)),
 - having regard to its resolution of 11 June 1986 on violence against women ((OJ C 176, 14.7.1986, p. 73.)),
 - having regard to its resolution of 14 April 1989 on the exploitation of prostitution and the traffic in human beings ((OJ C 120, 16.5.1989, p. 352.)),
 - having regard to its resolution of 8 July 1992 on a European Charter of Rights of the Child ((OJ C 241, 21.9.1992, p. 67.)),
 - having regard to its resolution of 22 January 1993 on the setting up of Europol ((OJ C 42, 15.2.1993, p. 250.)),
 - having regard to its resolution of 16 September 1993 on trade in women ((OJ C 268, 4.10.1993, p. 141.)),
 - having regard to its resolution of 17 December 1993 on pornography ((OJ C 20, 24.1.1994, p. 546.)),
 - having regard to its resolution of 19 May 1995 on the Europol Convention ((OJ C 151, 19.6.1995, p. 376.)),
 - having regard to Rule 148 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties and Internal Affairs and the opinions of the Committee on Culture, Youth, Education and the Media and the Committee on Women's Rights (A4-0326/95),
- A. whereas trafficking in human beings (men, women, children and young adults) is incompatible with human dignity and worth and constitutes a serious violation of human rights,

B. whereas trafficking in human beings is to a large extent the result of the imbalances in international economic relations, and whereas this is an issue which concerns both development policy and the policy of international cooperation with the developing countries and the countries of Central and Eastern Europe,

C. whereas trafficking in human beings has become a preferred area of activity for international organized crime, which exploits economic hardship, youthful inexperience and poverty with a cynical disregard for humanity for the purposes of prostitution, drug-dealing, illegal immigration and organized black labour,

D. having regard to the crucial need to protect human beings against any exploitation of their precarious social and economic circumstances or their inexperience for the purposes of clandestine employment in conditions of slavery, prostitution, pornography, any other form of sexual abuse or the trade in human organs,

E. whereas it is the duty of every society to ensure that all human beings are allowed to fulfil their potential and that their interests are respected by all,

F. whereas victims of trafficking are forced into such situations by a third party, acquiesce out of necessity and, in view of their illegal status, poverty, discrimination, dependency and indebtedness, are regularly subjected to blackmail and oppression,

G. whereas, in most cases, migrants who are victims of trafficking and who are brought to a country and employed either clandestinely or legally are subject to inhuman and degrading treatment and exploitation and, in flagrant violation of their human rights, find that their freedom is curtailed, they receive paltry wages and are forced to work long, irregular hours,

H. whereas a growing number of children and young adults are victims of trafficking mainly for the purposes of pornography industries and sex tourism,

I. whereas a growing number of European children are the victims of kidnapping by traffickers in human beings,

J. whereas the victims must be given the opportunity to free themselves from the environment of criminal oppression and dependency, through proper protection and specific measures to promote decent employment opportunities, access to education and culture and social rehabilitation,

K. whereas many victims of such trafficking face various problems when they return to their home country, such as the risk of being rejected by their families, being unable to find work, becoming social outcasts and being victimized,

L. whereas the violence practised against the victims of trafficking, particularly children and young adults, has particularly harmful effects on their physical and mental development,

M. whereas the clandestine work carried out by migrants in degrading conditions is not only a flagrant violation of human rights but also a means whereby unscrupulous employers can achieve high profits owing to wage distortions which can lead to forms of unfair competition,

N. whereas trafficking in human beings is a form of slavery linked to international organized crime; whereas action to combat this form of slavery must be targeted at those smuggling persons over borders, employers, pimps, brothel managers, the organizers of travel for the purposes of sex tourism and producers of pornographic material involving children, and not at those who are the victims of such slavery,

O. whereas although the prevention, deterrence and possible prosecution of trafficking in human beings remain the responsibility of the Member States as part of their policing powers, the Union cannot afford to ignore this problem, particularly following the entry into force of the Schengen agreements,

P. whereas the Community has legitimate responsibility in this sphere in view of the new framework resulting from the internal area without frontiers in which persons, goods, services and capital are theoretically entitled to freedom of movement,

Q. whereas, unfortunately, Title VI of the Treaty of European Union, which concerns cooperation in judicial, customs, police and statistical matters, focuses mainly on intergovernmental activities and neglects the democratic control and dynamism which the European Parliament might bring to bear in this sphere,

R. whereas Article K.2(1) of the Treaty on European Union explicitly refers to the European Convention for the Protection of Human Rights and Fundamental Freedoms, which stipulates in Article 3 that 'no one shall be subjected to torture or to inhuman or degrading treatment or punishment',

S. whereas education, vocational training, health and consumer protection now come under the sphere of Community responsibility, and whereas the Community can capitalize on this in order to draw up proposals for action,

T. whereas Europol is required to exchange information on international organized crime,

U. whereas the offence of trafficking in women is not always clearly defined in national legislation or international conventions, thereby leading to confusion which makes it more difficult to fight these crimes,

V. whereas the ministers of the Member States, meeting within the Trevi Group, instructed the Trevi 3 Group to look into police practices with regard to combating trafficking in human beings and in particular sexual exploitation through trafficking in children and women with a view to harmonizing such practices where appropriate and increasing their effectiveness,

W. whereas the Council of Justice and Home Affairs Ministers of 29 and 30 November 1993 adopted recommendations on combating procuring by means of an organized system of information,

X. whereas the Intergovernmental Conferences provide a unique opportunity to define and extend Community powers in spheres which threaten a person both physically and mentally, such as trafficking in human beings,

1. Takes the term 'trafficking in human beings' to mean the illegal action of someone who, directly or indirectly, encourages a citizen from a third country to enter or stay in another country in order to exploit that person by using deceit or any other form of coercion or by abusing that person's vulnerable situation or administrative status;

2. Calls on the Commission to propose to the Council that the European Union accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms in order to strengthen the Community's jurisdiction in this sphere;

3. Considers that international cooperation should be stepped up among both states and judicial and police institutions so that effective action can be taken to combat trafficking in human beings;

4. Calls on the Member States to draw up specific guidelines for the police and the courts in order to facilitate active criminal investigations in the Member States;

5. Points out that, although trafficking in human beings is not one of the areas specifically mentioned in Article K.1 of Title VI of the Treaty on European Union, joint action should be taken immediately to combat this problem, in view of the interconnection between areas of responsibility referred to in this article, in particular points 2, 3, 5 and 9;

6. Calls for trafficking in human beings to be included, following the 1996 IGC, amongst those fields currently covered by Article K.1 of the TEU and for it to fall within the sphere of Community jurisdiction, inter alia by virtue of the European Parliament's monitoring and supervisory role;

7. Considers that a common policy on trafficking in human beings must be aimed at prevention, deterrence, prosecution and rehabilitation;

As regards external preventive measures

8. Considers it essential that the objectives of development aid policy should include aid for the victims or potential victims of the traffic in human beings;

9. Urges the Union to take account of the specific position of women and children in its relations with developing countries and the countries of Central and Eastern Europe;

10. Calls on the Member States to support prevention campaigns in the countries of origin and to focus on the opportunities, limitations and rights in the event of emigration;

11. Calls for the police bodies of the Member States to engage in institutionalized cooperation with the developing countries and the countries of Central and Eastern Europe

to improve efforts to combat organized crime and identify more successfully those networks involved in the trafficking of human beings and the transit routes used;

As regards internal preventive measures

12. Calls on the Member States to carry out and publish surveys on the nature, scale, channels, transit routes and organization of the traffic in human beings, its links with organized crime and the scale of economic gains, with a view to promoting public awareness campaigns through appropriate use of the media;

13. Calls on the Member States to organize information and prevention campaigns aimed at clarifying the opportunities, limitations and rights in the event of emigration;

14. Welcomes the ILO and WHO initiatives to draw up standards for the informal economy and believes it is advisable to draw up legislation on unregulated work in the Union, too, in order to reduce the vulnerability and lack of rights of persons working in this sector, and to ensure access to health care, social services and insurance;

As regards deterrent measures

15. Calls on Member States to provide a clear definition of the concept of trafficking in human beings, and to identify trafficking as a violation of human rights and a serious crime;

16. Calls on Member States to provide a clear definition of the concept of sex tourism and to identify the cases to be deemed criminal offences, to supervise agencies who engage in prostitution tours and to enter into agreements with the authorities concerned;

17. Considers there should be greater controls over issuing residence and work permits to 'folk artists', dancers, au-pairs and chambermaids, as well as proper regulation of show-business agencies and marriage bureaux with specific contacts and information campaigns for the workers and persons involved, in order to clarify the rights and protection of potential victims;

18. Believes that granting immigrant women the right to residence permits distinct from those of their spouses and work permits for the territory of the Union is a means of helping to prevent the traffic in women;

19. Calls on the Member States to coordinate banking and fiscal supervision in order to combat money laundering of the proceeds of trafficking;

As regards penal measures

20. Urges that cooperation between the Member States' police bodies, as provided for by the Europol Convention, should encompass all organized crime, including trafficking in human beings and child abductions;

21. Considers in this connection that there should be computerized exchanges of information between the police bodies of the signatory states on the identity of traffickers and on transnational networks trafficking in human beings as well as suitable training courses for police agents working at frontiers;

22. Calls on the Member States to include the explicit penalization of trafficking in human beings in their respective penal codes as soon as possible, and to impose tougher sentences if necessary; calls on the Commission to cooperate with the Member States in drawing up a definition of the offence so that fighting this crime can be tackled within the Union on a basis of sound cooperation and without any confusion over terms;

23. Calls for rules to be introduced on extra-territorial jurisdiction in order to allow the prosecution and punishment of individuals who have committed offences involving sexual exploitation of children and adolescents outside the Community territory;

24. Urges all the Member States to confiscate the earnings obtained through trafficking in human beings and the means of transport involved;

As regards measures to assist the victims

25. Calls on the Member States, in cases where exploiters are reported to the police, to take direct measures to ensure the safety and dignity of the victims by guaranteeing them the right to bring civil proceedings, a temporary residence permit for humanitarian reasons and protection for them during and after the trial where they are called upon to testify;

26. Calls on the Member States to grant the victims of trafficking in human beings social as well as legal assistance, and suggests the following specific measures in this respect:

- protection of victims from blackmail and revenge by setting up emergency phone services to provide them with counselling in their mother tongue,
- providing police and court translators and interpreters to assist the victims,
- refuges for victims to be established in the host countries;

27. Urges the Member States to allow the victims to remain on their territory in cases where repatriation could seriously endanger those persons' lives and make them vulnerable to further exploitation;

28. Calls on the Commission to assist the countries of origin in organizing support facilities for victims returning home, the central features of which should be confidentiality, education and training to encourage economic independence and social integration;

29. Calls on the Commission and the Member States to include in all bilateral or multilateral agreements with developing countries, the countries of Central and Eastern Europe and the less developed countries a specific clause establishing concerted measures to prevent and to combat the traffic in women;

30. Believes that NGOs which are working to combat trafficking in human beings should be supported by the governments and develop close cooperation with the authorities of the Member States in order to implement an active policy of detection, social integration and international cooperation between NGOs;

31. Calls on the Commission and the Member States to take action at an international level to draft a new UN convention to supersede the obsolete and ineffective Convention on the Suppression of Traffic in Persons and of the Prostitution of Others (1949); any new convention should focus on coercion and deception;

32. Calls on the Commission and the Member States to urge the UN to appoint a special rapporteur for the traffic in human beings in its Commission on Human Rights;

33. Instructs its President to forward this resolution to the Commission, the Council and the governments of the Member States.