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COMMUNICATION FROM THE COMMISSION  
TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

**ON TRAFFICKING IN  
WOMEN FOR THE PURPOSE OF SEXUAL  
EXPLOITATION**

PART I: GENERAL FRAMEWORK	3
CONTEXT	3
SCOPE	3
BACKGROUND	4
PART II: DEVELOPMENT OF AN INTEGRATED MULTIDISCIPLINARY POLICY	6
II. 1 : INTERDISCIPLINARY PROPOSALS	7
<u>II. 1. a: The "STOP" Programme against trafficking in human beings</u>	7
<u>II. 1. b: Need for improved data and research</u>	7
<u>II. 1. c: Cooperation and Coordination</u>	8
<u>II. 1. d: Information campaigns</u>	10
<u>II. 1. e: Training</u>	11
II. 2 : MIGRATION	11
<u>II. 2. a: Migration Training</u>	11
<u>II. 2. b: Temporary Permit of Stay</u>	12
II. 3 : JUDICIAL COOPERATION	12
<u>II. 3. a: Existing International Instruments</u>	13
<u>II. 3. b: National Legislation</u>	13
<u>II. 3. c: New European Union Legal Instrument</u>	13
<u>II. 3. d: Sanctions</u>	14
II. 4 : POLICE COOPERATION	15
<u>II. 4 a: Cooperation and Communication</u>	15
<u>II. 4. b: Law Enforcement Training</u>	16
<u>II. 4. c: Third Countries</u>	17
II. 5 : SOCIAL AND EMPLOYMENT DIMENSION	18
<u>II. 5. a: Information</u>	18
<u>II. 5. b: Social Programmes</u>	18
<u>II. 5. c: Reception and Rehabilitation Centres</u>	19
<u>II. 5. d: Employment Conditions</u>	20
<u>II. 5. e: Training in the Social Field</u>	20
PART III: COOPERATION WITH THIRD COUNTRIES	21
III. 1 : CENTRAL AND EASTERN EUROPE AND THE NIS	22
III. 2 : AFRICA, CARIBBEAN AND PACIFIC COUNTRIES (ACP)	23
III. 3 : ALA/MED COUNTRIES	24
PART IV: CONCLUSION	26

ANNEX 1: Complete List of Action Points in Communication	27
ANNEX 2: Excerpts of main texts on trafficking	35
ANNEX 3: Detailed bibliography on Trafficking in Women in Europe	43

## PART I: GENERAL FRAMEWORK

### CONTEXT

Trafficking in women for the purpose of sexual exploitation is an increasing type of international organised crime generating high profits with relatively low forms of risk for traffickers. Thousands of women are being trafficked from developing countries and Central and Eastern Europe to Western Europe and brought into conditions in which their basic human rights are violated. Only a minority of cases are reported and convictions of traffickers are rare.

Public concern and international awareness have increased through the work of non-governmental organisations (NGOs), the United Nations and the Council of Europe. The Justice and Home Affairs (JHA) Council of the European Union agreed a set of recommendations in November 1993 to the Member States to counter trafficking<sup>1</sup>, and in addition to a number of resolutions, the European Parliament produced a unanimous report and resolution on trafficking in human beings in December 1995<sup>2</sup>. In a major conference in Vienna in June 1996, the European Commission took the initiative of bringing together for the first time, experts, NGOs, academics, law enforcement and immigration officials, and government and parliamentary representatives. The conference identified a number of specific areas for action, and adopted a set of recommendations, including development at EU level, of a comprehensive action plan for a structured approach.

The purpose of this Communication is to stimulate a broad policy debate, and to promote a coherent European approach to these issues. At the same time, whilst considering the actions currently under debate in the JHA framework, it seeks to identify concrete and rapidly achievable proposals. The Commission believes that such an approach should include measures to improve both international and European cooperation, whilst putting more effective measures at national level in place.

### SCOPE

Any initiative to combat this form of international organised crime must devote central attention to the devastating effect it has on the victims. The human rights of women include their right to have control over, and decide freely on matters relating to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence<sup>3</sup>. The Communication will thus be limited to the particularly serious abuse of human rights which is involved in trafficking for sexual purposes<sup>4</sup>.

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<sup>1</sup> Recommendations on Trade in Human Beings - Council Press Release 10550/93 of 29-30 November 1993, see Annex 2.

<sup>2</sup> Report on Trafficking in Human Beings of the Committee on Civil Liberties and Internal Affairs, Rapporteur Mrs Maria Paola Colombo Svevo, of 14 December 1995, A4-0326/95.

<sup>3</sup> United Nations Fourth World Conference on Women - Beijing 1995, see also Annex 2

<sup>4</sup> In the Commission Communication on Incorporating Equal Opportunities for Women and Men in all Community Policies and Activities" (COM (96) 67), the questions of violence against women and trafficking in persons were touched upon.

Although this Communication concentrates on **women**, trafficking of women raises questions which are also relevant to traffic in **children**. However, current concern about abuse and exploitation of children raises many other issues beside trafficking which must therefore be specifically addressed. The particular needs and situation of children require targeted analysis and responses, both socially and legislatively. The Commission is investigating the ways in which the European Institutions may further contribute to this fight after the Commission's first reactions in an "Aide-Memoire"<sup>5</sup> at the Informal Justice and Home Affairs Council on 27 September 1996. The Commission intends to follow the conclusion from the recent Stockholm World Congress against Commercial Sexual Exploitation of Children, that a coherent and coordinated approach is needed. All forthcoming Commission initiatives which have a bearing on prevention of abuse or sexual exploitation of children will be prepared in this broader perspective. A Communication including immediately realisable measures to combat child pornography on the Internet, and a Green Paper on the Protection of Minors and Human Dignity establishing a longer term action plan, were adopted by the Commission on 16 October.

The Communication defines **trafficking** as the transport of women from third countries into the European Union (including perhaps subsequent movements between Member States) for the purpose of sexual exploitation. A distinction must be made between legal and illegal entry. Some women enter legally, either because they come from countries whose nationals are not required to hold a visa in order to enter for a short period stay into the territory of a Member State, or are in possession of a short stay visa or even of a longer term work permit, for example as a "dancer". This may be a cover for prostitution.

Trafficking for the purpose of **sexual exploitation** covers women who have suffered intimidation and/or violence through the trafficking. Initial consent may not be relevant, as some enter the trafficking chain knowing they will work as prostitutes, but who are then deprived of their basic human rights, in conditions which are akin to slavery. The Communication does not however seek to address the question of women who are not put under duress by a third party to travel to work as prostitutes over borders, nor does it address the questions of black market labour in other sectors in the European Union.

## BACKGROUND<sup>6</sup>

### How many victims of trafficking are there?

There is no doubt that trafficking in women conducted by organised criminals is on the increase. Although accurate **figures** are not available, partly because of the illegal and clandestine activities involved, and partly because the problem has not been fully recognised at an official level in many countries, there are some national studies<sup>7</sup>. The IOM (International Organisation for Migration) estimates that some 500,000 women were trafficked in 1995, most of them illegally, to the countries of the EU, and research by the NGO International

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<sup>5</sup> available from the Task Force for Justice and Home Affairs of the Commission.

<sup>6</sup> information based largely on data gathered during the Conference held in Vienna and on IOM studies - see also Bibliography in Annex 3.

<sup>7</sup> for example at a national level, such as: "Traite des êtres humains - vers une politique de volonté commune", Centre pour l'égalité des chances et la lutte contre le racisme, March 1996 (Belgium).

Campaign to End Child Prostitution in Asian Tourism (EPCAT) recently observed clear trends involving large numbers of women and girls from Russia, Ukraine and Belarus being transported westwards<sup>8</sup>. Figures reported by national NGOs also suggest an increasing number of women originating in Central and Eastern Europe<sup>9</sup>.

### **What are the causes?**

IOM studies indicate that the causes of migration related to trafficking in women can be found, *inter alia*, in the lack of opportunity in the countries of origin, extreme poverty in many developing countries and marginalisation of women in the source countries. Poor or non-existent education is also of critical importance, and in areas where unemployment is high, women tend to be more severely affected than men. It also appears that demand for "exotic" prostitutes is growing, and women from countries which have a sex tourism industry are more likely to be trafficked abroad. Increasingly strong organised crime networks also act both to stimulate demand, and to lure potential victims into the trade.

### **Which countries are involved?**

It appears that trafficked women come from almost all over the world: more from some regions and countries than others. For example, Ghana, Nigeria and Morocco in Africa, Brazil and Colombia in Latin America, the Dominican Republic in the Caribbean, and the Philippines and Thailand in South East Asia appear to be particularly affected. IOM research also shows that there are well established links between certain source and host countries<sup>10</sup>. Furthermore, after the emergence of the New Independent States and the fall of the Berlin wall, it has been noted that a large number of Central and East European countries have become source and/or transit countries.

The flow is towards industrialised countries, and involves, to a greater or lesser extent, all EU Member States. The Commission is conscious that trafficking within and between countries in other regions of the world, where the EU has only an indirect way of influencing the situation, also exists.

### **How does trafficking occur?**

Law enforcement experience shows that, although there is small-scale traffic involving few individuals, there are, more importantly, large enterprises and international networks creating a sophisticated and well organised "industry"<sup>11</sup>, with political support and economic resources in countries of origin, transit and destination. Corruption of officials has also been reported. Routes and transport obviously depend on the geographical proximity of the source to the receiving country. Women entering the EU from Central and Eastern Europe tend to arrive

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<sup>8</sup> "Commercial Sexual Exploitation of Children in some Eastern European Countries" EPCAT, March 1996.

<sup>9</sup> Dutch Foundation against Trafficking in Women (STV) 1994 and 1995 reports.

<sup>10</sup> "Trafficking and Prostitution: The Growing Exploitation of Migrant Women from Central and Eastern Europe", May 1995.

<sup>11</sup> "Trafficking in women for purposes of sexual exploitation", Dr W Bruggeman, Europol Drugs Unit, conference paper for Vienna Conference.

by train or private car, whilst women from further away enter by plane.

### **Who are the women?**

The women are normally very young (most of them under 25 and many underage). An IOM study<sup>12</sup> suggests that a distinction should be made between the trafficking of women from Central and Eastern European countries and from developing countries. Women from developing countries tend to be older, and are more likely to be married and have children. Women from Central and Eastern Europe appear to be younger and better educated.

## **PART II: DEVELOPMENT OF AN INTEGRATED MULTIDISCIPLINARY POLICY**

The main conclusion from the European Commission Conference in Vienna in June 1996 was that trafficking cannot be tackled effectively without a multidisciplinary and coordinated approach which involves all concerned players - NGOs and social authorities, judicial, law enforcement and migration authorities - and which involves both national and international cooperation.

The recommendations from the Conference point to a lead responsibility for Member States, because many issues either need to be or can best be tackled at national level. However, the transfrontier nature of the issues also requires action at European Union level: firstly by initiating actions at European level or by complementing national actions; secondly through Community cooperation with third country partners. All the instruments available to the EU under the Treaty need to be mobilised, both in the Community context, and in the third pillar on justice and home affairs<sup>13</sup>.

The Commission attaches special importance to the work of NGOs and civil society in combating trafficking. NGOs have demonstrated their ability to devise innovative ways of reaching and helping victims of sexual exploitation. They have a vital role in sensitising governments and the public and in lobbying for legislative change.

In parallel with the Commission's follow-up to the Vienna Conference, the Member States are already taking steps to improve cooperation in the third pillar, and a number of initiatives are under negotiation at present. This Communication is intended to complement those actions in other fields. It is also the first internal step for the Commission to develop a coherent strategy in its actions - within its competence - to help victims.

In line with the key areas identified at the conference, the Communication makes the distinction between migration, judicial cooperation, law enforcement, social issues, and international issues. However, actions taken in these areas must also be seen in a broader

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<sup>12</sup> see footnote 10.

Title VI of the Treaty on European Union (the so-called "third pillar") provides for the Member States to regard certain interior and justice issues (particularly immigration and asylum, police and judicial cooperation) as matters of common interest. The forms of cooperation provided for differ from the European Community's mechanisms in a number of respects, such as a general requirement for unanimous decision-making, and a limited right of initiative for the Commission.

perspective, and a number of recommendations are of a multidisciplinary nature because certain of the problems addressed are interrelated<sup>14</sup>. This paper first deals with the multidisciplinary issues, and then looks at specific fields. In each chapter, the Vienna Conference recommendations are recalled (in italics) and action points suggested (in bold). For each action point identified, the Commission suggests where responsibility for taking it forward lies<sup>15</sup>.

## II. 1 : INTERDISCIPLINARY PROPOSALS

### II. 1. a: The "STOP" Programme against trafficking in human beings

Among recent initiatives taken in the field of justice and home affairs, an incentive and exchange programme for persons responsible for combating trafficking in human beings and the sexual exploitation of children, is expected to be adopted soon. This will be known as the "STOP" Programme (Sexual Trafficking of Persons), and once in place (it is hoped before the end of 1996) the programme should be a useful instrument to fill the gaps identified in the field, particularly for data and research, dissemination of information between authorities, and training. It is expected that 6.5 MECU will be available for the next five years under this programme (0.5 for 1996 and 1.5 for 1997 onwards), depending on the appropriation which is voted annually by the Budgetary Authority.

#### **EU action point:**

Rapid adoption and implementation of the joint action on the above-mentioned programme.

### II. 1. b: Need for improved data and research

The lack of reliable data on all aspects of trafficking has so far hampered targeted action. Specialist research projects which complement the few existing studies are required, including social and economic research on the structural causes (poverty, inequality, social exclusion), as well as on clients.

In addition, the paucity of figures on victims and the scale of networks is particularly striking. There are weaknesses in data collection and methodology, in particular the problem of non-comparable definitions, and to date no regular reports to evaluate trends. This is true both at national, regional and international level. In order to plan precise, well-targeted preventive

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<sup>14</sup> For example, the proposal for a temporary permit of stay, which is dealt with under migration issues, has as its purpose the facilitation of judicial proceedings. Another example is the close link between improved information and strengthening of coordination. Furthermore, the difficulty of establishing a clear distinction between authorities and actions was seen during the conference debates and all experts were agreed that no single agency could deal with the issue on its own.

<sup>15</sup> either consideration by the Member States acting at national level, or for the European Community (first pillar i.e. Treaty of Rome) or the European Union (third pillar i.e. cooperation in the fields of justice and home affairs), or for direct action by the Commission.



programmes, a clearer picture of the relative importance of different source and transit countries is required (although organisations such as the IOM have done useful work on migration flows). Furthermore, exchange of knowledge of systems used by traffickers, including information on routes and use of false documents, is needed to improve efficiency of controls by migration authorities. Those with expertise in the field should be involved, such as European NGOs and NGOs in the source and transit countries (which need to be identified as part of the research). Of note is the practice of some Member States to commission national annual situation reports provided by NGOs.

A system to ensure regular provision of information will be needed to enable authorities to adapt policies on an ongoing basis. Certain aspects of research will need to be done by law enforcement authorities, particularly development of standardised and comparable figures, and the Commission hopes it will be possible for national law enforcement bodies and the international bodies (Europol and Interpol) to cooperate with civil research and specialised organisations such as the IOM, and avoid duplication of effort. However, although this may be a valuable long term objective, it does not seem to the Commission to be realistic at this stage to organise the production of a consolidated annual situation report covering all areas. Specific studies and reports will be of greater value to Member States better to identify effective actions, and also provide a firm basis for further follow-up action by the Commission in its areas of competence.

#### **Community and Commission action points:**

To use and develop as far as possible Community social budget lines to investigate the above-mentioned areas<sup>16</sup>, along with studies on the role of trafficking in the spreading of sexually transmitted diseases and drug abuse. To identify, through specialised workshops of practitioners and researchers, the priority areas for specialised research;

To publish and make available Commission-funded research.

#### **EU action point:**

To allocate appropriate studies under the "STOP" programme, particularly taking the future work of the Europol Drugs Unit into account.

### **II. 1. c: Cooperation and Coordination**

A clear conclusion to be drawn from the lack of comprehensive information available to assist agencies, is that there is an urgent need to share what information is available, and for agencies to act in a coordinated manner. At the Vienna Conference, both government authorities and NGOs felt that there was insufficient contact between the persons involved in the various stages of help for victims, and repeated calls were made for national central coordinating bodies to be set up in the Member States, made up of law enforcement, migration, judicial and social authorities, and also of members of NGOs. Clearly, the

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<sup>16</sup> for example, the Fourth Programme on Equal Opportunities.

establishment of such bodies is a matter for the Member States alone to decide, but the Commission finds it hard to see how trafficking could be effectively combatted, at national as well as at international level, without forms of internal coordination. Mechanisms for centralisation of data would assist the creation of comparable information, but there appears to be a lack of contact also on individual cases, for which forms of communication need to be improved.

It is not only within or between Member States that increasing coordination would be useful. Other international organisations are also active in this field. The Council of Europe, through the work of its Steering Committee for equality between women and men (CDEG), has been active in the field of trafficking in women and forced prostitution since September 1991, when it organised a Seminar on action against traffic in women<sup>17</sup>. As a follow-up to the Seminar, the CDEG established a Group of Specialists on action against traffic in women and forced prostitution, which, in 1994, defined an action-oriented list of priorities to be considered by the Steering Committee. Subsequently, the CDEG asked an expert consultant to draw up a Plan of Action, based on the recommendations made in the report of the Group of Specialists<sup>18</sup>. At a recent meeting on 22-25 October 1996, the CDEG decided that it should consider setting up a multisectorial Group of Specialists, entrusted with preparing proposals for concrete action which might take the form of a Recommendation.

The Commission will seek to improve its links with international and regional organisations such as the United Nations, Council of Europe, EU institutions and other regional groupings, in order to identify the relevant needs and priorities, and to benefit from improved complementary policies. These include support for bodies that monitor and promote actions addressing the specific problem of trafficking, promotion of medium and long term programming of priority activities to be implemented jointly, and stepping up exchanges of information on activities under way and on relevant research projects.

Since the Vienna Conference, the Commission has appointed a coordinating point for its actions<sup>19</sup>. The Commission would also like to see more contact between NGOs in different countries for exchange of best practice and possible common projects.

**Member State action point:**

To consider ways of improving collection of national data, and for communication mechanisms between concerned groups and authorities.

**Member State and Commission action point:**

To coordinate closely work in the Council of Europe.

**EU and Commission action points:**

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<sup>17</sup> see "Proceedings of the Seminar, Strasbourg 25-27 September 1991

<sup>18</sup> "Plan of Action against traffic in women and forced prostitution", Michèle Hirsch, EG(96) 2, Strasbourg 1996. In its preparation of the Vienna Conference, the Commission took the work already accomplished by the Council of Europe into account.

<sup>19</sup> in the Task Force for Justice and Home Affairs.

To consider with other international organisations coordinated policies, and the possibility of joint actions;

To step up dialogue with and encourage networking of NGOs working in different countries, both in and outside the EU.

#### **II. 1. d: Information campaigns**

An important measure of prevention is to provide women in source countries with information about the possibilities and the limitations of legal immigration and about the risks of exploitation which illegal immigration presents. Important work by NGOs in third countries is already done but needs to be consolidated and extended. A decisive role would appear to be for NGOs, with their specialised knowledge of local conditions through experience in the origin countries. The role of Member State embassies and consulates is also important, and was recognised by the Council in 1993, when one of its five recommendations against trafficking<sup>20</sup> was to launch information campaigns in diplomatic and consular circles to forestall the exploitation of prostitution. Further work could be done in this respect in conjunction with host governments, perhaps also by targeting young people in education.

Information on ways of seeking assistance must be directed to women who have been trafficked and are in the EU. It is provided through social and health departments, as well as through NGOs and the Commission is looking at ways of assisting in the provision of information. Women who enter the EU in licit employment, but who are forced into prostitution also need to be informed of their rights and helped to gain access to systems for the protection of those rights.

In order to discourage potential clients, preventive work on information on health risks could be stepped up. This would also help in reducing risks to public health within the EU.

#### **Community and Commission action points:**

To find ways, with the support of the Budgetary Authority, of increasing funding for information work by NGOs;

To support information campaigns for assistance to victims;

To support information campaigns to discourage potential clients.

#### **Community and Member State action point:**

In accordance with the Fourth medium-term Community action programme on equal opportunities, to encourage the setting up of information systems on the rights of victims; to exchange information between Member States on a regular basis on how to tackle abuses connected with trafficking.

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<sup>20</sup> Recommendations on Trade in Human Beings - Council Press Release 10550/93 of 29-30 November 1993, see Annex 2.

## **Commission action point:**

To consider, with Member States, coordinated information campaigns on trafficking in third countries with the EU delegations.

### **II. 1. e: Training**

The need for interdisciplinary, as well as specific training for each professional group was recommended during the Vienna Conference. Both types of training could be covered at European level by the future Grotius exchange programme<sup>21</sup>, as well as by the "STOP" programme.

#### **Action points:**

see particularly:       II.2.a - Migration Training;  
                              II.4.b - Law Enforcement Training;  
                              II.5.e - Training in the Social Field.

### **II. 2 : MIGRATION**

Migration issues (visa, controls on entry into, stay in and subsequent circulation between the territory of the Member States) play an important role within the general pattern of the trafficking phenomenon. According to the Treaty on European Union, immigration policy and policy regarding nationals of third countries, together with rules governing the crossing by persons of the external borders of the Member States and the exercise of controls thereon, are considered matters of common interest. (Art. K. 1 points 2 and 3). Thus the legal basis for joint actions in the specific field of migration policy exists in the Treaty.

#### **II. 2. a: Migration Training**

*The Vienna Conference recommended strengthening training and public awareness of civil servants dealing with migration (particularly those at embassies and consulates, and those in charge of the delivery of visas), and inclusion of "trafficking in women" in future multiannual exchange programmes.*

The Commission agrees with the need to develop information and training for embassy and consular staff, as well as migration services within the Member States. In those third countries subjected to a visa requirement to enter the EU, the power of issuing visas provides a double opportunity to embassy staff to make would-be applicants aware of the risks and realities, and to be alert to the tactics of traffickers.

The "Sherlock" programme for training, exchange and cooperation in the field of identity documents was adopted on 28 October on the basis of a proposal from the Commission. This programme aims at improving the theoretical and practical understanding of the security of

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<sup>21</sup> This programme is being set up during 1996 under the third pillar, and relates to training and exchange programmes in the judicial field.

identity documents, and could play a positive role in the struggle against trafficking in women, when forgery and the use of false documents occur. It is expected that 5 MECU will be made available for the period 1996-2000 under the programme.

A Commission pilot project on migration and external borders was carried out during 1996 and the Commission will shortly introduce a proposal for a multi-annual training and exchange programme for officials of Member States dealing with migration, asylum and external borders.

**EU action points:**

To use the "STOP" programme for training of migration officials;

To carry out training actions related to false documents, in compliance with the multiannual Sherlock programme.

**Commission action point:**

To introduce a proposal for a multiannual programme on training and exchange of officials responsible for immigration, asylum and external borders, which will take into account the need for specific training for the officials dealing with these matters in the field of combatting and preventing trafficking in women.

**II. 2. b: Temporary Permit of Stay**

*To address the issue of a temporary permit of stay for victims prepared to act as witnesses in judicial proceedings, and to have proper coordination between judicial and police authorities to avoid expulsion without consultation.*

Research shows that trafficked women who reside illegally in the countries rarely escape their traffickers. Fear of repatriation prevents them from cooperating with authorities against traffickers. In many cases the victims are indeed swiftly repatriated. From the point of view of combatting traffickers, this is an unsatisfactory situation, for without the evidence of the victims, cases may never come to court. Since the Vienna conference an initiative by Belgium, including *inter alia* a proposal for a temporary permit of stay, has been put before the JHA Council and discussions are ongoing. The Commission supports the principle of a permit of stay, both to combat traffickers and to protect victims. It is particularly important to ensure that the length of any permit should at least cover judicial proceedings against traffickers. It should also be clear that after court proceedings, so long as return has not taken place, the holder of the permit has legal status in the host country.

**EU action point:**

To reach rapid agreement on the draft joint action on a temporary permit of stay for victims.

**II. 3 : JUDICIAL COOPERATION**

Traffickers will continue to take advantage of gaps and limits of the national judicial systems unless judicial cooperation between EU States is improved. Victims also need to be able to rely on the judicial system, and forms of witness protection are needed to give victims the opportunity to speak out against their traffickers. The Vienna Conference raised a variety of issues of judicial cooperation, including criminalisation of trafficking, confiscation of proceeds of trafficking, and witness protection schemes.

### II. 3. a: Existing International Instruments

The position regarding international instruments is not satisfactory. A collection of more than 5 international instruments were drawn up in the period 1900 to 1950 dealing with trafficking in persons and prostitution. The focus of these conventions varies but generally they provide for the criminalisation of certain types of behaviour associated with the trafficking of women for the purpose of prostitution or make provision for cooperation between states to deal with the problem. None of these has been ratified by all 15 Member States.

### II. 3. b: National Legislation

#### *Preparation of an inventory and evaluation of national legislation*

In most Member States, legislation does not specifically address the question of sexual exploitation of women trafficked from abroad, or the problem is addressed in the context of procurement for the purposes of prostitution. However, some Member States do take account of the vulnerable position of women trafficked from abroad.

#### **EU action points:**

To implement the proposal in the "STOP" programme to collect information on relevant national legislation, to help assessments to be made of its effectiveness, as well as to facilitate judicial cooperation;

To consider encouraging source third countries to introduce and implement effectively criminal legislation against traffickers.

### II. 3. c: New European Union Legal Instrument

*Improvement of criminal legislation. The Vienna Conference made specific recommendations on criminalisation of abuse, confiscation of proceeds and extraterritoriality, protection of witnesses and sharing information on convictions*

The various gaps and inconsistencies identified in the recommendations would appear to justify the introduction of a new legal instrument to cover them. Since, however, the issues named fall primarily in the area of judicial cooperation on criminal matters, the Commission does not have a right of initiative<sup>22</sup>. It therefore particularly welcomes the proposal put to the

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<sup>22</sup> Treaty of European Union Article K3(2) second indent.

Council since the Vienna Conference to adopt an instrument in the form of a joint action to improve judicial cooperation in the fight against trafficking in human beings, which makes proposals on all the above items.

The Commission considers it imperative that agreement is reached on the following key issues:

the need for measures which will encourage and help victims of trafficking to report offences, particularly special arrangements for reception and provision of assistance;

the need to take account of the abuse and exploitation of the particularly vulnerable position and dependency of the victims regardless of apparent consent;

arrangements are required for dealing with protection of witnesses which could apply to victims of trafficking and which involve the NGOs who provide assistance for victims;

the need for information exchange between judicial authorities including the establishment of a legal basis for the spontaneous sharing of information;

confiscation of proceeds of organised crime relating to trafficking in women.

A number of Member States have recently changed national law to allow for extraterritorial jurisdiction in cases of sexual abuse of children (child sex tourism). It is vital to dismantle networks of traffickers, but very few Member States have provisions extending to those caught trafficking or exploiting adults. The Commission does not think that this legal gap provides an adequate reflection of the gravity of any sexual exploitation.

**Member State and EU action point:**

To reach agreement on a joint action on judicial cooperation covering trafficking in women which includes the key issues mentioned above and to consider introduction of extraterritorial jurisdictional provisions to cover traffickers in human beings.

**II. 3. d: Sanctions**

In addition to the Vienna recommendations on criminal legislation, the Commission notes differences of approach to *sanctions* provided for in Member States' laws on traffickers.

In at least one EU state, severe sentences (up to 15 years imprisonment) can be imposed in the case of organised trafficking. However, since not all EU states have specific offences related to trafficking, there are considerable discrepancies in the level of sanctions provided for in national legislation. The Commission is of the view that offences related to trafficking in women for the purpose of sexual exploitation should in every Member State attract penalties involving deprivation of liberty and other measures.

**Member State action point:**

To consider the introduction of serious penalties for trafficking, which adequately reflect the grave nature of the offence.

## II. 4 : POLICE COOPERATION

Trafficking in women appears to be largely in the hands of organised crime networks, operating as structured international enterprises. It may often be connected with other criminality, such as drugs trafficking. No single law enforcement agency in a Member State is able to combat trafficking alone. This chapter must be seen in the context of the present debate in the JHA Council, where Member States have the sole right of initiative<sup>23</sup>.

### II. 4 a: Cooperation and Communication

*Analysis and information exchange, and improved communication and cooperation between law enforcement authorities, including appointment of national contact points and directory.*

Within Member States, communication between law enforcement services is of course a matter for internal regulation. Many states have a small police strength specialised on crimes of vice, with expertise of trafficking as a form of criminality limited to these persons with direct experience of victims. In some states, there have been moves towards the establishment of specialised units of law enforcement authorities, either of a multidisciplinary nature for different authorities (law enforcement, social, immigration), or with the objective of providing a national contact point only for improved law enforcement information exchange. There are of course different ways of setting up structures at national level, which must take different national systems into account. What is important is that efficient methods of communication exist.

To improve international cooperation, Member States agreed in 1994 to include trade in human beings in the Convention to establish Europol. Europol will be an information and intelligence exchange organisation for EU law enforcement, and final agreement on the Convention was reached at the European Council in Florence on 21-22 June 1996. Article 2 of the Convention lays down combatting of immigrant smuggling and trade in human beings as two of the priority areas of activity for Europol. The Convention will come into force once all Member States have completed ratification, when Europol will be required to develop a role in strategic and operational analysis of traffic in human beings which is part of organised crime. Under Article 42(2) of the Convention, Europol and Interpol will have a formal cooperation agreement, which might explicitly include trafficking in human beings.

In the interim, the first stage of Europol, the Europol Drugs Unit (EDU), has a mandate, which was extended in March 1995 to include action against clandestine immigration networks, and again on 27 September 1996 to traffic in human beings. Ministers also agreed that the EDU is to establish a Directory of specialised competences (a list of contact points for law enforcement purposes) for the fight against crime, with as a priority, a Directory

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<sup>23</sup> Under the TEU Article K3(2) second indent, there is no Commission right of initiative to make legal proposals in this field.



covering illicit drug trafficking and trafficking in human beings. This is a significant step in the improvement of police cooperation at European level, and is greatly welcomed by the Commission. For the EDU to be effective, provision of fast and accurate national information will also need to be improved.

The Vienna Conference recommended appointment of national contact points. In some cases this may be addressed through the Directory of specialised competences, but it would seem appropriate for each Member State to designate such a contact point, if it has not already been done.

One of the first tasks to be addressed under the "STOP" programme is likely to be studies on the centralisation of information and analysis on subjects including victims of trade in human beings, along with the advisability of establishing a database for recording of DNA intelligence.

**Member State action point:**

To ensure rapid ratification of the Europol Convention.

**EU action point:**

For EDU to set up the Directory of specialised competences and for Member States to designate national contact points.

**II. 4. b: Law Enforcement Training**

*To develop operational training on the one hand, and sensitisation training on the other.*

Already in 1993, the Council agreed that more training was required for law enforcement officers to combat trafficking in human beings for the purposes of prostitution. When the Commission requested information from the Member States on the level of follow-up to the recommendations in May 1996, one Member State reported specific training courses which were open to other EU states (although to date only two neighbouring states had taken up the offer). Small units of specialised officers exist in some Member States, but the Vienna conference showed that improved knowledge on networks and forms of trafficking, and related money laundering, including large business organisations, was needed on a wider basis.

In relation to victims, the police response may have been characterised in some cases by poor awareness of the women as victims of crime. A low expectation of police as providers of assistance would of course aggravate reluctance from victims to cooperate and lack of victim confidence is therefore an important issue. The Vienna conference view was that an appropriate police reaction to victims can be best developed through specialised training. Relevant language skills were also mentioned as of significance to improve communication with victims. A draft Title VI programme (Oisin) due for agreement shortly will provide

training for law enforcement officers<sup>24</sup>.

**EU and Member State action points:**

To include in the "STOP" programme the above aspects in the training programmes for law enforcement officers;

To sensitise police to the position of victims, for example through joint training courses with bodies caring for victims;

To provide training in the languages of the victims, or at least to provide interpretation facilities;

To provide joint training courses with bodies caring for victims;

To develop training courses on trafficking under the "Oisín" law enforcement programme.

**Member State action point:**

To make trained female officers available when requested by victims, and to inform victims of this possibility.

**II. 4. c: Third Countries**

*Coöperation with third countries (training, contact points)*

Where training is being developed by the Member States, law enforcement officers from third countries, particularly those of central and eastern Europe could contribute and benefit. Programmes such as those of the Central European Police Academy (MEPA) and joint international programmes already in existence from some Member States provide not only exchange of best practice, but appear to create important opportunities for development of contact points for operational purposes to supplement the assistance provided by international lists of contact points.

The 1993 JHA recommendations referred to designation of specialised liaison officers, and a number of Member States have implemented this in major source countries.

**EU and Member State action points:**

To open training to the countries of central and eastern Europe, and to extend the directory of contact points to be held by the EDU to non-EU countries;

To make best use of EU specialised liaison officers in source countries, in particular

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<sup>24</sup> 12 MECU are foreseen for this programme for 1996-2000 (2 MECU in 1996 and 2.5 MECU from 1997 onwards), depending on the appropriation which is voted annually by the Budgetary Authority.

sharing of resources, with the aim of improvement of cooperation with local law enforcement authorities.

## II. 5 : SOCIAL AND EMPLOYMENT DIMENSION

The Member States, local authorities and civil society in general are responsible in this area. The Community shall take action only if the objectives of the proposed action cannot be sufficiently achieved by the Member States. Whilst the Commission programmes discussed below can contribute to the fight against trafficking, they are not a substitute for Member State action. Thus the Union might become involved in<sup>25</sup> heading and coordinating forward studies of social problems in the Union, circulating information, disseminating experiences, stimulating thought and action in the Member States, encouraging cooperation, drawing the attention of the public to social problems of common concern, and helping to resolve problems which, although pertaining to the Member States, call for a common approach<sup>26</sup>.

### II. 5. a: Information

*Preventive information in EU: Support for information campaigns for raising public awareness of violence against women, as well as the exchange of information and of good practice in the fight against trafficking in women.*

see "Information Campaigns" above Section II. 1. d

### II. 5. b: Social Programmes

*Development of assistance programmes, social exclusion programmes and measures on reintegration into society within EU including public health*

A number of Member States have initiated national programmes of integrated approaches to combat social and labour market exclusion involving cooperation between national, regional and local levels. Using this example, the new EU Integra programme is designed to promote the integration into employment of groups most at risk of exclusion from the labour market, through partnership between public authorities, NGOs, SMEs, social partners and associations. Victims of trafficking can come within the remit of the programme. Among the measures foreseen, the following are of note: basic skill training, advice and counselling, assistance to geographical mobility, and exchanges of best practice.

There is a need for strengthening action to protect public health regarding both victims and clients, both of whom can spread numerous transmissible diseases (AIDS, hepatitis etc). Such

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<sup>25</sup> The Commission has already co-financed or given support to a few isolated actions, either under the third Community programme on equality between women and men(1991-1996), or in the framework of projects in the fight against social exclusion, including a colloquium on trafficking in women in October 1996 in Greece, and forthcoming conferences on women and violence on the Internet in 1997 in the UK, and a Netherlands Ministerial Conference in April 1997.

<sup>26</sup> Recommendations contained in the Report of the Comité des Sages "For a Europe of civic and social rights". (1996).

action should include prevention, and medical and psychological assistance to victims, with particular attention to reach the victims where they are.

**Member State action point:**

To support and develop local and national assistance programmes, social exclusion programmes and measures for reintegration.

**Commission action points:**

To make full use of the possibilities provided in the new Integra programme to assist victims of trafficking, in coordination with Member States;

To make use of the "Leonardo" programme in order to provide training for people at risk;

To make use of the Programme "Prevention of AIDS and certain other communicable diseases...", and the Programme "Health Promotion ... in the field of public health", to help victims<sup>27</sup>.

**II. 5. c: Reception and Rehabilitation Centres**

*Creation of further reception and rehabilitation centres*

Some Member States have centres for victims who have escaped their traffickers, and NGOs help or run such centres. It is obviously vital that appropriate social and health assistance, as well as caring accommodation is available to help victims recover, who may be in poor physical and mental condition.

**Member State action point:**

For all Member States to support reception and rehabilitation centres.

**Commission action points:**

Examine the possibilities to use the Youth for Europe programme<sup>28</sup> to help in provision of havens for victims and to integrate, if possible, young volunteers of the new European Voluntary Service in some of the rehabilitation projects;

To exchange experience and best practice with regard, amongst other things, to the establishment of rehabilitation centres, access to the centres (for example through the use of "Outreach" workers), and protection of confidentiality.

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<sup>27</sup> Decision No 647/96/EC, and Decision No 645/96/EC.

<sup>28</sup> The Youth for Europe programme promotes active citizenship amongst young people. It encourages a policy of cooperation between Member States in the youth field.

## II 5. d: Employment Conditions

In addition to the Conference Recommendations made in Vienna, the following need to be considered: *Employment, in relation to attention to the working conditions of au-pair girls, bar and restaurant employees, certain health institutes etc. Legal requirements on employers in the context of right of establishment within the European Community.*

Some Member States have introduced requirements relating to working conditions of au pair girls, in order to avoid exploitation.

All Member States have social and health inspections in bars, restaurants and hotels. Through these controls, cases of forced prostitution may be brought to light.

Member States may request proofs of good character or repute for employers of bars, dancing establishments, massage parlours and for those running marriage bureaux and escort services, or for those involved in transport of immigrants. If they request such proofs, they must recognise proofs delivered by the Member State of provenance, according to Community directives, in the context of the right of establishment in the European Community<sup>29</sup>.

### **Member State action points:**

To exchange information on best practice on au pair working requirements;

To have coordination between social and health inspectorates, and law enforcement services with the aim of identifying and helping victims;

To assess whether the provisions in Community Directives concerning proofs of good character and repute provide an effective means of guaranteeing legitimate public order concerns for the activities to which they apply;

To assess the efficacy of Directive 64/221 on the coordination of special measures concerning movement and residence, which are justified on grounds of public policy (implementation of Article 56 of the Treaty of Rome).

### **Commission action point:**

To encourage the Member States to assess the efficacy of the proofs required, and on the basis of the results of that assessment, if necessary, to propose appropriate action.

## II . 5. e: Training in the Social Field

In addition to the Conference Recommendations made in Vienna the following should be mentioned: *the development or creation of programmes to train, for example, health and social personnel in dealing with victims, and in languages in order to empower them to help victims effectively.*

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<sup>29</sup> Directive 68/367, Directive 75/368, Directive 82/470.

Social and occupational rehabilitation of victims, once they have been granted legal residence, requires them to be in a position to take up training to prepare them for a new life. Specialised training is needed for members of the health and social professions.

Teacher training, as well as exchange of information actions, as developed by the SOCRATES programme, can play a role. Adult Education projects for victims could also be supported by the SOCRATES programme<sup>30</sup>.

**Member State action point:**

To support local and national programmes for training of social and health personnel.

**Commission action points:**

To examine the possibilities of specialised training for health and social workers in the framework of "Socrates" and/or "Leonardo";

To use "Socrates" and/or "Leonardo" adult education programmes for victims.

### **PART III: COOPERATION WITH THIRD COUNTRIES**

The main objectives for the Community's development co-operation include the fight against poverty, the promotion of human rights and democracy, and sustainable development<sup>31</sup>. The problem of trafficking relates directly to all of these objectives.

It is not only trafficking from third countries into the European Union which needs to be addressed, since this is only one part of a much larger global pattern. Sexual trafficking occurs on a very substantial scale, both within developing countries (rural areas to urban areas and major travel arteries), and between developing countries and developing neighbours with substantial sex industries. Trafficking between third countries also appears to be increasing from the New Independent States to the countries of Central and Eastern Europe.

The range of instruments already used includes co-operation programmes with government authorities in source countries, budget lines for funding action by NGOs and civil society (particularly those relating to human rights), and these could be further developed, along with

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<sup>30</sup> Socrates is a multiannual programme of the European Union in the field of general education. Its main action is the exchange of students under the "Erasmus" scheme and the establishment of school-partnerships under the new "Comenius" action. However, the programme allows actions in other fields of education, where we want to test new pedagogical methods and disseminate good practice.

Leonardo is a multiannual programme in the field of vocational training. Its main actions are the sensibilisation of trainers for European questions and the exchange of young workers. Here again the programme allows actions to test new training methods and disseminate good practice.

Both programmes will also be used to assure the follow-up of the European Year of lifelong learning.  
<sup>31</sup> Treaty on European Union Art. 130u.

mobilisation of the provisions for dialogue with third country governments on human rights issues included in the new generation of agreements between the Community and third countries. The Community's most important partners are the source countries, so it is of primary importance to maintain and step up dialogue with national authorities and institutions there. International cooperation with other source third countries is also vital. The Community should also seek to assist the development of cooperation between third country affected regions<sup>32</sup>.

#### **Community and Commission action point:**

To consider use, where possible, of agreements with third countries to discuss trafficking in women and the way in which partners can work together.

#### *Vienna Conference Recommendations:*

*To develop assistance programmes and special measures that facilitate reintegration in the society in the country of origin and combat social exclusion, including better use and extension of various EC programmes in the framework of development cooperation and agreements with third countries.*

*For Member States and the EU to support initiatives of the countries of origin for full reintegration of victims.*

### **III. 1 : CENTRAL AND EASTERN EUROPE AND THE NIS**

Existing programmes address the root causes of trafficking through the consolidation of pluralistic democratic procedures and practices with a view to supporting the overall process of economic and political reform. A wide range of actions are already financed which aim at promoting and protecting women's human rights and children's rights<sup>33</sup>, and of most importance are the Phare and Tacis Democracy Programmes, whose general objectives are to assist the development of civil society, particularly democratic principles based on multi-party systems, human rights, the rule of law and economic freedom, in the countries of central and eastern Europe and the New Independent States. Areas of activities in which the specific issue of trafficking in women has been addressed are promotion of human rights, civil liberties, equal opportunities, non-discriminatory practices, access to education and media, and administration of justice and police. A specific project on "Prevention of traffic in women" was funded under the 1994 Democracy programme led by the Stichting Tegen Vrouwhandel together with partners in the Czech Republic and Poland.

Also important are the Phare and Tacis LIEN Programmes, with the objective of supporting

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<sup>32</sup> Limited support has already been given to reintegration schemes for women trafficked within some Asian countries.

<sup>33</sup> Under Budget Lines from the B7-7 Chapter " European Initiative for Democracy and the Protection of Human Rights".

NGO initiatives in favour of disadvantaged sections of the population in Central and Eastern Europe. Assistance to women, in order to raise their health and social status, and to help them have access to professional training and employment opportunities is singled out. Marginalised groups are also targeted, including street children, the homeless, victims of diseases and drug-addiction and the under-privileged, to improve access to minimal care and living conditions in general, and to facilitate social reintegration.

**Community and Commission action points:**

To make continued use of the Phare and Tacis Democracy and LIEN Programmes;

To stimulate use of any relevant Community programmes in the framework of the additional protocols to the Europe Agreements with the CEEC;

To develop the legal framework in the CEEC and NIS countries through Phare and Tacis, in the context of policy advice, to promote actions in cross border cooperation to prevent illegal migration, including in the new programmes related to the third pillar;

To inform NGOs that the B7-7 Democracy Programme can also be used for actions to support victims of trafficking, such as development of prevention campaigns, development of confidential health care services and provision of social, medical and psychological support to victims of trafficking, development of comprehensive programmes designed to rehabilitate into society and/or into the country of origin, victims of trafficking through job training and legal assistance, development of human rights education which addressed the specific problem of trafficking in women and children;

To use the budget line on support for organisations offering practical aid to victims of human rights violations (rehabilitation, legal advice, health treatment and assistance for victims of Human Rights violations), for specific project on victims of trafficking (B7-707);

To target to the fight against trafficking, subsidies for certain activities of organisations pursuing human rights objectives (B7-7040).

**EU action point:**

To improve police and judicial cooperation, in particular with the CEEC in the framework of the structured dialogue on justice and home affairs.

### III. 2 : AFRICA, CARIBBEAN AND PACIFIC COUNTRIES (ACP)

Existing programmes address root causes of trafficking, such as poverty, unemployment, and



health, as well as the health conditions of prostitutes. A human rights budget line<sup>34</sup> helped to finance a preparatory seminar and preparatory studies, and, part of the travel expenses to the Conference against sexual exploitation of children held in August 1996, allowing representatives of organizations from the third world countries to be in Stockholm. NGO projects have been cofinanced, such as sensitisation and reinsertion of street children, female prostitutes and victims of trafficking, help for networks of women's NGOs and for NGOs working to combat AIDS and sexually transmitted diseases.

#### **Community and Commission action points:**

To mobilise the European Development Fund in new fields such as improvement of legislation, judicial and police training against trafficking in women, and prevention and awareness-raising actions;

To promote dialogue on these issues with ACP countries, based on the Commission's experience in the field of drugs, and to designate an ACP rapporteur at the next Joint Assembly to initiate such a dialogue;

To support a pilot project to be devised in cooperation with NGOs, Member States and international organisations to be set up in a target country. It could concern prevention, training and rehabilitation (perhaps some victims could be offered an active role in their own rehabilitation i.e. designing, setting up and carrying out campaigns in the country);

To identify with other bodies involved (NGOs, Member States, international organisations) and set up incentive measures, research and pilot projects (rehabilitation, awareness and information campaigns with a view to prevention, targeting specific groups and the authorities concerned), using the relevant budget headings<sup>35</sup>.

### **III. 3 : ALA/MED COUNTRIES**

The Community's development co-operation with Asian, Latin American and Mediterranean Basin governments seeks to deal with root causes of trafficking in a range of ways. A high proportion of resources has always been devoted to developing rural areas, with the aim of combating poverty, expanding income-generating opportunities close to home, and reducing involuntary migration. Particular attention is now being paid to gender issues: improving the

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<sup>34</sup> B7-702, Human Rights and Democracy in developing countries.

<sup>35</sup> - B7-7020, Human Rights and Democracy in developing countries;  
- B7-6000, Community contribution towards schemes concerning developing countries carried out by non-governmental organisations;  
- B7-611, Women in development;  
- B7-633, Small credit facilities for women in developing countries;  
- B7-641, Rehabilitation and reconstruction measures for developing countries;  
- B7-6211, Health Programmes and the Fight against HIV/AIDs in developing countries.

economic position of women and their opportunities for income, and empowering local women to take an active part in decision-making at household and community level. A range of "positive action" programmes aims to raise women's low status, increase girls' access to literacy and basic education, and foster women's general confidence and awareness.

In urban areas, Community-funded programmes focus on poor and disadvantaged communities, where women are most likely to be drawn into sexual exploitation. The "MEDA Democracy Programme"<sup>36</sup> allows for positive action to encourage responsibility for human rights and democratic freedoms including women's rights, and a 4 MECU programme in Central America focuses on rehabilitation and re-training of adolescent girls who have been sexually exploited. Urban development programmes support community networks, credit for income-generating activities, action against drugs and formation of women's solidarity groups. Special priority is given to providing support centres, re-training and rehabilitation for street children, especially girls, who are often prime targets for sexual exploitation.

#### **Commission action points:**

To identify with other bodies involved (NGOs, Member States, international organisations) relevant Mediterranean, Asian and Latin American NGOs, such as women's associations;

To facilitate inclusion of a project on trafficking under the "MEDA Democracy Programme" and to use other relevant budget headings<sup>37</sup> to set up and support incentive measures, research and pilot projects (rehabilitation, awareness and information campaigns with a view to prevention, targeting specific groups and the authorities concerned) as well as projects aiming at the victims' social and economic reintegration.

#### **Community action point:**

To promote dialogue on sexual exploitation, where possible using agreements with third countries.

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<sup>36</sup> Under this programme, the Commission has already funded a Tunisian based NGO, "El Taller" to work on the creation of a permanent tribunal against violence against women.

<sup>37</sup> B7-611, Women in development;  
B7-633, Small credit facilities for women;  
B7-703, Human Rights, and to look into the possibilities of using the general development cooperation budget lines to cover projects in this sense.

#### PART IV: CONCLUSION

Thanks to recent initiatives including from the Council of Europe, the European Parliament and the Commission's Vienna Conference, this topic is now high on European agenda. Actions have been launched which need to be finalised and implemented as soon as possible. The present momentum should not be lost. We need now to develop a consistent and long term approach at European level, and the action points identified by the Commission<sup>38</sup> in this document need now to be discussed in the relevant fora. The Commission notes with satisfaction that the forthcoming Netherlands Presidency will continue to treat trafficking as a priority subject<sup>39</sup>, and the Commission will as a priority take up contacts with relevant NGOs.

Regarding the third pillar area, in addition to the present important initiatives, continuity has been ensured by the inclusion of trafficking in human beings as one of the priorities in the pluriannual work programme adopted by the JHA Council. There is a need for a similar long term approach in other areas, where objectives must be determined, along with regular evaluation of implementation.

If we are to tackle trafficking seriously, adequate financial resources will need to be made available, both at EU level, and nationally. In this connection, it is a positive sign of recognition of the problem, that in December 1996, the European Parliament will vote on an expected allocation of 3 MECU for exploited women and children.

The Commission is convinced that all EU institutions and the Member States must continue to play an active part in order to put an end to the increasing and serious problem of trafficking in women.

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<sup>38</sup> see list in Annex 1.

<sup>39</sup> The Commission will be pleased to support a Ministerial Conference on Trafficking to be held in the Hague in April 1997.

# **ANNEX 1: Complete List of Action Points proposed in Communication**

## **PART II: DEVELOPMENT OF AN INTEGRATED MULTIDISCIPLINARY POLICY**

### **II.1. INTERDISCIPLINARY PROPOSALS**

#### **II. 1. a: The "STOP" Programme against trafficking in human beings**

##### **EU action point:**

- Rapid adoption and implementation of the joint action on the above-mentioned programme.

#### **II. 1. b: Need for improved data and research**

##### **Community and Commission action points:**

- To use and develop as far as possible Community social budget lines to investigate the above-mentioned areas, along with studies on the role of trafficking in the spreading of sexually transmitted diseases and drug abuse. To identify, through specialised workshops of practitioners and researchers, the priority areas for specialised research;
- To publish and make available Commission-funded research.

##### **EU action point:**

- To allocate appropriate studies under the "STOP" programme, particularly taking the future work of the Europol Drugs Unit into account.

#### **II. 1. c: Cooperation and Coordination**

##### **Member State action point:**

- To consider ways of improving collection of national data, and for communication mechanisms between concerned groups and authorities.

##### **Member State and Commission action point:**

- To coordinate closely work in the Council of Europe.

##### **EU and Commission action points:**

- To consider with other international organisations coordinated policies, and the possibility of joint actions;

- To step up dialogue with and encourage networking of NGOs working in different countries, both in and outside the EU.

#### **II. 1. d: Information campaigns**

##### **Community and Commission action points:**

- To find ways, with the support of the Budgetary Authority, of increasing funding for information work by NGOs;
- To support information campaigns for assistance to victims;
- To support information campaigns to discourage potential clients.

##### **Community and Member State action point:**

- In accordance with the Fourth medium-term Community action programme on equal opportunities, to encourage the setting up of information systems on the rights of victims; to exchange information between Member States on a regular basis on how to tackle abuses connected with trafficking.

##### **Commission action point:**

- To consider, with Member States, coordinated information campaigns on trafficking in third countries with the EU delegations.

#### **II. 1. e: Training**

##### **Action points:**

see particularly:      II.2.a - Migration Training;  
                                  II.4.b - Law Enforcement Training;  
                                  II.5.e - Training in the Social Field.

## **II. 2. MIGRATION**

#### **II. 2. a: Migration Training**

##### **EU action points:**

- To use the "STOP" programme for training of migration officials;
- To carry out training actions related to false documents, in compliance with the multiannual Sherlock programme;

##### **Commission action point:**

- To introduce a proposal for a multiannual programme on training and exchange of

officials responsible for immigration, asylum and external borders, which will take into account the need for specific training for the officials dealing with these matters in the field of combatting and preventing trafficking in women.

## **II. 2. b: Temporary Permit of Stay**

### **EU action point:**

- To reach rapid agreement on the draft joint action on a temporary permit of stay for victims.

## **II. 3 JUDICIAL COOPERATION**

### **II. 3. b: National Legislation**

#### **EU action points:**

- To implement the proposal in the "STOP" programme to collect information on relevant national legislation, to help assessments to be made of its effectiveness, as well as to facilitate judicial cooperation;
- To consider encouraging source third countries to introduce and implement effectively criminal legislation against traffickers.

### **II. 3. c: New European Union Legal Instrument**

#### **Member State and EU action point:**

- To reach agreement on a joint action on judicial cooperation covering trafficking in women which includes the key issues mentioned above and to consider introduction of extraterritorial jurisdictional provisions to cover traffickers in human beings.

### **II. 3. d: Sanctions**

#### **Member State action point:**

- To consider the introduction of serious penalties for trafficking, which adequately reflect the grave nature of the offence.

## **II. 4 POLICE COOPERATION**

### **II. 4. a: Cooperation and Communication**

#### **Member State action point:**

- To ensure rapid implementation of the Europol Convention.

**EU action point:**

- For EDU to set up the Directory of specialised competences and for Member States to designate national contact points.

**II. 4. b: Law Enforcement Training**

**EU and Member State action points:**

- To include in the "STOP" programme the above aspects in the training programmes for law enforcement officers;
- To sensitise police to the position of victims, for example through joint training courses with bodies caring for victims;
- To provide training in the languages of the victims, or at least to provide interpretation facilities;
- To provide joint training courses with bodies caring for victims;
- To develop training courses on trafficking under the "Oisín" law enforcement programme.

**Member State action point:**

- To make trained female officers available when requested by victims, and to inform victims of this possibility.

**II. 4. c: Third Countries**

**EU and Member State action points:**

- To open training to the countries of central and eastern Europe, and to extend the directory of contact points to be held by the EDU to non-EU countries;
- To make best use of EU specialised liaison officers in source countries, in particular sharing of resources, with the aim of improvement of cooperation with local law enforcement authorities.

**II. 5 SOCIAL AND EMPLOYMENT DIMENSION**

**II. 5. b: Social Programmes**

**Member State action point:**

- To support and develop local and national assistance programmes, social exclusion programmes and measures for reintegration.

**Commission action points in coordination with Member States:**

- To make full use of the possibilities provided in the new Integra programme to assist victims of trafficking;
- To make use of the "Leonardo" programme in order to provide training for people at risk;
- To make use of the Programme "Prevention of AIDS and certain other communicable diseases...", and the Programme "Health Promotion ... in the field of public health", to help victims.

**II. 5. c: Reception and Rehabilitation Centres**

**Member State action point:**

- For all Member States to support reception and rehabilitation centres.

**Commission action points:**

- Examine the possibilities to use the Youth for Europe programme to help in provision of havens for victims and to integrate, if possible, young volunteers of the new European Voluntary Service in some of the rehabilitation projects;
- To exchange experience and best practice with regard, amongst other things, to the establishment of rehabilitation centres, access to the centres (for example through the use of "Outreach" workers), and protection of confidentiality.

**II. 5. d: Employment Conditions**

**Member State action points:**

- To exchange information on best practice on au pair working requirements;
- To have coordination between social and health inspectorates, and law enforcement services with the aim of identifying and helping victims;
- To assess whether the provisions in Community Directives concerning proofs of good character and repute provide an effective means of guaranteeing legitimate public order concerns for the activities to which they apply;
- To assess the efficacy of Directive 64/221 on the coordination of special measures concerning movement and residence, which are justified on grounds of public policy (implementation of Article 56 of the Treaty of Rome).

**Commission action point:**



- To encourage the Member States to assess the efficacy of the proofs required, and on the basis of the results of that assessment, if necessary, to propose appropriate action.

#### **II . 5. e: Training in the Social Field**

##### **Member State action point:**

- To support local and national programmes for training of social and health personnel.

##### **Commission action points:**

- To examine the possibilities of specialised training for health and social workers in the framework of "Socrates" and/or "Leonardo";
- To use "Socrates" and/or "Leonardo" adult education programme for victims.

### **PART III: COOPERATION WITH THIRD COUNTRIES**

#### **Community and Commission action point:**

- To consider use, where possible, of agreements with third countries to discuss trafficking in women and the way in which partners can work together.

#### **III. 1. : CENTRAL AND EASTERN EUROPE AND THE NIS**

##### **Community and Commission action points:**

- To make continued use of the Phare and Tacis Democracy and LIEN Programmes;
- To stimulate use of any relevant Community programmes in the framework of the additional protocols to the Europe Agreements with the CEEC;
- To develop the legal framework in the CEEC and NIS countries through Phare and Tacis, in the context of policy advice, to promote actions in cross border cooperation to prevent illegal migration, including in the new programmes related to the third pillar;
- To inform NGOs that the B7-7 Democracy Programme can also be used for actions to support victims of trafficking, such as development of prevention campaigns, development of confidential health care services and provision of social, medical and psychological support to victims of trafficking, development of comprehensive programmes designed to rehabilitate into society and/or into the country of origin, victims of trafficking through job training and legal assistance, development of human rights education which addressed the specific problem of trafficking in women and children;
- To use the budget line on support for organisations offering practical aid to victims

of human rights violations (rehabilitation, legal advice, health treatment and assistance for victims of Human Rights violations), for specific project on victims of trafficking (B7-707);

- To target to the fight against trafficking, subsidies for certain activities of organisations pursuing human rights objectives (B7-7040).

**EU action point:**

- To improve police and judicial cooperation, in particular with the CEEC in the framework of the structured dialogue on justice and home affairs.

**III. 2: AFRICA, CARIBBEAN AND PACIFIC COUNTRIES (ACP)**

**Community and Commission action points:**

- To mobilise the European Development Fund in new fields such as improvement of legislation, judicial and police training against trafficking in women, and prevention and awareness-raising actions;
- To promote dialogue on these issues with ACP countries, based on the Commission's experience in the field of drugs, and to designate an ACP rapporteur at the next Joint Assembly to initiate such a dialogue;
- To support a pilot project to be devised in cooperation with NGOs, Member States and international organisations to be set up in a target country. It could concern prevention, training and rehabilitation (perhaps some victims could be offered an active role in their own rehabilitation i.e. designing, setting up and carrying out campaigns in the country);
- To identify with other bodies involved (NGOs, Member States, international organisations) and set up incentive measures, research and pilot projects (rehabilitation, awareness and information campaigns with a view to prevention, targeting specific groups and the authorities concerned), using the relevant budget headings.

**III. 3: ALA/MED COUNTRIES**

**Commission action points:**

- To identify with other bodies involved (NGOs, Member States, international organisations) relevant mediterranean, Asian and Latin American NGOs, such as women's associations;
- To facilitate inclusion of a project on trafficking under the "MEDA Democracy Programme" and to use other relevant budget headings to set up and support incentive measures, research and pilot projects (rehabilitation, awareness and information campaigns with a view to prevention, targeting specific groups and the authorities

concerned) as well as projects aiming at the victims' social and economic reintegration.

**Community action point:**

- To promote dialogue on sexual exploitation, where possible using the agreements with third countries.

## **ANNEX 2: Excerpts of main texts on trafficking**

### **1. 1993 JHA Recommendations on Trade in Human Beings for the Purposes of Prostitution (Council Press Release 10550/93 of 29-30 November 1993)**

#### Recommendation 1

Whereas effectively combating procuring and dismantling prostitution exploitation networks require that police officers have the best information possible on other countries laws and foreign police methods of combat and practices, the Council recommends taking bilateral initiatives so that police officers may complete their training in this area

#### Recommendation 2

Whereas effectively combating the exploitation of prostitution may require the centralization of information at national level , the Council recommends that national authorities examine the possibility of setting up national co-ordination structures within States and developing international exchanges of that information.

#### Recommendation 3

The Council stresses the need to develop the role of the collection and distribution of information in this field by liaison officers with general powers seconded to Community Member States and to non-member countries from which the victims of prostitution networks originate.

#### Recommendation 4

As most Member States have no special legislation to deal with trade in human beings for the purposes of prostitution, the Council would stress the importance of considering the need for instituting information campaigns in diplomatic and consular circles and among the border control authorities in order to forestall the exploitation of prostitution, particularly when visa applications are examined.

#### Recommendation 5

The Council decides that work carried out in the fight against trade in human beings for the purposes of prostitution will be extended and intensified in the areas of administrative and police co-operation, law enforcement, immigration and entry to nationals territories.

### **2. Vienna Declaration and Programme of Action A/CONF 157/23, World Conference on Human Rights, Vienna, 14-16 June 1993**

Part I, §18 The human rights of women and of the girl child are an inalienable, integral and indivisible part of the universal human rights (...)

Gender-based violence and all forms of exploitation, including those resulting from cultural

prejudice and international trafficking, are incompatible with the dignity and worth of the human person and must be eliminated.

Part II, §38 The World Conference on Human Rights stresses the importance of working towards the elimination of all forms of exploitation and trafficking in women (...)

### **3. Beijing Declaration and Platform for Action of the Fourth World Conference on Women, China, 4-15 September 1995**

#### **Objective D . Violence against women**

§122 The effective suppression of trafficking in women and girls for the sex trade is a matter of pressing international concern. Implementation of the 1949 Convention for the suppression of the traffic in persons and of the Exploitation of the prostitution of Others, as well as other relevant instruments, needs to be reviewed and strengthened. The use of women in international prostitution and trafficking networks has become a major focus of international organized crime. The Special Rapporteur of the Commission on human rights on violence against women, who has explored these acts as an additional cause of the violation of the human rights and fundamental freedoms of women and girls, is invited to address, within her mandate and as a matter of urgency, the issue of international trafficking for the purposes of the sex trade as well as the issues of forced prostitution, rape, sexual abuse and sex tourism. Women and girls who are victims of this international trade are at an increased risk of further violence, as well as unwanted pregnancy and sexually transmitted infection, including infection with HIV/AIDS.

Strategic objective D3. Eliminate trafficking in women and assist victims of violence due to prostitution and trafficking (see. text if necessary, §130 a,b,c,d,e)

### **4. Recommendations from the European Conference on Trafficking in Women, Vienna, 10-11 June, 1996**

#### *Recommendations from the Working Group on Migration Policy*

*Considering* that general consensus has emerged on the idea that migration policies have to be adapted to make the prevention and the repression of trafficking in women more effective,

*recognizing* that, in order to combat trafficking in women, a more effective and closer cooperation has to take place between destination countries and countries of origin and transit,

hereby;

asks to improve and coordinate the collecting and the exchange of information and statistics, with a view to pooling the competences of the various EU and non-EU institutions;

recommends to support research focusing on current trends of trafficking in women;

stresses the importance of strengthening the existing training of civil servants dealing with

migration matters and including "trafficking in women" in future multiannual exchange programs.

In order to be able to prevent the entry of possible victims, the working group on migration recommends to:

increase public awareness among the civil servants of the Member States, including those at Embassies and Consulates, in charge of the delivery of visas in order to reveal suspected cases before the visa application of the victims are concluded with the aim of combatting organized trafficking in the country of origin;

increase public awareness among the potential victims in the countries of origin through information campaigns focusing on the one hand on the opportunities, limitations and rights of individuals in the case of legal migration and the risks linked to illegal migration on the other.

In order to combat trafficking in women after the victims enter the destination country, the working group on migration recommends to:

address the issue of temporary permit of stay for victims prepared to act as witnesses in judicial proceedings;

address the issue of aid for repatriation of women victims of trafficking especially to help them to reintegrate into the society of their country of origin;

recognize the important role of nongovernmental organizations and foster cooperation between them and governmental organizations.

#### *Recommendations from the Working Group on Judicial Cooperation*

Considering that trafficking in women is a serious form of organised crime, manifests a particular contempt for the rights of victims and is an attack on the dignity of women;

Considering that rather than concentrating on the drafting of legal definition it is more important to address the characteristics of the phenomenon and in this context to focus on the elements of abuse and exploitation of the particularly vulnerable position and dependency of the victims regardless of apparent consent or the means and methods of trafficking;

Considering that the Joint Action on Racism and Xenophobia provides a good model for addressing the issue of trafficking in women

Ask the European Union in the context of judicial cooperation to:

Assess the need for measures to criminalise the abuse of the vulnerable position of women (who, with or without their consent, have been the subject of trafficking for the purpose of sexual exploitation);

Prepare an inventory and evaluation of national legislation relevant to offenses related to trafficking in women and including detail of extraterritorial jurisdiction and the number of prosecutions and convictions;

Encourage the ratification and effective implementation of existing international conventions on trafficking in persons;

Apply provisions on confiscation of the proceeds of crime and money laundering to trafficking in women;

Provide for information exchange on trafficking in women between judicial authorities, including establishing a legal basis for the spontaneous sharing of information;

Recommend that each state establish a body for coordinating the fight against trafficking in women which would include representatives of the judicial, police, immigration and other appropriate authorities and organizations;

Confirm that as trafficking in women is a form of organized crime, the EU resolutions of 23 November 1995 on the protection of witnesses in the fight against organized crime (and the resolution on individuals who cooperate with the judicial process in the fight against organized crime) apply to all witnesses including victims;

Ensure, by the granting of temporary residency, the availability of victims for the duration of any police investigation and judicial proceedings, ensure proper coordination with the immigration authorities to avoid expulsion without consultation with the authorities in charge of investigating trafficking in women and ensure the provision of financial and other support for the victim during this period;

Stress the need for greater cooperation with the organizations who assist victims;

Consider measures to avoid the abuse of the INTERNET for the purpose of sexual exploitation.

#### Recommendations from the Working Group on Law Enforcement and Police Cooperation

##### GENERAL

When dealing with trafficking in women, the women are victims of crime, and should be treated as such. Support for the victim is therefore a basic consideration.

Investigations will be greatly benefitted if the victims cooperates, and this must be encouraged and facilitated by an appropriate legal framework, such as the grant of specific residence permits and witness protection schemes.

Cooperation between different authorities and NGOs should be developed.

There must be a focus on all types of trafficking in persons for sexual abuse. Additionally,

specific research on trafficking in women for sexual abuse will not only enrich general research, but also lead to identify specific needs and approaches.

Clear definitions at national and international level are needed in order to identify the limits of the phenomena to be analyzed and studied. It should be borne in mind that trafficking in women is not always linked to illegal immigration. Legal migrants can also be victims of trafficking activities.

Higher political profile should be given to the issue, thus enabling national authorities to take appropriate action.

An interdisciplinary and multiagency has to be guaranteed at both national and international level. No single agency can deal with this complex issue.

Improved information needs to be made available in countries of origin in order to warn potential victims and other concerned bodies.

## NATIONAL LEVEL

Law enforcement agencies must contribute to awareness raising both within themselves and to all other concerned authorities. Initiatives which have been started in the law enforcement field should be encouraged.

The creation of one central unit in each Member State would help to ensure a multidisciplinary approach, making use of the experience gained in some EU Member States. The participation of all interested agencies and NGOs must be guaranteed.

A national strategy to be developed in each country should be based on the following logic:

- concrete insight into the phenomena, thorough development of strategic and operational analysis, making use not only of police intelligence but of all relevant information and indicators. These efforts could be structured on a common basis, perhaps making use of the IOM anti traffic model;
- an adequate preventive policy;
- an enforcement policy, not limited to criminal investigations and proceedings (punishment, seizure of assets, forfeiture of unlawfully owned property) but also on administrative measures (licences, employment regulations, tax measures).

Specific training programmes for police working on combatting trafficking in women (social and legal aspects, money laundering, psychological training, functioning of reception centres) need to be developed.

Contacts between victims and police authorities should be encouraged by increasing confidence of victims in police officers, in particular through language training, better sensitization to the specific situation of the victims for the police, and availability of female police officers requested.



## INTERNATIONAL

Although participation in all international fora should be pursued, a specific EU approach would be useful.

An interdisciplinary (interpillar) action plan should be developed at EU level.

Analysis at international level (EU and countries of origin) must be carried out. Better police cooperation (within the framework of national law) should be organised, also in close cooperation with Europol and Interpol.

It is essential that intelligence can be exchanged in a speedy and effective manner. This should be done bilaterally and where appropriate, through cooperation via the Europol Drugs Unit, Interpol, and other partnership programmes between countries.

National contact points need to be developed, and a directory, similar to existing national ones, should be started, both within the EU and with the other countries concerned.

Appropriate law enforcement training should be developed with third countries. Use should also be made of existing training institutes and programmes.

Within the EU, initiatives must be developed to bring the Member States into a position to combat equally effectively organised crime type related forms of criminality.

### Recommendations from the workshop on Social Policy and Protection

The working group on social policy:

Considering the importance of the problem of trafficking in women and the common knowledge of the issue,

Considering the constant increasing trend of the phenomenon,

Considering that trafficking in women is not only a social issue but is mainly a human rights problem because it directly involves the human dignity,

Considering the resolution unanimously adopted by the European Parliament on this subject,

Considering that some Member States have taken a major step in the fight against trafficking in women while others have not yet put this issue on their agenda,

- has distinguished three factors in the social dimension of trafficking in women:
  - \* Structural problems (poverty, inequality, change of values, social exclusion, etc)
  - \* The actors (traffickers, clients, victims)
  - \* Consequences (human rights violations, health problems, etc)
- identifies three level of intervention:
  - \* International and regional organizations and the European Union

- \* States
- \* Civil society and NGOs

- recalls the need to use the following instruments:
  - \* International and regional instruments (Conventions, resolutions, etc)
  - \* Financial instruments

#### IN THE FIELD OF PREVENTION:

- asks the authorities concerned for an effective application of the adopted instruments,
- asks for the development of preventive awareness programs in origin, transit and destination countries (as, for example, information campaigns of the public, in particular the young people) that have to adapt to the specific social and cultural situations in each country,
- states the importance of public awareness campaigns on the issue of sex tourism,
- encourages the exchange of information and experience on trafficking at EU level and with third countries,
- asks the EU and the Member States to support qualitative and quantitative research on data comparative legislation and relevant policy analysis, as well as studies on the structure of demand,
- invites the EU and the Member States to develop special interdisciplinary training for the people dealing with the issue (such as judges, police officers, doctors and social workers),
- stresses the role of the embassies in fight against trafficking,
- asks for the creation and/or the development of programs to combat social exclusion,

#### IN THE FIELD OF ASSISTANCE TO THE VICTIMS:

- asks the Member States to ensure appropriate protection and, when necessary, facilitate access to justice for the victims,
- encourages the creation of further local reception and rehabilitation centers for victims of trafficking in order to provide them with psychical, medical, social and administrative support (specific actions for specific means),
- reminds the importance of cooperation between police and judicial authorities,
- asks the Member States to facilitate complementary and coordinated actions between the different actors fighting against trafficking in women,

#### IN THE FIELD OF THE REHABILITATION OF VICTIMS:

- asks for the development of assistance programs and special measures that facilitate

- reintegration in the society and/ or into the country of origin, including better use and extension of various EC programs in the framework of development cooperation and association agreements with third countries,
- invites the Member States and the EU to support initiatives of the countries of origin for a full reintegration of the victims,

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#### As a follow-up to the Conference

- every national government should consider the problem of trafficking in women as a priority,
- a network should be created between official and non-official institutions in order to achieve the necessary synergies and to coordinate discussions and initiatives,
- all institutional actors should broaden the scope of the existing budgetary lines to include the fight against trafficking in women,
- to examine the possibility to draft a specific legal instrument at the European level.

## ANNEX 3. Detailed bibliography on Trafficking in Women in Europe

### I. International reference tools

#### a) Universal instruments

- *International Agreement for the suppression of the white slave traffic*, signed at Paris on 18 May 1904
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- *International Convention for the suppression of the traffic in women and children*, concluded at Geneva on 30 September 1921 and amended by the Protocol signed at Lake Success, New York, on 12 November 1947
- *International Convention for the suppression of the traffic in women of full age*, concluded at Geneva on 11 October 1933 and amended by the Protocol signed at Lake Success, New York, on 12 November 1947
- *Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others* - approved by the General Assembly in its resolution 317 (IV) of December 2, 1949, opened for signature at Lake Success, New York, on 21 March 1950
- *Final Protocol to the Convention for the Suppression of the Traffic in persons and of the Exploitation of the Prostitution of Others*, 21 March 1950
- *Third Committee Resolution concerning Traffic in women and girls*; United Nations General Assembly, 50th Session (1995)
- *Resolution on Traffic in women and girls*, Commission on the Status of Women, UN, 39th session (1995), (39/6)

#### b) Council of Europe

- *Recommandation 161 (3 mai 1958) de l'Assemblée consultative demandant une ratification rapide de la Convention internationale du 2 décembre 1949 pour la répression et l'abolition de la traite des êtres humains et de l'exploitation de la prostitution*

#### c) European Communities

- |                       |   |
|-----------------------|---|
| ACP-EU Joint Assembly | <i>Resolution on the Traffic in Women</i> , adopted on 27 September 1991 in Amsterdam   |
| ACP-EU Joint Assembly | <i>Resolution on the specific role of women in development cooperation and trafficking in women</i> , adopted on 22 March 1996 in Windhoek (Namibia) (ref: ACP-EU 1674/96/fin.) |
| European Parliament   | <i>Resolution on violence against women</i> - adopted on 11 June 1986 (ref: OJ C 176, 14.7.1986)  |

European Parliament	<i>Resolution on the exploitation of prostitution and trade in human beings - adopted on 14 April 1989 (ref: OJ C 120, 16.5.1989)</i>
European Parliament	<i>Resolution on trade in women, adopted on 16 September 1993 (ref: OJ C 268, 4.10.1993)</i>
European Parliament	<i>Resolution on trafficking in human beings - adopted on 18 January 1996 (OJ C 32, 5.2.1996)</i>
Council of the European Union	<i>Recommendations of the Council of Justice and Home Affairs ministers on Trafficking in Human Beings, 29 and 30 November 1993</i>

## II. Related instruments

### a) Universal instruments

- *Slavery Convention* signed at Geneva on 25 September 1926
- *ILO Convention concerning Forced Compulsory Labour* signed at Geneva on 28 June 1930 (No.29)
- *Déclaration Universelle des Droits de l'Homme* - adoptée et proclamée par l'Assemblée générale dans sa résolution 217 A (III) du 10 décembre 1948
- *European Convention for the Protection of Human Rights and Fundamental Freedoms* of 4 November 1950
- *Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery*, 7 September 1956
- *ILO Convention concerning the Abolition of Forced Labour* , 1957 (NO.105)
- *International Covenant on Civil and Political Rights* of December 1966
- *Convention on the elimination of all forms of discrimination against women*, 18 December 1979
- General Assembly's resolution (42/140) of 7 December 1987 on the *rights and dignity of migrant workers*
- *Convention on the Protection of the Rights of all Migrant Workers and Members of their Families* of 18 December 1990
- General Assembly resolution (48/102) of 20 December 1993 *on the combat against alien-smuggling.*
- Economic and Social Council resolution (1995/10) of 24 July 1995, concerning *criminal justice action to combat the organized smuggling of illegal migrants across national boundaries*

### b) Council of Europe

- *Convention de sauvegarde des droits de l'homme et des libertés fondamentales*, Rome 4 novembre 1950

- European Convention on *Extradition* of 13 December 1957
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#### c) European Communities

- |                     |   |
|---------------------|---|
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- |    |  |
|----|--|
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