



EUROPEAN UNION

DELEGATION OF THE EUROPEAN COMMISSION
TO THE INTERNATIONAL ORGANISATIONS IN VIENNA

Vienna, 22 May 2002

Brief overview of the EU's policy on trafficking in human beings

Trafficking in human beings, in particular in women and children, is an abhorrent and increasingly worrying phenomenon. Trafficking in human beings is not only an episodic phenomenon, affecting a few individuals, but of a structural nature with strong negative implications on the well being of individuals as well as of a society built on freedom, justice and security which the Member States of the European Union and the candidate countries wish to maintain and develop. Trafficking is facilitated by "globalisation" and involves international organized crime which generates substantial profits. Globally, tens of thousands of human beings are trafficked for exploitative purposes each year. It needs to be underlined that trafficking in human beings is a violation of human rights and human dignity. This is also confirmed by the **Charter on Fundamental Rights of the European Union**.

Over the past years, the EU has developed a comprehensive policy to fight against trafficking in human beings in general and in women and children in particular. This policy is characterized by the central focus put on the victims of trafficking and on the need to involve all the persons responsible for the fight against this degrading form of violation of human rights and human dignity. The Conclusions of the Tampere (October 1999) and the Feira (June 2000) European Councils underlined the importance of the external dimension within the Union's activities in the field of justice and home affairs if an area of freedom, security and justice is to be achieved.

As regards **law enforcement co-operation**, Europol has the competence to combat trafficking in human beings according to the Europol Convention of 26 July 1995 and a subsequent Joint Action supplementing the definition on trafficking in human beings in the Convention. Trafficking in human beings is one of the priorities of Europol and a co-operation agreement has been reached with Interpol. Negotiations are currently concluded with some candidate countries and others are under way. An agreement has also been concluded with the US and negotiations are ongoing with Canada.

Furthermore, the **EU Police Chiefs Operational Task Force** is addressing trafficking in human beings and has among other things invited Europol to organise expert meetings and to elaborate threat assessments. A comprehensive threat assessment was also presented on 30 October 2001. The Task Force also encouraged the development of specialised units and joint investigation teams in co-operation with Europol. The Council of the European Union has also agreed on the creation of **Eurojust**, a network of national prosecutors, magistrates and police officers to facilitate co-ordination and support in criminal investigations on organised crime cases, including trafficking. Eurojust will certainly contribute to enhancing judicial co-operation on criminal matters so that the number of successful cross-border

investigations increases and instruments for mutual legal assistance and recognition, including the **European Arrest Warrant**, as well as instruments on money laundering and freezing and seizing of assets, are used to their full potential.

On the legal front against traffickers, the Council of the European Union in late September 2001 reached political agreement on the Commission's proposal for a **Framework Decision to combat trafficking in human beings**. Essentially, this legal instrument contains a common definition of trafficking for the purposes of labour and sexual exploitation, which will be implemented in all 15 Member States of the Union as well as in the candidate countries.

It also stipulates that the penalty for trafficking in any Member State must be not be less than eight years by terms of imprisonment if committed in circumstances endangering the life of the victim, against a victim who was particularly vulnerable, by the use of serious violence or causing particularly serious harm, or within the context of criminal organisation.

On the specific issue of **protection of victims**, the European Commission has put forward on 11 February a legislative proposal on short-term permits of stay for victims of trafficking who are prepared to co-operate in investigations and proceedings against their exploiters.

Also, the **UN Convention on Transnational Organized Crime** and its accompanying **Protocol on Trafficking in Persons** need to be highlighted. The instruments have since December 2000 been signed by nearly 100 parties, including the Commission and all Member States of the European Union, and swift ratification and implementation are called for. The instruments will also form a basis for developing international co-operation against trafficking, not least in the context of the Commission's programming activities.

Furthermore, as regards financial support, the adoption of the **STOP II Programme** in June 2001 allows for continued support to projects on trafficking also after the first five year period which financially supported 85 projects to combat and prevent trafficking in human beings and the sexual exploitation of children, including child pornography. In November 2001, the STOP II Committee agreed on a set of 18 new projects, out of which 8 projects (with a total co-funding of around 750 000) will focus on the victims. On 15 March 2002, the call for proposals under STOP II for 2002 was published. The deadline for submissions was 30 April. In this context, the **DAPHNE Programme** with the broader scope to combat and prevent violence against women and children also needs to be recalled. The DAPHNE Programme is open for direct applications from organisations from candidate countries.

Information concerning both these programmes can be found on http://europa.eu.int/comm/justice_home/jai/prog_en.htm.

Specifically on prevention, the Commission launched in May 2001 the **European Forum on Prevention of Organised Crime**. In this context, a specific workshop on prevention of trafficking in human beings has been set up. The first two workshops in

2001 have devoted their efforts to identifying specific and targeted areas where further co-operation can be developed, for instance co-operation between law enforcement services and NGOs. The Commission will continue this exercise in 2002 and is currently considering how to best proceed, substantially and organisationally.

In the context of **enlargement** of the European Union, the Commission, in its **Regular Reports of 2000 and 2001** on the progress made by candidate countries towards accession, has emphasized the alarming evolution of this problem and the necessity of vigorous measures aimed at countering it. Several candidate countries are, in fact, countries of origin, transit or destination of such traffic. The European Commission has also emphasized this year the need for better cooperation of all interested parties in the fight against organised crime. Furthermore, the problem of trafficking in women and children has retained the attention of the EU Institutions in the framework of the pre-accession strategy and in particular of the PHARE Programme. Fight against organised crime has in fact been included among the priorities of the Accession Partnerships of 1999 and 2001 for several applicant countries.

It should also be recalled that the ministers of justice and the interior together with their colleagues from the candidate countries on 28 September 2001 agreed on 12 measures to combat trafficking, among them active operational co-operation, organisation of information campaigns and providing assistance to victims.

Looking at a wider geographical perspective, Eastern European countries, including Belarus, Moldova, Russia and Ukraine, among others, have been identified as source and transit countries of trafficked women. The European Commission has started to tackle this problem by using a regional approach. Three issues have been identified as being crucial: **1. preventive measures** such as information campaigns targeting potential victims, law enforcement staff, NGOs, and government officials; **2. protection, rehabilitation, reintegration and support to victims** such as temporary accommodation, medical and psychological counselling, shelter, legal advice, etc.; **3. support to countries to create appropriate legislation** in order to prosecute traffickers and their supporters and training and equipment support to judicial and law enforcement entities. In 2001, the Commission has implemented anti-trafficking activities, including an awareness raising campaign, in Ukraine in co-operation with IOM. Furthermore, feasibility studies on the subject were carried out in Belarus and Moldova. Project implementation focusing on all three identified co-operation areas is currently under preparation.

A feasibility study on the subject in the Russian Federation is pending. This project will be a joint EU/RUS/US project within the Transatlantic Agenda in which information campaigns have been carried out also previously (Poland in 1998, Ukraine in 1998, Hungary and Bulgaria in 1999-2000). Finally, as a follow-up to the information campaign in Hungary, a secondary school project is currently being implemented. Consequently, the Commission is working on anti-trafficking activities which go far beyond simply carrying out information campaigns given the complexity of the issue.

Furthermore, and looking specifically at the difficult situation in South Eastern Europe, the development of a comprehensive multi-annual strategy by the **Task Force on Trafficking in Human Beings of the Stability Pact for South Eastern Europe** should be highlighted as an important initiative. On the side of the Commission, the **Cards Programme**, set up for support to the Balkan Countries, includes prevention and combating trafficking in human beings as a strategic objective.

In the framework of **ASEM** (the Asia-Europe Meeting) which is an informal process of dialogue and cooperation bringing together the fifteen EU Member States and the European Commission, with ten Asian countries (Brunei, China, Indonesia, Japan, South Korea, Malaysia, the Philippines, Singapore, Thailand, and Vietnam), an initiative to combat trafficking of women and children (co-facilitators Sweden, Thailand and the Philippines) was launched in 2000. This initiative has as its overall purpose to contribute to ongoing efforts to prevent and combat trafficking in Europe and Asia and to ensure the protection of human rights of women and children.

A first core group expert meeting was held in Stockholm, 27-28 November 2000. The meeting identified areas where further efforts would be effective and suggested a draft Action Plan. This **Action Plan** was welcomed by Foreign Ministers at their meeting in Beijing in May 2001. It contains a set of actions in five different areas, namely strengthening of knowledge and coordination, preventing and combating trafficking, strengthening of law enforcement and protection of victims, promotion of recovery, repatriation and reintegration, and finally monitoring and follow-up. Future conferences, meetings and seminars will be held and progress reports are to be submitted to the ministerial conference on migratory flows (April 2002) and the next Foreign Ministers' meeting (June 2002).