

La Strada International
Statement on the European Parliament Resolution on Trafficking

January 2006

In January 2006, The European Parliament adopted the own-initiative report, *Strategies to prevent trafficking in women and children who are vulnerable to sexual exploitation*", drafted by Christa Prets, member of the Socialist Group in the European Parliament. By adopting this report, the Members of the European Parliament urge the EU member states to put more effort in combating trafficking and to grant more rights to trafficked persons. The resolution also puts emphasis on the demand side and the root causes of trafficking.

The resolution is non-legislative, which means that member states do not have to change their laws according to the resolution as is the situation with, for example, a framework decision from the European Commission. But, it is a document that was adopted by the majority of the members of the European Parliament and is therefore of influence.

Important parts of the resolution per issue are: (copied from the resolution)

(European) policies

Notwithstanding the Treaties, the numerous legislative measures already adopted and the political declarations made, such as the 2002 Brussels Declaration, The Framework Decision, all of which stress the political priority of fighting trafficking in human beings, there are still no perceptible real improvements. The sanctions applicable in the member states have still not been harmonised.

In order to build effective prevention strategies several requirements need to be met:

- addressing the triangle of the trafficking market, i.e. victim, trafficker and client;*
- programmes and protection in terms of legal and psychological assistance for the groups most at risk;*
- appropriate, constant and systematic provision of information and raising of awareness amongst all categories of the population and in particular within vulnerable groups*
- cooperation among the countries of origin, transit and destination;*
- cooperation at the global, international, EU, regional, national and local levels;*
- coherent actions among international organisations such as the United Nations, the Council of Europe, the European Union, the Organisation for Security and Cooperation in Europe, and the G8*

Cooperation

The commission should cooperate with the Council of Europe and other international organisations like the IOM in the development of common guidelines for data collection and recommends to establish a common centre such as quickly as possible for the implementation of common definitions (trafficking, victim, etc.), the collection of comparable homogeneous data, for situation assessment and development, information exchange and evaluation of the links between the purpose of anti-trafficking laws, policies and action and their actual impact.

Prevention

The humiliating practice of men buying and exploiting women and children to be made the subject of an active and effective campaign under EU programmes in this field.

Victim support

Stresses the importance of providing additional funding and staff for advisory bodies on trafficking in women and of greater cooperation on the part of non-governmental organisations active in this field.

The provisions relating to the protection of the victims of trafficking should be mandatory and binding for all member states, since such provisions are essential if traffickers are to be prosecuted.

Up to now, a right of residence for victims of trafficking in women after the traffickers have been tried exists only in Belgium and Italy, it would encourage victims to give statements and help secure the conviction of offenders if this right of residence were granted in all the Member States.

It must be possible to give anonymous statements in the context of investigations into trafficking in women in order to ensure that more offenders are convicted;

Root causes

- Demand side: whereas one of the principal preconditions for international trafficking in women and children is the existence of local prostitution markets where men can and wish to sell and buy women and children for the purpose of exploiting them sexually; whereas traffickers in human beings mainly send women from countries in the south to countries in the north and from east to west, where demand from purchasers is strongest.

Demand needs explicitly be discouraged by means which include educational, social and cultural measures

- Gender inequality: The promotion of gender equality in all EU policies and implementation of national legislation on equal opportunities are essential to counter-act the 'drivers' of trafficking, such as poverty, social exclusion, unemployment, lack of education, corruption, discrimination and violence against women.

- Migration policies: The link between trafficking and legal and illegal immigration needs to be addressed and legal migration channels need to be regarded as a mechanism to prevent trafficking.

- Prostitution policies: There is no analysis of the demand for prostitution in the Member States as a possible motivation for the phenomenon of trafficking, therefore the Commission should carry out a comprehensive study on the impact of the Member States' legislation on prostitution on the number of victims of trafficking.*

Research and data collection

There is a lack of reliable data on the phenomenon of trafficking in Europe and neither the Commission nor Europol, nor any other EU body, has been able to publish precise figures about the EU-wide extent of trafficking in human beings

Member States should launch national contact points or to appoint national rapporteurs to gather, exchange, disseminate and process information on trafficking, and stresses the importance of gathering gender-based and comparable data, bearing in mind that it is of the utmost importance to ensure the confidentiality of information and to grant NGOs access to information and figures.

Opinion of La Strada International

La Strada International welcomes the resolution of the EP, if it was only for the fact that another European Body takes trafficking and the combat against it seriously.

La Strada is in particular pleased that the EP underlines the importance of a human rights based approach, the use of gender mainstreaming and a child sensitive approach in developing and implementing prevention strategies.

But there are more reasons to be pleased. On the issue of victims assistance the EP resolution argues that the provisions relating to the protection of the victims of trafficking should be mandatory and binding for all member states. In the majority of international treaties such as the Palermo

Protocol, the Framework Decision and the Action Plan all provisions relating to the protection of the rights of victims are not mandatory.

Also the plea for a *right of residence* after the trafficker(s) have been tried is welcomed by La Strada. We are also pleased that *that the possibility of anonymous statements is given attention*. La Strada welcomes the statement that *the link between trafficking and legal and illegal immigration needs to be addressed and legal migration channels need to be regarded as a mechanism to prevent trafficking*. La Strada and other NGOs have been arguing for a long time that repressive migration policies and closing down borders have a negative impact on the rights of migrants in general and are likely to increase trafficking as they limit the legal possibilities for labour migration. La Strada has always advocated addressing the root causes of trafficking and is therefore pleased with the call for *the promotion of gender equality in all EU policies and implementation of national legislation on equal opportunities are essential to counter-act the 'drivers' of trafficking, such as poverty, social exclusion, unemployment, lack of education, corruption, discrimination and violence against women*. La Strada is also happy with the intention of *'providing additional funding and staff for advisory bodies on trafficking in women and of greater cooperation on the part of non-governmental organisations active in this field'*.

There are however, several aspects in the Resolution that raise our concerns.

The focus on the demand side of trafficking and the assumption that *the existence of local prostitution markets where men can and wish to sell and buy women and children for the purpose of exploiting them sexually is of the principal preconditions for international trafficking in women and children* suggests that the EP does not see the exploitation, abuse and violence as the core of the crime, but the buying and selling of sexual services. There is also the danger that there will only be attention for the visible markets and not on the informal, less visible markets.

In its call for *comprehensive study on the impact of the Member States' legislation on prostitution on the number of victims of trafficking* the EP assumes that *the demand for prostitution in the Member States is a possible motivation for the phenomenon of trafficking*. Such a study could be helpful in the extremely polarised debate on demand, but it will be very difficult to conduct as it is generally known that reliable data on trafficking are very hard to collect. If such a study was to be done, it is important that the researchers will have a very clear description of their tasks and are absolutely unbiased. The latest report by Transcrime, in which different definitions were used and conclusions were based on situations that are not comparable, etc. show that such a research has to be done with the utmost care, using uniform definitions, comparable data. etc.

In general, La Strada International regrets that the resolution only focuses on trafficking in women and children for the sex industry. Since the entry into force of the Palermo Protocol, trafficking also includes all forms of forced labour and slavery-like practices. Adopting a resolution that does not include these other forms of trafficking is seen as a missed opportunity. Because the report was drafted by a member of the Committee on Women's Rights and Gender Equality, the focus on women can be seen as logical, the exclusion of other forms of labour in which women can be trafficked is not. Women who have been trafficked in domestic labour, sweat shops, and other forms of exploitative labour are still not recognised and remain unprotected.