

## Recommendation 1325 (1997)<sup>1</sup>

# Traffic in women and forced prostitution in Council of Europe member states

Parliamentary Assembly

1. The Assembly is alarmed by the dramatic increase in recent years in the traffic in women and forced prostitution in Council of Europe member states. It is worried by the increasing involvement of organised criminal groups in these lucrative crimes, which these groups use as a basis for financing and expanding their other activities, such as drugs and arms trafficking and money laundering. The Assembly is also concerned about the deterioration of the treatment of trafficked women, bordering on slavery, which has resulted from this development.

2. The Assembly defines traffic in women and forced prostitution as any legal or illegal transporting of women and/or trade in them, with or without their initial consent, for economic gain, with the purpose of subsequent forced prostitution, forced marriage, or other forms of forced sexual exploitation. The use of force may be physical, sexual and/or psychological, and includes intimidation, rape, abuse of authority or a situation of dependence.

3. Considering traffic in women and forced prostitution thus defined to be a form of inhuman and degrading treatment and a flagrant violation of human rights, the Assembly feels the need for urgent and concerted action on the part of the Council of Europe, its individual member states and other international organisations. In this framework, it welcomes the adoption on 29 November 1996 of a joint action programme by the European Union in this field, which, however, does not provide any binding recommendations. The Council of Europe, as a pan-European organisation with a clear human rights mandate grouping both countries of origin and countries of destination of trafficked women, is ideally placed to take the lead in combatting traffic in women and forced prostitution, and should do so without further delay.

4. The Assembly recommends that the Committee of Ministers elaborate a convention on traffic in women and forced prostitution, which would also be open for signature by states not members of the Council of Europe. The scope of the convention should be limited to adult women, and based on the Assembly's definition in paragraph 2 above. It should focus on human rights, stipulating repressive measures to combat trafficking through harmonisation of laws especially in the penal field, opening new channels for improved police and judicial communication, co-ordination and co-operation, and organising a certain degree of assistance and protection for victims of trafficking, especially those willing to testify in court. This should also include physical protection if necessary, and in any case the granting of temporary residence permits as well as legal, medical and psychological assistance. The convention should establish a control-mechanism to monitor compliance with its provisions and to co-ordinate further action at the pan-European level to combat trafficking in women and forced prostitution. The Committee of Ministers is asked to submit the draft convention to the Assembly for opinion before its adoption.

5. Aware of the complexity of the problems inherent in the elaboration of a convention, and concerned by the long duration of this process, the Assembly proposes, as a provisional measure, the adoption by the Committee of Ministers of a recommendation dealing specifically with the problem of traffic in women and forced prostitution and specifying measures to be taken by member states in order to prevent this scourge.

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1. Assembly debate on 23 April 1997 (13th Sitting) (see [Doc. 7785](#), report of the Committee on Legal Affairs and Human Rights, rapporteur : Mrs Wohlwend ; and [Doc. 7808](#), opinion of the Committee on Migration, Refugees and Demography, rapporteur: Mrs Johansson). Text adopted by the Assembly on 23 April 1997 (13th Sitting).



6. The Assembly further recommends that the Committee of Ministers urges member states to :
- 6.1. introduce special measures to increase awareness of this problem among the general public, and, particularly target groups of traffickers' potential victims, through, for example, information provided by the staff of consulates and embassies dealing with requests for visas and work permits;
  - 6.2. introduce training of immigration staff, in particular in consulates delivering visas and at border points, in order to ensure that such staff are fully aware of the problem, are provided with up to date information on trafficking methods and trends, and are trained to recognise potential victims;
  - 6.3. create specific police structures on the national level to combat traffic in women and forced prostitution, and improve international communication, co-ordination and co-operation of police bodies via Interpol and Europol, but also on the basis of both bilateral and multilateral contacts;
  - 6.4. make provisions to enable the seizure and confiscation of profits from offences related to traffic in women and forced prostitution, as well as the closure of establishments in which victims of traffic are sexually exploited;
  - 6.5. grant residence permits to victims of traffic and forced prostitution who are willing to testify in court, and include them in witness protection programmes if necessary;
  - 6.6. organise legal, medical and psychological assistance for victims of traffic and forced prostitution, especially those willing to testify in court;
  - 6.7. consider introducing special rules in criminal proceedings on the use of force for victims of traffic and forced prostitution, imposing heavier sentences for trafficking in women and forcing them into prostitution, as well as making it a crime to knowingly use the services of a woman forced into prostitution or marriage;
  - 6.8. for states which do not extradite their nationals for offences committed abroad, consider making it possible to prosecute nationals in their home country for acts of trafficking committed abroad, whether or not there has been a complaint from the country in which the crime was committed;
  - 6.9. help the women who are victims of traffic to reintegrate into the society of their country of origin upon their return;
  - 6.10. grant the various NGOs and associations for victims of prostitution access to courts in order to increase the effectiveness of action against trafficking and enforced prostitution;
  - 6.11. make free telephone help-lines for women victims widely available;
  - 6.12. support the setting up of reception centres and increased temporary accommodation for victims, and grant victims the minimum rate of social assistance and access to health care during their stay.