Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1545 (2002)[1]

Campaign against trafficking in women

Parliamentary Assembly

1. Trafficking in women is a phenomenon which is a violation of human rights and the basic principles of rule of law and democracy. The massive increase in the number of victims trafficked in Europe over the last few years demands immediate action from European countries to stop the spreading of this modern form of slavery.

2. Trafficking is a human rights issue as it entails the violation of women's dignity and integrity, their freedom of movement and, in some cases, their right to life. As far as the individual is concerned, it affects the very foundations of human rights: the equal dignity of all human beings. Trafficking should be considered a crime against humanity.

3. In European societies, trafficking is a very complex subject which is closely linked to prostitution and hidden forms of exploitation, such as domestic slavery, catalogue marriages and sex tourism. Some 78% of women victims of trafficking are, in one way or another, exploited sexually.

4. Trafficking in women is a large and growing global business, generating huge profits for traffickers and organised crime. The increasing demand in the member states of the Council of Europe has led to the fact that the turnover from this criminal activity has reached third place after drug and arms trafficking.

5. This phenomenon goes hand-in-hand with migration. According to the International Organization for Migration, more than 500 000 financially vulnerable women from central and eastern European countries have been displaced during the last year by networks of traffickers in order to exploit them in western Europe. Traffickers are filling the gap between the high demand for migrant labour on the one hand, and the diminishing legal channels of migration in most countries on the other hand.

6. This form of organised crime has serious effects on the physical and moral health of its victims. They suffer from the worst forms of sexual, physical and psychological violence and run the danger of physical disability and social exclusion.

7. The main cause of this form of organised crime is poverty, which is a direct result of the transition to a market economy in the countries of origin of the victims. Organised crime takes advantage of women's desire to earn money abroad and exploits them brutally in prostitution or domestic work particularly in western countries. The improvement of the economic situation in the countries of origin, the adoption and enforcement of national legislation recognising trafficking in women as a criminal offence, and the application of extraterritorial jurisdiction for this crime are the main conditions for the prevention of the increase in trafficking in women in Europe.

8. The Assembly is very concerned that trafficking in women has increased dramatically in conflict and post-conflict areas, such as the Balkans, where the problem is compounded by the instability of civil societies and the weakened rule of law. The large presence of military staff in the region has created the demand and has attracted traffickers who seek to take advantage of this situation. This makes necessary the elaboration of a code of conduct drawing the attention of the military forces to the problem of gender issues.

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1. Assembly debate on 21 January 2002) (1st Sitting) (see Doc. 9190, report of the Committee on Equal Opportunities for Women and Men, rapporteur: Mrs Err; and Doc. 9225, opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mrs Wohlwend). Text adopted by the Assembly on 21 January 2002 (1st Sitting).

9. Realising the global scale of the phenomenon of trafficking in women and its serious consequences, the Assembly welcomes the efforts of international organisations, and of the European Union in particular, in combating this crime, and calls on all European countries to develop common policies and actions covering all aspects of this problem: comprehensive statistics and research into the causes and mechanisms of trafficking, law enforcement, prevention, protection of victims, repression and awareness-raising and information campaigns.

10. The Assembly therefore urges the governments of member states:

to make trafficking in women or to knowingly use the services of a woman victim of trafficking a criminal offence under national law, and to strengthen legislation and enforcement mechanisms which punish traffickers and clients of women who are victims of trafficking;

to appoint a national rapporteur on trafficking in human beings in each country affected by this problem. The office of the rapporteur should elaborate and implement the national plan of action against trafficking taking into account the specificities of the situation in each country;

to draw up annual reports to their parliaments on the situation in their countries and on their activities designed to prevent trafficking in women;

to encourage national and international research into the problem of trafficking in women in order to better understand and fight this phenomenon;

to penalise sex tourism and to make all activities which might lead to forms of trafficking, including domestic slavery and marriages by catalogue using the Internet, criminal offences;

to create a legislative framework for voluntary organisations which defend victims of trafficking allowing them to take legal action against traffickers, either in conjunction with the victims or on their behalf, with the aim of obtaining damages;

to exclude the practice of restricting the freedom of movement of women going to western European countries to study, to work or with other legal objectives, by denying them visas;

to take the following steps regarding the prevention of trafficking in women:

a. establish bilateral agreements between destination countries and the countries of origin of victims which should cover legal and police co-operation and humanitarian aspects of this problem, including information and prevention campaigns, and training and assistance programmes for the rehabilitation of victims;

b. create special police services and make them aware of the fight against trafficking and forced prostitution. Such services should have direct contacts with Interpol and Europol in order to ensure an exchange of information on trafficking networks and efficient collaboration in the detention of criminals;

c. encourage constant co-operation and interaction between non-governmental organisations, consulates and police services responsible for the fight against trafficking;

d. set up, in close co-operation with the countries of origin, prevention programmes focusing in particular on the deep-seated causes of trafficking in women, namely the inequality between women and men on the labour market, in education and in access to certain professions, the feminisation of poverty and violence against women;

e. launch large information and awareness-raising campaigns aimed at all professionals who, by the very nature of their work, could be in contact with victims of trafficking and traffickers themselves. These campaigns should address officials of ministries particularly concerned with the problem of trafficking, customs and police services, diplomatic representatives, public authorities, the media and non-governmental humanitarian organisations;

f. launch sex education programmes in schools, with particular emphasis on equality between women and men and the respect for human rights and individual dignity. School curricula should include information on the risks of exploitation, sexual abuse and trafficking in human beings. Teachers should be trained in such a way as to incorporate a gender dimension into their teaching and to avoid gender stereotyping;

g. encourage the mass media to cover the work of non-governmental organisations, police services and parliamentary assemblies in fighting trafficking;

h. carry out permanent monitoring of advertisements in order to detect hidden information about networks of illegal transportation of human beings and illegal employment, and develop effective mechanisms of responsibility for such advertisements;

to adopt the following measures regarding victims of trafficking:

a. give specific protection to victims;

b. set up shelters for trafficking victims modelled on those already functioning in Italy, Belgium and Austria;

c. establish telephone hotlines in capital cities and in different regions of each country providing information to potential trafficking victims and their families and assisting those who have fallen victims to trafficking;

d. introduce a right to compensation, insertion and rehabilitation for victims and set up a support body to help their voluntary return to their countries of origin or allow them to stay in the host countries, if they so wish;

e. take all necessary measures to protect victims and witnesses wishing to testify, and assuring protection for their families in their countries of origin;

f. increase the state financing of the social services specialised in assistance to the victims of trafficking and prostitution;

g. grant residence permits of a permanent nature to victims of trafficking for those who are willing to testify in court and need protection, and of a temporary but renewable nature for all others on humanitarian grounds;

h. create information and consultancy services in embassies and consulates of the countries of destination of these women in their countries of origin, where women who are taking up employment abroad can find necessary information and addresses of embassies and non-governmental organisations in the countries of destination which provide assistance to women victims of trafficking;

to introduce effective punishment of traffickers by:

a. extraditing or prosecuting nationals for offences committed abroad and establishing rules governing extra-territorial jurisdiction, irrespective of the country where the offences were committed, and including cases where the offences took place in more than one country and irrespective of whether there has been a complaint from the country or countries in question;

b. introducing penal sanctions for knowingly using the services of a woman who is a victim of trafficking;

c. making the punishment of traffickers at the very least similar to those for traffickers in drugs and weapons;

d. including in penalties the seizure and confiscation of the sizeable earnings traffickers make, and the closure of establishments in which victims are exploited. A part of confiscated profits should be allotted to insertion and rehabilitation centres and shelters for victims. Offenders should also pay compensation to the victims of trafficking;

e. providing legal assistance to victims of trafficking and considering the introduction of special rules in civil proceedings engaged by victims against their traffickers, such as lightening the burden of proof with regard to the use of force.

11. The Assembly recommends that the Committee of Ministers:

create a European observatory on trafficking in order to:

a. take the necessary measures to launch information and awareness-raising campaigns against trafficking in women and children in all the member countries;

b. establish an international network of experts on trafficking in women and children to facilitate the exchange of information and expertise;

c. study the effects of using new information technologies on trafficking in women and children, as well as their impact on the victims of trafficking;

d. conduct, in co-operation with other international organisations, systematic research into trafficking in women and children;

elaborate a European convention on trafficking in women, open to non-member states, based on the definition of trafficking in women included in Committee of Ministers Recommendation No. R (2000) 11 on action against trafficking in human beings for the purpose of sexual exploitation. This convention should:

a. focus on assistance to and the protection of victims of trafficking, by obliging the states parties to grant legal, medical and psychological assistance to such victims, by ensuring their physical safety and that of their families, and by granting special residence permits to victims on humanitarian grounds, and permanent residence permits to those willing to testify in court and in need of witness protection;

b. stipulate repressive measures to combat trafficking through harmonisation of laws particularly in the penal field, and opening new channels for improved transfrontier police and judicial co-operation;

c. take measures to exclude the participation of the police and other civil servants in trafficking in women;

d. include a non-discrimination clause modelled on the one proposed by the Assembly in Opinion No. 216 (2000) on draft Protocol No. 12 to the European Convention on Human Rights;

e. establish a control mechanism to monitor compliance with its provisions; and

f. be submitted in draft form to the Assembly for opinion;

implement Recommendation No. R (2000) 11 and transmit it to the Human Rights Commissioner.