



COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMUNICATION FROM THE COMMISSION  
TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

**FOR FURTHER ACTIONS  
IN THE FIGHT AGAINST TRAFFICKING  
IN WOMEN**

## GENERAL INTRODUCTION

### CONTEXT

Since the Commission's first Communication at the end of 1996 on trafficking in women for the purpose of sexual exploitation<sup>1</sup>, public concern about this matter and, in the same period, international co-operation have risen considerably.

In particular, the European Institutions (Council, Parliament and Commission) as well as European NGOs have actively contributed, to the increase in the general awareness of this unacceptable violation of women's human rights. A number of initiatives have been taken either at European level or in association with partners in third countries and with specialised organisations.

Despite this unprecedented mobilisation, there is ample evidence that large numbers of women continue to be trafficked into EU Member States and into other developed countries. They are often forced into prostitution, frequently in conditions akin to slavery. The main flow is coming from/or through the candidate countries.

This trafficking is often carried out by professional criminal organisations. New networks are created constantly, and their methods become increasingly ruthless. This is a worrying trend for the European Union. Projects in this field, as well as multidisciplinary exchanges of information by experts and research work have, over the last two years, led to a better understanding of this type of organised criminal activity and have enabled certain shortcomings in our efforts to be identified.

The objectives of this new Communication are:

- to assure that the question of trafficking in women for sexual exploitation remains high on the political agenda of the EU and that Member States are encouraged to fully implement their legal obligations.
- to reinforce international and European co-operation including both governments and NGOs in countries of origin, transit and destination.
- to strengthen a multi-disciplinary approach focusing on both prevention, research, law-enforcement and an effective sentencing of traffickers, as well as on support to victims
- to address a clear message to the candidate countries, in the context of the accession process, of the necessity to take the national measures and to cooperate with the EU already now on this issue.

This communication responds to requests made by the European Parliament to report back, before the end of 1998, on the progress made in relation to the first communication of 1996. (Waddington report of 27/11/97). It seeks therefore :

- To indicate the present state of play in the fight against trafficking in women and to identify gaps ;

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<sup>1</sup> COM(96)567 final of 20.11.1996

- To recommend a number of new targeted initiatives as well as the deepening of certain existing actions to the various parties.

## SCOPE

In its 1996 Communication, the Commission defined 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. It also noted that women can enter either illegally or legally<sup>2</sup> into the European Union.

The Communication added that

"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."<sup>3</sup>

The Commission considers that this definition, although not perfect, covers the key elements of trafficking in women<sup>4</sup>. However it is important to take into account new developments by including also women who are trafficked abroad and forced to perform other forms of commercialised sex than prostitution, as well as women who are forced into marriage for the purpose of sexual commercial exploitation.

## RECENT TRENDS IN TRAFFICKING IN WOMEN

Despite the continuing difficulties in collecting statistical data in this area, most actors involved in combatting trafficking in women agree that it is a growing phenomenon. The traditional flow between certain third world regions (Northern and Central Africa, Latin America, Asia) and Western destination countries continues. However, the most striking factor, which gives rise to great concern, is the increase in the numbers of women trafficked into the EU coming from Central and Eastern European countries. The majority of these countries have according to their own law enforcement officials become, to various degrees, both countries of origin, transit as well as countries of destination. Many women originating from the Newly Independent States are being trafficked via the applicant States before ending up in EU Member States. All Member States are, to greater or less extent, affected by trafficking in women. Law enforcement officials of several Member States have also noted the appearance of major criminal networks in this area. There seems to be links with other forms of criminality.. High profits gained by criminal organisations involved in trafficking obviously lead to money

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<sup>2</sup> Either because they come from countries whose nationals are not required to hold a visa in order to enter the territory of a Member State for a short period stay, or are in possession of a short stay visa or even of a longer term work permit, such a work permit being in fact a cover for prostitution.

<sup>3</sup> This definition is largely based on the one contained in the Joint Action of 24 February 1997 concerning action to combat trafficking in human beings and sexual exploitation of children (97/154/JHA; OJ of the EC n° L63/2 of 4.03.1997)

<sup>4</sup> As in the first Communication, it is not intended to address here the issue of women who are not put under duress by a third party to travel to work as prostitutes across borders, nor to address the questions of black market labour in other sectors in the European Union.

laundering activities and often imply the creation of front companies involved in licit activities. Sources have also reported that trafficked women, , tend in recent years to be moved regularly from one Member State to another so as to satisfy the clients with new prostitutes and to make it more difficult for their victims to be detected by the police or by the social services.

## METHODS USED BY TRAFFICKERS

The recruitment of the women takes various forms. Traffickers profit from the fragile social and economic situation of women and lure their victims by promising them large earnings in the West. Accepting such offers could support not only themselves, but also their family. Traffickers approach women by advertising in newspapers for dancers, waitresses, club hostesses etc. or by direct recruitment in discotheques and bars. They also lure women through the use of marriage bureaux. Even if a certain number of the trafficked women know they will work as prostitutes, they do not know that they will often be kept in slaves like conditions and unable to escape from their exploiters.

After the women are transported to the country of destination, there are several ways in which they are forced to enter and/or to continue with prostitution. Often they are obliged to repay heavy debts consisting of the costs of the documentation and transport, or their passports and money are taken away, or they are led into drug addiction by their exploiters. Frequently they are threatened with violence and beaten up. In some cases women have been found sequestered in brothels. Traffickers also threaten to inform the family of the women that they are working abroad as prostitutes. These women also feel trapped because of their situation as an illegal migrant. Finally, the influence over the victims is even stronger when the criminal organisations control the whole chain from recruitment, through transportation to the concrete sexual exploitation.

## MAIN POLICY PRINCIPLES

Priority for any policy in this field should be the attention to the help and support to the victims of this serious and degrading violation of human rights<sup>5</sup>. There is a broad consensus that this fight cannot be tackled effectively without a multidisciplinary and co-ordinated approach involving all concerned players – NGOs and social authorities, judicial, law enforcement and migration authorities – and which involves both national and international co-operation. Furthermore it is necessary to address the phenomenon throughout the trafficking chain (recruiters, transporters, exploiters, other intermediaries and clients). Adequate prevention measures and repressive measures, as well as measures to support the victims and to re-establish their human dignity and integrity also need to be developed.

With these core elements in mind, the Commission's 1996 Communication identified a number of interdisciplinary and sectoral proposals<sup>6</sup> as well as the need to develop co-operation with third countries. These recommendations pointed to the prime and continuing responsibility of Member States since many issues either need to be or are

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<sup>5</sup> This approach is fully in line with the work at UN level supported by the EU and its Member States (follow-up to and implementation of the Beijing Declaration and Platform for Action).

<sup>6</sup> In the fields of migration, judicial co-operation, police co-operation, social and employment.

best tackled at national level. However, the transborder nature of the issues also require action at European level, both in the Community context and in the third pillar on Justice and Home Affairs.

This second Communication has also to be seen in the context of the broader fight engaged by the EU against other serious forms of transborder organised crimes as developed in the Action Plan endorsed by the Heads of State and government at the Amsterdam Summit of June 1997. With the Amsterdam Treaty coming into force, the Commission, while respecting the principle of subsidiarity, will be better placed to develop a full "cross-pillar" approach in the fight against trafficking in women. As stressed in its Communication of 14 July 1998 on creating an area of freedom, security and justice, the Commission is fully committed to exercise its new rights of initiative in a spirit of active interinstitutional co-operation.

## PART I : ACHIEVEMENTS AND FURTHER INITIATIVES ON INTERDISCIPLINARY ISSUES

### I.1. : COOPERATION AND COORDINATION

#### I.1.a : Within the EU and between Member States

The EU and the Member States, in the context of both the Joint Action of February 1997<sup>7</sup> and of the Ministerial Declaration of The Hague of 3 April 1997<sup>8</sup>, have endorsed the approach, suggested by the Commission in its Communication of November 1996, to encourage co-ordination and co-operation within and between the Member States.

- The Joint Action of February 1997 states in particular that each Member State shall ensure that the activities of the authorities responsible for this fight are properly co-ordinated, allowing for the possibility of a multi-disciplinary approach (Title II – H)
- The Ministerial Declaration of The Hague contains recommendations promoting multidisciplinary co-operation between the EU Member States (II-1) and mentions the possibility of appointing national rapporteurs (III-1-4) reporting to governments on the effectiveness of the national policies preventing and combating trafficking in women, as well as on the co-operation of national rapporteurs on a regular basis.

Although Member States are not committed to report formally on how they have implemented their obligations under the Joint Action until the end of 1999, certain Member States (such as Austria and Italy) have already introduced new legislation that implements the above mentioned elements. They also associate NGOs in the efforts of the various authorities as stated in Title II-I of the Joint Action. The Commission encourages Member States that do not yet have co-ordination bodies on trafficking to establish them and to associate NGOs in these co-operation mechanisms. The

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<sup>7</sup> See OJ of the EC n° L63/2 (97/154/JHA).

<sup>8</sup> See annex 1 of the Commission's services working document SEC(1998)2160.

Commission will also reinforce its own internal co-ordination mechanisms in order to assure a more integrated approach<sup>9</sup>.

I.1.b : With international or regional organisations and other third country partners

Many international organisations and other bodies have been working on the issue of combating all forms of violence towards women or more specifically in the field of fight against trafficking.

- As regards the UN, several important initiatives have been taken<sup>10</sup>. More specifically, in the context of the work of the UN Commission on Crime Prevention and Criminal Justice, work has started on a Protocol on trafficking in human beings to be drawn up in parallel to the international Convention against Organised Transnational Crime.
- The G8 Heads of State and government agreed at the Birmingham Summit on 15-17 May 1998 to develop principles and an action plan to combat trafficking in women and children.
- The Council of Europe's Heads of States and governments expressed at their summit in October 1997 their determination to combat violence against women and all forms of sexual exploitation of women. Since 1997 a multisectoral group of specialists<sup>11</sup> has been working on possible initiatives in the field of trafficking<sup>12</sup>.
- The International organisation for migrants (IOM) has also been active. Several regional surveys on trafficking in women have been conducted, as well as research on statistical information (February 1998). A pilot project has also been launched on a rapid information system (October 1998). An information campaign has been carried out in the Ukraine in March to June 1998 (see below).
- ICPO-Interpol's activities in the fight against trafficking in women include the gathering and exchange of information related to traffickers, transnational researches and studies on trends, modus operandi and identification of countries involved in

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<sup>9</sup> The Commission appointed in 1996 the Task Force Justice and Home Affairs to act as its co-ordinating point for actions in the field of fighting trafficking in women.

<sup>10</sup> Such as the work of the Women's Status Commission; the reports of the special "rapporteurs" of the Human Rights Commission and the conclusions of the 1997 and 1998 session of the Economic and Social Committee, that call for the promotion of a gender mainstreaming policy and for legal frameworks as well as appropriate law enforcement and judicial mechanisms to help women who are victims of violence and of violations of their human rights in general, including trafficking. The General Assembly of the United Nations also promotes these issues in particular by means of a yearly resolution.

<sup>11</sup> Chaired by a representative of the Steering Committee for equality between women and men

<sup>12</sup> This multisectoral group is considering among other things the possibility of a new Convention on Trafficking. Furthermore, the Parliamentary Assembly adopted a report in March 1997. Recently, in June 1998, the Council of Europe also conducted an international seminar devoted to the role of NGOs in the fight against trafficking in human beings.

trafficking networks, as well as updating of legislation and the holding of specialised seminars<sup>13</sup>. Furthermore, ICPO-Interpol is involved in international investigations.

- The Organisation for security and co-operation in Europe (OSCE) has also launched an initiative in this field<sup>14</sup>. It stated that trafficking in women and girls goes beyond the borders of the OSCE community and that the trafficking in women and girls is clearly related to the global phenomenon of organised crime.

The Commission and the EU Member States have participated actively in the work of the various working groups and committees of these international and regional organisations, in order to develop complementary policies based on the exchange of information and experiences relating to activities under way and on research projects. As regards the IOM, the Commission has supported two projects under the STOP programme (see below point I.2). Steps have also been taken to start co-operation through a pilot-project with the UN Commission on Crime Prevention and Criminal Justice. As regards co-operation with the Council of Europe, the joint project "Octopus II", due to start in January 1999, aims at transposing and implementing the "acquis" of the Union in the field of fight against corruption and organised crime in the ten candidate countries of Central and Eastern Europe<sup>15</sup>. Concerning the work of ICPO-Interpol, working relations have started between this organisation and Europol. (See also Part II.3 Police co-operation)

- Co-operation in the context of the Transatlantic dialogue

Under the umbrella of the New Transatlantic Agenda, a co-operation based on prevention campaigns has been established in the area of trafficking in women. It was decided that the EU would organise an information campaign in Poland (to be implemented by "La Strada" (NGO) with PHARE democracy funds) while the USA would conduct a campaign in the Ukraine with the support of IOM (see above)<sup>16</sup>. The information campaigns started in April 1998 and ended formally in June 1998. However activities went in practice on until September 1998. Given the success of

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<sup>13</sup> On 20 and 21 October 1998, Interpol organised an International Conference on trafficking in women that took place in Vienna.

<sup>14</sup> In its Stockholm Declaration, the OSCE Parliamentary Assembly (Stockholm, 9 July 1996) expressed its concern about the deplorable practice of trafficking in women and girls. Furthermore at the occasion of the Fourth OSCE Implementation Meeting on Human Dimension Issues (Warsaw, 26 October – 6 November 1998), several participating states and NGOs touched again upon the issue of trafficking and violence against women.

<sup>15</sup> From the PHARE horizontal programme on Justice and Home Affairs, amount : 1.5 Mecus + from the Council of Europe, amount : 0.9 Mecu. Albania, Croatia, Moldova, Russia, FYROM and Ukraine will also be offered the opportunity to participate in this process

<sup>16</sup> The initiative was formally launched in November 1997 when the Luxembourg Presidency hosted a seminar with experts from the 15 Member States, the USA, Polish and Ukrainian authorities, the Commission as well as La Strada and IOM. This seminar defined the methods, the messages and the scope of the 2 parallel campaigns. Another meeting was held in Warsaw on 13 March 1998 in order to organise the participation of the Commission's delegation and of the EU Member States through their embassies and consulates.

these prevention campaigns it has been decided, to promote similar campaigns in other countries of origin and transit.<sup>17</sup>

**Member States and Commission action points:**

- To promote co-ordination and participate closely in the work in international and regional organisations.
- To develop joint projects between the Commission and international and regional organisations.

**EU and Commission action point :**

- To organise and support further prevention campaigns with the US in third countries of origin and/or transit

## I.2 : INFORMATION, DATA, RESEARCH WORK AND TRAINING

Among the progress achieved so far an important element is the establishment by the Council of a multiannual financing programme, STOP,<sup>18</sup>). This programme establish "a new framework for training information, study and exchange actions"<sup>19</sup> as part of "a co-ordinated multidisciplinary approach to the problem"<sup>20</sup>. The programme, managed by the Commission with the support of a Committee comprising the Member States, is the only instrument of its type at European level. It has a 6,5 million ECU budget for an initial period of five years. Its objective is to promote training and co-operation between the various professional players responsible for combating trafficking on human beings and the sexual exploitation of children. Since 1996, several projects addressing the issue of trafficking in women have been supported<sup>21</sup>.

One of the main problems experienced in the field of trafficking in women is the lack of reliable statistics and data, making it difficult to assess the real dimension of the phenomenon and to prepare appropriate and targeted strategies to combat it. STOP has therefore supported an important IOM study that has been available to the public since May 1998<sup>22</sup>. This study analyses in particular the reasons why present statistics and data are so poor. Reasons for this are for example: the fact that it is a concealed phenomenon,

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<sup>17</sup> A meeting was organised by the US in L'viv (Ukraine) so as to assess the preliminary results of these two campaigns (see also Part III.1 CEEC AND THE NIS).

<sup>18</sup> Joint Action 96/700/JHA of 29 November 1996

<sup>19</sup> Joint Action, 5<sup>th</sup> recital

<sup>20</sup> Joint action, 4<sup>th</sup> recital

<sup>21</sup> These projects have contributed to the exchange and transfer of expertise and of know-how, to cross-fertilisation between different categories of professionals as well as to the setting up of networks on a European scale, since the European discussion of the projects is an important condition for access to STOP finance. For further details on the STOP programme, see Annex 2 of related Commission's services working document SEC(1998)2160.

<sup>22</sup> IOM final report on analysis of data and statistical resources available in the EU Member States in trafficking in humans, particularly in women and children for purposes of sexual exploitation.



no systematic collection, in general no clear criminalisation of trafficking in women, concepts and definitions of trafficking in women measured by different standards at national level, basic lack of communication and exchange of information between institutions at national level.

Information, is crucial both in the context of prevention and assistance to victims. As prevention campaigns take place in countries of origin and transit, this aspect is examined further in PART III (co-operation with third countries). Victims of trafficking must have access to information on ways of seeking assistance. This can be provided through social and health departments, as well as through NGOs. The STOP programme can provide support up to a certain point. However, as the role of NGOs is crucial in relation to victims, the Commission considers that the main support in this area, should be provided principally through the existing DAPHNE Initiative that is specially intended for NGOs' activities. In this context, the Commission tabled a proposal on 20 May 1998<sup>23</sup> for a formal Council Decision on a medium-term Community action programme on measures providing a Community wide support to Member States action relating to violence against children, young persons and women (the DAPHNE Programme) (2000-2004). Its main objectives are to assist the creation and development of networks and to support innovative projects from NGOs. Trafficking in women is an important theme covered by DAPHNE. One of the areas covered is information to be provided by NGOs to victims on how they can protect their rights and obtain support from NGOs.

Both the STOP Programme and the DAPHNE Initiative can also support research projects in various fields of trafficking. So far, only a few studies have touched upon the issue of prevention and more generally on the roots of the phenomenon. More attention should therefore be paid to this aspect in future, including activities focusing on the demand side (clients and potential clients) such as awareness-raising and sensibilisation of clients and potential clients, and information campaigns on the human rights of women, on mutual respect and on equality between women and men, targeting young people.

Research work on appropriate techniques to combat illegal contents should also be encouraged in the field of new information technologies such as the Internet as these technologies can also be used for illegal purposes by traffickers<sup>24</sup>.

**NGOs' action point:**

- After adoption of the DAPHNE programme, NGOs should make extensive use of this tool in order to promote information and information networks to victims, and to promote best practices and training.

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<sup>23</sup> COM(1998)335 final

<sup>24</sup> The EU has adopted a full strategy to develop self-regulation on the Internet and to combat illegal content, see in particular the Council recommendation of 24 September 098/561/EC and the Commission's proposal for an Action Plan for a safer use of Internet.

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

- The Commission will, through its information policy targeted at women, raise awareness on the existence of trafficking in women and increase information on all Commission actions aimed at combating these practices.
- The Commission will, with the agreement of the Member States, refocus the existing guidelines of the STOP programme on information to victims in ways of seeking assistance, on more targeted research work including studies on the profile of the prostitutes' clients and on the various intermediaries in the trafficking chain, to help define more operational type of projects, in particular on information exchange systems, as well as to support more targeted training co-operation.
- The Commission will promote through the STOP programme some researches in order to examine the possible link between the practice of child sex tourism and the development of trafficking in very young women.

## **PART II : SPECIFIC SECTORS OF INTEREST**

### **II.1 : MIGRATION AND RELATED ISSUES**

Expertise gathered so far shows that migration related issues (such as visa, temporary permit of stay, controls on entry, stay on the territory of the Member States) are of great importance in combatting trafficking in human beings. Training in particular of civil servants dealing with migration such as those at Embassies and Consulates and those in charge of the issuing of visas is crucial. It could cover aspects such as communication methods with would-be applicants, to make them aware of the risks and realities, as well as the detection of false or forged documents and increased awareness of possible tactics and networks of traffickers<sup>25</sup>.

#### **EU Member States action point:**

- To launch relevant training projects to prevent and combat trafficking in women in the area of migration and detection of false or forged documents through the relevant Title VI programmes (ODYSSEUS and STOP).

Although the developments in the migration and judicial fields are presented separately for sake of clarity, there are strong interrelations between these two sectors with regard in particular to the protection of victims.

This link is particularly strong between the need of adequate migration policy towards victims of trafficking and the question of improved ability for courts to sentence the traffickers. Very often, victims are in an illegal situation in the host country and fear of repatriation prevents them from co-operating with authorities against traffickers. Any significant improvement in the prosecution of traffickers must lead authorities to allow

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<sup>25</sup> Training in communication methods should however avoid to stigmatise the entire group of immigrant women.

victims not to be automatically expelled from the host country and to provide them with judicial assistance and appropriate witness protection.

The Joint action of February 1997 stipulates that each Member State shall ensure that victims are available where required by the Member State's criminal Justice system to give evidence in any criminal actions, which may entail provisional residence status in appropriate cases. This provision does not make it an obligation for Member States to deliver a temporary permit of stay. Some Member States (such as Belgium, Italy, the Netherlands) have indeed provided a legal or administrative framework for such a possibility. The Commission is convinced that more must be done on these issues in all Member States. In its 1996 communication, the Commission supported the principle of delivering a temporary permit of stay in the case victims are prepared to act as witnesses in judicial proceedings. It wishes now to go one step further and is prepared to present in 1999 a formal proposal for legislative action in this field, taking into account the experiences drawn from recent national laws so as to avoid potential abuses from future mechanisms.

Furthermore the Commission will address the broader issue of judicial assistance to victims and of witness protection schemes. In the context of its future 1999 communication on assistance to victims, include suggestions for the specific situation of victims of trafficking as it is crucial to gain the support and trust of the victims to make testimony in front of the courts against their persecutors. This could imply appropriate protection both for the victims and their families enabling them e.g. to defend their rights before the courts, to be informed of the progress of enquiries or to be helped to return to their country of origin.

**Commission action points :**

- To make, in 1999, a proposal for legislative action as regards temporary permits of stay for victims who are ready to act as witnesses.
- To produce in 1999 a communication on assistance to victims including victims of trafficking.

**II.2 : PENAL LEGISLATION AND JUDICIAL CO-OPERATION**

The main progress in this area are the provisions contained in the Joint Action of February 1997 since the major objective of this Joint Action is to improve the Member States' penal provisions and their judicial co-operation in the context of combating trafficking in human beings.

Concerning measures to be taken at national level, the main elements contained in this Joint Action are as follows :

- Criminalisation of behaviour such as the sexual exploitation of a person for gain by using coercion or deceit or abuse of authority or other pressure which leave no real choice to that person.
- Trafficking in persons for gain and with a view to sexual exploitation
- Administrative or criminal liability of legal persons.

- Punishment of these offences by effective, proportional and dissuasive criminal penalties<sup>26</sup>.

As regards measures to improve judicial co-operation:

- Member States shall grant each other the widest possible judicial co-operation in the investigations and judicial processes relating to sexual exploitation and trafficking offences as well as grant each other assistance in the exchange of related information.
- Review of reservations to Article 5 of the 1959 European Convention on Mutual Assistance concerning possible requirement of dual criminality, seriousness of offence, etc for repressive measures like e.g. search and seizure.
- Letters rogatory to be dealt with as quickly as possible and the requesting Member State to be kept informed of progress
- Direct transmission of requests for assistance between locally competent authorities where appropriate.

Member States are to review their legislations and where required to amend them by the end of 1999. A political commitment was reached however at the informal Justice and Home Affairs Council of October 1998 to accelerate this undertaking.

One of the major problems appears to be that in most Member States legislation does not specifically address the questions of sexual exploitation of women trafficked from abroad<sup>27</sup>.

The Commission believes however that appropriate follow-up actions in the field of penal legislation and judicial co-operation could be presented after the assessment to be made by the Council of the Member States' implementation of their obligations under the February 1997 Joint Action.

Furthermore the Commission is convinced that it is important for Member States actively to encourage the drafting of the UN Protocol on trafficking in human beings, so as to allow co-operation to take place at worldwide level<sup>28</sup>.

#### **Member States action point:**

- To co-ordinate properly between themselves their positions as regards the future UN Protocol on trafficking in human beings, with the aim of approximating provisions in this Protocol or at least of ensuring

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<sup>26</sup> To include custodial penalties giving rise to extradition in the case of natural persons, confiscation of the instruments and proceeds of the offences and possibly closure of the establishments used or intended for use in the commission of the offences.

<sup>27</sup> Under the STOP Programme a study by the University of Athens in 1998 of the legislative and judicial practices in the Member States demonstrated that there are important discrepancies in the legal situations among the Member States.

<sup>28</sup> See conclusions of the Council of 5 October 1998 requiring the member States to adopt common positions as regards both the UN Convention on combating transborder organised crime and related Protocols.

### II.3 : POLICE COOPERATION

In its first Communication, the Commission pointed to the need to improve international co-operation between law enforcement agencies so as to act against those organised criminal networks that have well-established transborder connections. However national law-enforcement agencies, in order to operate effectively, must also have appropriate investigative powers<sup>29</sup>. Since November 1996, several Member States have already set up units that specialise in the fight against trafficking in women.

In the field of international co-operation, the mandate of the Europol Drug Unit (EDU) was extended in September 1996 to include traffic in human beings and it was asked also to establish a directory of specialised competences (a list of contact points for law enforcement purposes). The Europol Drug Unit has started to exchange through the Member States' liaison Officers, based in The Hague, information on trafficking in human beings<sup>30</sup>. In its work programme for 1999 it has clearly indicated its intention to attach a high priority to this matter, proposing in particular the following initiatives :

- To undertake an analysis of the main trends of trafficking in human beings and the selection of objectives to start and support common enquiries to fight against the main criminal organisations in this field
- To launch a project related to the situation in the applicant States involving all those concerned (NGOs, social, judicial, law enforcement and migrant authorities) with the principal aim of exchanging information and intelligence
- To update its manual of good practices, police techniques and methods (linked with the manual of Interpol)
- To run a training programme on trafficking in human beings
- To report on the situation within the EU as a basis for future EU action in this field of criminality.

#### **Member States, Europol and Commission action points:**

- Member States should consider the usefulness of creating specialised units or co-ordination units in the fight against trafficking in human beings.
- Europol should be encouraged to deepen its working relations with Interpol on this issue.

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<sup>29</sup> The Joint Action of February 1997 specifically requires Member States to provide adequate investigative powers and techniques to enable effective investigation and prosecution. In its first Communication, the Commission also suggested to Member States that they should consider the establishment of specialised units of law-enforcement authorities, and/or single national contact points.

<sup>30</sup> The Europol Drugs Unit also hosted in March and October 1998 two expert meetings on trafficking in human beings in The Hague with participants from the Member States and from non-governmental organisations. During the October meeting representatives of the applicant States were present.

- The Commission will promote, through the STOP programme and in agreement with the Member States, the training and exchange of expertise for law enforcement personnel dealing with the fight against trafficking, in particular those specialised in trafficking in women, while co-ordinating with Europol in order to develop complementary approaches on training issues.

#### II.4 : SOCIAL ASSISTANCE TO VICTIMS AND EMPLOYMENT ISSUES

Specific social assistance to victims of trafficking and stricter administrative controls of working conditions in certain activities are important elements in the fight against trafficking. However, in order to change attitudes of society towards sexual exploitation of women, long term preventive measures are crucial. The role of Member States is essential. However, the Community can also provide European specialised social and education programmes, and global support through its existing policies and financial tools<sup>31</sup> to combat racism and promote equality between women and men, the mutual respect between the sexes and the respect of human rights and dignity.

##### II.4.a : Social assistance to victims

Women victims of trafficking for the purpose of sexual exploitation are in general being recruited in social circles which are vulnerable both from material and psychological viewpoints. They have, in all cases, suffered deep physical and/or psychological trauma during the time of their exploitation and some are still suffering health problems. It is therefore of the utmost importance to help these victims, once they are in contact with NGOs and social services, to reconstruct both their health and their personal identity through the provision of the appropriate assistance.

Such social assistance, as emphasised in particular by The Hague Ministerial Declaration, must not only consist in providing safe reception and rehabilitation centres to protect the victims against their exploiters, but also confidential medical, social and psychological care and legal assistance. Further support is also needed in terms of professional reintegration and training or repatriation to their home country.

The Commission believes, in line with the views of the European Parliament<sup>32</sup>, that there is a strong need for social assistance to be provided to the victims in particular through NGOs<sup>33</sup>. These organisations have demonstrated their ability to devise innovative ways of reaching and helping victims of sexual exploitation. They have also started to structure themselves and to cooperate at European level. However public financial support is often insufficient both at national and regional level. At European level, various Community programmes contribute to social assistance for victims of trafficking, even if they were

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<sup>31</sup> Medium term Community action programme on equal opportunities for women and men (1996-2000).

<sup>32</sup> Colombo Svevo Report of January 1996

<sup>33</sup> It should be noted that most NGOs are specialised not only in the care of trafficked women but deal also with help and information on various issues relating to prostitution (see non-exhaustive list of NGOs by Member States in Annex 3 of the Commission services working document SEC(1998)2160).

not primarily designed to focus on these victims and can not be considered, in line with the principle of subsidiarity, as a substitute to Member State action.

In particular, the INTEGRA Programme that seeks to promote the integration into employment of groups most at risk from the labour market, has supported projects through partnerships between public authorities, NGOs, SMEs, social partners and associations.

The programme "Prevention of AIDS and certain communicable diseases...", and the Programme "Health Promotion ... in the field of public health", have also been identified as useful programmes in relation to the support of victims of trafficking.

The Commission organised in February 1998 a seminar under the LEONARDO DA VINCI vocational training programme. The objective of the seminar (entitled "means of promoting reintegration of women who are victims of the traffic in human beings") was to identify the needs in training for the victims and the persons in charge of their social guidance and professional training as well as the setting up of networks. This seminar helped interested actors to make specific project proposals. These proposals are presently being selected.

Furthermore, the Commission under the DAPHNE Initiative (launched in May 1997; see also above PART I/1.2) has supported a number of innovative transnational projects in the field of rehabilitation and reinsertion of victims. For instance, it has encouraged the development of WAVE 1998 (Women Against Violence in Europe) and in particular the elaboration of a data bank available on CD-ROM and on Internet. This database provides information on rehabilitation centres for victims of violence including trafficking in the European Union and in a number of applicant States<sup>34</sup>.

NGOs action point :

- To develop further co-operation, with the support of DAPHNE, between themselves and European networking in general.

Member States action points :

- To support reception and rehabilitation centres if such centres do not already exist
- To provide further support for local and national programmes for training social and health personnel.

Commission action points :

- to advertise among the concerned target groups the possibilities under the INTEGRA Programme, the LEONARDO DA VINCI Programme and in the Community health programmes.
- to encourage, as proposed in the future multiannual DAPHNE Programme (2000-2004), the extension of the support to NGOs so as to allow them also

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<sup>34</sup> See also annex 1 of the Commission's services working document SEC(1998)2160.

to diversify their activities e.g. in the area of legal counselling of the victims.

#### II.4.b : Employment and related issues

The Commission identified in its first Communication the need for Member States to pay attention to the working conditions of au-pair girls, bar and dancing establishments' employees as well as employees in sex shows' and massage parlours. It also recommended Member States to ensure proper co-ordination between social and health inspectorates and law enforcement services with the aim of identifying and helping victims. As far as the Commission is aware, no follow-up has occurred by the Member States to these recommendations although they have certain means to exert controls on employers. Furthermore the Commission would consider it useful for Member States to review their existing legal provisions and administrative controls and conditions attached to the functioning of marriage bureaux and escort activities, as such services are used in certain cases to cover the activities of traffickers.

##### **Member States action points :**

- To ensure proper co-ordination between social and health inspectorates and the law-enforcement services
- To review existing legal provisions and administrative controls and conditions attached to the activities listed above

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

- To make a comparative study in 1999 on existing legal provisions and practices relating to the above mentioned activities.

### PART III : COOPERATION WITH THIRD COUNTRIES

The real, long-term impact of the various initiatives already undertaken at EU and national and regional level, although indispensable, will be greatly reduced if they are not supplemented by far-reaching actions in the countries of origin and of transit. This requires the public authorities of these countries to give a higher priority to this issue. The main factors driving women to listen to false promises by recruiters and to take the risk of being trafficked, are linked to poverty, unemployment and the lack of opportunity within their country of origin. The aggravation of the economic situation in these countries has had a direct effect on the flow of trafficking in women<sup>35</sup>. Lack of education and sexual discrimination are also important elements at the root of the trafficking phenomenon. The key objectives for the Community's development co-operation include the fight against poverty, the promotion of human rights, gender mainstreaming and democracy, and sustainable development. This approach could also be complemented by promoting certain pilot-projects (such as information campaigns) in the field of trafficking<sup>36</sup>

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<sup>35</sup> As well, of course, as on the general flow of smuggling of aliens seeking work abroad.

<sup>36</sup> It would be useful to associate in the information campaigns the Commission's delegations and the EU Member States embassies and consulates.



As indicated in the general introduction, recent trends in trafficking in women show that the traditional flow from third world regions has continued, while a strong increase of women, trafficked into the EU and originating from Central and Eastern applicant States and from the New Independent States, has taken place in recent years.

Instruments already used in co-operation programmes with government authorities or in supporting local NGOs and civil society (particularly those relating to human rights, gender policies and access to justice) should be further developed with all important countries of origin. However, special attention should be given to support co-operation with the applicant States as part of the accession process to the European Union.

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

In considering co-operation between the European Union and the NIS and applicant states of central and eastern Europe in the fight against trafficking in women, three types of action can be taken into account:

- First, actions which support the improvement of administrative structures in key sectors (e.g. law enforcement agencies, judicial bodies). Without such structures, it is difficult to investigate and prosecute criminal organisations involved in organised crime including trafficking in women.

Since the first Communication, much has been done in the pre-accession strategy in this field. In particular, the "Accession Partnerships" of March 1998 attach great importance to the development of administrative and judicial capacities of the applicant CEECs<sup>37</sup> and identify priorities each country needs to address, including the fight against organised crime.

Justice and Home Affairs is a priority area for all applicant CEECs in the framework of the reinforcement of administrative and judicial capacities. Twinning projects between Member States' and their administrations will start in 1999. A large number of projects selected in this field will contribute to the efficiency of the fight against organised crime and trafficking in women<sup>38</sup>. Furthermore, in 1999, the Commission will support training of police forces from applicant CEECs through the Association of European Police Colleges (AEPC). One training module is specifically devoted to the fight against trafficking in human beings.

- The Commission is currently considering the possibility under the TACIS programme of helping the NIS to improve their administrative and judicial capacities.
- Secondly, actions providing support for the creation and development of NGOs specialised in the fight against trafficking in human beings. These complement the

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<sup>37</sup> From 1998, about 30 % of PHARE assistance will go to institution building activities.

<sup>38</sup> 9 projects are devoted to the reinforcement of judicial structures, 8 projects to border controls and immigration, 4 projects to the training of law enforcement agencies and 1 project is devoted to the fight against organised crime.

role of public authorities through activities on prevention of trafficking<sup>39</sup> and assistance.

PHARE and TACIS Democracy Programmes have also financed projects on "Prevention of trafficking in women". They have focused on the development of prevention campaigns, provision of social, medical and psychological support to victims, development of comprehensive programmes to rehabilitate victims of trafficking into society and/or into their country of origin through job training and legal assistance, development of human rights education. In particular, the "La Strada" NGO has developed activities in Poland and the Czech Republic, which are now being extended to other countries including Ukraine and Bulgaria. One of its most successful actions was an information campaign in Poland, carried out in parallel to an IOM campaign in Ukraine<sup>40</sup>. These campaigns had good results in raising awareness and also stimulated the creation of new networks and partnerships. These have had trigger effects such as proposals for new legislation and the formation of permanent structures in national administrations to work against trafficking in women.

- To help local NGOs to build up partnerships with NGOs in the EU on the fight against violence, the Commission has proposed to open up the future DAPHNE programme to applicant CEECs.

As regards the NIS, associations have faced difficulties in their activities in the fight against trafficking (both in terms of resources and official support).

- Thirdly, actions providing support to projects involving co-operation to bring together people working on this matter from EU Member States and the applicant CEECs (e.g. judges, public prosecutors, police, civil servants, public services concerned with immigration and border controls). To promote this co-operation, the Commission will encourage the opening of the STOP programme to applicant states from the year 2000.

**Commission action points :**

- To encourage the opening of the STOP programme to the applicant countries of central and eastern Europe;
- To make continued use of the PHARE programme in order to improve, in line with the Union's "acquis", the legal framework, structural capacity and human resources in the field of Justice and Home Affairs to tackle more efficiently organised crime in general and trafficking in human beings in particular;

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<sup>39</sup> Information on trafficking risks provided through schools and universities is an important element of prevention policy in source countries. It is equally important to provide adequate training and methods to pedagogical circles. The SOCRATES Programme (now also opened to applicant States) could provide support to appropriate pedagogical methods and dissemination of good practice.

<sup>40</sup> These twin "prevention" campaigns were organised from March to June 1998 in the framework of the New Transatlantic Agenda. The United States provided the funds for the campaign in the Ukraine, while the European Union provided, via PHARE Democracy, the funds for the campaign in Poland. Further prevention campaigns are to be launched next year in other central and eastern European countries.

- To continue to support concrete projects in the fight against trafficking in women through the PHARE Democracy programme;
- To promote awareness raising and education among potential victims under the Socrates and Youth for Europe programmes.

**EU, Council and Commission action points :**

- To adopt the DAPHNE programme including provisions to open it to applicant CEECs.
- To continue to use the expert working groups which associate the EU and applicant CEECs or comprise representatives of applicant CEECs (e.g. Working Group for the Implementation of the Pre-accession Pact on Organised Crime and the Expert Group on Drugs and Organised Crime) to encourage co-operation on the fight against trafficking in human beings including trafficking in women<sup>41</sup>.
- To promote, in the context of the dialogue which is beginning on organised crime issues with the NIS, and in particular with Russia and Ukraine, exchange of information on trafficking in women.

**III.2 : COOPERATION WITH DEVELOPING COUNTRIES**

Existing Community co-operation programmes with developing countries address root causes of trafficking such as poverty and unemployment.

As regards co-operation with African, Caribbean and Pacific Countries (ACP), more importance has been given, in the framework of the Lomé IV Convention, to the defence of women's rights and to favouring specific actions that help to associate women with the main activities in the field of development<sup>42</sup>. This is also reflected in the Commission's mandate given by the Council in June 1998 for the negotiations with the ACP for the renewal of the Lomé IV Convention.

So far, the European Development Fund has however not been sufficiently mobilised in favour of specific projects such as the improvement of legislation, judicial and police training against trafficking in women, and prevention and awareness-raising actions. The Commission wishes also to reiterate its suggestion of promoting dialogue on these issues with ACP countries by putting in place an ACP rapporteur who could initiate such a dialogue at the next Joint Assembly.

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<sup>41</sup> A specific meeting of the expert group on drugs and organised crime (associating all EU Member States, the applicant States and Norway) took place in Brussels on 13 November 1998 in order to assess practical steps to develop judicial and law enforcement co-operation in this field including possible co-operation, at a later stage, with Europol.

<sup>42</sup> See in particular the Commission's pledge for the reinforcement of civil society and the participation of women in the democratisation and development process, in its Communication on the challenge of partnership between the EU and the ACP ; Com (98) 146 final. A specific reference is made to providing women with information on their rights as well as to access to the judicial bodies and to social services.

As regards co-operation with Asian, Latin American and Mediterranean countries (ALA/MED) a similar approach has been followed to that for the ACP countries, namely to promote the defence of women's rights and to favour specific development action that associates women. The Community funded programmes have focused in particular on poor and disadvantaged communities in urban areas, where women are most likely to be drawn into sexual exploitation and to fall into the hands of traffickers. No specific projects have however been financed in the area of trafficking in women as such.

**Community and Member States action point :**

- To support research and pilot projects to be devised in co-operation with NGOs, EU Member states, international organisations in the area of training, prevention and awareness-raising to take place in ACP/ALA/MED countries.

**Commission action points :**

- To mobilise the existing financial co-operation instruments in favour of specific pilot projects in the field of fight against trafficking in women under the appropriate budget lines<sup>43</sup>. These projects should encourage the partners to use co-operation funding.

**CONCLUSIONS**

In its first Communication of November 1996 the Commission proposed a multidisciplinary and "trans-pillar" approach so as to mobilise all the instruments available to the EU under the Treaty (both in the Community context and in the third pillar on Justice and Home Affairs). In this communication it is suggested to go one step further by developing strategies and measures aimed to cover the various stages of the organised crime chain and to involve all the actors in the fight against trafficking in women.

The Commission is conscious that implementing this ambitious range of actions represents a real challenge for protecting society and women's human rights against traffickers.

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<sup>43</sup> Budget lines "Democratisation", Women and development", "Co-financing of NGOs", "Decentralized co-operation", "Fight against AIDS", "Fight against drugs", "Demography".

**COMPLETE LIST OF ACTION POINTS PROPOSED IN COMMUNICATION**

**PART I : ACHIEVEMENTS AND FURTHER INITIATIVES ON INTERDISCIPLINARY ISSUES**

**I.1. : COOPERATION AND COORDINATION**

**I.1.a : Within the EU and between Member States**

**I.1.b : With international or regional organisations and other third country partners**

**Member States and Commission action points:**

- To promote co-ordination and participate closely in the work in international and regional organisations.
- To develop joint projects between the Commission and international and regional organisations.

**EU and Commission action point :**

- To organise and support further prevention campaigns with the US in third countries of origin and/or transit.

**I.2 : INFORMATION, DATA, RESEARCH WORK AND TRAINING**

**NGOs' action point:**

- After adoption of the DAPHNE programme, NGOs should make extensive use of this tool in order to promote information and information networks to victims, and to promote best practices and training.

**Member States and Commission action points:**

- The Commission will, through its information policy targeted at women, raise awareness on the existence of trafficking in women and increase information on all Commission actions aimed at combating these practices.
- The Commission will, with the agreement of the Member States, refocus the existing guidelines of the STOP programme on information to victims in ways of seeking assistance, on more targeted research work including studies on the profile of the prostitutes' clients and on the various intermediaries in the trafficking chain, to help define more operational type of projects, in particular on information exchange systems, as well as to support more targeted training co-operation.
- The Commission will promote through the STOP programme some researches in order to examine the possible link between the practice of child sex tourism and the development of trafficking in very young women.

## PART II : SPECIFIC SECTORS OF INTEREST

### II.1 : MIGRATION AND RELATED ISSUES

#### **EU Member States action point:**

- To launch relevant training projects to prevent and combat trafficking in women in the area of migration and detection of false or forged documents through the relevant Title VI programmes (ODYSSEUS and STOP).

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

- To make, in 1999, a proposal for legislative action as regards temporary permits of stay for victims who are ready to act as witnesses.
- To produce in 1999 a communication on assistance to victims including victims of trafficking.

### II.2 : PENAL LEGISLATION AND JUDICIAL CO-OPERATION

#### **Member States action point:**

- To co-ordinate properly between themselves their positions as regards the future UN Protocol on trafficking in human beings, with the aim of approximating provisions in this Protocol or at least of ensuring compatibility with EU instruments, in particular with the Joint Action of February 1997.

### II.3 : POLICE COOPERATION

#### **Member States, Europol and Commission action points:**

- Member States should consider the usefulness of creating specialised units or co-ordination units in the fight against trafficking in human beings.
- Europol should be encouraged to deepen its working relations with Interpol on this issue.
- The Commission will promote, through the STOP programme and in agreement with the member States, the training and exchange of expertise for law enforcement personnel dealing with the fight against trafficking, in particular those specialised in trafficking in women, while co-ordinating with Europol in order to develop complementary approaches on training issues.

## **II.4 : SOCIAL ASSISTANCE TO VICTIMS AND EMPLOYMENT ISSUES**

### **II.4.a : Social assistance to victims**

#### **NGOs action point :**

- To develop further co-operation, with the support of DAPHNE, between themselves and European networking in general.

#### **Member States action points :**

- To support reception and rehabilitation centres if such centres do not already exist
- To provide further support for local and national programmes for training social and health personnel.

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

- to advertise among the concerned target groups the possibilities under the INTEGRA Programme, the LEONARDO DA VINCI Programme and in the Community health programmes.
- to encourage, as proposed in the future multiannual DAPHNE Programme (2000-2004), the extension of the support to NGOs so as to allow them also to diversify their activities e.g. in the area of legal counselling of the victims.

### **II.4.b : Employment and related issues**

#### **Member States action points :**

- To ensure proper co-ordination between social and health inspectorates and the law-enforcement services
- To review existing legal provisions and administrative controls and conditions attached to the activities listed above

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

- To make a comparative study in 1999 on existing legal provisions and practices relating to the above mentioned activities.

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

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

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

- To encourage the opening of the STOP programme to the applicant countries of central and eastern Europe;

- To make continued use of the PHARE programme in order to improve, in line with the Union's "acquis", the legal framework, structural capacity and human resources in the field of Justice and Home Affairs to tackle more efficiently organised crime in general and trafficking in human beings in particular;
- To continue to support concrete projects in the fight against trafficking in women through the PHARE Democracy programme;
- To promote awareness raising and education among potential victims under the Socrates and Youth for Europe programmes.

**EU, Council and Commission action points :**

- To adopt the DAPHNE programme including provisions to open it to applicant CEECs.
- To continue use of the expert working groups which associate the EU and applicant CEECs or comprise representatives of applicant CEECs (e.g. Working Group for the Implementation of the Pre-accession Pact on Organised Crime and the Expert Group on Drugs and Organised Crime) to encourage co-operation on the fight against trafficking in human beings including trafficking in women.
- To promote, in the context of the dialogue which is beginning on organised crime issues with the NIS, and in particular with Russia and Ukraine, exchange of information on trafficking in women.

**III.2 : COOPERATION WITH DEVELOPING COUNTRIES**

**Community and Member States action point :**

- To support research and pilot projects to be devised in co-operation with NGOs, EU Member states, international organisations in the area of training, prevention and awareness-raising to take place in ACP/ALA/MED countries.

**Commission action points :**

- To mobilise the existing financial co-operation instruments in favour of specific pilot projects in the field of fight against trafficking in women under the appropriate budget lines. These projects should encourage the partners to use co-operation funding.



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