



**COUNCIL OF
THE EUROPEAN UNION**



**2725th JUSTICE AND HOME AFFAIRS Council meeting
Luxembourg, 27 and 28 April 2006**

**Council conclusions on
TRAFFICKING HUMAN BEINGS**

The Council adopted the following conclusions:

- "1. The fight against trafficking in human beings is one of the priorities at EU level and of the Austrian Council Presidency. Considering that trafficking in human beings, particularly women and children, for sexual or other forms of exploitation, is one of the most serious human rights violations, the Presidency is determined to contribute to the implementation of the EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings (hereafter the EU Action Plan on Trafficking in Human Beings, adopted by the Council on 1-2 December 2005)¹.
2. In the political debate on the EU anti-trafficking policy foreseen by point 1.2. of (the annex of) the Action Plan, the Council and the Commission discussed the state of play of implementation of the Action Plan.
3. Following the political debate, the Council concluded that these conclusions should constitute an update of the EU Action Plan on Trafficking, in particular specific measures against trafficking in human beings in connection with major international events, including sports events, as provided for in point 9, 10 and 11.

¹ 12402/3/05 REV 3, CRIMORG 93 or OJ C 311, 9.12.2005, p.1

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4. For the fight against trafficking in human beings to be most effective, analytical work, including the Organised Crime Threat Assessment (OCTA), and the support functions of Europol should be maximised. Furthermore Europol, Eurojust, Frontex and the Police Chiefs Task Force shall regularly address this matter in order to provide for the appropriate cooperation measures.
5. In that context, it is of utmost importance that all Member States
 - afford each other and the relevant agencies the widest possible cooperation in providing intelligence and information for the elaboration of an assessment;
 - commit themselves to systematically provide Europol with information, especially when they have contributed to an Analytical Work File on a specific matter.
6. In the light of the Commission's evaluation of the Framework Decision of 19 July 2002 on combating trafficking in human beings² as well as of the Framework Decision on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence,³ adopted on 28 November 2002 together with Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence⁴ it has to be taken into account that
 - as a result of the Council Framework Decision on combating trafficking in human beings Member States generally now dispose of specific criminal law provisions incriminating trafficking in human beings for the purpose of sexual and labour exploitation;
 - it seems that, as far as information was provided, Member States dispose of criminal law provisions imposing penalties on the facilitation of illegal transit and residence;
 - for both Framework Decisions still not all Member States have transmitted the relevant information to the Commission and the information provided by some Member States does not allow for a quick and efficient evaluation;

² OJ L 203, 1.8.2002, p. 1, to be transposed by the Member States by 1 August 2004

³ OJ L 328, 5.12.2002, p. 1, to be transposed by the Member States by 5 December 2004

⁴ OJ L 328, 5.12.2002, p. 17, to be transposed by the Member States by 5 December 2004.

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- as regards particularly vulnerable victims and among them in particular for children, i.e. any person below the age of 18 years, who are in general particularly vulnerable in the context of trafficking in human beings, the Commission did not receive enough information from the Member States and, consequently could not really assess the protection and assistance afforded to such victims.

Against this background the Commission

- will need to further look at relevant Member State legislation in order to analyse the need to improve legislation at EU level ensuring appropriate protection of and assistance for victims in accordance with the best interest of the child;
- will evaluate the practical application and efficiency of the legal framework to prevent the exploitation of especially women and children;
- calls on the Member States to transpose Council Framework Decisions and to inform the Commission in full respect of the deadlines set by the Council.

The Council calls on the Member States to fully implement the above-mentioned instruments on combating trafficking in human beings and migrant smuggling. This includes a clear distinction between these two forms of crime while recognising the overlaps in practice. Moreover, Member States are urged to ensure an effective detection and prosecution of cases of trafficking in human beings in practice, taking into account the needs of victims in regard of protection and assistance.

7. With a view to enhancing training of specialised investigators and the exchange of best practice, the Presidency recently organised a conference in Vienna on the fight against trafficking in children and will ensure the necessary practical follow-up⁵.
8. With a view to contributing to the implementation of other measures set out in the EU Action Plan on Trafficking in Human Beings, the Council Presidency and the Commission are disposed to jointly convene an expert conference by June 2006 to assess the state of implementation of this Action Plan including specific measures to combat and prevent trafficking in human beings in connection with major international events. This expert conference could usefully discuss the following items:

⁵ 7945/06 CRIMORG 59 ENFOPOL 54

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- To take stock of best practices in the identification of victims and to consider drawing up a broad list of criteria with respect to best practice in this area as provided by point 6.1. of (the annex of) the Action Plan;
- To foster existing links and to build a more solid network of NGOs and International Organisations providing support and reintegration services as provided by point 6.2.a of (the annex of) the Action Plan.

These two issues are closely linked with the question of National Referral Mechanisms. Insofar, Council Presidency and the Commission shall provide that the EU will consider further developing the OSCE manual on the National Referral Mechanism (point 6.2.c of (the annex of) the Action Plan). Furthermore, these issues are relevant for the development of an EU wide directory of services to map available support schemes (point 6.2.b of (the annex of) the Action Plan) as well as for the development by the Commission of proposals for coordination and cooperation mechanisms needed at EU level (point 1.3.b of (the annex of) the Action Plan). Therefore, the Conference should also look at these connected issues.

9. Taking into account the European Parliament's resolution of 15 March 2006 on forced prostitution in the context of world sports events⁶, the Presidency emphasises the fact that major international events, including sports events, have shown to pose the risk to contribute to a temporary increase in trafficking in human beings. Taking into account these circumstances, the Member States of the European Union shall exchange best practices on the basis of their previous experience and take action in order to enhance their cooperation to prevent and combat the increase of trafficking in human beings, notably for the purpose of sexual exploitation.

Against this background, the Council and the Commission also discussed the issue of preventing and combating trafficking in human beings in connection with major international events, including sports events.

10. The Council welcomes the actions taken by Germany in connection with the Football World Cup 2006 and Germany's readiness to report on its experience after the World Cup, so that this can be used as a basis for drawing up best practices in this matter in view of future events.

⁶ P6_TA-PROV(2006)0086

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11. Member States holding a major international event, including sports events should, prior to the event, consider taking measures that may include:
- risk assessment and cooperation with other Member States and relevant EU bodies ;
 - measures to detect trafficking in human beings and early identification of victims of trafficking, including by deployment of officers specialised to combat trafficking ;
 - launching or supporting targeted campaigns, including by civil society, encompassing adequate information directed to relevant target groups in order to reduce the risk of becoming victim of trafficking in human beings;
 - developing and implementing measures that discourage the demand for such victims;
 - measures with a view to provide an adequate level of assistance to and protection of victims of trafficking in human beings, including for instance the establishment of adequate shelters and 24/7 multi-lingual hotlines;
 - best possible cooperation with civil society and with the organisers of the event, such as sports associations;
 - the deployment of law enforcement officers to the Member States holding an event with a view to establishing operative co-operation to detect and dismantle a temporary increase in trafficking during the event."

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