



**COUNCIL OF
THE EUROPEAN UNION**

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SOC 513

NOTE

from : The Presidency
to : COUNCIL (Employment, Social Policy, Health and Consumer Affairs)

Subject : **Conference on "Trafficking in Human Beings and Gender" (8 and 9 October 2007)**
(Any other business item)

Delegations will find attached a note by the Portuguese Presidency on the outcome of the above-mentioned conference.

Conference on "Trafficking in Human Beings and Gender"
(8 and 9 October 2007)

This Conference took place in Porto on October 8-9 in the context of the Portuguese Presidency of the EU and it gathered experts from the EU Members States, both at the governmental and non-governmental level, as well as international organizations which allowed a wide reflection on the topic.

The main objective was the exchange of best practices among the different Member States in order to foster the development of common strategies and practices by all the agents involved.

The debate focused on four areas of intervention starting from the roots and social aspects, tackling ways of preventing the phenomenon as well as the identification and the protection of the victims. These areas were also debated from the perspective of sexual and labour exploitation.

The conclusions of this conference were integrated into the "Porto Declaration" to be found in the Annex. The "Porto Declaration" was also presented in the launching of the *EU Anti-Trafficking Day* (18th October) and integrated as Annex I to the Council Conclusions on "Trafficking in Human Beings" approved in the Justice and Home Affairs Council on 8-9 November as a way to implement a gender mainstreaming approach.

PORTO DECLARATION – 9th October 2007

Porto Declaration, in the context of the Conference on “Trafficking in Human Beings and Gender” which took place in Porto, on the 8th and 9th October 2007, during the Portuguese Presidency of the European Union,

- Recalling the Charter of Fundamental Rights of the EU which forbids trafficking in Human Beings as expression of the inviolability of the human dignity, fundamental constitutional principle of the member States and which is present in the international tools in the matters of human rights such as the Universal Declaration of the United Nations Human Rights and the European Convention of the Human Rights;
- Reaffirming that the Treaty on the European Union has as main goal the adoption of common strategies among the Member States in the different areas of criminality, in particular in trafficking in Human Beings;
- Recalling also the 2nd, 3rd and 13th articles of the European Union Treaty which impose upon the Member States the duty to promote equality, to eliminate inequality and to take the necessary measures to combat gender discrimination;
- Considering that the Tampere European Council, in October of 1999, urged the need to unleash measures in the fields of prevention and combat against trafficking in human beings and children’s sexual exploitation;
- Reminding the Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings;
- Bearing in mind the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child adopted in 1989 by the UN General Assembly;

- Reminding also ILO Conventions N° 29 (Forced Labour Convention, 1930) and N° 182 (Worst Forms of Child Labour Convention, 1999) on banning and immediate action to eliminate the worst forms of child labour, approved on the Conference on its 87th session (1999);
- Reaffirming the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo's Protocol 2000);
- Giving special emphasis to the Council of Europe Convention on Action against Trafficking in Human Beings, 16th of May 2005, which promotes a reinforcement of the legal frame of prevention, combat and protection of the trafficking victims' rights;
- Taking notes of the Brussels Declaration, of September 2002 which has as main goal the development of specific measures as well as rules and better practises to combat trafficking in human beings;
- Reaffirming the Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities;
- Recalling the reflections and recommendations presented in the report, dated from December of 2004, of the Experts Group on Trafficking in Human Beings;
- Taking into account the Roadmap for equality between women and men (2006-2010), that when defining six priority areas of intervention, considers trafficking in human beings as an essential area to eradicate gender violence;
- Taking notes of the EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings adopted in December 2005 (2005/C 311/01);

Appeals to the Council, the Commission and the Member States to

Develop campaigns of sensitising at a national and European level (such as on the 18th of October- EU anti- trafficking day), identifying clearly the most vulnerable groups and related activities so that all the stages of this process can be embraced: prevention, identification, repression, integration and homeward of the trafficking victims;

Promote and establish strategies in the prevention area, taking into account the perspective of gender and all the forms of discrimination and violence against women, combating the associated stereotypes and developing strategies of effective access of women to the labour market;

Create common mechanisms of European reference to monitoring trafficking in Human Beings as far as knowledge, prevention, identification and reintegration of the trafficking victims are concerned;

Create an emergency European hot line with a common number so that the potential victims can get immediate support and information;

Implement a coordinated approach to a national and international level which promote an multidisciplinary action involving actors from social, administrative, judicial areas as well as police force, immigration services and NGO's;

Endeavour specific measures of prevention, protection and support to children victims of trafficking, based on the recognised international principles such as the Convention on the Rights of the Child and UNICEF;

Promote a pro active and holistic approach in the cases of trafficking of Human Beings in armed conflicts, since women and children, in these circumstances, are especially vulnerable groups;

Develop programs of training aiming the several actors of the different intervention areas, as a way to promote a multidisciplinary and coordinated approach, adopting common methodologies and contents between the several member states;

Combine efforts so that third countries nationals, who are victims of trafficking in human beings, can be granted with a reflection period which enables them to escape and recover from the influence of the perpetrators, allowing them to reach a decision as far as to cooperate or not with the competent authorities as it is established on the Council Directive 2004/81/EC of 29 April 2004;

Promote measures of protection and support to the victims in a human rights perspective, allowing either the integration in the welcoming countries or the possibility to return to their own countries, with special care to the most vulnerable groups namely women and children;

Promote the internal procedures needed to ratify the Council of Europe Convention on Action against Trafficking in Human Beings, 16th of May 2005;

Prepare and implement national and comprehensive action plans against trafficking in Human Beings, adopting as common definition the one existing on the Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings;

Improve the national and European mechanisms of monitoring the activities of labour agencies that recruit seasonal workers and to the tourist industry among others, which may conceal or facilitate trafficking in Human Beings;

Equate the hypothesis of creating special units of research and combat trafficking in Human Beings, in close relation, not only with the other Member States but also with European structures;

Include in their juridical frames, the incriminating charge of trafficking in Human Beings as established, from Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings similarly to the solutions praised by the Council of Europe Convention on Action against Trafficking in Human Beings, 16th of May 2005;

Foresee, in their juridical frames, the penal responsibility of the legal people involved in the trafficking crime according to the Council Framework Decision of 19 July 2002 on combating trafficking in human beings and similarly to the solutions praised by the Convention of the European Council against trafficking in Human beings;

Establish a legal frame connected to confiscation of crime-related proceeds, instrumentalities and property related to the trafficking in Human Beings as it is set on the Council Framework Decision 2005/212/JHA of 24 February 2005 and may consider the possibility of using part of the confiscated property in prevention, support and integration programmes for the trafficking victims;

Commit in the adoption, at an EU and internal levels, of mechanisms that impose upon employers the need to make sure their own workers coming from a third country are not in an irregular situation.
