



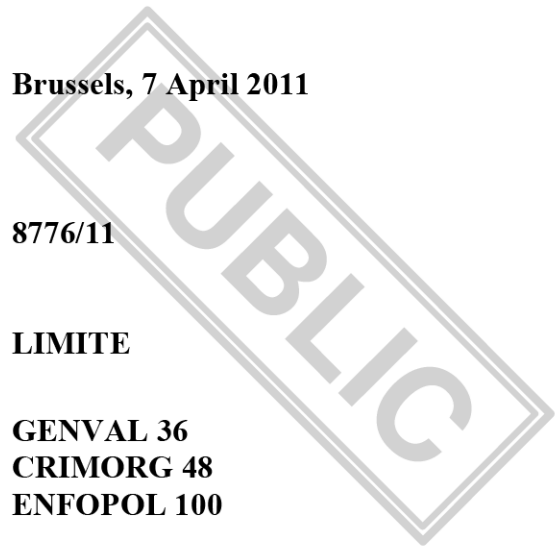
**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 7 April 2011

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LIMITE

**GENVAL 36
CRIMORG 48
ENFOPOL 100**



NOTE

from:	Presidency
to:	Working Party on General Matters including Evaluation (GENVAL)
No. prev. doc.:	5389/1/11 REV 1 GENVAL 2 CRIMORG 2 ENFOPOL 6
Subject:	Draft Council Conclusions - "Targeting newly emerging forms of trafficking in human beings in the EU Member States"

The Council of the European Union,

WHEREAS trafficking in human beings (hereinafter: THB) is the modern form of slavery and a serious violation of fundamental human rights and freedoms;

WHEREAS respect and protection of victims' rights in all action to combat THB must be paramount;

WHEREAS the fight against trafficking for newly emerging forms of exploitation is an important element of the Directive of the European Parliament and of the Council on preventing and combating THB, protecting its victims, and replacing Council Framework Decision 2002/629/JHA (hereinafter: the "Counter-trafficking Directive"), adopted on 21 March 2011;

RECALLING the Stockholm Programme – An open and secure Europe serving and protecting the citizen; adopted by the European Council in December 2009 – that calls for action against THB as a form of serious and organised crime;

RECALLING Opinion No 7/2010 of the Group of Experts on Trafficking in Human Beings of the European Commission on the Proposal for a European Strategy and Priority Actions on combating and preventing trafficking in human beings (THB) and protecting the rights of trafficked and exploited persons. The opinion establishes that trafficking for the purpose of labour exploitation occurs in various sectors of the formal and informal economy, and especially in sectors that employ seasonal, temporary and subcontracted labour, are often labour intensive and have a high turnover and include both small businesses and major enterprises in a wide range of sectors of the economy. It also establishes that besides trafficking for the purpose of labour exploitation, it is also reported for begging and criminal activity;

RECALLING Opinion No. 2/2009 of the Group of Experts on Trafficking in Human Beings set up by the European Commission On the Commission Proposal for a Council Framework Decision on preventing trafficking in human beings, and protecting victims, repealing Framework Decision 2002/629/JHA, COM (2009) 136 final, which underlined the importance of broadening the understanding of the concept of exploitation and including new forms thereof such as begging and criminal activities;

BEARING IN MIND that the European Commission is now preparing a new integrated strategy on fighting THB, and on measures to protect and assist victims;

WELCOMING that Member States and EU Institutions have made significant efforts to prevent and fight trafficking and protect and assist its victims;

NOTING WITH CONCERN that the lack of standardised definition of certain forms of exploitation results in the lack of dissuasive sanctions;

CONSIDERING that lack of independent national data collection mechanisms using standardised indicators, the low extent of data collection on non-sexual forms of exploitation, the low extent of disaggregated data on convictions and the low extent of disaggregated data on trafficked persons seriously hinder the recognition of the actual nature of THB;

CONSIDERING the ineffectiveness of a short term approach of awareness-raising activities;

CONSIDERING that the lack of regular training of professionals hampers the identification of trafficked persons thus impedes their support;

TAKING INTO ACCOUNT that the low number of standardised referral mechanisms and specialised shelters/support services are significant obstacles in victim assistance;

TAKING INTO ACCOUNT that restricted competence of counter trafficking police units hampers effective investigative work;

NOTING WITH CONCERN the low extent of prompt compensation schemes for trafficked persons;

WELCOMING the active participation of the expert representatives of the Member States in the seminar held on 4-5 April in Budapest, which provided for an important input to the current Council Conclusions.

ENCOURAGES MEMBER STATES

To use the existing legal definitions developed in the field of THB as included in the ILO Convention No. 29 concerning Forced or Compulsory Labour of 29 June 1930 as well as in the Counter-trafficking Directive;

To consider establishing or developing national multi-sector data collection mechanisms with better use of already developed indicator systems considering all forms of trafficking;

To further develop data collection on newly emerging forms of trafficking within Member States and in the EU, with reference to common indicators and making use of existing methods to enable the collection of comparable statistical data;

To take the necessary steps to improve the quality of data collected so as to make them susceptible of policy planning and of outlining national and supranational trends in trafficking.

CALLS FOR THE MEMBER STATES AND THE INSTITUTIONS OF THE EU

To provide information on newly emerging forms of trafficking, and regularly update these for various target groups both on supply and demand-side;

To enhance prevention activities including awareness raising in relation to trafficking for labour exploitation and other forms of non-sexual exploitation engaging society as a whole through working with all the various actors; such as the corporate sector, cultural and artistic sector and academia.

INVITES MEMBER STATES

To elaborate or enhance regular, multidisciplinary training for professionals likely to come into contact with victims (including social workers, labour inspections, trade unions and workers' organisations), concerned where it is possible on obligatory basis. Efforts should be made to evaluate the understanding of those coming in contact with potential trafficked victims;

To consider the need for better education or special trainings for professionals working on policy making level as well as for those who collect and analyse statistical data.

URGES MEMBER STATES

To include specific information on all forms of exploitation as well as trafficking in training tools at all levels of education.

ENCOURAGES MEMBER STATES

To make optimal use of existing international cooperation mechanisms between law enforcement and judicial authorities, using the experience and expertise of EUROPOL and EUROJUST and establishing Joint Investigating Teams (JITs);

To develop referral mechanisms and specific assistance services for all victims of trafficking with special attention to the victims of different forms of exploitation and victims with special needs. It must also be emphasized that appropriate assistance and support should be provided to victims both in destination countries and in their countries of origin. Unimpeded information flow across borders must be ensured and minimum standards Referral Mechanisms are to be reinforced and tightened in many Member States;

To establish or develop counter-trafficking law enforcement units with investigative competence while ensuring a comprehensive inter-agency approach; and

To consider improving existing compensation schemes from which victims can request prompt mitigation of their damages regardless of the outcome of the criminal proceedings.
