



**COUNCIL OF
THE EUROPEAN UNION**

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**8776/3/11
REV 3**

LIMITE

**GENVAL 36
CRIMORG 48
ENFOPOL 100**

"I/A" ITEM NOTE

from : General Secretariat

to : COREPER/Council

No. prev. doc.: 8776/2/11 REV 2 GENVAL 36 CRIMORG 48 ENFOPOL 100

Subject : Adoption of draft Council Conclusions - "Targeting developing forms of trafficking in human beings in the EU Member States"

1. On 7 April 2011, the Presidency submitted to the Council draft Council Conclusions on "Targeting developing forms of trafficking in human beings in the EU Member States". The text thereof was discussed in the Working Party on General Matters including Evaluation (GENVAL) on 13 April 2011.
2. The conclusions have been drafted on the basis of a questionnaire, circulated to Member States through GENVAL in September 2010, the outcome of which was followed up by a seminar in Budapest on 4-5 April 2011 discussing the different and most frequent forms of labour exploitation and how best to tackle these. This seminar resulted in recommendations that have been used as the basis for these draft conclusions.
3. Following the CATS meeting of 17 May 2011 a consensus was reached on the text set out in the Annex to 8776/2/11 REV 2 GENVAL 36 CRIMORG 48 ENFOPOL 100.

4. *In view of the above, COREPER is requested to invite the Council to adopt the draft Council Conclusions on "Targeting developing forms of trafficking in human beings in the EU Member States" as set out in the Annex of 8776/3/11 REV 3 GENVAL 36 CRIMORG 48 ENFOPOL 100.*
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The Council of the European Union,

WHEREAS trafficking in human beings (hereinafter: THB) is a 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 efforts to tackle recent developments in the area of THB are an important element of Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating THB and protecting its victims, and replacing Council Framework Decision 2002/629/JHA¹ (hereinafter: the "Counter-trafficking Directive"), adopted on 21 March 2011;

RECALLING the Council of Europe Convention on Action Against Trafficking in Human Beings²;

RECALLING the Stockholm Programme – An open and secure Europe serving and protecting citizens³, adopted by the European Council in December 2009 – that calls for action against THB as a form of serious and organised crime;

RECALLING the Action-Oriented Paper (AOP) on strengthening the EU external dimension on action against trafficking in human beings; Towards Global EU Action against Trafficking in Human Beings" [...]⁴;

¹ OJ L 101, 15.4.2011, p.1.

² Council of Europe Treaty Series No. 197, Warsaw, 16.5.2005.

³ OJ C 115, 4.5.2010, p. 1.

⁴ Adopted by the Council on 30 November 2009 (6865/10 CRIMORG 38 JAIEX 22 RELEX 163 JAI 168) (First implementation report to be approved at the June 2011 Justice and Home Affairs Council (9501/3/11 REV 3 GENVAL 46 JAIEX 34 RELEX 418 JAI 270)).

RECALLING the Presidency Conclusions from the Conference "Towards a multidisciplinary approach to prevention of trafficking in human beings, prosecution of traffickers and protection of victims"¹, held in Brussels on 18 and 19 October 2010 on the occasion of the forth EU Anti-Trafficking Day;

BEARING IN MIND the fact that the European Commission in March 2011 appointed an Anti-Trafficking Coordinator (ATC) and is now preparing a new integrated strategy on fighting THB, and on measures to protect and assist victims;

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

NOTING 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, that 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;

NOTING 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, explicitly including begging and exploitation of criminal activities;

¹ 5725/11 GENVAL 4 MIGR 12.

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

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

CONSIDERING that the lack of regular training of professionals and of sustained information to the general public hampers the identification of trafficked persons and impedes the provision of support to them;

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

TAKING INTO ACCOUNT the fact that the restricted competence of counter trafficking law enforcement units hampers effective investigative work;

NOTING the limited possibility of receiving prompt and adequate compensation for trafficked persons;

NOTING the plans of the Commission to review and improve Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims¹;

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.

¹ OJ L 261, 6.8.2004, p. 15.

ENCOURAGES MEMBER STATES

To comply with 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 developing 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 useful as a basis for policy planning and for outlining national and transnational trends in trafficking.

CALLS FOR THE MEMBER STATES AND THE INSTITUTIONS OF THE EU

To provide information on developing forms of trafficking, and regularly update these for various target groups on both the supply and demand-side bearing in mind the requirements of domestic laws and making the best possible use of existing mechanisms and infrastructure in order to make collected statistics available;

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, the cultural and artistic sector, academia, and civil society organisations, including recognised and active non-governmental organisations.

INVITES MEMBER STATES

To elaborate or enhance regular, multidisciplinary training for professionals likely to come into contact with victims (including social workers, labour inspectorates, trade unions and workers' organisations). 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 at policy making level as well as for those who collect and analyse statistical data.

To include information on THB, including all forms of exploitation in training tools at all relevant 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 facilitating and promoting the establishment of Joint Investigation 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, in particular children. It must also be emphasised that appropriate assistance and support should be made available to victims both in destination countries and in their countries of origin. Cross-border cooperation, including exchange of information must be enhanced; minimum standards of Referral Mechanisms are to be reinforced and tightened in many Member States;

To develop the requisite level of expertise in the field of law enforcement, such as for example 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 of crime can request prompt mitigation of their damages.

INVITES THE COMMISSION

To take into account these conclusions when drafting its future integrated strategy on fighting THB.