

**The Future Role of Parliaments in the Prevention of  
Trafficking in Human Beings  
by Example of the European, German and Hungarian  
Parliaments**

*Discussion Paper*

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## **Introduction**

Trafficking in human beings, especially in women and children for the purpose of sexual exploitation, is an increasingly worrying phenomenon in Europe. For several years, the national parliaments in Europe and the European Parliament have been confronted with this problem and have developed a wide range of policies and strategies to prevent and combat trafficking in human beings and to support its victims.

The discussion paper will analyse the political strategies, procedures, instruments and significant focuses of the parliaments in their approach to the fight against trafficking in human beings. For this analysis, parliaments from an EU Member State, a candidate country and the European Parliament have been chosen as examples.

The paper evaluates the position of the parliaments in the prevention of trafficking in human beings and develops recommendations on how parliaments can contribute to the prevention and combat of trafficking in human beings. Finally, the study develops best practices and recommendations for a multidisciplinary approach to the information exchange and cooperation between national parliaments and the European Parliament in this area.

The study is based on a comparative analysis of the activities of the European, German and Hungarian Parliaments. The first chapter identifies, gathers and describes the procedures, activities and documents in the area of the prevention of trafficking in human beings. On this basis, the second chapter analyses the cooperation and information exchange of the national parliaments with relevant external players (government, law enforcement authorities, civil society) and of the European Parliament with the Commission, the Council and the civil society. Synthesizing the information of the first two chapters, the third chapter evaluates the position of the parliaments in the fight against trafficking and develops recommendations for political strategies and policies to strengthen the role of the parliaments in the combat and prevention of trafficking in human beings.

The paper should be seen as a contribution to the discussion of the “STOP-Conference on Prevention of and Fighting against Trafficking in Human Beings with Particular Focus on Enhancing Cooperation in the Process to Enlarge the European Union” organized by the IOM in close cooperation with the Commission and the European Parliament in September 2002. The discussion paper will contribute to the further development of a European strategy for the fight against trafficking in human beings and illegal migration.

# **1. Procedures, activities and documents in the area of the prevention of trafficking in human beings**

## **1.1 German Parliament**

Germany is - due to its geographic location and its socio-economic development - one of the main target countries for trafficked women. It is the general political consensus in Germany that the phenomenon of trafficking in women constitutes a severe violation of human rights which can be described as a modern form of slavery. The significance of trafficking in human beings in Germany is also reflected in the work of the German Parliament that has been dealing comprehensively with this problem.

Since the change in government in 1998, there exists a coalition agreement on combating trafficking in women. This coalition agreement provides for an intensified combating of trafficking in women through the promotion of international cooperation in the prosecution of the offenders and through the development of strategies to protect victims (witness protection programs, protection against deportation).

Further priorities of the coalition agreement, which only indirectly concern trafficking in women, are the improvement of the legal and social situation of prostitutes, reform of the residence permit for spouses (reduction of the general waiting period from four to two years) and the recognition of sex-specific causes of persecution.

The German Parliament supports the German government in its efforts within the framework of the EU, the European Council and the UN. In its decisions, the German Parliament calls upon the government to actively participate in the combat of trafficking in women and children, child pornography and sex tourism. The German Parliament has declared itself in favor of combating trafficking in human beings together with the EU through joint strategies, recommendations and other forms of cooperation.

	14. electoral term (1998-2002)	13. electoral term (1994-1998)
Bills of the federal government	2	2
Adopted motions of the German Parliament (without bill)	2	
Information provided the German Parliament by the government/European Parliament/Delegation	6	1
Parliamentary questions	1	3
Written/oral question	2	1
Hearings in the German Parliament		1

*The Annex contains a detailed list of the documents*

The German Parliament dealt with the issue of trafficking in human beings 8 times in different parliamentary procedures in the 13. electoral term and 13 times in the 14. electoral term.

In the 13. term, two bills related to trafficking in human beings were passed:

- Bill per the agreement of 26. July 1995 on the establishment of Europol

- Bill per the agreement of 8. November 1990 on money laundering as well as the investigation and confiscation of proceeds from criminal offences.

In a public hearing with participants from the political field and the civil society, future measures to encounter trafficking in human beings were discussed. Representatives of the European Commission, IOM, the Federal Office of Criminal Investigation, public prosecutor's office, German and international NGOs as well as different experts participated in the hearing.

In the 14. electoral term, the German Parliament passed two bills:

- Bill to regulate the legal situation of prostitutes.
- Bill to change the Alien's Act.

The improvement of the legal situation of prostitutes only has an influence on those trafficking victims who have a work permit.

The implementation of the coalition agreement regarding the autonomous residence permit for spouses came into effect with the revision of § 19 of the Aliens' Act on 01.06.2000. It can be assumed that women who were trafficked into marriage will profit from this revision. In addition, the German Parliament adopted two motions entitled "Plan of Action to Combat Violence Against Women" (February 2000) and "Combating and Preventing Trafficking in Human Beings" (November 2001) with the majority of the governing coalition (SPD and Bündnis 90/ Die Grünen). The first motion describes the state of affairs as well as planned activities in prevention and combating trafficking in human beings. The second motion includes detailed recommendations for the prevention of and fight against this phenomenon. These recommendations concern mainly the federal states.

Completing these legislative activities, the German Parliament posed several written and oral questions on the subject of combating and preventing trafficking in human beings. Four parliamentary committees primarily are dealing with this issue: the Committee on Family Affairs, Senior Citizens, Women and Youth, the Committee on Human Rights Issues and Humanitarian Aid, the Committee on Development and Cooperation as well as the Committee on Internal Affairs.

In 2001 and 2002, the Committee on Family Affairs, Senior Citizens, Women and Youth sent delegations to Lithuania and Estonia (2001) and to the Czech Republic and Poland in order to inform themselves on local trafficking issues. During these journeys, intense contacts with the national parliaments, ministries, police, public prosecutors, NGOs and international organizations (e.g. IOM) were established. In addition, this committee organized several meetings with experts from ministries, NGOs and the Federal Office of Criminal Investigation on the issue preventing and combating trafficking in human beings.

In a new approach to parliamentary procedures, the Committee on Family Affairs, Senior Citizens, Women and Youth established an online forum on the internet site of the German Parliament in 2001 to comprehensively inform the German public on the trafficking phenomenon. In this forum, all parliamentary groups presented their positions regarding this subject and representatives occasionally were available for discussion (e.g. chat rooms).

## 1.2 Hungarian Parliament

In March 1998, the accession process for the Central and Eastern European countries and Cyprus was formally launched. Justice and Home Affairs is a priority area for all candidate countries, since they will become responsible for maintaining adequate border controls and preventing trafficking in human beings on the eastern border of the EU. One of the objectives of the last Commission Communication for Further Actions in the Fight Against Trafficking in Women is to “address a 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 the issue”.

The Hungarian government has implemented first steps in coping with the problem of trafficking in human beings in a wider scope of measures to prevent and combat organized transnational crime. It has introduced several tools, such as the revision of the procedures of the Penal Code, the training of personnel as well as the purchase of most modern technical equipment, and has strengthened cooperation with neighboring countries.

With the adoption of Article 175/B of the Penal Code by the Hungarian Parliament, trafficking in human beings as a criminal offense became a separate entry in Hungarian criminal law in 1998. As per definition, any person who sells, purchases, conveys or receives another person or exchanges a person for another person, or appropriates one for such purpose for another party, commits a felony offense and shall be punishable by criminal law. The offense, trafficking in human beings, is punishable by up to three years imprisonment - more, if there are any aggravating circumstances. The stipulation has been in force since 1<sup>st</sup> March 1999. As of this date, data on trafficking in human beings are being statistically collected. The collected data are used both on operational and policy level for policy making of the ministries concerned.

An amendment to the offense of trafficking in human beings entered into force on 1<sup>st</sup> April 2002 in accordance with the UN criteria as set by the supplementary protocol of the Palermo Convention against international organized crime on prevention, combating and punishment of trafficking in human beings, especially women and children.

The Hungarian Government has adopted a Resolution (No. 1074/1999) on the Protection of Victims of Crime and their Relatives, and on Legislative Tasks to be carried out for Compensation and Mitigation for Damages and on further measures also concerning the issue of sexual exploitation of women and children.

The Hungarian Ministry of the Interior participated in the Phare Twinning program on the fight against organized crime lead by the United Kingdom. This project contains one sub-module on witness protection. The aim of the project was to establish a witness protection program in Hungary and to set up a new unit responsible for this program. The new Act on Witness Protection Program (Act LXXXV of 2001) includes a Protection Program for Participants of Criminal Procedures and Persons Cooperating with the Criminal Justice Department (including victims), a Victim Protection Office with a regional network and a Victim Protection Fund. The purpose of this act is to provide protection for

participants of criminal proceedings and persons cooperating with the criminal justice department as well as for those persons closely associated with them in so far as such persons are now in danger and their personal safety shall require increased protection by the state.

Further, the New Act on Aliens (XXXIX of 2001) regarding the entry and stay of foreigners allows for the possibility that cooperating victims receive a humanitarian residence permit. This act was adopted by Parliament at its 29 May 2001 session. As a consequence of this new act, foreign traffickers can be expelled from Hungary effective immediately. Further activities of the Hungarian Parliament in the area of trafficking in human beings follow from the signing of cooperation agreements with Interpol, Europol and SECI.

### **1.3 European Parliament**

Trafficking in human beings and the sexual exploitation of children is an increasingly worrying phenomenon in EU Member States and candidate countries. The European Parliament's ability to further political activities in the area trafficking in human beings is largely dependent on the internal working procedures of the European Institutions. The European Parliament works in a closely-knit interrelationship with the Commission and the Council. The European Treaties regulate the level of cooperation between the institutions.

In June 1996, the European Parliament, Commission and EU Member States, in close cooperation with the IOM, organized a Conference on Trafficking in Women in Vienna. The conference may be considered the beginning of the development of an EU policy in this area. Since then, the European Institutions have been unceasing in their efforts against this severe form of organized crime. The objective of the European Institutions has been to develop a comprehensive and multidisciplinary approach towards the prevention and combat of trafficking in human beings and the sexual exploitation of women and children.

With the active involvement of the European Parliament and the Commission, the Council implemented the STOP-Programme in 1996 to prevent and combat trafficking in human beings and the Daphne-Programme to fight violence against women and children. Additionally, the adoption of the Joint Action by the Council concerning the Action to Combat Trafficking in Human Beings and Sexual Exploitation of Children in 1997 was strongly supported by the European Parliament.

In important resolutions such as the Resolution on Trafficking in Human Beings in 1996, the Resolution on the Need to Establish a European Union-wide Campaign for Zero Tolerance of Violence Against Women or the Resolution on the Communication from the Commission on Trafficking in Women for the Purpose of Sexual Exploitation in 1997, the European Parliament clearly expresses its determination to prevent and combat trafficking in human beings and to support the protection of victims.

The further development of a European policy to fight against this serious crime was facilitated by the introduction of an explicit reference to trafficking in human beings and offenses against children in article 29 of the Amsterdam Treaty. On the basis of the so-called

„Third Pillar“, the European Council in Tampere in 1999 called for concrete initiatives to combat human trafficking, including the adoption of legislation mandating severe sanctions. In the so-called Scoreboard which assesses progress on the creation of an area of freedom, security and justice within the European Union, the Commission underlined its intention to develop proposals for common rules relating to criminal law in the field of trafficking in human beings and the sexual exploitation of children. In addition, the Commission prepared the extension of the Daphne and STOP-Programmes decided by the Council in 2000/2001.

After long and intensive internal debate, the Council adopted a framework decision in July 2002 laying down a joint definition of trafficking in human beings and a joint minimum for sanctions. Furthermore, the EU-Member States agreed on a maximum sentence of at least eight years for offenders trafficking in human beings for the purpose of sexual exploitation.

The European Parliament has accompanied this difficult process as far as it is able within the scope of its competencies. In a joint decision with the Council in 2000, the European Parliament adopted the Daphne Programme of Community Action on Preventive Measures to Fight Violence Against Children, Young Persons and Women. In two legislative resolutions of 2001, the European Parliament explicitly comments on the Framework Decision of the Council on combating trafficking in human beings and on the second phase of the STOP-Programme. In 2000, the European Parliament adopted two important resolutions on the Communication of the Commission for Further Actions in the Fight Against Trafficking in Women and on the Fight Against Organized Crime Linked to Illegal Trafficking in Human Beings.

With its numerous oral and written questions to the Commission and Council, the Members of the European Parliament highlight the importance of joint legislative and operational activities of EU Member States. Finally, in February 2000, the European Parliament organized a public hearing on the subject „Fight against Trafficking in Women“. Apart from the European Institutions, experts from international organizations and the civil society were invited in order to develop common positions.

## **2. Analysis of the cooperation and information exchange of the national parliaments and the European Parliament**

### **2.1 German Parliament**

Within the German Parliament, state parliaments and diverse political parties, the political discussions on trafficking in women concentrate on different aspects of this phenomenon including prostitution, immigration and labor migration, organized crime, human rights, root causes of trafficking in the countries of origin and strategies to prevent trafficking in human beings. The interest of the German parliaments in the subject of trafficking in human beings has increased steadily since 1995.

All groups in the German Parliament are aware of the fact that police and criminal measures alone are not sufficient to combat trafficking since the primary cause of this phenomenon is the desperate social and economic situation in the respective countries of origin. Therefore, one important task of the relevant political decision makers in Germany is to support the countries of origin in building up of their economies and so contribute to the prevention of trafficking in human beings.

Apart from the general consensus of the parliamentary groups that trafficking in human beings must be considered an inhuman form of organized crime, there exist different – sometimes opposing – political interests and strategies. Federal structure and the strict separation of tasks between federal, state and local level with different subject-specific jurisdictions make the combating of trafficking in human beings and the protection of victims even more difficult.

Political decision makers recognize – not least of all due to parliamentary and public pressure – a need for political action and in response have launched legislative initiatives and new strategies at national and regional level. During the last eight years, the German Parliament has been tackling the issue trafficking in human beings from all sides through committees, delegations and hearings as described in chapter one.

Although parliamentary groups have only limited staff, they foster and maintain numerous contacts with specialized NGOs and counseling centers outside the parliamentary decision making process. This is especially true of the SPD, Bündnis 90/ Die Grünen, FDP and PDS.

The contacts with such counseling centers may arise through parliamentary cooperation with the "Bundesweiter Koordinierungskreis gegen Frauenhandel und Gewalt an Frauen im Migrationsprozess e.V. (KOK)" (Nation-wide co-ordinating group of the specialized counseling centers). The KOK was founded in 1987 and brings together 38 different NGOs and counseling centers which support women who have become victims of trafficking. The focal point of the work of the specialized counseling centers is that the affected women be recognized as traumatized victims and not merely as witnesses. Consequently, these counseling centers concentrate mainly on the psychological care and social support of the victims and less on information collection that is of primary interest for police investigators.

Within the scope of parliamentary procedure, information exchange with experts (e.g. Federal Office of Criminal Investigations, public prosecutors) as well as with specialized

counseling centers is of great importance. Additionally, representative of the various ministries attend committee meetings. The Committee on Family Affairs, Senior Citizens, Women and Youth in particular, critically and constructively accompanies the respective ministries in their work on the trafficking issue. In the form of the parliamentary question, parliamentary groups (especially the parliamentary opposition) have an important instrument at their disposal enabling them to obtain detailed information from the ministries. It is mainly from this pool of contacts and information resources that Members of Parliament have the possibility to inform themselves independently from the ministries regarding trafficking in human beings and to develop their own positions. Activities such as the online forum support the interactivity with the general populace.

With the exception of information from the federal government and the European Parliament on EU activities and from German delegations of the Parliamentary Assembly of the Council of Europe and of the OSCE on international activities, however, rapid and relevant information on European and international developments, best practices and policies only rarely reach the Members of Parliament.

In 1997, the federal government set up a national working group on trafficking in women that meets about every quarter. It is composed of the following ministries and organizations: Federal Ministry for Women (central coordinator and manager), the Foreign Office, Ministries of the Interior, Justice, Labor, Health, and Economic Cooperation, the Federal Government Commissioner for Foreigners' Issues, the Federal Criminal Investigation Office, representatives from each of the technical conferences of the State Ministries of the Interior, Justice, Social Affairs and Equality, the counseling centers SOLWODI e.V. and agisra e.V. as well as the coordinating group of the specialized counseling centers. Members of Parliament or staff members of parliamentary groups do not participate in this working group.

The tasks of this national working group demonstrate its importance:

- analysis of the concrete problems in combating trafficking in women,
- continuous exchange of information at state, national and international level,
- elaboration of recommendations and, if appropriate,
- joint measures to prevent and combat trafficking in women.

The working group hosts a dialog with partner organizations in and outside Germany, participates in international conferences and reports on the efforts of the counseling centers and of other regional working groups on trafficking in women at state level. Important decisions at national and regional levels may be prepared by this working group through information exchange and prior consultations. Direct participation of Members of Parliament could significantly increase the working groups' influence on the parliamentary proposal and decision making processes.

The efforts of the working group demonstrate that grounds for dissension in the elaboration of legislative initiatives and their implementation at national and regional levels lie between the various institutions. The victim-offender-perspective has an important position in the judgement of trafficking in human beings. As possible mediator between the different institutional perspectives and approaches, the German Parliament could take on a significant

role and could accelerate the implementation of legislative initiatives.

The federal system of Germany gives the state governments comprehensive competencies in matters of police, criminal and alien law. As a consequence, the different administrative practices of the states dictate how to deal with trafficking in human beings, which, in turn, are influenced by the politics of the respective state parliaments and governments.

Governing coalitions between SPD/CDU, SPD/FDP or CDU/FDP in the old federal states, especially the Ministries of the Interior and Justice, maintain reserve regarding the combat and prevention of trafficking in human beings while some of the Ministries for Women are very politically active. This becomes particularly obvious when counseling centers need financial support.

Political commitment for victims of trafficking in women relies heavily upon the feminist commitment of single female politicians in the state parliaments. Baden-Württemberg (CDU/FDP), for examples, with its commission on trafficking in women, demonstrates high political commitment but only limited implementation of administrative and legal regulations in support of trafficking victims. The states Rhineland-Palatinate (SPD/FDP) and Brandenburg (SPD/CDU), on the other hand, exhibit lower political commitment but have implemented a higher number of important administrative regulations for the support of affected women. In general, the new federal states are less active with measures for trafficking victims. One reason for this reserve could be the difficult economic situation in eastern Germany.

The political commitment at state level is most favorable for trafficking victims in old federal states with a governing coalition between SPD and Bündnis90/Die Grünen or SPD governments. North Rhine Westphalia and Lower Saxony take on a distinguished position since passing special directives to improve the situation of trafficking victims.

By strengthening the employment of existing instruments and by introducing new practices, e.g. the establishment of liaison offices of national parliaments in the European Parliament, the German Parliament could more intensely sensitize the public and decision makers in ministries to the issue of trafficking in human beings. In addition, political pressure could help to tackle the difficult task of defining trafficking in human beings and to increase the willingness to exchange information and to cooperate at national and European level.

## **2.2 Hungarian Parliament**

Up to this point in time, the Hungarian Parliament rarely has dealt with the issue trafficking in human beings. Those activities affecting trafficking in human beings, were integrated parts of general reforms of the criminal law, the alien law and regulations regarding witness protection. Excepting the adoption of the amendment to the offense of trafficking in human beings resulting from the UN Palermo Convention, the Hungarian Parliament has tackled only indirectly the phenomenon trafficking in human beings. Initiatives, such as hearings, parliamentary questions or motions on the issue trafficking in human beings were not undertaken. Despite their crucial position in the parliamentary process, none of the parliamentary committees has taken direct responsibility for the subject. As a consequence, trafficking in human beings rarely has appeared on the agenda of the committees.

The standing Committee on European Integration Affairs (CEIA) would be a possible candidate as the responsible committee for trafficking in human beings. The CEIA has the power to examine any affair of any nature. It also has the right to initiate bills, oversee the initiation, draft proposals and make comments and decisions pertaining to governmental tasks. Committee meetings are public. These meetings can be:

- independent or joint, in the scope of which problems related to integration are reviewed together with another special committee, and/or
- held on location, where the members of the committee discuss the integration issues relating to the given area on location, as a matter of course, with the involvement of the representatives and experts of the area.

In addition, the CEIA sends and receives delegations (European Parliament, other EU institutions, parliaments of EU Member States and candidate countries), meets with the ambassadors of the 15 EU Member States in Budapest and fulfils requests for conferences and presentations. The responsibilities of the CEIA include monitoring of the accession process and review of the chapters of the screening of the *acquis communautaire* and the position papers.

The CEIA operates as the Hungarian element of the EU-Hungary Joint Parliamentary Committee. The Joint Parliamentary Committee meets twice yearly, once in Budapest and once in Brussels. It maintains contacts with the various committees of the European Parliament and the other European Institutions on an occasional basis. The various parliamentary groups work with the political groups of the European Parliament at the party level

Against this background, the relatively low importance of the issue trafficking in human beings in the Hungarian Parliament cannot be relegated to lack of possibilities within the parliamentary process. Existing instruments such as committee meetings, expert meetings or hearings are not employed. The Hungarian Parliament does not fully exercise its potential for exerting political pressure on the government and for raising awareness among the general population and target groups. The great responsibility of the Parliament to put issues on the public agenda and to disseminate them through the media is not optimally developed in the area of trafficking in human beings. As a consequence, the issue trafficking in human beings is not a high priority in the inter-parliamentary information exchange with the European Parliament and national parliaments.

Outside the Hungarian Parliament, no special coordinating unit or working groups for trafficking in human beings exist. However, the National Crime Prevention Council is responsible for the assistance of victims of trafficking and for the coordination of different tasks in this area. Within the framework of its tasks, the Council establishes various communication strategies and organizes training programs for those working closely together with the victims. In regional police departments, officers responsible for matters concerning protection of victims have been appointed.

The “Office for the Protection of Victims”, which has been operating within the Ministry of the Interior since 1998, coordinates actions relating to the protection of victims. The office is the entity which deals with the issue of trafficking in human beings and crime prevention on a governmental level. Further, it works in cooperation with the police as well as with the

local self-governments and non-governmental organizations.

Trafficking and related serious offenses are handled by a special police unit designated for the detection of criminal acts committed by organized crime. The police unit operates in close cooperation with the relevant border control units and Interpol and exchanges information with police and law enforcement authorities of several foreign countries. Also, a new position has been introduced within the Ministry of Justice: the Ministerial Commissioner who is responsible for crime prevention.

The Ministry of Social and Family Affairs in cooperation with police officers, NGO representatives, civil servants from different ministries, representatives of Interpol and the IOM organized training sessions on how to deal with trafficking victims and what official steps are necessary for action. With the financial support of the EU and the Ministry of the Interior, the IOM organized a Mass Information Campaign for the Prevention of Trafficking in Women from October 1999 to October 2000.

In light of these activities, one can conclude that the Hungarian government does attach importance to the prevention and combat of trafficking in human beings and is cooperating with national and international partners in this area. The Hungarian Parliament, however, has only rarely dealt with the problem trafficking in human beings although it has several parliamentary instruments for an increased commitment at its disposal. One reason for this lower commitment might be the immense workload of candidate country parliaments regarding their preparation for accession to the EU.

The German Parliament example demonstrates the importance of political pressure from the national parliaments for the implementation of legal initiatives and programs to prevent and combat trafficking in human beings. Organizations of the civil society, in particular, depend upon parliamentary support in order to realize their objectives to prevent trafficking and protect its victims.

### **2.3 European Parliament**

An EU-wide policy concerning Justice and Home Affairs remains in the initial formation process. Various legal systems and approaches and national law enforcement structures in EU Member States demonstrate the great need for action at European level to effectively combat trafficking in human beings.

In the last years, the European Parliament has critically and intensely accompanied the Council and the Commission in their work related to the fight against organized crime - especially trafficking in human beings. However, the decision-making powers of the European Parliament in the area of Justice and Home Affairs are limited within the framework of the Third Pillar as stipulated in Article 39 of the Amsterdam Treaty.

The institutional character of the European Parliament fundamentally differs from that of national parliaments. As a consequence of the democratic constitutional tradition which has grown over time, national parliaments are involved in all legislative decisions and check the executive, whereas the rights of the European Parliament are less developed. The European

Parliament constitutes a parliamentary system *sui generis*. New legislative opportunities for action for the European Parliament are needed, especially in Justice and Home Affairs. The establishment of the constitutional convention and the next IGC shall aid in reducing this political and democratic deficit.

Against this backdrop, the demands of the European Parliament comprise, firstly, the institutional changes of the European Treaties with the goal of integrating the police and judicial cooperation into the Community pillar in order to achieve greater coherence in a common EU policy regarding trafficking in human beings. Secondly, the European Parliament has developed concrete proposals for program structures and activities to prevent and combat human trafficking at national and international level.

Despite the relatively weak position within the power structure of the European Institutions, the European Parliament shows in its resolutions and reports a comprehensive knowledge of the issue trafficking in human beings. However, there is also a difference between the Parliament and Council regarding content. While the Parliament concentrates in its proposals more on measures to prevent trafficking in human beings or to improve victim protection and their reintegration in the countries of origin, the Council emphasizes criminal, judicial and law enforcement aspects when fighting human trafficking.

Despite this power distribution and varied approaches, the Council thoroughly examines the proposals of the European Parliament, for example, with groups of JHA advisors from the Council, in order to integrate them in its strategy; the actual number of incorporated proposals, however, remains low. Although the Framework Decision on Trafficking in Human Beings adopted by the Council in July 2002 does not meet all the demands long made by the European Parliament, especially those related to prevention and victim protection, the Council has taken into consideration the European Parliament's call for a common definition of trafficking in human beings. Also, the proposal for standardization of the different programs in Justice in Human Affairs reappears in the Council's Decision to establish a framework program on police and judicial cooperation in criminal matters (AGIS).

The information exchange and contact of the European Parliament and its responsible committees with the Commission is working smoothly, even though the complex distribution of competencies within the Commission is sometimes challenging for the Members of the European Parliament. Formal contacts, for example in meetings of the committees, are supplemented by informal exchanges between Members of Parliament and Commission representatives. The Commission is open for the proposals of the European Parliament and takes these proposals into account when developing its initiatives. Both institutions show a great interest in developing common strategies and programs at European level, which include both law enforcement and judicial areas as well as prevention.

During various committee meetings, plenary debates and in the hearing on trafficking in women, Members of the European Parliament have had the opportunity to directly consult experts from the Council, Commission, international organizations, NGOs, specialized counseling centers in EU Member States, candidate countries and third countries about the

issue trafficking in human beings. In this way, Members of the European Parliament are able to receive objective and comprehensive information on the phenomenon human trafficking.

A regular information exchange between the civil society and the European Parliament on the human trafficking problem is also ensured by the fact that one Member of the European Parliament is president of a well-known Belgian NGO that supports trafficking victims and that a former Member of the European Parliament is now president of another important Italian NGO protecting trafficking victims.

There is no institutionalized form of cooperation within the European Parliament, such as an intergroup or task force, tackling the problem of illegal migration and trafficking in human beings, and so far no special representative has been nominated for the coordination of the work in this area. Although only a few Members of the European Parliament concentrate on the fight against trafficking in human beings, they remain very important players for the information exchange inside and outside the Parliament.

On the basis of this intense information exchange and consultation process, the European Parliament has developed important proposals for combating trafficking in human beings. The European Parliament has called in several resolutions for a common EU policy focusing on a comprehensive legal framework for combating offenders and protecting victims. This also includes the analysis and evaluation of the root causes of trafficking in human beings. At operational level, the coordination and coherence of actions between law enforcement institutions, judicial bodies and NGOs must be ensured. Cooperation between Europol, Eurojust and Interpol should be further intensified while, at the same time, increasing the possibilities to monitor these institutions. For the implementation of these activities, comprehensive financial resources are needed, which should be provided by both national and European sources. In addition, the European Parliament considers it important to set up a compensation fund for victims, financed from the confiscated proceeds of criminal activities.

Bilateral and multilateral cooperation between the EU Member States, candidate countries and third countries is crucial for the successful fight against this severe form of organized crime. Therefore, the European Parliament firmly supports the work of the UN in this area. The EU enlargement confronts all concerned countries with additional community challenges. To meet these challenges, the European Parliament calls for a common European strategy on migration, including trafficking in human beings and illegal migration.

An important task of the European Parliament is to raise awareness among the public in EU Member States, candidate countries and third countries. As elected representatives of the population in the EU Member States, the Members of the European Parliament take on a high moral responsibility in the fight against trafficking in human beings. Although this political and symbolic capital of the European Parliament cannot compensate for its institutional weakness, the last few years have shown that an intense commitment of the European Parliament can exert influence on the Council, the Commission and the governments in EU Member States and candidate countries to tackle the trafficking problem using legal and operational measures.

### **3. Recommendations for parliaments for future procedures and strategies in the prevention of trafficking in human beings.**

#### **3.1 National Level**

The national parliaments have important instruments at their disposal to prevent and combat trafficking in human beings. The analysis of the activities of the two national parliaments has revealed that the degree of commitment is different despite a similar legal and institutional basis. Therefore, the recommendations follow two overall objectives: highlighting the importance of national parliaments in the fight against human trafficking and developing concrete proposals on how parliaments can most effectively use their instruments in this area.

Apart from the use of their legislative competencies, which must be consistently implemented and strengthened, it is important for the national parliaments to exert political pressure and influence on their governments. In addition, parliaments play an important role in sensitizing the public and raising awareness on the phenomenon human trafficking.

Parliaments depend upon regular information from ministries, regional and local authorities, public prosecutors, police, international organizations, NGOs and specialized counseling centers at national, European and international level in order to be able to actively contribute to the prevention and combat of trafficking in human beings.

The following recommendations shall strengthen the role of the national parliaments in the fight against human trafficking and facilitate the information exchange:

- ➔ Introducing or strengthening the instrument of parliamentary hearings with experts from politics, economy, civil society and international organizations, who inform on the situation of trafficking in human beings at national and international level.
- ➔ Organizing regular expert meetings within the relevant parliamentary committees, in which experts from NGOs, ministries, police and judicial authorities as well as from international organizations participate in order to intensify the information exchange and contacts.
- ➔ Setting up an Enquete Commission on the issue illegal migration, including trafficking in human beings, with a special focus on women, minors and unaccompanied children.
- ➔ Appointing a parliamentary representative, who is the contact person for all questions regarding illegal migration, including trafficking in human beings.
- ➔ Sending delegations of committees or of single members of the parliaments to countries affected by trafficking in human beings as countries of origin, transit or destination in order to discuss the problem human trafficking, to intensify the

information exchange with the parliaments, governments and NGOs there, to establish cooperations and to exert political pressure on the relevant actors.

- ➔ Establishing partnerships between national parliaments in EU Member States and candidate countries in order to support the latter in their fight against trafficking in human beings.
- ➔ Setting up or strengthening a national working group on trafficking in human beings in which representatives of the relevant ministries, judicial and police authorities and NGOs as well as members of the parliaments and staff of the parliamentary groups participate.

Specialized counseling centers constitute an important information resource for national parliaments.

- ➔ Establishing a joint platform of all specialized counseling centers dealing with the prevention of trafficking in human beings and the protection of victims (e.g. KOK in Germany). This platform would serve as a central contact for the national parliaments.

Parliaments take on an important role in the enlightening and sensitization of the public on the phenomenon trafficking in human beings.

- ➔ Setting up an internet forum on the subject human trafficking on the internet site of the parliaments. This forum should provide the positions of all parliamentary groups on the subject and links to other relevant national and international institutions. In addition, the internet forum should invite discussion with political decision makers and offer possibilities for chats with them. A long term goal of such an internet forum could be further development into a central information and contact pool at national level.

### **3.2 European Level**

The analysis of the mechanisms and activities of the European Parliament shows that the current position of the European Parliament within the structure of the European Institutions limits its potential to initiate and implement legislative proposals for the combat of trafficking in human beings and the protection of victims. The Amsterdam Treaty reduces the room for action of the European Parliament in Justice and Home Affairs exclusively to the consultation process.

Consequently, two different strategies of the European Parliament may be discerned. On the one hand, the European Parliament tries to pass a redistribution of the competencies and tasks in the European Institutions within the framework of the constitutional convention. On the other hand, the European Parliament – strengthened by its democratic legitimation from the EU Member States – tries to assume an active and constructive role in the fight against trafficking in human beings in light of political pressure and its relations to the Commission and the Council.

The European Parliament should consistently use the legislative possibilities available related to the fight against human trafficking to highlight the significance of a common European policy and best practices in this area.

In order to enlarge the room for action of the European Parliament and to further enforce the mechanisms of cooperation, the following recommendations have been developed:

Within the framework of the convention process, the institutional reform of cooperative efforts and the distribution of competencies of the European Institutions are at the top of the agenda.

- ➔ Strengthening the competencies and decision-making powers of the European Parliament in the framework of the convention process, particularly in Justice and Home Affairs. This would be an essential precondition to foster the implementation of the proposals of the European Parliament regarding the fight against human trafficking, illegal migration and organized crime.

Regarding the fight against trafficking in human beings, the cooperation and regular information exchange between the national parliaments, its committees and delegations on the one hand, and the European Parliament with its comparable bodies on the other is only insufficiently institutionalized. The discussions in the convention on the future of the European Union also deal with questions of how to improve the information exchange and contacts between the European and national parliaments.

- ➔ Establishing “liaison offices” of the national parliaments at the European Parliament in order to facilitate the information exchange between both. These liaison offices should support rapid and early information exchange related to specialized subjects, such as illegal migration or organized crime and should serve as a point of contact for Members of Parliament and parliamentary groups.

In order to promote the rapid information exchange and contact making between the parliaments, the European Institutions and other relevant national, European and international players, the following mechanisms of the European Parliament should be increased.

- ➔ Strengthening the instrument of hearings in the European Parliament with experts from politics, economy, civil society and international organizations, who inform on the situation of trafficking in human beings at European and international level.
- ➔ Organizing regular expert meetings within the relevant parliamentary committees of the European Parliament, in which representatives from governments, EU Member States, Commission, European NGOs, international organizations as well as from Europol, Eurojust and Interpol participate.
- ➔ Sending delegations of committees or of single members of the European Parliament to countries affected by trafficking in human beings as countries of origin, transit or destination in order to discuss the problem human trafficking, to intensify the information exchange with the parliaments, governments and NGOs there, to establish cooperations and to exert political pressure on the relevant actors.
- ➔ Strengthening unified program structures (e.g. AGIS) in Justice and Home Affairs and increasing the efficiency and transparency of the internal working mechanisms of the Commission in this area.

The inter-institutional cooperation and consensus at European and international level is a decisive factor in combating human trafficking effectively. The following instruments could support this process:

- ➔ Establishing an intergroup or a task force on the subject migration and human trafficking, with a special focus on women, minors and unaccompanied children, within the European Parliament. Along with Members of the European Parliament from relevant committees and delegations, experts from the Commission, the Council, member country representations, candidate countries, Europol, Eurojust, international organization and NGOs should have the possibility of participating in this group. In the longer run, such a group could contribute to the development of a European policy in this area.
- ➔ Promoting the establishment of an Expert Committee by the EU Commission composed of the representatives of the European Council, the EU Presidency, the European Parliament, international organizations and the civil society dealing with legal and illegal migration. The work of such an Expert Committee would concern a wide range of other fields, including CFSP, Justice and Home Affairs, development

policy, social and labor market policy. The Expert Committee shall be meeting regularly and will be accompanying the progress made in the implementation of the EU policy in the field of legal and illegal migration.

- ➔ Appointing a parliamentary representative of the European Parliament, who is the contact person for all questions regarding illegal migration, including trafficking in human beings.

Raising awareness among the general population in EU Member States, candidate countries and affected third countries is part of the European strategy to prevent trafficking in human beings and illegal migration. To intensify this work, the European Parliament should launch the following activities:

- ➔ Setting up an internet forum on the subject human trafficking within the internet site of the European Parliament. This forum should provide the positions of all parliamentary groups on the subject and links to other relevant national, European and international institutions. In addition, the internet forum should invite discussion with political decision makers and offer possibilities for chats with them. A long term goal of such an internet forum could be further development into a central information and contact pool at European level.
- ➔ Strengthening the press and information work on the phenomenon trafficking in human beings in EU Member States through the press service of the European Parliament and the information offices of the European Parliament in EU Member States.

## **ANNEX**

### **Germany**

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