

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Resolution 196 (2005)¹ on the fight against trafficking in human beings and their sexual exploitation: the role of cities and regions

The Congress,

1. Having examined the report on “the fight against trafficking in human beings and their sexual exploitation: the role of local and regional authorities”;

2. Expressing grave concern at the increasing scale of human trafficking;

3. Sharing the commitment shown at the highest levels within the Council of Europe to protect those most at risk from abuse and exploitation;

4. Recalling:

a. the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (2000 Palermo Protocol), supplementing the United Nations Convention Against Transnational Organised Crime, the Platform for Action adopted at the Fourth World Conference on Women (Beijing, 1995) and the Resolution on further actions and initiatives to implement the Beijing Declaration and Platform for Action adopted at the 23rd Special Session of the United Nations General Assembly New York, 5-9 June 2000);

b. the United Nations Convention on the Rights of the Child (1989), its optional protocol (2002) on the sale of children, child prostitution and child pornography and its Recommended Principles on Human Rights and Human Trafficking (2002);

c. the Council of Europe’s Convention for the Protection of Human Rights and Fundamental Freedoms especially its Article 3 which recognises the right of all people, including women and children, not to be subjected “to inhuman or degrading treatment” and Article 4 which prohibits slavery;

d. the Final Declaration adopted by the heads of state and government at the 2nd Council of Europe Summit (Strasbourg, 1997) which classified all forms of sexual exploitation of women as a threat for citizen’s security and democracy in Europe and affirmed their determination to combat it;

e. the Revised Social Cohesion Strategy of the Council of Europe (2004);

f. the work of the Committee of Ministers, in particular Recommendation No. R (91) 11 concerning sexual exploitation, pornography and prostitution of, and

trafficking, in children and young adults; Recommendation No. R (97) 13 concerning intimidation of witnesses and the rights of the defence; Recommendation No. R (2000) 11 on action against trafficking in human beings for the purpose of sexual exploitation; Recommendation Rec(2001)11 concerning guiding principles on the fight against organised crime; Recommendation Rec(2001)16 on the protection of children against sexual exploitation; Recommendation Rec(2001)18 on subsidiary protection; and Recommendation Rec(2002)5 on the protection of women against violence;

g. the work of the Parliamentary Assembly, in particular Recommendation 1325 (1997) on traffic in women and forced prostitution in Council of Europe member states; Recommendation 1450 (2000) on violence against women in Europe; Recommendation 1467 (2000) on clandestine immigration and the fight against traffickers; Recommendation 1526 (2001) on a campaign against trafficking in minors to put a stop to the east European route: the example of Moldova; Resolution 1307 (2002) on sexual exploitation of children: zero tolerance; Recommendation 1545 (2002) on campaign against trafficking in women; Recommendation 1610 (2003) on migration connected with trafficking in women and prostitution; and Recommendation 1611 (2003) on trafficking in organs in Europe;

h. the intergovernmental work carried out in this field by the Council of Europe such as the Lara project on criminal law reform implemented in the framework of the Stability Pact Task Force on Trafficking in Human Beings and designed to co-ordinate and harmonise legislation on the fight against trafficking, as well as numerous seminars and pilot projects;

i. the work of specialists set up by the Council of Europe, namely the Group of Specialists on the Impact of the Use of New Information Technologies on Trafficking in Human Beings for the Purpose of Sexual Exploitation (2000-2002); the Group of Specialists on the Protection of Children against Sexual Exploitation (set up in 2002);

j. the close co-operation of the Council of Europe with other international organisations, and the many activities organised with the European Union, Europol, Interpol, International Organization for Migration (IOM) and international networks, as well as the establishment of co-ordination mechanisms such as the Stability Pact Task Force on Trafficking in Human Beings, through which the Council of Europe provides technical assistance on criminal law reform in South-Eastern Europe;

k. the example of a number of cities, such as the City of Paris, and associations of cities, such as the *Association des maires des grandes villes de France* (Association of Mayors of Large French Cities), who are taking initiatives aimed at providing a practical response to the problems confronting local and regional authorities;

l. the three “SecuCities” projects of the non-governmental organisation European Forum for Urban Security, with the support of the European Commission, involving a number of European towns and aimed at the observation and

collection of data, the drawing-up of recommendations and the establishing of contacts between “destination” cities and “departure” cities;

5. Welcoming the Council of Europe Convention on Action against Trafficking in Human Beings which was presented at the 3rd Summit of Heads of State and Government of the Council of Europe in Warsaw on 16 May 2005;

6. Convinced that the convention will go a long way towards providing effective protection of victims of trafficking;

7. Disappointed that only fourteen member states signed the convention on the occasion of its opening for signature and supporting wholeheartedly, therefore, the call made in the Action Plan, adopted by heads of state and government at the summit, for the convention’s widest possible ratification and swift entry into force;

8. Considering that:

a. it is imperative to recognise trafficking as a violation of human rights;

b. while trafficking in human beings is not limited to women and children, nor to the sex industry – since there are many indications of forced labour in the construction industry, horticulture, agriculture, “sweatshops”, and human trafficking is also related to organ trafficking – the priority area of action at local and regional level at present, is trafficking in human beings, particularly women and children, for the purposes of sexual exploitation;

c. trafficking in human beings is a gross and terrible violation of human rights, constituting a modern form of slavery and undermining the fundamental principles of democracy and the rule of law;

d. the unprecedented increase in this form of criminal activity over the last few years requires not only immediate action on the part of all countries, but also, in view of the magnitude of this threat, a concerted, collective local and regional approach, complementary to international texts and national policy measures, aimed at pan-European and global action;

e. trafficking is a “transversal” criminal activity that touches upon a number of issues, namely gender equality, organised crime, money laundering and migration, and as such requires a variety of different initiatives, ranging from the elaboration of legal standards; research into the causes and mechanisms of trafficking; legal and technical co-operation; monitoring; protection of victims; and awareness-raising and information campaigns;

f. discrimination on the grounds of sex, the unequal balance of power between the sexes, and violence, together with poverty and lack of education and professional opportunities, are some of the reasons why women and children fall into the trap of trafficking for sexual exploitation;

9. Noting that:

a. the networks used for the trafficking of human beings are often the same as those for drugs or arms trafficking: the same criminal networks are involved, using the same routes and the same sources of funding;

b. trafficking must be combated through a comprehensive approach addressing supply and demand and taking into consideration the shortcomings in countries of destination as much as those of the countries of origin;

10. Believing that:

a. since much action of a legal or administrative nature cannot always be taken at the local or regional level, the field of action for local and regional authorities in the fight against trafficking lies largely in the social domain;

b. while having limited powers in this field, local and regional authorities do have means of taking action and mobilising people, for example through public information and awareness-raising campaigns;

c. local and regional authorities are best placed to react to their citizens’ concerns and to tailor-make policies to their specific needs and problems;

d. towns and regions are where the final stage of human trafficking is played out and it is therefore at regional, and especially at local, level that victims of trafficking can more easily be identified and helped;

e. local and regional authorities should therefore be closely involved in all aspects of the fight against trafficking;

f. towns and cities, through networking, town-twinning and other well-established partnerships can draw on practices already implemented in other local authorities, thus representing a considerable saving in time and energy and avoiding action which could ultimately prove to be ineffective,

11. Considers, on the basis of the above reasoning and the possibilities afforded by the convention, that the following specific objectives should be pursued to fight against trafficking for the purposes of sexual exploitation at local and regional level:

a. awareness-raising: awareness-raising is imperative in countries of origin, transit and destination. It should be aimed at potential victims, professionals and ordinary citizens (who might come into contact with trafficked persons and be able to identify them as such), the media – whose role is fundamental in changing attitudes and in promoting understanding of this scourge – and the potential or actual user of the services of a victim of sexual exploitation. Awareness-raising should highlight all the moral, human-rights, criminal, gender-based, racism and health-related issues at stake;

b. education and specialised training: the Congress considers that a lack of education and professional opportunities for women are among the many factors rendering them vulnerable to trafficking and therefore

welcomes the gender-based perspective of the Council's convention, and the following points:

i. education should be available to both sexes equally, and school curricula should include human-rights education programmes with particular emphasis on equality between the sexes and avoidance of gender stereotyping. Women should have access to further work-related training to help them become more financially stable;

ii. special training should be given to social workers, and to medical and teaching staff, and diplomatic, consular, judicial, customs and police personnel with regard not only to identification and prevention of trafficking but also victim care;

iii. the impact of the new information technologies should be recognised and addressed by ensuring special training in this field for all those involved in the fight against human trafficking, in particular specialised police units;

c. protection of victims and their rehabilitation and reintegration: the creation of resource centres, support units, or departments at local and regional level specialising in assistance to trafficked human beings should be a priority. These centres, in close co-operation with the relevant non-governmental associations, would assist victims through the provision of secure accommodation (walk-in shelters and longer-term refuges), medical and psychological assistance, information (via, *inter alia*, a dedicated web-site and a free, 24-hour emergency telephone hotline), education, especially language-training, free legal representation and translation/interpretation services,

12. Calls on local and regional authorities to:

a. implement the objectives set out above;

b. draw up and implement co-ordinated local and regional anti-trafficking programmes and strategies in close co-operation with local and regional authorities to prevent trafficking and protect victims, comprising numerous measures (including setting up specialised departments, resource centres or support units at regional and local level dedicated to action against human trafficking; awareness-raising campaigns; specialised training for police and professionals coming into contact with trafficked persons; greater educational opportunities for women and children; and improved economic possibilities for disadvantaged populations, etc.);

c. in the spirit of the European Charter of Local Self-Government (1985), lobby central government so that they allocate the competencies and financial resources necessary for the implementation at local and regional level of action and programmes to combat trafficking and to provide social assistance to its victims and help with their reintegration;

d. pursue cross-border co-operation and set up regional co-operation bodies in order to exchange information as effectively and rapidly as possible;

e. actively seek partnerships with local and regional authorities in other Council of Europe member states in countries of origin, transit or destination;

f. develop decentralised co-operation projects with cities and regions in areas affected by this problem;

g. increase the level of exchanges of experience with other local and regional authorities at national and European level so as to help disseminate best practice in this area and support initiatives such as city networking (Eurocities, SecuCities) to exchange best practices;

h. support local or regional initiatives launched by various civil-society groups;

i. intensify their co-operation with local and national police forces and with Interpol and Europol;

j. encourage co-operation and interaction between non-governmental organisations and the police services responsible for the fight against trafficking;

k. ensure a higher representation of women in their police forces;

l. provide aid, in particular financial aid, through, for example the Council of Europe Development Bank for the education, training and employment of young people, especially women;

m. develop small loan schemes to help women become more independent and less vulnerable to trafficking networks;

n. recognise and support the central role played by non-governmental organisations (NGOs) in this field and mandate them to undertake activities to combat trafficking;

o. give financial and other support to NGOs in their awareness-raising efforts and victim-protection programmes, notably through the supervision and provision of funding for the running of longer-term "safe houses" for victims by specialised NGOs. Buildings could be identified and earmarked by authorities specifically provided rent-free for this use;

p. increase efforts to combat discrimination, xenophobia and intolerance through constant public-information and awareness-raising campaigns;

q. take steps to track down advertising (through newspapers and agencies, for example) that is a cover for trafficking activities;

r. implement effectively all the relevant current international and national legislative and statutory provisions to facilitate the voluntary return of victims of human trafficking;

s. consider introducing measures making provision for the temporary or permanent closure of, or withdrawal of licence from, those establishments and businesses which have been found to be involved in sexual exploitation;

t. devise procedures to periodically review and assess the measures taken, in order to improve on them or replace

them with others, depending on their success and changes to requirements;

13. Invites the international and national associations of local and regional authorities (in particular Eurocities, the Council of European Municipalities and Regions, United Cities and Local Governments) to actively promote the role of local and regional authorities in the prevention of trafficking and the protection of victims;

14. In the framework of its future work on the strategies and programmes to be developed to successfully combat trafficking in human beings:

a. invites its Committee on Social Cohesion to continue its activities in this area along the lines and principles set out in this resolution, in co-operation with Directorate General III – Social Cohesion, and the relevant committees of the Parliamentary Assembly of the Council of Europe

and the intergovernmental sector, in particular the Steering Committee for Equality between Women and Men (CDEG);

b. invites the committee to prepare a hearing on this issue for the Congress 2005 autumn session for the purpose of formulating a set of guidelines for action by local and regional authorities to combat trafficking for the purposes of sexual exploitation, and to this end;

c. invites the Bureau of the Congress to approve the preparation and subsequent publication of a practical guide, setting forth these guidelines for local and regional authorities.

1. Debated and adopted by the Congress on 2 June 2005, 3rd Sitting (see Document CG (12) 9, draft resolution presented by S. Barnes (United Kingdom, L, EPP/CD), rapporteur).

