

## THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

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### **Recommendation 165 (2005)<sup>1</sup> 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 cities and regions;
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, and 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 and the Parliamentary Assembly in the field of trafficking, exploitation and violence against women and children;
  - g.* 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;
  - h.* 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) and the Group of Specialists on the Protection of Children against Sexual Exploitation (set up in 2002);
  - i.* 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-East Europe;
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;
6. Convinced that this convention will go a long way towards providing effective protection of victims of trafficking;
7. Disappointed that only fourteen member states signed it 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 shortcomings in countries of destination as much as those of the countries of origin;

10. Believing that:

a. local and regional authorities have a fundamental role to play in guaranteeing social cohesion, and that this is an integral part of the exercise of their responsibilities;

b. since action of a legal or administrative nature cannot always be taken at the local or regional level, the possibilities for action by local and regional authorities in the fight against trafficking lie mainly in the social domain;

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

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

e. 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;

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;

g. local and regional authorities must also be fully involved in the drawing-up and implementation of action plans decided at national levels, as they are directly affected by this phenomenon,

11. Considers, on the basis of the above reasoning, and in order to further reinforce the prevention of trafficking and the protection of victims, that the essential role of local and regional authorities should be acknowledged and that the following specific objectives should be pursued:

a. awareness-raising: awareness-raising is imperative in countries of origin, transit and destination. It 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. Education should be available to both sexes equally, and school curricula should include human-rights education programmes with particular emphasis on gender equality and avoidance of gender stereotyping. Special training should be given to all actors in this field with regard not only to identification and prevention of trafficking but also victim care. The impact of the new information technologies should be recognised and addressed;

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 all political levels (national, regional and local) to increase their co-operation and work closely with civil society;

13. Strongly encourages the European Union to grant financial support to the initiatives of local and regional authorities and non-governmental organisations acting in this field, particularly with a view to promoting prevention of trafficking and protection of victims;

14. Invites the Council of Europe Development Bank to establish programmes and activities aimed at helping local and regional authorities to provide financial aid for the education, training and employment of young people, especially women, and to deal with the return of victims, in order to avoid as far as possible their secondary victimisation;

15. Calls on Council of Europe member states to:

- a. implement the objectives set out above;
- b. increase exchanges of experience at European level to help disseminate best practice in this area, and contribute to research and the collection of good practices in the fight against trafficking;

16. Recommends, in the light of the above, that the Committee of Ministers invite all member states to:

- a. ratify and implement, if they have not done so, the United Nations Convention on the Elimination of All Forms of Discrimination against Women (1979) and its Optional Protocol (1999);
- b. ratify the Council of Europe Convention on Cybercrime (2001) which deals with child pornography on the Internet;
- c. in particular, sign and ratify the Council of Europe Convention on Action against Trafficking in Human Beings;
- d. intensify the efforts of the Stability Pact Task Force on Trafficking in Human Beings, as well as the financial support given to various organisations such as UNICEF;
- e. draw up and implement national 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 a specialised resource centre, department or support unit 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.);
- f. in the spirit of the European Charter of Local Self-Government (1985), allocate the competencies and financial resources necessary for local and regional authorities to implement action and programmes at their level to combat trafficking and to provide assistance to its victims;
- g. increase their support – particularly financial – for Congress activities such as the Local Democracy Agencies (LDAs) and the Network of Associations of Local Authorities of South East Europe (NALAS) and the work of these bodies in promoting local democracy, transfrontier and regional co-operation, intercultural dialogue, respect for human rights, questions of gender equality and local economic development in South-Eastern European countries;
- h. reinforce economic measures centred on employment, social policies and infrastructures, especially in underdeveloped areas, and increase their investment in the countries of origin, especially in areas where the population is at risk of exploitation;
- i. develop small loan schemes to help women become more independent and less vulnerable to trafficking networks;

j. recognise and support, financially and otherwise, the central role played by non-governmental organisations (NGOs) in this field, help them in their awareness-raising efforts and mandate them to undertake activities related to action against trafficking;

k. intensify their co-operation under the auspices of Interpol and Europol and encourage co-operation and interaction between NGOs and the police services responsible for the fight against trafficking;

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

m. support the proposed creation of a European Crime Observatory, and possibly including a specialist unit to act as a centre for data compilation and statistical information, as well as a forum for experts to exchange knowledge and best practices and conduct research into trafficking of women and children;

n. provide special facilities at border crossings with a view to identifying potential victims;

o. increase efforts to fight against discrimination, xenophobia and intolerance through legislation, monitoring of its implementation, and through constant public information and awareness-raising campaigns;

p. take steps to track down advertising (through newspapers, agencies, etc.) that is a cover for trafficking activity;

q. 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 in needs;

17. Invites the Parliamentary Assembly to continue and develop its important work in the field of recommendations against trafficking and violence against women;

18. Asks the Committee of Ministers:

a. to develop an action plan in this area, highlighting, in particular, the protection of victims in a complementary manner to the Convention on Action Against Trafficking in Human Beings;

b. to launch a high-profile awareness-raising campaign on the subject of trafficking with the full involvement and partnership of local and regional authorities;

c. to instruct the relevant intergovernmental committees to assist member states in drafting comprehensive laws on trafficking taking into consideration the local and regional dimension of this problem, and amending penal codes and immigration laws in accordance with the Council of Europe Convention on Action against Trafficking in Human Beings.

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

