

An overview of proposals addressing migrant smuggling and trafficking in persons

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I. INTRODUCTION

As a premise to this paper, it must be pointed out that developments in this area are part of an ongoing process, thus subject to further changes. Since the beginning of the 1980s a number of States have given increasing attention to the issue of irregular migration, and many have introduced or re-enforced measures such as visa requirements, border controls and carrier sanctions. Throughout the 1990s they have begun to address more specifically the problem of human trafficking, especially of women and girls, which may involve extreme cases of abuse and exploitation for the trafficked individual. The US government estimates that 1-2 million women and children are trafficked annually.

1) Definitions

In general a distinction has been made between 'trafficking' and 'smuggling', although the understanding of these terms is by no means universal. The term 'trafficking' tends to describe movements of individuals against their will, whereas 'smuggling' refers to voluntary movement on the part of the migrant.

According to the UN Protocol on trafficking, trafficking is defined as

'...the recruitment, transportation, transfer, harbouring or receipt of persons, by the threat or use of abduction, fraud, deception, coercion, or the abuse of power or by the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation...'

and in the smuggling protocol, smuggling is defined as

'...the procurement of the illegal entry into or illegal residence of a person in a State Party of which the person is not a national or a permanent resident in order to obtain, directly or indirectly, a financial or other material benefit'.

Therefore, the main elements differentiating between trafficking and smuggling are the exploitation and abuse of power which characterise trafficking in persons. The increased emphasis given to distinguishing between smuggling and trafficking has been recognised by States participating in various regional and global agreements and action plans as well as in the UN Protocols on trafficking and smuggling (see below), all of them calling for measures to protect the trafficked victim. A problem in making this distinction, however, is that little thought has gone into how trafficked individuals versus smuggled ones are to be recognised in practice. In addition, certain measures, such as the authorisation to intercept vessels on the high seas, the obligation to strengthen border controls and adopt sanctions for commercial carriers or the commitment to return smuggled migrants in the UN Protocol against Smuggling, may have a negative impact on smuggled asylum-seekers. A number of comparable provisions in the Protocol against Trafficking may have a similar effect. Although both Protocols contain savings clauses, it still remains to be seen how effective they will be in practice. There is therefore a need to emphasise that all measures to combat trafficking and smuggling need to be in compliance with the

obligations of States under international refugee and human rights law, in particular with the principle of non-refoulement.

2) Focus on border controls

Many of the proposed measures, such as visa requirements or carrier sanctions, focus on border controls as a way of suppressing both trafficking and smuggling. However, persons who are in need of protection will often risk any means in order to cross a border. As a result increasingly restrictive border control may not successfully prevent trafficking or smuggling occurring. In addition, border controls may limit the freedom of movement of individuals, contrary to international law. For these reasons, NGOs are urging for a focus on the social, economic and political root causes of trafficking and smuggling rather than an emphasis on border control.

3) Implications for asylum seekers

Trafficking involves the deception or abduction of individuals who are then held against their will, may be forced into prostitution, intimidated, or subjected to violence. Measures to prevent trafficking and protect its victims have therefore been welcomed by various NGOs and intergovernmental organisations.

Smuggled individuals may also find themselves in situations where their lives are endangered, where they are cheated out of money or eventually detained or deported from their country of destination as a result of smuggling. However, at the same time, smuggling may provide a vital route via which individuals fleeing persecution can seek asylum. Article 14 of the Universal Declaration of Human Rights provides that 'everyone has the right to seek and to enjoy in other countries asylum from persecution', yet in the face of increasingly restrictive border controls, States are providing limited access to their asylum systems through legal routes and increasing the reliance of refugees on illegal access. Completely preventing smuggling could therefore have extremely negative implications for refugees intending to access the asylum system in the absence of other provisions for their protection. Moreover there appears to be little explicit recognition of the refugee within the smuggling and trafficking debate.

II. MEASURES TO ADDRESS TRAFFICKING

Proposals to address trafficking and smuggling at the intergovernmental level include those made by the UN, EU, IOM, OSCE and the Council of Europe . NGOs with solid expertise on the issue of trafficking in persons have also formed a Human Rights Caucus, and offered recommendations during the drafting of the UN protocols.

1) United Nations

The most recent measure taken by the United Nations is the adoption of two UN protocols supplementary to the Convention against Transnational Organized Crime on 15 November 2000. They were opened for signature at a conference in Palermo, Italy, from 12 to 15 December, where more than 124 of the UN's 189 member nations signed. Eighty signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and 70 signed the Protocol Against the Smuggling of Migrants by Land, Sea and Air. The provisions will enter into force after 40 governments have ratified them. The Protocols are intended to provide a framework for international cooperation against organised crime, with an emphasis on victim protection. Measures include criminalization of traffickers and smugglers with appropriate penalties, protection of victims in receiving countries,

and information sharing between countries on trafficking methods. Increased border restrictions and the implementation of carrier sanctions are also recommended. There is concern that such measures will not only prevent traffickers and smugglers but may also discriminate against those wishing to claim asylum. However, savings clauses have been added to the protocols stating the obligations and responsibilities of States and individuals under international law, including 'where appropriate' the 1951 Convention and the 1967 Protocol relating to the Status of Refugees.

a) Smuggling Protocol:

Text of the protocol:

http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/index.htm

Following is an overview of the Protocol's main points:

- Purpose: to criminalize migrant smuggling and promote cooperation among States in actions against people smuggling (Art 3)
- Criminalization: States will adopt legislation criminalizing people smuggling (but not those being smuggled) (Art 4)
- Measures against smuggling of migrants by sea: inter alia actions to inspect, board, exchange information about ships suspected of people smuggling (Art 7)
- Information: States will provide public information and will exchange information among themselves (Art 10)
- Refugee Convention: provisions are without prejudice to State obligations under the Refugee Convention (Art 15 bis)

During the process of drafting the Protocols, NGOs and other organisations welcomed the objective of addressing the crime of migrant smuggling, but they also stressed the need to ensure protection of victims. There seemed to be a number of common points:

- The Preamble states that 'smuggling of migrants may lead to the misuse of asylum procedures'. NGO comments affirm that there is no necessary connection between using people smugglers and the misuse of asylum procedures, and that many refugees are forced to use people smugglers to save their lives.
- Preamble (j) speaks of the need 'to provide humane treatment and protect the full human rights of migrants', but what these rights are is not spelled out.
- Provisions in the Protocol do not explicitly ensure that such persons have the opportunity to file asylum claims without being penalised for entering States illegally, as laid out in Article 31 of the 1951 Refugee Convention (Art 3 bis of the Protocol on Smuggling states that migrants shall not become liable to criminal prosecution under this Protocol for the fact of having been smuggled).
- Article 9 of the Protocol suggests that States should impose carrier sanctions to control smuggling. However, as well as affecting smugglers, this discriminates against individuals who are not involved in criminally organised crime and should have been removed from the Protocol.
- Article 11 urges for the implementation of increased border controls. However, NGOs stress that these should not be implemented in a manner that will undermine the right of individuals to seek asylum or in a way that will lead to asylum seekers being refouled.
- Article 15 bis is a savings clause articulating obligations under the Refugee Convention. However, it does not cater for countries that sign the Protocol but have not signed the Convention. It also does not articulate 'non-refoulement' as a principle of international law.

b) Trafficking protocol:

Text of the protocol:

Following is an overview of the protocol's main points:

- Purpose: to prevent and combat trafficking in persons, paying particular attention to the protection of women and children and to promote and facilitate cooperation among state parties in order to achieve this (Art 1).
- Criminalization: States will criminalize human trafficking (Art 3).
- Protection of trafficked persons: States will provide various measures of protection for trafficked victims against their traffickers who are being prosecuted and opportunities of seeking damages from traffickers; States must also consider giving victims temporary or permanent residence permits, and consider their status from a humanitarian/compassionate point of view (Art 4-5)
- Repatriation of victims: States will accept nationals back without delay, and repatriations will be with due regard to the safety of those persons (Art 6).
- Law enforcement, border controls, travel documents: States will cooperate with each other, control their borders and ensure quality of documents (Art 7, 8, 9).
- Savings clause: Nothing in the Protocol will affect rights and obligations under international law, especially the Refugee Convention, and measures must be non-discriminatory (Art 13).

NGO general criticisms made during the drafting process were as follows:

- The Protocol includes measures aimed to 'prevent, suppress and punish trafficking in persons' but these are only minimally covered. Article 10 lays out prevention measures only very generally and briefly, while Article 3 details the obligation of States to criminalize trafficking by focussing on borders. Article 4 provides that States shall protect privacy and identity of individuals 'in appropriate cases'. The scope of 'appropriate cases' is not defined.
- There is no mention in the protection section of the right of the victim to make a claim for refugee status. This should have been explicitly acknowledged.
- Article 5 (Status of the victim in the receiving state) permits victims of trafficking to remain in the receiving state 'in appropriate cases', which again should have been defined.
- Article 6 addresses repatriation of victims and states that return should be '[as far as possible] voluntary'. There are no clear measures to prevent re-victimisation of victims, and in this way it is not clear how proposals should differ from 'deportation of victims'.
- Article 8: Border measures could restrain the liberty of movement of people who are subject to protection under the Protocol. The measures should not limit the rights of individuals to asylum in other countries or undermine the principle of non-refoulement. States have a legitimate interest in strengthening border controls but these should not impinge on the human rights of victims as set out in the International Covenant on Civil and Political Rights, the Refugee Convention and the Convention on the Rights of the Child. The emphasis of these measures should have been on identifying and protecting victims as well as intercepting traffickers. Adequate training of officials to recognise protection claims must be provided.

c) Other UN activities

Currently a UN Global Programme against Trafficking in Human Beings (GPTHB) is being carried out by the UN Centre for International Crime Prevention together with the UN Interregional Crime and Justice Research Institute. The programme aims at enabling countries of origin, transit and destination to develop strategies against trafficking, focussing on crime prevention. Suggested measures include situation assessments, establishment of best practice databases, provision of technical assistance and formulation of international anti-trafficking standards.

2) European Union

a) Subsequent to the 1999 Tampere European Council, the following French Presidency proposals were presented to the Council on 28 July 2000: the '**Draft Council Framework Decision on the strengthening of the penal framework to prevent the facilitation of unauthorised entry and residence**' and the '**Draft Council Directive defining the facilitation of unauthorised entry, movement and residence**'. The Framework Decision is aimed at harmonising the penalties for smuggling. These may include 'confiscation of means of transport used to commit an offence', 'prohibition on practising directly or through an intermediary the occupational activity in the exercise of which the offence was committed', or 'a deportation order if the convicted person is not a national of a Member State'. Increased criminal penalties are called for if 'the offence has been committed by a person belonging to a criminal organisation'. The purpose of the Directive is to render the implementation of the framework Decision more effective by precisely defining the offences which are the subject of the penalties of the Framework Decision.

After examination of the above proposals in November/December 2000, the Council decided that work on the proposals should be continued in the light of the comments made by the Member State delegations. The European Parliament rejected the initiatives in February 2001 and the Coreper agreed to submit questions on the proposals to the March 2001 Justice and Home Affairs Council.

The Council was, thus, invited to examine the questions and outstanding issues subject to disagreement by the Member State delegations, with a view to the adoption of the two instruments at the 28/29 May 2001 Justice and Home Affairs Council. One of the main points of disagreement concerned the penalties ("lowest maximum sentences" (Article 1(3) and (4) of the draft Framework Decision)) for those bringing in persons for financial gain. Moreover, the delegations had very different views on what constitute humanitarian grounds for the smuggling of asylum seekers ("the humanitarian clause" (Article 1(2) of the draft Directive).

In April 2001 the Swedish Presidency invited the delegations to agree on a compromise proposal for an optional humanitarian clause. This clause is of great concern to NGOs and Human Rights organisations, as it only gives Member States the option to "decide not to impose sanctions in regard of the behaviour [...]" of persons intentionally assisting or trying to assist a person to enter, or transit across, the territory of a Member State (as defined in article 1(a)) "for cases where the aim of the behaviour is to provide humanitarian assistance to the person concerned".

The Justice and Home Affairs Council of May 28/29 2001 reached political agreement on the two proposals. The definition of "help" in the Directive does not include the requirement of doing so for "financial gain", so anyone falls under the definition, regardless of their motivations. In the end the so-called humanitarian clause was adopted, with a wider wording than the previous proposals, but it is only facultative. It states that the Member States shall not be obliged to impose such penalties if they are not in line with national legislation. Therefore, within the framework of these two instruments, Member States may decide not to sanction individuals acting for humanitarian reasons, but they may decide to do it if they so wish. The maximum penalty for human smuggling may not be inferior to six years. (The information on the most recent developments at the Council of Justice and Home Affairs is mainly derived from press releases, as the adopted texts were not officially available at the time of writing).

In its comments paper regarding both French Presidency initiatives, ECRE has stated that, unlike the UN Protocols, these proposals do not require that facilitation of illegal entry be for personal gain, thus they could potentially criminalize lawyers, NGOs etc. assisting refugees. Regarding the proposed Directive, more specifically, ECRE therefore suggested "that the scope of draft Article 1 [...] be narrowed down to acts committed for the purpose of unlawfully acquiring financial or other material benefits". Thus, implying it should be mandatory (and not optional, as stated in the current compromise proposal) not to impose sanctions on persons providing humanitarian assistance. ECRE's paper also states that the two proposals fail to mention refugee protection and the obligations of States under refugee law.

In March 2001, UNHCR produced observations on the two documents. On the understanding that the debate is still ongoing, UNHCR has proposed that "the Directive include mandatory wording reflecting the principle that penalties should not be imposed on persons who, for exclusively humanitarian reasons, have facilitated the unauthorised entry of an asylum seeker into the territory of a Member State". The agency also stated that "a general 'saving clause', recalling the international obligations of Member States towards refugees under refugee and human rights instruments, be incorporated not only in the draft Framework Decision, but also in the draft Directive".

b) In September 2000 a draft proposal (French initiative) was put forward for a Council Directive concerning the harmonisation of financial penalties imposed on carriers transporting into the territory of the Member States third country nationals lacking the documents necessary for admission. According to Article 2 of this proposal "carrier" means any air or sea carrier, as well as carriers transporting groups by coach over cross-border international links, with the exception of local border traffic'. The proposed Directive would require the carriers to immediately 'take charge' of any third country nationals refused entry on crossing the external border of one of the Member States for lack of visas or other travel documents. Such persons should be immediately returned either to the State of origin or to the State which issued the travel document used to travel or to any other State where their admission is guaranteed. If the carriers are unable to return the third country national they must pay for the onward transport. The penalties to be imposed on the carriers for bringing in third country nationals not in possession of the required travel documents shall be provided by Member States' national law. However, the Directive establishes a minimum amount of 2000 Euro for each person carried. According to Article 4(3), these penalties shall not apply 'if the third country national is admitted to the territory for asylum purposes'. At the 30 November/ 1 December 2000 Justice and Home Affairs Council a number of delegations expressed reservations on the proposed level of sanctions and /or the absence of a satisfactory humanitarian exception clause. UNHCR wrote to COREPER to express reservations on the draft proposal, calling for the insertion of a general savings clause stipulating that implementation of the EU Directive to harmonise carrier sanctions be subject to Member States' obligations under the 1951 Convention, and calling for the inclusion of a provision exempting carriers from liability if the transported, undocumented passenger lodges an asylum application and has a plausible claim to be in need of international protection. After this Council meeting it was decided that the relevant Council working group would prepare a new text. By the end of February 2001 the group stated that fines should be waived if a third country national sought asylum immediately after arrival, was granted refugee status or a subsidiary form of protection or was admitted to the asylum determination procedure. The working group rejected the proposal that the carrier should take charge of the person if immediate onward transportation was impossible, arguing that in such cases the carrier should inform the police and hand over responsibility to

the authorities. The group also wanted a minimum penalty of 5000 Euro to be imposed on carriers who failed to respect their obligations. The group also felt that the requirement for carriers to return third-country nationals should not prevent the latter making use of the means of defence and legal guarantees provided for in the legislation of the Member State concerned.

At the Justice and Home Affairs Council of 28/29 May 2001, political agreement was reached on the Directive on Carrier Sanctions. The humanitarian clause now reads "...without prejudice to Member States' obligations in cases where a third country national seeks international protection". There is also express reference to the obligations of States under the Geneva Convention in the Preamble. The competence to interpret it now lies with the European Court of Justice. Agreement was also reached on sanctions. For each person carried, either the maximum amount of the applicable financial penalties is not to be less than 5000 Euro or the minimum amount is not to be less than 3000 Euro or the maximum penalty imposed as a lump sum for each infringement is not to be less than 500 000 Euro. (The information on the most recent developments at the Council of Justice and Home Affairs is mainly derived from press releases, as the adopted texts were not officially available at the time of writing).

c) In December 2000 the European Commission produced a [communication on Combating trafficking in human beings and combating the sexual exploitation of children and child pornography](#), which includes a proposal for a Council Framework Decision on each topic. In the introduction to these proposals it is stated that they should be seen as complementary to 'the important initiatives presented by the French Presidency on facilitation of illegal entry, stay and residence'. In part two of the 'explanatory memorandum' the fact that these proposals and the French Presidency initiatives complement each other is stressed once again. Thus, ECRE's comments paper on the French Presidency proposals maintains its purpose also in regard to these proposals.

More specific comments on the Proposal for a Council Framework Decision on Combating Trafficking in Human Beings have been made by Anti-Slavery and Human Rights Watch jointly. These comments include pointing out that a distinction should be made between child and adult victims of trafficking; and that particular attention should be given to complicity by state officials, law enforcement officials, and customs agents. The comments also point out that 'States should make assets confiscated from traffickers available to settle financial claims of trafficking victims'. It is also affirmed that 'the Framework Decision lacks a specific section on prevention'.

On 21 March 2001, the United Nations High Commissioner for Human Rights (UNHCHR) also expressed her opinion on this proposal with a note to the European Commission (EC) and the Swedish Presidency of the EU. She showed particular concern about the definition of trafficking, which differs from that contained in the UN Protocol on Trafficking, a fact which could weaken the link between the two instruments. According to the High Commissioner on Human Rights, other aspects, especially those dealing with protection of victims, fall short of established standards. Concerning the victims of trafficking, the High Commissioner expressed the view that the provisions, while important, do not go far enough in protecting the rights and meeting the needs of trafficking victims. More specifically, the High Commissioner has suggested the following issues for inclusion in a revised document:

- Protection of victims of trafficking from prosecution for the illegality of their coerced entry or residence or for the coerced activities they perform as a consequence of their status as trafficked persons;

- Provision for the physical safety and the physical and psychological recovery of victims of trafficking; by incorporating, for example, the protection and assistance provisions of the UN Trafficking Protocol into the Framework Decision as basic obligations and a provision whereby trafficked persons are provided with the option of temporary residence;
- Safe and, as far as possible, voluntary returns;
- Protection of the right to asylum, by inserting separate and comprehensive provisions for the protection of victims and witnesses - a savings clause which would enable them to submit an application for refugee status;
- Provision of information and legal assistance for obtaining remedies;
- Entitlement to adequate protection under any circumstances, irrespective of any decision by Member States to instigate judicial proceedings;
- Explicit reference to the fact that children have special rights under international law and that children have special needs;
- Inclusion of reference to steps which could be taken to address the root causes of trafficking, encompassing legal measures as well as social and economic initiatives;
- Inclusion of a general non-discrimination clause.

Trafficking was also one of the main issues at the informal meeting of ministers of Justice and Home Affairs in Stockholm on 8/9 February and candidate countries were invited to a special ministerial meeting on 15 March. At this meeting the ministers for Justice and Home Affairs of the EU and candidate countries emphasised that it is primarily the cooperation between authorities that fight crime that has to be developed, thus bringing the candidate countries into closer contact with the EU bodies for police and prosecution cooperation, Europol and Eurojust. The EU will also investigate the possibility of involving candidate countries in the EU STOP programme (see below). The European ministers backed a UK plan to send a taskforce to Bosnia and Croatia as part of 'efforts to stop human trafficking', which involves training local officials and staff in how to spot forged passports and visas.

At the Justice and Home Affairs Council on 28/29 May agreement was reached on what acts should constitute criminal trafficking in human beings, whether the purpose of such trafficking is labour or sexual exploitation. The Member States are also in agreement that when trafficking in human beings has occurred, it shall make no difference to the case if the victim subsequently submits or "agrees" to being exploited. Concerning the victims of trafficking, the Member States have agreed on additional guarantees. These include joint recognition of the important principle that the victim shall not have to report the crime or bring accusation against its perpetrator before an investigation or prosecution can be initiated. However, a final agreement on the scales of penalties for trafficking in human beings still remains to be reached.

At the end of June 2001 the UNHCHR and the UNHCR produced observations on the Proposal for an EU Council Framework Decision on Combating Trafficking in Human Beings. They reiterated concern about an approach which differs from that contained in the UN Protocol on Trafficking. They also stress that several aspects, "in particular those dealing with protection of victims and witnesses, fall considerably short of established international standards. The lack of reference to even basic protective measures for victims and witnesses of trafficking, as well as the omission of a saving clause concerning asylum-seekers and refugees, may create an impression that such protections are both unimportant and optional in the fight against trafficking". The observations are made on the basis of the UNHCHR's earlier comments. It is also significant to note that most of the concerns of HCHR and UNHCR regarding the main shortcomings of the proposed framework decision are also shared by the European Parliament as shown by its deliberations during its

session on 12 June 2001, including a call for incorporating the definition of trafficking of the Palermo Protocol into the Framework Decision.

At the beginning of July 2001 a group of NGOs also made a joint "Recommendations on the EC Proposal Combating trafficking in human beings, COM (2000) 854 final/2". They state their concern about the omission in the Commission Proposal of measures addressing the human rights of trafficked persons and ask for specific recommendations to be followed by the Council in the legal framework for combating trafficking in human beings.

The Conference on the Fight against the Channels of Illegal Immigration, Paris, 20 July, 2000 outlined the need for a 'coherent approach to fight illegal immigration in the context of overall immigration policy' among member states. Different stages identified for attention were:

- Action of the police and intelligence in order to build a complete picture of the nature of trafficking operations
- Action at the point of entry into the territory, including preparatory measures such as visa policies
- Legislative action to ensure the incrimination and sanctioning of trafficking offences
- Action to secure the cooperation of victims
- Action to ensure their humane repatriation and acceptance by countries of origin
- Guarantees that all these actions take place against the background of obligations under the Geneva Convention

A five-year anti-trafficking programme (STOP (1996-2000)) came to a close last year. Continuation is planned for further two years with a budget of 4 million Euros .

Other projects focus on cooperation with candidate countries, exchange of information on criminal networks; training for relevant personnel (see the FALCONE project); transfer of the technology necessary for border reinforcement (the PHARE project for Eastern Europe); the DAPHNE project focussing on the needs of women and children, the OISIN project which aims at stimulating webs of legal cooperation and law enforcement among member states, and the TACIS project, also focussing on Eastern Europe, and an increased use of EUROPOL.

3) OSCE

A Stability Pact Task Force on Trafficking in Human Beings was established by the Office for Democratic Institutions and Human Rights (ODIHR), Vienna, 18 September 2000. An Action Plan for initial activities was proposed, including a data collection programme and joint ODIHR-Council of Europe legislative review programme. The plan underlines the need for enhanced regional cooperation and concrete action on the issue of trafficking (see national measures below), and the importance of involving governments of South Eastern Europe. The plan also incorporates training for judiciary, police, civil servants and NGOs.

4) National measures

EU frameworks, UN Protocols and other measures all recommend action for implementation at the national level (e.g. border controls, carrier sanctions etc.).

OSCE suggestions for State action are as follows:

- Adoption, implementation and periodical review and analysis of legislation relating to trafficking, ensuring its conformity with international provisions regarding human rights and victim protection
- Criminalization of trafficking with appropriate penalties

- Harmonisation of legislation for increased international cooperation
- Information campaigns aimed at prevention of trafficking, in countries of origin, and about rights for trafficked persons, in countries of destination
- Provision of protection for trafficked individuals in state houses and to compensate victims of trafficking, potentially by confiscating traffickers earnings
- An increase in awareness among judiciary and public officials and creation of a specialised police force.
- Creation of interagency bodies to combat trafficking, monitoring and tackling root causes through bilateral/multilateral agreements
- Examination of immigration laws and their effect on trafficking.

In recent years, measures to criminalize trafficking have been introduced or strengthened in some States, and are underway in others. These include:

- Criminalization of exploitative trafficking (Austria)
- New legislation to create an offence of trafficking (Ireland)
- Strengthening control measures (Norway, Portugal, Spain)
- Proposal to change criminal law to make prosecution of traffickers possible (Spain)
- Large scale arrests in areas where trafficking/prostitution/criminality are widespread (Greece)
- Extension of carriers liability (UK)
- Extending criminal offences for entering the country using deception (UK)

An interim research project carried out for the European Commission has found inter alia that:

- The legal framework against trafficking is still weak in a number of countries (e.g. Finland, France, Denmark)
- German law only covers trafficking in connection with prostitution; other forms of trafficking are not explicitly stated and defined in the criminal code
- Many asylum seekers (children, in the case of this report) are seeking asylum via trafficking routes as a result of restrictive border control measures
- As victims may lack the right to reside in the receiving country, many do not contact the police for protection for fear of being expelled. Some attempts at addressing this issue have been made in Austria (Austrian Aliens Act of 1998) and in the Netherlands, where victims are offered special protection and assistance.

The UK government has recently announced its proposals to clamp down on trafficking in a joint agreement with Italy (Blair-Amato agreement). The UK and France also reached an agreement on tighter controls on the Eurostar to 'stem illegal immigration'. Following on from this, on 14 March 2001, the French cabinet approved a bill to classify the Paris-to-London Eurostar rail service as an international transport link, and thus make it easier to detect illegal immigrants using the train to enter Britain. Under the new bill travellers will have to carry documents permitting them to cross international borders from the moment they get on the train at Paris Gare du Nord. The French government also agreed to allow British immigration officials to be posted at the Gare du Nord .

5) Additional recommended papers:

- Amy O'Neill Richard, International Trafficking in Women to the United States: a contemporary manifestation of slavery and organized crime, Centre for the Study of Intelligence, April 2000
- November 1999; UK Home Office. Stopping Traffic: exploring the extent of, and responses to, trafficking in women for sexual exploitation in the UK, Briefing Note, Police Research Series Paper 125, May 2000
- Rojana Chuenchijit, Trafficking in women and children: 'a contemporary manifestation of slavery', USCR, March 2000.