

COM-7/031

Brussels, 27 June 2001

OPINION

of the

Committee of the Regions

of

14 June 2001

on the

**Communication from the Commission to the Council and the European Parliament on the
Combating of trafficking in human beings,**

the sexual exploitation of children and child pornography

Proposal for a Council Framework Decision on combating trafficking in human beings

Proposal for a Council Framework Decision on combating the sexual exploitation

of children and child pornography

(COM(2000) 854 final - 2001/0024 (CNS) - 2001/0025 CNS)

The Committee of the Regions,

HAVING REGARD TO the Communication from the Commission to the Council and the European Parliament on the: Combating of trafficking in human beings, the sexual exploitation of children and child pornography; Proposal for a Council Framework Decision on combating trafficking in human beings; and the Proposal for a Council Framework Decision on combating the sexual exploitation of children and child pornography (COM(2000) 854 final - 2001/0024 (CNS) - 2001/0025 CNS);

HAVING REGARD TO the decision taken by its Bureau on 13 June 2000 under the fifth paragraph of Article 265 of the Treaty establishing the European Community, to draw up an Opinion on this matter and to instruct Commission 7 for Education, Vocation Training, Culture, Youth, Sport and Citizen's Rights to undertake the preparatory work;

HAVING REGARD TO the draft opinion (CdR 87/2001 rev.1) adopted by Commission 7 on 23 April 2001 (rapporteur: **Mrs Nicole Morsblech, (D/ELDR)**;

adopted the following opinion unanimously at its 39th plenary session of 13-14 June 2001 (meeting of 14 June).

The Committee of the Regions' views and recommendations

The Committee of the Regions

1. expresses its concern that the trafficking in human beings in Europe for the purposes of sexual exploitation, the exploitation of workers and the sexual exploitation of children, together with the dissemination of child pornography, have become pressing problems;
2. emphatically welcomes the fact that the EU has recognised these problems, has been endeavouring to tackle them for a number of years and is now putting forward further proposals for combating trafficking in human beings and the sexual exploitation of children;
3. firmly believes that these problems should be addressed at pan-European level, which should also involve cooperation at regional level and the participation of both the applicant states and other non-EU states;
4. is convinced that the measures set out in the framework decisions with a view to harmonising criminal law provisions and improving cooperation between prosecution bodies are a vital prerequisite for more effective measures to combat trafficking in human beings and the exploitation of children but need to be backed up by additional measures at EU, national and regional level; therefore supports the Commission's intention to bolster the legislative measures by the implementation of further measures;
5. considers that the endeavour to set out common definitions and descriptions of the elements of an offence is a key objective with a view to establishing uniform provisions on criminal liability and more effective prosecution of criminal acts;
6. shares the view that the two framework decisions should focus on: criminal liability provisions; rules governing the liability of legal persons and the protection of victims; jurisdiction and cross-border cooperation;
7. advocates steps being taken to bring home to the applicant states, at an early stage, the need to fall into line with the measures to establish uniform standards of criminal law and to participate in the measures for improving cooperation between prosecution bodies; takes the view that talks should also be held, with a view to achieving similar objectives, with countries bordering on the EU which are not applicant states (e.g. Albania and Yugoslavia) and countries bordering on applicant states (e.g. states of the former Soviet Union);
8. agrees with the European Commission over the need to take concerted action to combat trafficking in human beings, sexual exploitation of children and child pornography, particularly in the light of the impending enlargement of the EU and believes that cooperation between EU regions and regions in the applicant states also has role to play here;
9. advocates in this context that cooperation with the Council of Europe should also be sought as this would provide a means of involving a large number of additional countries beyond the confines of the EU, in particular, central and eastern European countries, in the campaign;

10. welcomes the fact that the measures to combat trafficking in human beings include trafficking for the purpose of exploiting workers, in addition to trafficking for the purpose of sexual exploitation, thereby backing up measures to combat the organised smuggling of illegal immigrants/migrants;
11. calls upon the EU to support and help organise a coordinated campaign against trafficking in human beings, particularly with south-eastern and eastern European countries;
12. is in favour of closer cooperation between the countries of origin of the victims of trafficking in human beings, the countries through which they pass and their countries of destination; such cooperation should be backed up by, in particular, the exchange of data, criminal intelligence and research findings;
13. highlights the fact that it is particularly the economic and social situation in their country of origin which makes women become the victims of trafficking in human beings and therefore calls for resolute support to be given to measures to achieve positive economic and social development in these countries in order to lessen the danger that women fall victim to such trafficking because they are in a hopeless economic and social situation;
14. also endorses closer cooperation between EU states and non-EU states, as typified by the current agreement between Austria and Switzerland on the introduction of joint border patrols;
15. endorses the establishment of and support for a network of organisations which look after the repatriation, reintegration and provision of support for victims of trafficking in human beings;
16. recognises, with regard to the trafficking in human beings, that there is, in particular, a need to put an end to the shipment of human beings across frontiers for the purposes of sexual exploitation or the exploitation of workers; does, however, at the same time support the aim of applying the same penalties under criminal law in cases where similar offences take place within the Member States of the EU;
17. recognises that the Internet, in particular, has considerably facilitated the dissemination of child pornography and would point out that special difficulties arise in preventing this phenomenon and penalising it under criminal law, particularly in the case of dissemination via the Internet; therefore stresses the need to attach particular urgency to these efforts and highlights the danger that, in the absence of forceful measures to tackle the dissemination of child pornography via the Internet, this overall phenomenon could trigger large-scale crime;
18. considers that there is an urgent need, especially in the light of the problems of prosecuting under criminal law those who disseminate child pornography on the Internet, to promote general prevention by levying severe penalties under criminal law; regards the Commission's proposal as providing a good foundation in this respect;
19. supports the Commission's proposal that the offence of child pornography can only be established if the children concerned are below the age of 18 and, while regarding the proposals as being very far-reaching, nonetheless considers the proposed age limit to be both desirable and advisable with a view to protecting children and young people and promoting clear-cut prosecutions;
20. draws attention to the fact that the processing of cases of cyber child pornography is very labour-intensive as regards staff and highly time-consuming, particularly as regards the analysis of material contained on equipment which has been seized; there is therefore a need for the competent bodies to engage more staff;

21. stresses the need to use all necessary means to encourage the competent bodies in all EU Member States to equip themselves using vocational training and the very latest computer technology, as these are vital tools in the fight against the new forms of crime associated with the trafficking of human beings, in particular the dissemination of child pornography on the Internet;
22. emphatically welcomes the fact that under the Commission's proposal the possession of child pornography is also to be subject to uniform penalties throughout the EU; it regards this as an absolutely essential step in the light of the technical possibilities for distributing child pornography over the Internet;
23. draws attention to the fact that the opportunities provided by the new technologies, particularly the Internet, are also being exploited to disseminate information on supply and demand with regard to trafficking in women and calls upon the Member States to take resolute steps to combat this practice, too, by interpreting their criminal law provisions accordingly and through the work of their prosecution bodies;
24. advocates the promotion of information campaigns addressed to applicant states and other non-EU states, with the participation, in particular, also of NGOs, with a view to adopting a preventive approach to protecting vulnerable groups of individuals against the phenomena of trafficking in human beings and the sexual exploitation of children;
25. also regards NGOs as representing a key cooperation partner who should be involved in joint campaigns, particularly in the applicant states and other non-EU states;
26. highlights the particular importance of international extradition agreements and national provisions on criminal law jurisdiction with a view to ensuring that criminal acts committed wholly or partially outside the home country of the offender can be punished under criminal law without loopholes;
27. regards improved cooperation between prosecution bodies as providing a key platform for tackling the problems involved and sees the establishment of the necessary legal and administrative framework and the achievement of improved cooperation as areas in which not just the national states but also the regions have a key role to play, in accordance with national provisions governing jurisdiction;
28. underlines the fact that it regards the provision of social and legal assistance for the victims of both human trafficking and the sexual exploitation of children as an important task and strongly welcomes the fact that the Commission is seeking to commit the Member States to assuming this task;
29. firmly believes that efforts must be made to provide special support and care for the victims of trafficking in women; these measures should include, for example, the provision of adequate accommodation, reintegration into the labour market in the host country or the victim's home country, financial, psychological and legal support, and the rejection of discriminatory treatment in the host country or the victim's home country;
30. regards measures to promote the further training and exchange of groups of persons responsible for measures to combat the trafficking in human beings and the sexual exploitation of children, particularly in the fields of the courts, the police and public administrations, as key measures and welcomes the proposed continuation of the joint measures being taken in respect of persons working in these fields;
31. calls upon the Commission and the Member States to seek to achieve rapid agreement on the

framework decisions on combating trafficking in human beings, the sexual exploitation of children and child pornography;

32. urges the EU Member States to transpose the proposals set out in the framework decisions into national law without delay and to implement, in collaboration with the EU and working jointly with the regions, the necessary additional measures for improving the general conditions.

Brussels, 14 June 2001

The President

of the

Committee of the Regions

Jos Chabert

The Secretary-General

of the

Committee of the Regions

Vincenzo Falcone

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