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Ms Rodoula Zissi

Chairwoman of the Special Standing
Committee on European Affairs of the
Hellenic Parliament

Dear Ms Zissi,

The European Commission thanks the Hellenic Parliament for its opinion on the Proposal for a Council Framework Decision on preventing and combating trafficking in human beings and protecting victims (COM(2009) 136 final).

The European Commission is fully aware that trafficking in human beings is a serious crime and constitutes a gross violation of fundamental rights.

While extreme violence in the context of human trafficking remains prevalent, it is increasingly common for victims to be lured into migrating by the promise of gainful employment abroad, and then to be held in slavery-type conditions through subjection to debt bondage. Abuse of a position of vulnerability is used by traffickers especially in the case of children, who are trafficked to be exploited by prostitution, forced labour, begging, unlawful activities, and even for the removal of organs.

For these reasons, anti-trafficking action at the European level needs to be more effective, and fully consistent with a human rights centred approach. This is the aim of the proposal for a new Framework Decision on trafficking in human beings. Therefore, the European Commission fully shares the view of the Hellenic Parliament that special emphasis should be given to the early identification of trafficking victims and to the creation of specialised mechanisms to this end.

The European Commission also shares the view that anti-trafficking policy should be linked with asylum and migration policy. However, these aspects could not be dealt with in the same proposal for a Framework Decision, since asylum and migration policy has a different legal base and requires separate legislation in the form of Directives. But the multi-dimensional approach to the fight against trafficking in human beings has been reflected in the recent Commission's communication on the Stockholm programme *An area of freedom, security and justice serving the citizen* (COM(2009)262 final). The Commission stresses the need to mobilise all available means of action, bringing together prevention, law enforcement and victim protection.

The Commission's view is that the overall action against human trafficking should not be confined to mere criminalization. The legal framework provided by *Directive 2004/81 of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities* aims at helping victims and providing additional incentives for cooperation with law-enforcement authorities in dismantling traffickers' networks.

The Commission fully agrees with the Hellenic Parliament on the importance of awareness campaigns. The Stockholm Communication emphasises the need for countries outside the Union to be encouraged to ratify and implement relevant international instruments. Moreover, consular services in the countries of origin must be mobilised with a view to preventing the fraudulent issue of visas. Information campaigns aimed at potential victims, especially women and children, could be conducted in the countries of origin, in cooperation with the authorities there.

In certain circumstances, the victims of human trafficking may qualify for refugee status or be eligible for other forms of international protection status. The Commission has started to organise a dialogue among Member States on how asylum claims by trafficking victims are handled. The future European Asylum Support Office may, in that regard, be involved in developing best practices or recommendations on carrying out the assessment of victims' protection needs.

Apart from that, many other aspects of anti-trafficking policy not related to the first pillar, such as prevention, investigation and prosecution of offenders and protection of victims have been included in the proposal for a new Framework Decision, and are consistent with our integrated and holistic approach.

The comments of the Hellenic Parliament, which touch upon some crucial aspects of the proposal such as monitoring, identification and assistance to victims, and the notion of vulnerable victims, will be taken in due consideration by the European Commission during the forthcoming discussion in the competent group of the Council.

I hope that these explanations are useful for the Hellenic Parliament and remain available to provide any further information.

Yours sincerely

Margot WALLSTRÖM
Vice-President of the European Commission