



Public Statement

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Council of Europe: Drafting a European Convention against Trafficking: Make it a Transparent Process

Amnesty International and Anti-Slavery International call on the Council of Europe, to:

- Publish, without delay, and disseminate the current draft text of the European Convention against Trafficking in Human Beings, so as to enable NGOs and other experts to provide the Ad Hoc Committee on Action against Trafficking in Human Beings (CAHTEH) with expert comments prior to its deliberations, at the end of June, on provisions aimed at the protection of the human rights of trafficked persons;
- Ensure that relevant NGOs and experts are invited to address the CAHTEH on issues related to the protection of the human rights of trafficked persons without delay, so as to ensure that the views of such experts are taken into account during the drafting process;
- Recommend that each of the governments of the 45 Member States of the Council of Europe consults with NGOs and other experts in their countries who work with and on behalf of trafficked persons about the draft Convention. Their views and recommendations should be taken into account by governments in the process of drafting this treaty.

Background:

The Council of Europe's Committee of Ministers has mandated the Ad Hoc Committee on Action against Trafficking in Human Beings (CAHTEH) to draft a European Convention against Trafficking in Human Beings by year's end. The Committee of Ministers have specifically requested the CAHTEH to focus "on the human rights of victims of trafficking" and "design a comprehensive framework for the protection and assistance of trafficked persons and witnesses", as well as on prevention, investigation, prosecution and international cooperation.

The drafting of the text of this treaty by CAHTEH, which is comprised primarily of representatives of the Member States of the Council of Europe, is underway. According to information publicly available, the CAHTEH will meet three more times before it delivers a

draft text to the Committee of Ministers at the end of 2004.

The CAHTEH is likely to discuss provisions aimed at the protection of the rights of trafficked persons at its upcoming meeting at the end of June 2004. The work of the CAHTEH is being conducted in relative secrecy: the draft text under consideration, the reports of the work of the CAHTEH and even the names of the members of CAHTEH are not currently publicly available.

Amnesty International and Anti-Slavery International's views:

As the number of people affected by this contemporary form of slavery in the Council of Europe region has dramatically increased over the last decade, Amnesty International and Anti-Slavery International welcome the Council of Europe's focus on trafficking of human beings.

Trafficking is an abuse of human rights. It results in the abuse of the human rights of trafficked persons including the rights to: physical and mental integrity; life; liberty; security of the person; dignity; freedom from slavery, slave-like practices, torture and other inhuman or degrading treatment; family life; freedom of movement; privacy; the highest attainable standard of health; and safe and secure housing. Measures addressing trafficking must place the protection and respect of these rights at their core, as well as the right of trafficked persons to effective redress, including reparation, for the human rights abuses to which they have been subjected.

Amnesty International and Anti-Slavery International particularly welcome the recognition, within the Committee of Ministers' mandate to the CAHTEH, that there is a need to develop additional standards which improve the protection of the rights of trafficked persons.

In order to fulfil its mandate, the CAHTEH must ensure that the provisions of the treaty which it proposes do enhance the protection of the rights of trafficked persons. This will require it to propose a text which improves on the provisions set out in existing international treaties and many existing state laws, and requires states to take particular measures to protect and respect the rights of trafficked persons.

If it succeeds in doing this, the Council of Europe will fill a significant gap, as today there are no international treaties on trafficking that comprehensively address states' obligations to respect and protect the rights of trafficked persons.

In May 2004, Amnesty International and Anti-Slavery International published a document entitled ***Memorandum on the draft European Convention on Action against Trafficking in Human Beings: Protection of the Rights of Trafficked Persons*** (AI Index: IOR 61/011/2004 <http://web.amnesty.org/library/index/engior610112004>). Based on the knowledge and experience of the two organizations in working to ensure the protection of human rights of individuals, including trafficked persons, the memorandum sets out particular provisions which Amnesty International and Anti-Slavery International consider are key to include in the European Convention against Trafficking in Human Beings to ensure the respect for and the protection of the rights of trafficked persons.

Amnesty International and Anti-Slavery International have also called on the CAHTEH to draw on the experience of trafficked persons and of NGOs and other experts who have worked on these issues. To this end, Amnesty International and Anti-Slavery International have made two requests for a hearing before the CAHTEH, and understand other NGOs have made similar requests. We regret that our requests were both declined.

Amnesty International and Anti-Slavery International consider that there is no doubt that the work of CAHTEH aimed at strengthening protection of trafficked persons would be enhanced by input from trafficked persons, NGOs and others who are expert in working on issues of protection of the rights of victims of human rights abuses, in particular those working

with or on behalf of trafficked persons. Such input however, will be necessarily limited in the absence of an opportunity to address the drafters and in the absence of the availability of a draft text.

We consider that the implementation of the three recommendations set out above, which are consistent with the Council of Europe's commitment to cooperate with civil society, will improve the chances of the Council of Europe drafting a treaty that indeed does design a comprehensive framework for the protection and respect of the rights of trafficked persons.