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Europe: Eradicate modern day slavery

Amnesty International calls on 39 Council of Europe member states and the European Community to demonstrate their commitment to eradicating growing modern day slavery by becoming parties to and implementing the Council of Europe Convention on action against Trafficking in Human Beings, without further delay.*

As of May, the 2nd anniversary of the adoption of the Council of Europe Convention against Trafficking, seven countries in Europe -- Albania, Austria, Bulgaria, Georgia, Moldova, Romania and Slovakia -- have become parties to this treaty. In doing, so they have committed themselves to taking concrete action to eradicate the trafficking of men, women and children in and through Europe for exploitation in informal sectors and for forced sexual exploitation, in a manner that focuses on human rights protection.

Accurate statistics of this global crime are not available, due in part to its clandestine nature and difficulties inherent in locating and accurately identifying its victims. Estimates range in the millions.

In and through Europe, women, men and children are trafficked for exploitation in informal sectors including domestic work, farming, manufacturing, construction and hospitality as well as into forced sexual exploitation. In the course of this ordeal, the very human dignity of persons who are trafficked is violated. In the trafficking process trafficked persons are typically subjected to compound violations of their human rights, including their rights to physical and mental integrity; liberty and security of the person; freedom from slavery, slavery-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.

Rather than being treated as victims of heinous crimes, when they come to the attention of the authorities, typically trafficked persons are treated as criminals, unlawful aliens or, in cases in which the authorities seek to pursue their trafficker, useful tools of the criminal justice system. The psychological, medical and social consequences of the ordeal to which they have been subjected and the underlying root causes (including the "push" and "pull" factors) are rarely addressed. Assistance, when offered to trafficked people to recover from their ordeal, is frequently made conditional on their agreement to cooperate in prosecutions against their traffickers. Such cooperation frequently places trafficked persons and members of their families in further danger at the hands of the traffickers. Access to justice including redress, compensation, restitution and rehabilitation, for the abuses that they have suffered is rare. Non-nationals without rights to residence in the country in which they are found are frequently deported without consideration of the risks that they may face on return, be that re-trafficking or other violence at the hands of their traffickers or others.

While in the last few years states, acting both individually and collectively, have taken measures aimed at ensuring the criminalization of trafficking -- including through the adoption of legislation at the national level and binding multilateral treaties such as the UN Palermo Protocol -- there is

growing recognition that more needs to be done by states to respect and protect the human rights of trafficked persons. The Council of Europe Convention against Trafficking sets out a range of minimum requirements that states must take to respect and protect the rights of trafficked persons.

Therefore Amnesty International calls on the 39 Council of Europe member states listed below and the European Community, to become parties to the Council of Europe Convention against Trafficking in Human Beings and to implement its provisions, without further delay.

*** The 39 Council of Europe Member States that have yet to become parties to the Council of Europe Convention on Action against Trafficking in Human Beings are:** Andorra, Armenia, Azerbaijan, Belgium, Bosnia & Herzegovina, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Russian Federation, San Marino, Serbia and Montenegro, Slovenia, Spain, Sweden, Switzerland, FYR Macedonia, Turkey, Ukraine and United Kingdom

Background:

The Council of Europe Convention against Trafficking in Human Beings will come into force after three more states become parties. The Convention is open for signature and ratification to all Council of Europe member states, other states that participated in drafting it and the European Community. An expert treaty monitoring body will be established, to assist states in implementing the Convention, within a year of the entry into force of the Convention.

The majority of Council of Europe member states and the European Community are already parties to the most recent UN treaty on trafficking, known as the Palermo Protocol. While this treaty has established an internationally agreed definition of trafficking in human beings and requires states to criminalize trafficking, prosecute traffickers and take measures to prevent trafficking, including by addressing demand, most of the provisions aimed at protection of the rights of trafficked persons in the Palermo Protocol are recommendations rather than requirements.

In recognition that more was needed to ensure the respect and protection of the rights of trafficked persons, the member states of the Council of Europe adopted the Council of Europe Convention against Trafficking in Human Beings on 3 May 2005. The Council of Europe Convention against Trafficking sets out a range of minimum required assistance and protection measures which parties to it must take to protect and respect the rights of trafficked persons. Among them are requirements to unconditionally ensure to persons reasonably believed to have been subjected to trafficking an adequate standard of living, appropriate and secure accommodation; access to emergency medical treatment; translation and interpretation services; counselling and information on their legal rights; legal assistance; a recovery and reflection period in the country in which they are found of at least thirty days and access to education for children.