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Council of Europe: Recommendations for better protection of trafficked persons

**JOINT PRESS RELEASE
Amnesty International and Anti-Slavery International**

"We were his property he said. By buying us, he had the right to beat us, rape us, starve us, and force us to have sex with clients."

(testimony of a trafficked woman, contained in Amnesty International report, *"So does it mean that we have the rights? Protecting the human rights of women and girls trafficked for forced prostitution in Kosovo*, AI Index: EUR 70/010/2004)

On the eve of a debate on the contents of the draft European Convention against Trafficking in Human Beings (draft European Convention), Amnesty International and Anti-Slavery International call on the Parliamentary Assembly of the Council of Europe (PACE) to ensure that the human rights of trafficked persons are recognized and fully protected.

"The Council of Europe has the opportunity to put protection of the human rights of victims of trafficking at the heart of the treaty it is drafting on trafficking of human beings. In order to achieve this aim, the draft European Convention against Trafficking in Human Beings must be strengthened so that it requires that states provide comprehensive protection and support, including a minimum period of recovery of at least three months, with support and assistance measures, to enable victims to begin to recover, and to receive help" said Mary Cunneen, Director of Anti-Slavery International.

"While states individually and collectively have taken steps to criminalize trafficking and prosecute traffickers, it is widely recognized that states must do more to protect the rights of trafficked persons. At this time we call on PACE and other bodies of the Council of Europe to seize the opportunity to establish the highest standards for states protection of trafficked persons. To do this, the draft European Convention against Trafficking must be strengthened " said Jill Heine, Legal Adviser for Amnesty International.

To ensure that the rights of trafficked persons are fully protected, Amnesty International and Anti-Slavery International urge PACE (made up of members of parliaments of the 46 Council of Europe Member States) to incorporate the recommendations listed in the organisations' joint document *Council of*

Europe: Recommendations to strengthen the December 2004 Draft European Convention on Action against Trafficking in Human Beings (AI Index: IOR 61/001/2005), into the Opinion that it will submit to the Committee of Ministers on this draft treaty.

In particular, Amnesty International and Anti-Slavery International urge strengthening of the December 2004 draft European Convention so that it requires states to :

Guarantee the availability of a range of services and assistance including emergency and necessary medical care, as well as shelter, counselling and physical protection for all trafficked persons and, as necessary, members of their families; access to education and work should also be offered;

Ensure that trafficked persons may remain in the country during a reflection period of at least three months, to begin to recover and escape the influence of traffickers and make informed decisions about their future in safety and security;

Offer either temporary residence permits (lasting a minimum of 6 months) or permanent residence to trafficked victims who would be in danger if they were returned home or if such is necessary to enable them to participate in legal proceedings for their compensation or against their traffickers;

Prohibit the detention, charge, or prosecution of trafficked persons for illegal entry or residence and activities which are a direct consequence of their situation as trafficked persons;

Establish jurisdiction over persons suspected of trafficking under terms which would ensure, to the largest extent possible, there are no safe havens for those responsible for trafficking;

Establish an effective monitoring of the implementation of the Convention by a body of independent experts, which is empowered to carry out country visits and to consider collective complaints about the implementation of the Convention by a state.

We also urge the Committee of Ministers to reconvene the drafting group of government-experts, known as the CAHTEH - before the next session of the Committee of Ministers in March 2005 - for the purpose of considering the recommendations contained in the PACE Opinion as well as those made by non-governmental organizations on the draft European Convention. Given the lack of consultation to date on this treaty in most states and the key role that they play in assisting trafficked persons, relevant NGOs should be invited to attend and participate throughout such a meeting.

Background

The Council of Europe's Committee of Ministers has mandated a group of government-representatives, called the *Ad Hoc Committee on Action against Trafficking in Human Beings* (known as "CAHTEH"), to draft a European Convention against Trafficking in Human Beings. 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.

At its January 2005 plenary session, PACE will debate and adopt an Opinion on the December 2004 draft European Convention against Trafficking prepared by the CAHTEH. After consideration of the PACE Opinion, it is likely that the Council of Europe's Committee of Ministers will adopt the European Convention on Action against Trafficking in Human Beings in March 2005, and that it will be opened for signature at the Council of Europe's Third Summit of Heads of State and Government in May 2005.

Amnesty International and Anti-Slavery International are not the sole voices calling for the strengthening of the draft European Convention against Trafficking in Human Beings. More than 170 other non-governmental organizations (NGOs) from 30 countries have joined them; a statement urging the Council of Europe's Committee of Ministers to strengthen the draft European Convention against Trafficking

in Human Beings was submitted in November 2004 (text of the NGO Joint Statement is contained in appendix 2 of *Council of Europe: Recommendations to strengthen the December 2004 Draft European Convention on Action against Trafficking in Human Beings* (AI Index: IOR 61/001/2005).

To arrange an interview or for further information contact:

Amnesty International's Press Officer Lydia Aroyo on +44 (0) 20 7413 5599, +44 (0) 7771 796350, e-mail laroyo@amnesty.org or Legal Adviser Jill Heine on +44 (0) 7932 086 178 or Anti-Slavery International's Press Officer Beth Herzfeld on +44 (0) 20 7501 8934, email b.herzfeld@antislavery.org

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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