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Council of Europe: Protect victims of people trafficking

JOINT PRESS RELEASE Amnesty International and Anti-Slavery International

Amnesty International and Anti-Slavery International are calling on European countries to focus new anti-trafficking measures on protecting victims - not just national borders.

The call comes as a drafting group of representatives of the 46 Council of Europe member states (known as the CAHTEH) are due to begin their last meeting in Strasbourg on 22 February to finalise the draft European Convention Against Trafficking in Human Beings.

"The Parliamentary Assembly of the Council of Europe (PACE) has already set out a blueprint for a convention that will focus on protecting the rights of trafficked people. Council of Europe member states must set a high standard when it comes to protecting trafficked peoples' rights - rather than settling for the lowest common denominator standards," said Mary Cunneen, Director of Anti-Slavery International, which has been working to eradicate slavery for over 160 years.

"It is of vital importance that the 25 European Union (EU) member states - which form the majority of the Council of Europe states - support the higher standards embodied in the PACE recommendations. This will require that most of the states agree to include provisions in the Council of Europe treaty which are more protective of the rights of trafficked persons than those set out in their national law or EU legislation. Many existing laws focus more on criminalization and border control; they link assistance and protection to a trafficked person's willingness to participate in law enforcement efforts against the traffickers. The focus should be on respect and protection of trafficked persons human rights", said Jill Heine, Legal Adviser for Amnesty International.

"A stronger treaty would be an indispensable tool in the fight against this serious human rights violation, whose incidence has increased dramatically within Europe over the past 10 years," said the representatives of Amnesty International and Anti-Slavery International, who will be attending the CAHTEH meeting in Strasbourg.

In particular, Amnesty International and Anti-Slavery International call on CAHTEH to ensure that the European Convention against Trafficking requires that:

trafficked persons are given access to **necessary** medical assistance;
a minimum **recovery and reflection period of at least 3 months is offered to all trafficked**

persons, and that the person's presence in the country is regularized and recognized during this time;
minimum 6 months-renewable and permanent **residence permits** are issued to trafficked persons on the basis of the needs and risks of their personal situation and/or to ensure their presence during proceedings (against the traffickers and/or for compensation), and **family reunification** is available;
trafficked persons are not detained, charged, or prosecuted for illegal entry or residence and activities which are a direct consequence of their situation as trafficked persons.

In addition provisions for monitoring implementation of this treaty by states should be strengthened. There should be **one single independent expert body** (called "GRETA") which monitors the implementation of the Convention by EU and non-EU member states alike, and is mandated to consider **collective complaints** from non-governmental organizations alleging the non-fulfilment of a state's obligations under the Convention.

These recommendations draw from existing international standards, echo those of the Parliamentary Assembly of the Council of Europe in its Opinion adopted in January 2005, and reflect the recommendations expressed by 179 non-governmental organizations (NGOs) working for or on behalf of trafficked persons.

Background

The European Convention against Trafficking in Human Beings is being drafted by the Ad Hoc Committee on Action against Trafficking in Human Beings (CAHTEH). At its January 2005 plenary session, PACE adopted an Opinion on the December 2004 draft European Convention against Trafficking prepared by the CAHTEH (see link:

<http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/Documents/AdoptedText/ta05/EOP1253.htm>).

The CAHTEH will forward the draft Convention to the Council of Europe's Committee of Ministers at the end of their meeting. It is expected that the Committee of Ministers will then review, debate and adopt the European Convention on Action against Trafficking in Human Beings in March 2005. The Convention will then be opened for signature at the Council of Europe's Third Summit of Heads of State and Government on 16/17 May 2005.

Amnesty International and Anti-Slavery International presented their latest comments on the draft Convention in a document entitled : *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 <http://web.amnesty.org/library/index/engior610012005>).

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