

Directorate General of Human Rights and Legal Affairs Gender Equality and Anti-Trafficking Division



Council of Europe Convention on Action against Trafficking in Human Beings

Introduction

Trafficking in human beings has become a major problem in Europe. Each year, an increasing number of people, the majority of them women and children, fall victim to trafficking for the purposes of sexual or other exploitation, both within and over borders. This phenomenon has hit unprecedented levels, to the extent that it can be considered as a new form of slavery.

One of the primary concerns of the Council of Europe is to safeguard and to protect human rights - trafficking in human beings directly undermines the values on which the Council of Europe is based. Furthermore, as a pan-European organisation the Council of Europe regroups, among its 46 member States, countries of origin, transit and destination of the victims of trafficking.

Since the late 1980s, the Council of Europe has adopted a variety of

initiatives in the field of trafficking in human beings. The initial activities were awareness-raising and action oriented. The awareness-raising actions made possible the setting-up of a legal framework to fight this phenomenon. In particular, mention should be made of *Recommendation No. R (2000) 11 of the Committee of Ministers to Member States on action against trafficking in human beings for the purpose of sexual exploitation*.¹

Council of Europe Convention on Action against Trafficking in Human Beings

The Council of Europe considered that it was necessary to draft a legally binding instrument which goes beyond recommendations or specific actions.

While other international instruments already exist in this field², the Council of Europe Convention (Warsaw, 16 May 2005) is a comprehensive treaty mainly focussed on protection of victims of trafficking and the safeguard of their rights. It also aims at preventing trafficking as well prosecuting traffickers. In addition, the Convention provides for the setting up of an effective and independent monitoring mechanism capable of controlling the implementation of the obligations contained in the Convention.

The Convention is not restricted to Council of Europe members States; non-members States and the European Community also have the possibility of becoming Party to the Convention.

Purpose and scope of the Council of Europe Convention

The Convention is based on recognition of the principle, already stated in Recommendation N° R (2000) 11 of the Committee of Ministers on action against trafficking in human beings for the purpose of sexual exploitation, that trafficking in human beings constitutes a **violation of human rights** and an offence to the dignity and integrity of the human being.

The Council of Europe Convention is a comprehensive treaty which aims to (3 Ps):

- Prevent trafficking
- Protect the Human Rights of victims of trafficking
- Prosecute the traffickers

The Convention **applies to:**

- all forms of trafficking: whether national or transnational, whether or not related to organised crime.
- whoever the victim: women, men or children
- whatever the form of exploitation: sexual exploitation, forced labour or services, etc.

Measures provided by the Council of Europe Convention

- Awareness-raising for persons vulnerable to trafficking and actions aimed at discouraging « consumers » are among the main measures to prevent trafficking in human beings.
- Victims of trafficking must be recognised **as such** in order to avoid police and public authorities treating them as illegal migrants or criminals.
- Victims of trafficking will be granted physical and psychological

assistance and support for their reintegration into society. Medical treatment, counselling and information as well as appropriate accommodation are all among the measures provided. Victims will also receive compensation.

- Victims are entitled to a minimum of 30 days to recover and escape from the influence of the traffickers and to take a decision regarding their possible cooperation with the authorities. A renewable residence permit may be granted if their personal situation so requires or if they need to stay in order to cooperate in a criminal investigation.
- Trafficking will be considered as a criminal offence: traffickers and their accomplices will therefore be prosecuted.

- The private life and the safety of victims of trafficking will be protected throughout the course of judicial proceedings.

Monitoring

GRETA, a group of independent experts on action against trafficking in human beings, will monitor implementation of the Convention. To this end, GRETA will regularly draw up reports evaluating the measures taken by the Parties (States or the European Community which have consented to be bound by the Convention and for which the Convention is in force). Those Parties which do not fully respect the measures contained in the Convention will be required to step up their action.

In addition, a committee composed of representatives of the Parties may also, on the basis of GRETA's report, make recommendations to a Party.

Civil society has an important role to play as regards prevention of trafficking and protection of the victims. Consequently, the Convention encourages the co-operation between public authorities, non-governmental organisations and members of the civil society.

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¹ Other actions and activities of the Council of Europe in the field of trafficking in human beings are covered in a separate Fact Sheet.

² In particular, *the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organized crime* (15 November 2000) and the *European Union Council Directive 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*.