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## **OSCE Human Dimension Implementation Meeting**

**Warsaw, 29 September – 10 October 2008**

**Working Sessions 14 and 15 : “Focus on identification, assistance and access to justice for the victims of trafficking”**

**Contribution of the Council of Europe**

### **THE COUNCIL OF EUROPE AND ASSISTANCE AND ACCESS TO JUSTICE FOR VICTIMS OF TRAFFICKING**

#### **Report on non-criminal remedies for crime victims**

The Group of Specialists on remedies for crime victims (CJ-S-VICT) prepared, under the authority of the European Committee on Legal Co-operation (CDCJ) a Report on non-criminal remedies for crime victims. The CDCJ has endorsed the report and submitted it to the Committee of Ministers for adoption in autumn 2008. Following the conclusions enclosed in the report, it is foreseen to ensure its wide dissemination, including through the organisation of awareness-raising events on the needs of victims and examples of best practices.

Throughout the report, references are made to vulnerable groups of victims, including victims of harassment linked to discrimination on the basis of race, colour, religion, ethnicity, national origin, disability, gender, age, sexual orientation, or homelessness. The issue of legal assistance is also addressed. The specific question of victims of trafficking in human beings is addressed under chapter 3 of the report.

#### **Findings**

The particular vulnerability of certain categories of persons, such as the migrants and asylum seekers, is underlined as they are particularly exposed to trafficking and easy targets for the traffickers, in particular non-accompanied minors.

The Report highlights as a good practice the recent extensive programme established in Bulgaria with respect to special remedies and special protection for victims of trafficking in human beings, which provides for a number of services and support mentioned in the Convention. The Report also points out the existence of a specialised system which provides shelters for temporary accommodation and protection centres for victims (law on combating trafficking in human beings - 2003) and is more specifically dedicated at

women and children (in conjunction with the law on the protection of children and the related institutions) who are placed in protected places, who have to receive education and for whom actions are to be undertaken to find their families

### **General recommendations**

The Group and the CDCJ do not recommend at this stage the drafting of a specific legal instrument addressing non-criminal remedies be prepared. Among core recommendations entailed in the report stands the necessity of promoting and disseminating the existing Council of Europe standards.

The importance of appropriate training and awareness raising activities is also emphasised in order to give full effect to existing Council of Europe standards, as well as of sharing and disseminating examples of good practices, a number of which are enclosed in the report. The European Victim's Day (22 February) could be a focus point to publicise the latest research and national policies and could be used as a launch-pad for new initiatives in the field of victims.

Another strong recommendation is that a procedure aiming at enabling the rapid payment of the state compensation to the victim be put in place, the state scheme being subsequently subrogated in the victims' rights.

### **Specific recommendations**

In respect of victims of trafficking of human beings, special protection measures should be accorded to children and unaccompanied children should be represented by legal guardians, organisations or authorities which shall act in the best interests of the victim.

In respect of victims of trafficking, core standards to be promoted and disseminated are:

- the Council of Europe Convention on Action against Trafficking in Human Beings and in particular its Chapter III "Measures to protect and promote the rights of victims, guaranteeing gender equality", Articles 10, 12 and 15;
- the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse (CETS 201 - opened for signature during the 28<sup>th</sup> Conference of the European Ministers of Justice, Lanzarote, 25-26 October 2007);
- Recommendation (2002)5 of the Committee of Ministers on the protection of women against violence;
- Recommendation (2006)8 of the Committee of Ministers on assistance to crime victims.

In particular, the Group and the CDCJ call for further ratification of the Council of Europe Convention on Action against Trafficking in Human Beings (CETS 197) which is aimed at designing a comprehensive framework for the protection and assistance of victims. Its Chapter III extensively which deals with "measures to protect and promote the rights of victims, guaranteeing gender equality", covers a variety of issues such as the problem of identification of victims, the protection of private life and identity of victims, the type of assistance required, the provision of information on relevant judicial and administrative proceedings, the right to compensation, the principle of prohibition of the deportation of

a victim who reported a crime of trafficking in human beings, or the deportation of a person who is considered to be a victim.

**Foreseen activities in the field of victims' rights**

The rights of victims being a transversal issue, Mr Jan Kleijssen, Director of Standard-Setting at the Directorate General of Human Rights and Legal Affairs, has been appointed coordinator on victims. This is meant to ensure a coherent approach in tackling issues related to victims within the Council of Europe.

In particular, a dedicated web page on the Council of Europe website reflecting the cross-cutting and multi-disciplinary nature of the victims' needs will be designed, enabling easy access to the relevant standards of the Council of Europe (including the explanatory memoranda where appropriate) and including contact addresses and website links to national contact points, NGOs and other stakeholders, etc.