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## **OSCE Human Dimension Implementation Meeting**

**Warsaw, 2-13 October 2006**

### **Working Session 2**

**“Addressing factors contributing to the cycle of trafficking” (part 1) and  
“Breaking the cycle of trafficking through identification and protection”  
(part 2)**

**Trafficking in human beings**

**Contribution of the Council of Europe**

### **ACTION AGAINST TRAFFICKING IN HUMAN BEINGS**

#### **Council of Europe Convention on action against trafficking in human beings**

Given that one of the primary concerns of the Council of Europe is the safeguarding and protection of human rights and human dignity, and that trafficking in human beings directly undermines the values on which the Council of Europe is based, it is logical that finding solutions to this problem is a top priority for the Organisation. It is all the more relevant as the Council of Europe has, among its 46 member states, countries of origin, transit and destination of trafficking victims.

On 3 May 2005, the Committee of Ministers adopted *the Council of Europe Convention on Action against Trafficking in Human Beings*. The Convention was opened for signature in Warsaw on 16 May 2005, on the occasion of the 3<sup>rd</sup> Summit of Heads of State and Government of the Council of Europe.

In the Action Plan adopted during the 3<sup>rd</sup> Summit of the Council of Europe, the Heads of State and Government of the member States firmly condemned trafficking in human beings which undermines the enjoyment of human rights and is an offence to the dignity and integrity of the human being. They welcomed the opening for signature at the Summit of the *Council of Europe Convention on action against trafficking in human beings* and called for its widest possible ratification and swift entry into force. They stated that this was a major step in the fight against trafficking which would strengthen the prevention of trafficking, the effective prosecution of its perpetrators and the protection of the human rights of the victims. They also stressed that the independent monitoring mechanism set up by the Convention would ensure its effective implementation by the Parties. Finally, they pointed out the need to ensure close co-operation between the Council of Europe, the United Nations, the European Union and the OSCE in this field.

To date, the Convention has been ratified by Moldova and Romania and signed by 30 other Council of Europe member states: Albania, Andorra, Armenia, Austria, Belgium,

Bosnia and Herzegovina, Croatia, Cyprus, Denmark, Finland, France, Georgia, Germany, Greece, Iceland, Italy, Latvia, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, San Marino, Serbia, Slovakia, Slovenia, Sweden, "the former Yugoslav Republic of Macedonia" and Ukraine. A non member state, Montenegro, has also signed the Convention.

This new Convention, the first European treaty in this field, is a comprehensive treaty focussing mainly on the protection of victims of trafficking and the safeguard of their rights. It also aims to prevent trafficking and to prosecute 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 member states; non member states and the European Community also have the possibility of becoming Party to the Convention.

### **Measures to protect and promote the rights of victims**

The Council of Europe Convention affirms that trafficking in human beings constitutes a violation of human rights and an offence to the dignity and the integrity of the human being and that greater protection is therefore needed for all its victims.

The Council of Europe Convention is the first international legal instrument which defines the notion of "victim" of trafficking in human beings, and which mainly focus on the protection and promotion of the rights of victims of trafficking. The Convention deals with the protection and promotion of the rights of victims of trafficking in human beings in its Chapter III.

Measures to protect and promote the rights of victims of trafficking in human beings are essential in contributing to breaking the cycle of trafficking. The identification and protection of victims, firstly, allow the victims to withdraw from exploitation, thus making possible their removal from the cycle of trafficking and, secondly, enables the victims to cooperate with the law-enforcement authorities, thus making possible the efficient prosecution of traffickers.

Apart from the Preamble of the Convention which makes several references to the protection of victims (Preamble - 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 14<sup>th</sup> paragraphs), the following provisions of the Council of Europe Convention contain measures to protect and promote the rights of victims: Article 4 defines "victim"; Article 10 deals with identification of victims of trafficking as being essential if they are to be given the benefit of the rights laid down in the Convention; Article 11 deals with protection of their private life; Article 12 specifies the assistance measures to which trafficking victims are entitled; Articles 13 and 14 lay down a recovery and reflection period –of at least 30 days- to which victims illegally present in a Party's territory are entitled and provide for issue of a residence permit. Article 15 deals with compensation of trafficking victims for harm suffered and Article 16 with repatriation or return. Obviously, specific measures aimed at preventing trafficking could contribute to deterring the cycle of trafficking. The Convention deals with prevention, co-operation and other measures in its Chapter II.

## Parliamentary Assembly

### 1. Motion for a resolution-preparation of a report:

The former Rapporteur on the Convention in the Assembly, Mrs Ruth-Gaby Vermot-Mangold (Switzerland, SOC), collected enough signatures for a motion for a resolution entitled: "Combating trafficking in human beings: promoting the rapid entry into force of the Council of Europe Convention" during the meeting of the Committee on Equal Opportunities for Women and Men (Paris, 9-10 March 2006).

The Standing Committee, meeting in Moscow on 29 May 2006, decided to forward the motion to the Committee on Equal Opportunities for women and men for information. Nevertheless, the Committee decided to appoint a Rapporteur, Mrs Vermot-Mangold, and to prepare a report for information to the Assembly on the question.

### 2. Written declaration:

Mrs Vermot-Mangold also collected 102 signatures to a written declaration n° 376 "Ending all forms of human trafficking" in which the parliamentarians «undertake to call upon their governments to sign the convention, if they have not already done so, to call upon their national parliaments to ratify it, and to call on the European Community to accede to it, to ensure that it enters into force at the earliest opportunity». This written declaration has also served as the "accroche" for a press conference during the April 2006 part-session of the Assembly.

### 3. Urgent debate held during the April 2006 part-session:

As the result of a very animated debate with the Chairperson of the European Parliament Committee on Equality, Mrs Zaborska, whose Committee launched the campaign "red card to forced prostitution" on 8 March 2006, the Assembly debated under urgent procedure a report submitted by the Committee on Equal Opportunities for Women and Men on: "Stop trafficking in women before the World Cup/ Halte à la traite des femmes à la veille de la Coupe du Monde" during the April 2006 part-session.

### 4. Creation of a standing Sub-Committee on Trafficking in Human beings

At its meeting on 11 April 2006, the Committee on Equal Opportunities decided to set up a new Sub-Committee on Trafficking in Human Beings with a view in particular to participating in the Council of Europe Campaign to Combat Trafficking in Human Beings. The Sub-Committee, meeting on 15 May 2006, elected Mrs Stanoiu (Romania, SOC) Chairperson and Mr Mendes Bota (Portugal, EPP/DC) Vice-chairperson.

The Sub-Committee strongly supports the aim of the campaign to promote the widest possible signature and ratification of the Council of Europe Convention on Action against Trafficking in Human Beings in order that it may enter into force at the earliest opportunity and intends to play an active part in promoting such signatures and ratifications.

At its meeting in Strasbourg on 29 June 2006, the Sub-Committee organised a screening of a Euronews Report and presented the main provisions of the Council of Europe Convention against Trafficking in Human Beings, with the following speeches:

- Speech by Mrs De Boer-Buquicchio, Deputy Secretary General of the Council of Europe
- Presentation of the provisions of the Convention, by Mrs Marta Requena, Head of the Equality Division, Directorate General of Human Rights
- Amnesty International's point of view, by Ms Jill Heine, Legal Advisor.

It also decided to appoint an expert to draft a handbook for parliamentarians on the Convention. The handbook will be ready by the end of the year.

#### 5. Other related activities

The President of the Assembly issued a declaration on trafficking in human beings on the occasion of International Women's Day on 8 March 2006.

The President of the Assembly is promoting the signature and/or the ratification of the Convention with Ministers and Speakers of Parliaments he meets during his visits to different Council of Europe member states.

Mrs Vermot-Mangold participated in the OSCE high-level conference on trafficking in human beings which took place in Vienna on 17 March 2006 (and last year in March 2005). She had good contacts with the Special Representative on Combating trafficking of the OSCE.