

Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings (GRETA and the Committee of the Parties)



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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 brings together, among its 47 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. Initially activities aimed to raise awareness and encourage action. 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*.*

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

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

On 3 May 2005 the Committee of Ministers adopted the *Council of Europe Convention on Action against Trafficking in Human Beings* (CETS No. 197). The Convention was opened for signature in Warsaw on 16 May 2005 on the occasion of the 3rd Summit of Heads of State and Government of the Council of Europe. On

24 October 2007 the Convention received its tenth ratification, thereby triggering the process whereby it entered into force on 1 February 2008.

While other international instruments already exist in this field, the Council of Europe Convention, the first European treaty in this field, is a comprehensive treaty focusing 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 ad-

dition, 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.

Purpose and scope of the Council of Europe Convention

The Convention is based on recognition of the principle, already stated in *Recommendation No. 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 (three 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 are also entitled to 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 co-operation 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 co-operate 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.
- Possibility of criminalising those who use the services of a victim if they are aware that the person is a victim of trafficking in human beings.
- The Convention provides the possibility of not imposing penalties on victims for their involvement in unlawful activities, if they were compelled to do so by their situation.
- Civil society has an important role to play as regards prevention of trafficking and protection of the victims. Consequently, the Convention encourages co-operation between public authorities, non-governmental organisations and members of civil society.

Monitoring

The entry into force of the Convention on 1 February 2008 triggered the setting-up of its monitoring mechanism which is now fully operational.

The monitoring mechanism consists of two pillars: GRETA, a group of independent experts on action against trafficking in human beings, and the *Committee of the Parties*, composed of the representatives in the Committee of Ministers of the Par-

ties to the Convention and of representatives of Parties non-members of the Council of Europe.

GRETA 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, the *Committee of the Parties* may also, on the basis of GRETA's report, make recommendations to a Party.

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For up-to-date information regarding signatures and ratifications to the Convention, information on the work of GRETA and the Committee of the Parties and on-line access to all our publications please consult our website www.coe.int/trafficking.