

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



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Council of Europe Convention on Action against Trafficking in Human Beings

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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 regroups, 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*.¹

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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 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 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 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 (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 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 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.
- Possibility to criminalise 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 the co-operation between public authorities, non-governmental organisations and members of civil society.

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.

Under the terms of the Convention, GRETA shall be set up within one year following its entry into force. Monitoring will consequently begin in 2009.

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For an up-to-date information regarding signatures and ratifications to the Convention, please consult our website: www.coe.int/trafficking

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.