



Amnesty International and Anti-Slavery International call on the Committee of Ministers of the Council of Europe, who will begin their examination of the draft Council of Europe Convention on Action against Trafficking in Human Beings at their meeting on 2 March 2005, to strengthen the provisions related to assistance and protection of trafficked persons.

In particular, the organizations urge the Committee of Ministers to ensure that the treaty it adopts requires all of the Parties to the treaty to ensure that:

- all trafficked persons are given access to necessary medical assistance including psychological care and treatment (Article 12(1) (b)) and, if necessary, that assistance and protection measures are made available to the family members ;
- a recovery and reflection period, of at least three months, and sufficient for the person concerned to begin to recover, escape the influence of their traffickers and make informed decisions about their future is offered to every trafficked person (Article 13 (1));
- renewable residence permits, of at least 6 months in length, are issued to trafficked persons if either, following a risk assessment, the competent authorities consider that their stay is necessary owing to their personal situation or that their stay is necessary of the purpose of their participation in proceedings, including criminal proceedings against their traffickers or proceedings for compensation, and provide for family reunification (Article 14 (1));
- the possibility that trafficked persons are detained, charged or prosecuted for illegal entry or residence and activities is prohibited unless it is shown that these are not a consequence of their situation as a victim (Article 26);
- persons have the right to have the decisions of the competent authorities taken under Articles 10-16 reviewed by an independent, impartial body established by law;
- one single, independent expert body (GRETA) monitors the implementation of the Convention by EU and non-EU member states alike.

In addition, the organizations consider that the treaty should empower the GRETA to receive information from any source, including the European Union and members of civil society, and should permit each Party to declare that they recognize the competence of the GRETA to consider collective complaints about a Party's failure to implement provisions of the Convention.

The above mentioned recommendations, though they are consistent with the recommendations set out in the Opinion of the Parliamentary Assembly of the Council of

Europe of January 2005 and of non-governmental organizations who work directly with and on behalf of trafficked persons, are not included in the current draft of the Convention.

Rather, many of the key provisions concerning the protection and assistance of trafficked persons, contained in the draft Convention submitted to the Committee of Ministers, fail to significantly enhance the assistance and protection available under some current national or European Union legislation. They result, from lowest-common denominator positions agreeable to the European Union member states, which now form a majority of the 46 Council of Europe member states.

The organizations deeply regret that, in the context of the negotiations within the Council of Europe's Ad Hoc Committee on Action against Trafficking in Human Beings, the protection of the rights of trafficked persons some of the most vulnerable persons in Europe, appeared to be secondary to political and institutional positioning.

Amnesty International and Anti-Slavery International call on the Committee of Ministers of the Council of Europe and the institutions of the European Union to cooperate to ensure the realization of the stated aim of the Council of Europe's Committee of Ministers - to adopt a treaty which addresses the urgent need to *enhance* the protection of the human rights of trafficked persons.

This Statement is supported by La Strada International and Terres des Hommes.