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## Fact Sheet

# Draft Council of Europe Convention on Action against trafficking in human beings

### 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.

The Council of Europe is an international organisation whose primary concern is to safeguard and to protect human rights. Therefore, 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 45 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. The first activities were awareness-raising and action oriented. 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 n° R (2000) 11 of the Committee of Ministers to Member States on*

*action against trafficking in human beings for the purpose of sexual exploitation*<sup>1</sup>.

### Draft Council of Europe Convention on Action against trafficking in human beings

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

While other international instruments already exist in this field<sup>2</sup>, a Council of Europe Convention will make it possible to stipulate that any form of trafficking in human beings constitutes a violation of human rights, which the States undertake to combat. For this reason, the future Convention will have to set up an effective and independent monitoring mechanism capable of controlling the implementation of the obligations contained in the Convention by the Parties.

<sup>1</sup> Action undertaken by the Council of Europe in the field of trafficking in human beings is covered in a separate Fact Sheet

<sup>2</sup> In particular, the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organized crime

## **Purpose of the future Council of Europe Convention**

The future Convention will be based on recognition of the principle, already stated in the Recommendation N° 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.

Thus, the future Convention will pursue the following **aims**:

- to prevent and combat trafficking in human beings, also taking gender equality aspects into consideration;
- to protect the human rights of the victims of trafficking and to design a comprehensive framework for the protection and assistance of victims and witnesses, also taking gender equality aspects into consideration, as well as to ensure effective investigation and prosecution;
- to promote international cooperation on action against trafficking in human beings.

It will have to strike a **proper balance** between the **Human Rights** of the victims of trafficking and the requirements relating to **criminal prosecution**.

## **Scope of the future Council of Europe Convention**

The future Convention will apply 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.

## **Monitoring mechanism**

The future European Convention will have to provide for a monitoring mechanism that goes beyond a mere conference of the States Parties. That mechanism should be an effective aid to combating the complex phenomenon of trafficking. It will have to be flexible and efficient and should be characterised by independence, expertise and cooperation with the Parties.

## **The future Council of Europe Convention and the other international instruments**

Even though there are already other international instruments in this field, the Convention will benefit from the more limited and uniform context of the Council of Europe, will contain more precise provisions and may go beyond minimum standards agreed upon in other international instruments.

The evolution of international law proves that regional instruments are very often necessary to **complement global efforts**. European instruments in the field of the protection of children's rights<sup>1</sup>, money laundering or trafficking in drugs<sup>2</sup> have proved to have a very positive impact on the implementation of global initiatives.

The drafting of a Council of Europe Convention does not aim at competing with other instruments adopted at a global level but at improving the protection afforded by them and developing the standards contained therein.

Thus, at the **112<sup>th</sup> Session of the Committee of Ministers** on 14-15 May 2003, the Foreign Affairs Ministers stressed that any such Convention should **build on the United Nations' achievements in this field in a European context** and facilitate the implementation of the existing international legal instruments dealing with trafficking in human beings.

Accordingly, the future Convention will **reiterate the definition of trafficking** in persons set out in the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organized crime.

At the **113<sup>th</sup>** (5-6 November 2003) and **114<sup>th</sup>** (12-13 May 2004) **Sessions of the Committee of Ministers** on, the Foreign Affairs Ministers of the 45 members States reiterated their commitment to pursue actively the negotiation of the draft Council of Europe Convention, with the prospect of adopting this instrument as soon as possible.

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1 European Convention on the exercise of children's rights of 1996 [ETS No. 160] (in relation to the 1989 UN Convention on the rights of the child);

2 Convention on Laundering, Search, Seizure and Confiscation of Proceeds of Crime of 1990 [ETS No.141] (in relation to the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic substances of 1988);

Council of Europe Agreement of 1995 on illicit traffic by sea, implementing Article 17 of the United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances of 1995 [ETS No. 156].