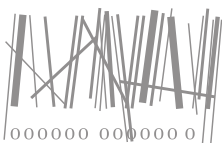


COUNCIL OF EUROPE CONVENTION ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS

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DRIVING CHANGE IN THE
FIGHT AGAINST HUMAN TRAFFICKING

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

WHAT IS THE PURPOSE OF THE CONVENTION?

- **The Council of Europe Convention on Action against Trafficking in Human Beings** is the first international legal instrument to take a human rights-based approach to the fight against human trafficking.
- The purposes of the Convention are to prevent and combat human trafficking, design a comprehensive framework for the protection and assistance of victims, ensure effective investigation and prosecution, and promote international co-operation.
- The Convention applies to all forms of human trafficking (whether national or transnational, whether or not connected to organised crime), all trafficked persons and all forms of exploitation.
- Opened for signature on 16 May 2005 in Warsaw, the Convention entered into force on 1 February 2008 and has been ratified by all Council of Europe Member States. The Convention is open for accession by non-member States.

HOW IS THE CONVENTION MAKING A DIFFERENCE?

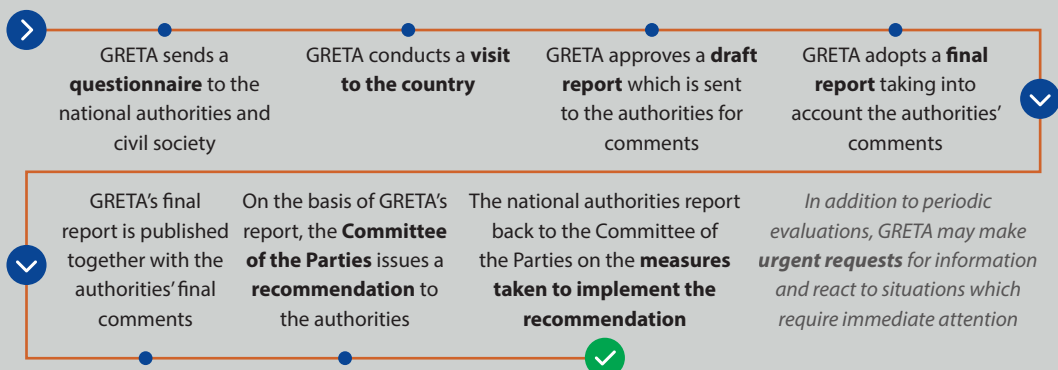
- The Convention recognises trafficking in human beings as a violation to human rights and an offence to the dignity and integrity of the human being. This means that states can be held responsible if they do not take adequate measures to prevent human trafficking, protect victims and punish the offenders.
- The Convention sets legal obligations to prevent trafficking in human beings, including by discouraging demand.
- The Convention has a special focus on protecting and promoting the rights of victims.
- The Convention establishes an independent monitoring mechanism to assess implementation, guide governments and drive changes in national responses to human trafficking.

HOW IS THE IMPLEMENTATION OF THE CONVENTION MONITORED?

— The Convention sets up a specific mechanism to supervise compliance with the obligations contained in it, consisting of two pillars:

- ▶ **the Group of Experts on Action against Trafficking in Human Beings** (GRETA), composed of 15 independent members bringing multidisciplinary expertise
- ▶ the **Committee of the Parties**, composed of representatives of the Parties to the Convention.

— Each State Party is periodically evaluated, following a procedure divided into rounds.



WHAT IS THE IMPACT OF THE MONITORING WORK?

The monitoring of the implementation of the Convention has triggered many positive changes, such as:

LEGISLATIVE CHANGES

- ▶ Criminalisation of human trafficking in line with the Convention
- ▶ Adoption of provisions on the reflection and recovery period and residence permits for victims
- ▶ Adoption of specific provisions on the non-punishment of victims.

CHANGES TO VICTIM IDENTIFICATION PROCEDURES AND SUPPORT SERVICES

- ▶ Adoption of victim identification procedures which are not dependent on the criminal investigation

- ▶ Establishment of specialised shelters for victims of trafficking
- ▶ Increased funding for victim assistance

DEVELOPMENT OF STRATEGIES, POLICIES AND CO-ORDINATION

- ▶ Setting up of specialised entities and co-ordination bodies
- ▶ Appointment of independent national rapporteurs
- ▶ Adoption of comprehensive anti-trafficking strategies or action plans.



WHAT ARE THE RIGHTS OF VICTIMS UNDER THE CONVENTION?



IDENTIFICATION

The right to be identified as victims independently of any criminal proceedings against the traffickers.



PROTECTION OF PRIVATE LIFE

Victims' personal data cannot be made public and can only be stored for specific lawful purposes.



ASSISTANCE

Regardless of whether victims co-operate with the criminal investigation, they are entitled to appropriate and secure accommodation, psychological, material and other assistance.



RECOVERY AND REFLECTION PERIOD

Presumed victims are entitled to a recovery and reflection period of at least 30 days to escape the influence of traffickers and/or decide on co-operating with the authorities.



RESIDENCE PERMIT

The right to a renewable residence permit if the victim's personal situation so requires or if they need to stay in the country to co-operate in the investigation or criminal proceedings.



COMPENSATION AND LEGAL REDRESS

The right to information, legal assistance, free legal aid and compensation for the material and non-material damages suffered.



NON-PUNISHMENT PROVISION

States must provide for the possibility of not imposing penalties on victims of trafficking for their involvement in unlawful activities which they were compelled to commit.



CHILDREN'S RIGHTS

In addition to the rights that apply to all victims of trafficking, children benefit from special assistance and protection measures that take into account their best interests.



REPATRIATION AND RETURN

Victims' return to their country of origin must take place with due regard for their rights, safety and dignity and taking into consideration the status of any related legal proceedings.



PROTECTION DURING THE INVESTIGATION AND COURT PROCEEDINGS

Victims, witnesses and their family are entitled to protection from potential retaliation or intimidation by the traffickers.

RESOURCES

The Council of Europe assists governments and civil society to develop effective measures to combat human trafficking through policy recommendations, capacity building and co-operation projects, support in the adoption of new legislation and tools, and building networks and strategic partnerships.



COUNTRY REPORTS AND RECOMMENDATIONS

GRETA's reports provide assessments of each country's efforts to combat human trafficking, highlighting strengths, identifying gaps and providing actionable recommendations for improvement.



GUIDANCE NOTES AND STUDIES

GRETA has issued guidance notes and produced studies on different aspects of human trafficking, designed to provide support in developing effective anti-trafficking strategies.



CAPACITY BUILDING

Online course on combating human trafficking available on the Council of Europe HELP e-learning platform, in different languages.



HUDOC DATABASE

Access GRETA reports and selected national case law on human trafficking, with flexible search options.





SETTING COMPREHENSIVE LEGAL OBLIGATIONS

The Convention's obligations cover four main areas of action:

PREVENTION

- ▶ Carry out research, awareness raising and education campaigns
- ▶ Implement economic and social initiatives to address the underlying causes of trafficking
- ▶ Take measures to enable migration to take place legally
- ▶ Discourage demand that fosters all forms of exploitation
- ▶ Establish border control measures to prevent and detect human trafficking

PROTECTION

- ▶ Identify victims of trafficking regardless of their willingness to co-operate with the criminal justice authorities
- ▶ Provide physical, psychological and social support to victims
- ▶ Grant victims a recovery and reflection period and renewable residence permits
- ▶ Provide victims with compensation for the damages suffered

PROSECUTION

- ▶ Criminalise human trafficking, including when committed by legal persons
- ▶ Ensure that human trafficking offences are effectively investigated, prosecuted and punished
- ▶ Protect victims and witnesses during the investigation and court proceedings
- ▶ Ensure that victims are not punished for unlawful acts they were compelled to commit by the traffickers

PARTNERSHIPS

- ▶ Engage in international co-operation in order to prevent trafficking, protect victims and punish perpetrators
- ▶ Ensure co-ordination of policies and actions of public authorities
- ▶ Promote the specialisation of entities and professionals in the fight against human trafficking
- ▶ Co-operate with civil society in achieving the purposes of the Convention

Trafficking in human beings is a global crime, often linked to other illegal activities, such as money laundering, corruption or migrant smuggling. It exploits the most vulnerable, in particular children, women, disadvantaged minorities and migrants, undermines the rule of law and threatens the foundations of democratic societies.

The Council of Europe Convention on Action against Trafficking in Human Beings, adopted in 2005 and in force since 2008, provides a comprehensive framework for combating human trafficking, following a human rights-based and victim-centred approach.

www.coe.int/trafficking

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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