

## **CDDH comments on the Parliamentary Assembly Recommendation 2171(2020) – CONCERTED ACTION AGAINST HUMAN TRAFFICKING AND THE SMUGGLING OF MIGRANTS**

### **93<sup>rd</sup> meeting – 14 – 16 December 2020 - CDDH(2020)R93**

1. The Steering Committee for Human Rights (CDDH) takes note of and appreciates the Parliamentary Assembly recommendation to examine the means of strengthening the prohibition of human trafficking.
2. The protection of vulnerable persons, including victims of human trafficking, is a cross-cutting theme throughout the work of CDDH on migration and the Steering Committee expresses its serious concern in respect of these issues.
3. The CDDH considers however that the monitoring mechanism established under the Convention on Action Against Trafficking in Human Beings ([CETS No. 197](#)) is best placed to consider this recommendation of the Parliamentary Assembly in the light of its mandate and expertise in this field. The CDDH stands, of course, ready to offer its contribution, support and cooperation on the topic.

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Text of Recommendation 2171(2020)

## **CONCERTED ACTION AGAINST HUMAN TRAFFICKING AND THE SMUGGLING OF MIGRANTS**

Parliamentary Assembly

**1.** Welcoming the decision by the Committee of Ministers taken in Helsinki on 17 May 2019 to make action against human trafficking a priority for the Council of Europe work programme, the Parliamentary Assembly refers to its [Resolution 2323 \(2020\)](#) on concerted action against human trafficking and the smuggling of migrants, [Resolution 1983 \(2014\)](#) on prostitution, trafficking and modern slavery in Europe and [Resolution 1922 \(2013\)](#) on trafficking of migrant workers for forced labour. The Assembly stands ready to co-operate actively in the implementation of concrete action and invites the Committee of Ministers to take account of the above resolutions when implementing its decision of 17 May 2019.

**2.** The Assembly recommends that the Committee of Ministers:

**2.1** instruct the Steering Committee for Human Rights (CDDH) to examine the means of strengthening the prohibition of human trafficking in accordance with Article 4 of the European Convention on Human Rights (ETS No. 5) as interpreted by the case law of the European Court of Human Rights and Article 5 of the Charter of Fundamental Rights of the European Union;

**2.2** instruct the European Committee on Crime Problems (CDPC) to:

**2.2.1** draft a new Council of Europe convention to combat the smuggling of migrants which could build upon, and go further than, the Protocol against the Smuggling of Migrants by Land, Sea and Air to the United Nations Convention against Transnational Organized Crime (Palermo, 2000);

**2.2.2** analyse whether differences between the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197) and the European Union Directives 2004/81/EC, 2009/52/EC

and 2011/36/EU, in particular regarding human trafficking for the exploitation of begging and criminal activities, require the reinforcement of the convention;

- 2.3** invite those non-member States, whose citizens are frequently victims of human trafficking to Europe, to sign and ratify the Convention on Action against Trafficking in Human Beings;
- 2.4** invite those non-member States, whose citizens are frequently victims of organ trafficking to Europe, including trafficking in human beings for organ removal, to sign and ratify the Council of Europe Convention against Trafficking in Human Organs (CETS No. 216);
- 2.5** invite the Secretary General of the Council of Europe and her Special Representative on migration and refugees to address human trafficking and the smuggling of migrants.