

Council of Europe Convention on Action against Trafficking in Human Beings 2005

Status of Signature and Ratification of the Convention (entered into force 1 February 2008)

47 ratifications/accessions (including all EU Member States)

The Council of Europe Convention on Action against Trafficking in Human Beings [CETS No. 197] was adopted by the Committee of Ministers on 3 May 2005 and 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 member states.

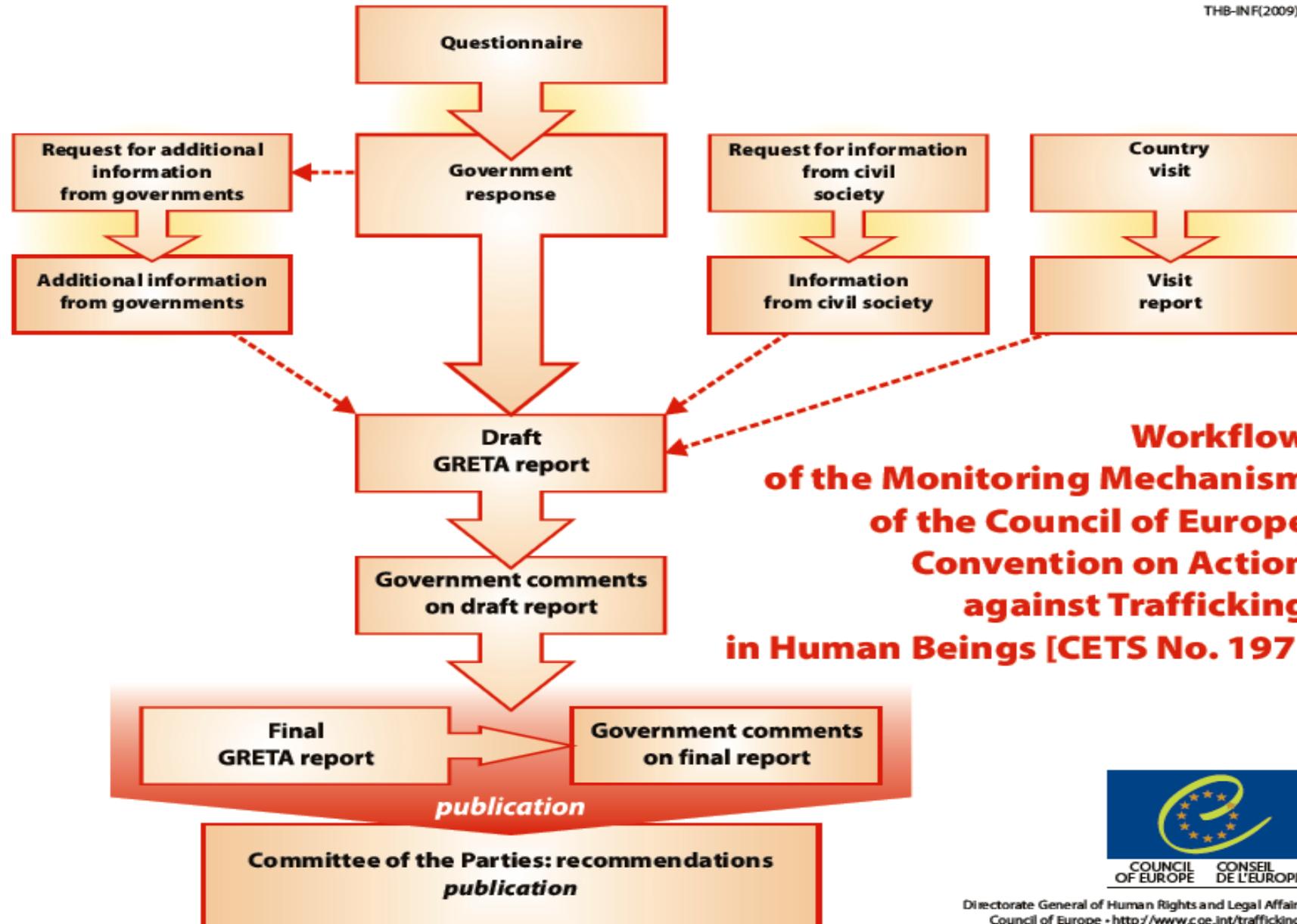
About monitoring: a two-pillar system

- The Convention provides for the setting up of a monitoring mechanism capable of assessing and improving the implementation of the obligations contained in it.
- The monitoring mechanism of the Convention consists of two distinct, but interacting, bodies:
- **an independent expert body, the Group of Experts on Action against Trafficking in Human Beings (GRETA)**, which is composed of 15 members who sit in their individual capacity and are selected on the basis of their expertise in the areas covered by the Convention;
- **a political body, the Committee of the Parties**, which is composed of representatives of the Parties to the Convention.

Committee of the States Parties



- Article 38:
- The Committee may adopt, on the basis of the report and conclusions of GRETA, recommendations addressed to the party concerned (a) concerning the measures to be taken by that party to implement the conclusions of GRETA, if necessary setting a date for submitting information on their implementation, and (b) aiming at promoting co-operation with that party for the proper implementation of the Convention.



Publication of Country Reports with Government responses

<http://www.coe.int/en/web/anti-human-trafficking/country-reports>

The screenshot shows the Council of Europe website page for 'Country reports'. The header includes the Council of Europe logo and the title 'Action against Trafficking in Human Beings'. A navigation menu contains 'Home', 'News', 'About the Convention', 'Monitoring mechanism', 'Country monitoring work', 'Other activities', and 'Resources'. The breadcrumb trail reads 'You are here: Democracy > Trafficking > Resources'. The main heading is 'Country reports'. On the left, there are social media icons for Twitter, Facebook, Google+, Pinterest, LinkedIn, and Email. The main content area displays a list of countries with their respective flags and a right-pointing arrow: Albania, Andorra, Armenia, Austria, Azerbaijan, Belarus, Belgium, Liechtenstein, Lithuania, Luxembourg, 'The former Yugoslav Republic of Macedonia', Malta, Republic of Moldova, and Monaco. On the right, there is a banner image of a woman with her hand raised, with the text 'ACTION AGAINST TRAFFICKING IN HUMAN BEINGS' overlaid. At the bottom left, there is a browser tab for 'GRETA.jpg' and a 'Show all' button at the bottom right.

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Action against Trafficking in Human Beings

Home News About the Convention Monitoring mechanism Country monitoring work Other activities Resources

You are here: Democracy > Trafficking > Resources

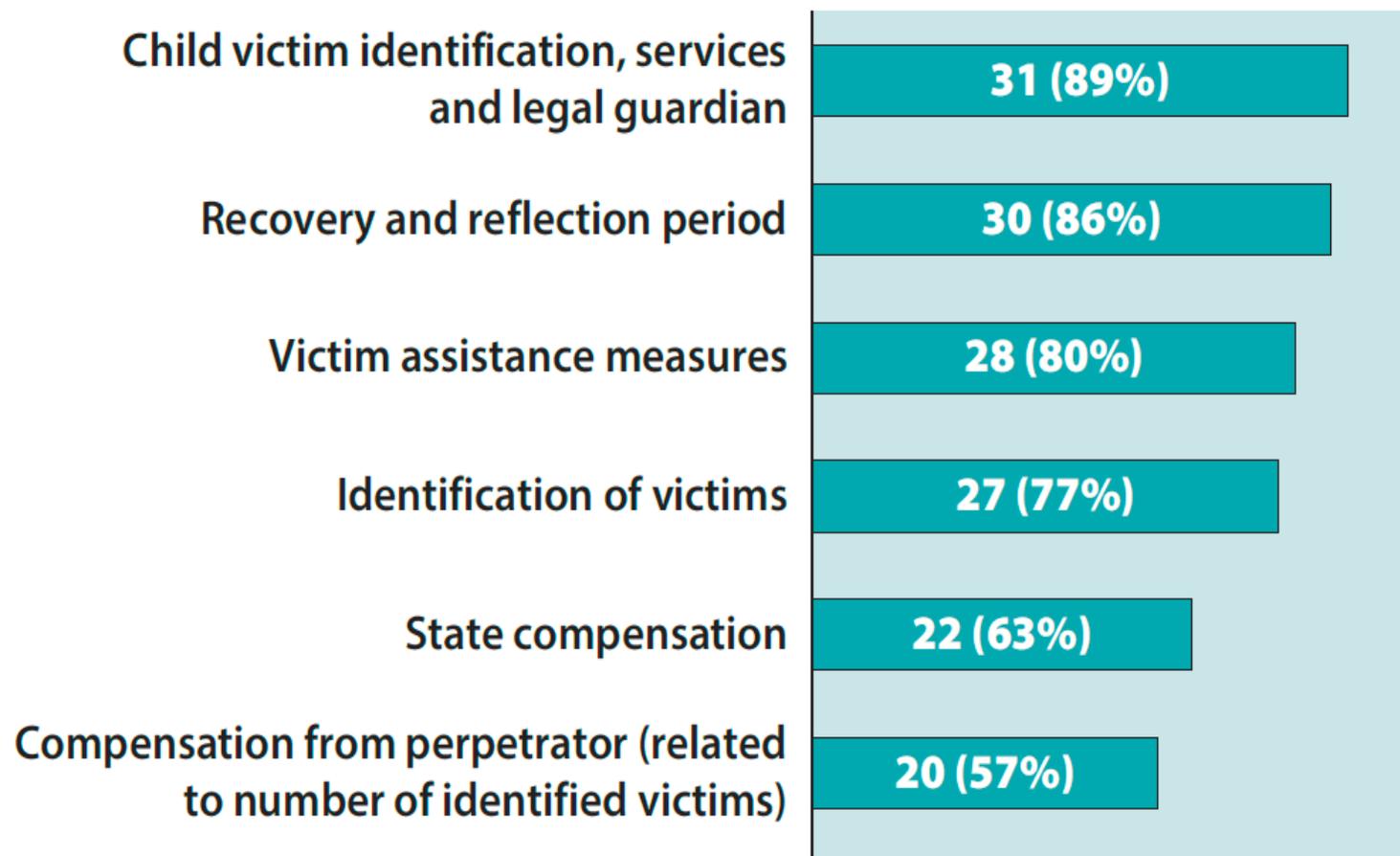
Country reports

- ▶ Albania
- ▶ Andorra
- ▶ Armenia
- ▶ Austria
- ▶ Azerbaijan
- ▶ Belarus
- ▶ Belgium
- ▶ Liechtenstein
- ▶ Lithuania
- ▶ Luxembourg
- ▶ "The former Yugoslav Republic of Macedonia"
- ▶ Malta
- ▶ Republic of Moldova
- ▶ Monaco

ACTION AGAINST TRAFFICKING IN HUMAN BEINGS

GRETA.jpg Show all

Ten main gaps in the implementation of the Convention: number of countries "urged" by GRETA to take action



PREVENTION

- *Article 5: A human rights based approach*
- *Article 5: enabling legal migration, protective environment for children, gender mainstreaming*
- ***Rights of victims – Global Compact on Migration (2018)***

PREVENTION

- ***Rantsev v. Cyprus and Russia*** (Application No. 25965/04, Judgment of 7 January 2010)
 - Positive obligations extending beyond criminalisation. Article 4 requires States to:
 - *[...] put in place adequate measures regulating businesses often used as a cover for human trafficking. Furthermore, a State's immigration rules must address relevant concerns relating to encouragement, facilitation or tolerance of trafficking.'* (para. 284)
- ***Article 7*** : *Border measures, ensuring free movement, respect for human rights (Country Reports: Bulgaria, Romania, France, UK)*
- ***Returns*** – *safe and preferably voluntary, obligation of non-refoulement (including assessment of re-trafficking risks), access to asylum and international protection*
- ***UNHCR Guidelines on International Protection – Trafficking (2006)***

Protection and Assistance (Articles 10 and 12)

- Positive obligations of identification
 - In asylum and migration procedures, use of indicators, specialised training, child specific referral mechanisms
 - In asylum transfer procedures (not subjecting victims of trafficking to the Dublin procedure ---- Denmark 2nd evaluation country report)

European Court of Human Rights: Article 4

- LE v Greece,
- Chowdhury and others v Greece,
- O.O.O. v London Metropolitan Police
- P v Ireland



Article 12 – Assistance to victims

- 1 Each Party shall adopt such legislative or other measures as may be necessary to assist victims in their physical, psychological and social recovery. Such assistance shall include at least:
 - standards of living capable of ensuring their subsistence, through such measures as: appropriate and secure accommodation, psychological and material assistance;
 - access to emergency medical treatment;
 - translation and interpretation services, when appropriate;
 - counselling and information, in particular as regards their legal rights and the services available to them, in a language that they can understand;
 - assistance to enable their rights and interests to be presented and considered at appropriate stages of criminal proceedings against offenders;
 - access to education for children.
- 2 Each Party shall take due account of the victim's **safety and protection needs**.

GRETA: Netherlands

- Where “**slightest indication**” that a person is a possible victim of human trafficking, s/he must be informed of the possibility of benefiting from a reflection period and specific assistance
- During the reflection period, victims are entitled to assistance and to be **accommodated in specialised shelters** for foreign victims of human trafficking. (category-oriented shelters for victims of human trafficking (COSM) and receive €900 per month.

GRETA: Belgium

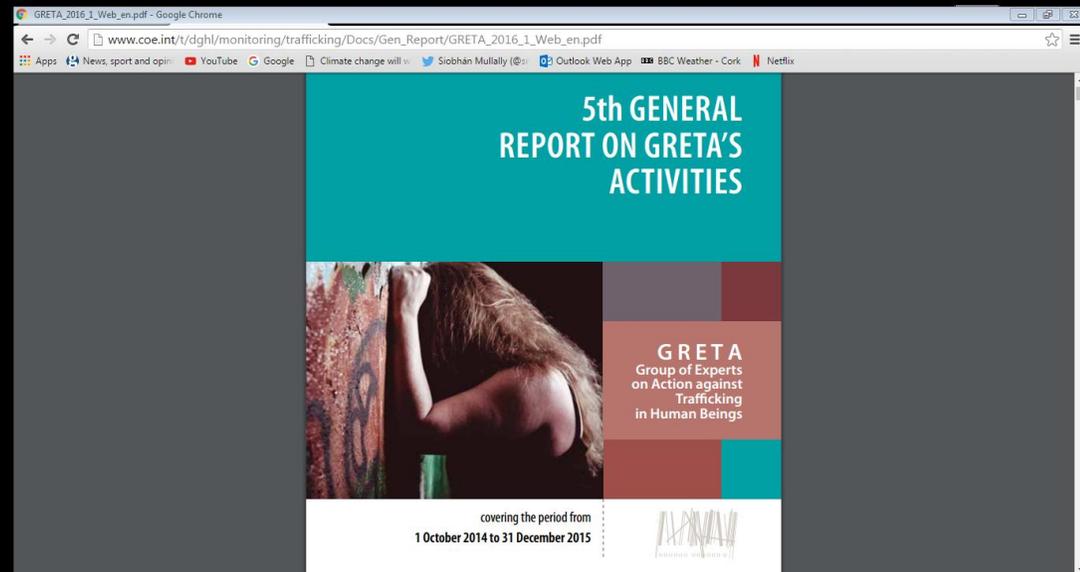
- **Identification of victims:**
 - Police or labour inspection services
 - Referral to specialised reception centres for VoT

- **Four main phases:**
 - Reflection period, permission for a temporary stay of three months, permission for a temporary stay of six months and, finally, permission for an unlimited stay.

- **(2013) Decree: regulation and authorisation of specialised centres**
 - Functions include provision of legal assistance and psychological support
 - Launch of procedure to secure residence permit
 - Multidisciplinary team including educators, criminologists and social workers

GRETA: 5th General Report (2016)

Human Trafficking in the context of the Refugee Crisis in Europe



Urgent procedure – 1st report (Italy)

- Rule 7 – Urgent requests for information
If GRETA receives **reliable information** indicating a situation where problems **require immediate attention to prevent or limit the scale or number of serious violations of the Convention**, it may make an urgent request for information to any party or parties to the Convention.
- Taking into account the information submitted by the party or parties concerned, as well as any other reliable information available to it, **GRETA may designate rapporteurs to assess the specific situation and, if necessary, carry out a visit** to the party or parties concerned.



Urgent Procedure: Italy (2016)

- **GRETA once again urges the Italian authorities to improve the identification of victims of trafficking among migrants and asylum seekers, including by:**
 - - setting up clear, binding procedures to be followed and providing systematic training of immigration police officers and staff working in first aid and reception centres (CPSA or “hotspots”), accommodation centres (CDA), identification and expulsion centres (CIE) and centres for accommodation of asylum seekers (CARA);
 - - providing operational indicators to all frontline staff to enable them to effectively and proactively identify victims of trafficking;
 - - strengthening multi-agency involvement in victim identification by introducing a National Referral Mechanism and further involving NGOs and international organisations in the identification of victims of trafficking, including by giving them expanded access to hotspots, reception centres and CIE (immigration detention centre).

Urgent procedure: Italy

- **GRETA once again urges the Italian authorities to take steps to address the problem of disappearance of unaccompanied children, in particular by:**
 - - **providing enhanced safeguarding measures in reception facilities specialised for children, with adequately trained staff;**
 - - **ensuring that unaccompanied children are assigned a legal guardian, as expeditiously as possible, and providing adequate training to legal guardians and foster families to**
 - **ensure that the best interests of the child are effectively protected, in accordance with Article 10, paragraph 4, of the Convention.**
 -

Children affected by the refugee crisis

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Committee of Ministers

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CM-Public

4 March 2016

Information Documents
SG/Inf (2016) 9 final

Protecting children affected by the refugee crisis: A shared responsibility
Secretary General's proposals for priority actions

Urgency of the situation

1. Since September 2015 an average of two children have drowned every day while trying to cross the Mediterranean^[1]. An estimated 300,000 migrant and asylum-seeking children arrived in Europe last year^[2]. Of these, 26,000 were unaccompanied, according to Save the Children, and Europol estimates that at least 10,000 have disappeared since the beginning of the crisis. Many will have fallen into the hands of human traffickers or become victim of others forms of violence, abuse or exploitation. More than one in three (36%) of the migrants and asylum-seekers crossing between Greece and Turkey is a child^[3].

GRETA's 6th General Report: Children - a crisis of protection

- Identification of child victims of trafficking
- Risks of trafficking/re-trafficking of unaccompanied minors and separated children
- Access to asylum / protection for child victims of trafficking
- The obligation of non-refoulement ---
European Court of Human Rights



Priority issues for GRETA concerning the migration crisis

- **Identification of THB victims, especially of minors, among asylum seekers before removal**
- **Provision of services to identified victims, especially minors (to prevent repeat victimization)**
- **Specific measures to reduce children's vulnerability to trafficking, notably by creating a protective environment for them in reception centres**

Fence of the Röszke transit zone, a few meters away from the official border of Hungary with Serbia



Entrance gate at the Serbian-Hungarian border on the Hungarian side, with accommodation in containers



Who are these people: smugglers?)



A protective environment ?



Calais, France: COE Report on France (2017)

- Restrictions on Family Reunification
- Delays in appointment of Guardians
- Lack of specialised shelters
- Government response

