

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



Claudia LAM, Administrator,
Secretariat of the Council of Europe Convention on
Action against Trafficking in Human Beings

Aims of the Council of Europe Convention



The Council of Europe Convention is a comprehensive treaty aiming to (3 Ps):

- ✘ **P**revent trafficking
- ✘ **P**rotect the Human Rights of victims of trafficking
- ✘ **P**rosecute the traffickers



Scope of the Convention

The Convention applies 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



Measures to protect and promote the rights of victims



- a. Identification process
- b. the type of assistance victim must be given
- c. Recovery and reflection period
- d. Residence permit
- e. Compensation and legal redress
- f. Repatriation
- g. Gender equality



a. Identification process

- ✘ Trained and qualified staff to identify victims and issue a residence permit
- ✘ During the process, the person is not removed from the territory and receives certain assistance measures
- ✘ Special provisions for a child victim (e.g. representation, establishment of age and nationality and locate family if in the best interest of the child)



b. Type of assistance

- ✘ Victims **must** be assisted to recover physically, psychologically and socially, such assistance includes:
- Standards of living capable of ensuring their subsistence, through such measures as: appropriate and secure accommodation, psychological and material assistance
 - Emergency medical treatment
 - Translation and interpretation
 - Counselling and information
 - Access to education for children
 - Assistance throughout the criminal procedure
 - Safety and protection needs



Other type of assistance

- ❑ Medical assistance
- ❑ Access to labour market, vocational training and education

c. Recovery and reflection period



- At least 30 days
- During this period, the person is not removed from the territory and receives certain assistance measures



d. Residence permit

- ✘ The main issue is: should it be linked to the victims' co-operation with the law enforcement authorities?
- ✘ The Council of Europe Convention has retained both possibilities for States: they can either grant such permit if the victims co-operate with the law enforcement authorities or where this is necessary in the light of the situation of the victim



e. Compensation and legal redress



- ✘ Right to legal assistance and to free legal aid for victims
- ✘ Right to compensation for victims, which has to be guaranteed, for instance, through a fund



f. Repatriation

- ✘ The Party from where the person is a national or where he/she had the right to permanent residence has to accept the return of such a person, with due regard to his/her right, safety and dignity
- ✘ When a Party returns a person to another State, the Party carries out such return with due regard for the rights, safety and dignity of the person
- ✘ Need to set up repatriation programmes in co-operation with NGOs
- ✘ Children shall not be returned unless it is in their best interest



g. Gender equality

In applying assistance measures provided by the Convention, Parties must aim to promote gender equality and use gender mainstreaming in the development, implementation and assessment of the measures.



THANK YOU!



www.coe.int/trafficking