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Action against trafficking in human beings: promoting the Council of Europe convention

Committee Opinion¹

Committee on Legal Affairs and Human Rights

Rapporteur: Mr John PRESCOTT, United Kingdom, Socialist Group

A. Conclusions of the committee

1. The Committee on Legal Affairs and Human Rights congratulates the rapporteur of the Committee on Equal Opportunities for Women and Men, Ms Gisela Wurm (Austria, Socialist Group), on her excellent report and supports by and large the proposed draft resolution and draft recommendation.
2. The committee wishes nevertheless to make a few amendments to further strengthen the draft resolution and draft recommendation and encourage national parliaments to promote the signing and/or ratification of the convention and its adequate implementation.

B. Proposed amendments to the draft resolution and to the draft recommendation

In the draft resolution:

Amendment A (to the draft resolution)

In the draft resolution, replace paragraph 5.3 by the following: “states whose parliaments have observer status with the Parliamentary Assembly, observer states of the Council of Europe and other third states to sign and ratify the convention”.

Amendment B (to the draft resolution)

In the draft resolution, in paragraph 6, replace the word “parliamentarians” by “parliaments” and the words “to call on the minister responsible and on the Parliament to speed up the process of signing and/or ratifying the convention” by “to speed up and finalise the process of ratifying the convention and, if need be, to call on the relevant domestic authorities to sign/ratify the latter”.

Amendment C (to the draft resolution)

In paragraph 7, replace the word “parliamentarians” by “parliaments” and, at the end of the paragraph, insert the words “without discrimination, by relevant authorities and adopt all legislative measures required by the convention. If need be, they shall also promote entering into agreements or arrangements with other states.”

1. See [Doc. 12096](#), tabled by the Committee on Equal Opportunities for Women and Men.



Amendment D (to the draft resolution)

In the draft resolution, at the end of paragraph 8, insert the words “in order to ensure that the same minimum standards are applied in combating trafficking in human beings throughout Europe”.

In the draft recommendation:

Amendment E (to the draft recommendation)

In the draft recommendation, in paragraph 1, first sentence, replace the words “an effective instrument in the field of preventing” by “an instrument aimed at ensuring effective prevention of” and, in the second sentence, replace the word “effectiveness” by “primary role” and “mechanisms” by “mechanism”.

Amendment F (to the draft recommendation)

In the draft recommendation, in paragraph 3.2.2, delete the words “and effectiveness”.

Amendment G (to the draft recommendation)

In the draft recommendation, in paragraph 4.3, after the word “requisite” insert the words “staffing and financial” and after the words “to ensure its” add the word “effective”.

C. Explanatory memorandum by Mr Prescott, rapporteur

1. I can only congratulate Ms Wurm on her excellent report and stress the importance of promoting the Council of Europe Convention on Action against Trafficking in Human Beings.
2. I should like, however, to put forward a few amendments to the draft resolution and recommendation to strengthen them and put more emphasis on the parliaments' role in promoting the signing/ratification of the convention as well as its proper implementation by national authorities.

Amendment A

Explanatory note:

In the explanatory memorandum (paragraphs 15 and 32), the rapporteur encourages the states whose parliaments have observer status with the Parliamentary Assembly to accede to the convention. Moreover, as emphasised in paragraph 15 of the explanatory memorandum, the Assembly presses for the ratification of the convention at the international level. It should therefore also invite third states to ratify it.

Amendment B

Explanatory note:

This amendment stresses the importance of addressing directly national parliaments of the concerned member states, and not only individual parliamentarians, since it is often up to parliaments to take the final decision on the ratification of the convention. Moreover, depending on the domestic constitutional order and the stage of the ratification process, different authorities (government, minister, head of state) may be competent for signing and/or ratifying the convention. Therefore, it is preferable not to mention specifically the ministers, but rather refer to “relevant domestic authorities”.

Amendment C

Explanatory note:

This amendment stresses again the importance of addressing directly national parliaments of the concerned member states and not only individual parliamentarians. Several provisions of the convention impose on state parties the obligation to adopt legislative measures (see, for instance, Article 6 and Article 7.2). It should be also recalled that the implementation of the convention shall be done without discrimination, as stipulated in its Article 3. Moreover, national parliaments can promote entering into international agreements, which are necessary for the adequate implementation of the convention and/or its strengthening (see Articles 28.5 and 40.2 of the convention).

Amendment D

Explanatory note:

This amendment aims at specifying why the European Union should accede to the convention. It should be done so as to ensure that common standards are applied within Europe in combating trafficking in human beings.

Amendment E

Explanatory note:

Since the convention entered into force only on 1 February 2008, the effectiveness of its monitoring mechanism still has to be proved, although in theory it looks very promising. Moreover, the convention has only one monitoring mechanism, although based on two pillars, the GRETA and the Committee of Parties (see “Chapter VII”). Therefore the word “mechanism” should be used.

Amendment F

Explanatory note:

See the above comment concerning the alleged effectiveness of the monitoring mechanism foreseen in the convention.

Amendment G

Explanatory note:

To strengthen the Assembly’s call for improving GRETA’s efficiency, it would be better to specify what resources, namely staffing and budgetary, are needed to ensure its proper functioning, which should be “effective”.

Reporting committee: Committee on Equal Opportunities for Women and Men

Committee for opinion: Committee on Legal Affairs and Human Rights

Reference to committee: [Doc.11401](#), Reference 3401 of 21 January 2008

Opinion approved by the committee on 25 January 2010

Secretariat of the committee: Mr Drzemczewski, Mr Schirmer, Ms Szklanna, Ms Heurtin