



Doc. 12365

27 September 2010

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

Reply to Recommendation¹: Recommendation 1895 (2010)
Committee of Ministers

1. The Committee of Ministers welcomes the adoption by the Parliamentary Assembly of [Recommendation 1895 \(2010\)](#) on “Action against trafficking in human beings: promoting the Council of Europe convention”. It has drawn the attention of member states’ governments to the recommendation and has transmitted it to the Group of Experts on Action against Trafficking in Human Beings (GRETA) for comments (see appendix).

2. The Committee of Ministers fully shares the Parliamentary Assembly’s views on the relevance of the Council of Europe Convention on Action against Trafficking in Human Beings and welcomes the primary role which the Parliamentary Assembly attaches to the monitoring mechanism.

3. The Committee of Ministers considers it important to promote the Council of Europe’s principles concerning trafficking in human beings so that these can serve as a model for all the international instruments on this subject currently being drawn up. It notes that the GRETA’s evaluations aim to ensure that these principles are applied uniformly in Europe.

4. The Committee of Ministers will, in the context of its co-operation with the European Union, the OSCE and the United Nations, see to uphold the primacy of the Council of Europe convention.

5. With regard to co-operation with the European Union, at its 120th Ministerial Session held in Strasbourg on 11 May 2010, the Committee of Ministers recalled that “co-operation should also ensure coherence in the drafting of Council of Europe standards and European Union legislation, through consultations at an early stage; it called for stronger synergies between Council of Europe monitoring mechanisms and the European Union, in particular in the context of the implementation of its Stockholm Programme”. More specifically, in connection with trafficking, the Committee of Ministers notes that the Action-oriented paper on “Strengthening the EU external dimension on action against trafficking in human beings: Towards Global EU Action against Trafficking in Human Beings”² states that the Council of Europe Convention provides a solid basis for developing partnerships between the European Union, third countries, regions and organisations at international level. In addition, according to this Paper, the GRETA itself “has the potential to cater for concrete recommendations for further action in this context”. Besides, the Committee of Ministers notes that the European Commission has participant status with the Committee of the Parties and that many other bodies have observer status on this committee.

6. There is already close co-operation with the OSCE concerning trafficking in human beings, which is one of the Council of Europe-OSCE Coordination Group’s four priority areas. The Committee of Ministers also recalls that a consultation meeting took place in Strasbourg on 14 December 2009 between the secretariat of the Council of Europe convention and the secretariat of the office of the OSCE Special Representative and

1. adopted at the 1091st meeting of the Ministers’ Deputies (16 September 2010)

2. Approved by the Justice and Home Affairs Council of 30 November/1 December 2009.



Co-ordinator for Combating Trafficking in Human Beings, with a view to improve the two organisations' anti-trafficking programmes in order to avoid unnecessary duplication and ensuring complementary and mutual assistance.

7. The Committee of Ministers urges member states that have not yet done so to ratify the convention. To date it has been ratified by 29 member states and a further 14 have signed, but not yet ratified it. The Committee recalls in this context, that the convention is not confined to Council of Europe member states, since non-member states and the European Union can also become party.

8. The Committee of Ministers notes that the rules of procedure of the Committee of the Parties provide that it will inform the Committee of Ministers at regular intervals on the progress of its work. The Committee of Ministers will consider in due course the necessary arrangements for these exchanges of views.

9. Finally, the Committee of Ministers encourages member states to sign and ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime, if they have not yet done so.

Appendix to the reply

Comments of the Group of Experts on Action against Trafficking in Human Beings (GRETA)

1. The Group of Experts on Action against Trafficking in Human Beings (GRETA) welcomed the adoption by the Parliamentary Assembly of [Recommendation 1895 \(2010\)](#) on “Action against trafficking in human beings: promoting the Council of Europe Convention”.
2. The GRETA fully agreed with the Parliamentary Assembly as regards the primacy and relevance of the Council of Europe Convention on Action against Trafficking in Human Beings (the Convention) and welcomed the primary role which the Parliamentary Assembly attaches to the monitoring mechanism of the Convention.
3. The GRETA pointed out that its president was regularly invited to meetings of the Parliamentary Assembly Sub-Committee on trafficking in human beings. In addition, the GRETA recalled that in accordance with Rule 2 of the Rules of Procedure of the Committee of the Parties, the Parliamentary Assembly had participatory status with the Committee of the Parties.
4. The GRETA welcomed the call of the Parliamentary Assembly to step up co-operation with the European Union, the Organisation for Security and Co-operation in Europe (OSCE) and the United Nations in the field of trafficking in human beings, while taking care to uphold the primacy of the Convention. In this respect the GRETA recalled that the European Commission had participatory status with the Committee of the Parties. In addition, it pointed out that the United Nations Office on Drugs and Crime (UNODC), the International Labour Organisation (ILO), the United Nations Children’s Fund (UNICEF), the Office of the High Commissioner for Human Rights (OHCHR), the United Nations High Commissioner for Refugees (UNHCR), the International Organisation for Migration (IOM), the Organisation for Security and Co-operation in Europe (OSCE), Interpol and Europol all had observer status with the Committee of the Parties. The GRETA further recalled that at its last meeting on 21 September 2009, the Committee of the Parties decided to hold, at its next meeting, a thematic debate on the following theme: Partnerships among international organisations active in the field of trafficking in human beings: need for co-ordinated action.
5. As regards co-operation with the European Union, the GRETA noted that the Action-oriented paper on “Strengthening the EU external dimension on action against trafficking in human beings: Towards Global EU Action against Trafficking in Human Beings”³ considered that the Council of Europe Convention provided a solid basis for developing partnerships between the European Union, third countries, regions and organisations at international level. Furthermore, the GRETA pointed out that the Action-oriented paper recognised the potential of the GRETA “to cater for concrete recommendations for further action in this context”.
6. The GRETA also referred to the existing co-operation in the field of trafficking in human beings with the OSCE. In particular, the GRETA highlighted that the fight against trafficking in human beings was one of the four priority areas of the Co-ordination Group between the Council of Europe and the OSCE. Furthermore, the GRETA recalled that a consultation meeting between the secretariat of the Council of Europe Convention and the secretariat of the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR) had taken place in Strasbourg on 14 December 2009. The aim of the meeting had been to discuss the respective programmes of activities of the two organisations in the field of trafficking in human beings with a view to avoiding unnecessary duplication and ensuring complementarity and mutual assistance.
7. The GRETA welcomed the call of the Parliamentary Assembly to promote the widest possible ratification of the Convention and noted that to date the Convention had been ratified by 26 Council of Europe member states and signed, but not yet ratified, by 17 other member states. The GRETA pointed out that the Convention was not restricted to Council of Europe member states, as non-members states and the European Union also had the possibility of becoming party.
8. Finally, the GRETA recalled that, in February 2010, it had initiated the first round of the evaluation of the implementation of the Convention by the parties by addressing the “Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the parties” to the first ten countries which became parties to the Convention (Moldova, Romania, Austria, Albania, Georgia, Slovakia, Bulgaria, Croatia, Denmark and Cyprus). Bearing in mind that the duration of the first evaluation round had been fixed to four years (2010-2013), the GRETA aimed to adopt on average ten

3. As approved by the Justice and Home Affairs Council on 30 November/1 December 2009.

evaluation reports per year. In this respect, the GRETA welcomed the call of the Parliamentary Assembly to provide the monitoring mechanism of the Convention with the requisite staffing and financial resources to ensure its effective functioning.