

Opinion of the Expert Group on Trafficking in Human Beings of the European Commission

On measures in the Council of Europe Convention on Action Against Trafficking in Human Beings to establish a Monitoring Mechanism¹

Considering the negotiations at the Council of Europe for a European Convention on action against Trafficking in Human Beings and the participation of the Commission in the negotiations;

Considering the agreement on the necessity to integrate a human rights perspective in such a Convention, including specific attention for the position and needs of children consistent with the Convention on the Rights of the Child;

Recalling the Brussels Declaration on Preventing and Combating Trafficking in Human Beings, as being the final outcome of the European Conference on Preventing and Combating Trafficking in Human Beings-Global Challenges for the 21st Century from 18 to 20 September 2002;

Recalling the Brussels Declaration as setting out the basis for further action by the Commission;

Recalling the European Commission's Decision of 25 March 2003 setting up a consultative group, to be known as the "Experts Group on Trafficking in Human Beings" (2003/209/EC) and the mission of the group to issue opinions on its own initiative as set forth in Article 2, para 2;

Noting the proposals in Articles 42 and 43 of the revised Draft of the Council of Europe Convention on Action Against trafficking in Human Beings to establish a mechanism for monitoring the implementation of the Convention by the Parties (GRETA);

Considering the need for a strong monitoring and supervisory mechanism;

The Experts Group on Trafficking in Human Beings issues the following opinion with a view to the negotiations in the ad hoc Committee on action against trafficking in human beings (CAHTEH) on a European Convention on Action against Trafficking in Human Beings and especially the role of the Commission in these negotiations.

Opinion

¹ The European Expert Group stresses the reality of trafficked persons as being victims of a serious human rights abuse and severe crimes. The term "victims of trafficking" is further related to the Council Directive on the residence permit issued to third-country nationals (...) (14994/03). Nevertheless, the Group shares the concern that the use of the word "victim" is controversial because of its emphasis on vulnerability and powerlessness. Therefore, the term "trafficked persons" is being used in the opinion, which is in compliance with International Human Rights Documents, such as the UNHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking, Report of the High Commissioner for Human Rights to the Economic and Social Council, 20 May 2002 (E/2002/68/Add.1).

1. A body should be established to monitor the implementation of the Council of Europe Convention on Action Against Trafficking in Persons.
2. Members of such a body should be appointed in an open and transparent process which includes consultation with civil society. The composition of such a body should take into account a gender and geographical balance (including countries of origin, transit and destination), and represent a multi disciplinary expertise in trafficking in human beings, including expertise from civil society.
3. Each State Party should be required to provide regular and comprehensive reports to the body about the measures taken to implement each of the provisions of the convention. The body should be expressly empowered to seek and consider information from any source, including civil society, about the implementation of the Convention by State Parties.
4. The body should be mandated to review and analyze reports of the State Parties; make recommendations to State Parties to ensure better implementation of the Convention; visit State Parties and consider complaints alleging failures by State Parties to implement the convention.
5. The reports of its work (including recommendations to State Parties and conclusions on complaints) should be made public upon their adoption by the body, and submitted to the Council of Europe's Committee of Ministers. The Committee of Ministers should review and adopt the reports of this body and ensure implementation by State Parties of the body's recommendations.