

To:
Franco Frattini
Vice-President
Commissioner for Justice, Freedom and Security
European Commission

Cc
Lovro Šturm
Minister of Justice of Slovenia, EU Presidency

Gérard Deprez
Chairman of LIBE Committee, European Parliament

Terry Davis
Secretary General, Council of Europe

1 February 2008, Brussels

**Letter from the NGO working group on trafficking in human beings¹
on the occasion of the entry into force of the Council of Europe Convention on
Action against Trafficking in Human Beings**

Dear Mr Frattini,

As human rights NGOs active against trafficking in human beings, we welcome the entry into force of the Council of Europe's Convention on Action against Trafficking in Human Beings as a major step forward in the struggle to ensure the protection of the human rights of trafficked persons in Europe. We further take this opportunity to once again call on the EU to become a party to the Convention.

As you will be aware, this instrument sets out an unprecedented framework of minimum binding standards for the protection of trafficked persons. It applies to all victims of trafficking: women, men and children alike and to all forms of exploitation. It is applicable to trafficking within and between states and regardless of the participation of an organised criminal group. While the European Commission, on behalf of the European Union, actively supported this instrument in the negotiation phase and whilst the EU Action Plan on Trafficking in human beings encourages EU member states to ratify it, the EU has yet to put its own instruments and policies in line with the provisions of the Convention against Trafficking.

¹ The working group is a sub-group of the Brussels-based Human Rights and Democracy network (HRDN) and consists of Amnesty International, ISCOS-CISM, La Strada International, Plan International, Save the Children and Terre des Hommes International Federation (TDHIF). Other organisations active against trafficking in human beings are also co-signing this letter: Churches' Commission for Migrants in Europe (CCME) and ECPAT International.

We draw encouragement from your commitment to obtain a Council mandate for the Commission to sign the Council of Europe Convention against Trafficking on behalf of the European Community, made in the European Parliament on 4 September in a response to a question by Silvia Ciornei MEP (oral question H-0591/07). We also note as an encouraging sign that the Council has underlined the importance of the Council of Europe Convention against Trafficking as a framework for the prevention, combating and protection of the rights of victims of trafficking (Conclusions of the 2827th Council meeting Justice and Home Affairs, 8-9 November 2007, Brussels).

We strongly believe that the signature by the European Community of the Council of Europe's Convention against Trafficking would help to fill the gap in current existing EU instruments. It will send a strong message that the EU is committed to lead by example in implementing European human rights instruments and ensuring that the protection of and respect for the human rights of trafficked persons and affected groups lies at the core of all its anti-trafficking policies.

We recall that the human rights of trafficked persons in the existing EU legislation on trafficking against human beings remains subsidiary to states' individual and collective interest in fighting organised crime and illegal immigration. This is reflected in the legal basis and limited remit of the EU instruments, i.e. the Council Framework Decision of 19 July 2002 on combating trafficking in human beings (2002/629/JHA) and the Council Directive of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (2004/81/EC).

We have welcomed the Commission's latest Recommendations on standards and best practices on national mechanisms for identification and assistance of victims of trafficking in human beings and the Assessment Manual for measuring responses to trafficking in human beings in the EU, as a positive step to upgrade standards and policies across the EU. However, these provisions are not binding either for states or the EU and have yet to be fully endorsed by the Council of the European Union.

While we do not underestimate the technical and legal obstacles of the European Community becoming a party to the Council of Europe Convention against Trafficking, we note that these obstacles were overcome in the negotiation phase by the Commission obtaining a Council mandate for those provisions in the Convention that were not covered by community law.

By addressing the issue of human trafficking in the wider European human rights framework, the EU will ensure greater coherence and legitimacy for its anti-trafficking policy and therefore its human rights policy as a whole.

We look forward to your response and remain at your disposal for any further discussion.

Yours sincerely,

Signatories

Amnesty International EU Office

Natalia Alonso, Acting Director

CCME- The Churches' Commission for migrants in Europe

Torsten Moritz, Project Secretary

ECPAT International

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Rebecca O'Donnel, Policy and Advocacy Officer

Terre des Hommes International Federation (TDHIF)

Salvatore Parata, European Officer