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Trafficking in human beings: a new form of slavery

Ladies and Gentlemen,

Two weeks ago, I saw an excellent Swedish film called "Lilya 4-ever". It tells the story of a 16-year-old girl. Abandoned by her mother, she has to fend for herself. She falls in love with a young man who promises her a better life and a job in Sweden, where she is trafficked, sexually exploited and beaten. Unfortunately, this film is not based on fiction.

Trafficking in human beings has become one of Europe's major scourges. Every year, hundreds of thousands of people, the majority of whom are women and children, are trafficked within and across borders and submitted to sexual or other forms of exploitation.

Needless to say, these borders are not just those of the European Union (enlarged or not), this is a global problem which concerns Europe as a continent.

Trafficking has now reached such an unprecedented level that it is possible to speak about a new form of slavery, prohibited by Article 4 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

Suffering of the victims is immense, beginning with the agonizing separation from a familiar environment and frequently ending in exploitation for sexual, or other, purposes. Human beings are reduced to simple objects of trade. This is a blatant affront to human dignity. The human suffering is aggravated as victims have no-one to turn to for help or support or to ensure that traffickers are being identified and a term put to their criminal activities.

A major concern for the Council of Europe

As a pan-European organisation, the Council of Europe regroups, among its 45 member States, countries of origin, transit and destination of the victims of trafficking. Trafficking constitutes a blatant

and terrible violation of human rights in general and of women and children's human rights in particular. This question is of considerable importance for the Organisation and a key issue on its agenda for the safeguard of human rights. Any measure to fight against trafficking should not adversely affect human rights and the dignity of human beings, in particular the rights of the victims of trafficking.

The Council of Europe has made a major contribution in this field and the combat against violence and trafficking in human beings has been one of its priorities for over ten years now. The Organisation started dealing with this question in the early 1990s as a response to the emergence of two major facts:

- the exceptional increase in trafficking in human beings in Europe, often in association with organised crime
- the impact of the new information technologies on trafficking in human beings and its capacity to offer and to disseminate adult and child pornography.

From concern to action

The first type of activities was awareness raising and action oriented. The awareness raising actions made possible the setting-up of a legal framework to fight this phenomenon. The Council of Europe has subsequently drawn up the following international legal texts which concern trafficking for the purpose of sexual exploitation, which affects women and children to a greater extent than men:

- Recommendation N° R (2000) 11 on action against trafficking in human beings for the purpose of sexual exploitation;
- Recommendation N° R (2001) 16 on protection of children against sexual exploitation;
- Recommendation 1545 (2002) of the Parliamentary Assembly: Campaign against trafficking in women.

A number of activities aiming to put these recommendations into practice were also implemented. For instance, in order to support criminal law reform to combat and prevent trafficking in human beings, the "LARA PROJECT" was launched in 2002 to achieve the reform of the relevant legislations in this field in South-Eastern European countries¹. A regional seminar to assess the review of the relevant legislations

¹ This project involves representatives from: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Moldova, Romania, Slovenia, "the former Yugoslav Republic of Macedonia", Serbia and Montenegro and UNMIK-Kosovo.

took place in Zagreb (Croatia) on 2-4 April 2003. Also, specific legal assistance and co-operation activities in this field are undertaken in the framework of the Programme against Corruption and Organised Crime in South-eastern Europe (PACO), with a particular focus on judicial co-operation, trafficking in human beings, corruption and witness protection.

Other legal instruments elaborated by the Council of Europe are also relevant in this field, particularly those aimed at protecting human rights, children's rights, social rights, victims and personal data and those aimed at combating corruption, organised crime, money laundering, cyber crime, including treaties on international co-operation in criminal matters.

The next necessary step: a European Convention

During the 5th European Ministerial Conference on Equality between Women and Men (Skopje, 22-23 January 2003), the European Equality Ministers agreed that the activities undertaken by the Council of Europe to protect and promote the human rights of women should be focused, among other things, on the objective to prevent and combat violence against women and trafficking in human beings.

The Council of Europe considers that it is timely to draft an international binding legal instrument to fight against this shameful new form of slavery in our continent.

This convention should be geared towards the protection of victims' rights and the respect for human rights, and aim at a proper balance between matters concerning human rights and prosecution. This will be also reflected in the composition of the drafting committee whose first meeting is scheduled in September this year.

A European Convention on action against trafficking in human beings would pursue the United Nations achievements in this field in a European context and be based on the definition agreed upon in the *Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organised crime*.

The added value of this new European instrument in relation to the other international legal instruments will be:

- recognition of trafficking as a violation of human rights;
- ensuring a proper balance between matters concerning human rights and prosecution, unlike other international instruments which focus rather on prosecution matters;
- comprehensive scope of application:
 - all forms of trafficking: national/transnational linked/non-linked with organised crime;
 - all trafficked persons: adults and minors;
- setting up a comprehensive legal framework for the protection of and assistance to victims and witnesses with specific and binding measures to be adopted;
- setting up an efficient and independent monitoring mechanism;

The evolution of international law proves that regional instruments are very often necessary to complement global efforts. A European Convention would benefit from the more limited and uniform context of the Council of Europe, contain more precise provisions and may go beyond the minimum standards agreed upon in other international instruments. The Council of Europe will work in close co-operation with other organisations (such as the United Nations, the OSCE, Interpol or the European Women's Lobby) and will continue contributing to the efforts deployed under the Stability Pact for South-Eastern Europe.

The hard-core idea of this European Convention is that victims should be protected because trafficking in human beings is one of the most serious forms of violation of human rights. Therefore trafficked persons should not be considered merely as a tool for investigation and should, under no circumstances, be treated in a similar way to the traffickers.

Ladies and gentlemen,

Fighting against trafficking implies operating on many fronts: the social, the political, the economic and indeed the legal front. The only possible strategy is to make the best use of our skills, our resources and our determination to defend the values we all stand for.

The film I saw two weeks ago illustrates how a human being may prefer death to the loss of dignity. Lilya wants to remain herself forever and commits suicide. We cannot accept a world where the only alternative to misery and distress is loss of dignity and suicide. Abolishing this kind of slavery cannot take us centuries. These slaves are fighting to survive on our door steps. We cannot ignore them. I therefore invite you to join efforts to defend the highest of the causes: human dignity.