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Introduction

During the Parliamentary Assembly of the Council of Europe (CoE) end of January this year the focal point of the work carried out was on the proposed *Convention on action against trafficking in human beings*. At least this was the case in the eyes of the assembled international NGOs recognised by the CoE who met for their winter session and annual conference.

The draft for the *Convention on action against trafficking in human beings* had been sent from the Committee of Ministers of the CoE to the Parliamentary Assembly for a comment. The work on this draft has been prepared by the ad-hoc committee CAHTEH, but appeared from the Committee of Ministers in a rather “watered down” version. The main criticism from the side of

many parliamentarians as well as of the NGOs was that **the protection of the human rights of the victims**, which was meant to be at the heart of the Convention, did not live up to the expectations.

Therefore an intensive lobbying action was carried out by a number of NGOs – among the Conference of European Justice and Peace Commissions (JPE) – to safeguard these rights of the victims in the Convention. Many of those amendments to the draft of the Convention proposed by parliamentarians and of the NGOs were carried in the voting and were sent back to the Committee of Ministers.

To learn more: see under **Trafficking**.

The winter session of the NGOs enjoying participatory status at the CoE was carried out with a record attendance of 374 international organizations. At their annual conference the NGOs adopted their General Declaration for the 3rd Council of Europe Summit of Heads of State and Government in Warsaw in May, and also adopted their new Rules of Procedure. This means that the fourth pillar of the CoE is now officially formed. Beside the Committee of Ministers, the Parliamentary Assembly, and the Council of Regional and Local Authorities now the **Conference of NGOs** has become a full and equal partner of the CoE.

Learn more on:

www.coe.int/T/E/NGO/Public/

Trafficking

As said above in the Introduction the Parliamentary Assembly accepted the opinions expressed by the NGOs on the draft from the Committee of Ministers for a *Convention on action against trafficking in human beings*. Thus the opinion of the Parliamentary Assembly asked for by the Committee of Ministers on the draft contains a call to regard the victims of trafficking as **victims of human rights violations**. Also that they should have their **victim-rights guaranteed** in the future Convention, and that **non-punishment of the victims of trafficking** should also be guaranteed even if they have violated laws while having been forced to perform certain types of labour.

The NGOs, as well as a number of parliamentarians, also want the future Convention to include a legally binding paragraph on **victim-protection**.

To learn more:

www.coe.int/T/E/Human_Rights/Equality/06_Trafficking_in_human_beings/

To read the draft of the Convention against trafficking as proposed by the Committee of Ministers go to

<http://assembly.coe.int/default.asp>

Click on *Documents* on the left side of the page, and look for **Doc. 10389 Draft Council of Europe Convention on...** of 4 January 2005.

The work of the special ad-hoc committee to prepare for the new convention continues, and the Committee of Ministers will bring the draft for the Convention to new discussion on March 23rd of this year.

To learn more:

www.coe.int/T/E/human_rights/Trafficking/2_Cahteh/

To follow the work of the Committee of Ministers: www.coe.int/t/cm/home_en.asp
Click on *Latest documents* on the left side of the page.

Domestic Slavery

Closely linked to the problem of trafficking is the phenomenon of domestic slavery. In late 2004 the Parliamentary Assembly of the CoE sent a Recommendation on the matter to the Committee of Ministers. In January the Committee answered, and it shares the indignation of the Assembly over this problem. It also agrees that it is the duty of the CoE to take action to curb these abuses. It has therefore sent the Recommendation to the member states, and it has sought opinions from a number of Steering Committees.

To learn more:

<http://assembly.coe.int/default.asp>

Click on *Documents* on the left side of the page, and look for **Doc. 10399 Domestic slavery: servitude, au pairs and "mail-order brides"** of 17 January 2005.

Migration

The *Committee in Migration, Refugees and Population* of the Parliamentary Assembly is working on a Recommendation called **Co-development policy as a positive measure to regulate migratory flows**. In January it discussed a revised memorandum called AS/Mig (2004) 29 rev. 2, in which it writes:

"Migration is closely linked to the development policy issues, including development aid, international trade and investments and economic growth. It cannot be longer addressed from the point of view of control and repression, but should be really incorporated into sustainable development. The achievement of the Millenium Development Goals both impacts and is impacted by the effective management of migration. The interaction between migration and development, i.e. ensuring that migration contributes to sustainable development, and that in turn, development contributes to the management

of migration could be most successfully achieved through co-development policies.” The committee therefore wants to invite the member states of the CoE:

- to help countries of origin to improve their infrastructures and to create better conditions for international investments;
- to grant financial aid, subject to a clause giving an undertaking of return for a fixed period, so that students may complete their studies abroad;
- to enable the beneficiaries of a programme to obtain a visa allowing movement between the host country and the country of origin;
- to facilitate regulatory or administrative measures assisting the resettlement of migrants;
- to step up budget resources allocated to these policies and foster access to micro-credits;
- to consider how the CoE Development Bank could be involved.

To learn more:

<http://assembly.coe.int/default.asp>

Click on *Committees* on the left side of the page, click on *Committee in Migration, Refugees and Population* on the following side, and *Reports under preparation* on the next, and scroll down to number 5 on the next.

Goals for 2005

The same committee has set the following goals for its work during the year of 2005:

- strengthening the political dialogue with the CoE neighbouring regions of origin and/or transit of migration flows – including those of irregular nature;
- attention will be given to the functioning and improvement of the international refugee protection system as defined by the United

Nations High Commissioner for Refugees.

Therefore a first Euro-Asian parliamentary forum on migration is planned for mid-September of this year in Kazakhstan. The Sub-Committee on Refugees will convene in Azerbaijan in July to view the situation of refugees and displaced persons in Armenia, Azerbaijan and Georgia.

To learn more during the year:

<http://assembly.coe.int/default.asp>

Click on *Committees* on the left side of the page, click on *Committee in Migration, Refugees and Population* on the following.

The listing under *Reports under preparation* holds a number of issues well worth to follow on the CoE site.

Separated Children Seeking Asylum

Another Recommendation being prepared by this Committee is on **Protection and assistance for separated children seeking asylum**. In the draft recommendation now being discussed in the Committee the following is stated:

“As they are without their parents or legal care-givers, separated children seeking asylum should benefit from the prompt appointment of a legal guardian to defend their interests and ensure their well-being; they should also be placed in care and reception structures in keeping with their age and maturity. By contrast, the legislation of CoE member states often does not provide for an appropriate system of guardianship on behalf of foreign children and even when an adequate legal framework is in place, administrative delays pose a serious threat to the safety of children, as they leave them more exposed to a risk of trafficking or other abuses.”

Therefore some of the points in the draft Recommendation that the Committee wants the Committee of Ministers to urge the member states are:

- to refrain from refusing entry to their territory to separated children, on any grounds;
- to amend their legislation and remove any administrative obstacle so as to ensure that separated children can have a legal guardian and a legal representative appointed within 2 weeks of their presence coming to the knowledge of the authorities;
- to amend their legislation so as to exempt separated children from accelerated or admissibility asylum procedures, including those relating to the notion of safe third country, safe country of origin and manifestly unfounded applications;
- to recognize child-specific forms of persecution as persecution within the meaning of the 1951 Geneva Convention on the Status of Refugees;
- to grant special or humanitarian residence permits to children who have been subjected to child-specific forms of persecution and who are not recognised as refugees;
- to allow detention of separated children only as a last resort and for the shortest possible time.

There are more and highly interesting issues to follow on:

<http://assembly.coe.int/default.asp>

Click on *Committees* on the left side of the page, click on *Committee in Migration, Refugees and Population* on the following, and *Reports under preparation* on the next.

ECRI Declaration on Racism

The European Commission against Racism and Intolerance (ECRI) of the CoE is firmly convinced that tolerance and pluralism are at the foundation of genuinely democratic societies and that diversity considerably enriches these societies. Therefore it made

the following statement public on March 17th of this year where it states that it:

- condemns the use of racist, anti-Semitic and xenophobic elements in political discourse;
- stresses that such discourse is ethically unacceptable;
- recalls Europe's history, which shows that political discourse that promotes religious, ethnic or cultural prejudice and hatred considerably threatens social peace and political stability and inevitably leads to suffering for entire populations;
- is alarmed at the consequences that this type of discourse is having on the general climate of public opinion in Europe;
- is deeply concerned that the use of racist, anti-Semitic and xenophobic political discourse is no longer confined to extremist political parties, but is increasingly infecting mainstream political parties, at the risk of legitimising and trivialising this type of discourse;

Therefore ECRI stresses that political parties can play an essential role in combating racism, by shaping and guiding public opinion in a positive fashion. It suggests among others the following practical measures:

- self-regulatory measures which can be taken by political parties or national parliaments;
- Effective implementation of criminal law provisions against racist offences (including those establishing racist motivation as an aggravating circumstance) and racial discrimination, which are applicable to all individuals;
- the establishment of an obligation to suppress public financing of organisations which promote racism, including public financing of political parties.

The ECRI also calls on political parties to formulate a clear political message in favour of diversity in European societies.

To learn more:

http://www.coe.int/T/E/human_rights/Ecri

Social Cohesion

European governments are facing the difficult task of harmonising two relatively opposing trends: the pressures of a globalised economy to contain public expenditure and reduce labour costs in order to remain competitive, and a justified demand by European citizens to strengthen the European social model as a basis for a stable and socially prosperous Europe.

Therefore the Parliamentary Assembly adopted a resolution on **Boosting social cohesion and employment: more and better jobs** at its session end of January 2005.

In the resolution the Assembly stresses the necessity to develop a regulated, competitive job-creating economy. A narrow approach to labour market reforms will not suffice in this respect. Social cohesion requires the integration of economic, employment and labour policies and a range of proactive economic and social measures. Among the recommendations to the member states are measures aiming at:

- increasing the adaptability of workers and enterprises;
- increasing the levels of employment of the working age population by attracting more people to enter and remain in the labour market;
- investing more and more effectively in human capital and lifelong learning;
- improving the quality of jobs and working conditions in order to reconcile paid work with family life;
- better mobilising under-represented groups;

- achieving a more equal sharing of paid and unpaid work between men and women;

While recognising that there can be no “one-size-fits-all” employment strategy for member states, international co-operation on employment can indeed contribute to the convergence of policies when it is based on a definition of mutually agreed goals, an objective method of evaluating policies and the exploitation of the good practices derived from joint assessment and performance indicators.

To learn more read the resolution on:

<http://assembly.coe.int/Main.asp?link=http://assembly.coe.int/Documents/AdoptedText/ta05/ERES1424.htm>

Practical Proposals and Contact

This very important paragraph will let you easily get in contact with the JPE-representative to the CoE Henrik Alberius. It has become even more important after the change of our status at the CoE to become participatory.

Please send any questions, remarks, ideas, initiatives, and petitions for aid to:

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