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**COMMITTEE OF THE PARTIES
COUNCIL OF EUROPE CONVENTION ON ACTION AGAINST
TRAFFICKING IN HUMAN BEINGS**

7th meeting of the Committee of the Parties
(Strasbourg, 30 January 2011)

MEETING REPORT

Table of contents

Agenda items 1 and 2: Opening of the meeting and adoption of the agenda.....	4
Agenda item 3: Election of the Chair of the Committee of the Parties	4
Agenda item 4: Exchange of views with the President of GRETA	4
Agenda item 5: Examination of GRETA's reports on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania, Bulgaria, Croatia and Denmark	5
Agenda item 6: Dates of future meetings	6
Agenda item 7: Forthcoming election of GRETA members	7
Agenda item 8: State of signatures and ratifications of the Council of Europe Convention on Action against Trafficking in Human Beings	7
Agenda item 9: Information on Council of Europe activities of interest to the Committee of the Parties	8
Agenda item 10: Information on the activities of other international organisations of interest to the Committee of the Parties.....	8
Agenda item 11: Other business	8
Agenda item 12: Adoption of the list of decisions taken	8
Appendix I.....	9
Appendix II.....	10
Appendix III.....	13
Appendix IV	16
Appendix V	17

Agenda items 1 and 2: Opening of the meeting and adoption of the agenda

1. The Committee of the Parties of the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to respectively as “the Committee” and “the Convention”) held its 7th meeting on 30 January 2012 in Strasbourg. The meeting was opened by Ambassador Alain COOLS (Belgium), Vice-Chair of the Committee. The agenda, as adopted by the Committee, is set out in Appendix I. The list of participants is set out in Appendix IV.

Agenda item 3: Election of the Chair of the Committee of the Parties

2. Taking into account the expiry of the first term of office of the Committee’s Chair, Ambassador Tatiana PÂRVU (Republic of Moldova) on 6 December 2011, members were invited to nominate candidates to be elected as Chair. Ambassador COOLS, recalling that Rule 4 of the Committee’s Rules of Procedure allow for the term of office of the Chair to be renewed once, suggested to re-elect Ambassador PÂRVU. The Committee elected Ambassador PÂRVU by acclamation as its Chair for a second term of office of one year, starting from 30 January 2012.

Agenda item 4: Exchange of views with the President of GRETA

3. Mr Nicolas LE COZ, President of GRETA, presented the progress of GRETA’s work in 2011 and took stock of the first 10 country evaluations which had taken place. He pointed out that in some cases, Parties had failed to respect the one-month deadline for submitting comments to GRETA’s reports, and GRETA had agreed to inform the Committee of the Parties that the late submission of comments may have a negative impact on the time table of the first evaluation round. Further, GRETA had decided to shorten the time period for Parties to respond to its questionnaire from six to four months, which should allow more time for organising country visits before the end of 2012 and ensure that evaluations are completed expeditiously. GRETA had also decided to reschedule its meetings in 2012 in order to have more time in-between meetings for the preparation and translation of reports and other documents. The President of GRETA also spoke about GRETA’s plans to set up thematic working groups dealing with specific issues related to the interpretation of the provisions of the Convention. Finally, he highlighted a number of issues emerging from the first country evaluations. The full text of the presentation by the President of GRETA is set out in Appendix II of this report.

4. The President of GRETA also informed the Committee of the current situation related to the staff of the Secretariat of the Convention. Considering the increasing number of parties to the Convention and the new responsibility of the Anti-Trafficking Secretariat to plan and implement co-operation activities in the area of action against trafficking in human beings, the Committee stressed the importance of providing adequate human resources to the Secretariat.

5. The Committee congratulated GRETA for the work carried out so far and thanked Mr LE COZ for his comprehensive presentation. Mr Guido VIGEVNO, representative of the Netherlands, stressed the importance of strengthening international co-operation, including mutual legal assistance, for the success of the fight against trafficking in human beings. Ms Mélanie BILOCQ, representative of France, welcomed the efforts of GRETA to ensure a high standard of its reports and to produce these reports in due time in both official languages of the Council of Europe. She also asked the President of GRETA what tasks and expected concrete results will be assigned to the thematic working groups set up by GRETA.

6. Representatives of several Parties indicated that the one-month period set by GRETA for receiving comments to draft GRETA reports was difficult to respect, bearing in mind the need to consult a whole range of bodies, and to translate GRETA's report into the national language and the authorities' comments into English or French. It was suggested that a two-month period might meet these concerns. The Committee decided to ask GRETA to consider extending the deadline for submitting comments to draft GRETA reports.

Agenda item 5: Examination of GRETA's reports on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania, Bulgaria, Croatia and Denmark

5.1. Draft recommendation to be adopted in respect of Albania

7. The Committee took note of the final report of GRETA on the implementation of the Council of Europe Convention by Albania and the comments submitted by the Albanian authorities. Mr Fatjon PENI, representative of Albania, highlighted the constructive dialogue and spirit of co-operation between GRETA and the Albanian authorities in the course of the evaluation. He stressed that GRETA's report further contributed to the action against trafficking in human beings in Albania, in particular as regards improving the anti-trafficking legal framework, the referral or and assistance to victims of THB, international co-operation with countries of destination, strengthening prevention and enhancing the co-ordination of national anti-trafficking actors.

8. The Committee adopted a recommendation addressed to the Albanian authorities concerning the measures to be taken to implement GRETA's conclusions. The Committee requested the Government of Albania to inform it of the measures taken to comply with this recommendation by 30 January 2014.

5.2 Draft recommendation to be adopted in respect of Bulgaria

9. The Committee took note of the final report of GRETA on the implementation of the Council of Europe Convention by Bulgaria and the final comments submitted by the Bulgarian authorities. Ms Antoaneta VASSILEVA, Secretary General of the National Commission for Combating Trafficking in Human Beings of Bulgaria, made a presentation concerning the measures taken by the Bulgarian authorities in the area of combating human trafficking. She stated that GRETA's report was seen as a useful tool for improving national anti-trafficking policy and highlighted the measures being taken by the Bulgarian authorities to address the risk of trafficking in persons from the Roma community, to improve the system of identification of victims, and to implement the non-punishment provision of the Convention. Further, Ms VASSILEVA stressed that civil society is involved in the planning of the national policy, and that victims of trafficking are provided with accommodation and assistance irrespective of whether or not they cooperate with the police. The full text of Ms VASSILEVA's presentation is set out in Appendix III of this report.

10. Mr VIGEVENO (Netherlands) noted that the Netherlands is funding a number of projects in Bulgaria, welcomed the efforts to step up prevention amongst the Roma community, and raised the issue of trafficking in pregnant women for the purpose of selling their children. Ms VASSILEVA explained that this form of trafficking, which was identified in Bulgaria back in 2005 and concerns trafficking to Greece, had been criminalised and the Bulgarian authorities were making efforts to address it, *inter alia* through improving international co-operation.

11. Ambassador Andrei TEHOV (Bulgaria) proposed two amendments to the draft recommendation addressed to the Bulgarian authorities, which were accepted by the Committee. The Committee adopted the recommendation concerning measures to be taken to implement the conclusions of GRETA concerning Bulgaria and requested the Government of Bulgaria to inform it of the measures taken to comply with this recommendation by 30 January 2014.

5.3. Draft recommendation to be adopted in respect of Croatia

12. The Committee took note of the final report of GRETA on the implementation of the Convention by Croatia and the comments submitted by the Croatian authorities. Mr Ivan MINTAS, representative of Croatia, welcomed the excellent co-operation and dialogue between GRETA and the Croatian authorities. He stressed the importance attached by Croatia to action against trafficking in human beings and stressed that GRETA's proposals are an incentive for further development. According to the Croatian authorities' comments to GRETA's report, a number of GRETA's proposals have already been implemented. In the light of this, the Croatian delegation had proposed an amendment to the draft recommendation, which was presented in writing on 26 January 2012 and was circulated to the Committee at the outset of the meeting.

13. The Committee accepted the proposed amendment and adopted a recommendation addressed to the Croatian authorities concerning the measures to be taken to implement the conclusions of GRETA. The Committee requested the Government of Croatia to inform it of the measures taken to comply with this recommendation by 30 January 2014.

5.4. Draft recommendation to be adopted in respect of Denmark

14. The Committee took note of the final report of GRETA on the implementation of the Council of Europe Convention by Denmark and the comments submitted by the Danish authorities. Several members of the Committee expressed regret that no representative of Denmark was present at the meeting¹ and it was therefore not possible to hold an exchange of views on GRETA's findings and proposals.

15. The Committee adopted a recommendation addressed to the Danish authorities concerning the measures to be taken to implement the conclusions of GRETA. The Committee requested the Government of Denmark to inform it of the measures taken to comply with this recommendation by 30 January 2014.

16. More generally, concerning the examination of all GRETA country evaluation reports and the adoption of recommendations, the Committee considered that it would be useful for the Parties concerned to be represented, in addition to officials from the Permanent Representations, by national experts in the area of preventing and combating trafficking in human beings who can answer specific questions. The Chair also recalled that proposals for amendments to draft recommendations should be provided in writing in advance of meetings of the Committee of the Parties.

Agenda item 6: Dates of future meetings

17. The Committee decided to hold its next (8th) meeting on 11 June 2012. GRETA's final reports concerning Georgia, the Republic of Moldova and Romania will be considered at that meeting.

18. As regards the 9th meeting of the Committee of the Parties, taking into consideration the timetable of GRETA's evaluations and meetings, as well as the fact that it would be necessary to hold an election of 13 GRETA members whose terms of office expire at the end of 2012 and that this election might take considerable time, it was proposed to hold the meeting on 12-13 November 2012. However, as not all members of the Committee could confirm their availability on these dates, the Committee instructed the Secretariat to seek agreement on the dates of the 9th meeting by written consultation with the members.

¹ Due to unforeseen circumstances Ambassador Claus von BARNEKOW, representative of Denmark, was not able to attend the meeting, see appendix IV.

Agenda item 7: Forthcoming election of GRETA members

19. The Chair recalled that the terms of office of 13 GRETA members expire on 31 December 2012. Only two GRETA members, elected in 2010 would continue their terms of office until 31 December 2014. The Chair stressed the importance of ensuring the timely election of new GRETA members in conformity with the criteria set out in the Convention. She also underlined the need to ensure a degree of continuity of GRETA's membership, which is crucial for the ongoing first evaluation round. She recalled that according to Article 36(1) of the Convention, the term of office of GRETA members may be renewed once, which would allow a transmission of GRETA's institutional memory from one composition to another.

20. The Chair underlined that pursuant to Rule 13 of Resolution CM/Res (2008)7 on rules on the election procedure of the members of GRETA, Parties entitled to make nominations should do so at the latest two months before the election. She further recalled that the composition of GRETA should take into account a gender and geographical balance, as well as a multidisciplinary expertise and the election of the members of GRETA should be based on the following principles:

- a. they shall be chosen from among persons of high moral character, known for their recognised competence in the fields of Human Rights, assistance and protection of victims and of action against trafficking in human beings or having professional experience in the areas covered by this Convention;
- b. they shall sit in their individual capacity and shall be independent and impartial in the exercise of their functions and shall be available to carry out their duties in an effective manner;
- c. no two members of GRETA may be nationals of the same State;
- d. they should represent the main legal systems.

21. The Committee instructed the Secretariat to send letters to all entitled Parties, inviting them to nominate candidates for election as members of GRETA.

Agenda item 8: State of signatures and ratifications of the Council of Europe Convention on Action against Trafficking in Human Beings

22. The Committee noted that since its 6th meeting (26 September 2011), no new ratifications had been received, keeping the total number of ratifications at 34.

23. Ms Nicole ZÜNDORF-HINTE, representative of Germany, informed the Committee that the Convention had been approved by the *Bundesrat* on 30 September 2011 and had been forwarded to the *Bundestag*, where a hearing was scheduled for 19 March 2012. The Committee expressed hope that Germany would soon become Party to the Convention.

24. The Committee once again urged the Council of Europe member states which had not already done so, the non-member states which had participated in the preparation of the Convention, and the European Union to sign and/or ratify the Convention. In addition, the Committee called for other non-member states to accede to the Convention.

Agenda item 9: Information on Council of Europe activities of interest to the Committee of the Parties

25. The Executive Secretary of the Convention informed the Committee of plans to organise jointly with the OSCE a round table on combating trafficking in human beings in the Commonwealth of Independent States (CIS). The proposal had been accepted by the CIS Interparliamentary Assembly and the event was being planned for 18 April 2012 in St. Petersburg. This would be an occasion to promote the Council of Europe Convention and standards.

26. Further, the Executive Secretary recalled that, following the restructuring of the Council of Europe Secretariat and the dissolution of the Directorate of Co-operation, the Secretariat of the Convention had been given the additional task of planning and implementing co-operation activities in the area of action against trafficking in human beings. There were already proposals to organise a regional conference on the issue of prevention, with a particular focus on social and economic empowerment measures for groups vulnerable to trafficking, which could take place in Bulgaria in the autumn of 2012.

Agenda item 10: Information on the activities of other international organisations of interest to the Committee of the Parties

27. The Executive Secretary indicated that in November 2011, six UN agencies (OHCHR, UNHCR, UNICEF, UNODC, UN Women and ILO) had published a "Joint UN Commentary on the EU Directive against THB - A Human Rights-Based Approach" which included numerous references to the Convention and its Explanatory Report, as well as to the ECHR judgment in the case of *Rantsev v. Cyprus and Russia*. Further, a member of GRETA had participated in the 4th session of the Working Group on Trafficking in Persons set up under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organised Crime. The meeting was held in Vienna on 10-12 October 2011 and covered four main issues of interest for the Council of Europe: trafficking in human beings for the purpose of the removal of organs; analysis of the concept of "abuse of power or of a position of vulnerability"; identification of victims of trafficking; and international co-operation to combat human trafficking.

28. In addition, at the last meeting of the OSCE-led Alliance Expert Co-ordination Team (Vienna, 16 December 2011), participants had agreed to issue a joint statement on the need to ensure that victims of trafficking are not penalised for their involvement in unlawful activities to the extent that they have been compelled to do so. Concerning the European Union, GRETA was involved in the consultations on the future EU Integrated Strategy to combat trafficking in human beings and maintained regular contacts with the Anti-Trafficking Co-ordinator on behalf of the European Commission.

Agenda item 11: Other business

29. No other business has been dealt with at this meeting.

Agenda item 12: Adoption of the list of decisions taken

30. The Committee approved the decisions taken at the meeting.

Appendix I

Agenda

- 1. Opening of the meeting**
- 2. Adoption of the draft agenda**
- 3. Election of the Chair of the Committee of the Parties**
- 4. Exchange of views with the President of GRETA**
- 5. Examination of GRETA's reports on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania, Bulgaria, Croatia and Denmark**
 - 5.1 Draft recommendation to be adopted in respect of Albania
 - 5.2 Draft recommendation to be adopted in respect of Bulgaria
 - 5.3 Draft recommendation to be adopted in respect of Croatia
 - 5.4 Draft recommendation to be adopted in respect of Denmark
- 6. Dates of future meetings**
- 7. Forthcoming election of GRETA members**
- 8. State of signatures and ratifications of the Council of Europe Convention on Action against Trafficking in Human Beings**
- 9. Information on Council of Europe activities of interest to the Committee of the Parties**
- 10. Information on the activities of other international organisations of interest to the Committee of the Parties**
- 11. Other business**
- 12. Adoption of the list of decisions taken**

Appendix II

Item 4 of the agenda: Exchange of views with the President of GRETA

Presentation made by the President of GRETA

Madame Chair of the Committee of the Parties,
Excellencies,
Ladies and gentlemen,

It is my pleasure to meet you for a second time for an exchange of views concerning the progress made by GRETA in its work.

1. The year 2011 saw the first concrete results of GRETA's work as GRETA conducted evaluations of the first 10 Parties to the Convention on Action against Trafficking in Human Beings. Nine final country reports were adopted, seven of them are already in the public domain and two more will be published soon, once the authorities' comments have been received. The adoption of the evaluation report in respect of the 10th country had to be postponed to the next GRETA meeting in March 2012, due to the late arrival of the authorities' comments to the draft report.

2. GRETA is mindful of the need to respect the timetable for the completion of the first evaluation round and is constantly reviewing its working methods with a view to improving its efficiency. At its last meeting in December 2011, GRETA decided that if a Party does not submit comments to a draft GRETA report within the time-limit set, GRETA will proceed with the adoption of the final report concerning the Party in question even in the absence of its comments, save in duly justified exceptional cases. GRETA also agreed to inform the Committee of the Parties to the Convention that the late submission of comments may have a negative impact on the time table of the first evaluation round. At present, Parties are given one month to provide comments to GRETA's draft and final reports. In the great majority of cases, this time limit has been observed, however, there are some exceptions. **I would be interested in your feedback on possible problems that might arise in this respect.**

3. GRETA has already embarked on the evaluation of the 2nd group of 10 Parties to the Convention and the year 2012 will see the publication of reports concerning these Parties. At the same time, GRETA is about to launch the evaluation of the 3rd group of Parties by sending them a questionnaire on 1 February 2012. GRETA considered that the six-month period between sending the questionnaire to Parties and receiving the replies was too long and when the time came for GRETA to do a country visit, some of the information provided in the reply was out-of-date. In addition, bearing in mind that the budgetary allocation for GRETA's operational activities has been increased in 2012 to allow the carrying out of 12 evaluations (compared to 10 in 2011), GRETA has decided to shorten the time period for Parties to respond to its questionnaire from six to four months. **Receiving the replies to the questionnaire by 1 June 2012 should provide GRETA with sufficient time for organising more country visits in the same year and ensuring that evaluations are completed expeditiously.**

4. The work accomplished in 2011 was done with staff resources which fell short of what had been decided, already at the end of 2011, in terms of staff reinforcement. The Anti-Trafficking Secretariat continues to be composed of 7 staff members (4 administrators and 3 assistants), but I understand that there is hope that the procedure for appointing an additional administrator will soon be finalised. As you know, following the restructuring of the CoE Secretariat, the Directorate of Co-operation was dissolved and the Anti-Trafficking Secretariat is now also responsible for planning and implementing co-operation activities in the area of action against trafficking in human beings. The 2012 budget includes 236 100 euros for co-operation activities, which will enable the promotion of GRETA's work and the Convention, as well as follow-up to the country evaluation reports. However, this presupposes the re-deployment of staff to organise such activities.

5. In 2011, the heavy workload of the Anti-Trafficking Secretariat led to negative implications for the timely preparation of documents for GRETA meetings and in particular for their translation into French. GRETA decided to reschedule its meetings in 2012 in order to have more time in-between meetings for the preparation and translation of reports and other documents.

6. To ensure consistency in the interpretation of the provisions of the Convention and coherence of country evaluation reports, GRETA set up an informal working group which met three times in 2011 and discussed, inter alia, issues such as what the human rights-based approach to combating trafficking in human beings implies, what systems and procedures should be in place to ensure proper identification of victims, and how the provision concerning non-punishment of victims of trafficking is to be implemented. In order to follow up on the work of the informal working group, GRETA decided to set up thematic working groups dealing with specific issues. GRETA also decided to hold a special meeting in September 2012 to discuss the follow-up to be given to its evaluation reports. This two-day meeting, which will be held in Brussels, should also be an opportunity to interact with the Anti-Trafficking Co-ordinator on behalf of the European Commission and the EC Expert Group on Human Trafficking, the composition of which was recently renewed. As you probably know, this group of experts, whose members are selected by the European Commission, is not in charge of monitoring, but advises the Commission on trafficking issues.

7. At its last meeting in December 2011, GRETA took stock of the first 10 country evaluations. I would like to highlight several issues which emerge from these first evaluations. But before I enter into specifics, I would like to recall that GRETA's reports are the result of information gathered from a variety of sources, including civil society actors who in many countries are at the front line of action against human trafficking. The fight against human trafficking is a dynamic process, and there are often new developments at the national level as regards policy, institutional setup and law, which reflect changing trends and priorities. GRETA's reports are based on information received in response to the questionnaire and collected during the country visit, so by definition, they are a "snapshot" taken at a given moment in time, and cannot reflect and analyse all the new measures announced by the Parties and which might be taken or planned after the report was adopted. I would also like to stress that GRETA's reports are drawn up in a co-operative spirit and are intended to assist States in their efforts; they can offer support for the changes on which the national authorities have already embarked. Because of its multidisciplinary and multinational composition, and thanks to its independent approach enshrined in the Anti-Trafficking Convention, GRETA provides a professional and impartial international voice in this process.

- GRETA's reports consider to what extent national action to combat trafficking is **comprehensive and multi-sectorial**. In general, a lot is being done to prevent and combat trafficking for the purpose of sexual exploitation, however, trafficking for other forms of exploitation, such as labour or the removal of organs, is one the rise, but is not always recognised as a problem and is not adequately addressed in national policies.
- As regards **institutional mechanisms** for preventing and combating human trafficking, GRETA's reports shed light on some good practices, but also highlight differences in the degree of co-ordination and the extent to which civil society is involved in a comprehensive effort to address all aspects of human trafficking. GRETA stresses the importance of independent external evaluations of the implementation of national plans.
- GRETA's evaluation reports reveal that while in some countries identification is entirely within the competence of the law enforcement or migration authorities, in others countries social workers, labour inspectors, NGOs, etc. also have the possibility to identify victims of THB and be involved in a multi-agency identification process. GRETA considers that proper identification requires the setting up of a coherent **national referral mechanism**, which ensures that there is co-ordination between all those involved in identifying trafficked persons, that all relevant professionals are trained to carry out their tasks effectively and proactively, and that all identified victims are provided the assistance and protection measures they need.

- In this context, the **definition of victim of trafficking** at the national level is critical, to the extent that it gives meaning to the Convention beyond a purely criminal law approach, i.e. victims of THB should be considered not only as victims of a crime and but as "human rights-holders". The definition of a victim is relevant, on the one hand, for victim identification, and on the other hand, it has a link to the services that victims are entitled to.
- In the area of **prevention**, GRETA's evaluation reports shed light on the need to assess the impact of awareness-raising campaigns when planning new activities, as well as the importance of investing more efforts in discouraging demand, and in social and economic empowerment measures for groups vulnerable to trafficking, which address the root causes of trafficking (the latter being also a tool for preventing re-trafficking).
- As regards **assistance and protection measures**, GRETA's evaluation reports generally reveal the need for more efforts to provide measures adapted to the needs of victims. For instance, accommodation for male victims of trafficking is often missing. Further, more efforts are needed to identify, assist and protect child victims of trafficking, taking into account the best interest of the child. GRETA is mindful of the financial restraints placed on governments by the current economic climate, but at the same time it stresses that it is the ultimate responsibility of States to guarantee the provision of assistance to victims (through appropriate financing of service providers). Other related issues highlighted in GRETA's evaluation reports are the need to ensure that trafficked persons are systematically informed of the possibility to use a recovery and reflection period and effectively granted such a period, as well as informed of their right to compensation and enabled to exercise this right.
- Concerning the **non-criminalisation of victims of trafficking**, the evaluations so far reveal a patchy pattern. Some States have adopted legislative measures specific to THB victims, while others rely on general duress provisions or provisions which allow prosecutors or judges to reduce sentences in the presence of mitigating circumstances. Article 26 of the Council of Europe Convention, read in conjunction with the Explanatory Report, establishes a positive obligation on Parties to adopt measures that specifically deal with the non-liability of victims of trafficking. The Explanatory Report states that such legislative measures can be "a substantive criminal or procedural criminal law provision, or any other measure." Parties do have room in the extent to which the national authorities apply such measures, but legislation specific to victims of human trafficking must first be provided for. Criminalisation of victims of trafficking not only contravenes the State's obligation to provide services and assistance to victims, but it also discourages victims from coming forward and co-operating with law enforcement agencies, thereby also interfering with the State's obligation to investigate and prosecute those responsible for trafficking in human beings. GRETA is currently working on the issue of non-criminalisation of victims of trafficking and what needs to be done to improve the situation.
- Regarding the identification, seizure and **confiscation of criminal assets**, the evaluations show that Parties have legal provisions allowing for such confiscation at the stage of the criminal trial and that, on the one hand, some of them secure effective confiscations. But in the majority of the national systems assessed by GRETA until now, confiscation is not effective due to a lack of identification or seizure of assets at the stage of the criminal investigation. In conclusion, efforts should also be made on this issue, because the confiscation of criminal assets is crucial as a way of reinforcing the effect of the penalty, as well as ensuring the payment of compensation to the victim.

On behalf of GRETA, I would like to thank you for your support to the other pillar of the monitoring mechanism of the Convention and ask you ensure that adequate human and financial resources continue to be provided to action trafficking in human beings in the future.

Appendix III

Item 5 of the draft agenda: Examination of GRETA's report on the implementation of the Convention on Action against Trafficking in Human Beings by Bulgaria

Statement made by Ms Antoaneta Vassileva, Secretary General of the National Commission for Combating Trafficking in Human Beings of Bulgaria

Madam Chair of the Committee of the Parties,
Excellencies,
Mr President of GRETA,
Members of the Secretariat of the Convention on Action against trafficking in Persons,

Combating trafficking in human beings is one of the **priorities** of Bulgaria and State's actions against organized crime and crimes against the personality. Since the introduction of the crime "Human trafficking" in the Criminal Code in 2002 Bulgaria has consistently updated its legislation and developed its anti-trafficking policies and institutional framework in line with international and European standards and recommendations, focusing efforts on prevention, protection and victims' support, while also increasing penalties. The fact that the Bulgarian legislator included in the definition of human trafficking the principle of "irrelevance of the consent of the victim" has given wider opportunities for law-enforcement organs to initiate investigations, as well as more opportunities for **potential** victims to receive support and protection.

We would like to emphasize that in the current period of financial and economic crisis, the legal and institutional frameworks for combating trafficking in human beings and protection of the victims remain intact, and continue functioning at full capacity. In the light of the victim-centred approach, Bulgaria would like to draw to the Committee of the Parties attention the fact that **no shelters or crisis centres were closed**. Just the opposite: in September 2011 a second state-run shelter for adult victims of trafficking became fully operational, and a plan for opening more crisis centres for children victims are on the agenda.

For the first round of evaluation of the implementation of the Convention, the Republic of Bulgaria was subjected to a thorough process of monitoring by GRETA, which included an on-site visit in February 2011.

I would like to thank the Secretariat of the Convention for the **excellent communication and fruitful dialogue**.

The Government welcomes the result of this monitoring process. GRETA's draft report and recommendations are seen as a **useful tool for improving the national policy**, which, most importantly, is going to benefit potential and actual victims. I am glad to inform you that since February 2011, the Bulgarian Government had been taking further measures and substantive progress was achieved with regard to issues mentioned in particular in Recommendations 3, 10, 11, 16, 19, 20.

Referring to **Recommendation 11** the Bulgarian Government **fully understands and does not underestimate the risk of trafficking in persons from the Roma community**. We agree with the recommendation to increasingly focus attention on preventive measures among vulnerable groups, such as the Roma community, children and disabled persons. At end of 2011 we launched the project "Prevention of trafficking in human beings belonging to ethnic groups with a focus on the Roma community in Bulgaria". The project duration is 2 years and it aims at:

- the reduction in the number of (potential) victims of trafficking in human beings of Roma origin,

- the prevention of early pregnancy among Roma women;
- an increased level of awareness on issues, related to family planning and sexual health and the diminishing of the numbers of abandoned Roma children.

This pilot project is also aimed to serve as a model national policy for combating trafficking in human beings among vulnerable ethnic groups in Bulgaria.

Furthermore, the issues are also addressed in the National Strategy for Integration of Roma and other vulnerable ethnic groups/ communities in similar situation in Bulgaria (2012-2020)² adopted by Council of Ministers at the end of 2011.

The National Commission for Combating Trafficking in Human Beings has identified the **need for improving the system of identification of victims of trafficking in general** - not only on a national level but also on the regional and European levels. That is why in 2010, together with the Governments of France, Greece, Romania, the Netherlands and Spain, Bulgaria joined a project entitled "Development of common guidelines and procedures on identification of victims of trafficking", financed by the European Commission

Bulgaria agrees with GRETA's recommendation to allow for the possibility of **not imposing penalties on victims of trafficking**, in accordance with Art. 26 of the Convention. We would like to inform that appropriate measures are already being considered by the authorities and will be included in the envisaged legislative changes.

We would also be more than glad to provide further information to the Committee of the Parties, GRETA and the Secretariat on developments since February 2011.

In the spirit of open dialogue Bulgaria would also like to comment on some of GRETA's draft recommendations.

Recommendation No.5

The National Commission for Combating Trafficking in Human Beings is responsible for the development and co-ordination of the national anti-trafficking policy. The policy is developed based on proposals from institutions and NGOs, and adopted by the National Commission and the Council of Ministers in the form an annual National Programme for Combating THB. In 2009 the National Commission invited **7 (seven) international and non-governmental organizations** to participate in the permanent expert working group which develops the National Programme. They represent a broad spectrum of the multidisciplinary expertise that the NGO sector in Bulgaria possesses in this field. Currently, NGOs represent more than **30% of the composition of this working group**. Additionally, the National Commission collaborates on a daily basis with more than 20 organizations in the country on all aspects of the fight against human trafficking.

In this respect, we have thus fully ensured "that NGOs are involved in the planning of the national policy" (Rec. 5).

Referring to **Recommendation No. 12** we would like to assure the Committee of the Parties that Bulgaria has secured the registration of all persons from socially vulnerable groups at birth. There might be rare single cases of babies from socially vulnerable groups not registered immediately at birth, but the health and social support system, via the mobile social and health teams, will detect and cover any such cases within weeks. Consequently, a scenario where children would remain unregistered for a long time, or not at all, is simply impossible in practice.

² The document can be downloaded on <http://www.nccedi.government.bg/page.php?category=125&id=1610>

Concerning **Recommendation No. 15** it should be clarified that Bulgaria is **predominantly a country of origin** for victims of trafficking. Cases of foreign victims identified in Bulgaria are very rare and represent **exceptions to the general trend during the years**. In this context, the resources available are primarily invested in areas where they could be most effectively used.

Regarding **Recommendation No. 17** it will be emphasized that in 2009 Bulgarian institutions and NGOs developed **clear indicators and criteria** which are used by the police, border police, liaison officers, NGOs and social workers in the identification of victims of trafficking **on the basis of the crime human trafficking**. Furthermore, the two state shelters for victims of trafficking and all NGO shelters provide accommodation and assistance, **irrespective of whether or not the victims cooperate with the police**. There has **not been a single case** where assistance had been denied to victims on the grounds of their non-cooperation with the authorities.

With respect to **Recommendation 19 - "Ensure suitable accommodation for male victims of trafficking"** it should be clarified that only a very small proportion of victims of trafficking are male, most of them victims of labour exploitation, who refuse assistance and accommodation. Hence, there is currently no pressing need for a separate shelter for male victims of trafficking. However the State **does have capacity** to accommodate male victims of trafficking in the **10** existing *Centres for temporary accommodation for adults* for up to 3 months.

Concerning **Recommendation 23** we would like to re-confirm that full assistance, including the granting of temporary residence permits, is ensured to foreign victims identified in Bulgaria. **Granting temporary residence permits is part of the national anti-trafficking policy since 2003**, guaranteed with the adoption of the Combating Trafficking in Human Beings Act (Art. 28) as well as the Law on Foreigners in Bulgaria.

Concerning **Recommendation 29** we would like to refer to the text of Art. 22 (3) of the Convention: "Subject to the legal principles of the Party, the liability of a legal person may be criminal, civil **or administrative**". As stated by GRETA itself in paragraph 203 of the report, Bulgaria imposes **administrative responsibility** on legal persons for crimes of human trafficking, in accordance with Art. 83 of the Law on Administrative Violations and Sanctions.

With respect to **Recommendation 32** it would be noted that in Bulgaria special investigative techniques **are indeed used** for investigation of THB crimes (special intelligence means³, work with informants, under-cover agents). Special investigative techniques are: the technical means and the operative methods for their application, which are used for preparing pieces of material evidence, i.e. films, video records, audio records, photographs, and marked items.

We hope that the Committee of the Parties will take into consideration these remarks when adopting the recommendations with respect to Bulgaria.

Thank you for your attention.

³ Regulated by Special Intelligence Means Act (Закон за специалните разузнавателни средства), Promulgated State Gazette No. 95/21.10.1997

Appendix IV

PERMANENT REPRESENTATION OF DENMARK TO THE COUNCIL OF EUROPE

Strasbourg

Ambassador Tatiana Pârnu
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Chair of the Committee of the Parties
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Enclosure	File	Department	Date
	38.M.20	Ambassador	8 February 2012

7th meeting of the Committee of the Parties, 30 January 2012

Dear Ambassador, *Tatiana*

I regret that due to particular circumstances I was not able to attend the last meeting of the Committee of the Parties where the Report of GRETA concerning the implementation of the Convention by Denmark was to be examined and, as a consequence, I was not present to answer questions from other delegations before adopting the recommendations addressed to Denmark by the Committee.

I refer to the remarks of the Government of Denmark contained in the GRETA Report - GRETA(2011)21 published on 20 December 2011 - and assure you that I myself, as well as the competent authorities in Denmark, will be available to answer any supplementary questions or remarks from delegations.

I kindly ask you to circulate the present letter as an attachment to your report of the 7th meeting to the members of the Committee of the Parties and to the Executive Secretary of the Convention, Mrs. Petya Nestorova.



Yours faithfully

Claus von Barnekow
Permanent Representative of Denmark

Appendix V

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