



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

Strasbourg, 10 July 2013

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

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**11th meeting of the Committee of the Parties**

(Strasbourg, 7 June 2013)

**MEETING REPORT**

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

1. The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to respectively as “the Committee” and “the Convention”) held its 11th meeting on 7 June 2013 in Strasbourg.

2. The meeting was opened by Ambassador Joseph LICARI (Malta), Chair of the Committee, who invited the members of the Committee to adopt the draft agenda of the meeting. The agenda, as adopted by the Committee, is set out in Appendix I. The list of participants is set out in Appendix II.

**Agenda item 3: Election of the Vice-Chair of the Committee of the Parties**

3. The Chair recalled that Ambassador Alain COOLS (Belgium) had ended his mission in Strasbourg, vacating the seat of the Vice-Chair. The Chair invited the members of the Committee to nominate candidates to be elected as Vice-Chair. Mr Stavros HATZIYIANNIS (Cyprus) proposed Ambassador Drahoslav ŠTEFÁNEK (Slovak Republic) as Vice-Chair.

4. The Committee elected Ambassador ŠTEFÁNEK as its Vice-Chair by acclamation for a term of office of one year starting on 7 June 2013.

5. The Chair congratulated Ambassador ŠTEFÁNEK on his election and wished him success. The newly elected Vice-Chair thanked the Committee for the trust placed in him.

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

6. Mr Nicolas LE COZ, President of GRETA, informed the Committee that three country-by-country evaluation reports by GRETA had recently been published, concerning Bosnia and Herzegovina, Norway and Poland, bringing the total number of public GRETA reports to 20. On the basis of these reports, he focussed on the co-ordination of action against human trafficking, the identification of victims, the recovery and reflection period, and access to compensation for victims of trafficking. The full text of Mr Le Coz’s presentation is set out in Appendix III.

7. Mr Le COZ also informed the Committee about the progress made by GRETA as regards the first evaluation round of the Convention. He noted that Finland, Germany, Hungary, Lithuania and Switzerland which became Parties to the Convention in 2012-2013 would be evaluated by GRETA in 2014. In the same year, GRETA will launch the second evaluation round of the Convention, the organisation of which is currently under discussion.

8. The President of GRETA recalled the key role played by GRETA in combating trafficking in human beings and stressed the importance of continuing to provide the monitoring mechanism of the Convention with adequate financial and human resources. In addition, he emphasised the importance of maintaining the human rights-based approach to trafficking in human beings and reflecting this in the organisational structure and programme of activities of the Council of Europe in 2014-2015.

9. The Chair thanked Mr Le COZ for his presentation and opened the floor to members of the Committee.

10. Ms Nicole ZÜNDORF-HINTE (Germany) asked the Mr Le COZ for clarification concerning the application of the recovery and reflection period to EU nationals. Mr Le COZ replied that the purpose of this period was not only to allow a person to stay legally in the country, but also to recover and reflect whether to co-operate in the investigation. In GRETA’s view, the recovery and reflection period should be offered to all possible victims of trafficking, i.e. before the identification procedure has been completed, together with the provision of protection and assistance measures envisaged under Article 12 of the Convention.

11. Ms Lilia ILIEȘ (Republic of Moldova) congratulated Mr Le COZ on the progress achieved by GRETA and stated that the Moldovan authorities appreciated the constructive dialogue established with GRETA. She referred to measures being developed in the Republic of Moldova with a view to putting into practice GRETA's proposals. The full text of the statement made by Ms ILIEȘ is set out in Appendix IV.

12. Ambassador Almir ŠAHOVIĆ (Bosnia and Herzegovina) indicated that his authorities attached great importance to GRETA's work which they considered an example of the Council of Europe's added value for its Member States.

13. Ms Karin NORDMEYER (Conference of International Non-governmental Organisations of the Council of Europe) welcomed the provision of a six-month recovery and reflection period in Norway, recalling that international NGOs had promoted such an approach during the drafting of the Convention.

14. Ms Adrienne TÓTH-FERENCI (Hungary) indicated that the Hungarian authorities were looking forward to co-operating with GRETA and asked when the evaluation would be initiated in respect of Hungary. The Executive Secretary of the Convention recalled that pursuant to the Rules on the Evaluation Procedure adopted by GRETA in 2009, the evaluation should start not earlier than one year and not later than two years after the entry into force of the Convention in respect of the Party concerned. However, she indicated that GRETA was considering proposing to Hungary and other new Parties to the Convention, such as Germany and Switzerland, to launch the first evaluation round before the expiry of the one year interval, in the interest of keeping the momentum after ratification.

## **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 Bosnia and Herzegovina, Norway and Poland**

### ***5.1 Draft recommendation to be adopted in respect of Bosnia and Herzegovina***

15. The Chair invited the representative of Bosnia and Herzegovina to take the floor concerning the final report of GRETA on the implementation of the Convention by Bosnia and Herzegovina. Ambassador Almir ŠAHOVIĆ thanked GRETA for the work done and stressed that combating trafficking in human beings remained a priority for Bosnia and Herzegovina. He informed the Committee that a group of national experts had studied GRETA's report and had identified three priorities which should be addressed in the first place: harmonising the anti-trafficking legislation between the state and entity levels, disconnecting identification of victims from the initiation of criminal cases, and ensuring access of victims to assistance, including through delegating the provision of support to NGOs which receive public funding for the purpose.

16. The Committee adopted the recommendation in respect of Bosnia and Herzegovina and decided to request the Government of Bosnia and Herzegovina to inform it of the measures taken to comply with this recommendation by 7 June 2015.

## **5.2 Draft recommendation to be adopted in respect of Norway**

17. The Chair invited the representative of Norway to take the floor concerning GRETA's final report on the implementation of the Convention by Norway. Mr Jan AUSTAD, contact person appointed by the Norwegian authorities to liaise with GRETA, expressed appreciation of GRETA's report which was considered a useful tool for further developing the national anti-trafficking system. The report had been presented in a Parliamentary debate on trafficking and was being used by NGOs to push for new action. In his statement, Mr AUSTAD drew attention to the issue of discouraging demand through the criminalisation of the purchase of sexual services in Norway and stressed the importance of GRETA staying objective on this issue. He also warned against unnecessary duplication of monitoring and reporting and referred to difficulties in providing and interpreting statistics. Further, he expressed Norway's appreciation of the evaluation process and the result of GRETA's monitoring, and stressed the importance of continuing to provide GRETA's Secretariat with the necessary resources. The full text of Mr AUSTAD's statement is set out in Appendix V.

18. The Committee adopted the recommendation in respect of Norway and decided to request the Norwegian Government to inform it of the measures taken to comply with it by 7 June 2015.

## **5.3 Draft recommendation to be adopted in respect of Poland**

19. The Chair invited the representative of Poland to take the floor concerning the final report of GRETA on the implementation of the Convention by Poland. Mr Robert DRZAZGA (Poland) stated that the Polish authorities appreciated the open and constructive dialogue with GRETA during the evaluation and welcomed GRETA's first report on the implementation of the Convention by Poland. Many of GRETA's proposals had been included in the national action plan for 2013-2015 adopted in May 2013. As regards the draft recommendation, Mr DRZAZGA proposed to amend the wording concerning the compensation of victims of trafficking by deleting the work "guarantee" which might suggest that the authorities are obliged to provide unrestricted access to all victims of trafficking to compensation by the State. At the same time, he indicated that the Polish authorities attached great importance to compensation issues and recognised the need for improvements to the compensation system, such as extension of the scope of the legislation on state compensation. The full text of Mr DRZAZGA's statement is set out in Appendix VI.

20. The Committee agreed with the proposed amendment and adopted the recommendation in respect of Poland. The Committee decided to request the Polish Government to inform it of the measures taken to comply with it by 7 June 2015.

## **Agenda item 6: Examination of draft revised Rules on the election procedure of the members of GRETA**

21. The Chair informed the Committee that the open-ended working group which had been set up to review the rules on the election procedure of members of GRETA had met twice since the 10th meeting, on 19 March and 6 May 2013. He presented the draft Rules on the election procedure, as amended by the working group and circulated to members of the Committee four weeks in advance to the meeting. As the result of the discussions, and taking into account the wishes of the Committee expressed at its 10th meeting, the working group had unanimously agreed upon the draft revised rules presented in document THB-CP(2013)10prov. The Chair invited members of the Committee to approve the proposed draft amendments.

22. Ms Lilia ILIEȘ (Republic of Moldova) stated that her authorities supported the proposed amendments which envisaged more details concerning the eligibility criteria of GRETA members as well as certain technical points.

23. The Committee approved the draft revised rules on the election procedure of members of GRETA and decided to submit them to the Committee of Ministers for adoption.

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**Agenda item 7: Dates of future meetings**

24. The Committee decided to hold its 12th meeting on 7 October 2013, starting at 14:00.

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

25. The Committee noted with satisfaction that since its 10th meeting (15 February 2013), Hungary had ratified the Convention (on 4 April 2013), bringing the total number of ratifications to 40. The Committee once again called upon 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**

26. The Executive Secretary of the Convention informed the Committee about the holding of round-table meetings in Austria, Bulgaria, Cyprus and the Republic of Moldova to discuss the implementation of GRETA's recommendations. The experience from these round-table meetings was encouraging as the participants appreciated the commitment of the Council of Europe to support the implementation of monitoring results and suggested concrete areas where assistance would be welcomed. Some of these areas were recurrent, for example, legal assistance to victims of trafficking, training of judges and prosecutors, improving the identification of victims (in particular children, victims of labour exploitation, and irregular migrants), and enabling victims to obtain compensation.

27. Further, the Executive Secretary informed the Committee of progress in preparing a conference on the protection of victims of trafficking under the Norway Grants programme on 27-28 November 2013 in Warsaw, Poland. This event would aim to include some 200 participants and would not be limited to the beneficiaries of the Norway Grants. The Executive Secretary also referred to the preparation of a high-level conference under the Austrian chairmanship of the Council of Europe, which would take stock of the first five years of the implementation of the Convention. The OSCE will be co-organising partner of this conference which will be held in February 2014 in Vienna.

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

28. Ambassador Luisella PAVAN-WOOLFE, representative of the European Union, informed the Committee of recent developments in the EU as regards action against trafficking in human beings. She noted that the deadline for EU member States to transpose Directive 2011/36/EU had passed (6 April 2013) and that nine Member States had notified full transposition of the Directive. The Commission had launched the process of non-communication in respect of Member States which had not notified transposition and would assess also compliance with the Directive by those states which had notified full transposition.

29. Further, Ms PAVAN-WOOLFE informed the Committee about the publication of a brochure "EU rights of victims of trafficking in human beings", providing an overview of victims' rights based on the Charter of Fundamental Rights of the European Union, EU directives, framework decisions and European Court of Human Rights case-law. She also referred to the publication of the first EU report containing statistics on human trafficking in 2008-2010, which was prepared by Eurostat.

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30. Finally, Ms PAVAN-WOOLFE informed the Committee about the launch of the EU Civil Society Platform against trafficking in human beings, which took place on 31 May 2013 in Brussels. This platform brought together some 100 civil society organisations and was intended to serve as a forum for exchanging experiences and concrete ideas on how to best assist victims and prevent others from becoming victims. The second meeting of the platform was planned for the autumn 2013.

31. The Executive Secretary of the Convention informed the Committee of the forthcoming OSCE Alliance Conference entitled "Stolen Lives, Stolen Money: The Price of Modern-Day Slavery", which would take place on 25-26 June in Vienna. The Executive Secretary had been invited to moderate one of the panels of the conference.

#### **Agenda item 11: Other business**

32. No other business was discussed by the Committee.

#### **Agenda item 12: Adoption of the list of decisions taken**

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



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## **Appendix I**

### **Agenda**

- 1. Opening of the meeting**
- 2. Adoption of the draft agenda**
- 3. Election of the Vice-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 Bosnia and Herzegovina, Norway and Poland**
  - 5.1 Draft recommendation to be adopted in respect of Bosnia and Herzegovina
  - 5.2 Draft recommendation to be adopted in respect of Norway
  - 5.3 Draft recommendation to be adopted in respect of Poland
- 6. Examination of draft revised Rules on the election procedure of the members of GRETA**
- 7. Dates of future meetings**
- 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

### List of participants / Liste de participants

#### Members of the Committee of the Parties / Membres du Comité des Parties

##### ALBANIA/ALBANIE

M. Dastid KORESHI  
Représentant Permanent Adjoint  
auprès du Conseil de l'Europe

##### ANDORRA/ANDORRE

Mme Florència ALEIX LARTIGUE  
Représentante Permanente Adjointe  
auprès du Conseil de l'Europe

##### ARMENIA/ARMÉNIE

Ms Varduhi MELIKYAN  
Deputy to the Permanent Representative  
to the Council of Europe

##### AUSTRIA/AUTRICHE

Mr Stephan RUTKOWSKI  
Deputy to the Permanent Representative  
to the Council of Europe

##### AZERBAIJAN/ AZERBAÏDJAN

Mr Emin ASLANOV  
Deputy to the Permanent Representative  
to the Council of Europe

##### BELGIUM/BELGIQUE

Mme Marjan JANSSENS  
*Chargé d'Affaires a.i.*  
Représentante Permanente Adjointe  
auprès du Conseil de l'Europe

##### BOSNIA AND HERZEGOVINA/ BOSNIE-HERZÉGOVINE

Mr Almir ŠAHOVIĆ  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative to the Council of Europe

Ms Lucija LJUBIC-LEPINE  
Deputy Permanent Representative  
to the Council of Europe

##### BULGARIA/BULGARIE

Mr Andrey TEHOV  
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Permanent Representative to the Council of Europe

Ms Detelina STAMBOLOVA-IVANOVA  
Deputy to the Permanent Representative  
to the Council of Europe

##### CROATIA/CROATIE

Mr Ivan MINTAS  
Deputy to the Permanent Representative  
to the Council of Europe

##### CYPRUS/CHYPRE

Mr Stavros HATZIYIANNIS  
Deputy Permanent Representative  
to the Council of Europe

##### DENMARK/DANEMARK

Ms Maken TZEGGAI  
Deputy Permanent Representative  
to the Council of Europe

##### FINLAND/ FINLANDE

Ms Tanja LEIKAS-BOTTA  
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##### FRANCE

Mme Mélanie BILOCQ  
Adjointe au Représentant Permanent  
auprès du Conseil de l'Europe

##### GEORGIA/ GÉORGIE

Mr Irakli GIVIASHVILI (*apologised/excusé*)  
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Deputy Permanent Representative  
to the Council of Europe

**GERMANY/ ALLEMAGNE**

Ms Nicole ZÜNDORF-HINTE  
Bundesministerium für Familie, Senioren,  
Frauen und Jugend

**ICELAND/ ISLANDE**

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Permanent Representative to the Council of Europe

**IRELAND/ IRLANDE**

Mr James MOLONEY  
Deputy to the Permanent Representative  
to the Council of Europe

**ITALY/ ITALIE**

M. Giuseppe CAVAGNA  
Représentant Permanent Adjoint  
auprès du Conseil de l'Europe

Ms Tiziana ZANNINI  
Executive of Social Fields  
Presidency of the Council of Ministers  
Department for Equal Opportunities

**LATVIA/ LETTONIE**

Mr Mārtiņš KLĪVE  
Deputy Permanent Representative  
to the Council of Europe

**LITHUANIA/ LITUANIE**

Mr Valdas ŠAKALYS  
Deputy to the Permanent Representative  
to the Council of Europe

**LUXEMBOURG**

M. Benjamin BOLLENDORFF  
Adjoint au Représentant Permanent  
Représentation Permanente  
auprès du Conseil de l'Europe

**MALTA/ MALTE**

Mr Joseph LICARI  
Ambassador  
**Chair of the Committee of the Parties**  
Permanent Representative  
to the Council of Europe

**REPUBLIC OF MOLDOVA/ REPUBLIQUE DE MOLDOVA**

Ms Tatiana PÂRVU  
Ambassador  
Permanent Representative  
to the Council of Europe

Mme Lilia ILIEȘ  
Deputy to the Permanent Representative  
to the Council of Europe

**MONTENEGRO/MONTÉNÉGRO**

Ms Danica MARKOVIC  
Deputy Permanent Representative  
to the Council of Europe

**NETHERLANDS/ PAYS BAS**

Mr René JANSEN  
Trainee  
Permanent Representation  
to the Council of Europe

**NORWAY/ NORVÈGE**

Mr Jo HØVIK  
Deputy to the Permanent Representative  
to the Council of Europe

Mr Jan AUSTAD  
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**POLAND/ POLOGNE**

Mr Robert DRZAZGA  
Deputy to the Permanent Representative  
to the Council of Europe

**PORTUGAL**

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Représentant Permanent  
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M. Luís B. SEQUEIRA  
Adjoint au Représentant Permanent  
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**ROMANIA/ROUMANIE**

Mr George BULIGA  
Deputy to the Permanent Representative  
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**SAN MARINO/ SAINT-MARIN**

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Ambassadeur  
Représentante Permanente  
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Mr Vladan LAZOVIC  
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**SLOVAK REPUBLIC/ RÉPUBLIQUE SLOVAQUE**

Mr Drahoslav ŠTEFÁNEK  
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Permanent Representative  
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Ms L'ubica ERDELSKÁ  
Deputy Permanent Representative  
to the Council of Europe

**SLOVENIA/ SLOVÉNIE**

Mr Matej GREGOREC  
Trainee  
Permanent Representation  
to the Council of Europe

**SPAIN/ ESPAGNE**

Mr Luis TARIN MARTIN  
Deputy to the Permanent Representative  
to the Council of Europe

**SWEDEN/ SUÈDE**

Ms Sara BENGTON  
Trainee  
Permanent Representation  
to the Council of Europe

**SWITZERLAND/SUISSE**

M. Benedict GUBLER  
Représentant Permanent Adjoint  
auprès du Conseil de l'Europe

**"THE FORMER YUGOSLAV REPUBLIC OF  
MACEDONIA"/ « L'EX-RÉPUBLIQUE YOUGOSLAVE  
DE MACÉDOINE »**

Mr Petar POP-ARSOV (*apologised/excusé*)  
Ambassador Extraordinary  
and Plenipotentiary  
Permanent Representative  
to the Council of Europe

**UKRAINE**

Mr Mykola TOCHYTSKYI (*apologised/excusé*)  
Ambassador Extraordinary  
and Plenipotentiary  
Permanent Representative  
to the Council of Europe

**UNITED KINGDOM/ ROYAUME UNI**

Ms Cristina BARBAGLIA  
Deputy to the Permanent Representative  
to the Council of Europe

## **Participants of the Committee of the Parties / Participants du Comité des Parties**

### **Ratifying States/ États ayant ratifié la Convention**

#### **HUNGARY/ HONGRIE** (CETS N° 197 enters into force on 01/08/2013)

Ms Adrienne TÓTH-FERENCI  
Deputy to the Permanent Representative  
to the Council of Europe

### **Signatory States/ États signataires**

#### **ESTONIA/ ESTONIE**

Ms Gea RENNEL (*apologised/excusé*)  
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#### **GREECE/ GRECE**

M. Iraklis ASTERIADIS (*apologised/excusé*)  
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#### **TURKEY/TURQUIE**

Mr Zeki ÖZTÜRK  
Deputy to the Permanent Representative  
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### **COUNCIL OF EUROPE BODIES / ORGANES DU CONSEIL DE L'EUROPE**

#### **COMMITTEE OF MINISTERS/ COMITÉ DES MINISTRES**

Ms Tatiana PÂRVU  
Thematic Co-ordinator on Equality and Trafficking  
Ambassador  
Permanent Representative of the Republic of Moldova  
to the Council of Europe

### **PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE / ASSEMBLÉE PARLEMENTAIRE DU CONSEIL DE L'EUROPE**

### **CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF THE COUNCIL OF EUROPE / CONGRÈS DES POUVOIRS LOCAUX ET RÉGIONAUX DU CONSEIL DE L'EUROPE**

Mr Herwig VAN STAA (*apologised/excusé*)  
President / Président

### **COUNCIL OF EUROPE COMMISSIONER FOR HUMAN RIGHTS / COMMISSAIRE AUX DROITS DE L'HOMME DU CONSEIL DE L'EUROPE**

Mr Nils MUIŽNIEKS (*apologised/excusé*)

### **CONFERENCE OF INTERNATIONAL NON- GOVERNMENTAL ORGANISATIONS OF THE COUNCIL OF EUROPE / CONFÉRENCE DES ORGANISATIONS INTERNATIONALES NON-GOUVERNEMENTALES DU CONSEIL DE L'EUROPE**

Karin NORDMEYER  
Zonta International Committee Chair  
President UN Women NC Germany

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**International Intergovernmental Organisations /  
Organisations intergouvernementales  
internationales**

**EUROPEAN UNION /  
UNION EUROPÉENNE**

Mme Luisella PAVAN-WOOLFE  
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Chef de la Délégation de l'Union Européenne  
auprès du Conseil de l'Europe

M. Giovanni Carlo BRUNO  
Adjoint au Chef de la Délégation de l'Union  
Européenne  
auprès du Conseil de l'Europe

Ms Amandine VANDER EEDE  
Délégation de l'Union Européenne  
auprès du Conseil de l'Europe

**Others / Autres**

**GROUP OF EXPERTS ON ACTION AGAINST  
TRAFFICKING IN HUMAN BEINGS /  
GROUPE D'EXPERTS SUR LA LUTTE CONTRE LA  
TRAITE DES ÊTRES HUMAINS (GRETA)**

Mr Nicolas LE COZ  
President of GRETA

**Secretariat / Secrétariat****Directorate General of Human Rights and Rule of Law / Direction générale des Droits de l'homme et État de Droit**

Ms Marja RUOTANEN  
Director

Ms Elda MORENO  
Head of Gender Equality and Human Dignity  
Department

**Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings (GRETA and the Committee of the Parties) / Secrétariat de la Convention du Conseil de l'Europe sur la lutte contre la traite des êtres humains (GRETA et Comité des Parties)**

Ms Petya NESTOROVA  
Executive Secretary

Mr David DOLIDZE  
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Mme Claudia LAM  
Administratrice

Ms Carolina LASÉN DIAZ  
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Mr Gerald DUNN (*apologised/excused*)  
Administrator

Ms Ita MIRIANASHVILI  
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Ms Rona STERRICKS  
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Ms Melissa CHARBONNEL  
Administrative Assistant

Ms Giovanna MONTAGNA  
Administrative Assistant

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Administrative Assistant

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Visiteuse d'études

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Secretariat of the Parliamentary Assembly****Congress of Local and Regional Authorities of the Council of Europe / Congrès des Pouvoirs Locaux et Régionaux du Conseil de l'Europe**

Ms Muriel GRIMMEISSEN  
Co-Secretary of the Current Affairs Committee/  
Cosecraire de la Commission des Questions  
d'Actualité

**Council of Europe Commissioner for Human Rights /  
Commissaire aux Droits de l'Homme du Conseil de l'Europe****Interpreters / Interprètes**

Mme Lucie de BURLET

M. Didier JUNGLING

Mme Isabelle MARCHINI

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## Appendix III

### Presentation by Mr Nicolas LE COZ, President of GRETA

Mr Chair,  
Excellencies,  
Ladies and Gentlemen Deputies

In March 2013, GRETA met for the first time in its new composition and elected its new Bureau. On that occasion, I had the honour of being re-elected President for a new two-year term and of being assisted in my duties by Ms BRASOVEANU and Mr SAX, my two vice-presidents.

Since the last meeting of the Committee of the Parties on 15 February, we have published three new reports on Bosnia and Herzegovina, Norway and Poland.

Before you adopt the recommendations, I would like to make a number of comments on these respective reports regarding three important aspects of the Convention:

- co-ordination of action against trafficking,
- identification of victims,
- the recovery and reflection period and, finally, compensation for victims.

#### I. FOLLOW-UP TO THE OBLIGATIONS OF THE PARTIES

##### Co-ordination of action against trafficking

Our Convention places an obligation on the States to step up co-ordination of action against trafficking and, in this connection, to establish strategic partnerships with specialised civil society organisations. Accordingly, such partnerships require clearly established co-operation frameworks that will help the States fully comply with their legal obligations.

In Poland, the involvement of non-governmental organisations, both within the inter-ministerial committee and its working groups is a positive and praiseworthy development. We pointed out that the Government must now roll out this co-ordination to the regional level by creating suitable regional structures.

In contrast, the NGOs are absent from the inter-ministerial working group set up in Norway and from the national co-ordination body of Bosnia and Herzegovina known as the "State Group".

In Norway, it is important to involve the specialised associations, which have a major role to play in the development and implementation of public policies, as they do in Bosnia and Herzegovina. Moreover, in the latter country, it is very important to co-ordinate efforts to implement the national action plan at the level of both the entities and the cantons.

##### Identification of victims of trafficking in human beings

The identification of victims, within the meaning of the Convention, is a procedure whereby a minimum of rights are implemented for the benefit of an individual where there are reasonable grounds to suspect that they are a victim of trafficking.



In Bosnia and Herzegovina, GRETA identified some loopholes in the identification process which might well result in victims falling through the net. This is because identification is linked with the opening of criminal proceedings. Furthermore, there are overlaps of jurisdiction between the law enforcement services operating at state and entity level which create obstacles to the identification of victims and accordingly their access to the measures of assistance provided for in our instrument.

This is why we have asked Bosnia and Herzegovina to set up a national referral mechanism assigning a specific role to each of the public or voluntary sector players potentially coming into contact with victims of trafficking and to ensure that the competent players adopt a more proactive approach towards identifying possible victims.

Norway takes a comprehensive approach towards identifying victims of trafficking, which enables all the public bodies, organisations and NGOs that might come into contact with THB victims to identify potential victims of trafficking and refer them to assistance schemes.

That said, GRETA is concerned by the lack of clear procedures and criteria for identifying victims of THB. Accordingly, our committee of experts urges the Norwegian authorities to adopt a formalised national referral mechanism defining the roles and procedures for all frontline players.

With regard to Poland, GRETA has welcomed the efforts made to adopt a multidisciplinary approach towards the identification of trafficking victims, thanks to the setting up of the National Consulting and Intervention Centre for both Polish and foreign victims of THB.

This centre, set up in 2009 and funded entirely from the budget of the Ministry of the Interior, is managed by the La Strada NGOs Foundation, following a public call for tenders. A second NGO has been involved in this public service mission since January 2013. If the staff working at the Centre are convinced that an individual is a victim of trafficking, that individual is entitled to assistance.

### **Recovery and reflection period**

Since victims of THB are extremely vulnerable following the trauma they have suffered, the Convention places an obligation on the Parties to provide for a recovery and reflection period of at least 30 days in their internal legislation.

The recovery and reflection period, in itself, is not subject to co-operation with the investigation or prosecution authorities and should be granted wherever there are reasonable grounds to believe that the individual concerned is a victim of trafficking, ie before the identification procedure has been completed. During that period, the Parties must grant the person concerned permission to stay on their territory and expulsion is not permitted.

In Norway, GRETA has welcomed the provision in Norwegian law setting the reflection period for potential trafficking victims at 6 months.

That said, GRETA has urged the Norwegian authorities to ensure that the reflection period is not linked to the victim's co-operation for the purpose of facilitating the prosecution of traffickers. GRETA has also asked the authorities to explore the reasons why so few possible victims of trafficking apply for and are granted a reflection period.

In Poland, no recovery and reflection period was granted in 2010 and 2011. GRETA has urged the Polish authorities to ensure that all possible victims of trafficking, including European Economic Area nationals, are systematically informed of the possibility of a recovery and reflection period and are effectively granted such a period regardless of whether or not they co-operate with the investigation.

Finally, GRETA has urged the authorities of Bosnia and Herzegovina to guarantee in law the recovery and reflection period provided for in the Convention.

### **Compensation**

The Convention places the States Parties under obligation to ensure that victims of trafficking receive compensation from the perpetrators and also to adopt legislative or other measures to guarantee state compensation schemes for victims.

The legislation of Bosnia and Herzegovina does not make adequate provision for the award of compensation to be paid to victims by offenders in criminal proceedings. Furthermore, it is not possible in law to obtain compensation through a state scheme. GRETA has urged the authorities to review current legislation with regard to the obtaining of compensation from perpetrators and set up a state compensation scheme accessible to victims of trafficking.

In Poland, notwithstanding the possibilities for compensation that exist in law, very few trafficking victims have received compensation from the perpetrators, and there are no statistics for trafficking victims who have received compensation from the State.

GRETA has urged the Polish authorities to ensure that victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation and the procedure to be followed, encourage prosecutors to request compensation orders to the greatest possible extent and to include all victims of trafficking in the scope of the Law on state compensation for victims of crimes. At present, only EU nationals are eligible for state compensation, and the victim must have received physical injuries.

## **II. FUTURE DEVELOPMENTS**

### **First round and second round**

The number of Parties to the Convention is steadily growing, which testifies both to the relevance of the Convention and the commitment of States to combat trafficking.

With 20 country evaluation reports published, GRETA is only halfway through its evaluation of the 40 Parties to the Convention. By the end of 2013, we aim to have completed the first evaluation round for the first 26 Parties to the Convention and the evaluation of 9 other Parties will be under way.

However, since the first evaluation round may only be initiated for a Party no less than one year after the Convention's entry into force for that Party, it is inevitable that the new Parties to the Convention (those which acceded in 2012 and 2013, such as Finland, Lithuania, Germany, Switzerland and Hungary) will be evaluated for the first time in 2014.

At the same time, in 2014 GRETA will launch the second evaluation round of the Convention. We are currently considering the format and timetable for that evaluation round.

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## Budget

Given the grave nature of the problem of trafficking in human beings and the key role played by the Council of Europe and GRETA in combating this scourge, I hope that the Council of Europe's Programme and budget for the coming two years, 2014-2015, currently under discussion, will ensure the smooth running of the Convention's monitoring machinery and the implementation of the Convention by the Parties.

In this context, I would like to emphasise how important it is to maintain focus on the human rights-based approach that characterises our action against trafficking in human beings. Indeed, this is the added value of the Council of Europe Convention, which is geared to the victim's rights.

In the programme and budget for 2012-2013, GRETA's activities were included within the "Rule of law" pillar, under the same programme heading as organised crime, money laundering, terrorism, cybercrime and the counterfeiting of medical products. In this connection, I would like to point out that, even though trafficking in human beings is not necessarily linked to transnational organised crime, it constitutes a grave violation of human rights in all events.

In view of the importance attached by the Council of Europe to action against trafficking in human beings as a human rights violation and the budget allocated for this purpose (some 800 000 euros in 2013), I consider it indispensable to express this more obviously and transparently in the budget and programme for 2014-2015.

Although GRETA is one of the Council of Europe's more recent monitoring bodies and has only been in existence for four years, it has identified a number of issues that must be tackled via legal, institutional, political or practical means in the countries which have already been evaluated.

Many of these are issues running right across the board and cannot be limited to a given sphere.

GRETA welcomes the fact that its monitoring findings have been attentively acted upon and believes that the outcomes of its activities must be exploited to resolve common problems and trends, and not only individual shortcomings in the respective member states.

To conclude, it seems to me important to develop a strategic vision, set priorities and avoid our efforts being needlessly duplicated within other bodies.

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## Appendix IV

### **Statement made by Ms Lilia ILIEȘ, Deputy to the Permanent Representative of the Republic of Moldova**

Mr Le Coz, this delegation congratulates you upon your re-election as President of GRETA and thanks you for your extremely interesting statement. I would be grateful if you could confirm that it will be made available to the Committee and circulated.

On behalf of my Government, I would like to emphasise that the Republic of Moldova appreciates its ongoing constructive dialogue with GRETA. We are prepared to develop follow-up action in co-operation with the Convention's monitoring bodies with a view to implementing the Recommendations proposed in respect of Moldova within the framework of the first evaluation round (the round table organised on 22 March 2013 in Chișinău is a good example of how this instrument is being built upon through initiatives involving all those concerned at national level).

We support you in your intended aim of forging synergies between the CoE Convention on action against trafficking in human beings and the relevant EU legislation, particularly where the EU's anti-trafficking strategy for 2012-2016 is concerned, as well as with other regional organisations active in this area (OSCE/ODIHR).

We believe it is appropriate to provide guidance and technical assistance to States for the implementation of GRETA's Recommendations, particularly those requiring a comprehensive and multidimensional approach.

We welcome the fact that a growing number of member states have ratified the Convention since the last meeting of the Committee of the Parties and encourage those member states having signed it to take the next step of ratifying it.

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## Appendix V

### Statement made by Mr Jan AUSTAD, Senior Advisor, Police Department, Ministry of Justice and the Police of Norway

My name is Jan Austad, and I am the Norwegian contact person for GRETA, working with counter-trafficking issues in the Ministry of Justice and Civil Security.

Norway has high expectations for GRETA. We believe that a strong monitoring mechanism is the only way to achieve improvements in the way states fulfil their obligations under the Convention on Action against Trafficking in Human Beings.

So far, we have not been disappointed. The preparations for the monitoring of Norway, as well as our discussions with the experts and the member from the Secretariat during the country visit, gave us reason to expect a high quality report, which we indeed have received. GRETA has understood well the way we work on trafficking issues, and has provided us with solid advice and reasonable recommendations.

The GRETA report was presented by the Minister of Justice and Civil Security in a Parliamentary debate on trafficking in early May, and has been described in leading newspapers. NGOs are already using recommendations in the report as ammunition for their demands for increased government action in various fields.

We see GRETA taking the leading role in monitoring implementation of national anti-trafficking measures. Hopefully even the only role. There is an unnecessary duplication of monitoring and reporting schemes today. I would like to support the concluding remarks in the first general report on GRETA's activities from September 2011. It was mentioned there that such duplications among other consequences is likely to generate monitoring fatigue on the part of national authorities. I would like to go further than that, and voice my concern that monitoring and reporting exercises in the area of trafficking, not in the least from an increasing number of uncoordinated UN bodies, today functions as a major barrier to further *developing* our anti-trafficking efforts. We are not a large number of people working with trafficking issues within our bureaucracies; there are limits to what we can achieve. More and more of our time is now passed with reporting what we have been doing in the past, and this prevents us from improving our work. Our aim now is to refer to the GRETA report when international organizations send us their questionnaires.

#### ***Measures to discourage demand***

As mentioned in the report on Norway (110) the Norwegian Parliament adopted legislation in 2008 that criminalized the purchase of sexual services. The main intention was to combat human trafficking by discouraging demand for prostitution. In the draft GRETA report we received in December last year, GRETA seemed to accept our ban as a measure to discourage demand. However, to our surprise, in the final report (113) GRETA stresses the need to differentiate THB for the purpose of sexual exploitation from prostitution, as the latter does not automatically amount to trafficking. GRETA notes that criminalizing the purchase of sexual services is not required by article 19 of the Convention, and considers that Norway should discourage demand for the services of victims of trafficking for the purpose of sexual exploitation. So, now we get no positive feed-back for our criminalization as a measure for discouraging demand under article 6.

We have also taken note of the report from the meeting in February of the Committee of the Parties (11). Here, Mr Le Coz referred to his participation in a recent meeting in light of the preparation of a report by a committee of the Parliamentary Assembly on criminalizing the purchase of sex to combat trafficking for sexual exploitation. Mr Le Coz pointed out that even though criminalizing the clients of sex workers might appear as a tool for decreasing demand which results in human trafficking, it could also give rise to a number of concerns. In particular, that it could make it more difficult to identify victims as customers and sex workers would be less likely to report criminal incidents to the police, and it would also become harder for

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social and health services to reach victims as prostitution is driven deeper underground and sex workers are put in more danger of abuse and exploitation.

Now, the political debate on prostitution issues can be quite tense in most countries. The Convention does not take a stand on how countries should make laws on prostitution, and so GRETA should take care not to be seen as taking a stand in these matters. For our specialized police units fighting trafficking, the ban on buying sex is not seen as giving rise to the concerns mentioned. The police do not see the ban as making it more difficult to identify victims. It has not been proven that prostitution is driven deeper underground. I think we are all aware that reports and evaluations in this field will never be all that conclusive. There are just too many complications involved with measuring the effects on how prostitution is organized and conducted. But for GRETA, there is a need to stay objective.

### ***The road ahead***

GRETA is now preparing how to conduct the second monitoring round. I would like to provide a few comments on the road ahead.

GRETA must find out a way to become a clear agent for change, and to present clear standards. We have recently been through a monitoring exercise with the European Committee for the Prevention of Torture (CPT). In the wake of their visit and reports we have implemented changes in the way certain people deprived of their liberty are being treated. Certain cells have ceased to be used for prisoners. Not always large changes, but vital enough for the people concerned.

Maybe this will be possible also for GRETA – for instance to point out that specific details within a shelter for victims must change.

### ***Demand for data***

Like any monitoring mechanism, GRETA has an understandable and insatiable demand for data. We understand that the regular availability of comprehensive statistical information on both trends in human trafficking and on the performance of main actors is vital for monitoring purposes. As other countries before us, Norway is for example advised by GRETA (82) to further develop and extend a comprehensive and coherent statistical system on THB by compiling reliable statistical information from all main actors.

However, at some point the hunt for more and more figures from authorities must cease. There are limits to how much information we can ask persons or entities to process. There are also so many limitations to which conclusions that can be drawn from statistics in this field. Our police units are as part of their strategy identifying traffickers, sometimes resulting in targeting them for investigations for other offences, if the foundation for a trafficking investigation is not in place. We will not be able to give figures for such indirect anti-trafficking efforts. GRETA needs to strike a balance here.

That said, as GRETA might put it, I wish to finish this statement with again expressing Norway's great appreciation with the process and the end result of the monitoring. I hope all of you present will continue to work with making sure that the secretariat in the future is provided with the resources necessary in their efforts to combat trafficking by influencing the way all state parties implement the Convention.

Thank you.

## Appendix VI

### Statement made by Mr Robert DRZAZGA, Deputy to the Permanent Representative of Poland

First please allow me to express gratitude of Polish authorities to GRETA for the report concerning implementation of the CoE Convention on Action against Trafficking in Human Beings. The report is the result of a very constructive, open dialogue and co-operation between GRETA, Polish Authorities and the representatives of the Civil Society.

I would like to ensure, that Polish authorities carefully examined all recommendations presented by GRETA. The recommendations were also presented on 19<sup>th</sup> of the April 2013 during the Working Group of the inter-ministerial Committee for Combating and Preventing Trafficking in Human Beings.

Poland has been undertaking actions in a structured way in order to prevent and combat trafficking in human beings since 2003, when the first *National Programme for Combating and Preventing Trafficking in Human Beings* was adopted and professional structures to cope with the issue were created.

I would like to highlight that the visit of GRETA experts was an inspiring experience. Many recommendations presented to Polish Authorities have been included in the *National Action Plan against Trafficking in Human Beings for 2013-1015* – the document adopted by the Council of Ministers on 20<sup>th</sup> of May 2013. The Plan envisages tasks with a special focus on victim-centered approach.

By giving only an example, that issues of combating and preventing trafficking in human beings for labour exploitation and child trafficking are included in the document.

I would like to express that Poland is further interested to continue co-operation with GRETA and to inform GRETA about efforts undertaken in order to combat and prevent this crime.

Nevertheless this delegation would like to propose a minor amendment to the draft recommendation on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Poland. In the tire 4 on the page 4 of the recommendation we would like to add word “further” after “adopting” and delete words “and guarantee”. We would therefore propose the following wording:  
“- *adopting further measures to facilitate access to compensation for victims of trafficking;*”.

In our opinion Poland has already taken some actions to “facilitate access to compensation for victims of trafficking” therefore it would be more appropriate in this regard to add word “further”. The use of word “guarantee” in the sentence in our opinion might cause some interpretative problems. It could imply that the national authorities are obliged to provide unrestricted access of all THB victims to compensation under the Law on state compensation for victims of certain crimes. This understanding is nevertheless contrary to article 15 para. 4 of the Convention which clearly states that the conditions of the access are to be defined in the internal law and which allows the states latitude in the methods of its implementation. At this moment I would like to underline, that the Polish authorities attaches a great importance to compensation issues. The authorities have undertaken actions to ensure that the victims take advantage of different programmes and measures aiming at social assistance and social integration. Moreover, the victims are entitled to the compensation within the criminal and civil proceedings. Additionally, those victims who fulfil the conditions prescribed by the law, are also entitled to the compensation based on the Law on state compensation to victims of certain offences.

All those measures which have been also mentioned in the GRETA report, prove that victims of human trafficking have access to compensation system in Poland in accordance with art. 15.4 of the Convention. At the same time Polish authorities recognise the need for improvements of the compensation system. Some of them have been already made, for example the extension of the scope of the Law on state compensation for victims. It is worthy to stress the continuity of authorities efforts in that regard.