



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 10 January 2014

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

12th meeting of the Committee of the Parties

(Strasbourg, 7 October 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 12th meeting on 7 October 2013 in Strasbourg.
2. The meeting was opened by Ambassador Drahoslav ŠTEFÁNEK (Slovak Republic), Vice-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 Chair of the Committee of the Parties

3. The Vice-Chair recalled that Ambassador Joseph LICARI (Malta) had ended his mission in Strasbourg at the end of July 2013, vacating the seat of the Chair. He expressed gratitude to Ambassador LICARI on behalf of the Committee for his guidance and contribution to the work of the Committee during the period of his chairmanship.
4. The Vice-Chair informed the Committee that Ambassador Pekka HYVÖNEN (Finland) had indicated his interest in taking on the role of Chair of the Committee and his letter of interest had been circulated to the members of the Committee. No other candidates had come forward.
5. The Committee elected Ambassador HYVÖNEN as its Chair by acclamation for a first term of office of one year starting on 7 October 2013. The Vice-Chair congratulated Ambassador HYVÖNEN on his election. The newly elected Chair thanked the Committee for the trust placed in him and continued conducting the meeting.

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 Belgium, Ireland and Spain, bringing the total number of public GRETA reports to 23. On the basis of these reports, he focussed on four areas: the need for a comprehensive approach to action against human trafficking; measures to discourage demand; safe and appropriate accommodation for victims of trafficking; and protection of victims and witnesses. The full text of Mr Le COZ’s presentation is set out in Appendix III.
7. The President of GRETA also informed the Committee that a meeting of the contact persons appointed by the Parties to the Convention to liaise with GRETA had taken place in Strasbourg on 17 September 2013. This was the second such meeting held since 2010. The main aim of the meeting was to hold an exchange on experiences from the first evaluation round of the implementation of the Convention and to hear the contact persons’ views and suggestions about the future. Contact persons had expressed their overall satisfaction with the functioning of the monitoring mechanism set up by the Convention and had welcomed the dialogue established between GRETA and the national authorities. The organisation of country evaluation visits was seen as an opportunity to bring together relevant stakeholders as well as to exchange with professionals in different parts of the country. The contact persons had stressed the value of GRETA’s reports which constitute an authoritative source of information on action against human trafficking and serve as a basis for the preparation of new national plans of actions, legislative changes and other measures.

8. Further, the President of GRETA informed the Committee that at its last plenary meeting in July, GRETA had decided to commission a stocktaking study of the main results of the first evaluation round, based on GRETA's 23 final evaluation reports. The purpose of the study was to provide an analysis of the main challenges and trends in the implementation of the Convention by the State Parties, to make suggestions for issues to be addressed in the second evaluation round and to discuss future challenges, based on the Convention framework.

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) confirmed that the contact persons' meeting had been very helpful and suggested that such meetings could be held more often, for instance once every two years.

11. The Chair suggested that at its next meeting the Committee could exchange ideas on how to stimulate the process of ratifications of the Convention.

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 Belgium, Ireland and Spain

5.1 Draft recommendation to be adopted in respect of Belgium

12. The Chair invited the representative of Belgium to take the floor concerning the final report of GRETA on the implementation of the Convention by Belgium. Ms Marjan JANSSENS, Deputy Permanent Representative, thanked GRETA for preparing a thorough and high quality report and the constructive dialogue throughout the evaluation process.

13. Ms JANSSENS also informed the Committee about new initiatives in the anti-trafficking area, such as increased attention to the identification of child victims, the adoption of two new laws which, *inter alia*, clarified the scope of sexual exploitation and the notion of forced service, and increased the fines imposed on traffickers which will be multiplied by the number of victims. The full text of Ms JANSSENS' statement is set out in Appendix IV.

14. The Committee adopted the recommendation in respect of Belgium and decided to request the Belgian Government to inform it of the measures taken to comply with this recommendation by 7 October 2015.

5.2 Draft recommendation to be adopted in respect of Ireland

15. The Chair invited the representative of Ireland to take the floor concerning GRETA's final report on the implementation of the Convention by Ireland. Mr David GILBRIDE, Principal Officer at the Anti-Human Trafficking Unit of the Department of Justice and Equality, thanked GRETA and the Secretariat for the constructive dialogue during the evaluation. The report had been submitted at the time of preparation of Ireland's second national anti-trafficking action plan, which allowed taking into consideration GRETA's proposals. Mr GILBRIDE affirmed the Irish authorities' commitment to ensuring that all victims of trafficking are assisted and protected. The full text of Mr GILBRIDE's statement is set out in Appendix V.

16. As regards the draft recommendation, Mr GILBRIDE proposed an amendment to the wording concerning the recovery and reflection by deleting the phrase "including European Economic Area nationals". He noted that in the understanding of the Irish authorities, the provisions of Article 13 of the Convention were intended to protect victims that risk being removed from the state territory. He also referred to Article 40, paragraph 3, of the Convention (the so-called "disconnection clause") concerning the mutual relations between Parties to the Convention which are European Union members.

17. Ms ZÜNDORF-HINTE (Germany) supported the proposed amendment.
18. The President of GRETA noted that according to the spirit and the letter of the Convention, all victims of trafficking should benefit from a recovery and reflection period without any difference in treatment in order to escape the influence of traffickers and obtain a minimum of psychological stability which allows them to decide whether to co-operate with the investigation and prosecution.
19. The Committee agreed with the proposed amendment and adopted the recommendation in respect of Ireland. The Committee decided to request the Irish Government to inform it of the measures taken to comply with the recommendation by 7 October 2015.
20. Mr Mārtiņš KLĪVE, Deputy Permanent Representative of Latvia, referred to cases of Latvian nationals who had become victims of human trafficking in Ireland through “sham marriages”. He stressed the importance of stepping up international co-operation to prevent such cases and the need for Ireland to adopt legislation. The full text of Mr KLĪVE’s statement is set out in Appendix VI.
21. Mr GILBRIDE affirmed Ireland’s commitment to co-operating with Latvia on this issue.. However, he noted that marriages of convenience (“sham marriages”) should not be conflated with trafficking in human beings: although such marriages contain a risk of exploitation, they are not a form of exploitation *per se*. He also pointed out that the draft Immigration, Residence and Protection Bill was expected to be submitted in early 2014.
22. Ms Nicole ZÜNDORF-HINTE (Germany) noted that while forced marriages should be seen as form of exploitation amounting to slavery or servitude, this was not always the case with marriages of convenience.

5.3 Draft recommendation to be adopted in respect of Spain

23. The Chair invited the representative of Spain to take the floor concerning the final report of GRETA on the implementation of the Convention by Spain. Ambassador Fernando ALVARGONZÁLEZ (Spain) thanked GRETA for the comprehensive report which provided guidance on the improvements to be made, in particular as regards the need to address trafficking for labour exploitation.
24. The Committee adopted the recommendation in respect of Spain and decided to request the Spanish Government to inform it of the measures taken to comply with the recommendation by 7 October 2015.

Agenda item 6: Government replies to Committee of Parties recommendations

6.1. Austria

25. The Chair invited the representative of Austria to take the floor concerning the measures taken by the Austrian authorities to comply with the recommendations of the Committee of the Parties on the implementation of the Convention. Ms Margareta PLODER of the Austrian Ministry of Foreign Affairs noted that GRETA’s report had provided very useful guidance when discussing the 2012-2014 National Action Plan against Human Trafficking. Some of the recommendations had already been fully implemented, in particular as regards legislative changes. For instance, the penalties for the basic offence of human trafficking had been increased and the forms of exploitation had been expanded. The Victims of Crime Act had also been modified, introducing the possibility of compensation for victims who were not residing legally in Austria. Further, protection measures for victims and witnesses during criminal law proceedings were being implemented.
26. The implementation of other recommendations was in progress, for instance concerning awareness-raising and training activities. A new working group on labour exploitation had been set up under the National Task Force on Combatting Human Trafficking, comprising representatives of all relevant ministries, the Länder, NGOs and social partners.

27. Moreover, Ms PLODER informed the Committee that a study on male victims of trafficking had been commissioned and the results and recommendations were currently being discussed. Several activities aimed to enhance the identification of and assistance to child victims were ongoing. Further, new immigration and asylum system would become operational from 1 January 2014, including the newly created Federal Immigration and Asylum Office. As concerns data collection, the collection of comparable data remained a challenge that could not be addressed at the national level alone, which is why Austria was involved in project entitled "Towards a pan-European Monitoring System of Trafficking in Human Beings".

28. Ms PLODER noted that following discussions, it had been decided to keep the current administrative provision on the recovery and reflection period, which allowed for more flexibility, rather than adopting a law. Such an approach was considered satisfactory by Austrian authorities and NGOs.

29. Ms PLODER concluded by underlining that Austrian NGOs had been fully involved in the process of preparing the reply to the Committee of the Parties' recommendation. She also thanked the Council of Europe for the very useful roundtable which had taken place on 17 May 2013.

6.2. Cyprus

30. The Chair invited the representative of Cyprus to take the floor concerning the measures taken by the Cypriot authorities to comply with the recommendations of the Committee of the Parties on the implementation of the Convention. Mr Stavros HATZIYIANNIS, Deputy Permanent Representative of Cyprus, thanked GRETA for its co-operation and constructive approach during the evaluation process which had been a major contribution to the progress made since the adoption of the Convention by Cyprus.

31. A number of measures had been taken by Cyprus in several areas and work was still on-going. The "artist visa" had been abolished and the legal anti-trafficking framework had been amended. A new National Action Plan against trafficking in Human Beings (2013-2015) had been approved in April 2013. As there was a growing number of victims of labour exploitation in Cyprus, the new Action Plan included specific actions in this field, e.g. systematic training for owners of private employment agencies. Moreover, Cyprus participated in the European project "Towards a Pan-European Monitoring System of Trafficking in Human Beings" concerning data collection.

32. Mr HATZIYIANNIS also noted the importance of providing further training to judges and prosecutors and suggested that GRETA issues a manual of best practices stemming out of the evaluations.

33. The Chair gave the floor to Mr Umut ACAR, Deputy to the Permanent Representative of Turkey¹, who read out a statement concerning the reply by Cyprus which contained references to "occupied parts" of Cyprus and noted that this was not the language and terminology used by the Council of Europe. The full text of Mr ACAR's statement is set out in Appendix VII.

34. Mr HATZIYIANNIS made a comment with regard to the provisions of Article 37 of the Convention. He also encouraged all member States of the Council of Europe to sign and ratify the Convention and undertake the legal and political obligations with a view to joining efforts in combating the serious crime of trafficking in human beings.

¹ Having a participating status as representative of a state which has signed but not yet ratified the Convention.

6.3. Slovak Republic

35. The Chair invited the representative of the Slovak Republic to take the floor concerning the measures taken by the Slovak authorities to comply with the recommendations of the Committee of the Parties on the implementation of the Convention. Mr Marcel BABICZ, Deputy to the Permanent Representative of the Slovak Republic, thanked GRETA and the Secretariat for the co-operation during the evaluation process.

36. Mr BABICZ noted that some recommendations had already been implemented and on others work was progressing. As concerns legislation, a new law had been approved on 25 June 2013 amending the Criminal Code and several other legal acts relevant for the fight against human trafficking, with effect from 1 August 2013. Secondary legislation concerning the support to victims of trafficking had also been modified.

37. Concerning awareness-raising and prevention, Mr BABICZ pointed out that the Ministry of the Interior had successfully applied for a EC grant for the project "Strengthening of joint measures in the prevention of forced labour of Roma community and the development of reference mechanism".

38. Mr BABICZ also mentioned that within the programme of support and protection of victims of trafficking, measures had been taken for the reintegration of victims into society. In 2013, the Act on Compensation to Violent Crime Victims had been amended and a leaflet containing information on compensation for trafficking victims had been issued.

39. In the framework of the project "Prevention and extended harmonised system of data collection and trafficking in human beings", an opinion poll had been conducted. Moreover, a working group had been set up to review the current economic, social and educational measures based on identified structural causes of trafficking in human beings with a view to developing recommendations. Also, a new trafficking information system had been introduced with effect from 1 May 2013.

40. In 2012, a manual for first-line and second-line inspections of the external border had been produced under the auspices of Frontex with a focus on identifying and detecting potential victims of human trafficking.

41. The Committee thanked the authorities of Austria, Cyprus and the Slovak Republic for the detailed information provided on measures to implement the Committee's recommendations. The Committee decided to transfer the reports to GRETA for consideration in the framework of the next evaluation round. The Committee also decided to make the reports public on the Council of Europe's anti-trafficking website.

Agenda item 7: State of signatures and ratifications of the Council of Europe Convention on Action against Trafficking in Human Beings

42. The Committee noted that since its 11th meeting (7 June 2013) no new ratifications had taken place.

43. The Chair informed the Committee of his intention to hold meetings with representatives of those Council of Europe member states which were not yet Parties to the Convention.

Agenda item 8: Information on Council of Europe activities of interest to the Committee of the Parties

44. The Executive Secretary of the Convention informed the Committee about a conference on protecting and promoting the rights of victims of trafficking entitled "Putting Victims First" which would be held on 26-27 November 2013 in Warsaw, Poland. The conference was organised by the Ministry of Interior of Poland, the Governments of Iceland, Liechtenstein and Norway, the Council of Europe and the International Organisation for Migration. The conference was intended for experts from EEA and Norway Grants Donor and Beneficiary States as well as from Eastern Partnership countries and Croatia. The aim of the conference was to share experiences and clarify the substantive content of the obligation to protect victims.

45. Moreover, the Executive Secretary referred to the ongoing preparations of the joint Council of Europe - OSCE Conference "Not For Sale - Joining Forces Against Trafficking In Human Beings", on the occasion of Austria's Chairmanship of the Council of Europe and Swiss Chairmanship of the OSCE, which would take place on 17-18 February 2014 in Vienna. The aim of the conference was to take stock of the progress made so far and discuss the challenges in the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings and of the OSCE Action Plan to Combat Trafficking in Human Beings.

46. Ambassador Tatiana PARVU (Moldova) informed the Committee about a regional conference entitled "Combating Trafficking in Human Beings in South-Eastern Europe: for a better protection of minors", held on 8 and 9 October 2013 in Chisinau, Moldova. The conference was jointly organised by the French Embassy in Moldova and the Committee for Combating Trafficking in Human Beings of the Republic of Moldova.

Agenda item 9: Information on the activities of other international organisations of interest to the Committee of the Parties

47. 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 17 EU Member States had so far notified the full transposition of Directive 2011/36/EU (the transposition deadline had passed on 6 April 2013). The Commission had launched the infringement procedures in respect of Member States which had not notified transposition yet.

48. Further, Ambassador PAVAN-WOOLFE informed the Committee about several activities implemented in the framework of the EU Strategy towards the Eradication of Trafficking in Human Beings. The EU Civil Society Platform against trafficking in human beings which had held its first meeting on 31 May 2013 was expected to meet for the second time on 9-10 December 2013 in Brussels. A targeted call for expression of interest to participate in the second meeting for civil society organisations from four selected neighbouring priority third countries (Albania, Morocco, Turkey and Ukraine) and civil society organisations dedicated to children rights had been launched.

49. The document "The EU rights of victims of trafficking" had been published in all official EU languages and was available on the European Commission's website. Moreover, in September 2013 the European Commission had published a reference document entitled "Guidelines for the identification of victims of trafficking in human beings" especially for border guards and consular services. The document provided for a list of indicative guidelines, referred to existing handbooks and manuals and listed the projects on the identification of victims, in particular those targeting consular services and border guards.

50. Lastly, Ms PAVAN-WOOLFE informed the Committee about the European Business Coalition against trafficking in human beings which would be established in 2014. The coalition should improve cooperation with businesses and other stakeholders, respond to emerging challenges and discuss measures to prevent trafficking in human beings, in particular in high-risk areas, such as the sex industry, agriculture, construction and tourism.

Agenda item 10: Dates of future meetings

51. The Committee decided to hold its 12th meeting on 7 February 2013, starting at 10:00.

Agenda item 11: Other business

52. No other business was discussed by the Committee.

Agenda item 12: Adoption of the list of decisions taken

53. 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 Convention on Action against Trafficking in Human Beings by Belgium, Ireland and Spain and adoption of recommendations in respect of these Parties**
 - 5.1 Draft recommendation in respect of Belgium
 - 5.2 Draft recommendation in respect of Ireland
 - 5.3 Draft recommendation in respect of Spain
- 6. Government replies to Committee of the Parties recommendations**
 - 6.1. Austria
 - 6.2. Cyprus
 - 6.3. Slovak Republic
- 7. State of signatures and ratifications of the Council of Europe Convention on Action against Trafficking in Human Beings**
- 8. Information on Council of Europe activities of interest to the Committee of the Parties**
- 9. Information on the activities of other international organisations of interest to the Committee of the Parties**
- 10. Dates of future meetings**
- 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

Mme Alma KASA
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auprès du Conseil de l'Europe

ANDORRA / ANDORRE

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et Plénipotentiaire
Représentant Permanent
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Office of the National Co-ordinator
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CYPRUS / CHYPRE

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DENMARK / DANEMARK

Ms Maken TZEGGAI
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Ms Ruth DILLON
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REPUBLIQUE DE MOLDOVA**

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**"THE FORMER YUGOSLAV REPUBLIC OF
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Deputy to the Permanent Representative
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Mr Matthew JOHNSON (*apologised/excusé*)
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**COUNCIL OF EUROPE BODIES /
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COMMISSAIRE AUX DROITS DE L'HOMME DU
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Mr Nicolas LE COZ
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Interpreters / Interprètes

M. Grégoire DEVICTOR

M. Nicolas GUITTONNEAU

Ms Bettina LUDEWIG

Appendix III

Presentation by Mr Nicolas LE COZ, President of GRETA

Mr Chair,
Excellencies,
Ladies and Gentlemen Deputies

Since the Committee of the Parties' last meeting, GRETA has adopted three final country evaluation reports, concerning Belgium, Ireland and Spain, which were made public in September. I would like to bring to your attention some good practices and gaps identified by GRETA in these reports. Given the limited time, I will focus on four areas: comprehensive approach to action against human trafficking; measures to discourage demand; safe and appropriate accommodation; and protection measures for victims and witnesses.

Comprehensive approach to action against human trafficking

To be effective, national action to combat THB must be comprehensive and take account of all forms of trafficking. For instance, in countries where national law has not been interpreted as encompassing trafficking for the purpose of forced begging or trafficking with the aim of forcing other people to commit criminal offences, legislation is required to cater for them. Action against trafficking for the purpose of forced labour should be stepped up, as must efforts to combat trafficking for the purpose of organ removal.

In **Belgium**, anti-trafficking policy has been progressively developed through the two national anti-trafficking action plans and recent legislative amendments. Over half of the victims of trafficking identified in 2009-2012 were trafficked for the purpose of economic exploitation, mainly in the sectors of catering, construction, cleaning services, agriculture and manufacturing workshops, and there have been a number of convictions for this form of trafficking. A few cases of trafficking for the purpose of committing offences, forced begging and organ removal, have also been identified. GRETA has asked the Belgium authorities to ensure that more attention is paid to the issue of trafficking of children.

In **Ireland**, the first National Action Plan is comprehensive in nature and new legislation passed in July 2013 *criminalises* trafficking for the purpose of forced begging and trafficking for criminal activities, and provides a *definition of "forced labour"*. However, GRETA notes in its report that more attention should be paid to trafficking for labour exploitation. Sectors with little or no regulation, such as domestic work, construction, entertainment, restaurants and agriculture, which employ undocumented workers or where the work permit is tied to the employer, are particularly at risk when it comes to THB. There have been no convictions of THB for the purpose of labour exploitation in Ireland, despite the fact that the Irish police has conducted investigations into human trafficking for labour exploitation and a number of files have been sent to the Prosecutor's Office.

Anti-trafficking policy in **Spain** has been characterised by a focus on combating trafficking of foreign women for the purpose of sexual exploitation. Recent reports suggest that trafficking for the purpose of labour exploitation in Spain takes place mostly in the sectors of agriculture (in particular seasonal workers), textile industry, domestic service, construction and hotel/catering trade. Despite the fact that, since December 2012, the Spanish Criminal Code *criminalises* human trafficking for the purposes of sexual exploitation, forced labour or services, slavery, servitude, forced begging and the removal of organs, there have been no specific measures to prevent trafficking for the purpose of labour exploitation. GRETA has asked the authorities to adopt a proactive approach to the identification of victims of trafficking for the purpose of labour exploitation

Measures to discourage demand

The Convention places a positive obligation on Parties to adopt legislative, administrative, educational, social, cultural or other measures to discourage demand for the services of victims of trafficking. Strategies aimed at preventing THB should address demand as a root cause of trafficking. Further, pursuant to Article 19 of the Convention, Parties must consider making it a criminal offence to knowingly use the services of a victim of trafficking. This provision targets the client whether of a victim of trafficking for sexual exploitation or of a victim of forced labour or services, slavery or practices similar to slavery, servitude or organ removal

Using the services of a person while knowing them to be a victim of trafficking is not criminalised in **Belgium**. For some years now, the Belgian authorities have been working on a mechanism for sanctioning order-givers (such as a shop or building company) who use intermediaries (such as a manufacturing workshop or temporary work agency) involved in trafficking. GRETA has urged the Belgian authorities to increase their efforts to discourage demand for services provided by persons subjected to trafficking for the purpose of economic exploitation, including the purposes of domestic work, and sexual exploitation.

In **Ireland**, an NGO-led campaign entitled *Turn Off the Red Light* was launched with a view to criminalising the purchase of sexual services, led by the belief that this is the most effective solution to tackle the demand for paid sex that fuels prostitution and trafficking. This has provoked a national discussion on the future direction of prostitution legislation in Ireland. In June 2013, the Joint Oireachtas (Parliament) Committee on Justice, Security and Defence recommended the criminalisation of the purchase of sexual services. GRETA has noted that there are conflicting views about the effects of criminalising the purchase of sexual services on human trafficking. Without prejudice to the wide spectrum of issues surrounding this debate, GRETA has stressed the importance of keeping under review the impact of any legislative reform on the identification of victims of trafficking, their protection and assistance, and the prosecution of traffickers. At the same time, GRETA considers that the Irish authorities should make more efforts to discourage demand for the services of trafficked persons for the purpose of labour exploitation, in partnership with the private sector and civil society.

In **Spain**, some cities have issued civic ordinances establishing the possibility of fining prostitutes and/or their clients. Other municipalities are in the process of developing such regulations. According to NGOs, the consequence of such local ordinances is to make persons engaged in prostitution look for more remote and isolated areas, outside cities, which makes them even more vulnerable. In these circumstances, the detection of THB cases and the provision of assistance to possible victims of trafficking become even more difficult. GRETA has stressed in its report on Spain the need to differentiate THB for the purpose of sexual exploitation, on the one hand, and prostitution, on the other.

Safe and appropriate accommodation

The Convention establishes that the assistance to victims of THB must include appropriate and secure accommodation.

In **Belgium**, the government has entrusted the three specialised reception centres managed by NGOs (associations) with the task of providing victims of trafficking with assistance. These three reception centres, with a total of 50 places, can take in all adult victims of trafficking, irrespective of gender, the type of exploitation, their nationality or status under immigration legislation and where they were detected, including abroad in certain cases. Three other associations provide accommodation to child victims of trafficking. However, the specialised reception centres for victims of trafficking do not have permanent funding enabling them to fulfil their mission. GRETA has asked the Belgian authorities to ensure that the assistance offered to victims of trafficking is adapted to their needs, and when it is delegated to NGOs, the State is under obligation to allocate the necessary funding and guarantee the quality of the services provided by those NGOs;

There are no dedicated shelters in **Ireland** for the accommodation of suspected victims of human trafficking. Such persons are accommodated in reception centres for asylum seekers. GRETA is concerned that these centres are not an appropriate environment for trafficking victims on a number of accounts: mixing of men and women, which can expose vulnerable women to further grooming and exploitation; lack of privacy, victims sharing bedrooms with up to three other persons; difficulty to apply a personalised approach as staff may not be aware of who the victims of trafficking are; and possibility for traffickers to access victims. In its report, GRETA has urged the Irish authorities to review the policy of accommodating suspected victims of trafficking in accommodation centres for asylum seekers and to consider setting up specialised shelters for victims of THB, with the involvement of NGOs as support providers.

In **Spain**, there are 44 shelters with an overall capacity to accommodate some 400 victims of trafficking for sexual exploitation, mostly women. Only two shelters admit men. In addition, there are over a 100 non-residential centres providing assistance, information and advice. The shelters and non-residential centres providing assistance to victims of trafficking for sexual exploitation are run by 50 organisations, with a combination of public funding and their own resources. GRETA has noted that the assistance provided to victims of trafficking depends on the resources made available by the autonomous communities, which are responsible for victim support services. GRETA has recommended that the authorities take steps to ensure that safe and suitable temporary accommodation is provided to all victims of trafficking, adapted to their needs, adopt minimum standards of assistance to all victims of trafficking, and provide adequate funding to maintain them.

Protection of victims and witnesses

Article 28 of the Convention, which obliges Parties to take measures to provide victims and witnesses with effective and appropriate protection from potential retaliation or intimidation in particular during and after the investigation and prosecution of perpetrators, is undoubtedly the most developed international legal standard. Unfortunately, it is still not systematically implemented.

In **Belgium**, while welcoming the existence of a system of witness protection, GRETA has asked the Belgian authorities to make full use of the existing procedural measures aimed at protecting victims and witnesses within the meaning of the Convention, to avoid them being subjected to intimidation and reprisals throughout and after the criminal procedure, paying special attention to children.

In **Ireland**, there are a number of protection measures in place designed to protect suspected victims and witnesses during the criminal justice process. The Irish Police operated a Witness Protection Programme, but it has never been applied in human trafficking cases. GRETA has invited the Irish authorities to make full use of all measures available to protect victims/witnesses of THB and to prevent intimidation during the investigation and during and after the court proceedings.

In **Spain**, GRETA is concerned by reports that the protection of victims before and during trials is largely insufficient. Contacts between victims and the defendants outside the courtroom are allegedly frequent and that there are concerns of data protection (names of victims appearing in the press). The inadequate protection of victims can result in their reluctance to testify or co-operate in other ways with the authorities. GRETA has urged the Spanish authorities to ensure that victims of trafficking and witnesses are effectively protected during the criminal proceedings and beyond, if necessary, in accordance with Article 28 of the Council of Europe Convention. To this end, GRETA considers that the Spanish authorities should review whether the current system to protect witnesses is appropriate for adult and child victims of trafficking.

Meeting of GRETA's contact persons

For the second time since 2010, a meeting of the contact persons appointed by the Parties to the Convention to liaise with GRETA took place in Strasbourg on 17 September 2013. The main aim of the meeting was to hold an exchange on experiences from the first evaluation round of the implementation of the Convention, which was launched in 2010, and to hear the contact persons' views and suggestions about the future.

Contact persons expressed their overall satisfaction with the functioning of the unique monitoring mechanism set up by the Convention and welcomed the dialogue established between GRETA and the national authorities. The organisation of country evaluation visits was seen as an opportunity to bring together relevant stakeholders as well as to exchange with professionals in different parts of the country. The importance of involving civil society in the evaluation process was discussed, in particular at the stage of replying to GRETA's questionnaire.

The contact persons stressed the value of GRETA's reports which constitute an authoritative source of information on action against human trafficking and serve as a basis for the preparation of new national plans of actions, legislative changes and other measures.

A number of suggestions were made on adjustments which can further improve the evaluation process in the future. GRETA will take the contact persons' feedback into account when preparing the second round of evaluation of the Convention.

Stocktaking study of the main results of the first evaluation round

At its last plenary meeting in July, GRETA decided to commission a stocktaking study of the main results of the first evaluation round, based on GRETA's evaluation reports. The results of this study should be available by the end of 2013. The study will examine the 23 final country evaluation reports drawn up by GRETA and provide an analysis of the main challenges and trends in the implementation of the Convention by the State Parties. It will make suggestions for issues to be addressed in the second evaluation round and will discuss future challenges, based on the Convention framework, and taking into account recent developments in the norms and practices of EU, OSCE, UN, etc. The study has been entrusted to Dr Conny Rijken, Associate Professor at Tilburg University Law School (the Netherlands), who has done extensive research on trafficking in human beings.

Appendix IV

Statement made by Ms Marjan JANSSENS, Deputy Permanent Representative of Belgium

The Belgian authorities would first of all like to thank GRETA and the Council of Europe Secretariat for the enormous work accomplished within the framework of monitoring activities under the *Convention on action against trafficking in human beings* and in particular the preparation and drafting of the report on Belgium's policy in this field. Belgium also welcomes the ongoing, constructive dialogue that characterised the entire process.

The report is very complete and although we did have a few comments on it – appended to the document – they more often than not focused on fine details. Generally speaking, we agree with the analysis and recommendations put forward by the Group of experts.

The report highlights the fact that Belgium has an array of effective mechanisms for co-ordinating policy, monitoring the phenomenon of trafficking and protecting victims. Nevertheless, GRETA asks that we focus more closely on the issue of trafficking in children and stresses the need to step up our efforts to identify minors who are victims of trafficking.

In this connection, the Belgian authorities would emphasise that identifying these victims is not always easy. Traffickers in human beings may subject children to numerous forms of exploitation: exploitation of labour, sexual exploitation or forcing child victims to commit theft etc.

Minors are also particularly vulnerable because they are more easily deceived by the people exploiting them, who might give their victims a small share of the proceeds in order to maintain their influence over them.

To better combat the exploitation of minors, various new initiatives have been launched in Belgium. Indeed, the issue of protecting minor victims was one of the points highlighted in the last National action plan against THB (covering the period 2012-2014). Accordingly, training was recently laid on for the social workers and educators in observation and referral centres for asylum seekers, to enable these professionals to more easily identify minors who are potentially trafficking victims and prompt them to refer victims to the specialised reception structures. A brochure has also been produced to convey this information to these professionals, summarising the indicators pointing to trafficking and providing these front-line players with all the useful contact details.

In addition, the plenary meeting of the specialised prosecutors' network of expertise on THB devoted one of its workshops to the exploitation of minor victims. These efforts will be pursued.

Besides the question of protection of minors, I would like to point out that Belgium recently strengthened its legislative arsenal with two new laws.

The first of these (the law of 29 April 2013) clarifies and extends the previous national definition of the purpose of sexual exploitation. The previous definition of purpose had been drafted primarily in relation to the phenomenon of exploitation of prostitution but did not adequately cover other forms of sexual exploitation (such as pornography). The new definition of the purpose of sexual exploitation is therefore a broader and fuller one.

The definition of the purpose of economic exploitation has also been extended in order to take greater account of situations going beyond the framework of exploitation through labour, already broadly defined in Belgium. In other words, the notion of service has been expressly added to the purpose, which will leave the perpetrators less latitude for disputing the facts when exploitation occurs within a family context for example (we found one such case in the catering sector) or in a service context not typically associated with work (such as a forced pregnancy).

Secondly, the law of 23 June 2013 brings about an important change in terms of sanctions. The fines imposed on the perpetrators of trafficking will now be multiplied by the number of victims. This mechanism was already in operation in the sphere of labour-related criminal law. As economic exploitation is one of the purposes of trafficking, it was thought expedient to extend the measure to the crime of trafficking, regardless of the purpose involved. Where prosecutions and sanctions are concerned, the different internal assessment mechanisms have also highlighted the points requiring greater attention on our part.

Regarding the draft recommendations as a whole, I would like to stress that they will be examined most attentively. Indeed, a number of the recommendations tie in with the problems identified within the Action Plan 2012-2014 and will naturally come up in the course of our work. Other recommendations are new and will be considered for the medium term. Whatever the case, the authorities will continue to develop new initiatives and keep the Council of Europe informed of future projects.

The current GRETA report has already been submitted to the Bureau of the *Inter-Departmental Co-ordination Unit for Action against Trafficking in Human Beings* and will be closely examined by the Unit at a plenary sitting before the end of the year.

I would like to thank you for the excellent co-operation and for your attention.

Appendix V

Statement made by Mr David GILBRIDE, Anti-Human Trafficking Unit, Department of Justice and Equality, Ireland

I would like to begin by thanking GRETA and the Council Secretariat for their assistance during this monitoring process. In particular, I would like to acknowledge the work undertaken by the delegation from the Group of Experts on Action against Trafficking in Human Beings (GRETA) - Ms Nell Rasmussen, Mr Jan van Dijk and Ms Petya Nestorova - who carried out the country visit in November 2012.

This Report follows a very constructive dialogue process between GRETA, the Irish authorities and representatives of civil society in Ireland. Ireland welcomes the GRETA monitoring process as an independent overview of our progress to date and as a most useful learning experience. The Group of Experts Report is timely given that Ireland is in the process of drafting a second National Action Plan in relation to Human Trafficking and the proposals in the Report will be carefully considered as part of this process.

Ireland's efforts to combat human trafficking have developed rapidly over the past number of years, as a result not only of our international commitments but also because we are determined to identify and implement the most effective means to address this most complex and heinous human rights abuse. The Irish authorities are pleased to note that the Committee welcomes the important steps taken by Ireland to develop the legal and institutional framework for action against human trafficking, including the setting up of co-ordinating structures and specialised units and the adoption of a comprehensive National Action Plan and the considerable efforts made in the areas of awareness raising and training. We intend to continue our efforts to ensure that all victims, especially child victims, of this heinous crime are afforded the supports and services they require.

While much has been done in Ireland in a relatively short period of time in the area of preventing and combating human trafficking, Ireland accepts that there will always be more that can be achieved and it wishes to report that the Irish Government continues to be committed to tackling the issue of human trafficking, supporting victims and pursuing traffickers and, as I have said previously, the GRETA proposals will significantly inform the future direction of our efforts.

I would however, like to request an amendment to the wording of the draft recommendation in relation to the recovery and reflection period. We would suggest that GRETA's opinion that all possible victims of trafficking, *including EEA nationals*, should be offered a recovery and reflection period requires further discussion.

There are two issues that we suggest the Committee may wish to consider in this regard. The first of these relates to our understanding of the provisions of the relevant Article of the Convention, our understanding of the intention of the drafters of the Convention and the actual practice in Ireland in relation to this provision.

We would again like to draw attention to Paragraph 172 of the Explanatory Report on the Convention which states '*Article 13 is intended to apply to victims of trafficking in human beings who are illegally present in a Party's territory or who are legally resident with a short-term resident permit*'. It would appear from this that the drafters intention was that the recovery and reflection period's primary purpose is a protection against removal from the State and this is the position in Ireland therefore we consider that the present arrangements in place are in accordance with the provisions of Article 13. The Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking (which allow for the issuing of a recovery and reflection period) apply only to those who would not otherwise have a permission to be in the State. It is important to emphasise that accommodation and all protections and services are immediately made available from the first point of contact, when any victim is referred to or discovered by An Garda Síochána. Ireland therefore is in effective providing

such a period of recovery and reflection to all victims. We would request therefore that this recommendation be amended by removing the words '*including EEA nationals*' as to leave the recommendation as currently formulated would, implicitly at least, leave the regrettable impression that this is not the case.

The second issue in relation to this recommendation is somewhat more technical and may be of limited relevance in the case of Ireland. The Committee will be aware of the provisions of paragraph 3 of Article 40 of the Convention – the so called 'disconnection clause'. The Committee will be aware that the EU acquis in this area encompasses the issue of Recovery & Reflection and the Committee may wish to reflect on any implications this may have when making recommendations in this regard. This technical issue is being raised by Ireland for the purpose of ensuring that any implications that may arise are considered by the Committee. I would assure the Committee again that Ireland is satisfied and indeed confident that the current arrangements in place satisfy the provisions of Article 13 of the Convention.

I would like to close by again assuring the Committee that Ireland welcomes the opportunity this Report offers to consider further improvements in our anti-trafficking policies. We look forward to continued cooperation with GRETA and will endeavour to keep them informed of developments in relation to Ireland's implementation of the Council of Europe Convention.

Appendix VI

Statement made by Mr Mārtiņš KLĪVE, Deputy Permanent Representative of Latvia

We thank GRETA for the report on the implementation of the convention in Ireland and we welcome the steps taken by Ireland in order to fulfil the commitments of the convention.

Our authorities have carefully considered the report, recommendations and Irish Government's comments and we would like to make several comments.

New forms of trafficking were mentioned today by the president Le Coz and the need to criminalize them.

We would like to pay attention to the problem of sham marriages (or marriages of convenience as GRETA calls it). Already for several years citizens of Latvia have become victims of trafficking after sham marriages that take place in Ireland. We have raised this issue in our country dialogue with GRETA and it was mentioned in the report on Latvia and also in the report on Ireland.

In order to tackle the problem of sham marriages, close dialogue has been launched between the authorities of both countries. Latvia has addressed the issue of sham marriages with Ireland regularly and at different levels (Embassy of Latvia in Dublin, Latvian State Police, Ministers of the Interior, Foreign Affairs and even at the level of Prime Ministers) and international forums (UN Human Rights Council Universal Peer Review).

We would like to recall the statement of the President of GRETA (Nicolas Le Coz) made in February meeting, where he acknowledged that there are risks of trafficking in the cases of sham marriages. The statistics clearly demonstrates these "risks" – only in one Latvian NGO "Safe House Shelter" during 2012, out of 16 victims of trafficking from abroad, 13 cases were victims of sham marriages in Ireland, in 2013 in the same NGO already 8 victims from Ireland have been registered.

Latvia acknowledges that we also have to do our part to deal with the problem (including by implementing GRETA Recommendation Nr 8 regarding Awareness raising, education and measures to discourage demand) and we continue to do that. For example on 1 April 2013 the amendments to The Latvian Criminal Law entered into force that introduces criminal liability for sham marriages with the purpose of giving a person an opportunity to reside in EU countries.

At the same time even after close cooperation with Irish institutions and promises to deal with this issue, sham marriages are still a reality in Ireland. We have encouraged Ireland to introduce criminal liability for organizers and facilitators of sham marriages. Persons who before and after concluding sham marriages end up in exploitation defined by the definition of trafficking in human beings should be treated as victims of trafficking in human beings by the relevant Irish institutions. Changes to the Irish Registration Act 2004, Civil Registration Amendment Bill 2013, Immigration, Residence and Protection Bill 2010 or Criminal Law (Human Trafficking) Act 2008 were promised but have not been made. We regret that GRETA did not pay attention to this aspect of human trafficking risks and did not mention all of these laws in its report. We hope that GRETA will look into this issue in the future.

In para 243 of the report GRETA says: *“The Irish authorities have affirmed their commitment to cooperate with the Latvian authorities to investigate any allegations of human trafficking. Further, the provisions of the draft Immigration, Residence and Protection Bill 2010 are being examined with a view to drafting amendments dealing with immigration related marriages of convenience and sham marriages.”*

In this context we would like to ask a question to GRETA: In Para 19 of the report there is a highlighted text **“GRETA stresses the importance of adopting new legislation relating to immigration, asylum and human trafficking as soon as possible”**. Why this sentence does not appear in the recommendations to Ireland?

And - to conclude – Latvia would like to emphasize the importance of the Recommendation Nr 6 where „GRETA ... invites them [Irish authorities] to continue developing the aspect of international co-operation with a view to preventing human trafficking, assisting victims of trafficking, and investigating and prosecuting human trafficking offences, including through exploring further possibilities for co-operation with governmental and non-governmental actors in the main countries of origin of trafficking victims”. We believe that to be successful in combatting this unfortunate phenomenon, genuine commitment and close co-operation is truly vital.

As from our part, Latvia continues to be committed to fight trafficking in human beings and looks forward to a continuous cooperation with GRETA, Ireland and other countries!

Mr Chairman, I would like this statement to be included in the minutes of the meeting!

Thank you!

Appendix VII

Statement made by Mr Umut ACAR, Deputy to the Permanent Representative of Turkey regarding document THB-CP(2013)15 “Measures taken by the Cypriot authorities to comply with Committee of the Parties Recommendation CP(2011)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Cyprus”

Concerning the document on the Greek Cypriot Administration, I would like to make the following comments.

First of all I have noticed in the Greek Cypriot reply to the GRETA recommendations some references to the so-called “occupied parts”.

This is not the language and terminology used in this organization concerning the Cyprus issue. Moreover, there is a functioning administrative system in the North Cyprus.

Secondly, I see references in the reply to certain activities where NGOs and foreign diplomatic missions were involved.

If I am not mistaken the majority of these activities are bi-communal and law enforcement officers from both parts of the island take part in them.

While this is the case, it is quite astonishing to see no reference to the bi-communal nature of these activities.

Finally, I have to remind you the fact that there is a functioning and accessible legal and judicial system in the Turkish Republic of Northern Cyprus and that judicial system has been recognized by the European Court of Human Rights.

While this being the case, suggesting that, as was done in the Greek Cypriot reply, “no investigation was possible since certain crimes were committed in the north” could only be considered as an inexcusable justification for impunity.

There is a European Court compliant judicial system in the North Cyprus and also police cooperation exists.