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**Questionnaire for the evaluation
of the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings
by the Parties**

First evaluation round

Adopted by the Group of Experts
on Action against Trafficking in Human Beings
(GRETA)
on 1 February 2010

Council of Europe Convention on Action against Trafficking in Human Beings

The *Council of Europe Convention on Action against Trafficking in Human Beings [CETS No. 197]* was opened for signature in Warsaw on 16 May 2005, on the occasion of the Third Summit of Heads of State and Government of the Council of Europe member states and entered into force on 1 February 2008.

This Convention is considered to be one of the Council of Europe's most important achievements and the most important human rights treaty of the last decade. The first European treaty in this field, it is a comprehensive instrument focusing mainly on the protection of victims of trafficking and the safeguarding of their rights. It also aims to prevent trafficking and to prosecute traffickers. In addition, it provides for the setting up of an effective and independent monitoring mechanism capable of controlling the implementation of the obligations contained in the Convention.

Monitoring mechanism of the Convention

The monitoring mechanism of the Convention consists of two pillars: the *Group of Experts on Action against Trafficking in Human Beings (GRETA)*, a technical body, composed of independent and highly qualified experts, and the *Committee of the Parties*, a more political body, composed of the representatives in the Committee of Ministers of the Parties to the Convention and of representatives of parties non-members of the Council of Europe.

GRETA is responsible for monitoring implementation of the Convention by the Parties. GRETA will regularly publish reports evaluating the measures taken by the parties and those Parties which do not fully respect the measures contained in the Convention will be required to step up their action.

The Committee of the Parties may also, on the basis of GRETA's report and conclusions, make recommendations to a Party concerning the measures to be taken to follow up GRETA's conclusions.

For further information please consult our website: www.coe.int/trafficking

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Introduction

In accordance with Article 36, paragraph 1, of the *Council of Europe Convention on Action against Trafficking in Human Beings* (hereinafter “the Convention”), the *Group of Experts on Action against Trafficking in Human Beings (GRETA)* “shall monitor the implementation of this Convention by the Parties”.

Pursuant to Article 38, paragraph 1, of the Convention and Rules 1 and 2 of the *Rules of procedure for evaluating implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties* (hereinafter “the Rules on the Evaluation Procedure”), GRETA will evaluate the implementation of the Convention following a procedure divided in rounds. GRETA decided that the duration of the first evaluation round should be four years, starting at the beginning of 2010 and finishing at the end of 2013.

The first evaluation round with regard to a Party is initiated by sending the questionnaire the earliest one year and at the latest two years following the entry into force of the Convention for the Party concerned (Rule 3 of the Rules on the Evaluation Procedure).

For the first evaluation round, GRETA has selected the provisions of the Convention which will provide an overview of the implementation of the Convention by each Party (Rule 4, second paragraph, of the Rules on the Evaluation Procedure).

For each evaluation round, GRETA will prepare a questionnaire on the implementation by the Parties of the specific provisions of the Convention on which the evaluation is based. The questionnaire will be public (Rule 5, first paragraph, of the Rules on the Evaluation Procedure).

In conformity with Rule 11 of the Rules on the Evaluation Procedure, replies to the questionnaire should be submitted in one of the official languages of the Council of Europe, which are English and French. Replies in other languages will not be taken into consideration. Replies should be detailed, answer all questions and reference texts should be attached when requested by GRETA.

Preliminary Questions

- *Question 1:* Please specify which State body/agency was responsible for co-ordinating and collecting the replies to this questionnaire. Please specify the name and professional title of the person heading this State body/agency. Please indicate if this person is the “contact person” appointed by your country to liaise with GRETA or a different person.
- *Question 2:* Which State bodies/agencies contributed to responding to this questionnaire? Please indicate the main responsibilities and/or fields of competence of each of these bodies/agencies.
- *Question 3:* Did any non-governmental organisations (NGOs) or other entities of civil society contribute to responding to this questionnaire? If so, please indicate the main activities of each of the NGOs and/or other entities of civil society which contributed.

I. Integration of the core concepts and definitions contained in the Convention in the internal law of the parties

Section I.1. Integration of the Human Rights approach to action against trafficking in human beings

As stipulated in the Convention, trafficking in human beings (hereinafter “THB”) “constitutes a violation of human rights and an offence to the dignity and the integrity of the human being” (third paragraph of the Preamble of the Convention). Therefore in the letter and in the spirit of the Convention, THB is a violation of human rights and not just a criminal offence.

- *Question 4:* Please indicate if, in your internal law, THB is considered as a human rights violation (or only a criminal offence, see Section II.3. below).
- *Question 5:* Please indicate what special legal protection exists under your internal law (including case law, if any) in cases of violations of human rights, which would apply in cases of THB (for example, constitutional protection, positive obligation of the state, priority examination, etc.).

Section I.2. Comprehensive approach to THB, co-ordination of all actors and actions to prevent and combat THB and to protect its victims, and international co-operation

Questions in this section aim to obtain information concerning the comprehensive nature of the legal framework and policies on action against THB established by the parties to the Convention covering measures on prevention, protection and prosecution (Article 1) as well as on partnerships (Articles 29, 32 and 35).

These partnerships should comprise:

- national co-ordination and co-operation among all national actors involved in action against THB (Article 29-2). Any national action to combat THB must be comprehensive and multi-sectorial, and take on board the required multidisciplinary expertise. This comprehensive national action must be co-ordinated through a specific governmental body or entity. These are the “co-ordinating bodies” referred to in Article 29 of the Convention which are distinct from “National Rapporteurs”. In accordance with the

Convention it is compulsory to ensure co-ordination of the national policies and actions (“shall”), whereas the appointment of National Rapporteurs is optional (“shall consider appointing ...”).

- international co-operation among all actors from different parties (Chapter VI of the Convention). Article 32 sets out the general principles which are to govern international co-operation. Firstly the parties must co-operate with one another “to the widest extent possible”. This principle requires them to provide extensive co-operation to one another and to minimise impediments to the smooth and rapid flow of information and evidence internationally. Article 32 contains the general part of the obligation to co-operate: co-operation must include the prevention of and combat against THB (first indent), the protection of and assistance to victims (second indent) and to investigations or proceedings concerning criminal offences established in accordance with the Convention (third indent), i.e. the offences established in conformity with Articles 18, 20 and 21.
- co-operation and partnership with civil society (Article 35). The strategic partnership referred to in Article 35 between State authorities and public officials and civil society means the setting-up of co-operative frameworks through which state actors fulfil their obligations under the Convention, by co-ordinating their efforts with civil society. Co-operation with international non-governmental organisations active in the field of prevention and protection of the victims of THB is also needed.

Questions concerning the comprehensive approach to THB (Article 1):

- Question 6: Please indicate the titles of the main internal legal provisions and/or regulations containing measures to prevent THB, to protect and assist its victims, and to criminalise THB and prosecute traffickers.
- Question 7: Does your country have a comprehensive national policy and/or a National Action Plan to combat THB? If so, please indicate its title, date of adoption and duration, main fields of action and the body/bodies responsible for its implementation.

Questions concerning specialised authorities, co-ordination of actors and actions against THB and international co-operation (Articles 29, 32 to 35):

- Question 8: In your country are there persons or entities specialised in the fight against THB and the protection of victims? If so, please describe the type and the periodicity of the training provided for these persons or the staff of these entities? Please specify the financial resources (in euros) allocated to this training.
- Question 9: Is there, within your governmental structure, a national body responsible for co-ordinating all national actors and actions against THB (regardless of the denomination and whether it was set up for this specific purpose or whether this responsibility was assigned to an already existing governmental body)? If so, please specify its name, administrative status, annual budget (in euros), human resources, composition and competences. If there is currently no such co-ordinating body, are there any plans to set one up in the near future? If so, please give details.
- Question 10: Is this co-ordinating body also responsible for the co-ordination of the collection of administrative data or population survey data on THB? If not, please specify which body/entity has this responsibility.
- Question 11: Do NGOs have full membership status in your national co-ordinating body? If so, how many? Please describe the criteria for NGO membership.

- Question 12: Are there any other national or international entities or bodies participating in your national co-ordinating body? If so, please specify.
- Question 13: Please describe the legal basis for international co-operation between your country and other countries in the fight against THB:
 - national legislation;
 - international instruments/agreements (bilateral and/or multilateral).
 Please indicate the title of the legal instruments.
- Question 14: What steps have been taken by your country to ensure that the requesting party is promptly informed of the final results of action taken in the framework of international co-operation on action against THB, as provided for in Article 34 of the Convention?
- Question 15: Do the relevant authorities of your country have the possibility to spontaneously provide information, without prior request, to authorities of another country if the disclosure of such information might assist the receiving country in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with the Convention? If so, please indicate how such information is transmitted and which authorities are involved.
- Question 16: Do your police forces carry out joint actions, on a bilateral and/or a multilateral legal basis, with the police forces from other parties to fight THB? If so, please describe the action taken and provide an assessment of its impact. If not, please describe any plans for joint action or obstacles to joint action.

Section I.3. Definition of “THB” and of “victim” in the internal law of the parties

In accordance with Article 4a of the Convention, trafficking in human beings consists of a combination of three basic components, each to be found in a list given in the definition:

- the action of: “recruitment, transportation, transfer, harbouring or receipt of persons”;
- by means of: “the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person”;
- for the purpose of exploitation, which includes “at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

Article 4b of the Convention follows European Court of Human Rights case-law in that it states that the consent of a victim of THB to a form of exploitation listed in Article 4a is irrelevant if any of the means referred to in Article 4a has been used.

Under Article 4c recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation is to be regarded as trafficking in human beings even if it does not involve any of the means listed in Article 4a. It is also immaterial whether or not the child consents to be exploited. Under Article 4d the word “child” means any person under 18 years of age.

Article 4e defines “victim” as “any natural person who is subject to trafficking in human beings as defined in this article”. A victim is anyone subjected to a combination of components (action – means – purpose) specified in Article 4a of the Convention.

Questions:

- **Question 17:** Are all the elements of the three components (action, means and purpose) contained in Article 4a of the Convention included in the legal definition of THB established by your internal law? Please describe how they have been integrated in your internal law.
- **Question 18:** Please indicate which of the following forms of THB are recognised under your internal law:
 - national;
 - transnational;
 - linked to organised crime;
 - not linked to organised crime.
- **Question 19:** Under your internal law, is a “victim of THB” any natural person who is subject to THB as defined in Article 4e of the Convention? Please provide the definition of a “victim of THB” under your internal law. Please provide (a translation of) the legal text(s) in English or in French.
- **Question 20:** Does your internal law recognise as victims of THB:
 - women;
 - men;
 - children?
- **Question 21:** To what extent does the consent of a person to intended or actual exploitation determine if that person will be recognised as a victim of THB under your internal law? Please specify if your internal law contemplates the consent of the three categories of victims: women, men, children. Please provide examples.

II. Implementation by the parties of measures aimed to prevent THB, protect and promote the rights of victims of THB and prosecute traffickers

Section II.1. Implementation of measures to prevent THB

Questions in this section aim to obtain information on the implementation by the parties of the preventive measures contained in Chapter II of the Convention (Articles 5 to 9). Implementation of preventive measures concerns all countries: countries of origin, transit and destination. Preventive measures to be implemented can vary depending on the type of country, but all countries should implement measures to prevent THB.

Questions:

- **Question 22:** Has a national/regional/local campaign or programme to alert the potential victims of THB to the various forms of exploitation been carried out in your country during the last two years? If so, was it based on research for determining effective prevention methods? Was it addressed to a particular group of potential victims? Which bodies, governmental or non-governmental, were in charge of implementing it? Please describe the material used for the campaign/programme and its dissemination. If possible, please provide an assessment of the impact of the campaign/programme. If more than one campaign or programme was carried out please provide the details for each of them. If there are currently plans for launching a new campaign or programme, please provide details.

- Question 23: Please describe the social and economic empowerment measures for disadvantaged groups vulnerable to THB which have been implemented or are planned.
- Question 24: What preventive measures to discourage demand leading to THB, as provided for in Article 6 of the Convention, has your country adopted or is considering adopting?
- Question 25: Please specify the measures taken by your country to ensure the quality, security and integrity of travel and identity documents in order to prevent their unlawful creation and issuance as well as to ensure that they cannot easily be forged.
- Question 26: Please specify the measures taken by your country to detect cases of THB at its borders, *inter alia* by means of border surveillance teams and intelligence measures.
- Question 27: Please describe any measures taken to provide information, through consulates and embassies, about legal entry and stay on the territory of your country in order to ensure informed and legal immigration.
- Question 28: Please describe any measures taken to avoid issuing visas (tourist, working, student visas, etc.) when there are reasonable grounds to believe that a person may be a victim of THB or implicated in THB. In such cases, please describe any specific measures which your law enforcement authorities have instructions to apply.
- Question 29: Do any specific measures exist for preventing national THB, including THB taking place on the territory of parties with special agreements establishing common borders (Schengen Agreement for example)? If so, please specify.
- Question 30: What funds have been allocated to the above-mentioned preventive measures in the state budget (central and/or regional/local)? Please specify amounts in euros.
- Question 31: Has an assessment of the impact of the above-mentioned preventive measures taken by your country been carried out? If so, please specify the results of the assessment.

Section II.2. Implementation of measures to protect and promote the rights of victims of trafficking in human beings

Questions in this section aim to obtain information on the implementation by the parties of measures to protect and promote the rights of victims contained in Chapter III of the Convention (Articles 10 to 17). This part of the questionnaire concerns the ways and procedures to identify victims (Article 10), measures to assist victims (Article 12), the recovery and reflection period (Article 13) and residence permits (Article 14). In addition some questions concerning repatriation and return of victims (Article 16) and reintegration of victims into society (Article 16-5) as well as questions about compensation (Article 15) are addressed.

Questions:

- Question 32: At what moment and by whom is the process to identify a potential victim of THB initiated (for example, declaration of the potential victim, statement by a police officer, statement by a NGO etc.)?
- Question 33: Have any common criteria been defined in your internal law for granting the legal status of victim of THB? If so, please specify.

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- Question 34: Which national authority(ies) grant(s) the legal status of victim of THB (for example, police forces, public prosecutor, judge, etc.)? Can such a decision be appealed?
 - Question 35: Can a person be removed from your country during the process of identification as a victim of THB (for example, if he/she is present illegally)?
 - Question 36: Does your country recognise the status of victim of THB granted by another party when the victim is on your territory?
 - Question 37: Please indicate which types of assistance described in Article 12 of the Convention are provided to victims of THB in your country. Please specify who provides the different types of assistance.
 - Question 38: Please describe the differences in the assistance and protection measures envisaged for victims of transnational trafficking and those envisaged for victims of national trafficking.
 - Question 39: Does your state budget allocate specific funding for these assistance and protection measures? Please indicate the amount (in euros), the criteria for receiving such funding and who receives it. Please specify the bodies/agencies/NGOs which actually cover the costs of the different types of assistance?
 - Question 40: Please describe how the recovery and reflection period provided for in Article 13 of the Convention is defined in your internal law. Please indicate the minimum and maximum duration of the recovery and reflection period and how your internal law foresees it being adapted to the particular circumstances of victims.
 - Question 41: What are the grounds (personal situation and/or co-operation with the law enforcement authorities) for issuing residence permits to victims of THB provided for in Article 14 of the Convention? Please indicate the different types of residence permits which can be issued to victims of THB, their minimum and maximum duration, if any, and the grounds for their renewal.
 - Question 42: Please describe how your internal law provides for the right of victims of THB to compensation. Please specify if your country has adopted any specific measures to guarantee compensation for victims of THB as provided for in Article 15 of the Convention.
 - Question 43: Please describe the procedure established under your internal law for the repatriation and return of victims of THB.
 - Question 44: Does a person, repatriated to your country as a victim of THB, continue having victim status? If so, please specify on which grounds such recognition is made (for example, declaration of the victim). What assistance measures are envisaged for such persons after repatriation?
 - Question 45: What are the grounds for the victim status to come to an end:
 - victim status claimed improperly;
 - victim's refusal to co-operate with the authorities;
 - return to the country of origin;
 - request of the victim;
 - other, please specify.

Section II.3. Implementation of measures concerning substantive criminal law, investigation, prosecution and procedural law

Questions in this section aim to obtain information on the implementation by parties of measures concerning substantive criminal law contained in Chapter IV of the Convention (Articles 18 to 26) as well as measures concerning investigation, prosecution and procedural law contained in Chapter V of the Convention (Articles 27 to 31).

Questions:

- Question 46: Is THB subject to a single criminal offence in your internal law? If so, please provide (a translation of) the legal text(s) in English or French. If not, please specify the combination of criminal offences, covering as minimum all conducts falling within the definition of THB as contained in Article 4 of the Convention, used under your internal law to prosecute for THB.
- Question 47: Does your internal law establish as a criminal offence the use of services of a victim of THB with the knowledge that the person is a victim of THB as provided for in Article 19 of the Convention?¹
- Question 48: Does your internal law establish as a specific criminal offence retaining, removing, concealing, damaging or destroying a travel or identity document of another person committed intentionally and for the purpose of enabling THB as provided for in Article 20c of the Convention?
- Question 49: Does your internal law ensure that a legal person can be held liable for criminal offences established in accordance with the Convention as provided for in its Article 22? What types of legal persons are subject to corporate liability for such offences?
- Question 50: Which sanctions does your internal law provide for criminal offences established in accordance with the Convention? Please specify the criminal, civil and administrative sanctions.
- Question 51: Does your internal law provide for the possibility to take into account previous convictions in another party when determining the penalty in relation to offences established in accordance with the Convention?
- Question 52: Please describe how your internal law provides for the possibility of not imposing penalties on victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, as provided for in Article 26 of the Convention.
- Question 53: Does your internal law provide for the initiation of legal proceedings by the victim and/or *ex officio* (for example, by the public prosecutor)?
- Question 54: Please describe how your internal law allows for NGOs or associations/groups assisting or supporting victims to participate in legal proceedings (for example, as third parties)? Please specify the conditions for this participation as well as their legal status during these proceedings.
- Question 55: Please describe the measures taken in your internal law to protect the identity and safety of victims before, during and after investigations and legal proceedings.

¹ Article 19 of the Convention does not concern using the services of a prostitute as such and the criminalisation of her/his client (see paragraphs 229 to 236 of the Explanatory Report of the Convention).

III. Statistics on THB

Question	Table 1: Victims of THB	2011				2012				2013			
		women	men	children ¹	total	women	men	children ¹	total	women	men	children ¹	total
	Article 10 – Identification of the victims												
T1	Number of victims identified ² during the year												
T2	Types of exploitation identified victims of THB were subject to:												
	- sexual exploitation												
	- forced labour or services												
	- slavery or practices similar to slavery												
	- servitude												
	- removal of organs												
	- other, please specify												
T3	Number of persons whom the competent authorities had reasonable grounds to believe were victims of:												
	- national trafficking												
	- transnational trafficking												
	Article 12 – Assistance to victims												
T4	Number of victims of THB who received assistance of any type												
T5	Number of victims of THB who refused assistance which was offered to them												
T6	Number of shelters for victims of THB in your country												
T7	Total number of places in shelters for victims of THB												
T8	Number of victims of THB accommodated in shelters												

¹ “Child” shall mean any person under eighteen years of age (Article 4-d of the Convention).

² “Identified” within the meaning of the Convention.

Question	Table 1: Victims of THB (continued)	2011				2012				2013			
		women	men	children ¹	total	women	men	children ¹	total	women	men	children ¹	total
	Article 13 – Recovery and reflection period												
T9	Number of victims of THB (including persons whom the competent authorities had reasonable grounds to believe were victims of THB) who were granted a recovery and reflection period												
	Article 14 – Residence permit												
T10	Number of victims of THB who were issued a residence permit												
	- owing to their personal situation												
	- for the purpose of their co-operation with the competent authorities												
	Article 15 – Compensation and legal redress												
T11	Number of victims of THB who obtained compensation												
T12	Compensation awarded to victims of THB:												
	- minimum amount awarded to a victim (in euros)												
	- maximum amount awarded to a victim (in euros)												
	Article 16 – Repatriation and return of victims												
T13	Number victims of THB who were repatriated to your country												
T14	Number of victims of THB who were repatriated from your country to another country												

¹ “Child” shall mean any person under eighteen years of age (Article 4-d of the Convention).

Question	Table 2: Criminal Proceedings and Sanctions	2011	2012	2013
	<u>Article 18 – Criminalisation of trafficking in human beings</u>			
T15	Number of criminal proceedings initiated on grounds of THB			
T16	Number of convictions for THB			
	<u>Article 19 – Criminalisation of the use of services of a victim</u>			
T17	Number of convictions for the use of services of a victim of THB			
	<u>Article 23 – Sanctions and measures</u>			
T18	Number of convictions for THB resulting in penalties involving deprivation of liberty			
T19	Duration of penalties on grounds of THB involving deprivation of liberty			
	- minimum duration			
	- maximum duration			
T20	Number of judgements resulting in the confiscation of assets			
T21	Number of judgements resulting in the closure of a business or an establishment which was being used to carry out THB			
	<u>Article 26 – Non-punishment provision</u>			
T22	Number of victims of THB who benefitted from the non-punishment provision			

Question	Table 3: Country of origin of victims of THB			2011	2012	2013
T23	Number of victims of THB originating from:					
	- Council of Europe Member States:	Albania				
Andorra						
Armenia						
Austria						
Azerbaijan						
Belgium						
Bosnia and Herzegovina						
Bulgaria						
Croatia						
Cyprus						
Czech Republic						
Denmark						
Estonia						
Finland						
France						
Georgia						
Germany						
Greece						
Hungary						
Iceland						
Ireland						
Italy						
Latvia						
Liechtenstein						
Lithuania						
Luxembourg						
Malta						
Republic of Moldova						
Monaco						
Montenegro						
Netherlands						
Norway						
Poland						
Portugal						
Romania						
Russian Federation						
San Marino						
Serbia						
Slovak Republic						
Slovenia						
Spain						
Sweden						
Switzerland						
"the former Yugoslav Republic of Macedonia"						
Turkey						
Ukraine						
United Kingdom						
	- other, please specify					