



# 4th GENERAL REPORT on GRETA's activities

**GRETA**

Group of Experts  
on Action  
against Trafficking  
in Human Beings

covering the period from  
**1 August 2013 to 30 September 2014**



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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**French edition**

4<sup>e</sup> Rapport Général  
sur les activités du GRETA

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# Introduction

## by the President of GRETA

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It is an honour for me to introduce this Fourth General Report of the Group of Experts on Action against Trafficking in Human Beings (GRETA), covering the activities carried out between 1 August 2013 and 30 September 2014 by our panel of experts under the mandate given to us by the Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”).

■ Among other issues covered by this report, we have analysed which of the Convention’s provisions require better implementation and which have been well applied. This analysis, illustrated by tables, will assist governments, their agencies and national co-ordinators in fulfilling their obligations under international law. It will also enable international organisations to identify the areas where they could provide further support to states. In keeping with tradition, I am taking the opportunity afforded by this report to emphasise the priority areas where those active in the anti-trafficking field at national and international levels must focus their efforts in the coming months. These can be summed up in five words: *consistency, comprehensiveness, commitment, equality and effectiveness*.

■ **Consistency** – The harmonisation of anti-trafficking legislation and practices cannot be complete if the Convention is not ratified by all the member states of the Council of Europe. On a positive note, two more states signed up to the Convention during the period covered by this General Report: Greece on 11 April 2014 and the first non-member state to do so, Belarus, on 26 November 2013. However, there are still several states missing from the list of parties to this instrument. These missing parts of the jigsaw undermine concerted, consistent action, allowing organised crime or individuals engaging in human trafficking to take advantage. Moreover, those states are missing out on the independent and impartial expertise of a mechanism which is unique in the international legal order. It is highly desirable therefore that the states parties are swiftly joined by their peers from the Council of Europe and by other non-member states, including the Council of Europe’s observer states which were involved in negotiating the text of the Convention.

■ **Comprehensiveness** – It has to be said that not all forms of trafficking in human beings are tackled with the same energy. While it is true that we must never reduce our efforts to combat trafficking for the purpose of sexual exploitation, it is imperative to take full account of the serious nature of trafficking for labour exploitation. Contrary to common belief, this does not entail mere labour law infringements but is tantamount to slavery, servitude and forced labour, as well as their variants involving exploitation for criminal activities and exploitation of begging. And with trafficking for the purpose of organ removal also a reality on the European continent, it is equally important to build a comprehensive framework for preventing and punishing such acts. In this respect, the new Council of Europe Convention against Trafficking in Human Organs, to be opened for signature in Santiago de Compostela in March 2015, should mobilise states and, when bringing their national legislation into line with that convention's provisions, they must be vigilant not to restrict the rights granted to victims of human trafficking for the purpose of organ removal.

■ **Commitment** – GRETA has seen too many cases where victims still encounter excessive difficulties in benefiting from their rights to assistance, compensation and protection against reprisals. The rights of foreign victims irregularly present on a country's territory as a result of trafficking is a topic that still triggers unjustified concerns on the part of some governments which, while not officially saying as much, worry that respecting those rights heightens migratory pressure. Besides the fact that these concerns are unsubstantiated, they fail to acknowledge that identification of victims is one of the key obligations of the Convention. This entails considering in each case if there are reasonable grounds to believe that a child, woman or man is a victim of trafficking in human beings. If systematically practised, identification obviates any risk of someone falsely claiming to be a victim.

■ **Equality** – It is indispensable to raise the level of protection for the most vulnerable, namely children, the elderly, persons with disabilities and persons belonging to certain communities who are targeted by traffickers. In this connection, I reiterate our wish to see the notion of abuse of a position of vulnerability properly incorporated into national legislation. It is, therefore, all the more noteworthy that these groups, and particularly children, will be closely focused on by GRETA during the second evaluation round of monitoring the implementation of the Convention, which we launched in May 2014.

■ **Effectiveness** – Having championed the imperative need to identify, seize and confiscate the criminal assets of traffickers, GRETA welcomes the fact that the message that trafficking in human beings is a crime that must no longer pay has got across. However, beyond the rules of substantive and procedural criminal law that have been adapted and made known to investigators and judicial authorities, the application of Article 23 of the Convention is still hampered by the inherent difficulties of implementing international mutual assistance in criminal matters. A further obstacle is the failure of certain countries to adapt their legislation to the obligations arising under the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism. Accordingly, all possible steps must be taken to ensure that the proceeds of crime are effectively confiscated, as a punishment in addition to custodial sentences.

I would also like to say how pleased I am that GRETA has further strengthened links with the United Nations system, in particular the United Nations Special Rapporteur on Trafficking in Persons, especially women and children, the United Nations Office on Drugs and Crime (UNODC), the High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF) the International Labour Organization (ILO), and the World Bank Group. We are also continuing our co-operation with the Organization of American States and the League of Arab States. Further, we are pleased to be forging ever stronger links with the OSCE Special Representative and Co-ordinator, the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the European Union and, more specifically, the European Commission and the Anti-Trafficking Co-ordinator as well as Eurojust, Europol, Frontex and the European Agency for Fundamental Rights, the International Organization for Migration (IOM), and the International Centre for Migration Policy Development (ICMPD). I would also like to thank the International Criminal Police Organisation (ICPO-Interpol) and its new Secretary General for their confidence in GRETA and their willingness to promote victims' rights within the framework of international police co-operation founded on the operational tools created by this organisation. We are grateful to all these institutions for their spirit of co-operation and efforts to systematically take GRETA's reports into account, avoid diverging interpretations of anti-trafficking standards and duplication of requests to the national authorities.

This year we will be celebrating the 10<sup>th</sup> anniversary of the Convention's opening for signature and paying fitting tribute to a legal instrument which, thanks to its finely targeted provisions, has expanded into the international legal order, becoming an indisputable reference, with its monitoring mechanism constituting the world's only independent panel of experts on trafficking in human beings. This General Report is an opportunity to draw up an initial assessment of the Convention's first evaluation round, while the second evaluation round has already been launched in 2014, and will see the first new country evaluation reports published in 2015. So the year ahead of us should be the time when GRETA and the states parties reflect on steps to strengthen the implementation of the Convention.

Finally, I would like to express the gratitude of our panel of experts to the Secretary General of the Council of Europe, the Deputy Secretary General, the Committee of Ministers, and the Committee of the Parties and its Chair for their valuable support. We are also grateful to the Director General of Democracy and the Director of Human Dignity and Equality as well as the Executive Secretary of the Convention and the staff of the Anti-Trafficking Division. I would also like to pay tribute to the members of GRETA for their admirable work and their unstinting dedication.

To conclude, I will emphasise that, because GRETA has been established by states as the guardian of the Convention, we will expect more efforts from states during the second evaluation round in order to guarantee that the Convention and its provisions are applied unflinchingly and, accordingly, to safeguard the personal security, freedom and dignity of victims of trafficking in human beings on the European continent and beyond.

**Nicolas Le Coz, President of GRETA**





# 1. Activities

## during the period 1 August 2013 to 30 September 2014

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### 1.1. GRETA MEETINGS

During the reporting period, GRETA held three five-day plenary meetings in Strasbourg during which it adopted a total of 11 final country evaluation reports, concerning Andorra, Azerbaijan, Iceland, Italy, Luxembourg, the Netherlands, San Marino, Serbia, Slovenia, Sweden, and “the former Yugoslav Republic of Macedonia” (see Appendix 5).

At its 18<sup>th</sup> meeting (4-8 November 2013), GRETA held an exchange of views with representatives of the European Committee on Organ Transplantation (CD-P-TO). Further, at its 20<sup>th</sup> meeting (30 June-4 July 2014), GRETA held an exchange of views with representatives of the Office of the United Nations High Commissioner for Refugees (see section 7.1).

GRETA held an additional two-day meeting on 5-6 May 2014 in Strasbourg in order to finalise the preparations for the launch of the second evaluation round (see section 1.3.2). During this meeting GRETA adopted the questionnaire for the second evaluation round and drew up a provisional timetable of country evaluations for this round (see Appendix 7). At the outset of the meeting, GRETA held an exchange of views with representatives of three international non-governmental organisations: Anti-Slavery International, ECPAT International and La Strada International.

## 1.2. SECOND MEETING OF CONTACT PERSONS APPOINTED TO LIAISE WITH GRETA

Contact persons are appointed from among officials from governmental structures with responsibility in the area of national anti-trafficking action and their role is to liaise with GRETA on all issues relating to the evaluation of the implementation of the Convention. Since the first meeting of GRETA's contact persons in February 2010, the number of parties to the Convention had grown<sup>1</sup> and GRETA considered it important to organise a second meeting of contact persons in Strasbourg on 17 September 2013. The aim of the meeting was to hold an exchange on experiences from the first evaluation round of the implementation of the Convention and lessons learned which should be taken into account when preparing the second evaluation round. GRETA was represented at the meeting by its President, two Vice-Presidents and Executive Secretary.

During the meeting, 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 meet professionals in different parts of the country. 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 action plans, legislative changes and other measures.

A number of suggestions were made on adjustments which can further improve the evaluation process in the future. These suggestions were taken into account by GRETA when preparing the second round of evaluation of the Convention.

The meeting also provided an opportunity to discuss the follow-up which will be given to the recommendations made by the Committee of the Parties to the Convention on the basis of GRETA's reports (see section 2).

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<sup>1</sup> From 27 in February 2010 to 40 in September 2013.

## 1.3. COUNTRY VISITS AND EVALUATIONS

### 1.3.1. FIRST EVALUATION ROUND

During the reporting period, GRETA carried out first evaluation visits to 10 parties to the Convention (see Appendix 5). Visits usually lasted four to five days unless the country was large and with a federal structure (e.g. Germany, the visit to which lasted seven days) or very small (the visits to Andorra and San Marino lasted three days each).

In the course of the country evaluation visits, GRETA met a variety of governmental and non-governmental stakeholders. In addition to meeting officials from relevant ministries, GRETA held consultations with law enforcement officers, prosecutors, judges, labour inspectors, social workers and other professionals directly involved in the identification of and assistance to trafficked persons. Further, GRETA met parliamentarians and representatives of independent human rights institutes. Civil society representatives, such as NGOs, trade unions, Bar Associations, employers' associations and researchers, were also consulted during the visits.

The country visits were an opportunity for GRETA to visit facilities where protection and assistance are provided to victims of trafficking, as well as other related establishments. Thus, during the reporting period, GRETA visited specialised shelters for victims of trafficking in Italy, Hungary, Germany, Switzerland and Ukraine. It also visited shelters for victims of violence which accommodate victims of trafficking in Finland, Lithuania and San Marino. Further, in Hungary, GRETA visited a centre for unaccompanied minors.

GRETA visited several centres for asylum seekers and/or detention facilities for irregular migrants, as victims of trafficking may be placed in such facilities. Thus, during the visit to Finland, GRETA visited the Joutseno Reception Centre for asylum seekers, which co-ordinates the provision of assistance to victims of trafficking in Finland. In Italy, GRETA visited the Ponte Galeria Identification and Expulsion Centre (CIE) in Rome.

### 1.3.2. PREPARATION AND LAUNCH OF THE SECOND ROUND OF EVALUATION OF THE CONVENTION

A working group was set up at GRETA's 18<sup>th</sup> meeting to prepare the draft questionnaire for the second evaluation round, composed of the following GRETA members: Ms Vessela Banova, Mr Frédéric Kurz, Ms Kateryna Levchenko, Mr Ryszard Piotrowicz, Mr Mihai Șerban and Ms Rita Theodorou Superman. The working group met twice, on 19 February and 16 March 2014. In preparing the draft questionnaire, it used among other materials the conclusions of a study on the first evaluation round drawn up by Dr Conny Rijken, Associate Professor in the Department of European and International Public Law at Tilburg University Law School, together with De Volder & Jansen International Law Consultancy.

GRETA decided to examine during the second evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of this new evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA finalised and adopted the questionnaire for the second evaluation round at a meeting held on 5-6 May 2014. Subsequently, on 15 May 2014, GRETA launched the second evaluation round of implementation of the Convention by sending the new questionnaire to the first three parties to be evaluated (Austria, Cyprus and the Slovak Republic). Further, on 3 June 2014, the questionnaire was sent to Albania, Bulgaria, Croatia and Denmark, and on 5 September 2014, to Georgia, the Republic of Moldova and Romania.

Parties are required to reply to GRETA's questionnaire within a time period of five months from the date of sending. A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible. At the same time, in accordance with the Rules of procedure for evaluating implementation of the Convention by the parties, GRETA sends the questionnaire to non-governmental organisations active in the field of action against trafficking in human beings who are invited to respond to the questionnaire directly to GRETA.

GRETA has drawn up a provisional timetable for the second round of evaluation of the implementation of the Convention (see Appendix 7) according to which the chronology of evaluations should respect, as closely as possible, that of the preceding evaluation round.





## 1.4. PUBLICATIONS

In accordance with Article 38, paragraph 6, of the Convention, the final report and conclusions of GRETA are made public as from their adoption, together with eventual comments by the party concerned. A total of 15 GRETA final country evaluation reports were published during the period covered by this General Report, together with the comments of the respective national authorities (see Appendix 5).

A press release is issued and widely distributed whenever a report is published. In addition, interviews are given by GRETA members and Secretariat to journalists, serving as a basis for articles in the press and broadcasts. GRETA's country-by-country evaluation reports published during the reference period have received considerable media coverage. In addition, these reports represent an important stage in the evaluation process and dialogue between the national authorities and GRETA as demonstrated by several comments from the national authorities appended to the reports where they underline that GRETA's reports would be used to steer their anti-trafficking policies.

GRETA has also published two leaflets (on the monitoring mechanism under the Convention and on victims' rights), which are available in 39 languages on the Council of Europe's anti-trafficking website.<sup>2</sup>

<sup>2</sup> [www.coe.int/t/dghl/monitoring/trafficking/Leaflets\\_en.asp](http://www.coe.int/t/dghl/monitoring/trafficking/Leaflets_en.asp)



## 2. Follow-up to GRETA's recommendations

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Since 2012, round-table meetings have been proposed to all the countries which have been evaluated by GRETA in order to discuss the implementation of GRETA's recommendations. During the reporting period, nine such round-table meetings were organised, in: Romania (3 October 2013), Albania (24 October 2014), Georgia (5 December 2014), Croatia (12 December 2014), Armenia (19 December 2014), Bosnia and Herzegovina (10 April 2014), Poland (15 April 2014), Norway (4 June 2014), and Malta (17 July 2014).

The round-table meetings brought together relevant stakeholders and were an opportunity to receive updated information on developments in the countries concerned and steps taken to implement GRETA's recommendations. Further, they were a tool for promoting a better understanding of the Convention's provisions, stimulating dialogue between relevant stakeholders in each country, and identifying areas where the Council of Europe can support national anti-trafficking efforts.

As a follow up to the round-table meetings, a regional workshop for legal practitioners involved in providing legal assistance to trafficked persons in South East Europe took place on 10-11 December 2013 in Belgrade (see section 7.2). The implementation of GRETA's recommendations is also followed up through projects developed under the Norway Grants, in particular in Romania and Poland.





## 3. Signatures and ratifications of the Convention

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During the reporting period, Belarus became the first non-member state to accede to the Convention, on 26 November 2013. Further, Greece ratified the Convention on 11 April 2014, bringing the total number of parties to the Convention to 42 (see Appendix 1). Two member states (Estonia and Turkey) have signed the Convention.

GRETA once again calls upon the Council of Europe member states which have not already done so, the non-member states which participated in the preparation of the Convention, as well as the European Union, to sign and/or ratify the Convention.

Through their participation in various international events, GRETA's members and Secretariat were engaged in promoting the Convention in Europe and beyond, so that its provisions and the co-operation framework that it provides can benefit other regions as well. A side event aimed at promoting the ratification of the Convention was held during the session of the Parliamentary Assembly of the Council of Europe (PACE) on 29 January 2014 (see section 5). Moreover, several activities to promote the Convention in the Southern Mediterranean took place under the EU/Council of Europe Joint Programme "Strengthening democratic reform in the Southern Neighbourhood". By way of example, GRETA's members and Secretariat made presentations on the Convention at an international conference on combating trafficking in human beings held in Tunis on 15-16 April 2014 as well as at meetings and seminars in Tunis (Tunisia), Rabat (Morocco) and Amman (Jordan). Further, the President of GRETA made a presentation on the Convention at a meeting of the Standing Committee of the Parliamentary Assembly of the Mediterranean (PAM) on 24-25 April in Antalya (Turkey).

## 4. Relations with the Committee of the Parties

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According to Article 38, paragraph 7, of the Convention, the Committee of the Parties may adopt, on the basis of GRETA's reports and conclusions, recommendations addressed to the parties concerning the measures to be taken to implement GRETA's conclusions, if necessary setting a date for submitting information on their implementation, and aiming at promoting co-operation with the party concerned for the proper implementation of the Convention. GRETA recalls that the letter and spirit of this provision of the Convention is to strengthen the implementation of GRETA's conclusions.

At its 12<sup>th</sup> meeting (7 October 2013), the Committee of the Parties considered GRETA's reports on Belgium, Ireland and Spain and adopted recommendations addressed to these parties. At its 13<sup>th</sup> meeting (7 February 2014), the Committee of the Parties adopted recommendations concerning Luxembourg, Serbia and Slovenia. Finally, at its 14<sup>th</sup> meeting (7 July 2014), the Committee of the Parties adopted recommendations concerning Azerbaijan, the Netherlands, Sweden and "the former Yugoslav Republic of Macedonia". In all these recommendations, the Committee of the Parties set a period of two years for the party concerned to provide information on the measures taken to implement GRETA's proposals and comply with the Committee's recommendation.

During the reporting period, the Committee of the Parties started examining reports provided by parties, following the expiry of the two year period, on the implementation of the recommendations made by GRETA and the Committee of the Parties. Thus, at its 12<sup>th</sup> meeting, the Committee of the Parties examined reports submitted by Austria, Cyprus and the Slovak Republic. At its 13<sup>th</sup> meeting, the Committee examined reports received from Albania, Bulgaria, Croatia and Denmark, and at its 14<sup>th</sup> meeting, reports by Romania and the Republic of Moldova. The Committee of the Parties agreed that these reports should be transmitted to GRETA for examination. GRETA subsequently considered the reports in question and decided to take the information contained in them into account during the second evaluation round.

The Committee of the Parties continued to hold regular exchanges of views with the President of GRETA during the reference period. Such exchanges are an opportunity to present GRETA's ongoing work and highlight the main findings from country evaluations, as well as an occasion to discuss and clarify the content of certain substantive obligations under the Convention.

## 5. Co-operation with the Parliamentary Assembly of the Council of Europe

A side event entitled “Promoting the ratification and implementation of the Council of Europe Anti-trafficking Convention - the role of parliamentarians in the fight against human trafficking” was organised during the session of the Parliamentary Assembly in Strasbourg on 29 January 2014. It was moderated by PACE member Mr José Mendes Bota (Portugal, EPP/CD) and involved presentations by GRETA’s President and the Chair of the Committee of the Parties, Ambassador Pekka Hyvönen.

GRETA has continued to closely follow the work of the Parliamentary Assembly’s Committee on Equality and Non-Discrimination. The Second Vice-President of GRETA, Mr Helmut Sax, participated in a meeting held by the Committee in Vienna on 4 March 2014 concerning a report prepared by Mr José Mendes Bota which resulted in the adoption of Parliamentary Assembly Resolution 1983 (2014) “Prostitution, trafficking and modern slavery in Europe” on 8 April 2014.<sup>3</sup> GRETA welcomes the Parliamentary Assembly’s continued interest in the fight against human trafficking, as demonstrated by the adoption of this Resolution in which the Assembly calls on Council of Europe member and observer states, *inter alia*, to sign, ratify and implement the Council of Europe Anti-trafficking Convention, to set up shelters for victims of trafficking, to pursue international co-operation in human trafficking matters, to increase co-operation between public authorities and NGOs in assisting victims, and to improve data collection on trafficking.

Noting that the Parliamentary Assembly’s Resolution also calls on states to consider criminalising the purchase of sexual services as a means to prevent and combat human trafficking, GRETA reiterates the importance of keeping under review the impact of such legislation on the identification of victims of trafficking, on the provision of protection and assistance to such victims, and on the effective prosecution of traffickers. The impact of the criminalisation of the purchase of sexual services on the reduction of demand for the services of trafficked persons, and more broadly on the phenomenon of human trafficking for the purposes of sexual exploitation, should also be continuously assessed.

<sup>3</sup> Parliamentary Assembly debate on 8 April 2014 (12<sup>th</sup> Sitting) (see Doc. 13446, report of the Committee on Equality and Non-Discrimination, rapporteur: Mr José Mendes Bota). Resolution 1983(2014) adopted by the Parliamentary Assembly on 8 April 2014 (12<sup>th</sup> Sitting). <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20716&lang=en>

## 6. Co-operation with other Council of Europe bodies

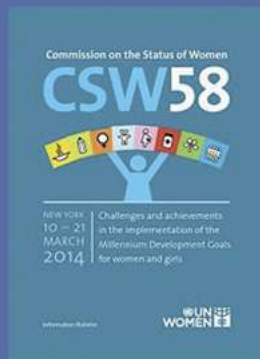
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The Second Vice-President of GRETA, Mr Helmut Sax, spoke at a conference on the Implementation of the Council of Europe Strategy for the Rights of the Child 2012-2015 in Dubrovnik on 27-28 March 2014. The conference explored synergies amongst stakeholders at national and international level, with a view to strengthening the relevance and impact of the various initiatives, and identified issues that could be at the heart of the Council of Europe's action beyond 2015.

The President of GRETA made a presentation at the first meeting of the new European Committee for Social Cohesion, Human Dignity and Equality (CDDECS) held in Strasbourg on 35 June 2014. Further, he took part in meetings of the Ad hoc Drafting Group on Transnational Organised Crime (PC-GR-COT) and participated in the drafting of a White Paper on Transnational Organised Crime.

At its 18<sup>th</sup> plenary meeting, GRETA decided to appoint Ms Kateryna Levchenko as Gender Equality Rapporteur, in accordance with the Council of Europe's Transversal Programme on Gender Equality.

The Executive Secretary presented relevant aspects of GRETA's work at the 4<sup>th</sup> meeting of the Gender Equality Commission held on 13-15 November in Strasbourg. She also spoke at the 7<sup>th</sup> meeting of the Ad Hoc Committee of Experts on Roma Issues (CAHROM) on 14-16 May 2014 in Strasbourg on the issue of early/forced marriages in relation to human trafficking.



# 7. Co-operation with other intergovernmental organisations and civil society

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Co-operation and partnerships are indispensable prerequisites for successful international action against trafficking in human beings. During the period covered by this General Report, GRETA continued to reinforce its working relations with international organisations and NGOs active in the area of combating trafficking in human beings. The most important developments in this area during the reporting period are listed below.

## 7.1. UNITED NATIONS (UN)

On 18 October 2013, on the occasion of the European Anti-Trafficking Day, GRETA, the UN Special Rapporteur on trafficking in persons, and the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings issued a joint statement entitled “Victims of trafficking: Human beings with human rights that must be protected”. The statement called for a concerted global response to trafficking in persons and stressed that co-operation between origin, transit and destination countries, as well as with regional and international mechanisms, private stakeholders such as multi-national corporations and civil society organisations, is essential for comprehensive responses to trafficking in persons.

On the occasion of the 58<sup>th</sup> Session of the Commission on the Status of Women (10-21 March 2014), a side event was co-organised by the Council of Europe and the Permanent Mission of Austria to the United Nations in New York on 10 March 2014. The event, entitled “Trafficking in human beings - a severe form of violence against women and girls and a flagrant violation of human rights: The Council of Europe response”, was moderated by GRETA’s President and involved as panellists the Deputy Secretary General of the Council of Europe, Ms Gabriella Battaini-Draconi; the President of PACE, Ms Anne Brasseur; the Assistant Secretary-General of the UN and Deputy Executive Director of UN Women, Ms Lakshmi Puri; as well as the Head of the Special Action Programme to Combat Forced Labour of the International Labour Organisation (ILO), Ms Beate Andrees; the Director General for Legal and Consular Affairs at the Austrian Foreign Ministry and Austrian National Co-ordinator on Combating Trafficking in Human Beings, Ambassador Elisabeth Tichy-Fisslberger; and Ms Nisha Varia, Senior Researcher with the Women’s Rights Division of Human Rights Watch.

The President of GRETA spoke at two side events organised during the 26<sup>th</sup> session of the UN Human Rights Council in Geneva. The first side event, entitled “Fighting trafficking in human beings: fostering partnerships and co-ordination – good practices”, was organised on 12 June 2014 by Austria, the Republic of Moldova and the Office of the UNHCR. The second side event was organised on 13 June 2014 by the Moroccan Interministerial Delegation for Human Rights and the Kingdom of Morocco and was entitled “Combatting Human Trafficking: Comparative Experiences and Best Practices”.

Further, the First Vice-President of GRETA, Ms Alina Brașoveanu, participated in a side event on the issue of human trafficking for the purpose of organ removal organised by the Academic Council on the United Nations System during the 23<sup>rd</sup> annual session of the Commission on Crime Prevention and Criminal Justice (CCPCJ) in Vienna (12-16 May 2014).

On 2 July 2014, GRETA held an exchange of views with representatives of the UNHCR, Ms Fadela Novak-Irons, Policy Officer at the UNHCR Bureau for Europe in Brussels, and Ms Jutta Seidel, Senior Legal Advisor at the UNHCR Representation to the European Institutions in Strasbourg. The exchange focused on the links between the asylum system and the system for protecting victims of trafficking; the application of the *non-refoulement* principle to victims of trafficking; the identification of victims of trafficking among asylum seekers and the assistance and protection measures offered to them; and how the principle of the best interest of the child can be guaranteed in the intersection of three protection systems (child protection, asylum and trafficking). GRETA decided to consolidate its collaboration with the UNHCR through information sharing and participation in their respective events.

Further, at its 20<sup>th</sup> meeting, GRETA welcomed the adoption in June 2014 by the ILO of a new Protocol to ILO Convention No. 29 on Forced Labour, supported by a Recommendation, both of which are designed to strengthen global efforts to eliminate forced labour and human trafficking.

During its country evaluation visits, GRETA met representatives of different UN agencies (ILO, UNHCR, UNICEF). Several GRETA evaluation reports adopted during the reporting period include references to country-specific work of UN human rights bodies on human trafficking-related issues (e.g. Committee on the Rights of the Child, Committee on the Elimination of Discrimination against Women, UNHCR).



## 7.2. ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE (OSCE)

Action against trafficking in human beings is one of the four priority areas of cooperation between the Council of Europe and the OSCE. The importance of this cooperation was reiterated by the Co-ordination Group between the Council of Europe and the OSCE at its 18<sup>th</sup> meeting on 25 October 2013 in Vienna. The Co-ordination Group stressed the importance of continuing co-operation in the existing formats, including through the Alliance against Trafficking in Persons and meetings of the Alliance Experts Co-ordination Team, as well as regular exchange of information between the respective Secretariats, in particular in the context of the preparation of evaluation visits by GRETA and country visits by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings (SR/CTHB).

In the course of country evaluation visits, GRETA delegations regularly meet the local offices of the OSCE (where they have Field Operations and anti-trafficking Focal Points) and benefit from their presence on the ground to complete the collection of information necessary for monitoring the implementation of the Convention. During the reporting period, such a meeting was held in Ukraine. As soon as they become public, GRETA's reports are communicated to the SR/CTHB. The reports issued after the country visits carried out by the SR/CTHB are also communicated to GRETA and are taken into account in the context of evaluating the respective states. With a view to avoiding duplication, GRETA co-ordinates country visit plans for the future with the Office of the SR/CTHB.

A joint Council of Europe/OSCE conference entitled "Not for Sale – Joining Forces against Trafficking in Human Beings" took place in Vienna on 17-18 February 2014 on the occasion of the Austrian Chairmanship of the Council of Europe and the Swiss OSCE Chairmanship. The conference, which brought together some 400 participants, was co-organised by the Austrian Federal Ministry for European and International Affairs, the Austrian Federal Ministry of the Interior, the Council of Europe, OSCE and the Swiss Federal Department of Foreign Affairs. It took stock of progress made in the implementation of the Council of Europe Anti-Trafficking Convention and provided an opportunity to exchange on practices and tools developed on the basis of the OSCE Action Plan to Combat Trafficking in Human Beings. Several GRETA representatives were involved in the conference as moderators or speakers (the President, the First Vice-President, the Second Vice-President, Mr Frédéric Kurz, Mr Ryszard Piotrowicz, and the Executive Secretary).

As an outcome of the conference, a Framework for Joint Action was agreed, proposing further avenues for co-operation in four areas: i) prevention: addressing demand; ii) protection: facilitating access to residence permits on humanitarian grounds; iii) prosecution: promoting the non-punishment principle; and iv) partnerships: strengthening international co-operation.

In co-operation with the Office for Democratic Institutions and Human Rights (ODIHR), the Council of Europe organised a regional workshop for legal practitioners involved in providing legal assistance to trafficked persons in South East Europe on 10-11 December 2013 in Belgrade. The workshop brought together some 30 legal practitioners from 10 countries (Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Montenegro, “the former Yugoslav Republic of Macedonia”, Serbia, the Republic of Moldova, and Slovenia). The workshop covered a variety of themes, including legal assistance at the stage of identification, during investigation, in court and when claiming compensation, and provided a forum for exchanging good practices.

Further, GRETA was involved in consultations concerning the drafting of the Guiding Principles on Human Rights in the Return of Trafficked Person, which were published by ODIHR in September 2014.<sup>4</sup>

Members of GRETA and representatives of the Secretariat participated in conferences and other events organised by OSCE/ODIHR. Representatives of the Secretariat also participated in the OSCE Alliance Expert Co-ordination Team meetings.

### 7.3. EUROPEAN UNION (EU)

The EU Council, through its conclusions dated 25 October 2012 concerning the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016, invited EU member states to “ratify without delay” the Council of Europe Anti-Trafficking Convention and to “facilitate and support the work of National Rapporteurs, taking into account Directive 2011/36/EU and the Council of Europe Convention on Action against Trafficking in Human Beings”. Further, the Council invited the Commission to “further co-ordinate actions with existing international organisations as well as other European agencies and bodies and make full use of the monitoring reports of international organisations, especially GRETA”.

GRETA members and Secretariat participated in a number of conferences and consultations organised by EU agencies during the reporting period. By way of example, the President of GRETA acted as moderator at the final conference on the Euro TrafGuID project “Development of common guidelines and procedures for the identification of victims of trafficking in human beings” held in Brussels on 24 September 2013. The Executive Secretary spoke at the European Commission/TAIEX Workshop on the implementation of Directive 2011/36/EU in South-East Europe organised in Sarajevo on 19-20 September 2013.

<sup>4</sup> [www.osce.org/odihr/124268](http://www.osce.org/odihr/124268)

Further, Mr Frederic Kurz made a presentation at a meeting organised by the Greens in the European Parliament in Brussels on 29 January 2014, entitled "At the intersection of smuggling and trafficking: the European response to the vanishing of human beings". He also attended a hearing on "Detecting and tackling forced labour in the EU" organised by the European Economic and Social Committee, a consultative body of the EU, in Brussels on 11 March 2014.

GRETA's Secretariat participated as an observer in a meeting of the informal EU network of National Rapporteurs or equivalent mechanisms on trafficking in human beings, held in Brussels on 2-3 October 2013. These periodic meetings pull together knowledge from national and international experts and GRETA trusts that the practice of inviting relevant international organisations as observers will be reintroduced.

GRETA is committed to continuing its partnership with the EU and its specialised agencies, in particular the Fundamental Rights Agency (FRA), Frontex, Eurojust and Europol, by contributing to the collection and exchange of information and strengthening co-operation in the areas covered by the EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016) which fall within GRETA's mandate.

## 7.4. INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM)

During the reporting period, the Council of Europe and the IOM office in Poland collaborated with the Ministry of the Interior of Poland in the organisation of a conference entitled "Putting Victims First - Protecting and Promoting the Rights of Victims of Trafficking", funded by the EEA/Norway Grants bilateral funds, which took place on 26-27 November 2013 in Warsaw. This event brought together 200 participants and served as a platform for the exchange of knowledge and best practices on the protection of the rights of victims of trafficking. The President and the First Vice-President of GRETA, as well as the Executive Secretary, were involved in the conference as speakers or moderators.

Further, following the accession of Belarus to the Convention, a workshop was co-organised jointly by the IOM office in Belarus and GRETA on 23 April 2014 in Minsk to present the Convention and its monitoring mechanism.

GRETA met representatives of IOM country offices in the course of six of the country evaluation visits organised during the reporting period, and the information provided by them contributed to the evaluation process.

## 7.5. CIVIL SOCIETY

Article 35 of the Convention refers to the need to co-operate and build strategic partnerships with civil society through co-operative frameworks that can help governments fulfil their obligations under the Convention. In its country evaluation reports, GRETA constantly stresses the importance of co-operation between the state authorities and civil society in all fields of action against human trafficking. In particular, GRETA considers that the authorities should involve NGOs working in the anti-trafficking field in the discussion and elaboration of anti-trafficking policies and promote their participation in the implementation of measures.

International and national NGOs continued to provide valuable information to GRETA in the context of the preparation of country evaluation reports. During of each country visit, GRETA held meetings with representatives of NGOs and other civil society actors, in particular trade unions, Bar Associations and research institutes. GRETA also visited shelters and other assistance facilities for victims of trafficking run by NGOs. Furthermore, NGOs provided feedback on GRETA's reports and the follow-up given to them. In particular, NGOs participated actively in the round-table meetings on the follow-up to be given to GRETA's report and the Committee of Parties recommendations on the implementation of the Convention (see section 2).

GRETA members and Secretariat participated in a number of international and national events organised by NGOs. By way of example and in chronological order, Mr Jan van Dijk made a presentation at a conference organised by the NGOs KOK and La Strada International on "Data protection and right to privacy for marginalised groups: a new challenge in anti-trafficking policies" held in Berlin on 25-27 September 2013. The Executive Secretary spoke at a conference on human trafficking organised by the Network of Strategic and International Studies and Friedrich Ebert Stiftung in Lisbon on 10 October 2013. Mr Gerald Dunn from the Secretariat participated in a brainstorming meeting organised by La Strada International on improving the contribution of NGOs to international monitoring held in Amsterdam on 2-3 December 2013. The President of GRETA made a presentation at the conference "Towards new European and international partnership and co-operation in protecting victims, combating and preventing trafficking in human beings", organised by the NGO Payoke and the Centre for European and International Policy Action (CEIPA) in Brussels on 6 March 2014. The First Vice-President, Ms Alina Braşoveanu, spoke at a conference organised by the NGO "The smile of the child" on the issue of missing children and child trafficking in Thessaloniki on 8-9 May 2014. Ms Kateryna Levchenko participated in the ECPAT regional consultation in Sofia on 25-27 May 2014.

GRETA is grateful for the contributions made by NGOs to the implementation of the Convention and is committed to continuing the existing co-operation with civil society.



# 8. Organisational issues

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## 8.1. GRETA MEMBERSHIP

GRETA's membership remained stable during the reporting period. GRETA members come from a variety of professional backgrounds relevant to the areas covered by the Convention. Their abridged curricula vitae are posted on the Council of Europe anti-trafficking website.<sup>5</sup> The current composition of GRETA reflects a gender and geographical balance (see Appendix 3).

On 24 October 2013, the Committee of Ministers of the Council of Europe adopted revised rules on the election procedure of the members of GRETA.<sup>6</sup> At the time of adoption of this General Report, the first term of office of two GRETA members was due to expire on 31 December 2014 and the procedure for filling the vacant seats had been set in motion, the elections being scheduled for the 15<sup>th</sup> meeting of the Committee of the Parties on 5 December 2014.

## 8.2. BUREAU OF GRETA

During the period covered by the present report, the composition of GRETA's Bureau remained unchanged. It consists of Mr Nicolas Le Coz, President, Ms Alina Braşoveanu, First Vice-President, and Mr Helmut Sax, Second Vice-President. Elections for the Bureau will be held at GRETA's plenary meeting in March 2015 on the expiry of the current Bureau's two-year term of office.

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<sup>5</sup> [www.coe.int/t/dghl/monitoring/trafficking/Docs/Monitoring/Composition\\_of\\_GRETA\\_en.asp#TopOfPage](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Monitoring/Composition_of_GRETA_en.asp#TopOfPage)

<sup>6</sup> Resolution CM/Res(2013)28 on rules on the election procedure of the members of the Group of Experts on Action against Trafficking in Human Beings (GRETA).





## 9. Taking stock of the first evaluation round of the Convention: trends, gaps and best practices

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The first round of evaluation of the Convention was launched by GRETA in February 2010. For its first questionnaire, GRETA selected the provisions of the Convention which give an overview of the measures taken by parties to comply with the key obligations under the Convention. Between September 2011 and September 2014, GRETA adopted and published 35 final country evaluation reports. These reports provide a comprehensive overview of the measures taken to combat trafficking in human beings (THB) in Europe and are a valuable source of information on the performance of each party.

In its 2<sup>nd</sup> General Report (covering the period from 1 August 2011 to 31 July 2012), GRETA discussed issues emerging from the first 10 country evaluations, with a particular focus on the integration of a human rights-based approach in national action against THB. Now that the first evaluation round has been completed in respect of most of the parties to the Convention, GRETA has decided to avail itself of this General Report to analyse trends emerging from the 35 published country evaluation reports and to highlight gaps in the implementation of the Convention, as well as best practices.

For the first evaluation round of the Convention, GRETA adopted the use of three different verbs in its recommendations – “urge”, “consider” and “invite” – which correspond to different levels of urgency of the recommendation for bringing the party’s legislation and/or practice into compliance with the Convention. Thus GRETA uses the verb “urge” when it assesses that current legislation or policies are not in compliance with the Convention, or when it finds that despite the existence of legal provisions and other measures, the implementation of a key obligation of the Convention is lacking. In other situations GRETA “considers” that it is necessary to make further improvements in order to fully comply with an obligation of the Convention. By “inviting” a country to pursue its efforts in a given area, GRETA acknowledges that the authorities are already on the right track. The complexity of issues covered by the Convention means that when assessing the implementation of a particular obligation by a party, GRETA may grade the urgency in its recommendations by using different verbs. While the use of these verbs reflects different nuances in GRETA’s assessment, their choice is a combination of many factors which can only be appreciated when reading the full country evaluation report.

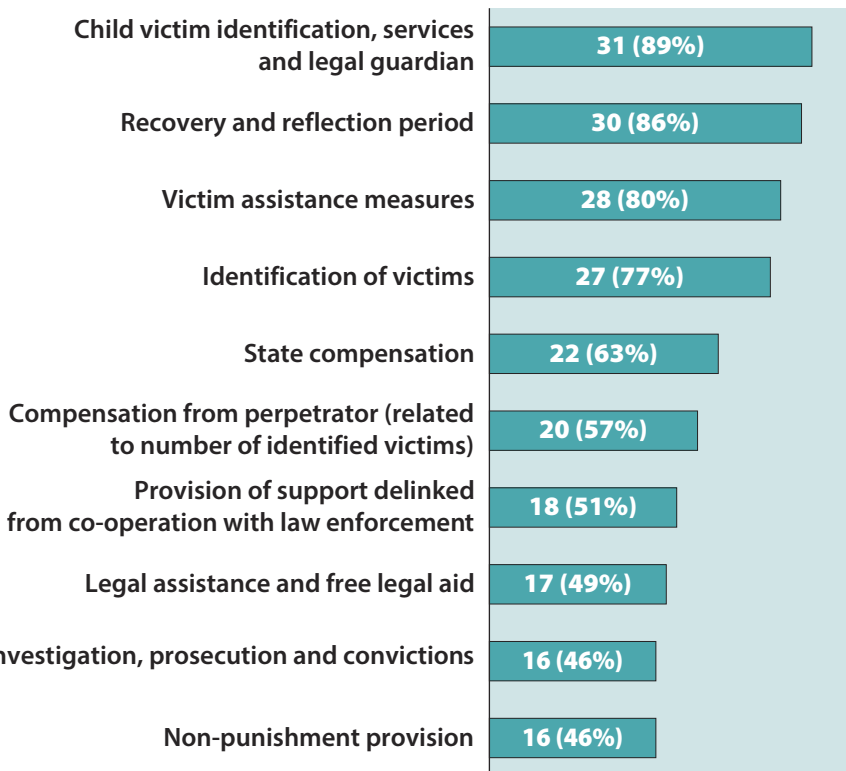


A list of 29 main issues (“indicators”) reflecting obligations under the Convention on which each party was assessed during the first evaluation round is presented in Appendix 8. Tables 1 and 2 in this Appendix provide an overview of the implementation of the Convention, with an indication of the “urges” and “considers” made in the 35 country evaluation reports. The purpose of these tables is not to compare the individual performance of countries or rank them, but rather to highlight the areas where compliance with the obligations of the Convention requires improvement across countries. In its reports, GRETA also identifies good practices and Table 3 in Appendix 8 provides an overview of the areas in which GRETA has welcomed particular action, while sometimes recommending at the same time further measures. These three tables provide only a glimpse of GRETA's assessment and can in no way substitute the analysis made in the country evaluation reports.

It is noteworthy that GRETA's reports and conclusions reflect the situation in each country at the time of evaluation, which is why the year of publication of each report is included in the tables. In some cases, GRETA is aware that positive changes have been made to the country's law and policy since the publication of the report, but these changes will be taken into account in the second round of evaluation of the Convention. Furthermore, it is necessary to bear in mind that GRETA's assessment is not set in stone and its interpretation of the substantive content of key obligations contained in the Convention evolves over time. The content and degree of urgency of GRETA's recommendations has consequently also evolved.

The histogram below shows the 10 main areas where GRETA has identified gaps in the implementation of the Convention and has urged parties to take corrective action. As can be seen, GRETA concluded that the majority of the 35 evaluated countries needed to make improvements in order to meet their obligations under Article 10 (identification of victims), Article 12 (assistance to victims), Article 13 (recovery and reflection period) and Article 15 (compensation and legal redress). As regards in particular children, GRETA found that almost all countries had to strengthen child victim identification and services. Furthermore, GRETA urged nearly half of the evaluated countries to strengthen the investigation and prosecution of trafficking cases. In 46% of the evaluated countries, GRETA found that compliance with the non-punishment provision (Article 26) was not ensured.

Ten main gaps in the implementation of the Convention: number of countries “urged” by GRETA to take action



The following sections of this report discuss in more detail GRETA’s findings in each main area, alongside with other issues which appear pertinent.

## 9.1. DATA COLLECTION AND RESEARCH ON HUMAN TRAFFICKING

While there is no provision in the Convention on the issue of data collection as such,<sup>7</sup> collecting data on various aspects of THB is important because it represents a tool to inform, adjust and assess anti-trafficking policies and carry out risk assessment. In its 2<sup>nd</sup> General Report, GRETA briefly discussed the issue of data collection and noted the problems posed by the fact that the concept of “victim of trafficking” is differently interpreted by the parties.

At the time of GRETA's evaluation, only eight of the 35 evaluated countries had set up comprehensive data collection mechanisms enabling the compiling of statistical information on victims of trafficking and allowing its disaggregation.<sup>8</sup> Several other countries were in the process of setting up data collection mechanisms. However, a number of countries did not have a coherent system for the identification and referral of victims of trafficking, known as a “National Referral Mechanism” (see section 9.4.1), which enables the collection of information from different actors on possible and confirmed victims of trafficking. In some countries, statistics on victims of trafficking were limited to persons who took part in criminal proceedings and, consequently, the official figures on “identified victims” left out persons who, for whatever reason, did co-operate with the authorities. In other countries, the available statistics did not differentiate between victims of trafficking and victims of forced prostitution, or between victims of trafficking and smuggled migrants.<sup>9</sup> In addition, insufficient attention to trafficking for purposes other than sexual exploitation and lack of awareness among relevant officials result in failure to identify victims and underreporting. Further difficulties in data collection arise because of double counting or lack of disaggregated and comparable data. It is also important to bear in mind the double counting of victims in countries of destination where they were first identified and in countries of origin to which they were returned.

Due to the above-mentioned problems as well as the inherently clandestine nature of human trafficking, the statistics provided by parties do not reveal the real scale of the phenomenon. It is nevertheless possible to distinguish certain trends in the 35 countries which have completed the first round of evaluation of the Convention.

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7 Article 11(1) of the Convention (protection of private life) provides only that collected data should be protected. Furthermore, Article 5(2) of the Convention (prevention of THB) requires parties to do research, among other things, to establish and/or strengthen prevention policies and programmes.

8 Albania, Croatia, Ireland, Netherlands, Portugal, Romania, “the former Yugoslav Republic of Macedonia” and United Kingdom.

9 For example, in Spain, the statistics available up until 2011 covered, in addition to cases of human trafficking, victims of forced prostitution, sexual exploitation of children, and smuggling of migrants. In France, the available statistics covered both victims of trafficking for the purpose of sexual exploitation and victims of pimping.

During the period 2009–2013, trafficking for the purpose of sexual exploitation was the predominant form of trafficking in the majority of the evaluated countries. At the same time, trafficking for the purpose of labour exploitation is on the rise and has emerged as the predominant form of trafficking as regards identified victims in several countries (e.g. Belgium, Georgia, Ukraine).<sup>10</sup> In Portugal, 46% of the victims identified in 2008–2011 were subjected to labour exploitation. In the Netherlands, the proportion of victims trafficked for labour exploitation increased from 6% in 2007 to 20% in 2011. Linked to this trend is the increasing number of identified male victims of trafficking.<sup>11</sup> GRETA's reports reveal that trafficking for labour exploitation is not recognised and addressed by policy and practice in most parties, and consequently the number of identified victims may be artificially low.

Another trend concerns the increasing number of cases of internal trafficking (i.e. within the country concerned). Thus in Bosnia and Herzegovina, the majority of the victims identified since 2009 were trafficked within the country. In Serbia, internal trafficking concerned 60% of the identified victims in 2012, and in Bulgaria, some 40% of the victims identified in 2008–2009 were trafficked internally. In the Netherlands, 28% of the possible victims in 2011 were Dutch citizens trafficked within the country.

Only some countries have provided statistics on trafficking for other exploitative purposes (e.g. forced begging<sup>12</sup>, forced criminality<sup>13</sup>, forced marriage<sup>14</sup>, removal of organs<sup>15</sup>) and the scarcity of available statistical data precludes the detection of trends.

When it comes to data on other aspects of action against human trafficking, such as recovery and reflection periods and residence permits issued to victims of trafficking and compensation paid to them, the absence of a dedicated depository of such data in many countries makes it difficult to obtain reliable and comparable figures.

The Convention refers to research in the context of prevention of THB (Articles 5(2) and 6 of the Convention), but research is also relevant for other aspects of combating THB. In its reports, GRETA has considered that the authorities of 15 countries should conduct and support research on THB-related issues and has highlighted areas where more research is needed in order to shed light on the extent and new trends of human trafficking. While welcoming the research efforts made in the other countries, GRETA has invited them to continue conducting and supporting research on THB as an important source of information for future policy measures.

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10 In Belgium, some 60% of the identified victims in 2009–2012 were trafficked for the purpose of economic exploitation. In Georgia, 33 out of 48 identified victims in 2009, and 12 out of 19 victims in 2010, were trafficked for labour exploitation. In Ukraine, 89% of the identified victims in 2013 were trafficked for labour exploitation.

11 In Belgium, there were 78 male and 57 female victims of THB identified and assisted in 2011, and 69 male and 74 female victims in 2012. In Portugal, male victims outnumbered female victims in 2010–2011. In Ukraine, 55% of the victims identified in 2013 were male.

12 For example, cases of trafficking for the purpose of forced begging were reported by Austria, Belgium, Bosnia and Herzegovina, Croatia, Italy, the Republic of Moldova, and Romania.

13 Cases of trafficking for the purpose of forced criminality were reported by Austria, Belgium, Croatia, Italy, Poland, Romania, United Kingdom.

14 Cases of trafficking for the purpose of forced marriage were included in the statistical data provided by Bosnia and Herzegovina, Serbia and "the former Yugoslav Republic of Macedonia".

15 The statistical data provided by Belgium, Bulgaria, Italy, the Republic of Moldova and Ukraine referred to cases of human trafficking for the purpose of organ removal.

GRETA notes that considerable advantages can be drawn from appointing an independent national rapporteur or designating another independent mechanism for monitoring the anti-trafficking activities of state institutions and collecting information on the dynamics of THB.<sup>16</sup> GRETA has welcomed the setting-up of the institution of the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, who is an independent figure entrusted with collecting and publishing statistical data on THB, carrying out research, reporting on a regular basis to the government, publishing thematic reports and making recommendations.

## 9.2. CRIMINALISATION OF TRAFFICKING IN HUMAN BEINGS

The Convention provides a definition of trafficking in human beings and requires parties to criminalise THB according to this definition, whether by means of a single criminal offence or by combining several offences. This definition consists of three elements, namely an action, a means and a purpose. For child victims, the use of means does not form an element of the definition. The consent of the victim to the intended exploitation is irrelevant where any of the means have been used. While parties are not obliged to copy verbatim into their domestic law the definition of THB in the Convention, they must cover its concepts in a manner consistent with the principles of the Convention and offer an equivalent framework for implementing it. In this connection, GRETA stresses the fundamental importance of using a definition of trafficking in human beings on which there is international consensus.

At the time of GRETA's evaluation, 34 parties had criminalised THB within the meaning of the Convention.<sup>17</sup> The majority had adopted a definition of THB containing the three above-mentioned constituent elements, but the content of the three elements was not always in line with the Convention's definition. GRETA has therefore "urged" 10 out of the 35 evaluated countries to take legislative measures in order to address different gaps in the national definition of THB and bring it in conformity with the definition in the Convention.

In five countries<sup>18</sup>, the means were not a constituent component of the definition of THB in the national legislation, but were considered as aggravating circumstances. While acknowledging that this may contribute to making the prosecution of traffickers easier in terms of evidential requirements, GRETA has noted potential risks, such as confusion with other criminal offences, difficulties regarding mutual legal assistance with countries which have incorporated the means in their national definition of THB, and the interpretation of Article 4(b) of the Convention concerning victim's consent.

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16 See Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report.

17 In Andorra, THB was not criminalised as such at the time of the evaluation, but a draft law amending the Criminal Code to this effect was under consideration. Bosnia and Herzegovina criminalised THB at the state level, but not at the level of the constituent entities.

18 Belgium, Bulgaria, France, Luxembourg and Slovenia.

In most parties, the actions as provided in the Convention's definition were implemented in the national definition of THB. Only in three countries were the actions not fully in line with the Convention.

The Convention provides a minimum list of exploitative purposes and national legislation may therefore target other forms of exploitation. GRETA has asked eight countries to amend the national definition of THB in order to ensure that all forms of exploitation provided for by the Convention are covered. The forms of exploitation omitted concerned one or several of the following: forced labour or services, slavery or practices similar to slavery, servitude, and the removal of organs. GRETA has stressed that the offence of trafficking should expressly refer to forced labour, forced services, slavery and practices similar to slavery and servitude, notions that are well acknowledged in international law, including in the case law of the European Court of Human Rights regarding Article 4 of the European Convention on Human Rights.<sup>19</sup> Failure to do that may lead to difficulties in complying with the state's positive obligations under Article 4 of the European Convention on Human Rights.

In addition to the minimum list of forms of exploitation contained in the Convention, a number of countries have included in their national definition of THB other forms of exploitation, such as the exploitation of begging, making a person commit an offence against their will, forced marriage, using a woman for reproductive purposes, or using a person in armed conflicts. GRETA welcomes the attention paid to new forms of exploitation and stresses the importance of ensuring that legislation and practice take into account all forms of trafficking. It is interesting to note that several countries have adopted open-ended lists of exploitative purposes or broad formulations such as "other forms of abuse of human dignity".<sup>20</sup>

The definition of trafficking in children was in almost all countries in line with the Convention, except for four countries where not all persons under 18 years of age were placed under this definition for all forms of exploitation.<sup>21</sup>

The irrelevance of the victim's consent was not explicitly stated in the national provision criminalising THB in 12 countries. GRETA has stressed that stating explicitly the irrelevance of the consent of a victim to the intended exploitation could improve the implementation of anti-trafficking provisions and provide victims with greater confidence in self-reporting to NGOs and public authorities.

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<sup>19</sup> *Siliadin v. France, C.N. and V v. France, CN v. United Kingdom, CN v. United Kingdom.*

<sup>20</sup> Poland.

<sup>21</sup> Latvia, Montenegro, Serbia and United Kingdom.

As regards the aggravating circumstances envisaged by Article 24 of the Convention, GRETA considered that they were adequately reflected in the majority of the evaluated countries' legislations. However, in 10 countries<sup>22</sup> at least one of these circumstances was missing and GRETA has asked the respective national authorities to reflect the missing aggravating circumstance(s) in national law.

### 9.3. PREVENTION OF TRAFFICKING

GRETA's 3rd General Report included a chapter on prevention focusing on four themes: prevention among minorities at risk, role of research and data collection, measures to discourage demand, and alternative/interactive awareness-raising methods.<sup>23</sup> Therefore this General Report does not go in detail into these issues, but summarises the main trends from the 35 published country evaluation reports.

#### 9.3.1. AWARENESS RAISING

Raising awareness about THB as a form of prevention has played a key part in the action taken by almost all of the evaluated countries.<sup>24</sup> GRETA has welcomed the awareness-raising efforts in 25 countries, but has noted that the impact of awareness-raising measures is rarely measured. In this context, GRETA has stressed that future actions in the area of awareness raising should be designed in the light of the assessment of previous measures and be focused on the needs identified. NGOs are often instrumental in raising awareness among the general public and relevant officials, and GRETA has recommended that they be involved in the designing and evaluation of campaigns.

Although awareness-raising activities concerning human trafficking take place in almost all evaluated countries, certain improvements were proposed by GRETA. Thus GRETA has recommended to focus in a targeted manner on raising awareness among vulnerable groups (women, children, ethnic minorities, migrants) and on eradicating gender based violence and the stigmatisation of victims.

GRETA has noted that some countries focus almost exclusively on THB for sexual exploitation and not enough is done to conceive prevention measures addressing trafficking for other purposes. For example, GRETA has urged the Spanish authorities to develop measures to raise awareness of THB for the purpose of labour exploitation and to organise information and education activities about THB, including for children.

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22 Andorra, Bulgaria, Cyprus, Denmark, Georgia, Malta, Montenegro, Portugal, Romania, Slovenia and "the former Yugoslav Republic of Macedonia".

23 3<sup>rd</sup> General Report on GRETA's Activities, GRETA (2013)17, Strasbourg, 17 October 2013.

24 With the exception of Andorra and San Marino.

GRETA has made recommendations in most countries to address the particular vulnerability of children to trafficking through specific policy and practical measures. While in many countries anti-trafficking issues are part of the school curriculum (typically in countries of origin), in other countries (typically of destination) this is not the case. GRETA has noted that anti-trafficking messages should be mainstreamed in education on human rights and gender equality.

### 9.3.2. MEASURES TO ADDRESS THE ROOT CAUSES OF HUMAN TRAFFICKING

One important element of prevention consists of social, economic and other initiatives for groups vulnerable to trafficking, or, in other words, addressing the root causes of THB. The fact that a party is primarily a country of destination does not preclude it from undertaking activities to address root causes either for internal trafficking or in relation to empowering and preventing re-trafficking.

In 14 of the 35 evaluated countries, GRETA has urged the authorities to strengthen the aspect of prevention through social and economic empowerment measures for groups vulnerable to trafficking, in particular children, women, ethnic minorities, migrant workers and asylum seekers. Among the problems identified is the absence of systematic registration of children at birth, school drop-out, unemployment and forced marriages.<sup>25</sup>

On the positive side, GRETA has welcomed the measures taken in 11 countries vis-à-vis groups vulnerable to THB.

#### EXAMPLES

In **Armenia**, victims of THB have been included in the list of priority groups under the Law on Social Protection in Case of Unemployment.

In **“the former Yugoslav Republic of Macedonia”**, efforts are made to involve all children in primary schools and combat school drop-out in the Roma community, which is recognised as being at risk of human trafficking. The Ministry of Labour and Social Policy has opened two day centres for street children on the territory of Skopje and one in the municipality of Bitola.

### 9.3.3. DISCOURAGING DEMAND

The discouragement of demand as provided in Article 6 of the Convention can be achieved through a combination of measures, one of which is the criminalisation of the use of services of victims of trafficking (Article 19 of the Convention). Ten countries’ legislation contained provisions to this effect concerning all forms of exploitation.

<sup>25</sup> For more details, see the 3rd General Report on GRETA’s activities, paragraphs 65 to 74.



In another five countries, the criminalisation of the use of services concerned only sexual exploitation.

GRETA has urged the authorities of seven countries<sup>26</sup> to improve their current activities to discourage demand. For example, in the reports on France, Italy and Spain, GRETA has noted the need for increased efforts to discourage demand for the services of victims of trafficking for the purpose of sexual exploitation, bearing in mind that such measures should be balanced and not lead to the criminalisation of victims of trafficking. GRETA has also stressed that efforts to discourage demand for the services of victims of trafficking for the purpose of labour exploitation should include reinforcing labour inspections, in particular in sectors at high risk such as agriculture, construction, textile industry, the hotel/catering sector and domestic work, and effective penalties for those who exploit victims of trafficking.

## 9.4. PROTECTION OF VICTIMS

### 9.4.1. IDENTIFICATION

Article 10 of the Convention requires parties to adopt measures to identify victims. The issue of identification is of fundamental importance. Many trafficked people do not always identify themselves as “victims” and are not aware of the legal meaning behind the term. Therefore, the onus of identification lies with the authorities. In order to perform identification, parties must provide their competent authorities with persons who are trained and qualified in preventing and combating human trafficking and in identifying and helping victims, including children, irrespective of their nationality and immigration status. At the same time, specialised NGOs can substantially contribute to the victim identification process and should be involved in a multi-agency effort to ensure that no victim of trafficking remains unidentified. This is envisaged by Article 10 of the Convention, according to which identification is a collaborative process between the authorities and relevant victim support organisations.

The Convention provides for a definition of victim of trafficking according to which to be identified as a victim, actual exploitation and/or damage is not required. Further, there must be no link between co-operation with the authorities in the investigation and/or criminal proceedings and the provision of assistance to victims.

Identifying a trafficking victim is a process which takes time; therefore the Convention provides that when the competent authorities have reasonable grounds to believe that a person has been a victim of trafficking, he/she must not be removed from the country until the identification process is completed and must receive the assistance required by the Convention.

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<sup>26</sup> Azerbaijan, Belgium, France, Italy, Slovak Republic, Spain and Ukraine.

GRETA's evaluation reports show that in some countries identification is entirely within the competence of law enforcement agencies and depends in practice on the presumed victim's readiness to co-operate in the investigation. This limits the number of formally identified victims. A factor which can improve the identification of victims is having a body responsible for identification which is multidisciplinary, or having various actors working together in identifying victims. GRETA considers that there should be a differentiated approach to identification, enabling a series of relevant actors to perform identification and subsequently provide assistance.<sup>27</sup> NGOs providing support to victims, social workers and labour inspectors among others can substantially contribute to the victim identification process and should be involved in a multi-agency effort to ensure that no victim of trafficking remains unidentified.

## EXAMPLES

In **Serbia**, the Centre for the Protection of Victims of Trafficking in Human Beings was set up in April 2012 with the purpose of performing the identification and referral of victims. The Centre is a structural part of the Ministry of Labour, Employment and Social Policy. The body or person who comes across a possible victim of trafficking sends the initial information to the Centre whose staff travel to the location where the victim has been detected, interview him/her and co-ordinate actions to determine whether the person concerned is a victim of trafficking. The assessment is based on an interview with the possible victim and information received from other relevant sources (police, NGO, centre for social work, etc.). The Centre has developed a questionnaire for the assessment and identification of victims and a standardised form for entering the findings..

In some countries, GRETA has highlighted as good practice the involvement of a variety of stakeholders in the identification of victims of trafficking and/or the setting up of multidisciplinary structures performing identification.<sup>28</sup>

Proper identification requires the existence of a nationwide system of identification and referral of victims to assistance, commonly known as a "National Referral Mechanism" (NRM), which defines the roles and responsibilities of different actors and provides clear procedures, guidance and operational indicators. At the time of being evaluated by GRETA, 14 countries had set up a NRM, and another four were in the process of developing a NRM. In most countries, a certain mix of actors involved in identification existed. However, in nine reports GRETA found that identification was usually conducted by one single authority or body.

<sup>27</sup> See also the 2<sup>nd</sup> General Report on GRETA's activities, GRETA(2012)12, paragraphs 48-53.

<sup>28</sup> Austria, Belgium, Croatia, Georgia, Republic of Moldova, Poland, Serbia, Ukraine and UK.

GRETA has urged 27 of the 35 evaluated countries to improve the identification of victims of trafficking through a range of measures. In most countries, it has recommended strengthening the multi-agency involvement in the decision-making process leading to the identification of victims of trafficking and ensuring appropriate co-ordination and exchange of information between all relevant actors involved in the identification process. Further, it has recommended the adoption of a proactive approach to the identification of victims of trafficking for the purpose of labour exploitation, in particular in the sectors most at risk, and improving the detection and identification of victims of trafficking among irregular migrants and asylum seekers. Other recommendations concerned paying more attention to internal trafficking and vulnerable persons or groups. Improved and regular training of staff responsible for identification is also recommended in a most reports.

#### 9.4.2. ASSISTANCE

Assistance should be provided to all victims of trafficking, regardless of nationality, social status, gender or other grounds, and should encompass access to various support services, as provided in Article 12, paragraphs 1 and 2, of the Convention.<sup>29</sup>

In 28 country evaluation reports, GRETA has urged the authorities to improve different aspects of the provision of assistance to victims of trafficking. Generally speaking, GRETA's evaluation reports point to a shortage of safe and appropriate accommodation for victims of trafficking. In some countries, there are shelters especially set up for victims of trafficking, while in others assistance is provided in shelters or crisis centres for victims of domestic violence. Most often, victims receive assistance in shelters set up and run by civil society organisations with at least some funding from the state or local authorities. In several countries where shelters for victims of THB were being run by NGOs, GRETA has stressed the importance of providing sustainable funding in order to ensure the continuity of victims' assistance, subject to quality controls and periodic evaluation.

In the report on Ireland, GRETA stressed that international best practice suggests that persons who have experienced trafficking for sexual exploitation should be accommodated in specialised shelters, which would better suit their needs than mixed-gender asylum centres (which were the only available places to accommodate victims of trafficking in Ireland).

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<sup>29</sup> See also the 2<sup>nd</sup> General Report on GRETA's activities, document GRETA(2012)12, published on 4 October 2012, paragraphs 54-57.

While most evaluated countries took due account of the needs of female victims of trafficking, GRETA found that only nine countries offered support, including shelters, to male victims of trafficking.

### EXAMPLE

In the **Netherlands**, there were 16 places for male victims in specialised shelters for foreign victims of THB (known as COSM) and 40 places for male victims of violence in relationships of dependence, including victims of THB.

In 10 countries, GRETA has welcomed certain steps taken to ensure the provision of assistance to victims, while at the same time recommending improvements concerning other aspects.

### EXAMPLES

In the **Republic of Moldova**, the assistance to victims of THB is regulated by the Anti-Trafficking Law and covers physical, psychological and social recovery measures in the form of a minimum assistance package provided by the Ministry of Labour, Social Protection and Family. It also includes secure accommodation, advice and information, representation in court proceedings and access to education for children. Access to assistance is not dependent on the victim's willingness to co-operate in the investigation or criminal proceedings. Following the setting up of the Centre for assistance and protection of victims and potential victims of trafficking in Chişinău in 2008, two local centres providing social services to victims and potential victims of trafficking were set up in 2010 in Bălţi and Cahul, and a total of 80 437 Euros were allocated from the central and local administrations' budgets for their functioning. There were five shelters providing accommodation for victims of trafficking in the country, with a total capacity of 72 places.

In the **UK**, the needs of each victim are assessed upon referral into the NRM. Most of the services are funded by the government through organisations known as "prime contractors", which are also responsible for facilitating access to those services that are not provided directly (such as legal advice and medical care). At the time of GRETA's visit in October 2011, accommodation for victims of trafficking in England and Wales was provided in 15 safe houses, of which eight supported women, four supported men and three supported both men and women. The percentage of male victims provided with assistance in 2011 was 41%. The government funding for adult victim support in England and Wales was GBP 2 million (2.26 million euros) per year. The Scottish Government funded two NGOs, TARA and Migrant Help, to provide services to potential and actual victims. Funding of GBP 319 000 (360 000 euros) and GBP 405 000 (458 000 euros) was awarded to TARA and Migrant Help respectively for the financial year 2011-2012. In Northern Ireland, the Department of Justice had tendered out the provision of care for victims of trafficking to the NGO Migrant Help. The budget allocated for the financial year 2011-2012 was GBP 60 000 (68 000 euros).

In **Denmark**, one of the objectives of the second National Action Plan (2007-2010) was to support victims of trafficking by strengthening social assistance, defining the responsibilities of different authorities and organisations providing services to victims, improving outreach work and expanding the services available. For the implementation of these tasks, DKK 66.2 million (8.8 million euros) were allocated to the Danish Centre for Human Trafficking to improve the assistance provided to victims of trafficking, co-ordinate action between NGOs and public authorities, and collect and convey knowledge in the field of THB. The funds were used for financing the special crisis centre for victims of trafficking, counselling centres and outreach work.

**GRETA is concerned by indications that the provision of assistance to victims of trafficking hinges on their co-operation with law enforcement authorities, even though the link does not exist formally. In 20 country evaluation reports, GRETA has urged the authorities to ensure that in practice access to assistance for victims of trafficking is not made conditional on their co-operation in the investigation and criminal proceedings. Article 14 of the Convention allows parties to make the issuing of a temporary residence permit conditional on co-operation (see section 9.4.5) and it seems that in some cases this blocks unconditional access to assistance for foreign victims.**

### EXAMPLE

In the **Netherlands**, a pilot project was launched in 2008 in order to prevent unaccompanied foreign minors disappearing and falling victim to trafficking. The project consisted of two protected reception centres with additional security measures, located in remote areas and whose address was kept secret. In 2010 the outcome of the project was considered positive as the level of disappearance was low, but the security measures were found too stringent and tantamount to detention. This aspect was accordingly relaxed and the two protected reception centres were kept running. At the time of GRETA's evaluation in 2013, the capacity of these centres was 60 beds, with some flexibility in case of need. The shelters had a staff of 12 educators who were trained to identify signs of trafficking, and a visiting psychologist. There was 24-hour staff supervision, cameras and key cards for the doors. Children received special guidance and support and were informed of the risks linked to trafficking. Further, they were taken to a school outside the shelters where a special programme was organised for them. Children were usually referred to the shelters by the Nidos Foundation, an organisation providing guardianship for unaccompanied minors, after an interview with the police. All relevant partners met every six weeks to discuss the situation of the children staying in the centres.

One important aspect of the assistance is victims' access to medical care. This has been foreseen in the majority of countries, but in seven countries GRETA made recommendations to either make provision for victims' access to emergency medical care or to improve the already existing access.

#### **9.4.3. CHILD VICTIM IDENTIFICATION, ASSISTANCE AND LEGAL GUARDIAN**

The Convention provides for special measures and procedures for children in the context of victim identification, such as in case of age disputes and in respect of unaccompanied children, who should be appointed a legal guardian. Furthermore, assistance to child victims should be adapted to their special needs.

In 31 countries, GRETA has urged the authorities to take measures in order to improve the identification of and assistance to child victims of trafficking, including by setting up a specific identification and referral mechanism which takes into account the special circumstances and needs of child victims, involves child specialists, child protection services, and specialised police and prosecutors, and ensures that the best interests of the child are the primary consideration.

To take care of child victims, shelters specialised in receiving and assisting such victims should be set up with a view to addressing their needs and offering a protected environment. In general, GRETA's evaluation reports reveal a shortage of suitable accommodation for children. For example, in the report on the United Kingdom, GRETA expressed concerns about the significant number of unaccompanied children disappearing from local authority care and urged the authorities to address this problem by providing suitable safe accommodation and adequately trained supervisors or foster parents.

During the second evaluation round of the Convention, GRETA will pay particular attention to measures taken to address the vulnerability of children to trafficking.

#### 9.4.4. RECOVERY AND REFLECTION PERIOD

#### EXAMPLES

According to Article 13 of the Convention, a recovery and reflection period of at least 30 days must be granted when there are reasonable grounds to believe that a person is a victim of trafficking. This period is meant to leave sufficient time for the person to recover and escape the influence of the traffickers and/or to take an informed decision

In some countries, the provision of a recovery and reflection period was longer than the minimum of 30 days envisaged in the Convention: up to six months in **Iceland** and **Norway**; up to 90 days in **Luxembourg, Montenegro, the Netherlands, Romania** and **Slovenia**; up to 60 days in **Croatia** (up to 90 days for children), **Ireland, Portugal** and **“the former Yugoslav Republic of Macedonia”**). Further, in **Latvia, the Republic of Moldova** and **“the former Yugoslav Republic of Macedonia”**, the recovery and reflection period applies to all victims of trafficking, regardless of their nationality.

on whether to co-operate with the competent authorities. During the recovery and reflection period, the persons concerned must be entitled to the assistance measures contained in Article 12, paragraphs 1 and 2, of the Convention.

All but six of the 35 evaluated countries had adopted legislation or regulations concerning the recovery and reflection period.

However, in the majority of the evaluated countries, the number of recovery and reflection periods issued was either low or there was an absence of data on the number of such periods issued. GRETA has urged the authorities of 30 countries to take action in respect of different aspects of the implementation of Article 13 of the Convention. For example, in Sweden, GRETA was concerned that even though the legislation does not make the recovery and reflection period conditional on the victim's participation in criminal investigation, in practice an application for being granted such a period could only be made through an investigating officer, which is tantamount to requiring the victim to participate in the criminal investigation. In the report on the Netherlands, GRETA noted that regular interviews by the police during the reflection period, especially if conducted in a police station, can be counter-productive as victims may not feel strong enough to provide information against their traffickers.

An issue that arises regarding Article 13 of the Convention concerns victims who are EU citizens, namely whether they should benefit from the recovery and reflection period in other EU countries. Considering that after three months EU citizens can only stay legally in other EU countries provided they meet a number of requirements (e.g. economic activity, sufficient resources, being enrolled as a student), the possibility that they would be considered as being irregular cannot be excluded and they should logically be entitled to enjoy a recovery and reflection period. GRETA notes that some EU countries offer the possibility of granting a recovery and reflection period to EU and European Economic Area (EEA) nationals.



## EXAMPLES

On the other hand, some countries (e.g. Ireland, Slovenia and Spain) have followed a narrow interpretation of the reflection and recovery period in that their legislation provides for it only for non-EU citizens, in accordance with Article 6, paragraph 1, of Directive 2004/81/EC.<sup>30</sup>

In the **Netherlands** the recovery and reflection period applies primarily to non-EU nationals but also to EU, EEA and Swiss nationals where they do not derive a right to stay in the Netherlands from other instruments.

**Norway** provides for a recovery and reflection period for EU/EEA nationals as well as third-country nationals.

GRETA stresses the importance of the recovery and reflection period for the recovery of victims and their effective access to the ensuing rights; as such, it should be granted to any presumed or identified victim of trafficking in human beings. Furthermore, GRETA notes that the recovery and reflection period should not be confused with the issue of the residence permit and that it is not conditional on the victim's co-operation with the investigative or prosecution authorities (see the Explanatory Report on the Convention, paragraph 175).

With a view to ensuring compliance with Article 13 of the Convention, GRETA has recommended that police and immigration officers are issued with clear instructions stressing the need to offer the recovery and reflection period as defined in the Convention, i.e. not making it conditional on the victim's co-operation and offering it to victims before formal statements are made to investigators. All possible victims of trafficking should be systematically informed of the possibility of benefiting from a recovery and reflection period and its implications.

The Convention provides that the recovery and reflection period can be denied or shortened on the grounds of public order or improper claim of victim status. In several countries, GRETA has noted the presence of additional grounds which are not in line with the Convention<sup>31</sup> and has consequently urged the authorities to ensure that no termination of the recovery and reflection period is carried out without due regard to the person's individual situation.

30 Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who co-operate with the competent authorities

31 For example, in Malta and "the former Yugoslav Republic of Macedonia".

### 9.4.5. RESIDENCE PERMITS

Out of the 35 evaluated countries, 16 countries had legislation or regulations envisaging the issuing of residence permits to victims of trafficking both owing to their personal situation and for the purpose of co-operating with the investigation or criminal proceedings. Another 11 countries granted residence permits to victims of trafficking exclusively for the purpose of their co-operation. In two countries<sup>32</sup>, the legislation provided for issuing a temporary residence permit to persons who have the status of a victim of trafficking, and in another two countries<sup>33</sup>, the legislation provided for the issuing of a residence permit to victims of trafficking on humanitarian grounds. Finally, four countries had no specific legal basis to grant residence permits to victims of trafficking, who instead could apply for different temporary residence permits, in particular on humanitarian grounds, as any other foreigners.<sup>34</sup> GRETA has noted that difficulties arise when a state chooses to make the residence permit conditional on the victim's co-operation and the assistance facilities are only provided (or financially covered) for nationals or foreigners legally residing in the country. Some NGOs have indicated that in case a foreign victim does not want or cannot co-operate in the investigation, the NGO chooses not to report the case to the police.

GRETA has urged 12 countries either to adopt legislation or to ensure that victims of trafficking can fully benefit from the right to obtain a renewable residence permit, including victims who for various reasons do not co-operate with the authorities.

On the other hand, GRETA has welcomed the legal possibilities for issuing residence permits to victims of trafficking in eight countries.<sup>35</sup>

#### EXAMPLES

In **Italy**, Article 18 of the Consolidated Immigration Act provides for the granting of a residence permit for social protection to victims of trafficking. There are two ways to be granted a residence permit: the "social path", when NGOs or public social services consider that the person is a trafficking victim and request the granting of a residence permit by the *Questura*, and the "judicial path", when the victim decides to co-operate with the police and prosecution in the framework of criminal proceedings.

32 Croatia and Slovak Republic.

33 Bosnia and Herzegovina, and Montenegro.

34 Andorra, Armenia, Denmark and San Marino.

35 Iceland, Italy, Luxembourg, Netherlands, Norway, Spain, Sweden and UK.

Temporary residence permits may be issued in **Spain** either on grounds of willingness to co-operate with a police investigation or because of the victim's personal situation, and allow the victim to work and reside in any location in Spain until a final decision on status. If a positive decision is granted, a five year residence permit is issued, which includes the right to work and reside in Spain.

In **Sweden**, Chapter 5 of the Aliens Act provides that a temporary residence permit of six months may be granted where a victim is co-operating with a criminal investigation or where "an overall assessment of his/her situation reveal such exceptionally distressing circumstances that he/she should be allowed to stay". The *travaux préparatoires* of the Aliens Act refer to victims of THB as a category of persons who can be considered as being in exceptionally distressing circumstances. The temporary residence permit entitles its beneficiaries to access a broad range of social assistance measures, education and work.

In order to help victims regain or develop their autonomy and avoid re-trafficking, GRETA considers it important that they be allowed access to the labour market without discrimination on grounds of national origin if they are legally resident, in line with Article 12(4) of the Convention. In some countries, GRETA found that victims of THB who were granted a residence permit experienced difficulties in accessing the labour market and vocational training. In Austria, the Law on Foreigners' Employment was amended in March 2011 to enable the granting of work permits to victims and witnesses of THB who have a residence permit regardless of the quotas on work permits for each sector. In Luxembourg, a victim of THB who is a national of an EU country may perform paid work, but access to the labour market was very difficult for third-country nationals and the Advisory Committee on Human Rights has recommended that such victims be included among those entitled to perform paid work.

#### 9.4.6. COMPENSATION AND LEGAL REDRESS

Pursuant to Article 15 of the Convention, victims of THB should be able to obtain compensation and legal redress, either from the state or from the perpetrators. Victims should be able to access available schemes and mechanisms to this end.

Only a few countries have provided information concerning compensation from the perpetrator.

## EXAMPLES

In **Belgium**, in a case of trafficking for the purpose of sexual exploitation connected with an organised network of prostitution where both the perpetrators and the victims were Romanian, the perpetrators were sentenced to jointly pay 432 000 euros for pecuniary damage and 5 000 euros for non-pecuniary damage to one of the victims, and 257 680 euros for pecuniary damage and 5 000 euros for non-pecuniary damage to the other victim, with the judge ordering confiscation of the equivalent sum of the proceeds resulting from their exploitation.<sup>1</sup>

In the **Netherlands**, there have been a number of cases where significant sums have been awarded to victims of trafficking by way of compensation. For example, the Court of Appeal of Leeuwarden in a decision of 3 January 2012 sentenced a trafficker to four years in prison and ordered him to pay 105 000 euros in compensation to the victim.<sup>2</sup>

1. Brussels Appeal Court, 30 January 2009, quoted in the CECLR's Annual report on trafficking in and smuggling of human beings 2011, p. 55-56.
2. Court of Appeal of Leeuwarden, case No. 24-003026-10, judgment of 3 January 2012.

Regardless of these positive examples, in general very few victims of trafficking receive compensation from the perpetrators, the amounts awarded are low and often the compensation orders are not enforced because the perpetrators do not have identifiable assets. GRETA has urged 20 countries to take steps to facilitate and guarantee access to compensation for victims of trafficking, including by systematically providing information to victims on their right to claim compensation and the procedures to follow, and guaranteeing their effective access to legal aid.

While the majority of evaluated countries had legislation which made it possible for victims of trafficking to claim compensation from the state under certain conditions, state compensation was not available in seven countries at the time of the evaluation.<sup>36</sup> GRETA has urged 22 countries to improve the provision of state compensation, including by setting up state compensation schemes accessible to victims of THB, regardless of their citizenship and residence status.

In three countries<sup>37</sup>, GRETA has welcomed the introduction of a system of advance payment of state compensation to victims of trafficking.

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<sup>36</sup> Andorra, Armenia, Bosnia and Herzegovina, San Marino, Serbia, "the former Yugoslav Republic of Macedonia" and Ukraine.

<sup>37</sup> Iceland, Netherlands and Sweden.

### 9.4.7. REPATRIATION AND RETURN OF VICTIMS

Article 16 of the Convention requires parties to establish repatriation programmes which aim at avoiding re-victimisation and involve relevant national or international institutions and NGOs, as well as to make efforts to favour the reintegration of victims. The return of victims of trafficking must be carried out with due regard for their rights, safety and dignity and for the status of any legal proceedings related to the fact that the person is a victim of THB, and in accordance with the states' obligation of international protection. Child victims must not be returned if there is indication, following a risk and security assessment, that such return would not be in the best interests of the child.

#### EXAMPLES

In **Iceland**, state compensation is paid to victims of crimes even if the offender is unknown, is a minor or is *non compos mentis*. The victim claims compensation directly from the state and has no obligation to try to collect it first from the offender. The state recovers the compensation amount from the perpetrator if the latter is known. The nationality of the victim has no bearing on the outcome.

In the **Netherlands**, there is a system of advance payment for victims of violent and/or sexual crimes, including victims of THB. If the convicted person does not pay the full amount of compensation due eight months after the judgment has become final, the government will pay the outstanding amount to the victim and recover it from the perpetrator.

In **Norway**, the Criminal Injuries Compensation Authority pays the victim according to the judgement and seeks recovery from the convicted person, or, when there is no court case, can award compensation based on its assessment of the case.

To prevent further victimisation and to limit the risks of re-trafficking, adequate cooperation with the authorities and NGOs in the country of origin is very important. Parties must make available to victims of trafficking structures that can assist them in the country of return, such as NGOs, legal professionals and social welfare agencies. In many countries, the authorities have concluded agreements with the IOM which runs voluntary return programmes for migrants, including victims of trafficking. While welcoming the existence of such programmes, GRETA has noted that they are not specialised for victims of trafficking and usually are not available to victims of trafficking who are EU/EEA nationals.

## EXAMPLES

In **Poland**, the Ministry of the Interior's agreement with the IOM covers, since November 2011, the assisted voluntary return of victims of trafficking, including EU nationals. The assistance includes counselling, organisation of the trip and support in obtaining travel documents. Risk assessment is carried out by the IOM office in the country of return, if necessary with the involvement of the police and local NGOs. Arrangements are also made to meet the person upon arrival and, if necessary, provide him/her with shelter accommodation and other assistance.

In the case of 12 countries, GRETA has urged the authorities to put in place an institutional and procedural framework for the safe and preferably voluntary return of victims of trafficking, regardless of whether they are EU/EEA nationals or not. GRETA has also recommended strengthening co-operation with countries to which victims are returned with a view to ensuring proper risk assessment and improving their reintegration and rehabilitation.

In some countries, GRETA was concerned that victims of trafficking were rapidly removed from the country, especially if they were not prepared to co-operate with the law enforcement authorities. In the report on Sweden, for example, GRETA stressed that the expedited removal of victims of THB would not allow sufficient time for their identification and assessment of the risks of their return. In the report on Spain, GRETA urged the authorities to ensure that victims and possible victims of trafficking are not forcibly removed from the country and that the assisted voluntary return scheme is made available to them and adapted to their needs.

## 9.5. NON-PUNISHMENT PROVISION

Pursuant to Article 26 of the Convention, parties must provide for the possibility of not imposing penalties upon victims of THB for their involvement in unlawful activities, to the extent that they have been compelled to do so. As already stressed by GRETA in its 2<sup>nd</sup> General Report, the criminalisation of victims of THB not only contravenes the state's obligation to provide services and assistance to victims, but also discourages victims from coming forward and co-operating with law enforcement agencies, thereby also interfering with the state's obligation to investigate and prosecute those responsible for THB.

From the 35 evaluated countries, at the time of the evaluation, eight had adopted specific legal provisions concerning the non-punishment of victims of trafficking, either in their criminal code or in dedicated anti-trafficking legislation.<sup>38</sup> The legislation of four of these countries (Azerbaijan, Cyprus, Luxembourg and the Republic of Moldova) applied the non-punishment provision to any offences related to the fact that the person had been trafficked. In three countries, the application of this provision was limited: in Armenia, to offences of minor or medium gravity; in Georgia, to a list of offences under the Criminal Code and the Code of Administrative Violations,<sup>39</sup> and in Romania, to the offences of prostitution, begging, crossing the border illegally or giving organs, tissues or cells of human origin. In Spain, a proportionality test was applied between the criminal act perpetrated and the means to which the victim was subjected.

In contrast, at the time of GRETA's evaluation, 27 of the 35 countries did not have specific legislation on the non-punishment provision and relied on general duress provisions or exonerating or mitigating circumstances not specific to trafficking victims. Some countries' legislation provided for a proportionality test comparing the possible ground for exemption and the crime committed by the victim. In nine countries, the public prosecution service had discretion to decide whether or not to initiate a case.

Guidance to prosecutors concerning the application of the non-punishment provision existed in several countries at the time of GRETA's evaluation.<sup>40</sup> After GRETA's evaluation, the Danish authorities reported that the Director of Public Prosecutions had issued in May 2012 guidelines concerning the possibility of not imposing penalties on victims of trafficking for their involvement in unlawful activities, including irregular entry and/or residence in Denmark.

Most countries indicated that they did not collect information on the application of the non-punishment provision or that there was no relevant case law (because no victims of trafficking had been prosecuted or punished). Only seven countries referred to case law related to the non-punishment provision.

In 15 countries GRETA received information from NGOs, lawyers and other sources indicating that victims of trafficking had been punished for status-related offences. GRETA noted that police officers, prosecutors and judges were insufficiently trained to identify victims of trafficking and consequently there was a risk of prosecuting and convicting them for offences committed while they were being trafficked.

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38 After GRETA's evaluation, Albania, Bulgaria, Latvia and the Slovak Republic reported that they had introduced or were in the process of introducing a specific legal provision concerning the non-punishment of victims of trafficking.

39 Pursuant to Article 15 of the Georgian Anti-Trafficking Law, victims of trafficking are exempted from criminal liability for the acts envisaged in Article 344 (illegal crossing of the State border) and Article 362 (production, purchase or use of a forged document, seal or form) of the Criminal Code, as well as Article 172(3) and 185 of the Code of Administrative Violations (which concern, respectively, prostitution and violation of the rules of registration of Georgian citizens and foreign nationals residing in Georgia).

40 Belgium, Ireland, Norway, Poland, Spain and UK (where separate guidance exists for prosecutors in England and Wales, Scotland, and Northern Ireland).



GRETA considers that the absence of a specific provision on the non-punishment of victims of trafficking entails a risk of treating them differently depending on the prosecutor in charge of the case. Consequently, GRETA has recommended the adoption of specific legislation on non-punishment of victims of trafficking in 16 countries, as well as the issuing of guidelines to prosecutors in six of these countries. In the case of six other countries, GRETA recommended that an assessment be carried out of the implementation of the non-punishment provision by the judicial and other relevant authorities, and that the legislation be amended with a view to addressing any shortcomings identified.

GRETA has also asked the authorities of 10 countries to improve the identification of victims among irregular migrants and to ensure that while the identification procedure is ongoing, potential victims of trafficking are not punished for immigration-related offences. More generally, in most countries, GRETA has recommended that further training be provided to judges, prosecutors, police officers and lawyers regarding trafficking and the rights of victims of trafficking, and that particular attention be drawn to the non-punishment principle in the training provided to relevant professionals.

## 9.6. INVESTIGATION, PROSECUTION AND CONVICTIONS

One of the purposes of the Convention is to ensure the effective investigation and prosecution of trafficking offences. GRETA's evaluation of 35 parties to the Convention reveals that there is an important gap between the number of identified victims of trafficking and the number of convictions. GRETA's reports refer to a variety of reasons for this gap: over-reliance on victims' statements, issues around the credibility of witnesses who may change their statements over time, or difficulties in relation to the sufficiency of evidence. Victims are sometimes afraid or reluctant to make depositions because of threats of revenge from the perpetrators or lack of trust in the effectiveness of the criminal justice system. Furthermore, in some countries, the fact that legal proceedings against traffickers take a long time can have a dissuasive effect on victims. Investigators, prosecutors and judges who are not specialised and trained to deal with trafficking cases may be prejudiced vis-à-vis victims of trafficking and insensitive to the problems experienced by them. Perpetrators are sometimes prosecuted successfully for offences other than human trafficking when the available evidence is not sufficient to support a human trafficking offence.

GRETA was concerned to find in some countries that the sentences for THB appeared to be unduly lenient or the perpetrators were given suspended sentences. GRETA has urged 17 countries to address gaps in the investigation and the presentation of THB cases in court with a view to improving the conviction rate and securing sentences proportionate to the seriousness of the crime. In this context, GRETA has stressed the need to improve the training and specialisation of judges, prosecutors, police investigators and lawyers regarding THB and the rights of victims of trafficking, stressing the severe impact of exploitation on victims and the importance of ensuring that victims are prepared psychologically before they give statements.

On the other hand, GRETA has welcomed the steps taken in nine countries<sup>41</sup> to prosecute traffickers and secure convictions. GRETA has noted that in countries where there are investigators, prosecutors and judges who, through training and practical experience, have developed specialism in THB cases, the rate of convictions is relatively high.

GRETA has examined the availability and use of special investigation techniques, which are important for the efficiency of investigations of THB offences. In this context, Recommendation Rec(2005)10 of the Committee of Ministers on “special investigation techniques” in relation to serious crimes, including acts of terrorism, stresses the need to reinforce the effectiveness of special investigation techniques by developing common standards governing their use and the improvement of international co-operation in matters related to them. This recommendation also sets out the principles which should guide the use of special investigation techniques, including the requirement of proportionality between the effects of their use and the objective. In the report on France, GRETA has welcomed the range of special investigation techniques and the use made of them in criminal proceedings related to THB. In most countries, a range of special investigation techniques is available in law, but their use in THB cases could be improved.

Article 23(3) of the Convention requires parties to adopt such legislative and other measures as may be necessary to enable them to confiscate or otherwise deprive the instrumentalities and proceeds of criminal offences related to THB or property the value of which corresponds to such proceeds. The confiscation of criminal assets is crucial for reinforcing the effect of the penalty, as well as ensuring the payment of compensation to the victim. It requires as a prerequisite to detect, identify and seize the illegal assets at the time of the criminal investigations and to have adequate procedures to do so. While all countries provide for the confiscation of criminal assets, in many countries no confiscation has taken place in trafficking-related cases or no information was available.

## EXAMPLES

In **Belgium**, one of the five prosecutors general, namely the one attached to Liège Appeal Court, has responsibility in the area of THB and acts as the contact person within the public prosecution services, co-ordinating criminal law policy in this area. In addition, a reference prosecutor for THB has been appointed at each Prosecutor’s Office attached to an appeal court, crown prosecutor’s office, labour law auditor general’s office and labour law auditor’s office. These prosecutors are in charge of directing and following THB cases and serve as contact persons for other stakeholders (e.g. judges, police officers, reception centres, Foreigners’ Office). The presence of prosecutors specialised on THB in the labour law auditor’s offices has contributed to a high number of cases of THB for labour exploitation being prosecuted.

41 Albania, Belgium, Bulgaria, Denmark, France, Netherlands, Romania, Serbia, “the former Yugoslav Republic of Macedonia”.

In the **Netherlands**, a public prosecutor specialised in human trafficking is appointed in each Public Prosecution Service district. Moreover, a National Public Prosecutor on Human Trafficking has been appointed to ensure co-ordination both internally and vis-à-vis external partners. These specialised prosecutors hold regular meetings which also involve other stakeholders. In addition, there are specialised prosecutors on THB in the Functional Prosecution Service which deals with tax and environmental cases. Further, in The Hague, there is a group of five specialised judges who have undergone training on THB and meet at least twice a year to share experience on trafficking cases. At the time of GRETA's visit to the Netherlands in June 2013, four investigating judges were specialised in THB in Amsterdam and more specialised judges were to be appointed. The rate of conviction for human trafficking at first instance increased to 71% in 2012 and there was also an increase in the severity of sentences imposed on traffickers. other assistance.

## EXAMPLES

GRETA has welcomed the system under **French** law for seizing and confiscating criminal assets, which may be used to compensate victims of trafficking. The assets which may be seized and confiscated include not only rights relating to immovable or movable property, but also assets or rights relating to intangible movable property, such as money placed on a bank account or invested in a business. The Agency for the Management and Collection of Seized and Confiscated Assets was established in 2011 in order to facilitate seizure and confiscation in criminal matters.

GRETA has also welcomed the fact that there have been confiscations of proceeds from criminal offences related to human trafficking in **Bulgaria** and **Denmark**.

## 9.7. PROTECTION OF VICTIMS AND WITNESSES

By virtue of Article 28 the Convention, parties must take measures to provide effective and appropriate protection from potential retaliation or intimidation in particular during and after the investigation and prosecution of perpetrators. This protection can be of various types (physical protection, relocation, identity change) and is to be provided to victims of trafficking, to those who report it or otherwise co-operate with the investigating or prosecuting authorities, to witnesses who give testimony and, when necessary, to members of their families.

Further, Article 30 of the Convention includes a provision requiring parties to take measures to protect victims' private life and identity and to provide for their safety and protection from intimidation in the course of judicial proceedings, including special protection measures for child victims of THB.

Victims are sometimes reluctant to give statements because of threats of revenge from the perpetrators. The protection of victims and witnesses of THB is important to reassure them to take the step of accepting to testify against traffickers. Victims need to be prepared psychologically to give statements, and NGOs providing assistance to victims have an important role to play in this respect. It is crucial that victims, their families and their legal representatives be protected against retaliation and intimidation before, during and after court proceedings. As noted in Recommendation No. R (97) 13 of the Committee of Ministers of the Council of Europe concerning intimidation of witnesses and the rights of the defence, "it is unacceptable that the criminal justice system might fail to bring defendants to trial and obtain a judgment because witnesses are effectively discouraged from testifying freely and truthfully".

The legislation of most countries evaluated by GRETA envisages measures designed to protect victims and witnesses during the criminal justice process. However, it transpires from GRETA's reports that it is rare for measures such as hiding the identity of a witness or preventing her/him from meeting the perpetrator to be applied during the investigation of THB cases. While the law provides for physically separating the defender and the victim where necessary to protect the latter, it seems that not all court rooms are provided with the appropriate equipment. Solutions should be found to make full use of the possibility of testifying anonymously and not in the presence of the accused party. In general, the protection of victims of THB needs to be better guaranteed before, during and after the trial, but also in the absence of any criminal proceedings (e.g. when the traffickers have not been identified). It is also important to take measures to avoid re-traumatising victims, including by shortening the time during which they are involved in the court procedure.

GRETA has urged 13 countries to improve different aspects of the protection of victims and witnesses of THB and in 19 countries, it has considered that the authorities should make full use of the measures available to protect victims and witnesses of THB and to prevent intimidation during the investigation and during and after the court proceedings.

In some countries, GRETA has welcomed the availability of protection measures, but at the same time it recommended that full use be made of the existing legislation.

## EXAMPLES

**Belgian** legislation provides for victim anonymity, taking statements via audio-visual media, hearings via video-link, change of residence and change of identity. However, GRETA was informed that only one victim of trafficking has benefitted from protection as a witness under threat.

In the **Netherlands**, a special witness protection programme has been in place since 2010 for victims or witnesses of trafficking. This programme, which was devised in consultation with NGOs, is a combination of specialised care and shelter for victims of THB and standard witness protection procedures. It may also involve a change of identity; however, at the time of the evaluation, it had never been used

Only a few countries provide for protection measures which are specific to victims of trafficking.

## EXAMPLES

In **Ireland**, section 10 of the Criminal Law (Human Trafficking) Act 2008 provides for exclusion of members of the public from court proceedings to protect witnesses and victims willing to testify. It also gives the judge power to exclude persons from the court (other than officers of the court, persons directly concerned in the proceedings and such other persons as the judge may determine), during proceedings for trafficking-related offences. This measure is intended to protect trafficked persons, who can be very vulnerable and traumatised, from the traffickers and their criminal associates who may wish to harm the victims or prevent them from giving evidence. Similarly, section 11 of the Act provides for a guarantee of anonymity of alleged victims of trafficking unless the judge fully or partially waives anonymity in the interests of justice. Further, section 12 amending the Criminal Evidence Act 1992 allows an alleged victim of trafficking to give evidence through a live video link, with the permission of the court in the case of adults, from either within the state or abroad.

In **Romania**, provisions concerning the protection of witnesses and victims during proceedings are contained in Law No. 678/2001 on Preventing and Combating Trafficking in Persons, which provides, *inter alia*, for hearings *in camera* to protect witnesses, particularly minors. Victims of trafficking who agree to co-operate with the authorities as witnesses may benefit from special protection as provided for in Law No. 682/2002 on the Protection of Witnesses. This special protection, which is provided by the Office of the National Witness Protection Service, includes measures such as new identity and change of residence. In practice, only a few victims of trafficking have benefited from the special protection programme. In 2010 the physical protection of victims of THB was extended to also cover members of groups and associations providing victims with assistance.

## 9.8. NATIONAL CO-ORDINATION AND PARTNERSHIPS

Article 29 of the Convention requires parties to ensure co-ordination of the policies and actions of government departments and other public agencies against THB. Further, pursuant to Article 35 of the Convention, parties “shall encourage state authorities and public officials to co-operate with non-governmental organisations, other relevant organisations and members of civil society, in establishing strategic partnerships with the aim of achieving the purpose of the Convention”. According to the Explanatory Report on the Convention, “strategic partnership” means the setting up of co-operation frameworks through which state actors fulfil their obligations under the Convention, by co-ordinating their efforts with civil society.

GRETA's reports have highlighted differences in the degree of co-ordination and the extent to which civil society is involved in a comprehensive effort to address all aspects of human trafficking. The co-ordination of the actions of government departments and public agencies is ensured through a National Co-ordinator (13 countries have designated such an official), a dedicated agency or some form of inter-agency forum which periodically brings together relevant officials at political and expert level. Most countries have set up an institutional form of co-operation between the government and NGOs providing support to victims. Some countries have chosen to formally recognise civil society actors by giving them full member status in the national co-ordination forum and through the adoption of Memoranda of Understanding or protocols which specify the role of the NGO and spell out the principles of co-operation. This is a positive development because it acknowledges the specialised knowledge that NGOs can share.

## EXAMPLES

In **Bulgaria**, GRETA noted as a good practice the fact that the National Commission for Combating Trafficking in Human Beings is subordinated to the Council of Ministers rather than to any particular ministry, which can be seen as a sign of political will to ensure that it functions as an inter-agency structure.

In **Albania**, Regional Anti-Trafficking Committees have been set up in each of the country's 12 regions, involving representatives of relevant regional bodies and agencies as well as NGOs. Local anti-trafficking commissions also function in **Bulgaria** and the **Republic of Moldova**.

However, the involvement of NGOs in designing, implementing and assessing anti-trafficking policies and activities is still limited. While in some countries NGOs are full members of national co-ordinating structures, in others they are only invited to participate as observers and no attempt is made to involve them in policy making. GRETA has urged nine countries to improve national co-ordination, including the involvement of civil society in the development and implementation of anti-trafficking policy and the evaluation of anti-trafficking measures. GRETA has stressed the need to adopt an inclusive approach and develop formal and systematic consultation between governmental and non-governmental actors on trafficking.

## 9.9. INTERNATIONAL CO-OPERATION

Article 32 of the Convention requires parties to co-operate to the widest extent possible to prevent and combat THB, to protect and to provide assistance to victims, and to investigate and prosecute cases of THB. In this international co-operation, NGOs and other civil society actors, such as Trade Unions, should be included.

The majority of the evaluated countries have reported satisfaction with the way in which international co-operation in the anti-trafficking field is working. Most of the countries evaluated by GRETA are parties to the European Convention on Mutual Assistance in Criminal Matters and many have also signed bilateral co-operation agreements with other countries. International co-operation also takes place through Interpol, Europol and Eurojust. Further, there are good examples of regional co-operation, for example in South-East Europe, thanks to the Southern European Law Enforcement Centre (SELEC), the Police Co-operation Convention for South-East Europe, and the network of national Co-ordinators for South-East Europe.

While a number of countries have referred to their participation in Joint Investigation Teams (JITs) which have been successful in bringing to justice organised trafficking groups operating internationally, this tool is still not sufficiently used in human trafficking cases. The conduct of “mirror investigations” in THB cases appears to be more frequent.

Some countries have referred to difficulties in co-operating with countries which are not parties to the Convention when it comes to the exchange of information and obtaining evidence to help the detection and investigation of cases of THB.

In 22 countries, GRETA has welcomed the steps taken to develop international co-operation and has invited the authorities to continue their efforts. In the other reports GRETA has recommended further development of international co-operation. Most often, it has recommended co-operating more intensively with countries of origin to prevent THB or repatriate victims. It has also recommended that the authorities should further develop police and judicial co-operation, as well as enhance co-operation in the area of the protection of and assistance to victims.



# 10. Concluding remarks

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By way of conclusion, GRETA wishes to take stock of the co-operation received from the parties during the first evaluation round.

The obligation to co-operate with GRETA in the provision of the requested information is contained in Article 38, paragraph 2, of the Convention. All 35 evaluated countries provided detailed replies to GRETA's questionnaire. The vast majority of the replies were received within the time limit set by GRETA.<sup>42</sup> Further, 12 out of the 35 evaluated countries have authorised the publication of their reply to the questionnaire. In general, the national authorities have provided GRETA with the information necessary to conduct the evaluation; however, as discussed above, the absence of data collection and statistics on some issues related to the evaluation have made GRETA's task difficult.

Almost all evaluated countries provided comments on the draft country evaluation report within the time limit set by GRETA, which enabled GRETA to adopt the final country evaluation report at the meeting following the one at which the draft country evaluation report was discussed. GRETA has strived to complete the evaluation of each party within a year from organising the country evaluation visit and thanks to the co-operation received from the national authorities, this target has been met.

The fact that nearly all parties have complied with GRETA's requests for information and feedback in time can be seen as a demonstration of their commitment to GRETA's monitoring work. In addition, during the period of evaluation many parties initiated actions to further implement the Convention, such as the adoption or amendment of relevant legislation, the setting up of co-ordination structures or the opening of new shelters for victims. Such initiatives taken even before GRETA's final report can be seen as a positive spinoff of the evaluation process.

GRETA is grateful to the parties and the contact persons appointed by them for the efforts made to ensure that the monitoring of the Convention runs smoothly, the support provided to GRETA's rapporteurs, and the attention given to GRETA's evaluation reports and the implementation of the recommendations contained in them.

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<sup>42</sup> The replies to the questionnaire from nine countries arrived after the deadline set by GRETA, but only two replies were received later than one month after the expiry of the deadline.





States	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Lithuania	12/2/2008	26/7/2012	1/11/2012							
Luxembourg	16/5/2005	9/4/2009	1/8/2009							
Malta	16/5/2005	30/1/2008	1/5/2008		x					
Republic of Moldova	16/5/2005	19/5/2006	1/2/2008			x				
Monaco										
Montenegro	16/5/2005	30/7/2008	1/11/2008	55						
Netherlands	17/11/2005	22/4/2010	1/8/2010					x		
Norway	16/5/2005	17/1/2008	1/5/2008							
Poland	16/5/2005	17/11/2008	1/3/2009		x	x				
Portugal	16/5/2005	27/2/2008	1/6/2008		x					
Romania	16/5/2005	21/8/2006	1/2/2008							
Russian Federation										
San Marino	19/5/2006	29/11/2010	1/3/2011							
Serbia	16/5/2005	14/4/2009	1/8/2009	55						
Slovak Republic	19/5/2006	27/3/2007	1/2/2008							
Slovenia	3/4/2006	3/9/2009	1/1/2010		x					
Spain	9/7/2008	2/4/2009	1/8/2009			x				
Sweden	16/5/2005	31/5/2010	1/9/2010		x					
Switzerland	8/9/2008	17/12/2012	1/4/2013		x					
"the former Yugoslav Republic of Macedonia"	17/11/2005	27/5/2009	1/9/2009		x					
Turkey	19/3/2009									
Ukraine	17/11/2005	29/11/2010	1/3/2011							
United Kingdom	23/3/2007	17/12/2008	1/4/2009		x					

#### Non-member states of the Council of Europe

States	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Belarus		26/11/2013 <sup>a</sup>	1/3/2014							
Canada										
Holy See										
Japan										
Mexico										
United States of America										

#### International Organisations

Total number of signatures not followed by ratifications: 2

Total number of ratifications/accessions: 42

#### Notes:

(55) Date of signature by the state union of Serbia and Montenegro.

**a:** Accession - **s:** Signature without reservation as to ratification - **su:** Succession - **r:** Signature «ad referendum».

**R.:** Reservations - **D.:** Declarations - **A.:** Authorities - **T.:** Territorial Application - **C.:** Communication - **O.:** Objection.

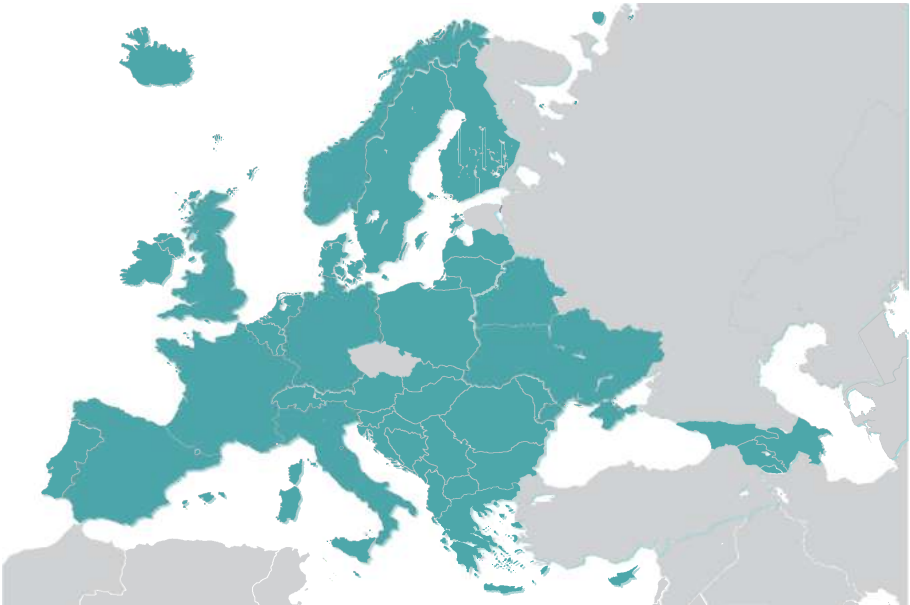
Source: Treaty Office on <http://conventions.coe.int>

# Appendix 2

GRETA's field of operations  
as at 30 September 2014

## STATES BOUND BY THE CONVENTION

Albania	Germany	Portugal
Andorra	Greece	Romania
Armenia	Hungary	San Marino
Austria	Iceland	Serbia
Azerbaijan	Ireland	Slovak Republic
Belarus	Italy	Slovenia
Belgium	Latvia	Spain
Bosnia and Herzegovina	Lithuania	Sweden
Bulgaria	Luxembourg	Switzerland
Croatia	Malta	"the former Yugoslav Republic of Macedonia"
Cyprus	Republic of Moldova	Ukraine
Denmark	Montenegro	United Kingdom
Finland	Netherlands	
France	Norway	
Georgia	Poland	



**Note:**

This is an unofficial representation of States bound by the Convention. For technical reasons it has not been possible to show the entire territory of certain of the States concerned.



## Appendix 3

List of GRETA members  
(as at 30 September 2014)

Members	Term of office
<b>President:</b> Mr Nicolas Le Coz (French)	31/12/2016
<b>First Vice-President:</b> Ms Alina Braşoveanu (Moldovan)	31/12/2016
<b>Second Vice-President:</b> Mr Helmut Sax (Austrian)	31/12/2014
Ms Vessela Banova (Bulgarian)	31/12/2016
Mr Olafs Bruvers (Latvian)	31/12/2016
Mr Frédéric Kurz (Belgian)	31/12/2016
Ms Leonor Ladrón de Guevara y Guerrero (Spanish)	31/12/2016
Ms Kateryna Levchenko (Ukrainian)	31/12/2016
Ms Alexandra Malangone (Slovak)	31/12/2016
Ms Siobhán Mullally (Irish)	31/12/2016
Mr Ryszard Piotrowicz (British)	31/12/2016
Mr Mihai Şerban (Romanian)	31/12/2016
Ms Gulnara Shahinian (Armenian)	31/12/2016
Ms Rita Theodorou Superman (Cypriot)	31/12/2016
Mr Jan van Dijk (Dutch)	31/12/2014



## Appendix 4

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### Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings (as at 30 September 2014)

Ms Petya Nestorova, Executive Secretary

Mr David Dolidze, Administrator

Mr Gerald Dunn, Administrator

Mr Markus Lehner, Administrator

Mr Mats Lindberg, Administrator

Ms Ita Mirianashvili, Administrator (co-operation activities)

Ms Rona Sterricks, Principal Administrative Assistant

Ms Giovanna Montagna, Administrative Assistant

Ms Melissa Charbonnel, Administrative Assistant

Ms Fabienne Schaeffer-Lopez, Administrative Assistant (co-operation activities)



# Appendix 5

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## List of GRETA's activities

*during the period from 1 August 2013 to 30 September 2014*

### Meetings held by GRETA in Strasbourg in 2013

- ▶ 18<sup>th</sup> plenary meeting (4 - 8 November 2013)

### Meetings held by GRETA in Strasbourg in 2014

- ▶ 19<sup>th</sup> plenary meeting (17 - 21 March 2014)
- ▶ Meeting to adopt the second round questionnaire (5 - 6 May 2014)
- ▶ 20<sup>th</sup> plenary meeting (30 June - 4 July 2014)

### Meetings of GRETA's Bureau

- ▶ 18 September 2013 (Strasbourg)
- ▶ 18 February 2014 (Vienna)
- ▶ 6 May 2014 (Strasbourg)

### GRETA evaluation visits (in chronological order):

- |               |                                   |
|---------------|-----------------------------------|
| ▶ Iceland     | 21-24 October 2013 (4 days)       |
| ▶ Ukraine     | 22-25 October (5 days)            |
| ▶ Andorra     | 27-29 November 2013 (3 days)      |
| ▶ Italy       | 2-6 December 2013 (5 days)        |
| ▶ San Marino  | 4-6 December 2013 (3 days)        |
| ▶ Lithuania   | 19-22 May 2014 (4 days)           |
| ▶ Finland     | 10-13 June 2014 (5 days)          |
| ▶ Germany     | 13-20 June 2014 (7 days)          |
| ▶ Hungary     | 8-11 July 2014 (4 days)           |
| ▶ Switzerland | 29 September - 3 October (5 days) |

### GRETA country evaluation reports (in order of publication):

▶ Belgium (report adopted at the 17 <sup>th</sup> meeting)	25 September 2013
▶ Spain (report adopted at the 17 <sup>th</sup> meeting)	27 September 2013
▶ Ireland (report adopted at the 17 <sup>th</sup> meeting)	26 September 2013
▶ Luxembourg	15 January 2014
▶ Serbia	16 January 2014
▶ Slovenia	17 January 2014
▶ Azerbaijan	23 May 2014
▶ Sweden	27 May 2014
▶ “the former Yugoslav Republic of Macedonia”	17 June 2014
▶ the Netherlands	18 June 2014
▶ San Marino	15 September 2014
▶ Andorra	18 September 2014
▶ Ukraine	19 September 2014
▶ Italy	22 September 2014
▶ Iceland	23 September 2014

### OTHER MEETINGS

Meeting of contact persons appointed by the parties to the Convention on Action against Trafficking in Human Beings to liaise with the Group of Experts on Action against Trafficking in Human Beings (GRETA), Strasbourg, 17 September 2013

Round-table meeting in Bucharest, Romania, 3 October 2013

Round-table meeting in Tirana, Albania, 24 October 2013

Round-table meeting in Tbilisi, Georgia, 5 December 2013

Round-table meeting in Zagreb, Croatia, 12 December 2013

Round-table meeting in Yerevan, Armenia, 19 December 2013

Round-table meeting in Sarajevo, Bosnia-Herzegovina, 10 March 2014

Round-table meeting in Warsaw, Poland, 15 April 2014

Round-table meeting in Oslo, Norway, 4 June 2014

Round-table meeting in Malta, 17 July 2014

# Appendix 6

## Timetable of GRETA's 1<sup>st</sup> Evaluation Round 2010-2014

1 <sup>st</sup> Group	2 <sup>nd</sup> Group	3 <sup>rd</sup> Group	4 <sup>th</sup> Group
Albania	Armenia	Azerbaijan	Andorra
Austria	Bosnia and Herzegovina	Belgium	Italy
Bulgaria	France	Ireland	San Marino
Croatia	Latvia	Luxembourg	Ukraine
Cyprus	Malta	Netherlands	Iceland <sup>43</sup>
Denmark	Montenegro	Serbia	Lithuania <sup>44</sup>
Georgia	Norway	Slovenia	Hungary <sup>45</sup>
Republic of Moldova	Poland	Spain	Finland <sup>46</sup>
Romania	Portugal	Sweden	Germany <sup>47</sup>
Slovak Republic	United Kingdom	"the former Yugoslav Republic of Macedonia"	Switzerland <sup>48</sup>
<b>Questionnaire sent</b>	<b>Questionnaire sent</b>	<b>Questionnaire sent</b>	<b>Questionnaire sent</b>
February 2010	February 2011	February 2012	February 2013
<b>Deadline for replies</b>	<b>Deadline for replies</b>	<b>Deadline for replies</b>	<b>Deadline for replies</b>
1 September 2010	1 September 2011	1 June 2012	3 June 2013

■ The countries which became parties to the Convention in 2014 (Belarus and Greece) will be sent GRETA's questionnaire for the first evaluation round in the course of 2015.

43 Questionnaire sent on 3 June 2013, deadline for replying 3 October 2013.

44 Questionnaire sent on 15 November 2013, deadline for replying 30 April 2013.

45 Questionnaire sent on 27 January 2014, deadline for replying 27 May 2014.

46 Questionnaire sent on 18 September 2013, deadline for replying 18 January 2014.

47 Questionnaire sent on 3 February 2014, deadline for replying 3 June 2014.

48 Questionnaire sent on 1 April 2014, deadline for replying 1 August 2014.

# Appendix 7

## Provisional timetable of GRETA's 2<sup>nd</sup> Evaluation Round

Parties	Questionnaire to be sent	Deadline for replies	Evaluation visits	Draft GRETA reports	Final GRETA reports
Austria Cyprus Slovak Republic	15 May 2014	15 October 2014	November - December 2014	22nd meeting March 2015	23rd meeting June 2015
Albania Bulgaria Croatia Denmark	3 June 2014	3 Nov 2014	January - March 2015	23rd meeting June 2015	24th meeting Nov 2015
Georgia Republic of Moldova Romania	3 Sept 2014	3 Feb 2015	April - June 2015	24th meeting Nov 2015	25th meeting March 2016
Armenia Montenegro United Kingdom	5 Jan 2015	5 June 2015	Sept - Dec 2015	25th meeting March 2016	26th meeting June 2016
France Latvia Malta Portugal	1 June 2015	2 Nov 2015	January - March 2016	26th meeting June 2016	27th meeting Nov 2016
Bosnia and Herzegovina Norway Poland	1 Sept 2015	1 Feb 2016	April - June 2016	27th meeting Nov 2016	28th meeting March 2017
Belgium Ireland Luxembourg	1 Jan 2016	1 June 2016	Sept - Dec 2016	28th meeting March 2017	29th meeting June 2017
Serbia Slovenia Spain "the former Yugoslav Republic of Macedonia"	1 June 2016	1 Nov 2016	January - March 2017	29th meeting June 2017	30th meeting Nov 2017
Azerbaijan Netherlands Sweden	1 Sept 2016	1 Feb 2017	April - June 2017	30th meeting Nov 2017	31st meeting March 2018
Iceland Italy Ukraine	1 Jan 2017	1 June 2017	Sept - Dec 2017	31st meeting March 2018	32nd meeting June 2018
Andorra Finland Lithuania San Marino	1 June 2017	1 Nov 2017	January - March 2018	32nd meeting June 2018	33rd meeting Nov 2018
Germany Hungary Switzerland	1 Sept 2017	1 Feb 2018	April - June 2018	33rd meeting Nov 2018	34th meeting March 2019
Belarus Greece	1 Jan 2018	1 June 2018	Sept - Dec 2018	34th meeting March 2019	35th meeting June 2019



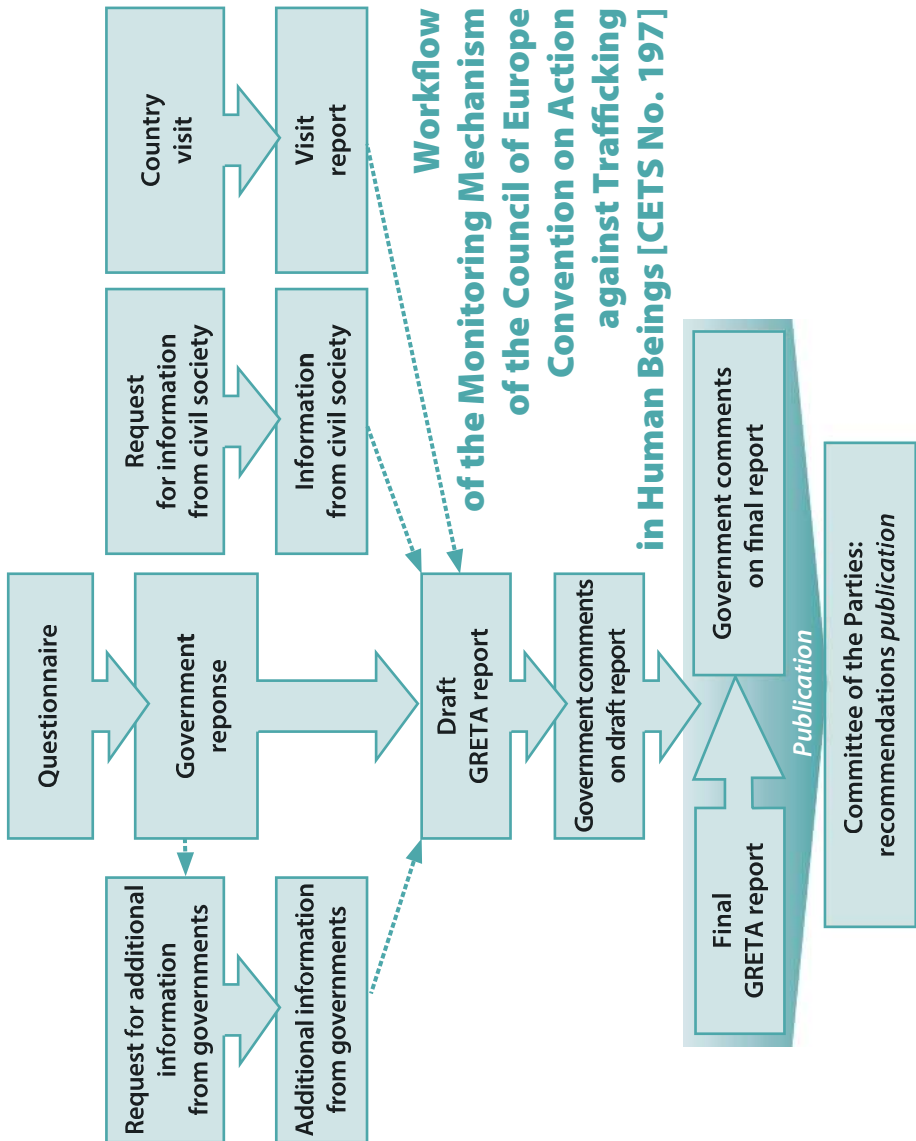


Table 3: Overview of the implementation of the Convention, based on GRETA's 1st round reports ("welcomes")

Indicators		report publication	
		2011	2014
1	Crimes of THB		
2	Action plans (budget, interdependent evaluation)		
3	National coordination, including involvement of civil society		
4	Training of relevant professionals		
5	Data collection		
6	Research		
7	International cooperation		
8	Awareness raising		
9	Demand reduction		
10	Social and economic measures		
11	Border control measures		
12	Security and control of documents		
13	Identification of victims		
14	Victim assistance measures		
15	Provision of support delinked from co-operation with law enforcement		
16	Recovery and reflection period		
17	Temporary residence permits		
18	Legal assistance and free legal aid		
19	Compensation from perpetrator (related to number of identified victims)		
20	State compensation		
21	Child victim identification, services and legal guardian		
22	Safe return		
23	Maximum penalty for THB (> 5 years)		
24	Aggravating circumstances		
25	Criminalisation of acts related to travel/identity documents		
26	Corporate liability		
27	Non-punishment provision		
28	Investigation, prosecution and convictions		
29	Victim and witness protection		
		ALB	2011
		AND	2014
		ARM	2012
		AUT	2011
		AZE	2014
		BEL	2013
		BH	2013
		BGR	2011
		HRV	2011
		CYP	2011
		DNK	2011
		FRA	2013
		GEO	2012
		ISL	2014
		IRL	2013
		ITA	2014
		LVA	2013
		LUX	2014
		MLT	2013
		MDA	2012
		MNE	2012
		NLD	2014
		NOR	2013
		POL	2013
		PRT	2013
		ROM	2012
		SMT	2014
		SRB	2014
		SVK	2011
		SVN	2014
		ESP	2013
		SWE	2014
		MKD	2014
		UKR	2014
		GBR	2012

# Appendix 9

Workflow of the monitoring mechanism of the Council of Europe Anti-Trafficking Convention







[www.coe.int](http://www.coe.int)

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.