

GRETA

Group of Experts on Action
against Trafficking in Human Beings



Public
GRETA(2012)13

Second General Report on GRETA's activities

covering the period from 1 August 2011 to 31 July 2012

Strasbourg, 4 October 2012

Secretariat of the Council of Europe
Convention on Action against Trafficking in Human Beings
(GRETA and Committee of the Parties)
Directorate General of Human Rights and Rule of Law
Council of Europe
F- 67075 Strasbourg Cedex
France
Tel: + 33 (0)3 90 21 52 54

trafficking@coe.int

<http://www.coe.int/trafficking>

TABLE OF CONTENTS

Introduction by the President of GRETA.....	4
Preface.....	6
Activities during the period 1 August 2011 to 31 July 2012.....	7
Plenary meetings and activities of working subgroups.....	7
Country visits and evaluations.....	7
Publications.....	8
Organisational and legal issues	8
Signatures and ratifications of the Convention	8
GRETA membership	9
Administrative and budgetary questions.....	9
Communications received containing information for consideration by GRETA.....	10
The human rights-based approach to action against human trafficking: issues emerging from GRETA's first 10 evaluations	10
Relations with the Committee of the Parties.....	17
Co-operation with the Parliamentary Assembly of the Council of Europe	18
Co-operation with intergovernmental and non-governmental organisations.....	18
United Nations.....	19
OSCE.....	19
European Union	20
Non-governmental organisations.....	21
Concluding remarks	22
Appendix 1	23
Signatures and ratifications of the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197).....	23
Appendix 2	25
List of GRETA members (as at 31 July 2012)	25
Appendix 3	26
Secretariat of the Council of Europe Anti-Trafficking Convention (as at 31 July 2012).....	26
Appendix 4	27
List of GRETA's activities	27
Appendix 5	28
Timetable of GRETA's 1st Evaluation Round (2010-2013).....	28
Appendix 6	29
Workflow of the monitoring mechanism of the Council of Europe Anti-Trafficking Convention.....	29

Introduction by the President of GRETA

It is a privilege for me to introduce, on behalf of the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA), the Second General Report on our activities. Covering the period running from 1 August 2011 to 31 July 2012, this General Report gives an exhaustive picture of the action led by our group of independent experts in monitoring the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, adopted on 16 May 2005 (hereafter “the Convention”). By way of introduction, let me focus on four issues.

The first issue concerns the life of the Convention. Since the First General Report, there have been three more ratifications, and 37 Member States of the Council of Europe are now bound by it, 22 of which are also members of the European Union (EU). It is worth underlining once more that the Convention is the international legally-binding instrument with the highest standards in the field of action against trafficking in human beings. It contains a series of detailed obligations to prevent this scourge, protect victims from physical harm and ensure that they are compensated for damage suffered, prosecute and punish traffickers, and carry out international co-operation to these ends. Therefore, tribute should be paid to the Council of Europe member States that have ratified the Convention and, in doing so, have accepted that GRETA monitors the implementation of their commitments. However, it is crucial that new ratifications take place without delay, not only by Council of Europe member States but also by non-member States and the EU. Consequently, all competent bodies of the Council of Europe as well as other international organisations engaged in combating human trafficking should promote further ratifications of the Convention. In addition to affording protection to victims of this serious human rights violation, this will be a way of avoiding an undermining of the efforts made by Parties to the Convention and the persistence of zones of impunity.

The second issue relates to human trafficking itself. The reports already published by GRETA show that it remains at alarming levels. In our free-market societies, human beings are an easy target for traffickers and exploiters who consider that women, men or children are mere commodities and that exploitation is justified by the economic situation and their alleged “consent”. According to the latest global estimate by the International Labour Organisation (ILO), published in June 2012, nearly 21 million people are victims of forced labour exploitation across the world, including 880 000 in the European Union member States. The ILO estimate captures virtually the full spectrum of human trafficking abuses, except for trafficking for organ removal, forced marriage or adoption (unless the latter practices result in forced labour). Fortunately, the European public order based on human rights – enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms, the case-law of the European Court of Human Rights and the Convention on Action against Trafficking in Human Beings – provides a powerful framework for the fight against human trafficking. This General Report highlights some emerging issues from GRETA’s first 10 evaluation reports centred around the need for a human rights-based and victim centred approach to action against human trafficking.

Let me highlight some of the adjustments that need urgently to be made. Preventing human trafficking requires, *inter alia*, training and specialisation of public officials and bodies, as well as their co-ordination. With rare exceptions, all Parties to the Convention which have been evaluated by GRETA have set up bodies to co-ordinate anti-trafficking action among public stakeholders. In some cases, true to the spirit of the Convention, States have associated NGOs to their co-ordination bodies. Co-ordination across the board, which is an important requirement of the Convention, thus becomes reality.

Notwithstanding some progress, protection of the rights of victims and assisting them in their recovery are still problematic. Since identification is not systematic, many victims remain undetected. Furthermore, protection against reprisal is far from being efficient, even though the Convention - a pioneer instrument in this respect - lays down strict obligations in the matter. As regards compensation, it is very often uncertain or grossly insufficient.

In addition, the punishment of traffickers remains unsatisfactory. Not only do law enforcement authorities often fail to use the offence of human trafficking, but this offence, as introduced in national criminal legislation, is also not always in line with the Convention. Aggravating circumstances or types of exploitation set out in the Convention are not systematically laid down in legislation and punishment provided in domestic law or sentences imposed by courts are sometimes not sufficiently dissuasive. Further, the confiscation of traffickers' assets remains all too rare.

The third issue concerns the place of GRETA in global efforts to combat human trafficking. There are now many anti-trafficking initiatives at international level, and it is indeed imperative to make full use of existing institutions and instruments and thus optimise what already exists. This is essential to avoid contradictory standards or interpretations by other international fora. Moreover, it is crucial that member States of the Council of Europe which belong to other international organisations ensure that GRETA's monitoring activities are acknowledged and that there is not duplication of efforts. To this end, they must make sure that the Convention is always referred to in relevant texts and that its interpretation is duly taken into account.

Co-operation between GRETA and the UN Special Rapporteur on trafficking in persons, the United Nations Office on Drugs and Crime (UNODC), the International Organisation for Migration (IOM), the Special Representative of the Organisation for Security and Co-operation in Europe (OSCE), the Office for Democratic Institutions and Human Rights (ODIHR), the European Commission (Anti-trafficking Coordinator), Eurojust, Frontex and the Financial Action Task Force (FATF) was pursued during the reporting period. It is also worth mentioning that contacts have been made with the Commonwealth of Independent States (CIS) and the Arab League. I trust that such co-operation will continue and hopefully involve other organisations.

Finally, the fourth issue I wish to raise concerns the future. In November 2012 the Committee of the Parties will elect 13 of the 15 members of GRETA. The new composition of the group will complete the evaluations of the first round and launch the second evaluation round. It is crucial that the support provided by the organisation and member States is sustained.

I would like to thank Parties for having ensured the involvement of all relevant authorities in the evaluation round, as well as non-governmental organisations (NGOs) for their invaluable contribution to the process. GRETA is also grateful to the Committee of the Parties for its unremitting support, as well as to the Committee of Ministers, the Parliamentary Assembly, the Secretary General and the former Deputy Secretary General, Maud de Boer-Buquicchio, for having relentlessly promoted the Convention and its monitoring mechanism. I am also most grateful to the Anti-trafficking Secretariat for their dedicated work. Last but not least, I extend my warmest thanks to my colleagues of GRETA for the quality of their expertise, their involvement, loyalty and work over the last four years.

By way of conclusion, I am happy that this General Report brings to light the efforts made by GRETA to support States in combating human trafficking, which should not be considered as an inevitable scourge. To quote the slogan of the campaign led by the Council of Europe between 2006 and 2007, "*Human beings are not for sale*". This is GRETA's undertaking for the past, present and future.

Nicolas Le COZ
President of GRETA

Preface

1. At the outset, it might be useful to recall GRETA's mandate and working methods. A multidisciplinary panel of 15 independent experts, GRETA is tasked with monitoring the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter "the Convention"). As at 31 July 2012, the Convention has been ratified by 37 Council of Europe member States and has been signed by a further six.
2. The First General Report, covering the first two and a half years following the establishment of GRETA, set out in detail the procedural and organisational framework for GRETA's activities. After a preparatory phase (adoption of the Internal Rules of Procedure, elaboration of rules for the evaluation of the implementation of the Convention and common working tools, establishment of relations with other international bodies), the actual evaluation work started in September 2010 when GRETA received replies to its questionnaire from the first group of 10 Parties to the Convention. GRETA has been able during 2011 and 2012 to concentrate on its core activity, namely the evaluation of the implementation of the Convention by the Parties and the adoption and publication of country reports.
3. In evaluating the implementation of the Convention by the Parties, GRETA follows a procedure divided in rounds. At the beginning of each round, GRETA defines autonomously the provisions to be monitored and determines the most appropriate means to carry out the evaluation. GRETA has decided that the duration of the first evaluation round shall be four years starting at the beginning of 2010 and finishing at the end of 2013.
4. In carrying out its monitoring work, GRETA has the right to avail itself of a variety of means for collecting information. For the first evaluation round, GRETA developed a questionnaire which is sent to all Parties to the Convention as the first step of the evaluation procedure. Pursuant to the Rules of Procedure for Evaluating Implementation of the Convention, the questionnaire is addressed at the earliest one year and at the latest two years following the entry into force of the Convention for the Party concerned.
5. Following the receipt of the Party's reply to the questionnaire, GRETA may request additional information from the national authorities. GRETA also maintains contacts with non-governmental organisations (NGOs) active in the field of action against trafficking in human beings and may address the questionnaire or any other request for information to such NGOs, other relevant organisations and members of civil society.
6. In addition, GRETA may decide to carry out a visit to the country concerned. GRETA has decided for the first evaluation round that country visits are to be organised to all Parties of the Convention, in order to treat them on an equal footing. Country visits are an important part of the evaluation process as they enable GRETA to clarify the information provided in the reply to the questionnaire and to collect additional information through meetings with relevant ministries, government agencies, parliamentarians, trade unions, NGOs, researchers, and representatives of international organisation present in the country concerned. Country visits are also an opportunity for GRETA to visit facilities where protection and assistance are provided to victims of trafficking as well as other related structures.
7. As regards the procedure for the preparation of reports, GRETA first examines a draft report on each Party in a plenary session. The draft report is then sent to the relevant Government for comments, which are taken into account by GRETA when finalising its report. This final report is adopted by GRETA in a subsequent plenary session and transmitted to the Party concerned, which is invited to submit any final comments. The report and conclusions by GRETA, together with eventual comments by the authorities, are made public at the expiry of the time-limit of one month for the Party to make comments, and sent to the Committee of the Parties to the Convention.

Activities during the period 1 August 2011 to 31 July 2012

Plenary meetings and activities of working subgroups

8. GRETA held two four-day plenary meetings and two five-day plenary meetings during the 12 months covered by this General Report (see Appendix 4). A total of 10 draft country reports and 10 final country reports were adopted at these meetings.
9. Now that GRETA has entered the stage of adopting country evaluation reports, more time is necessary in between plenary meetings to organise country visits and draw up evaluation reports in the two official languages of the Council of Europe. In addition, GRETA needs more time to receive and analyse the national authorities' comments to draft reports. Consequently, at its 11th meeting (20-23 September 2011), GRETA decided to change its work calendar of plenary meetings for 2012 from four meetings of four days to three meetings of five days. GRETA also decided to hold a two-day meeting in September 2012 in Brussels to discuss the follow-up to be given on its evaluation reports. This meeting will also be an opportunity to hold an exchange of views with the European Commission's Group of Experts on Trafficking in Human Beings (see paragraph 85).
10. Between March 2011 and December 2011, an informal working group of GRETA members met three times during GRETA plenary meetings in order to reflect on the manner in which certain key provisions of the Convention are to be interpreted with a view to ensuring consistency in GRETA's evaluation reports. In order to follow up on the work of this group, at its 13th meeting (19-23 March 2012) GRETA approved the composition and terms of reference of three thematic working groups dealing with: mechanisms for the identification and referral of victims of trafficking; legal issues related to the interpretation of the Convention; and ensuring consistency in GRETA's evaluations. The working groups met during the 13th and 14th meetings of GRETA and are expected to report to GRETA on the first results of their work during the two-day meeting in September 2012.

Country visits and evaluations

11. Following receipt of the replies to the questionnaire from the 2nd group of 10 Parties to the Convention (deadline: 1 September 2011), GRETA carried out 10 country visits to these Parties between October 2011 and May 2012 (see Appendices 4 and 5). Each visit lasted four to five days.
12. Under the Convention, Parties are obliged to co-operate with GRETA by providing the requested information (Article 38(2) of the Convention). Further, in accordance with Rule 8 of GRETA's Rules of Procedure, "the delegation carrying out the visit shall decide on the programme of the country visit". The co-operation received by GRETA during the country visits has generally been of a very high standard. GRETA's delegations have been able to meet representatives of all the relevant ministries and agencies and have been provided with the necessary information. In this context, GRETA wishes to highlight the importance of enabling its delegations to hold the meetings they considers necessary for the collection of information relevant to the evaluation process. Furthermore, in each country, the GRETA delegation has visited one or more shelters for victims of trafficking in human beings, run by the State or by non-governmental organisations. GRETA is grateful to the contact persons appointed by the national authorities for their assistance in organising the country visits.
13. At its 12th meeting (6-9 December 2011), GRETA discussed the progress of the first evaluation round and noted that there had been some delays in Parties providing comments to GRETA's reports. GRETA decided that if a Party does not submit comments to a draft GRETA report within the time-limit set, GRETA will proceed with the adoption of the final report concerning the Party in question even in the absence of its comments, save in duly justified exceptional cases.

14. GRETA also noted that the six-month period between sending the questionnaire to Parties and receiving their replies was too long as on some occasions the replies provided were no longer up to date by the time of GRETA's country visits. GRETA therefore decided to shorten the time period for Parties to respond to its questionnaire to four months.

15. On 1 February 2012, GRETA sent its questionnaire to the 3rd group of 10 Parties to the Convention (Azerbaijan, Belgium, Ireland, Luxembourg, Netherlands, Serbia, Slovenia, Spain, Sweden and "the former Yugoslav Republic of Macedonia") which were requested to submit their replies by 1 June 2012. Some of the Parties replied before this deadline, and by 15 June 2012 all the replies had been received.

Publications

16. In accordance with the Convention (Article 38, paragraph 6), the report and conclusions of GRETA are made public as from their adoption, together with eventual comments by the Party concerned. A total of 10 GRETA country reports were published during the period covered by this General Report, together with the comments of the respective national authorities (see Appendix 4). The publication of GRETA's reports can only increase the impact of its work and allow other stakeholders to contribute to the implementation of the proposals contained in them. GRETA welcomes the fact that its reports are also publicised on the EU's anti-trafficking website and by international and national NGOs.

17. Furthermore, the replies to GRETA's questionnaire from three Parties to the Convention have been made public on GRETA's website with the agreement of the respective national authorities. According to the Rules of procedure for evaluating the implementation of the Convention, "GRETA shall treat replies to the questionnaire as confidential unless a party requests publication". In this connection, GRETA considers that there are benefits to the publication of State Parties' replies to its questionnaire at an early stage as this can encourage transparency and accountability, facilitate public discussion and enable civil society to identify area where additional information may be provided to GRETA.

Organisational and legal issues

Signatures and ratifications of the Convention

18. During the reporting period, the Convention was ratified by Iceland (on 23 February 2012), Finland (on 30 May 2012) and Lithuania (on 26 July 2012). To date, 37 of the 47 member States of the Council of Europe have ratified the Convention (see Appendix 1). Another six member States have signed the Convention. Two of them, Germany and Switzerland, are engaged in the process of ratification of the Convention.

19. On 6 September 2011, the Committee of Ministers' Group of Rapporteurs on Democracy (GR-DEM) examined the request by Belarus to accede to the Convention. Subsequently, on 11 January 2012, the Committee of Ministers decided to invite Belarus to accede to the Convention and approved the agreement between the Republic of Belarus and the Council of Europe concerning the privileges and immunities of the members of GRETA and other members of country visit delegations.

20. GRETA urges the Council of Europe member States which had not already done so, the non-member states which had participated in the preparation of the Convention, as well as the European Union, to sign and/or ratify the Convention. In addition, GRETA reiterates its call for other non-member States to accede to the Convention.

GRETA membership

21. GRETA members are independent and impartial experts from a variety of backgrounds. They have been chosen from amongst nationals of the States Parties to the Convention and are known for their competence and professional experience in the areas covered by the Convention. No two members of GRETA may be nationals of the same State. The term of office of GRETA members is four years, renewable once. The current composition of GRETA reflects a gender and geographical balance (see Appendix 2).

22. Following the resignation of a GRETA member on 2 May 2011, a procedure to fill the vacated seat was launched and at its meeting on 26 September 2011, the Committee of the Parties elected Ms Leonor Ladrón de Guevara y Guerrero (Spanish) as the new GRETA member. Pursuant to Rule 16, third paragraph of the Resolution, she was elected for the remainder of the term of the GRETA member who had resigned, i.e. until 31 December 2012.

23. The terms of office of 13 of the 15 current members of the Group of Experts on Action against Trafficking in Human Beings (GRETA) will expire on 31 December 2012. The elections to fill the 13 vacant seats will be held at the 9th meeting of the Committee of the Parties to the Convention (12-13 November 2012). On 21 May 2012, the Executive Secretary of the Convention sent letters to the members of the Committee of the 34 Parties entitled to nominate candidates to be elected on GRETA, inviting them to submit names and CVs of at least two candidates by 12 September 2012, i.e. at the latest two months before the election.

24. Pursuant to Rule 12 of Resolution CM/Res(2008)7 on rules on the election procedure of the members of GRETA, it is the responsibility of each Party to ensure that the national selection procedure leading to the nomination of candidates for GRETA is in accordance with published national guidelines or otherwise transparent and designed to lead to the nomination of the most qualified candidates. It is of paramount importance that GRETA continues to have a highly qualified membership in terms of relevant professional expertise and empirical knowledge in the areas covered by the Convention. It is also essential to ensure a degree of continuity of GRETA's membership, which is crucial for the ongoing first evaluation round. GRETA trusts that the Committee of the Parties will keep these considerations in mind.

Administrative and budgetary questions

25. The First General Report on GRETA's activities stressed the need for reinforcing the Secretariat without delay in order to enable GRETA to carry out the first evaluation round in accordance with the timetable it has adopted. In March 2012, the Secretariat was reinforced by one administrator, and in May 2012 another administrator was re-deployed to deal with co-operation activities related to the implementation of GRETA's recommendations. Following the reorganisation of the Council of Europe Secretariat in October 2011, GRETA's Secretariat is part of the Anti-Trafficking Division of the Justice and Human Dignity Directorate of the Directorate General of Human Rights and Rule of Law (DG-I). The Anti-Trafficking Division is currently made up of nine officials, comprising six A grade staff and three B grade staff (one principal administrative assistant and two administrative assistants).

26. Concerning the financial situation, the 2012 budget included an increase of 90 000 euros in GRETA's operational expenditure on the assumption that the number of country evaluations would increase from 10 to 12 per year. The budget includes an increased provision for translations with a view to ensuring that GRETA's evaluation reports are available in the two official Council of Europe languages. The Committee of Ministers had also allocated 236 000 euros for co-operation activities in the anti-trafficking field which, following the restructuring of the Council of Europe Secretariat and the dissolution of the Directorate of Co-operation, would have to be planned and carried out by the Anti-Trafficking Division.

27. GRETA is grateful to the Secretary General and the Committee of Ministers for these positive developments. At the same time, GRETA is concerned that the increase in the number of administrators has not been matched up by an increase in secretarial assistants. The decision to re-deploy an additional B-grade staff member to the Anti-Trafficking Secretariat, dating back to 2010, remains to be implemented. GRETA wishes to stress that an additional B grade official is needed to perform in particular the range of support tasks related to the organisation of co-operation activities in the anti-trafficking field, thereby ensuring that optimal use is made of the existing complement of administrators. Furthermore, GRETA is concerned that, unlike other monitoring secretariats, the Anti-Trafficking Secretariat does not have a dedicated staff member in charge of research and information, a function indispensable for ensuring the quality and consistency of GRETA's work.

28. GRETA recalls that its Secretariat has an essential role to play in the preparation and carrying out of evaluations of the implementation of the Convention. The continuing growth of the number of Parties to the Convention, the decision to increase the number of country visits from 10 to 12 per year, and the above-mentioned expansion of the tasks which the Anti-Trafficking Division has to perform in the area of co-operation activities have an impact on the workload of the Secretariat. Failure to have this reflected in the staff resources may jeopardise the quality of GRETA's evaluations.

Communications received containing information for consideration by GRETA

29. During the reporting period, GRETA received a number of communications from victims of trafficking, lawyers and civil society organisations concerning issues covered by the Convention. The Convention does not provide for an individual complaints procedure, but according to the Rules of procedure for evaluating implementation of the Convention (Rule 10), the Executive Secretary brings to the attention of GRETA any relevant communication addressed to it. Although GRETA's role is not to take up individual cases with the authorities, communications from persons claiming individual violations of the provisions of the Convention can be seen as an illustration of a more general problem and are taken into consideration during the evaluation of the implementation of the Convention by the Parties and/or when examining the measures taken by the authorities in response to GRETA's reports.

The human rights-based approach to action against human trafficking: issues emerging from GRETA's first 10 evaluations

30. Between September 2011 and May 2012, the first results of GRETA's monitoring work – 10 country evaluation reports concerning the implementation of the Convention by the first 10 Parties to the Convention – were made public. GRETA would like to avail itself of this General Report to highlight several issues which emerge from the first 10 country evaluations, with a particular focus on the integration of a human rights-based approach in the national action against trafficking in human beings. This section focuses on a few selected issues from GRETA's first 10 reports. It is therefore limited in scope and presents a partial picture which may evolve over time as evaluations of the second and third groups of 10 Parties get underway. Once the first evaluation round is completed, GRETA will be in a position to analyse and draw lessons from its monitoring work regarding the implementation of the Council of Europe Convention by the Parties.

31. The Convention takes a victim-oriented perspective to anti-trafficking action, based on the recognition that trafficking in human beings constitutes a violation of human rights and an offence to the dignity and integrity of the human being. Article 1(1)(b) of the Convention establishes as one of its purposes the protection of the human rights of the victims of trafficking. Further, Article 5(3) of the Convention includes the obligation for Parties to promote a human rights-based approach in the development, implementation and assessment of the policies and programmes to prevent human trafficking. In its country evaluation reports, GRETA therefore assesses to what extent Parties to the Convention follow a human rights-based and victim-centred approach to combating trafficking in human beings.

32. The need for a human rights-based approach to action against trafficking is widely acknowledged at international level. Thus the United Nations Recommended Principles and Guidelines on Human Rights and Human Trafficking emphasise that “the human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims”¹. At the level of the European Union, the Preamble of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims refers to its “integrated, holistic and human rights approach to the fight against trafficking in human beings”.

33. In its country evaluation reports, GRETA has emphasised the obligation of States to respect, fulfil and protect human rights, including by ensuring compliance by non-State actors, in accordance with the duty of due diligence. The human rights-based approach entails that a State that fails to fulfil these obligations may be held accountable for violations of the European Convention on Human Rights. This has been confirmed by the European Court of Human Rights in its judgment in the case of *Rantsev v. Cyprus and Russia*², where the Court concluded that THB within the meaning of Article 3(a) of the Palermo Protocol and Article 4(a) of the Anti-Trafficking Convention, falls within the scope of Article 4 of the European Convention on Human Rights (which prohibits slavery, servitude and forced or compulsory labour). The Court further concluded that Article 4 entails a positive obligation to protect victims, or potential victims, as well as a procedural obligation to investigate trafficking.

34. GRETA considers that the human rights-based approach to action against trafficking in human beings requires States to set up a comprehensive framework for the prevention of trafficking, the protection of trafficked persons as victims of a serious human rights violation, and the effective investigation and prosecution of traffickers. Such protection includes steps to secure that all victims of trafficking are properly identified. It also involves measures to empower trafficked persons by enhancing their rights to adequate protection, assistance and redress, including recovery and rehabilitation, in a participatory and non-discriminatory framework, irrespective of their residency status. Further, measures to prevent human trafficking should be taken in the field of socio-economic, labour and migration policies. GRETA also stresses the need for States to address human trafficking as a form of violence against women and to take account of gender-specific types of exploitation, as well as the particular situation of child victims of trafficking, in line with the relevant international legal instruments³.

¹ Addendum to the report of the United Nations High Commissioner for Human Rights (E/2002/68/Add. 1), <http://www.ohchr.org/Documents/Publications/Traffickingen.pdf>

² *Rantsev v. Cyprus and Russia*, no. 25965/04, paragraph 282, ECHR 2010.

³ Such as the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the United Nations Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, and the United Nations Convention on the Elimination of All Forms of Discrimination against Women.

35. The human rights-based approach to action against trafficking in human beings entails transparency and accountability on the part of the State through the adoption of a national policy and action plans for combating trafficking in human beings, the co-ordination of the efforts of all relevant actors, the regular training of relevant professionals, research and data collection, and the provision of adequate funding for the implementation of all these measures. In its reports, GRETA has stressed that the training of law enforcement officials, prosecutors, judges, social workers and other relevant professionals should stress the need to apply a human rights-based approach to action against trafficking in human beings on the basis of the Convention and the case-law of the European Court of Human Rights.

Comprehensive and co-ordinated approach to action against trafficking in human beings

36. GRETA's country evaluation reports consider to what extent national action to combat human trafficking is comprehensive and multi-sectorial. All the evaluated countries have national anti-trafficking action plans/strategies which define priorities and set objectives over a period ranging from one to five years. In general, considerable efforts are made to prevent and combat trafficking for the purpose of sexual exploitation. However, trafficking for other forms of exploitation (e.g. forced labour, domestic servitude, removal of organs) is not always recognised as a problem and adequately addressed in national policies.

37. In its reports, GRETA has stressed the importance of independent external evaluations of the implementation of national plans as a tool for assessing the impact of the activities and for planning future policies and measures. A good example in this respect is Denmark, where an independent evaluation of the second national action plan was performed in 2010.

38. As regards institutional mechanisms for preventing and combating human trafficking, GRETA's reports highlight differences in the degree of co-ordination and the extent to which civil society is involved in a comprehensive effort to address all aspects of human trafficking. Similarly, there are notable differences in the budgetary allocation and human resources for anti-trafficking activities. In many countries, the national co-ordinating body is within the Ministry of the Interior (e.g. Albania, Cyprus, Romania, the Slovak Republic). In some countries (e.g. Bulgaria, Croatia and Georgia), GRETA has considered it a good practice to have a national co-ordinating structure which is not subordinated to any particular Ministry, but functions as an inter-agency structure.

Definition of victim of trafficking

39. According to Article 4(e) of the Convention, a victim "shall mean any natural person who is subject to trafficking in human beings as defined in this article". The Explanatory Report on the Convention indicates that "a victim is anyone subjected to a combination of elements (action – means – purpose) specified in Article 4(a) of the Convention". However, when that person is a child, he/she is to be regarded as a victim even if none of the means specified in Article 4(a) have been used.

40. Unless victims of trafficking are recognised in a manner entitling them to all the protection and assistance measures set out in the Convention, it would be impossible to remove them from the traffickers, re-integrate them into society and restore their violated rights and dignity. In its country evaluation reports, GRETA pays particular attention to any pre-conditions for a person to be considered as a victim of trafficking, such as to have agreed to co-operate in the investigation or to have suffered damage, which limit the scope of application of the definition. A definition of victim of trafficking which is too narrow has implications for the identification process and risks leaving out of the scope of the Convention persons who should benefit from protection and assistance.

41. In the first 10 countries evaluated by GRETA, there are differences in approach as regards the definition of victim of trafficking in human beings. The national legislations of some countries (e.g. Albania, Bulgaria, Republic of Moldova, Romania) contain definitions identical or similar to the one in the Convention. In the reports on Albania and Romania, GRETA has emphasised that it is important to ensure that no further requirements are put by officials responsible for the identification of victims of trafficking and for granting them protection and assistance.

42. In other countries (Croatia, Slovak Republic), an operational definition of a victim of trafficking is provided in regulations or instructions which are used for the identification and referral of victims of trafficking. Thus in the Slovak Republic, pursuant to Regulation No. 47 of 30 June 2008 of the Minister of the Interior, the status of a victim of trafficking is given to any person who accepts to be included in the Programme of Support and Protection of Victims of Trafficking in Human Beings.

43. In yet another group of countries (Austria, Denmark), there is no definition of a “victim of human trafficking” as such, but victims of crimes in general are defined in the criminal procedure legislation. In Austria, this does not prevent the authorities and NGOs from using an open approach. For example, a victim of trafficking may be granted a residence permit regardless of whether he/she is considered a victim under criminal law. In Denmark, while victims of trafficking are defined from a criminal law perspective, there are no legal provisions guaranteeing their rights to assistance, protection and redress, other than as victims of crime.

44. GRETA notes that certain countries (Cyprus, Georgia) have incorporated harm-based definitions of “victim of trafficking” in the internal law. Thus in Cyprus, the anti-trafficking legislation (Law 87(I)/2007) defines victim of trafficking as “any natural person who has sustained damage or financial loss which is directly caused by the commission of a human trafficking offence”. According to the Cypriot authorities, this definition is not used by the police when identifying victims of trafficking; instead, police officers use the so-called “Delphi indicators”, developed through a joint European Commission-ILO project. However, GRETA is concerned that the legal definition may have negative implications for the identification process and the provision of assistance and protection to victims. GRETA has therefore urged the Cypriot authorities to ensure that no additional conditions of damage or loss are required from a person who has been subjected to human trafficking in order to qualify as a victim of trafficking and to benefit from assistance and protection.

45. GRETA stresses that a person’s identification as a victim of human trafficking should not depend on the presence of elements necessary to initiate a criminal case or the person’s co-operation with the law enforcement authorities. Any person⁴ showing signs that he/she has been subjected to a combination of the three key elements of the definition of trafficking in human beings (action, means and purpose) should be considered as a victim of trafficking. This does not imply that victims must provide proof that they have been injured or financially damaged, but it may involve giving some measure of independent evidence supporting their claim. It might sometimes be difficult for victims to justify one of the elements, e.g. the purpose of exploitation, prior to a criminal investigation, which is why it is important to apply operational indicators of trafficking in human beings (as designed by several international organisations, such as ILO, IOM, UNODC and ICMPD).

46. GRETA considers that it is acceptable when countries use different definitions of “victim of trafficking in human beings” for different types of rights or entitlements, as long as the operational definition allows for the inclusion of all trafficked persons and ensures their access to the rights stemming from the Convention. For example, eligibility for state compensation may be based on more demanding requirements than the right to receive assistance as a victim of trafficking.

⁴ As specified in paragraph 39, a child is to be regarded as a victim even if none of the means specified in Article 4(a) have been used.

47. An issue related to the definition of victim of trafficking is how the official statistics reflect the real scale of the problem. GRETA's reports have brought to light that, in some countries, the statistics of victims of trafficking are limited to persons who have taken part in criminal proceedings. As a result, the official figures may merely be the "tip of the iceberg" to the extent that they leave out persons who are reluctant to co-operate with the authorities and take part in judicial proceedings against the alleged traffickers. In turn, this may limit the resources allocated to the assistance and protection of victims. In its reports, GRETA has recommended that, for the purpose of preparing, monitoring and evaluating anti-trafficking policies, the national authorities should develop and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical information from all main actors and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination, etc.). This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.

Identification of victims of trafficking

48. To protect and assist trafficking victims, it is of paramount importance to identify them correctly. The Convention requires Parties to provide their competent authorities with persons who are trained and qualified in identifying and helping victims, including children and that they ensure that those authorities co-operate with each other as well as with relevant support organisations. Identifying a trafficking victim is a process which takes time, and therefore the Convention provides that if the competent authorities have reasonable grounds to believe that a person has been a victim of trafficking, that person shall not be removed from the country until the identification process is completed and shall receive the assistance required by the Convention.

49. GRETA's evaluation reports reveal that while in some countries identification is entirely within the competence of the law enforcement and/or migration authorities, in others countries social workers, labour inspectors, NGOs, etc. also have the possibility to identify victims of trafficking and be involved in a multi-agency identification process. Examples of such positive practices are provided in the reports on Austria, Croatia and the Republic of Moldova. Reference can be made to the multidisciplinary teams set up at the regional level in the Republic of Moldova, composed, *inter alia* of representatives of the social services, medical establishments, the police and NGOs, which are involved in the identification of victims of trafficking.

50. GRETA considers that there should be a differentiated approach to identification, enabling a series of relevant actors to perform identification and subsequently provide assistance. Proper identification requires the setting up of a coherent national referral mechanism, which ensures that there is co-ordination between those involved in identifying trafficked persons, that all relevant professionals are trained to carry out their tasks effectively, and that all identified victims were provided the assistance and protection measures they needed. Such national referral mechanisms have been set up in Albania, Bulgaria, Georgia, the Republic of Moldova and Romania.

51. In several of the countries evaluated so far, GRETA has observed that the victim identification system is not sufficiently effective as it risks leaving out those who do not want to co-operate with the law enforcement agencies. Identification of victims of trafficking is done primarily from a law enforcement or illegal immigration perspective, without the involvement of multidisciplinary expertise. In some countries, the involvement of law enforcement officials in some presumed cases of human trafficking may be reflected in a low confidence in the police and a reluctance of trafficking victims to seek assistance. There is also insufficient outreach work and a lack of proactive approach in the identification of trafficking victims, in particular as regards labour exploitation cases and children.

52. GRETA has also expressed concerns that potential victims of trafficking who have been apprehended as irregular migrants run the risk of being deported without having been identified as victims of trafficking (in particular in the reports on Austria, Denmark and the Slovak Republic). In order to improve the identification of trafficking victims amongst such persons, GRETA has suggested that the authorities give access to irregular migrant detention centres to specialised NGOs and persons providing legal assistance.

53. Trafficking for the purpose of labour exploitation is on the rise, but there is lack of training and intelligence gathering to enable relevant professionals (in particular labour inspectors) to identify victims. Thus in the report on Austria, GRETA has recommended the adoption of a proactive approach to the identification of victims of trafficking for the purpose of labour exploitation, for example by organising regular visits by labour inspectors to work sites commonly using migrant workers. Similar recommendations have been made in the GRETA reports on Croatia, Cyprus, Denmark and the Slovak Republic.

Assistance to victims of trafficking

54. The Convention requires Parties to take measures to assist victims in their physical, psychological and social recovery, taking account of the victim's safety and protection needs, in co-operation with NGOs and other organisations engaged in assistance to victims. This assistance must be provided on a consensual and informed basis, taking account of the special needs of persons in a vulnerable position, as well as children, and it must not be made conditional on the victim's willingness to act as a witness. The assistance to victims must include appropriate and secure accommodation, psychological and material assistance, emergency medical treatment, translation and interpretation services, counselling and information, and access to education for children.

55. GRETA's evaluation reports generally reveal the need for more efforts to provide measures adapted to the needs of victims. Most services are designed and tailored to the needs of female victims. Safe accommodation and services for male victims of trafficking are often missing. Further, more efforts are needed to assist and protect child victims of trafficking, taking into account the best interest of the child. GRETA is mindful of the financial restraints placed on governments by the current economic climate, but at the same time it stresses that it is the ultimate responsibility of States to guarantee the provision of assistance to victims (through appropriate financing of service providers).

56. GRETA stresses that victims' access to assistance and protection should not depend on their readiness to co-operate with the law enforcement agencies. Thus in the report on Romania, GRETA has noted that the duration of a victim's stay in a public shelter seemed to depend on the duration of the criminal proceedings, rather than on the assessment of the victim's actual needs and degree of reintegration and autonomy. GRETA has urged the Romanian authorities to ensure that the assistance measures provided for in law are not made, in practice, dependent on the victims' willingness to co-operate with law enforcement agencies.

57. Furthermore, GRETA is concerned when the freedom of movement of trafficking victims is restricted. During visits to certain shelters, GRETA has observed what appears to be an excessive limitation of the personal liberty of victims and disrespect for their privacy. GRETA stresses the need for greater awareness among staff working with victims of trafficking as regards the need to respect the confidentiality of victims' personal data and victims' privacy. Any limitation of the personal liberty of victims of trafficking should always be proportionate to the objectives aimed at by such limitation.

Non-punishment of trafficked persons

58. Pursuant to Article 26 of the Convention, Parties must provide for the possibility of not imposing penalties upon victims of human trafficking for their involvement in unlawful activities, to the extent that they have been compelled to do so. To comply with the obligation under Article 26 of the Convention, Parties could incorporate in their internal law a substantive criminal or procedural criminal law provision or adopt any other measure resulting in the possibility of non-punishment of victims of trafficking in human beings. Criminalisation of victims of trafficking 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 trafficking in human beings.

59. GRETA's first evaluation reports reveal a patchy pattern as regards the implementation of Article 26 of the Convention. Some Parties have adopted legislative measures specific to trafficking victims (e.g. Georgia, Republic of Moldova, Romania), while others rely on general duress provisions or provisions which allow prosecutors or judges to reduce sentences in the presence of mitigating circumstances. GRETA intends to develop this issue further in its future reports.

Compensation of victims of trafficking

60. Another aspect of the victim-centred approach is the need for effective legal remedies for victims of trafficking (including children). Parties to the Convention must provide for the right of victims of trafficking to compensation from the perpetrators, as well as adopt legislative or other measures to guarantee compensation for victims from the State. At present, even when there are possibilities in law for granting compensation to victims, in practice this right remains theoretical and few victims benefit from compensation schemes. Thus in Cyprus and the Slovak Republic, there have been no compensations granted to victims of trafficking, and no official figures are available for Austria and the Republic of Moldova.

61. There are practical difficulties for victims to receive compensation, such as lack of information regarding their right to compensation and how to exercise it, lack of access to legal aid, and their limited right to stay in the country. In addition, certain conditions for claiming compensation (e.g. in the Slovak Republic, the requirement to show signs of physical injury), limit the application of compensation. GRETA has recommended that the national authorities adopt appropriate measures to facilitate and guarantee access to compensation to trafficking victims.

Investigations, prosecution and punishments

62. One of the purposes of the Convention is to ensure the effective investigation and prosecution of cases of trafficking in human beings. In this context, Parties are required to co-operate with each other regarding investigations or criminal proceedings related to human trafficking (Article 32). Further, the Convention establishes that the investigation or prosecution of human trafficking offences must not be dependent on victims' reports, and that associations or NGOs which aim at fighting trafficking in human beings or protecting human rights must be enabled to assist and support victims during criminal proceedings, in accordance with the conditions established in the internal law and with the victim's consent (Article 27).

63. GRETA's first 10 evaluation reports have brought to light a considerable gap between the number of identified victims of trafficking and the number of successful prosecutions and convictions. The reasons for this gap are manifold, including unavailability of special investigation techniques, lack of proactive investigations, entrenched prejudices against victims of trafficking and inadequacy of the measure to protect their safety and privacy. GRETA has recommended that the national authorities identify gaps in the investigation procedure and the presentation of cases in court with a view to ensuring expeditious trials and proportionate and dissuasive sanctions for human trafficking offences. Further, there is a need for specialised training to law enforcement officials, prosecutors and judges on trafficking in human beings and the rights of victims.

64. GRETA recalls that in the *Rantsev v. Cyprus and Russia* case, the European Court of Human Rights stated that Article 4 of the European Convention on Human Rights entails a procedural obligation to investigate situations of potential trafficking, as once the matter has come to the attention of the authorities they must act of their own motion⁵. Such investigations must be capable of leading to the identification and punishment of the individuals responsible. Further, the Court stressed that human trafficking is a problem often not confined to the domestic arena, and therefore the obligation to conduct a domestic investigation is supplemented with a duty to co-operate effectively with the relevant authorities of other States concerned in the investigation of events which occurred outside their territories

Relations with the Committee of the Parties

65. According to the Convention (Article 38, paragraph 7), 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 implementations, and aiming at promoting co-operation with the Party concerned for the proper implementation of the Convention.

66. At its 6th meeting (26 September 2011), the Committee of the Parties adopted recommendations concerning Austria, Cyprus and the Slovak Republic. At its 7th meeting (30 January 2012), the Committee adopted recommendations concerning Albania, Bulgaria, Croatia and Denmark. Finally, at its 8th meeting (11 June 2012), the Committee adopted recommendations concerning the Republic of Moldova and Romania. In all these recommendations, the Committee set a period of two years for the Party concerned to provide information on the measures taken to comply with the recommendation. The Committee of the Parties' recommendations introduce a "political" dimension into the dialogues with Parties to the Convention and provide support to GRETA's conclusions.

67. Rule 25 of GRETA's Internal Rules of Procedure stipulates that "the President of GRETA shall periodically meet with the Committee of the Parties to inform it about the state of the work of GRETA and progress in preparing its reports and conclusions concerning the measures taken by the parties to implement the provisions of the Convention, as well as any other issue relating to the good functioning of the monitoring mechanism of the Convention". During the reporting period, three exchanges of views took place on the occasion of the 6th, 7th and 8th meetings of the Committee of the Parties.

⁵ See footnote 2.

Co-operation with the Parliamentary Assembly of the Council of Europe

68. GRETA follows closely the work of the Parliamentary Assembly's Committee on Equality and Non-Discrimination. A representative of this Committee, Ms Sahiba Gafarova, participated as a speaker in the round table on action against human trafficking organised by the Council of Europe and the OSCE in St. Petersburg on 18 April 2012 (see paragraph 80)

69. In October 2011, the Parliamentary Assembly adopted Resolution 1836 (2011) on "The impact of the Lisbon Treaty on the Council of Europe", inviting the European Union to accede to the Convention on Action against Trafficking in Human Beings, join Council of Europe monitoring mechanisms and bodies, such as the Group of Experts on Action against Trafficking in Human Beings (GRETA), and co-ordinate action with the Council of Europe in the areas of trafficking in human beings, violence against women, migration and asylum.

70. On 28 June 2012, the Parliamentary Assembly adopted Recommendation 2003(2012) on Roma migrants in Europe, according to which particular attention should be paid to establishing whether the Roma community is affected by and/or involved in trafficking in human beings and whether the measures contained in the Council of Europe Convention on Action against Trafficking in Human Beings are effectively implemented as regards Roma. In its comments to the Committee on Migration concerning this recommendation, GRETA's Bureau noted that several of GRETA's country evaluation reports (concerning Albania, Bulgaria, the Republic of Moldova and Romania) highlight the need to step up preventive measures among Roma communities through specific campaigns and by improving their access to education, employment, health care and social assistance as an ultimate prevention measure against trafficking in human beings. GRETA has also stressed the need for providing training to law enforcement officers, prosecutors and the judiciary which aims to overcome entrenched negative attitudes and prejudices vis-à-vis Roma victims of trafficking. GRETA will continue to ensure that the standards and measures contained in the Convention are effectively implemented as regards Roma.

Co-operation with intergovernmental and non-governmental organisations

71. Co-operation and partnerships are indispensable prerequisites for successful international action against trafficking in human beings. GRETA is mindful of the need to exchange information and good practices among international organisations concerning their activities, work plans and priorities in the field of combating trafficking in human beings and protecting its victims. GRETA is also ready to explore areas where joint activities can be undertaken and which can benefit from the input, institutional support and resources of several organisations. The organisation of a joint round table with the OSCE in April 2012 in St. Petersburg (see paragraph 80) is an example of institutional co-operation.

72. 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 country visits were an opportunity to meet representatives of international organisations present in the respective countries. Further, GRETA members and Secretariat participated in numerous national and international seminars and symposia in order to present the Convention and GRETA's work. The most important developments in this area during the reporting period are listed below.

United Nations

73. The 2012 Report of the United Nations Special Rapporteur on trafficking in persons, especially women and children, Ms Joy Ngozi Ezeilo, which contains a thematic analysis of the integration of a human rights-based approach in the administration of criminal justice in cases of trafficking in persons, also includes references to the Convention.

74. In November 2011, six UN agencies (OHCHR, UNHCR, UNICEF, UNODC, UN Women and ILO) published a "Joint UN Commentary on the EU Directive - a human rights-based approach", which includes numerous references to the Council of Europe Convention on Action against Trafficking in Human Beings.

75. GRETA participated in a number of events organised by the UN Office on Drugs and Crime (UNODC), such as the 4th meeting of the Working Group on Trafficking in Persons, set up by the Conference of the Parties to the UN Convention against Transnational Organised Crime, which was held in Vienna from 10 to 12 October 2011. Further, GRETA participated in an expert meeting on an international reporting system for human trafficking cases, where the preparation of the UNODC Global Database of cases on THB, launched in October 2011, was discussed. The database includes relevant case-law from the European Court on Human Rights and national courts.

76. GRETA continued to follow with interest the on-going negotiations on the draft terms of reference of the mechanism for the review of implementation of the United Nations Convention against Transnational Organised Crime and the Protocols thereto, carried out in the framework of the open-ended intergovernmental working group set up for that purpose.

OSCE

77. Action against trafficking in human beings is one of the four priority areas of co-operation between the Council of Europe and the OSCE. The importance of this co-operation was reiterated by the Co-ordination Group between the Council of Europe and the OSCE at its 14th meeting on 21 October 2011 in Vienna. The Co-ordination Group agreed that any unnecessary duplication of activities of the two Organisations as regards monitoring and assessing the efficiency of national anti-trafficking policies should be avoided. Further, the Co-ordination Group stressed the need to enhance international efforts to prevent human trafficking, prosecute traffickers and protect trafficked persons by taking a human rights-based approach to action against trafficking.

78. The President of GRETA participated as speaker in the Alliance Expert Seminar on Leveraging Anti-Money Laundering Regimes to Combat Human Trafficking, held in Vienna on 3-4 October 2011. GRETA's President also took an active part in the OSCE/ODIHR Human Dimension Seminar entitled "The Rule of Law Framework for Combating Trafficking in Human Beings", held on 14-16 May 2012 in Warsaw. Further, the Secretariat of GRETA participated in the OSCE Alliance Expert Co-ordination Team meetings held in Vienna on 16 December 2011 and 25 June 2012.

79. The Council of Europe Anti-Trafficking Division and the OSCE organised a Round Table on Combating Trafficking in Human Beings, in co-operation with the Inter-Parliamentary Assembly of the Commonwealth of Independent States (CIS). The round table took place on 18 April 2012 in St. Petersburg. It was the first joint activity of the Council of Europe and the OSCE in the Russian Federation concerning trafficking in human beings. The event brought together some 100 participants from CIS countries, including parliamentarians, public officials, prosecutors, law enforcement officials, researchers, representatives of NGOs and intergovernmental organisations.

80. GRETA has also strengthened co-operation with the Office for Democratic Institutions and Human Rights (ODIHR). GRETA was represented at the ODIHR meeting entitled “Access to Justice and Effective Remedies for Victims of Trafficking: Establishing a Network of Lawyers to support trafficked persons”, held on 3-4 April 2012 in Warsaw. Further, the Executive Secretary participated in an Expert Group Meeting on Human Rights Protection in the Return of Trafficked Persons on 27-28 March 2012 in Warsaw.

81. During the period covered by this General Report, several meetings were held between ODIHR’s Anti-Trafficking Unit and GRETA’s Secretariat in order to discuss possibility for joint activities towards the implementation of GRETA’s recommendations. ODIHR’s Anti-Trafficking Programme continues to support and promote the work of GRETA, as well as the Council of Europe standards, in its activities which include workshops and training seminars for policy makers, law enforcement officials, judges, lawyers and civil society organisations. This includes, where applicable, raising awareness amongst lawyers and civil society organisations on the possibility to bring cases to the European Court of Human Rights.

European Union

82. A number of European Union (EU) policy and legal instruments to combat trafficking in human beings, such as the 2009 Stockholm Programme and its 2010 Action Plan, the 2009 Action-Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings and the new Directive 2011/36/EU, include references to the Council of Europe Convention and its monitoring mechanism and stress the need for co-operation in order to avoid duplication of efforts.

83. At its 14th meeting (25-29 June 2012), GRETA welcomed the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016. The publication of the Strategy on 19 June 2012 was preceded by consultations with a series of stakeholders, including the Council of Europe. The Strategy refers to the Council of Europe Convention on Action against Trafficking in Human Beings and urges those EU Member States which have not yet done so to ratify it.⁶ The Strategy also stresses that the judgment of the European Court on Human Rights in the case *Rantsev v. Cyprus and Russia* (2010)⁷ provides a decisive human rights benchmark with clear obligations for EU Member States to take the necessary steps to address different areas of trafficking in human beings. GRETA noted the European Commission's intention to “establish effective monitoring and evaluation procedures that do not create repetitive reporting mechanisms” and to “exploit as far as possible existing reporting mechanisms in the field of trafficking in human beings”. In this context, GRETA welcomed the reference made to its reports and stressed that it is important to avoid unnecessary duplication of monitoring operations. GRETA is committed to continuing its partnership with the European Union to improve the exchange of information and ensure co-operation in the areas covered by the Strategy which fall within GRETA’s mandate.

84. The composition of the 15-member EU Group of Experts on Trafficking in Human Beings, which provides advice to the European Commission on THB-related matters, has been renewed for the period 2011-2015. GRETA has received a standing invitation to attend the meetings of the European Commission’s Group of Experts. An informal exchange of views between the two groups of experts is scheduled to take place in Brussels in September 2012.

85. The President of GRETA took part in a strategic meeting organised by Eurojust on 26-27 April 2012 in The Hague and aimed to identify ways to improve international judicial co-operation in the fight against THB. He chaired a workshop to address difficulties in identifying victims of trafficking and detecting cases of THB.

⁶ 22 EU Member States have ratified the Convention and a further four have signed it.

⁷ See footnote 2.

86. Furthermore, the President of GRETA met the Director of Frontex, Mr Ilkka Laitinen, at the Frontex headquarters in Warsaw. They agreed, in the framework of the mandates of Frontex and GRETA, to implement co-operation between the two institutions.

87. GRETA members and staff of the Anti-Trafficking Secretariat participated in a number of consultations, round tables and conferences organised by EU agencies, such as the periodically organised meetings of National Rapporteurs and equivalent mechanisms and the consultation on the above-mentioned EU strategy to combat trafficking in human beings organised by the European Commission.

Non-governmental organisations

88. On the occasion of its 12th meeting (6-9 December 2011), GRETA held an exchange of views with international non-governmental organisations (Anti-Slavery International, La Strada International and ECPAT) active in the field of action against trafficking in human beings. The discussion focused on how to improve the contribution of NGOs to GRETA's work, the role of NGOs in the identification of victims of trafficking in human beings, and new challenges and trends in trafficking in human beings. The possible involvement of NGOs in the follow-up given to GRETA's proposals and in particular their participation in projects for the implementation of these proposals was also discussed.

89. GRETA's questionnaire indicates that civil society might be invited to engage in the government's response to the questionnaire. Several governments have indeed included input from NGOs but, by and large, the replies to the questionnaire have been limited to information provided by the authorities.

90. With a view to assisting NGOs to get involved in monitoring the implementation of the Convention, two international NGOs, La Strada International and Anti-Slavery International, developed guidance for NGOs to report to GRETA. NGO input into the monitoring of their country is crucial. Given their independence, experience and direct work with of trafficked persons, NGOs are in a unique position to provide key information on the authorities' implementation of the Convention and the impact of anti-trafficking measures on the rights of trafficked persons.

91. Prior to each country visit, GRETA seeks independent information directly from civil society, based on the questionnaire. NGOs can do that by answering some or all of the questions in the questionnaire and send the response directly to GRETA's Secretariat. NGOs can also decide to draft an alternative report, by one organisation or together with other relevant organisations.

92. In the course of each country visit, GRETA held meetings with representatives of NGOs and other relevant organisations (trade unions, Bar Associations, research institutes, etc.). In some cases, NGOs were instrumental in organising round tables for civil society to meet with GRETA members. Furthermore, in some countries, NGOs facilitated visits by GRETA to shelters for trafficked persons.

93. During the reporting period, a number of NGOs provided feedback on GRETA's reports and the follow-up given to GRETA's proposals. GRETA is grateful for the contributions made and is committed to continuing the existing co-operation with civil society in monitoring the implementation of the Convention.

Concluding remarks

94. GRETA is, in general, satisfied with the way in which the evaluation procedure has been carried out in the first 10 Parties, which have demonstrated willingness to make progress in combating trafficking in human beings, and to ensure that their obligations under the Convention are fulfilled. At the same time, GRETA's reports highlight the need for further steps to ensure that the human rights-based and victim-centred approach underpinning the Convention is fully reflected and applied in the national policy to combat trafficking in human beings.

95. GRETA is half way through the evaluation of the 2nd group of 10 Parties to the Convention and is about to start carrying out country visits to the 3rd group of 10 Parties to the Convention. Further, GRETA plans to address the questionnaire for the first evaluation round to the 4th group of Parties to the Convention before the end of 2012 with a view to carrying out country visits in 2013. As the first evaluation round cannot be initiated with regard to a Party earlier than a year following the entry into force of the Convention for the Party concerned, it is inevitable that new Parties to the Convention (see paragraph 18) will be evaluated for the first time after 2013.

96. GRETA welcomes the possible extension of its activities beyond the framework of the Council of Europe, following the decision of the Committee of Ministers to invite Belarus to accede to the Convention, and hopes that other non-member states will follow suit and request to join the Convention. Such an extension of GRETA's monitoring activities could only be beneficial for the cause of human rights. However, the additional resources required by this would have to be clearly identified in advance and made available. GRETA also welcomes the inclusion in the budget for 2012-2013 of funds for the organisation of co-operation activities aimed at the implementation of GRETA's recommendations.

97. Given the seriousness and continuing urgency of the problem of trafficking in human beings and the key role of the Convention in combating this scourge, GRETA is confident that there is continued political will to ensure the proper functioning of the Convention's monitoring mechanism and thus the implementation of the Convention by the Parties.

Appendix 1

Signatures and ratifications of the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197)

Treaty open for signature by the member states, the non-member states which have participated in its elaboration and by the European Union, and for accession by other non-member states

Opening for signature

Place: Warsaw
Date : 16/5/2005

Entry into force

Conditions: 10 Ratifications including 8 member states.
Date : 1/2/2008

Status as of: 31/7/2012

Member states of the Council of Europe

States	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Albania	22/12/2005	6/2/2007	1/2/2008							
Andorra	17/11/2005	23/3/2011	1/7/2011							
Armenia	16/5/2005	14/4/2008	1/8/2008							
Austria	16/5/2005	12/10/2006	1/2/2008							
Azerbaijan	25/2/2010	23/6/2010	1/10/2010					X		
Belgium	17/11/2005	27/4/2009	1/8/2009							
Bosnia and Herzegovina	19/1/2006	11/1/2008	1/5/2008							
Bulgaria	22/11/2006	17/4/2007	1/2/2008							
Croatia	16/5/2005	5/9/2007	1/2/2008							
Cyprus	16/5/2005	24/10/2007	1/2/2008							
Czech Republic										
Denmark	5/9/2006	19/9/2007	1/2/2008		X			X		
Estonia	3/2/2010									
Finland	29/8/2006	30/5/2012	1/9/2012		X					
France	22/5/2006	9/1/2008	1/5/2008		X	X				
Georgia	19/10/2005	14/3/2007	1/2/2008			X				
Germany	17/11/2005									
Greece	17/11/2005									
Hungary	10/10/2007									
Iceland	16/5/2005	23/2/2012	1/6/2012							
Ireland	13/4/2007	13/7/2010	1/11/2010							
Italy	8/6/2005	29/11/2010	1/3/2011							
Latvia	19/5/2006	6/3/2008	1/7/2008		X					
Liechtenstein										
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					
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								
Russia											
San Marino	19/5/2006	29/11/2010	1/3/2011								
Serbia	16/5/2005	14/4/2009	1/8/2009	55							
Slovakia	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										
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.
Canada										
Holy See										
Japan										
Mexico										
United States of America										

International Organisations

Organisations	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
European Union										

Total number of signatures not followed by ratifications:	6
Total number of ratifications/accessions:	37

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

List of GRETA members (as at 31 July 2012)

Members	Term of office
President: Mr Nicolas Le Coz (French)	31/12/2012
First Vice-President: Ms Gulnara Shahinian (Armenian)	31/12/2012
Second Vice-President: Mr Davor Derenčinović (Croatian)	31/12/2012
Ms Vessela Banova (Bulgarian)	31/12/2012
Ms Louise Calleja (Maltese)	31/12/2012
Mr Vladimir Gilca (Moldovan)	31/12/2012
Ms Hanne Sophie Greve (Norwegian)	31/12/2012
Ms Alexandra Malangone (Slovak)	31/12/2012
Ms Leonor Ladrón de Guevara y Guerrero (Spanish)	31/12/2012
Ms Nell Rasmussen (Danish)	31/12/2012
Ms Leonor Maria Da Conceição Cruz Rodrigues (Portuguese)	31/12/2012
Mr Helmut Sax (Austrian)	31/12/2014
Mr Robert Stratoberdha (Albanian)	31/12/2012
Ms Diana-Florentina Tudorache (Romanian)	31/12/2012
Mr Jan van Dijk (Dutch)	31/12/2014

Appendix 3

Secretariat of the Council of Europe Anti-Trafficking Convention (as at 31 July 2012)

Ms Petya Nestorova, Executive Secretary

Mr David Dolidze, Administrator

Mr Gerald Dunn, Administrator

Ms Claudia Lam, Administrator

Ms Carolina Lasén Diaz, 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 Clémence Bouqemont - Da Costa, Administrator
(temporary replacement for Claudia Lam from 17 November 2011 to 16 May 2012)

Ms Adisa Bulic, Administrative Assistant
(temporary replacement of Rona Sterricks from 1 February to 31 July 2012)

Appendix 4

List of GRETA's activities

Meetings held by GRETA in 2011:

- 20-23 September 2011
- 6-9 December 2011

Meetings held by GRETA in 2012:

- 19-23 March 2012
- 25-29 June 2012

GRETA country evaluation reports (in order of publication):

- Cyprus 12 September 2011
- Austria 15 September 2011
- Slovak Republic 19 September 2011
- Croatia 30 November 2011
- Albania 2 December 2011
- Bulgaria 14 December 2011
- Denmark 20 December 2011
- Georgia 7 February 2012
- the Republic of Moldova 22 February 2012
- Romania 31 May 2012

GRETA country visits (in chronological order):

- Armenia 17-21 October 2011
- United Kingdom 24-28 October 2011
- Montenegro 14-18 November 2011
- Portugal 13-17 February 2012
- Latvia 14-17 February 2012
- Malta 28 February–2 March 2012
- France 26-30 March 2012
- Poland 23-27 April 2012
- Bosnia and Herzegovina 14-18 May 2012
- Norway 21-24 May 2012

Appendix 5

Timetable of GRETA's 1st Evaluation Round⁸ (2010-2013)

<u>1st Group of Parties</u>	<u>2nd Group of Parties</u>	<u>3rd Group of Parties</u>	<u>4th Group of Parties</u>
Albania	Armenia	Azerbaijan	Andorra
Austria	Bosnia and Herzegovina	Belgium	Italy
Bulgaria	France	Ireland	San Marino
Croatia	Latvia	Luxembourg	Ukraine
Cyprus	Malta	The Netherlands	
Denmark	Montenegro	Serbia	
Georgia	Norway	Slovenia	
the Republic of Moldova	Poland	Spain	
Romania	Portugal	Sweden	
Slovak Republic	United Kingdom	"the former Yugoslav Republic of Macedonia"	
<u>Questionnaire sent</u>	<u>Questionnaire sent</u>	<u>Questionnaire sent</u>	<u>Questionnaire to be sent</u>
February 2010	February 2011	February 2012	4th quarter 2012
<u>Deadline for replying</u>	<u>Deadline for replying</u>	<u>Deadline for replying</u>	<u>Deadline for replying</u>
1 September 2010	1 September 2011	1 June 2012	2nd quarter 2013

⁸ Iceland, Finland, Lithuania and any other country which becomes a Party to the Convention in the future will receive the questionnaire for the first evaluation round not earlier than a year following the entry into force of the Convention for the Party concerned.

Appendix 6

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

