



Strasbourg, 4 August 2014

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

14th meeting of the Committee of the Parties

(Strasbourg, 7 July 2014)

MEETING REPORT

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

1. The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to respectively as “the Committee” and “the Convention”) held its 14th meeting on 7 July 2014 in Strasbourg.

2. The meeting was opened by Ambassador Pekka HYVÖNEN (Finland), Chair of the Committee, who welcomed members and participants and informed them that the Vice-Chair of the Committee, Ambassador Drahoslav ŠTEFÁNEK (Slovak Republic) had excused himself from attending the meeting because of having to participate in the annual meeting of ambassadors in Bratislava. The Chair also noted that Mr David DOLIDZE from the Committee’s Secretariat had been excused from the meeting. Further, the Chair welcomed the President of GRETA, Mr Nicolas LE COZ, and indicated that the list of decisions from GRETA’s 20th meeting, which had taken place the previous week (30 June - 4 July 2014), was now available.

3. The Chair invited the members of the Committee to adopt the draft agenda of the meeting. The agenda, as adopted by the Committee, is set out in Appendix I. The list of participants is set out in Appendix II.

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

4. The Chair recalled that Ambassador Drahoslav ŠTEFÁNEK had been elected as Vice-Chair on 7 June 2013 for a term of office of one year, which had now expired. He recalled that the term of office of the Vice-Chair was one year, renewable once. Ambassador ŠTEFÁNEK, who was not able to attend the meeting, had expressed his interest in continuing to serve as Vice-Chair.

5. The Committee elected Ambassador ŠTEFÁNEK as its Vice-Chair by acclamation for a second term of office of one year, starting on 7 July 2014.

6. Ambassador Ms Ana VUKADINOVIĆ (Montenegro) proposed that the holding of election of the Committee’s Chair and/or Vice-Chair be specifically mentioned in the convocation letters for the respective meeting. The Chair noted that the holding of election of the Vice-Chair had been included in the draft agenda, circulated four weeks before the meeting, but agreed nevertheless that future convocation letters should highlight this information.

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

7. Mr Nicolas LE COZ, President of GRETA, informed the Committee that at its plenary meeting held the previous week GRETA had adopted five final reports, concerning Andorra, Iceland, Italy, San Marino and Ukraine, thus bringing the total number of GRETA country evaluation reports to 35. He noted that evaluations were underway in five more countries, three of which had recently been visited by GRETA (Finland, Germany and Lithuania), another evaluation visit – to Hungary – was about to start, while the visit to Switzerland would take place in the autumn. The remaining two countries which had recently ratified the Convention, Belarus and Greece, would be evaluated in 2015.

8. The President of GRETA informed the Committee that GRETA had launched the second round of evaluation of the Convention, by sending on 15 May the new questionnaire to the first three Parties to be evaluated under this round (Austria, Cyprus and the Slovak Republic). GRETA had 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. Particular attention would be paid to measures taken to address new trends in human trafficking, as well as trafficking in children.

9. Moreover, the President of GRETA indicated that at its last plenary meeting, GRETA had discussed possible amendments to its Rules of procedure for evaluating implementation of the Convention by the Parties. GRETA had considered amending Rule 5 of these Rules, according to which “replies to the questionnaire are confidential unless a Party requests publication”, and adopting the approach following by the Rules of procedure of the Lanzarote Committee, which stated that “replies shall be made public unless otherwise requested by the Party concerned”. Mr LE COZ noted that GRETA would be interested to hear the Committee of the Parties’ views on this matter.

10. Further, the President of GRETA highlighted several issues from GRETA’s reports concerning Azerbaijan, the Netherlands, Sweden and “the former Yugoslav Republic of Macedonia”, which were the subject of draft recommendations at this meeting: the need to strengthen efforts to tackle trafficking for the purpose of labour exploitation, the importance of promoting multi-agency involvement in the identification of victims of trafficking, the provision of compensation to victims of trafficking, and the prosecution and conviction of traffickers.

11. Finally, the President of GRETA informed the Committee of the holding of an exchange of views with representatives of UNHCR at the recent GRETA meeting and the intention to invite the EU Anti-trafficking Co-ordinator for another exchange of views, as well as to hold an exchange with representatives of the International Labour Organisation. The full text of Mr Le COZ’s statement is set out in Appendix III.

12. The Chair congratulated GRETA for the work carried out and thanked Mr LE COZ for his presentation. He noted that GRETA’s questionnaire for the second evaluation round reflected feedback given by the Committee of the Parties and had already been sent to seven Parties to the Convention.

13. Ms Nicole ZÜNDORF-HINTE (Germany) asked at what stage of the evaluation process the national reply to the questionnaire was made public. She also indicated that the German reply to GRETA’s questionnaire for the first evaluation round had been submitted first in German and later in English and stressed the importance of giving countries sufficient time to have their replies translated from the national language into English or French.

14. Ms Kanta ADHIN (Netherlands) indicated that the Dutch authorities were in favour of making replies to the questionnaire available to the public and asked at what stage publication of the replies would be advisable. Further, she noted that the questionnaire for the second evaluation round was quite detailed and asked if it could be made less detailed.

15. The representatives of Romania and the Republic of Moldova also spoke in favour of making the official replies to GRETA’s questionnaire public, in the spirit of transparency. Mr Boris MESARIC (Switzerland) noted that the publication of replies to GRETA’s questionnaire was a positive step and expressed the view that, for the sake of transparency, “shadow” replies submitted by NGOs should also be made public or at least shared with the national contact person.

16. The President of GRETA explained that different Parties had authorised the publication of their replies to GRETA’s questionnaire at different stages of the evaluation procedure. The advantage of authorising publication at an early stage was that NGOs could react to the information contained in the official reply and, if necessary, supplement it. He referred to Rule 7 of the Rules of procedure for evaluating implementation of the Convention by the Parties, according to which NGOs’ replies to the questionnaire were treated by GRETA as confidential unless the NGO concerned requested publication.

17. As regards the questionnaire for the second evaluation round, the President of GRETA noted that it was not much longer than that for the first round and stressed that in order to avoid unnecessary repetition, the reply might refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report. Further, he indicated that the reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language, which would be useful for double checking the information. The time given to Parties to reply to the second questionnaire was five months, i.e. one month longer than for the first questionnaire.

18. The Chair noted that Committee members were generally in favour of the rule concerning publication of official replies to GRETA's questionnaire being changed and asked if GRETA could also reflect on applying the same rule to information provided by civil society, namely that it be made public unless otherwise requested.

Agenda item 5: Examination of GRETA's reports on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Azerbaijan, the Netherlands, Sweden and "the former Yugoslav Republic of Macedonia"

5.1 *Draft recommendation to be adopted in respect of Azerbaijan*

19. The Chair invited the representative of Azerbaijan to take the floor concerning GRETA's final report on the implementation of the Convention by Azerbaijan. Mr Ilkin GURBANOV, Chief of Division at the Main Department on Combating Trafficking in Human Beings of the Ministry of Internal Affairs of Azerbaijan expressed his authorities' satisfaction with the evaluation process by GRETA and highlighted recent developments in Azerbaijan in the area of combating human trafficking. The full text of Mr GURBANOV's statement is set out in Appendix IV.

20. Ms Evelien PENNING (Netherlands) referred to recommendation 17 in Appendix I to GRETA's report on Azerbaijan (which asked the national authorities to reinforce multi-agency involvement in victim identification by formalising the role and input of specialised NGOs) and asked why the role of NGOs had to be formalised. The President of GRETA explained that according to Article 10 of the Convention, the identification of victims of trafficking was a collaborative process between the authorities and relevant civil society actors and that the authorities might not involve NGOs in the identification process unless there was a formal framework for that. Ms PENNING made an additional comment that while the Dutch authorities did not question the importance of co-operation with NGOs in the identification of victims, it was not necessary for this co-operation to be formalised. The Chair noted that the recommendation in question was made by GRETA concerning the specific situation in Azerbaijan.

21. The Committee adopted the recommendation in respect of Azerbaijan and decided to request the Government of Azerbaijan to inform it of the measures taken to comply with this recommendation by 7 July 2016.

5.2 Draft recommendation to be adopted in respect of the Netherlands

22. The Chair invited the representative of the Netherlands to take the floor concerning GRETA's final report on the implementation of the Convention by the Netherlands. Ms Evelien PENNING, Senior Policy Advisor for Combating Human Trafficking at the Ministry of Security and Justice of the Netherlands, thanked GRETA for the co-operation surrounding the preparation of the first evaluation report and the valuable recommendations. However, she commented on recommendation 11 in Appendix I of GRETA's report on the Netherlands, where GRETA urged the Dutch authorities to ensure that assistance provided to foreign victims of trafficking was not linked to investigations or prosecutions being pursued, and which could be read as suggesting that the Netherlands was not in line with the Convention on the issue assistance. She noted that the provision of assistance to victims of trafficking in the Netherlands during the three-month recovery and reflection period was not conditional on their co-operation with the investigation, but subsequently victims had to apply for a residence permit, which could be linked to co-operation. However, if victims cannot cooperate due to a serious medical condition or threats, they can apply for a residence permit on humanitarian grounds. She recalled that making the residence permit conditional on the victim's co-operation with the investigation or criminal proceedings did not go against Article 14 of the Convention. Article 14 obliges State Parties to issue residents permits in one or other of two situations mentioned, because of co-operation or because of personal reasons, or in both these situations. The Netherlands offers residence permits in both these situations. She also referred to a recent commentary by the Dutch National Rapporteur on this point. Further, Ms PENNING asked if the deadline to responding to the Committee of the Parties' recommendation could be postponed due to the fact that the Netherlands would hold the EU Presidency in the first half of 2016. The full text of Ms PENNING's statement is set out in Appendix V.

23. Further to the comment made by Ms PENNING, Ms Nicole ZÜNDORF-HINTE (Germany) compared the information contained in paragraphs 169 and 190 of GRETA's report on the Netherlands and expressed surprise that GRETA had "urged" the Dutch authorities to ensure that assistance provided to foreign victims of trafficking was not linked to investigations or prosecutions being pursued.

24. The President of GRETA recalled the important steps taken in the Netherlands to combat human trafficking, in particular the so-called "barrier model", the appointment of an independent National Rapporteur and the provision of a three-month recovery and reflection period to victims of trafficking. He stressed the importance of adequate assistance being provided to all victims of trafficking and noted that in the Netherlands, the issuing of residence permits on humanitarian grounds was rare and therefore GRETA was concerned that the provision of assistance was intrinsically linked to the investigation/prosecution. Further, he argued that there was no incompatibility between the position taken by GRETA in paragraph 169, followed by a recommendation in paragraph 171 (where GRETA urged the authorities to ensure that assistance provided to foreign victims of trafficking was not linked to investigations or prosecutions) and paragraph 190, which was followed by a recommendation in paragraph 192 (where GRETA considered that the Dutch authorities should ensure that victims can fully benefit in practice from the right to obtain a renewable residence permit when they are unable to co-operate with the authorities). He further clarified that Dutch legislation complies with Article 14 of the Convention concerning the possibility to provide victims of trafficking with a residence permit in the two situations. He stressed that the provision of assistance to victims should not depend on their co-operation with the authorities as they might be traumatized and thus unable to provide information about the crime they have suffered.

25. The Chair proposed that, in the light of the explanation by the Netherlands, the deadline for responding to the Committee of the Parties' recommendation be exceptionally prolonged until January 2017. The Committee adopted the recommendation in respect of the Netherlands and decided to request the Government of the Netherlands to inform it of the measures taken to comply with this recommendation by 2 January 2017.

5.3 Draft recommendation to be adopted in respect of Sweden

26. The Chair invited the representative of the Sweden to take the floor concerning GRETA's final report on the implementation of the Convention by Sweden. Mr Rikard GROZDICS, Legal Adviser at the Ministry of Justice of Sweden, thanked GRETA and its Secretariat for the efforts in preparing the report on Sweden and stressed that the recommendations would be thoroughly considered. He highlighted recent developments in Sweden in the area of combating human trafficking and made two comments on GRETA's report. The first comment concerned measures to discourage demand, which in the case of Sweden had included the introduction of legislation in 1999 to ban the purchase of sexual services. Mr GROZDICS noted that the experiences in Sweden of the ban when it comes to combating trafficking for sexual purposes were positive and it was considered as an additional tool in the fight against trafficking. The second comment concerned the recommendation on aggravating circumstances. Mr GROZDICS stressed that Swedish legislation covered all the aggravating circumstances in Article 24 of the Convention and therefore his authorities were puzzled by GRETA's recommendation that "the Swedish authorities should ensure that all the aggravating circumstances included in the Convention are appropriately taken into account". The full text of Mr GROZDICS' statement is set out in Appendix VI.

27. The President of GRETA noted that in its report on Sweden, GRETA had not taken a stance on whether the approach to discouraging demand was effective or not, but that GRETA had asked that measures taken in this area do not jeopardize the identification of victims of trafficking and their protection and assistance. He recalled that the Council of Europe anti-trafficking convention and the UN Palermo Protocol referred to the "exploitation of prostitution" and that there was sometimes conflation between the fight against trafficking and prostitution. GRETA's concern was that victims of trafficking did not become more invisible because prostitution was driven underground. As regards the recommendation on the aggravating circumstances, the President of GRETA explained that GRETA had asked the Swedish authorities to ensure that they are effectively taken into account in practice which, in the absence of available case law, was not obvious.

28. Ms Evelien PENNING (Netherlands) referred to recommendation 5 in Appendix I to GRETA's report on Sweden (where GRETA considered that the Swedish authorities should strengthen co-ordination and ensure that NGOs are involved in the planning, co-ordination and implementation of national policy, and that the conclusion of formal Memoranda of Understanding between public bodies and competent NGOs should be encouraged).

29. The President of GRETA recalled that co-operation between different actors was at the core of the Convention and GRETA looked at the situation in each country before making a recommendation. What was important in GRETA's eyes was that co-operation with civil society was put on a firm footing and that the role of different partners was clearly spelt out.

30. The Committee adopted the recommendation in respect of Sweden and decided to request the Government of Sweden to inform it of the measures taken to comply with this recommendation by 7 July 2016.

5.4 Draft recommendation to be adopted in respect of "the former Yugoslav Republic of Macedonia"

31. The Chair invited the representative of "the former Yugoslav Republic of Macedonia" to take the floor concerning GRETA's final report on the implementation of the Convention by "the former Yugoslav Republic of Macedonia". Mr Zoran BARBUTOV, Deputy to the Permanent Representative of "the former Yugoslav Republic of Macedonia", thanked GRETA and its Secretariat for the constructive dialogues during the evaluation process and affirmed his authorities' readiness to strengthen the comprehensive approach and co-operation in the fight against human trafficking. He indicated that the National Commission for Fight against Trafficking in Human Beings and Illegal Migration would prepare an action plan for the implementation of GRETA's recommendations. The full text of Mr BARBUTOV's statement is set out in Appendix VII.

32. Ms Evelien PENNING (Netherlands) commented on the fact that a quarter of the victims of trafficking identified in the Netherlands were trafficked within the country and asked what was the extent of internal trafficking in “the former Yugoslav Republic of Macedonia”. The Executive Secretary referred to paragraphs 10-12 of GRETA’s report on “the former Yugoslav Republic of Macedonia”, where it was said that some of the victims were trafficked internally, and indicated that, according to recent national statistics, four of the 15 victims identified in 2013 were trafficked within the country.

33. The Committee adopted the recommendation in respect of “the former Yugoslav Republic of Macedonia” and decided to request the Government of “the former Yugoslav Republic of Macedonia” to inform it of the measures taken to comply with this recommendation by 7 July 2016.

Agenda item 6: Government replies to Committee of Parties recommendations

34. The Chair recalled that at its 8th meeting on 11 June 2012, the Committee had adopted recommendations concerning the implementation of the Convention by the Republic of Moldova and Romania, requesting them to inform the Committee of measures taken to comply with the these recommendations within a two-year period. He indicated that the Governments of the Republic of Moldova and Romania had submitted on time their replies to the Committee of the Parties recommendations, which had been made available on the Committee’s restricted website.

6.1. Republic of Moldova

35. The Chair invited the representative of the Republic of Moldova to take the floor concerning the measures taken by the Moldovan authorities to comply with the Committee’s recommendation on the implementation of the Convention. Ambassador PÂRVU (Republic of Moldova) indicated that the Committee of the Parties’ recommendations had been incorporated in the National Action Plan for Prevention and Combating Trafficking in Human Beings for 2012-2013. The new national action plan for 2014-2016 was prepared with the involvement of civil society and was approved in June 2014. The legal framework for combating trafficking was further developed, including amendments to the Criminal Code and the Criminal Procedural Code. Harmonised data collection remained one of the objectives of the new action plan. Ambassador PÂRVU also referred to a non-paper on preventing and combating trafficking in human beings in the Republic of Moldova, reflecting developments in the last nine years, which had been sent to the Secretariat, and asked that it be made available to the Committee. Finally, she thanked GRETA, its President and the Secretariat for the fruitful co-operation, as well as States Parties which had provided assistance to the Moldovan authorities in carrying out anti-trafficking activities. The full text of Ambassador PÂRVU’s statement is set out in Appendix VIII.

6.2. Romania

36. The Chair invited the representatives of Romania to take the floor concerning the measures taken by the Romanian authorities to comply with the Committee’s recommendation on the implementation of the Convention. Mr George Adrian PETRESCU from the National Agency against Trafficking in Persons under the Ministry of the Interior of Romania underlined the very good co-operation with GRETA and the role of the round-table meeting organised in Bucharest in the autumn of 2013 for enabling the dialogue between various actors involved in the implementation of the recommendations. He highlighted the political attention given to anti-trafficking activities and the fact that an annual report on the trafficking situation in the country is presented to the Cabinet. Furthermore, he noted that the institutional capacity for providing victim assistance had improved, as has the judicial response as demonstrated by the increasing number of convictions for trafficking. Sustained prevention efforts were being made with the involvement of civil society and the business sector. The full text of Mr PETRESCU’s statement is set out in Appendix IX.

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

Agenda item 7: Follow up to be given to government reports submitted in reply to Committee of the Parties recommendations

38. The Chair recalled the current approach taken by the Committee of the Parties to government reports submitted in reply to the Committee's recommendations, which consisted in transmitting the reports to GRETA for consideration and making them public on the Council of Europe's anti-trafficking website. He noted that GRETA had decided that the information contained in the government reports would be taken into consideration during the second evaluation round, which was launched on 15 May 2014.

39. Ms Nicole ZÜNDORF-HINTE (Germany) welcomed the fact that the information contained in the government reports submitted in reply to the Committee's recommendations would be used in the reply to the questionnaire for the second evaluation round.

40. Ambassador CABALLERO (France) noted the importance of maintaining interaction between the Committee of the Parties and States Parties and asked if the government reports submitted in reply to the Committee's recommendations could be used to identify best practices to be shared with other countries. The Executive Secretary referred to the annual report on the impact of Council of Europe monitoring mechanisms, which could be used as a model. The Chair noted that developing this aspect would depend on staff resources.

41. The Committee decided to continue the discussion of this issue and to put it on the agenda of its 15th meeting on 5 December 2014.

Agenda item 8: Co-operation activities aimed at strengthening the implementation of GRETA's conclusions and the Committee of the Parties' recommendations

42. The Chair informed the Committee that the Secretariat had prepared a document on co-operation activities in the area of action against trafficking in human beings (THB-CP(2014)14prov) and invited the Executive Secretary to present this document. The Executive Secretary highlighted the organisation of the international conference "Not for Sale - Joining Forces against Trafficking in Human Beings" (Vienna, 17-18 February 2014) on the occasion of the Austrian Chairmanship of the Council of Europe and the Swiss OSCE Chairmanship, which had attracted over 400 participants. As an outcome of the conference, a Draft Framework for Joint Action had been put forth, proposing avenues for co-operation in four areas. She noted that the Council of Europe and OSCE were in the process of preparing a workshop for judges and prosecutors on promoting a better implementation of the non-punishment principle, and that invitation letters would be sent soon to the permanent representations. In this context, she stressed the limited human and financial resources and the need to develop activities jointly with other organisations. The "project teaser" on transnational co-operation under Article 32 of the Convention, prepared jointly with the International Centre for Migration Policy Development (ICMPD), which appeared in an appendix to document THB-CP(2014)14prov, was an example of efforts to develop joint projects, subject to interest from States Parties and the availability of funding. Further, the Executive Secretary referred to the round-table meetings which were being organised as a follow-up to GRETA's reports and served to identify needs for assistance.

43. Ambassador CABALLERO (France) thanked the Secretariat for the preparation of the document, following up on a proposal made by France at the Committee's previous meeting. She noted the pivotal role of round-table meetings in identifying needs and asked whether and how the outcome of these meetings was taken into account when planning co-operation activities, given the limited human and financial resources. In this context, she suggested that an appendix to the document be prepared, which includes information on the outcome of the round-table meetings. This could help mobilise resources and encourage multilateral projects. In response, the Executive Secretary indicated that such an appendix could be prepared for the next meeting of the Committee, including a mapping of round-table meeting results and co-operation activities. She also referred to the role of ODGPROG in negotiating activities and raising funds for projects within action plans, such as the one for the Republic of Moldova, which included anti-trafficking activities.

44. Mr Ilkin GURBANOV (Azerbaijan) noted that although trafficking in human beings was not among the priorities of the Azerbaijani Chairmanship of the Council of Europe, Azerbaijan stood ready to co-operate with other countries and international organisations in this area.

45. Mr Federico TORRES MURO (Spain) asked whether there were plans to develop co-operation with the African Union, the Organisation of American States and other regional organisations, for example on exchanges of legislation. In response, the Executive Secretary and the President of GRETA gave several examples of co-operation with regional organisations, such as contacts with the League of Arab States and the African Union in the context of meetings and conferences, the participation of a representative of the Organisation of American States in the conference organised by the Council of Europe and OSCE in Vienna in February 2014, and the regional conference organised by the Council of Europe and IOM in Tunis in April 2014.

46. The Chair invited members of the Committee to continue to emphasise the value of the Convention and its human rights-based approach. The Committee decided to continue the discussion of this issue and to put it on the agenda of its 15th meeting on 5 December 2014.

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

47. Mr Giovanni Carlo BRUNO, Deputy to the Head of the EU Delegation to the Council of Europe, updated the Committee on EU activities in the field of action against trafficking in human beings. He noted that the deadline for transposing Directive 2011/36/EU had expired on 6 April 2013 and that the Commission closely monitored the state of transposition. Further, he indicated that a mid-term report on the implementation of the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016 would be published in October 2014. The EU Civil Society Platform against Trafficking, set up in 2013, continued to meet twice a year, and work on launching a European Business Coalition was continuing. He also referred to three studies launched by the Commission in May 2014, on high-risk groups for trafficking, on evaluating the impact of prevention initiatives, and on trafficking for labour exploitation. The full text of Mr BRUNO's statement is set out in Appendix X.

48. Ambassador PÂRVU (Republic of Moldova) informed the Committee that on 12 June 2014, during the UN Human Rights Council session in Geneva, the Moldovan and Austrian delegations in partnership with the UN Office of the High Commissioner for Human Rights had organised a side event entitled "Fighting trafficking in human beings: fostering partnerships and coordination - good practices". Among other things, it had promoted implementation of the Council of Europe Convention on Action against Trafficking in Human Beings and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and had enabled the sharing of good practices and challenges in setting up national anti-trafficking co-ordination and national referral mechanisms.

49. The Executive Secretary referred to the adoption by the International Labour Organisation (ILO) of a new Protocol to ILO Convention No. 29 on Forced Labour, which was an important step forward in the global efforts to eliminate forced labour.

Agenda item 10: State of signatures and ratifications of the Council of Europe Convention on Action against Trafficking in Human Beings

50. The Chair indicated that since the last meeting of the Committee of the Parties (7 February 2014), Greece had ratified the Convention on 11 April 2014. The Convention would enter into force as regards Greece on 1 August 2014, bringing the total number of Parties to the Convention to 42.

51. Mr Oleg GOLUBEV, Deputy Representative of Belarus to the Council of Europe, expressed his satisfaction at being able to participate for the first time in a Committee of the Parties' meeting. He referred to the organisation of an information seminar on the Convention in Minsk in April 2014, with the support of IOM and involving GRETA members and Secretariat, which had been highly appreciated. He also noted that the agreement concerning the privileges and immunities of GRETA members and other members of country visit delegations had been signed on 1 July 2014. Further, he expressed regret that the Committee of Ministers of the Council of Europe had decided against Belarus' accession to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ("Lanzarote Convention").

Agenda item 11: Other business

52. The Chair reminded Committee members that the term of office of two GRETA members who were elected at the end of 2010 for a first term of office would expire at the end of 2014. The election for the two vacant seats would be held at the Committee's 15th meeting on 5 December 2014. The Secretariat had sent a letter to the Parties to the Convention eligible to present candidates for GRETA on 28 April 2014, inviting them to present candidates following the revised Rules on the election procedure. The Chair recalled that pursuant to these Rules, the deadline for submitting names of candidates was two months before the date of the election, i.e. 5 October 2014.

Agenda item 12: Adoption of the list of decisions taken

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

Appendix I

Agenda

- 1. Opening of the meeting**
- 2. Adoption of the draft agenda**
- 3. Election of the Vice-Chair of the Committee of the Parties**
- 4. Exchange of views with the President of GRETA**
- 5. Examination of GRETA's reports on the implementation of the Convention on Action against Trafficking in Human Beings by Azerbaijan, the Netherlands, Sweden and "the former Yugoslav Republic of Macedonia" and adoption of recommendations in respect of these Parties**
 - 5.1 Draft recommendation in respect of Azerbaijan
 - 5.2 Draft recommendation in respect of the Netherlands
 - 5.3 Draft recommendation in respect of Sweden
 - 5.4 Draft recommendation in respect of "the former Yugoslav Republic of Macedonia"
- 6. Government reports submitted in reply to Committee of the Parties recommendations**
 - 6.1. Republic of Moldova
 - 6.2. Romania
- 7. Follow up to be given to government reports submitted in reply to Committee of the Parties recommendations**
- 8. Co-operation activities aimed at strengthening the implementation of GRETA's conclusions and the Committee of the Parties' recommendations**
- 9. Information on the activities of other international organisations of interest to the Committee of the Parties**
- 10. State of signatures and ratifications of the Council of Europe Convention on Action against Trafficking in Human Beings**
- 11. Other business**
- 12. Adoption of the list of decisions taken**

Appendix II

List of participants / Liste de participants

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

ALBANIA / ALBANIE

Ms Ardiana HOBDAÏ (apologised/excusée)
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
to the Council of Europe

ANDORRA / ANDORRE

M. Josep DALLERÈS (apologised/excusé)
Ambassadeur Extraordinaire
et Plénipotentiaire
Représentant Permanent
auprès du Conseil de l'Europe

ARMENIA / ARMÉNIE

Ms Elen HARUTYUNYAN
Deputy to the Permanent Representative
to the Council of Europe

Ms Susanna Adamyan
Deputy to the Permanent Representative
to the Council of Europe

AUSTRIA / AUTRICHE

Mr Rudolf LENNKH
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
to the Council of Europe

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

AZERBAIJAN / AZERBAÏDJAN

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

Mr Ilkin Gurbanov
Chief of Division
Main Department for Combating Trafficking
Ministry of Internal Affairs

BELGIUM / BELGIQUE

Mme Marjan JANSSENS
Représentante Permanente Adjointe
auprès du Conseil de l'Europe

BELARUS/ BÉLARUS

M. Oleg GOLUBEV
Chargé d'Affaires a.i.
Représentant Adjoint
auprès du Conseil de l'Europe

BOSNIA AND HERZEGOVINA / BOSNIE-HERZÉGOVINE

Mr Branko BABIC
Deputy to the Permanent Representative
to the Council of Europe

BULGARIA / BULGARIE

Ms Krassimira BESHKOVA (apologised/excusé)
Ambassador
Permanent Representative
to the Council of Europe

CROATIA / CROATIE

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

CYPRUS / CHYPRE

Mr Stavros HATZIYIANNIS
Deputy Permanent Representative
to the Council of Europe

DENMARK / DANEMARK

Mr Arnold DE FINE SKIBSTED (apologised/excusé)
Ambassador
Permanent Representative
to the Council of Europe

FINLAND / FINLANDE

Mr Pekka HYVÖNEN
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
to the Council of Europe

Ms Henna KOSONEN
Deputy to the Permanent Representative
to the Council of Europe

FRANCE

Mme Jocelyne CABALLERO
Ambassadeur
Représentante Permanente
auprès du Conseil de l'Europe

Mme Catherine BOBKO
Adjointe au Représentant Permanent
auprès du Conseil de l'Europe

GEORGIA / GÉORGIE

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

GERMANY / ALLEMAGNE

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

HUNGARY / HONGRIE

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

ICELAND / ISLANDE

Ms Berglind ÁSGEIRSDÓTTIR (*apologised/excusée*)
Ambassador Extraordinary and Plenipotentiary
Permanent Representative to the Council of Europe

IRELAND / IRLANDE

Mr Martin SWITZER
Deputy to the Permanent Representative
to the Council of Europe

ITALY / ITALIE

M. Manuel JACOANGELI
Ambassadeur Extraordinaire et Plénipotentiaire
Représentant Permanent
auprès du Conseil de l'Europe

LATVIA / LETTONIE

Ms Elina BORCHERS
Third Secretary / Deputy to the Permanent
Representative
to the Council of Europe

LITHUANIA / LITUANIE

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

LUXEMBOURG

Mme Michèle EISENBARTH
Ambassadeur extraordinaire et plénipotentiaire
Représentante Permanente
auprès du Conseil de l'Europe

MALTA / MALTE

Mr Joseph FILLETTI (*apologised/excusé*)
Ambassador
Permanent Representative
to the Council of Europe

**REPUBLIC OF MOLDOVA /
REPUBLIQUE DE MOLDOVA**

Ms Tatiana PÂRVU
Ambassador
Permanent Representative
to the Council of Europe

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

MONTENEGRO / MONTÉNÉGRO

Ms Ana VUKADINOVIĆ
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
to the Council of Europe

NETHERLANDS / PAYS BAS

Ms Kanta ADHIN
Deputy Permanent Representative
Permanent Representation
to the Council of Europe

Ms Evelien PENNING
Senior Policy Advisor for Combating Human
Trafficking
Directorate-General for Administration
of Justice and Law Enforcement
Ministry of Security and Justice

Ms. Hanneke SPANJAARD
Department for Migration Policy
Ministry of Security and Justice

NORWAY / NORVÈGE

Ms Astrid Emilie HELLE (*apologised/excusée*)
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
to the Council of Europe

POLAND / POLOGNE

Ms Marta KACZMARSKA
Deputy to the Permanent Representative
to the Council of Europe

PORTUGAL

M. Paulo NEVES POCINHO
Représentant Permanent Adjoint
auprès du Conseil de l'Europe

ROMANIA / ROUMANIE

Mr George BULIGA
Deputy to the Permanent Representative
to the Council of Europe

Mr George Adrian PETRESCU
National Agency against Trafficking in Persons
Ministry of the Interior

Ms Ana-Maria TAMAS
National Agency against Trafficking in Persons
Ministry of the Interior

SAN MARINO / SAINT-MARIN

Mme Barbara PARA (*apologised/excusée*)
Ambassadeur
Représentante Permanente
auprès du Conseil de l'Europe

SERBIA / SERBIE

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

SLOVAK REPUBLIC / RÉPUBLIQUE SLOVAQUE

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

SLOVENIA / SLOVÉNIE

Ms Marusa VIDMAR
Intern
Permanent Representation
to the Council of Europe

SPAIN / ESPAGNE

Mr Federico TORRES MURO
Deputy Permanent Representative
to the Council of Europe

SWEDEN / SUÈDE

Ms Sara FINNIGAN
Deputy to the Permanent Representative
to the Council of Europe

Mr Rikard GROZDICS
Legal Adviser
Division for Criminal Law
Ministry of Justice

SWITZERLAND / SUISSE

M. Boris MESARIC
Responsable du Bureau de direction Service de
coordination contre la traite d'êtres humains et le trafic
de migrants (SCOTT)
Département fédéral de Justice et Police (DFJP)
Office fédéral de la Police (fedpol)

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

Mr Zoran BARBUTOV
Deputy to the Permanent Representative
to the Council of Europe

UKRAINE

Mr Oleksandr KULIKOVSKYI
Deputy to the Permanent Representative
to the Council of Europe

UNITED KINGDOM / ROYAUME UNI

Mr Mark GOREY
Deputy to the Permanent Representative
to the Council of Europe

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

Ratifying States/

États ayant ratifié la Convention

(CETS N° 197 enters into force on 01/08/2014)

GREECE / GRÈCE

Mme Maria SOLOMOU

Représentante Permanente Adjointe
auprès du Conseil de l'Europe

Signatory States / États signataires

ESTONIA / ESTONIE

Ms Gea RENNEL (*apologised/excusée*)
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
to the Council of Europe

TURKEY / TURQUIE

Ms Fatma Berin OKUR
Deputy to the Permanent Representative
to the Council of Europe

Council of Europe Bodies /

Organes du Conseil de l'Europe

COMMITTEE OF MINISTERS / COMITÉ DES MINISTRES

Mr Rudolf LENNKH
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
to the Council of Europe

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

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

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

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

Mr Nils MUIŽNIEKS (*apologised/excusé*)

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

Ms Karin NORDMEYER
Zonta International Committee Chair
President UN Women NC Germany

Intergovernmental Organisations / Organisations intergouvernementales

EUROPEAN UNION / UNION EUROPÉENNE

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

Others / Autres

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

M. Nicolas LE COZ
Président du GRETA

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

E-mail: Trafficking@coe.int
Fax: +33 3 88 41 27 05

Ms Petya NESTOROVA
Executive Secretary

Ms Ita MIRIANASHVILI
Administrator

Mr Markus LEHNER
Administrator

Ms Melissa CHARBONNEL
Administrative Assistant

Ms Giovanna MONTAGNA
Administrative Assistant

Mme Fabienne SCHAEFFER-LOPEZ
Administrative Assistant

Interpreters / Interprètes

Mr Grégoire DEVICTOR

Ms Corinne McGEORGE

M. Jean-Jacques PEDUSSAUD

Appendix III

Statement made by Mr Nicolas Le Coz, President of GRETA

Mr Chair,
Excellencies,
Ladies and Gentlemen,

Last week GRETA held its 20th plenary meeting, during which it adopted five more final reports, concerning Andorra, Iceland, Italy, San Marino and Ukraine. These reports will be sent to the national authorities who will be given the possibility to provide final comments, following which the reports will be made public.

This brings the total number of GRETA country evaluation reports to 35, which means that the first evaluation round of the Convention has now been completed in respect of most of the Parties to the Convention. Evaluations are underway in five more countries, three of which were recently visited by GRETA (Finland, Germany and Lithuania), another country evaluation visit – to Hungary – is starting tomorrow, and the visit to Switzerland will take place in the autumn. The remaining two countries which ratified the Convention recently, Belarus and Greece, will be evaluated for the first time by GRETA in 2015.

At the same time, GRETA has launched the second round of evaluation of the Convention, by sending on 15 May the new questionnaire to the first three Parties (Austria, Cyprus and the Slovak Republic).

GRETA has 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 questionnaire contains specific questions concerning trafficking in human beings for the purpose of organ removal and trafficking for the purpose of forced begging. Special attention is also paid to trafficking in children and a number of questions are related to this issue.

GRETA has drawn up a provisional timetable for the second round of evaluation of the implementation of the Convention, which follows the chronology of the first evaluation round, and consequently Parties will be evaluated for the second time four years after the first evaluation.

In this context, at its plenary meeting last week, GRETA has discussed possible amendments to its Rules of procedure for evaluating implementation of the Convention by the Parties. In particular, GRETA has considered amending Rule 5 of these Rules, according to which State replies to the questionnaire are confidential unless a Party requests publication. For the time being, 12 Parties have authorised GRETA to publish their replies to the questionnaire, which is roughly a quarter of the Parties evaluated so far. GRETA has noted that a different approach is adopted in the Rules of procedure of the Lanzarote Committee, according to which State replies to questionnaires are published unless otherwise requested, i.e. the rule is reversed. GRETA is weighing up the “pros” and “cons” of changing the publication rule and will resume the discussion at its next plenary meeting in November. It would be interesting to hear the Committee of the Parties views on this matter.

Today you will consider the adoption of recommendations concerning four Parties to the Convention (Azerbaijan, the Netherlands, Sweden and “the former Yugoslav Republic of Macedonia”), and I would like to draw your attention to several trends that come out of GRETA’s reports concerning these countries.

All four GRETA reports highlight the need to strengthen efforts to tackle trafficking for the purpose of labour exploitation. This form of trafficking is on the rise across Europe (and the world in general), but countries have traditionally designed their systems to address trafficking for the purpose of sexual exploitation and are yet to adapt their policies, legislation and practice to the new emerging forms of exploitation.

As regards the Netherlands and Sweden, GRETA is concerned that the identification of victims may be linked to the initiation of a criminal investigation and the prospect of successful prosecutions, which may leave victims of trafficking without formal identification and deprive them of the protection and assistance provided for under the Convention. To identify victims of trafficking more effectively, GRETA has stressed the need to promote multi-agency involvement in the identification of victims of trafficking, in particular by formalising the role of NGOs and other relevant professionals in the identification process.

The reports on the Netherlands and Sweden provide examples of good practice as regards the provision of compensation to victims of trafficking. In the Netherlands, there is a system of advance payment of compensation to victims when the convicted trafficker has not paid the full amount of compensation eight months after the court judgment.

When it comes to the prosecution and conviction of traffickers, GRETA's report on the Netherlands notes that the rate of conviction and the severity of sentences for trafficking offences have increased and invites the Dutch authorities to further support the specialisation of judges on human trafficking. In the report on the "former Yugoslav Republic of Macedonia", GRETA welcomes the law enforcement and prosecution efforts against human trafficking and asks the authorities to further develop the specialisation and training of prosecutors and judges. GRETA calls on the Azerbaijani and Swedish authorities to strengthen their efforts to ensure that crimes related to trafficking are proactively investigated and prosecuted promptly and effectively, including by providing further training and specialisation of judges, prosecutors and police investigators.

Co-operation and partnerships are indispensable prerequisites for successful international action against trafficking in human beings and GRETA continues to reinforce its working relations with international organisations and NGOs active in the area of combating trafficking in human beings. At its plenary meeting last week, GRETA had the opportunity to hold a fruitful exchange of views with representatives of UNHCR. GRETA will invite the EU Anti-trafficking Co-ordinator for another exchange of views in the future, and also plans to hold an exchange with representatives of the International Labour Organisation, which has recently adopted a new Protocol to ILO Convention No. 29 on Forced Labour, designed to strengthen global efforts to eliminate forced labour.

Thank you for your attention.

Appendix IV

**Statement made by Mr Ilkin GURBANOV,
Chief of Division, Main Department
on Combating Trafficking in Human Beings,
Ministry of Internal Affairs, Republic of Azerbaijan**

Mr President,
Ladies and gentlemen,

At the outset, I would like to express our gratitude to the Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings and the members of the GRETA for constructive cooperation and assistance provided during the first round evaluation process.

Azerbaijan deposited the instrument of ratification of the Council of Europe Convention on Action against Trafficking in Human Beings on June 23, 2010. The Convention entered into force for Azerbaijan on 1 October 2010.

We were pleased to have GRETA's delegation in Azerbaijan during the evaluation process in May last year. We are glad to note that GRETA has recognised our progress achieved on combating human trafficking (THB) in GRETA's final report, while there are number of recommendations provided, which will be duly considered in our daily work against THB.

Since 2004, the appropriate institutional framework for efficiently combating trafficking has been put in place with the appointment of a national coordinator, as well as by setting up the Working Group on fighting against THB to ensure coordination among public actors. As trafficking in human beings is a world-wide phenomenon, we have always aimed strengthening our international cooperation in combating trafficking. Numerous trainings on THB have been organised for relevant stakeholders in cooperation with international organisations, including the Council of Europe.

Socio-economic reforms carried out in our country have also positively impacted activities regarding the fight against trafficking in human beings.

The national legal and policy framework in the field of action against trafficking has evolved in the light of the country's international commitments and therefore strong legislation base covering all the aspects of combating THB and efficient struggle coordinating structure has been established on the basis of two national action plans on THB which were approved by the decrees of the President of the Republic. Adoption of the third draft National Action Plan covering the years 2014-2018 which is expected to be fulfilled by 28 state agencies is pending.

Human rights perspective and focus on victim protection are among the core principles of our legislation for combating THB which clearly defines trafficking as being first and foremost a violation of human rights and an offence to the dignity and integrity of human being. Our strategy for combating THB adopts a coordinated and multidisciplinary approach, incorporating prevention, protection of victims' rights and prosecution of traffickers in partnership with civil society and in co-operation with international partners. Especial attention is directed to measures of awareness-raising for persons vulnerable to trafficking; economic and social initiatives to tackle the underlying causes of trafficking; actions aimed at discouraging demand; and taking measures to prevent and detect THB.

Concerning the identification of trafficked victims, relevant rules on indicators for interviewing and identifying victims and rules on the national referral mechanism for victims of THB, rules on the repatriation of victims of THB have been adopted and a special procedure exists for children. All victims are provided with medical, legal, psychological, financial, shelter assistance and support for their reintegration into society. Victims own the right to receive compensation and a renewable residence permit is granted for foreigner or stateless victims. Our legislation provides non-punishment of victims of trafficking for their involvement in unlawful activities to the extent they have been compelled to do so, protective measures are also available under Azerbaijani law to protect victims of trafficking.

285 human trafficking cases registered, 529 victims of THB were identified, 5 organised gangs and 152 criminal groups were neutralised and 385 human traffickers were recruited to criminal responsibility during the last ten years of actively combating the THB in Azerbaijan.

In conclusion, I would like to underline that taking into consideration importance of GRETA's proposals, relevant measures have been established on the draft National Action Plan on THB covering the years 2014-2018.

Thank you for your attention.

Appendix V

**Statement made by Ms Evelien PENNING,
Senior Policy Advisor for Combating Human Trafficking,
Directorate-General for Administration of Justice and Law Enforcement,
Department for Law Enforcement,
Ministry of Security and Justice, the Netherlands**

- The Netherlands would like to thank GRETA for its first report on the implementation of the Trafficking in Human Beings Convention in the Netherlands.
- It has been a very intensive process to come to this report, but we have enjoyed the co-operation with GRETA a lot.
- We would like to thank GRETA, and especially the delegation that came to the Netherlands (composed of Ms Gulnara Shahinian, Mr Frédéric Kurz and Mr Gerald Dunn), for its very constructive co-operation.
- Overall, we are pleased with the contents of the final report.
- We are happy that the report recognises the many steps taken by the Netherlands to prevent THB, to investigate and prosecute the offenders and to support and protect the victims.
- Our comprehensive and multidisciplinary approach has been aptly described, including the establishment of a broad based multidisciplinary Task Force.
- The Netherlands for example appreciates the fact that GRETA welcomes the introduction of specialised judges. In the Netherlands, many organisations have employees that specialise in fighting THB and have been trained for that. Specialised judges are a recent addition.
- In the Netherlands municipalities play an important role in preventing and fighting THB. We are pleased to see this is reflected in the report.
- Other positive aspects of the Dutch approach to THB mentioned by GRETA include:
 - the existence of an independent National Rapporteur on THB, producing thorough research and inciting the government to further improve its approach;
 - the close co-operation between the authorities and civil society;
 - the three-month reflection period (which is longer than the minimum of 30 days laid down in the Convention);
 - the system of advance payment of compensation awarded when the convicted trafficker does not pay within eight months; and
 - the efforts in the area of international co-operation.
- The remainder of the recommendations offer valuable information to assess and strengthen specific aspects of Dutch anti-trafficking efforts.
- The Netherlands is grateful for GRETA's views on these many topics and will take them on board in the continuous development of our anti-trafficking policies, such as the project to set up a National Referral Mechanism and our initiatives regarding THB for labour exploitation.
- There are two specific things I would like to go into in more detail.
- There is one recommendation we would like to address, namely recommendation 11. In recommendation 11, GRETA urges the Dutch authorities to ensure that assistance provided to foreign victims of THB is not linked to investigations or prosecutions being pursued. This is a recommendation we have some difficulties with, since it could be read to imply that our system for assistance does not comply with the Convention.
- In the Netherlands, possible victims of THB are given a reflection period of three months, during which they are given unconditional assistance. They can use this period to recover from the trafficking situation and to consider whether they want to co-operate with the investigation and prosecution of their case.

-
- After the reflection period, victims need to be either waiting for a residence permit they have applied for or in possession of a residence permit to be able receive assistance and support in the Netherlands.
 - Victims can apply for different types of residence permits:
 - o for a residence permit on the basis of their co-operation with the investigation or
 - o for a residence permit if they cannot co-operate due to a serious medical condition or threats.
 - The Netherlands of course agrees that victims of THB need to have access to the right assistance, but we also attach great importance to prosecutions. Prosecutions also benefit victims in several ways: for example, it can prevent more people falling victim to the same traffickers and it can give victims both a sense of justice and a chance of compensation.
 - Article 14 of the Council of Europe Convention gives parties the option of granting a residence permit because of the victim's cooperation in the prosecution of a perpetrator or because of the individual's personal situation.
 - The Convention therefore makes it possible to maintain a link between the residence permit and prosecution.
 - The link between the residence permit and prosecution is also supported by the Dutch National Rapporteur, who feels that prosecution is of great importance.
 - She has just published a response to the GRETA report on the Netherlands, in which she says that: "[To summarize,] the suggestion that the protection of the victim is fully linked to cooperation with the investigation and prosecution in the Netherlands is not correct and is in need of modification."¹
 - We feel that the Dutch system provides the right balance between residence permits, assistance and prosecution and therefore have some problems with recommendation 11, as mentioned because of the suggestion implied that our system does not comply with the Convention.
 - I would therefore like to ask GRETA to explain the reason for this recommendation.
 - Finally, one last thing: the date on which we have to submit our progress report on these recommendations, 7 July 2016, is only 7 days after our EU Presidency. We would therefore like to request that this date be postponed.

¹ "Resumerend, het beeld dat in Nederland de bescherming van het slachtoffer volledig is gekoppeld aan de medewerking aan opsporing en vervolging klopt niet en behoeft nuancering." – from: Uitgebreide reactie Nationaal Rapporteur op het rapport van GRETA over Nederland, 4 July 2014, see <http://www.nationaalrapporteur.nl/actueel/nieuws/2014/rapporten-over-nederland-mensenhandelbeleid-goed-maar-ruimte-voor-verbetering.aspx?cp=63&cs=16790>

Appendix VI

Statement made by Mr Rikard GROZDICS, Legal Adviser, Division for Criminal Law, Ministry of Justice, Sweden

First of all, let me extend Sweden's appreciation of the comprehensive work and efforts made by the Expert Group and the Secretariat in preparing the report on Sweden. We have found the contacts with the Expert Group to be constructive and also fruitful in highlighting the need for constantly enhancing measures in the combat against trafficking in human beings. We especially found the country visit valuable in bringing relevant actors together to strengthen their cooperation and exchange of good practices. We are looking forward to the continuing cooperation and dialogue with the Expert Group in the future.

The report is comprehensive and gives a good overall picture of the situation in Sweden concerning the implementation of the Convention and the challenges we face. The report and its proposals is therefore a most valuable document for the work ahead and will be thoroughly considered. Further efforts and measures are already being considered in light of the report. We will keep the Council of Europe informed of the future development. I will however take the opportunity to mention a few recent developments since the adoption of the report.

Recent developments

As mentioned in the comments on the final report, the Swedish Government submitted a bill to the Swedish parliament in May this year with proposals for measures to discover and stop abuse of the rules for labour immigration. The bill was approved in June 2014 and its proposals will enter into force on 1 august 2014. The measures will make it easier to combat trafficking in human beings for labour exploitation.

Furthermore in 2013 the Government commissioned an evaluation of the anti-trafficking work conducted by the County Administrative Board in Stockholm, which among other things has a national role in coordinating cooperation among state key actors. The evaluation was presented recently and the main conclusion is that the coordination objective is fulfilled. The evaluation however states that there are certain areas where improvements can be made in order to make the work more efficient. The evaluation will be analysed and considered and serve as a basis for future measures to improve cooperation in this respect.

Finally, I would like to make two comments on the report. One regards measures to discourage demand and one concerns the reports recommendation on aggravating circumstances.

Measures to discourage demand

In the GRETA report the criminalization of the purchase of sexual services in Sweden is described. The legislation was introduced in 1999 as one of several measures to combat violence against women and prostitution. In order to evaluate the consequences of the ban, an inquiry was commissioned by the Swedish Government in 2008. The inquiry presented its report in 2010. According to the report the criminalisation of the purchase of sexual services is an important instrument in preventing and combating prostitution and trafficking in human beings for sexual exploitation. GRETA has in its report noted that in practice there is sometimes conflation between the fight against trafficking in human beings and combating prostitution in Sweden and that the impact of the ban on trafficking in human beings for sexual exploitation should continuously be assessed.

Even though it is difficult to evaluate the effects of a piece of legislation, the experiences in Sweden of the ban when it comes to combating trafficking in human beings for sexual purposes are positive. Both when it comes to preventing such trafficking by reducing demand and making it a poor market for traffickers, as well as detecting it and commencing criminal investigations for suspected trafficking. Fears that the ban would lead to prostitution going underground have not been realised. We therefore consider it as an additional tool in the fight against trafficking.

Aggravating circumstances

In recommendation number 22 and paragraph 188 of the report GRETA considers that the Swedish authorities should ensure that all the aggravating circumstances included in the Convention are appropriately taken into account.

In the Swedish comments to both the draft report and the final report from GRETA we have explained why our view is that we meet the requirements laid down in the Convention in this respect, i.e. that all the aggravating circumstances in article 24 of the Convention are covered by Swedish legislation (see the Swedish comments on the final report). It is therefore somewhat puzzling for us in what way we do not fulfil the requirements of the Convention concerning aggravating circumstances and what measures we should take in order to follow the recommendation. If possible it would be helpful if we could receive a clarification from GRETA in this respect.

Thank you for your attention.

Appendix VII

Statement made by Mr Zoran BARBUTOV, Deputy to the Permanent Representative of "the former Yugoslav Republic of Macedonia"

Mr Chairman,
Distinguished Representatives of the Contracting Parties,

The Macedonian authorities would like to thank GRETA and the Council of Europe Secretariat for the work accomplished within the framework of monitoring activities under the Convention on action against trafficking in human beings and in particular the preparation and drafting of the report on Macedonian policy in this field. The Republic of Macedonia also welcomes the ongoing, constructive dialogue that characterized the entire process.

The Republic of Macedonia strives to reinforce the comprehensive approach to the fight against all forms of Trafficking in Human Beings and to strengthen cooperation at the national and international level.

The Republic of Macedonia welcomes GRETA's readiness to recognize the progress made by my country in the fight against trafficking in human beings, as noted in the Conclusions of the Report.

The Republic of Macedonia also welcomes acceptance of part of the remarks and additional answers produced in the response to the Draft Report delivered by the Republic of Macedonia, that are incorporated in the Final Report.

The Macedonian authorities have no further remarks concerning the delivered Final Report and Recommendations.

The Republic of Macedonia attaches great importance to the Recommendations and the Final Report. Consequently the National Commission for Fight against Trafficking in Human Beings and illegal Migration, as the national body responsible for implementing this CoE Convention will undertake following activities:

- It will prepare an Action plan for implementation of GRETA's recommendations consisting of recommendations that will be implemented, activities for their implementation, the competent institution and the time frame for its implementation.
- The National Commission will maintain regular contact to inform about the planned and implemented measures, aiming at full implementation of the Council of Europe Convention on Action against Trafficking in Human Beings.

In this regards are the recent proposed Amendments of the Law for Foreigners aimed to completely implemented regulation from the Convention and the EC Directive 11/36 as well as GRETA recommendations. Macedonian authorities will be grateful for the opinion and comments by the GRETA members.

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

Appendix VIII

Statement made by Ambassador Tatiana PÂRVU, Permanent Representative of the Republic of Moldova

The Committee of the Parties' Recommendations were incorporated in the National Action Plan for Prevention and Combating Trafficking in Human Beings (THB) for 2012-2013, which propelled the decision-making process and a number of important actions at the national level.

Involvement of civil society was one of the elements in combating THB. Thus, civil society participated actively in the elaboration of the National Action Plan for Prevention and Combating of Trafficking in Human Beings for 2014-2016, which was approved on 26 June 2014. This new AP includes also an activity related to "identification and co-operation between NGOs and local public authorities of level 1 and 2". The representatives of civil society have been invited to participate at the meetings of the National Committee to Combat Human Trafficking (NC).

Data collection and harmonisation remains one of the objectives of future action in the field of anti-trafficking. The national THB data collection system has not been established yet, however a pilot project is being implemented in this area and the testing phase will be concluded this year. Thus, the collection program has been tested four times so far and it gave feasible results.

Launching of the website www.antitrafic.gov.md was one of the actions conducted in 2013 with the view to raise public awareness and educate the public at large. For the same purpose, the National Campaign "Anti-Trafficking Week" took place for the first time in 2012 and then in 2013.

The "Social Assistance" Automated Information System (SAAIS) is aimed to perform several tasks, including: serve as a working tool for social workers, analysis and planning of social assistance system, keep data records about applicants and beneficiaries of social assistance, keep the evidence of the requests for social aid, etc.

The harmonisation of the legal framework on prevention and combating of THB with the view to improve the quality of justice in anti-trafficking area was carried out through the adoption of an important number of normative acts. To name a few: Law No. 121 on Ensuring Equality, the Guidelines for Identification of Victims and Potential Victims of THB, the Instruction on Hearing Victims of THB, the Instructions on the intersectional co-operation mechanism for the identification, referral, evaluation, assistance and monitoring of child victims and potential victims of violence, neglect, exploitation, trafficking (approved by Government in April this year), the Law amending the Criminal Procedure Code, *Article 110¹*, Hearing of Minors.

A Working Group has been established in 2012 that analysed the legislative gaps concerning human trafficking and developed amendments to ensure the compliance of legal provisions on THB with international standards and the consistency of the Criminal Code and Criminal Procedural Code provisions with the Anti-trafficking law. The Law was adopted by the Parliament on 8 November 2013. The new amendments will improve the legal qualification of criminal activities, including the introduction of penalties for public officials involved in THB cases, discouraging the application of conditional penalties.

The complete information is available in the Government's Report, as well as in the Non-paper, which was sent to the Secretariat.

Thank the Secretariat, members of GRETA and in particular the President, for the fruitful cooperation and help offered in the organization of useful events in Chisinau.

Also, this Delegation would like to thank the states parties which provided assistance to the authorities of my country in promoting anti-trafficking activities.

Information on the activities of other international organisations of interest to the Committee of the Parties

On 12 June 2014, in Geneva, during the UN Human Rights Council session the Moldovan and Austrian delegations in partnership with the UN Office of the High Commissioner for Human Rights organised the side event entitled “Fighting trafficking in human beings: fostering partnerships and coordination - good practices”. The objectives of the event was to take stock of the effectiveness and contribution of various mechanisms at the international, regional and national levels to combat THB by integrating human rights-based approach; to promote the implementation of legally binding international instruments on fighting THB, including the Council of Europe Convention on Action against Trafficking in Human Beings and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; to share good practices, as well as challenges and obstacles, on the establishment of national coordination and national referral mechanisms to combat THB; to emphasise the role of partnership with the civil society for effective national mechanisms on THB.

Appendix IX

Statement made by Mr George Adrian PETRESCU, National Agency against Trafficking in Persons, Ministry of the Interior, Romania

Mr Chairman,

I would like to underline the very good co-operation that Romanian authorities have had with GRETA and also its contribution to enable, through the round table organized last year in Bucharest, in cooperation with the National Agency against Trafficking in Persons, the dialogue between various actors in my country responsible or interested in the implementation of the recommendations made following the report on the implementation of the Convention.

As can be seen in the report submitted by Romanian Government, with just two exceptions, all of the recommendations were approached by responsible authorities in different manners in the attempt to ensure their best transposition in practice, although we have to admit that there is still a lot to be done. The report is quite detailed therefore allow me to highlight only few of the aspects that we consider as being worthy to be shared with you today.

First, I want to mention that the process of implementing the recommendations raised and gained a lot of attention for this topic among politicians and political sector. At Parliamentary level became active and preoccupied a Group of parliamentarians that is constantly monitoring the activities of governmental institutions in this area. Also, starting last year, the annual report on trafficking situation at national level is presented to the Cabinet following a memorandum signed by the ministers involved in anti-trafficking actions.

Improvement of institutional capabilities in managing victims assistance continues to be a matter of priority and progresses made are encouraging, considering for example that in the following two years after the report was issued, the number of victims of Romanian origin transnationally referred from destination countries to Romania doubled reaching 121 in 2012 as a direct result of increased trust and reliability in the capacity of the authorities in my country to facilitate access to services offered by Governmental or nongovernmental organizations. Meantime, the number of victims receiving different types of assistance, according to their needs, is, as is showed in the report, is at a high level not only in terms of volume but also as diversity.

Judicial response is also an area that should be mentioned and proves, by, for example, the number of the persons definitively convicted for trafficking, the determination and expertise that responsible authorities in my country have in tackling trafficking in persons crime.

Prevention effort is a continuous action that attempts to reach as many target groups and general public through a large diversity of means, from simple leaflets and posters to direct meetings with students and their families or teachers in schools, messages and videos broadcasted through CCTV system in the public transportation service in Bucharest or public events including flash mobs or street theatre representations. One constant feature of these activities is the joint action with nongovernmental sector and for the first time last year also with business sector since one of the major banking company get involved in prevention activities along with the National Agency and several NGOs.

Interest for scientific research is as well important and serves as ground for future actions. One of the last researches touched on a topic of great interests for many of the countries represented today, forced begging involving Romanian citizens and we hope that will be helpful for those interested in the subject. Our plans for future areas of research are focusing on the traffickers and the economical side of this crime, benefiting from the expertise of a consortium that includes several universities in Europe.

Thank you for your attention and I remain at your disposal for any questions or clarifications.

Appendix X

Statement made by Mr Giovanni Carlo BRUNO,
Deputy to the Head of the European Union Delegation to the Council of Europe

Update on EU activities in the field of trafficking in human beings

- The EU has built a **comprehensive legal and policy framework** with strong enforcement mechanisms, based on the **Directive 2011/36/EU** on preventing and combating trafficking in human beings and protecting its victims and the **EU Strategy** towards the Eradication of Trafficking in Human Beings 2012-2016.
- Both the Directive and the EU Strategy adopt an **integrated approach that focuses on human rights and on the victims and it is both gender-specific and child-sensitive**.
- They put an equal focus on building **partnerships** within and across policy fields, **prevention, prosecution** of criminals and **protection** of victims (the 4 Ps).

DIRECTIVE 2011/36/EU ON PREVENTING AND COMBATING THB AND PROTECTING ITS VICTIMS

- **The date for the transposition of the Directive expired on 6 April 2013.**
- The Commission closely monitors the state of transposition in the Member States, taking a proactive approach to encourage the process in the Member States, both politically and legally.

EU STRATEGY TOWARDS THE ERADICATION OF THB 2012-2016

- The **EU Strategy** provides a coherent framework to assist them in the implementation of the Directive.
- It focuses on **priority areas and concrete actions to be carried out in partnership** with several EU institutions and Agencies and in cooperation with a wide variety of stakeholders, including civil society organisations and the private sector.
- The EU Strategy has been endorsed by the Justice and Home Affairs Council Conclusions of 25 October 2012.
- The EU Anti-trafficking Coordinator (EU ATC) provides strategic policy orientation to ensure consistent and coordinated planning to coherently address THB, within the EU and in relation to third countries, oversees that all appropriate means for EU action are adequately used and mobilised and monitors the implementation of the EU Strategy.
- Reflecting the **comprehensive approach** of the Directive, the Strategy's 5 priority areas cover:
 1. identification, protection and assistance to victims of trafficking;
 2. prevention, including demand reduction;
 3. ensuring and enhancing investigation and prosecution of traffickers;
 4. coordination and cooperation among key actors ensuring policy coherence;
 5. increasing knowledge to ensure effective response to emerging concerns related to all forms of THB.
- The actions encompassed are the result of a thorough examination of measures and policies that were already in place, extensive consultation with the Member States, civil society, scholars, international organisations, National Rapporteurs or Equivalent Mechanisms (NREMs) and other stakeholders. The views of victims of trafficking are also incorporated in the Strategy.

- **A mid-term report on the implementation of the Strategy is currently being finalised and will be published in October 2014.**

FUNDING AND IMPACT ASSESSMENT

- **For the implementation of this comprehensive legal and policy framework, the EU provides extensive funding under a number of thematic instruments.** The Commission is funding numerous projects within the EU and in third countries, which involve a wide variety of promoters and partners and address different dimensions of THB.
- The Anti-trafficking website is regularly updated with projects on THB funded under numerous instruments.

RECENT ACTIVITIES

MEETINGS OF THE INFORMAL NETWORK OF NREMS AND EU CIVIL SOCIETY PLATFORM AGAINST THB

- **Cooperation and partnerships amongst all actors working in the field of THB** are crucial to implement this comprehensive approach.
- An **Informal Network of National Rapporteurs or Equivalent Mechanisms** has been set up by the Council Conclusions adopted on 4 June 2009. The EU ATC holds biannual meetings with the EU Informal Network of NREMs
- The Informal Network plays an important role in discussing issues relating to collecting comparable data on THB and assessing trends, based on commonly developed and agreed reporting templates as per Article 20 of the Directive.
- **The EU Civil Society Platform against THB was set up in 2013 by the Commission.** It meets twice per year and brings together over one-hundred civil society organisations working in the field of THB in the MS and in four neighbouring priority countries.
- In March 2014 the Commission opened a call for interest to participate in the EU Civil Society **e-Platform against THB**; The selection procedure has been finalised and the e-Platform, which will function as a **complementary tool** to guarantee continuity of the discussions held in the meetings and extend their scope, will be operational as soon as all the technical requirements have been addressed.

INCREASING KNOWLEDGE TO ENSURE EFFECTIVE RESPONSE

In May 2014 the Commission launched three **studies**, focused on:

- **High-risk groups for THB**, to develop the knowledge and increase understanding on vulnerable groups that are at greater risk of being trafficked into the EU, within the EU and within a MS, in particular children, focusing on all forms of THB.
- **Prevention initiatives**, to evaluate the impact of anti-trafficking prevention initiatives in terms of results.
- **Case-law on THB for the purpose of labour exploitation**, focused on analysing practices across the MS, including trends, police/judicial architecture and legal context.

DEMAND REDUCTION (PREVENTION) AND COOPERATION WITH THE PRIVATE SECTOR

- The focus on prevention and demand reduction is inherent in the victim-centred approach of the EU legal and policy framework.
- On the basis of Article 18 of the Directive, Member States have **the legal obligation to take appropriate measures to reduce the demand that fosters all forms of THB.** As specified in

Article 18 par. 4 of the Directive, in order to make the preventing and combatting of trafficking in human beings more effective by discouraging demand, Member States shall consider taking measures to establish as a criminal offence the use of services which are the objects of exploitation as referred to in Article 2, with the knowledge that the person is a victim of trafficking in human beings.

- The **private sector is one of the key actors** to effectively address THB, in particular for what concerns demand reduction. On the basis of **Article 5 of the Directive, Member States shall take the necessary measures to ensure that legal persons can be held liable for offences concerning THB.**
- As envisaged in the Strategy, to facilitate compliance, the Commission is currently undergoing the preparatory work to launch a **European Business Coalition (EBC)**

DATA COLLECTION – SECOND EUROSTAT REPORT

- The first Eurostat report on THB in the EU was published in April 2013. All EU Member States contributed to the data collection exercise, which covers the years 2008-2010.
- The **second Eurostat report will cover the years 2010-2012. Its publication is foreseen by the end of 2014.**

THE ROLE OF THE INTERNET IN FACILITATING THB

- The Sixth EU Anti-Trafficking Day (2013) Conference in Vilnius was dedicated to the role of the Internet in THB, both for what concerns facilitating recruitment and in relation to its potential role in prevention and investigations.
- The Commission is preparing a report of the EU ATD conference together with an analytical paper on the link between THB and the internet

OTHER RECENT PUBLICATIONS

- In **March 2014** the European Migration network and the Commission cooperated for the Report on ***Identification of victims of trafficking in human beings in international protection and forced return procedures.***
- The Report is based on the findings presented in 24 National Reports. It focuses on applicants for international protection and 'failed' applicants in forced return procedures who have received a (final) negative decision on their application for protection.
- On **30 June 2014**, the Commission and the Fundamental Rights Agency (FRA) published the ***Handbook on guardianship for children deprived of parental care***, designed to help standardise guardianship practice in the Member States, addressing the specific needs of child victims of trafficking.

ACTION ORIENTED ON STRENGTHENING THE EU EXTERNAL DIMENSION ON COMBATING THB

- In addition to the Directive and the Strategy, several EU instruments in various policy areas contribute to address THB both within the EU and in third countries.
- In 2009, the Council adopted the ***Action Oriented Paper (AOP) on strengthening the EU external dimension on combating trafficking in human beings.*** The paper is based on **respect for human rights** and the rule of law and includes a **gender and child rights perspective.**
- The AOP has been **included in the EU's external relations policy** and in the programming of activities with third countries, regions and organisations at international level, including development cooperation.

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- The 2012 *Second Implementation Report*, includes a list of **priority countries and regions** for further strengthening and streamlining cooperation for addressing THB.
 - At the request of the Council, **the Commission and EEAS developed an information package**, which includes:
 - An **overview of key elements of EU Anti-Trafficking policy** and operational activities;
 - A **mapping of current legislative and policy instruments** as well as **EU and bilateral MS funded projects** in priority countries and regions;
 - An **overview of the situation on THB in priority countries and regions** based on desk research.

This internal Information package serves as a reference tool for EU Delegations to ensure coordination and coherence in addressing THB, enhancing cooperation with their host countries. MS are requested to cooperate with the Commission and the EEAS in their efforts to deliver on this policy area to ensure coherence and avoid duplication.

For further information:

Giovanni Carlo BRUNO

+33 390 40 60 85

giovanni-carlo.bruno@eeas.europa.eu

Katarzyna CUADRAT-GRZYBOWSKA

Katarzyna.CUADRAT-GRZYBOWSKA@ec.europa.eu