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

17th meeting of the Committee of the Parties

(Strasbourg, 30 November 2015)

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 17th meeting on 30 November 2015 in Strasbourg.
2. Pending the election of the new Chair and Vice-Chair of the Committee, the meeting was opened by the Executive Secretary of the Convention, Ms Petya NESTOROVA, who invited the members of the Committee to adopt the draft agenda. The agenda, as adopted by the Committee, is set out in Appendix I. The list of participants is set out in Appendix II.

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

3. Following the departure from Strasbourg of Ambassador Pekka HYVÖNEN, former Chair of the Committee, and the expiry of the second term of office of Ambassador Drahoslav ŠTEFÁNEK as Vice-Chair, the Committee was invited to hold elections for its Chair and the Vice-Chair at the onset of the meeting. The Executive Secretary recalled that the term of office of the Chair and the Vice-Chair was one year, and could be renewed once. She informed the Committee that Ambassador Ardiana HOB DARI (Albania) had expressed interest in becoming Chair of the Committee of the Parties. No other candidates for the Chair of the Committee were proposed. The Committee elected Ambassador HOB DARI as its Chair by acclamation for a first term of office of one year, starting on 30 November 2015.
4. Ambassador HOB DARI thanked the Committee for entrusting her with this position and declared that she would do her utmost to promote the efficiency of the monitoring mechanism of the Convention and increase awareness of the Convention.
5. The Chair invited members to elect a new Vice-Chair of the Committee. Ambassador Drahoslav ŠTEFÁNEK (Slovak Republic) proposed Ambassador Markus BÖRLIN (Switzerland) to this position. The Committee elected Ambassador BÖRLIN as its Vice-Chair by acclamation for a first term of office of one year, starting on 30 November 2015.

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

6. Mr Nicolas LE COZ, President of the Group of Experts on Action against Trafficking in Human Being (GRETA), referred to the unprecedented refugee and migrant crisis which had unfolded in Europe over the summer. In two statements made since July 2015, GRETA had stressed that while most of the asylum seekers and migrants arriving in Europe were being transported by smugglers who did not seek their exploitation, many of them were at high risk of falling victim to human trafficking in the process. Mr LE COZ noted that the monitoring of the implementation of the Convention by GRETA had highlighted important gaps in the identification and protection of victims of trafficking among asylum seekers and migrants. The disappearance of unaccompanied minors from reception or child care facilities had been a cause of grave concern for GRETA in many countries. GRETA was paying particular attention to these issues which would be the subject of discussion in its forthcoming 5th General Report on activities, to be published in early 2016.
7. Mr LE COZ informed the Committee that GRETA had recently published the first three country reports under the second evaluation round, concerning Austria, Cyprus and the Slovak Republic. These three reports showed that some progress had been made since the first evaluation four years ago. However, a number of issues continued to give rise to concern, such as the identification and protection of child victims of trafficking (in all three countries), the application of the recovery and reflection period (in Austria and the Slovak Republic), and access to compensation for victims of trafficking (in Cyprus and the Slovak Republic).

8. Furthermore, GRETA's President referred to the recent publication of the first evaluation report on Switzerland, which had noted the absence of anti-trafficking co-ordination structures in several cantons as well as a procedure for the identification and referral to assistance of victims of trafficking which applies across the country. GRETA had urged the authorities to improve the identification of victims of trafficking for the purpose of labour exploitation, including through identifying sectors at risk and increasing labour inspections. On the positive side, GRETA had welcomed the existence of state compensation scheme accessible to victims of trafficking and the efforts in the area of international co-operation.

9. Mr LE COZ noted that GRETA intended to increase the number of its evaluations in 2016 in order to respond to the growing number of parties to the Convention. In addition to continuing with the second evaluation round of the Convention, in 2016 GRETA would evaluate for the first time Belarus and Greece.

10. The President of GRETA referred to the strengthening of working relations with international organisations and NGOs active in the area of combating trafficking in human beings, such as the UN Special Rapporteur on trafficking in persons, especially women and children, and the International Labour Organization, both of whom had been invited by GRETA for exchanges of views. He noted GRETA's plans to organise an exchange of views with Frontex at the first opportunity. The full text of Mr LE COZ's statement is set out in Appendix III.

11. The Chair thanked Mr LE COZ for his presentation and opened the floor for questions or comments concerning GRETA's work. Ms Nicole ZUNDORF-HINTE (Germany) referred to difficulties in establishing the link between foreign unaccompanied minors and the adults accompanying them as both of them often did not have identity documents. Mr Le COZ noted that GRETA would keep its focus on children and would aim at ensuring a stronger protection of their best interests.

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 Switzerland (first round), Austria, Cyprus and the Slovak Republic (second round) and adoption of recommendations in respect of these Parties

12. The Chair recalled that GRETA had adopted final reports concerning the implementation of the Convention by Switzerland (first evaluation round), and Austria, Cyprus and the Slovak Republic (second evaluation round), and that draft recommendations concerning these four States Parties had been submitted to members of the Committee on 4 November 2015. The Chair noted that the draft recommendation in respect of Switzerland followed the design of recommendations adopted by the Committee as part of the first evaluation round, namely the Swiss authorities were asked to report back on the steps taken to implement all of GRETA's conclusions within two years from the date of adoption of the recommendation. A somewhat different approach was being proposed for the draft recommendations concerning Austria, Cyprus and the Slovak Republic, which were the first ones to be considered by the Committee under the second evaluation round. Each recommendation focused on the issues for immediate action identified by GRETA in its second evaluation report and the authorities were requested to report back to the Committee on the measures taken in respect of these selected issues one year after the adoption of the recommendation. The recommendation also invited the authorities to keep GRETA regularly informed of the other measures taken in response to GRETA's conclusions.

5.1 Draft recommendation to be adopted in respect of Switzerland

13. The Chair gave the floor to Mr Boris MESARIC, Head of the Executive Secretariat of the Swiss Co-ordination Unit against Trafficking in Persons and Smuggling of Migrants at the Federal Office of the Police, who thanked GRETA and the Secretariat for the spirit of co-operation during the evaluation process. He noted that GRETA's report was a useful tool for anchoring the political debate. A meeting had recently taken place to discuss the recommendations made in GRETA's report and the new National Action Plan was in the process of being adopted. Mr MESARIC suggested that for the sake of greater transparency, the comments received by GRETA from civil society actors should be discussed with the authorities.

14. The President of GRETA recalled the importance of ensuring that civil society representatives were able to speak freely, which was guaranteed by the confidentiality principle contained in GRETA's rules on the evaluation procedure. He noted that GRETA verified the information received from NGOs before referring to it in its reports, and that the country visits were a useful tool for corroborating information.

15. The Committee adopted the recommendation in respect of Switzerland and decided to request the Government of Switzerland to inform it of the measures taken to comply with this recommendation by 30 November 2017.

5.2 Draft recommendation to be adopted in respect of Austria

16. The Chair invited the representative of Austria, Ambassador Elisabeth TICHY-FISSELBERGER, Austrian National Co-ordinator on Combating Human Trafficking, to take the floor. Ambassador TICHY-FISSELBERGER thanked GRETA for the constructive second evaluation and noted that the conclusions of GRETA's report were generally accepted by the Austrian authorities. She noted that while no acting prosecutors were currently members of the national co-ordinating structure (the Task Force), the Ministry of Justice was represented in the Task Force, which could be seen as sufficient as the Ministry's officials were either judges or prosecutors. Further, Ambassador TICHY-FISSELBERGER informed the Committee that the Austrian authorities were working on improving the collection of statistical data concerning human trafficking and that a national referral mechanism for child victims of trafficking was planned to be finalised by January 2016. As regards the recovery and reflection period, the Ministry of Justice was working on draft legislation and was also preparing an official interpretation of the non-punishment provision.

17. The President of GRETA explained that GRETA considered it important to have a representative of the Prosecutor's Office as such included in the Task Force, given the importance of ensuring a comprehensive approach to combating human trafficking. He recalled that prosecutors were already being invited on an ad hoc basis to attend meetings of the Task Force on certain topics.

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

5.3 Draft recommendation to be adopted in respect of Cyprus

19. The Chair gave the floor to Mr Michael KARAGIORGIS, representative of Cyprus, who expressed the gratitude of the Cypriot authorities for the comprehensive and objective report produced by GRETA and noted that the proposals for action made in it would be incorporated either in the new national action plan for 2015-2016 or implemented through other national policy instruments and practice.

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

5.4 Draft recommendation to be adopted in respect of the Slovak Republic

21. The Chair invited the representative of the Slovak Republic to take the floor concerning GRETA's final report on the implementation of the Convention by the Slovak Republic. Mr Vladimir KOMAN, representative of the Information Centre for Combating Trafficking in Human Beings and Crime Prevention of the Ministry of the Interior of the Slovak Republic, expressed the appreciation of the Slovak authorities of the co-operation during the second evaluation by GRETA and noted that the conclusions contained in GRETA's report had been well received by the authorities.

22. The Committee adopted the recommendation in respect of the Slovak Republic and decided to request the Government of the Slovak Republic to inform it of the measures taken to comply with this recommendation by 30 November 2016.

23. Ms Nicole ZUNDORF-HINTE (Germany) asked if the one-year time period given to the national authorities to report to the Committee on the implementation of the recommendations issued under the second evaluation round, rather than two years as was the case for the first evaluation round, would not result in a longer gap between the receipt of the authorities' report and the third evaluation by GRETA. The Executive Secretary explained that the authorities' reports to the Committee of the Parties' recommendations would be followed by round-table meetings about two years after the second evaluation visit by GRETA, thus ensuring an on-going monitoring.

Agenda item 6: Government replies to Committee of Parties recommendations

24. The Chair indicated that the Governments of Belgium, Ireland and Spain had submitted their replies to the Committee of the Parties recommendations adopted on 7 October 2013, requesting them to inform the Committee of measures taken to comply with the recommendations within a two-year period.

6.1. Belgium

25. The Chair invited the representative of Belgium to take the floor concerning the measures taken by the Belgian authorities to comply with the Committee's recommendation on the implementation of the Convention. Mr Mattias CREFFIER, representative of Belgium, referred to the detailed report submitted by the Belgian authorities which provided information in response to all the issues covered by the recommendation.

6.2. Ireland

26. The Chair invited the representative of Ireland to take the floor concerning the measures taken by the Irish authorities to comply with the Committee's recommendation on the implementation of the Convention. Mr Mick QUINN, Assistant Principal in the Anti-Human Trafficking Unit of the Department of Justice, Equality and Law Reform of Ireland, referred to some of the points made in the report submitted by the Irish authorities. He noted that the draft new National Action Plan had been published in September 2015 and that a variety of stakeholders had made submissions. Mr QUINN referred to the forthcoming organisation of a round-table meeting in Dublin, on 15 December 2015, to discuss the development of a model for the identification and referral to assistance of victims of human trafficking in Ireland, with the support of the Council of Europe. The full text of Mr QUINN's statement appears in Appendix IV.

6.3. Spain

27. The Chair invited the representative of Spain to take the floor concerning the measures taken by the Spanish authorities to comply with the Committee's recommendation on the implementation of the Convention. Mr Federico TORRES MURO, Deputy Permanent Representative of Spain, referred to some of the measures reported by the Spanish authorities, in particular changes in the legal framework, a new system for recording data on human trafficking, a framework protocol for the protection of victims of trafficking involving prosecutors, relevant ministries, NGOs and universities, and strengthened co-operation with Europol, Eurojust and the EU Network of National Rapporteurs. The full text of Mr TORRES MURO's statement is set out in Appendix V.

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

28. The Committee thanked the authorities of Belgium, Ireland and Spain for the information provided on measures to implement the Committee's recommendations and decided to forward the reports to GRETA for consideration in the framework of the second evaluation round. The Committee also decided to make the reports public on the Council of Europe's anti-trafficking website.

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

29. The Executive Secretary of the Convention informed the Committee of the organisation of round-table meetings as a follow-up to GRETA's reports and the Committee of the Parties' recommendations in Sweden (29 September) and Azerbaijan (10 November), as well as the forthcoming meetings in Luxembourg (1 December) and Belgium (3 December). She also referred to the forthcoming organisation of a regional workshop in the Western Balkans on enhancing the protection of victims of trafficking in human beings (in Budva, Montenegro, on 15-16 December 2015). The aim of this workshop would be to promote effective access to compensation for victims of trafficking in human beings and better implementation of the non-punishment provision.

30. Ms Inga BOTNARI (Republic of Moldova) informed the Committee of the organisation of a conference in Chisinau on 29-30 September 2015 to mark the 10th anniversary of the opening for signature of the Council of Europe Anti-Trafficking Convention. The conference had been organised by the Moldovan Ministry of Foreign Affairs, in co-operation with the IOM office in Chisinau, and had involved participants from Ukraine, the Republic of Moldova and Belarus. The full text of Ms BOTNARI's statement is set out in Appendix VI.

31. Ms Nicole ZUNDORF-HINTE (Germany) informed the Committee about a conference held in Berlin on 15-16 October 2015 by KOK, the German network of NGOs against human trafficking, on the occasion of the 10th anniversary of the opening for signature of Council of Europe Anti-Trafficking Convention. The conference had brought together representatives of the Council of Europe, OSCE, UN, German parliamentarians and officials, and NGOs. GRETA's report on Germany had been translated into German.

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

32. The Chair invited the representative of the European Commission, which has a participatory status with the Committee, to take the floor. Ms Vanda SIPOSOVA, Deputy to the Head of Delegation of the European Union to the Council of Europe, informed the Committee that the EU was in the process of discussing its co-operation priorities with the Council of Europe and that one of the possible areas for reinforcing co-operation could be action against trafficking in human beings. Ms SIPOSOVA noted that 26 of the 27 EU Member States bound by the EU Anti-Trafficking Directive had notified the Commission of the full transposition of the Directive and that the Commission was preparing a report on the extent to which they were in conformity with the Directive. The full text of Ms SIPOSOVA's statement is set out in Appendix VII.

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

33. The Chair informed the Committee that earlier on the day of the meeting, 30 November 2015, Liechtenstein had signed the Council of Europe Anti-Trafficking Convention and Monaco had signed and simultaneously ratified the Convention (entry into force: 1 March 2015). As a result, the number of Parties to the Convention had risen to 44.

34. Ambassador Rémi MORTIER (Monaco) noted that following the receipt of the Secretary General's letter of 15 June 2015 concerning the importance of all Council of Europe member States joining the Convention, Monaco had taken steps to sign and ratify the Convention. He expressed satisfaction with the possibility to attend the meeting of the Committee of the Parties on the same day as depositing the instrument of ratification of the Convention by his country.

35. The Committee stressed once again the importance of all Council of Europe member States joining the Convention and agreed to encourage those member States which had not yet done so to speed up the process of signature and/or ratification.

Agenda item 11: Dates of future meeting

36. Bearing in mind that GRETA would adopt final reports in respect of Albania, Denmark, Georgia and the Republic of Moldova at its next meeting on 7-11 March 2016, which would subsequently be made public and submitted to the Committee of the Parties for consideration and the adoption of recommendations, the Committee agreed to hold its next (18th) meeting on Monday, 23 May 2016, starting at 14:30.

37. Further, bearing in mind that the term of office of 13 GRETA members would expire on 31 December 2016, the Committee decided to hold its 19th meeting on Friday, 4 November 2016, starting at 9:30. The Chair noted that due to the elections of GRETA members, it might be necessary to devote an entire working day to that meeting.

Agenda item 12: Other business

38. No other business was discussed at the meeting.

Agenda item 13: Adoption of the list of decisions taken

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

Appendix I

Agenda

- 1. Opening of the meeting**
- 2. Adoption of the draft agenda**
- 3. Election of the Chair and 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 Switzerland (first round), Austria, Cyprus and the Slovak Republic (second round) and adoption of recommendations in respect of these Parties**
- 6. Government reports submitted in reply to Committee of the Parties recommendations**
- 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 anti-trafficking activities of other international organisations and non-governmental organisations**
- 10. State of signatures and ratifications of the Council of Europe Convention on Action against Trafficking in Human Beings**
- 11. Dates of future meetings**
- 12. Other business**
- 13. 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 HOBDAI
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
to the Council of Europe

ANDORRA / ANDORRE

M. Joan FORNER ROVIRA
Représentant Permanent Adjoint
auprès du Conseil de l'Europe

ARMENIA / ARMÉNIE

Mlle Susanna ADAMYAN
Adjointe au représentant permanent
de la République d'Arménie
auprès du Conseil de l'Europe

AUSTRIA / AUTRICHE

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

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

Ambassador Elisabeth TICHY-FISSELBERGER
Director General
Head of the Legal and Consular Section
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AZERBAIJAN / AZERBAÏDJAN

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Permanent Representative
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BELGIUM / BELGIQUE

M. Mattias CREFFIER
Représentant Permanent Adjoint
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BELARUS/ BÉLARUS

M. Andrei SUKHORENKO
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CYPRUS / CHYPRE

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Deputy to the Permanent Representative
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Bundesministerium für Familie, Senioren
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REPUBLIQUE DE MOLDOVA**

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Mr Helmut HARTMAN
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Responsable du Bureau de direction Service de
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Mr Petar POP-ARSOV (*apologised/excusé*)
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Mr Oleksandr KULIKOVSKYI
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Participants of the Committee of the Parties / Participants du Comité des Parties

Signatory States / États signataires

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Mr Daniel OSPELT (*apologised/excusé*)
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M. Gabriel REVEL
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Ms Muzaffer Uyav GÜLTEKİN
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Mr Drahoslav ŠTEFÁNEK
Ambassador Extraordinary
and Plenipotentiary
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PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE / ASSEMBLÉE PARLEMENTAIRE DU CONSEIL DE L'EUROPE

Ms Gülsün BILGEHAN (*apologised/excusé*)
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Mr Jean-Claude FRÉCON (*apologised/excusé*)

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

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UNION EUROPÉENNE**

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Others / Autres

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GROUPE D'EXPERTS SUR LA LUTTE CONTRE LA TRAITE DES ÊTRES HUMAINS (GRETA)**

Mr Nicolas LE COZ
President of GRETA

Secretariat / Secrétariat

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**Secretariat of the Council of Europe Convention
on Action against Trafficking in Human Beings
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Mr Gerald DUNN
Administrator

Ms Ita MIRIANASHVILI
Administrator

Mr Markus LEHNER
Administrator

Mr Mats LINDBERG
Administrator

Ms Rona STERRICKS (*apologised/excusée*)
Principal Administrative Assistant

Ms Melissa CHARBONNEL
Administrative Assistant

Ms Giovanna MONTAGNA
Administrative Assistant

Ms Fabienne SCHAEFFER-LOPEZ
(*apologised/excusée*)
Administrative Assistant

Interpreters / Interprètes

M. Grégoire DEVICTOR
Mr Michael HILL
M. Nicolas GUITTONNEAU

Appendix III

Statement made by Mr Nicolas Le Coz, President of GRETA

Since the last exchange of views that I had with the Committee of the Parties in June 2015, an unprecedented **refugee and migrant crisis** has unfolded in Europe. Hundreds of thousands of people fleeing violent conflicts are taking dangerous sea and land routes. In two statements made since July 2015, GRETA has stressed that while most of the asylum seekers and migrants arriving in Europe are being transported by smugglers who do not seek their exploitation, many of them are at **high risk of falling victim to human trafficking** in the process. These migrants are frequently subjected to discrimination and face barriers in accessing assistance, making them an easy prey for traffickers and exploiters in the countries where they seek asylum or in transit countries.

The monitoring of the implementation of the Convention by GRETA has highlighted important gaps in the identification and protection of victims of trafficking among asylum seekers and migrants. Unaccompanied and separated children are particularly vulnerable to fall into the webs of traffickers, and are less likely to be identified as victims of trafficking in screening procedures. The **disappearance of unaccompanied minors** from reception or child care facilities has been a cause of grave concern for GRETA in many countries and is an issue highlighted in the several of GRETA's reports.

The legal obligations enshrined in the Council of Europe Convention on Action against Trafficking in Human Beings are of particular relevance in this context. The Convention recognises the importance for States Parties to enable migration to take place legally. It also requires Parties to put in place adequate identification procedures which enable the detection of victims of trafficking, including among people seeking international protection and irregular migrants, and to enable them to exercise a series of rights to assistance, protection and compensation. GRETA is paying particular attention to these issues and it will be the subject of discussion in its **forthcoming 5th General report on its activities**, to be published in early 2016.

GRETA has recently published the **first three country reports under the 2nd evaluation round**, concerning Austria, Cyprus and the Slovak Republic, which have been submitted to the Committee of the Parties for consideration at this meeting. The new reports contain a section entitled "Conclusions", which sums up the positive developments since the first evaluation and presents "issues for immediate action" which GRETA assesses as requiring to be treated as a priority. GRETA has been very selective in pinpointing these issues and it would be important for the Committee of the Parties to recommend to countries to make progress in these areas as a matter of priority.

These three reports, which you have in front of you, show that some **progress** has been made in each of the three countries concerned since the first evaluation four years ago.

To mention just a few examples, in **Austria**, the legislation relevant to combating human trafficking has been amended, in accordance with GRETA's previous recommendation. The expanded definition of trafficking, which explicitly mentions the exploitation of begging and the exploitation of criminal activities, corresponds to the need to address new trends in human trafficking. With a view to addressing trafficking for the purpose of labour exploitation and in accordance with GRETA's recommendations, a working group on labour exploitation was set up. Further, a drop-in and counselling centre for undocumented migrant workers, UNDOK, was set up in June 2014. Another important development since the first evaluation report is the setting up of a specialised support structure for male victims of trafficking, the number of whom has been on the rise.

In **Cyprus**, the new comprehensive anti-trafficking law, which reflects recommendations made in GRETA's first report, entered into force in 2014. There is a possibility in law to grant a victim of trafficking a temporary residence permit if that is in the interest of the victim due to humanitarian or other reasons. Further, the law has included a provision concerning the non-punishment of victims of trafficking for acts they were compelled to commit while being trafficking, and practice of the Attorney General is not to prosecute victims whose offences were directly related to their status as victims of trafficking.

In the **Slovak Republic**, the legal and institutional framework for combating trafficking in human beings has been further developed, in accordance with GRETA's recommendations. Further, an amended procedure for the formal identification of victims of trafficking, with a view to enabling their access to state-funded assistance, has been adopted, and the budgetary allocation to fund the provision of assistance to victims of trafficking has been increased. Progress has also been made in the area of data collection thanks to the setting up of an integrated data collection system on trafficking.

However, despite these positive developments, a number of issues give **rise to concern**. One area of concern which is common for all three countries is the identification and protection of **child victims of trafficking**. GRETA has urged the authorities to establish national procedures for the identification and referral to assistance of child victims, which takes into account the best interests of children, and in particular addresses the problem of disappearance of unaccompanied minors.

The application of the **recovery and reflection period** is problematic in Austria and the Slovak Republic. This period should be granted when there are reasonable grounds to believe that the person concerned is a victim of trafficking, i.e. before the identification procedure has been completed.

In both Cyprus and the Slovak Republic, GRETA has urged the authorities to take measures to facilitate and guarantee **access to compensation** for victims of trafficking. In Austria, on the other hand, some improvement was observed in this respect.

GRETA's report on **Switzerland**, which you also have in front of you, has been drawn up under the first evaluation round, as the Convention entered into force in this country in April 2013. Because of the country's federal structure, many aspects of the fight against trafficking fall within the canton's competence. Not all cantons have set up anti-trafficking co-ordination structures and there is no procedure for the identification and referral to assistance of victims of trafficking which applies across the country. GRETA has urged the authorities to improve the identification of victims of trafficking for the purpose of labour exploitation, including through identifying sectors at risk and increasing labour inspections. There has been only one conviction for trafficking for the purpose of labour exploitation, which concerned a case of domestic servitude. On the positive side, GRETA has welcomed the existence of state compensation scheme accessible to victims of trafficking and the efforts in the area of international co-operation.

This year GRETA has carried out 10 evaluation visits and it intends to increase the number of **evaluations in 2016**, in order to respond to the growing number of parties to the Convention. GRETA will continue progressing with the second evaluation round of the Convention and at the same time new parties to the Convention, such as Belarus and Greece, will be evaluated for the first time in 2016.

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 recent plenary meeting, GRETA had the opportunity to hold a fruitful exchange of views with the UN Special Rapporteur on trafficking in persons, especially women and children, and at its previous meeting in July, GRETA held an exchange of views with a representative of the International Labour Organisation. GRETA intends to organise an exchange with Frontex at the first opportunity.

Appendix VI

**Statement made by Mr Mick Quinn,
Assistant Principal in the Anti-Human Trafficking Unit of the Department of Justice, Equality and
Law Reform of the Republic of Ireland**

Madam Chair, I would like to begin by joining those offering congratulations to you and to the Vice-Chair on your election.

On behalf of the Government of Ireland I would first like to express our appreciation to GRETA and the Secretariat for their work in conducting this first evaluation round on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ireland. We appreciate the dialogue that we have been able to engage in with GRETA and the spirit of openness and cooperation that has existed during the evaluation particularly during the country visit and the subsequent Roundtable earlier this year.

As Ireland's information on the measures taken to comply with Committee of the Parties Recommendation CP(2013)9 was made available to you before the meeting I will not go into a detailed response to each recommendation contained in this document but I will provide an update on measures that have been taken since our response was submitted in October.

Consultations have been conducted on the draft 2nd National Action Plan to Prevent and Tackle Trafficking in Human Beings in Ireland which was published last September and 14 submissions on the draft report have been received from State Agencies, NGOs, Civil Society Groups and individuals. The Anti-Human Trafficking Unit of the Department of Justice and Equality, as the coordinating body, has also held meetings with the State Agencies, NGOs and Civil Society groups on the draft National Action Plan.

The Government of Ireland very much appreciates the support and facilitation by GRETA and the Secretariat for a Roundtable discussion on the issues around the identification process for victims of trafficking in human beings to be held on 15 December next. The Roundtable is part of the fundamental re-examination of the victim identification process in Ireland being conducted within the framework of the new National Action Plan.

The Criminal Law (Sexual Offences) Bill 2015 referred to in our October response is proceeding through Parliament. The REACH Project co-funded by the European Commission has concluded. Arising out of the Cross-border Conference on Forced Labour in January 2015, work is continuing on developing best practices for avoiding exploitation in recruitment involving State officials, NGOs and businesses from Northern Ireland, Britain and the Republic of Ireland.

Thank you very much for the opportunity to address this meeting.

Appendix V

Statement made by Mr Federico Torres Muro, Deputy Permanent Representative of Spain

A) LEGAL FRAMEWORK

Spain is working on its next Human Rights Plan with special attention to trafficking in human beings.

The **Spanish Criminal Code** has been recently modified (in March this year). Art. 177 bis adopts a wider concept of a victim, includes gender perspective (sexual exploitation, forced marriages, pregnant victims), and provides a definition of the “situation of need and vulnerability” (children).

Royal Decree 22/02/2013 modified the system of **free legal aid** extending it to victims of trafficking without the need for proving their lack of resources (Consejo General Abogacia – Bar Associations).

Law 17/04/2015 on the statute of crime victims pays specific attention to the most vulnerable victims, such as victims of human trafficking and children.

Organic Law 22/07/2015 modified the **system for the protection of children and adolescents** and **Law 28/07/2015** provided for the right of foreign children to education, health care, social services and basic social benefits, guardianship by public institutions, and subsidies for companies hiring victims of trafficking.

B) COORDINATION AND COOPERATION

National Security Strategy 2013: “Intelligence Centre against terrorism and organised crime (CITCO)”
Establish coordination criteria and operational action against trafficking in human beings amongst other types of organised crime.

Protocol of coordination with regional police forces (Cataluña, Basque Country and Navarra)

BDTRATA (Trafficking Data Management System)

Coordination agencies:

Interministerial Committee on Equality

National Rapporteur(ship) for trafficking in human beings (involving bimonthly meeting with NGO's).

Spanish Parliament Subcommittee on Trafficking in Human Beings and Sexual Exploitation.

FRAMEWORK PROTOCOL ON UNACCOMPANIED FOREIGN CHILDREN (16/10/2014)

6 Ministries (page 4 of the report)

FRAMEWORK PROTOCOL FOR THE PROTECTION OF VICTIMS OF TRAFFICKING IN HUMAN BEINGS (28/10/2011)

Coordination (Public Prosecutor, Ministries of Interior, Justice, Employment, Health, Social Services and Equality, NGO's)

AIMS: TO DETECT, IDENTIFY, ASSIST, PROTECT AND REFER VICTIMS OF THB.

C) RESEARCH

Universities, NGOs (page 15)

D) INTERNATIONAL COOPERATION

EUROPEAN UNION

EU strategy towards the eradication of trafficking in human beings (2012/16):
EMPACT project (Europol)
NEW political cycle of the EU fight against transnational organised crime (2014/17)
European Network of National Rapporteurs (SES, Head of Cabinet and CITCO).
Cooperation EU – Frontex.

LATIN AMERICA

Ibero American Network, Association of Public Prosecutors (seminar in Colombia involving police forces...)

E) OTHER ELEMENTS TO BE TAKEN INTO CONSIDERATION

Labour and social security inspections (in coordination with police forces)
Residence permits (page 30)
Reflection and recovery period (pages 27/28)
Safe repatriation (IOM) (page 33).

Appendix VI

Statement made by Ms Inga Botnari, Deputy to the Permanent Representative of the Republic of Moldova

Thank you, Madam Chair,

This year was marked by important events while celebrating the 10th anniversary of the Council of Europe Convention on Action against Trafficking in Human Beings. Thus, I would like to take this opportunity and to update the Committee, upon the regional conference *Ten years of the Council of Europe Convention on Action against Trafficking in Human Beings: Results and Perspectives in Eastern Europe (Belarus, Republic of Moldova and Ukraine)*, organised by the International Organization for Migration, Mission to Moldova in cooperation with the Moldovan Government. The event was held in Chişinău, on 29-30 September 2015, within the Programme against Human Trafficking in Eastern Europe, funded by the Royal Norwegian Ministry of Foreign Affairs and co-funded by the U.S. Department of State.

The Conference brought together over 100 representatives of governments and NGOs from various states, including Romania, Serbia, the Czech Republic and the United Kingdom, along with the representatives of GRETA and the EU Anti-Trafficking Coordinator.

During these working sessions the participants covered current issues regarding the implementation of the Convention and analysed the role of NGOs within the national referral mechanisms. They shared their experiences and best practices concerning legal aid and the special protection measures that the legal systems of various states offer to the trafficked persons, as well as the judicial remedies which can efficiently reinstate the victims into their rights.

Additional emphasis was put on the issues as: national counter-trafficking coordination mechanisms, effective protection and access to justice for trafficked persons and the changing role of NGOs in the counter-trafficking area.

Before concluding, let me stress once again that my country remains open for maintaining a fruitful cooperation with GRETA mainly in the context of the second round of evaluation of the Convention.

We look forward to project effectively the GRETA recommendations in order to ensure results sustainability in the anti-trafficking policies at the national, regional and international level.

Appendix VII

Statement made by Ms Vanda SIPOSOVA, Deputy to the Head of Delegation of the European Union to the Council of Europe

Update on EU activities in the field of trafficking in human beings – since the official visit of EU Anti-Trafficking Co-ordinator (ATC) in June 2015

- EU ATC paid an official visit to Strasbourg on 15 June 2015 during which she informed the Committee of the Parties of the latest developments at EU level related to the implementation of the EU legal and policy framework and held official meetings with CoE's Deputy Secretary General and the EU Ambassadors to the CoE.

EU LAW on THB

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

- So far 26 out of 27 MS bound by the Directive (Denmark is not bound) have officially informed the European Commission of full transposition at national level. The only Member States that has not notified yet of full transposition is Germany. The Commission is now in the process of checking the notifications received from the Member States and will report on the extent to which the MS comply with the Directive in 2016.

EU POLICY on THB

EU STRATEGY TOWARDS THE ERADICATION OF THB 2012-2016

- The **EU Strategy** provides a coherent framework to assist the Member States in the implementation of the Directive.
- The preparatory work for a post 2016-Strategy is ongoing.

RECENT ACTIVITIES

The following activities have taken place since the last official visit of EU ATC to Strasbourg 15th of June 2015 on the occasion of the 16th meeting of the Committee of the Parties:

9th EU ANTI-TRAFFICKING DAY

On 20 October 2015, the European Commission in cooperation with the Luxembourg Presidency of the Council of the European Union organised a high-level conference to mark the **Ninth EU Anti-Trafficking Day**.

The conference focused on the implementation of the ambitious EU legal and policy framework to address trafficking in human beings that is anchored in human rights, victims centred, gender-specific and child sensitive.

The EU Anti trafficking Day - instituted for 18th October in 2007 - serves as an occasion to reinvigorate Europe-wide commitment for eradicating trafficking in human beings.

After more than two years after the expiry of the date for the transposition of the EU Anti-trafficking Directive (April 2013), the conference focused on the need for ensuring full and meaningful implementation of this comprehensive piece of EU law focusing on the need to follow the money involved in THB and understand more on the profits, as well as demand reduction for all forms of THB as per the Anti-trafficking Directive.

PUBLISHING OF 3 STUDIES

On the occasion of the 9th EU Anti-Trafficking Day the European Commission published three studies, as deliverables of the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016. The studies expand the knowledge base of joint anti-trafficking efforts and have consulted numerous experts and stakeholders in the Member States. The following studies were published:

- 1) Study on high risk groups of trafficking in human beings
- 2) Study on prevention initiatives on trafficking in human beings
- 3) Study on case-law on trafficking for the purpose of labour exploitation

The studies can be found on the EU Anti-Trafficking website.

MEETING OF THE INFORMAL NETWORK OF NREMS

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 with the respective EU Presidency held biannual meetings with the EU Informal Network of NREMs.

The last meeting was organised on 19-20 October 2015. The meeting focused on trafficking in human beings and migrant smuggling and on enhanced data collection and comparable statistics in the field of THB. A new e-platform for the NREM network has been established in order to facilitate discussions and information sharing between NREMs in different Member States.

MEETING OF THE EU CIVIL SOCIETY PLATFORM AGAINST THB

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. Cooperation with the civil society is envisaged as per the requirements and the spirit of the Directive 2011/36/EU.

The last meeting with the EU civil society platform took place on 21 October 2015. Three workshops were arranged during the day: 1) Children as a high risk group of trafficking 2) Emerging concerns 3) Prevention of trafficking of human beings.

LAUNCH OF GUARDIANSHIP REPORT AND TRANSLATIONS OF GUARDIANSHIP HANDBOOK

- The new report *Guardianship systems for children deprived of parental care in the European Union* has been launched in cooperation with FRA.

- The handbook *Guardianship for children deprived of parental care* has also been translated into all official EU languages.

REPORTS

- The Office of the EU ATC is currently working on a number of reports:

- The so-called "**Trends Report**", on the situation of THB in the EU, based on information from MS, as per Articles 19 and 20 of Directive 2011/36/EU. We work on this closely with the Informal Network of National Rapporteurs or equivalent mechanisms.

- A report, as per Article 23 par 1 of Directive 2011/36/EU, assessing the extent to which the Member States have taken the **necessary measures in order to comply with the Directive**;

- A report, as per Article 23 par 2 of Directive 2011/36/EU, assessing the **impact of existing national laws that criminalise the use of services of victims of trafficking**.