



Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings

Recommendation CP(2016)12 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom

*adopted at the 19th meeting of the Committee of the Parties
on 4 November 2016*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as 'the Convention'), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by the United Kingdom on 17 December 2008;

Recalling the Committee of the Parties' Recommendation CP(2012)10 of 13 December 2012 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom and the report of the UK authorities on measures taken to comply with this recommendation, submitted on 12 March 2015;

Having examined the second report concerning the implementation of the Convention by the United Kingdom, adopted by GRETA at its 26th meeting (4-8 July 2016), as well as the comments of the UK Government received on 20 September 2016;

1. Welcomes the progress made since the first round of evaluation in the following areas:
 - the adoption of comprehensive legislation on human trafficking/modern slavery which consolidates the offences previously contained in a number of different laws, increases the maximum sentence, makes it easier to confiscate the assets of traffickers and use them to compensate victims, and introduces a range of enhancements to the support and protection available to victims;
 - the creation of the post of Independent Anti-Slavery Commissioner whose mandate covers the whole of the UK, with the aim of encouraging good practice in the prevention, investigation and prosecution of human trafficking as well as identification of trafficked victims;

- the setting up of co-ordinating and specialised structures for combating human trafficking, the promotion of a multi-agency approach and the engagement with civil society, including through the Modern Slavery Strategy and Implementation Group;
- the efforts made to provide training to relevant professionals, to adapt it to new legal developments and to expand the categories of staff targeted;
- the steps taken to raise general awareness of human trafficking in the UK and to support prevention activities in countries of origin of victims;
- the efforts made to combat trafficking for the purpose of labour exploitation, in particular the extended mandate of the Gangmasters Licensing Authority (GLA) and the transparency in supply chains provisions of the Modern Slavery Act 2015;
- the comprehensive review of the National Referral Mechanism, the setting up of multi-agency panels involving NGOs to identify victims of trafficking and the practice developed at Heathrow Airport and other airports and ports to detect possible victims of trafficking;
- the regular publication of data collected through the National Referral Mechanism (NRM) as a way to inform threat assessment analyses and public policies to combat human trafficking.

2. Recommends that the UK authorities take measures to address the following issues for immediate action identified in GRETA's report:

- make further efforts to ensure that all victims of trafficking are provided with adequate support and assistance, according to their individual needs, beyond the 45-day period covered by the NRM, with a view to facilitating their reintegration and recovery as well as guaranteeing their protection
- take steps to improve the identification and protection of child victims of trafficking, in accordance with the best interests of the child, and in particular to:
 - address the problem of children going missing from local authority care, by providing suitable safe accommodation and adequately trained supervisors or foster parents;
 - improve the exchange of information on missing unaccompanied children between police forces and local authorities;
 - ensure that child victims who may be at risk of re-trafficking can be accommodated in another local authority area, to ensure effective protection from such risk;
 - train all professionals working with child victims of trafficking to recognise and respond appropriately to their individual needs and the best interests of the child;
 - ensure that possible victims of trafficking are assigned a legal guardian, as expeditiously as possible, to ensure that the best interests of the child are effectively protected (Article 10(4) of the Convention);
 - ensure full compliance with Article 10(3) of the Convention concerning age assessment and provision of special protection measures.
- take appropriate measures to:
 - enshrine in the law applicable in England and Wales, Scotland and Northern Ireland the right to a recovery and reflection period as defined in Article 13 of the Convention;
 - ensure that all possible victims of trafficking, including children, are offered all the measures of protection and assistance stated in Article 12, paragraphs 1 and 2, of the Convention during the recovery and reflection period.

- facilitate and guarantee access to compensation for victims of THB, and in particular to:
 - ensure that victims of trafficking are systematically informed in a language they understand of the available avenues to seek compensation and the procedures to be followed;
 - enable victims of trafficking to exercise their right to compensation by ensuring their effective access to legal aid;
 - secure criminal assets as early as possible in trafficking investigations to make confiscation orders effective;
 - instruct prosecutors to request reparation orders to the greatest possible extent, including in cases where the defendant has limited earning capacity and no assets;
 - ensure that all victims of human trafficking are eligible for compensation from the Criminal Injuries Compensation Authority, regardless of the nature of the means used, and that the amount of compensation from the Northern Ireland Criminal Injuries Compensation Authority is not made dependent on the victim's co-operation with the authorities or prior convictions;
 - remove the fee to initiate employment proceedings for victims of trafficking as well as the requirement to enter into mediation before initiating employment proceedings for victims of trafficking;
 - ensure that victims of trafficking who are irregular migrants are not prevented from seeking unpaid salaries before employment tribunals by reason of their immigration status.
- ensure that the best interests of the child are effectively respected, protected and fulfilled, including through pre-removal risk and security assessments, in particular for unaccompanied children, by specialised bodies, working with relevant partners in countries of return; such assessments should also ensure effective enjoyment of the child's right to education and measures to secure adequate care or receipt by the family or appropriate care structures in countries of return (Article 16, paragraph 5) of the Convention).

3. Requests the Government of the United Kingdom to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by **4 November 2017**.

4. Recommends that the Government of the United Kingdom takes measures to implement the further conclusions of GRETA's second evaluation report.

5. Invites the Government of the United Kingdom to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.