



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

**Recommendation CP(2018)25
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Luxembourg**

*adopted at the 23rd meeting of the Committee of the Parties
on 9 November 2018*

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 Luxembourg on 14 April 2009;

Recalling Committee of the Parties' Recommendation CP(2014)5 of 7 February 2014 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Luxembourg and the report of the Luxembourg authorities on measures taken to comply with this recommendation, submitted on 3 February 2016;

Having examined the second report concerning the implementation of the Convention by Luxembourg adopted by GRETA at its 32nd meeting (9-13 July 2018), as well as the comments of the Government of Luxembourg received on 28 September 2018;

1. Welcomes the progress made since the first round of evaluation in the following areas:
 - the further development of the legal framework for combating trafficking in human beings, by adding forced begging to the list of forms of exploitation, criminalising certain acts related to travel or identity documents with a view to committing the offence of trafficking in human beings, and criminalising the use of the services of a victim of trafficking for the purpose of sexual exploitation, with the knowledge that the person is a victim;
 - the formal setting up of an Inter-ministerial Committee tasked with co-ordinating activities to prevent and evaluate the phenomenon of trafficking in human beings, and adding to its composition representatives of victim assistance services;
 - the designation of the Advisory Committee on Human Rights (CCDH) as independent National Rapporteur on trafficking in human beings;

- the efforts made to provide training on trafficking in human beings to a wide range of professionals;
- the finalisation of a roadmap setting out the national identification and referral mechanism;
- the amending of the legislative provisions on State compensation with a view to improving the access to it of trafficking victims who are third-country nationals;
- the efforts made to improve the criminal policy response to human trafficking through training and specialisation of stakeholders.

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

- take additional measures to ensure that all victims of trafficking in human beings are identified as such and able to benefit from the assistance and protection measures provided for in the Convention, and in particular:
 - ensure that all stakeholders involved in identifying victims of trafficking take a more proactive approach and step up their outreach work to more effectively identify victims of trafficking;
 - update the indicators used to identify victims of trafficking, for example on the basis of the list of indicators developed under the EuroTrafGuID project;
 - increase multi-agency involvement in the identification of victims of trafficking;
 - step up efforts to identify victims of trafficking subjected to exploitation of labour, forced begging and forced criminality;
 - continue to train frontline actors who are involved in the identification of victims of trafficking;
 - pay greater attention to detecting trafficking victims among asylum seekers, foreign workers and people placed in the retention centre;
- improve the assistance provided to victims of trafficking, and in particular:
 - not to link the assistance provided to victims to co-operation with the police and to systematically refer all potential, presumed and identified victims of trafficking to specialised assistance services;
 - to provide the assistance services co-ordinating assistance and accommodation for victims of trafficking with the necessary human and financial resources in order to guarantee that their services are available at any given moment, so that specialised assistance can be provided to presumed trafficking victims as swiftly as possible;
- step up the efforts to improve the identification of child victims of trafficking and the assistance provided to them, and in particular:
 - establish a clear procedure for the identification of child victims of trafficking, taking into account the particular situation and needs of child victims of trafficking, involving child specialists, and making the best interests of the child a primary consideration;
 - ensure that the competent stakeholders adopt a proactive approach and step up their outreach work to identify child victims of trafficking, paying special attention to street children and unaccompanied foreign children;
 - ensure that child victims of trafficking benefit from the assistance measures provided for in the Convention, including suitable accommodation;

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- ensure that children seeking asylum are screened for indicators of trafficking in human beings at an early stage by specially trained staff;
 - introduce procedures tailored to children when interviewing presumed child victims of trafficking, drawing on the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice;
- ensure, in compliance with the obligations under Article 13 of the Convention, that all presumed foreign victims of trafficking are offered a recovery and reflection period in practice, regardless of whether the victim co-operates with the authorities, and all the measures of protection and assistance envisaged in Article 12 paragraphs 1 and 2 of the Convention during this period; officers performing identification should be issued with clear instructions stressing the need to offer the recovery and reflection period as defined in the Convention, i.e. not making it conditional on the victim's co-operation and offering it to victims before formal statements are made to investigators;
 - ensure that residence permits are issued in good time and that there are no gaps between the expiry of the reflection period and the issue of a residence permit.
3. Requests the Government of Luxembourg 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 **9 November 2019**.
4. Recommends that the Government of Luxembourg take measures to implement the further conclusions of GRETA's second evaluation report.
5. Invites the Government of Luxembourg to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.