

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



**Recommendation CP/Rec(2019)03
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by San Marino**

*adopted at the 24th meeting of the Committee of the Parties
on 5 April 2019*

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 San Marino on 29 November 2010;

Recalling Committee of the Parties' Recommendation CP(2014)17 of 5 December 2014 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by San Marino and the report of the authorities of San Marino on measures taken to comply with this recommendation, submitted on 27 December 2016;

Having examined the second report concerning the implementation of the Convention by San Marino adopted by GRETA at its 33rd meeting (3-7 December 2018), as well as the comments of the Government received on 27 February 2019;

1. Welcomes the progress made since the first round of evaluation in the following areas:
 - the further development of the legislative framework related to action against trafficking in human beings, through amendments to the Law on the Entry and Stay of Foreigners, enabling the issuing of renewable residence permits to victims of trafficking in human beings for humanitarian reasons and/or for the purpose of their co-operation in the investigation or criminal proceedings;
 - the legislative amendments concerning foreign citizens working as private carers, who have been enabled to obtain work and residence permits for the duration of 12 months, without the requirement to leave the country prior to requesting new permits, thereby reducing the risk that they fall victims of THB for the purpose of labour exploitation;

- the setting up of a dedicated helpdesk to provide private carers with information on their rights;
- the adoption of legislation extending the assistance and protection measures envisaged for victims of violence to all victims of human trafficking (women, men and children).

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

- adopt a policy document (in the form of an action plan or strategy) in the area of trafficking in human beings or incorporate action to combat human trafficking in an already existing policy document plan. This should cover action to raise awareness of human trafficking and to provide training to relevant professionals;
- take steps to ensure that training on human trafficking is provided to law enforcement officers, labour inspectors, prosecutors, judges, social workers, educational staff, child protection specialists and health-care professionals, either in San Marino or abroad;
- introduce awareness raising on human trafficking for different forms of exploitation, both for the general public and in a targeted manner for groups at risk. The awareness raising should be accompanied by research and the impact of the measures should be assessed;
- adopt such legislative or other measures as may be necessary to identify victims of human trafficking, and in particular to:
 - provide indicators for the identification of victims of THB for different forms of exploitation to all professionals who may come into contact with possible victims of trafficking, to enable the proactive detection of signs of trafficking;
 - develop a multi-disciplinary framework for the identification and referral to assistance of victims of trafficking, involving law enforcement agencies, labour inspections, health-care staff, social workers and child protection authorities;
 - increase efforts to proactively identify victims of THB for the purpose of labour exploitation, paying particular attention to at-risk sectors, by effectively involving labour inspectors and trade unions;
- take such legislative or other measures as may be necessary to ensure that all presumed and identified victims of trafficking can receive adequate assistance and support, in accordance with the obligations under Article 12 of the Convention, regardless of their gender or the form of exploitation;
- develop procedures for the identification and referral to assistance of child victims of trafficking, including by:
 - setting up a child identification mechanism based on inter-agency co-operation which takes into account the special circumstances and needs of child victims, involves child specialists and ensures that the best interests of the child are the primary consideration;
 - ensuring that relevant actors (police, service providers, NGOs, child protection authorities, social workers) are adequately trained and provided with guidance to enable them to proactively identify child victims of THB;
- ensure that the recovery and reflection period, as provided for in Article 13 of the

Convention, is specifically defined in law and that all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention are made available during this period to persons with regard to whom there are reasonable grounds to believe that they are victims of human trafficking. It should be made clear that the recovery and reflection period should last at least 30 days and should not be conditional upon any additional requirement, beyond the existence of reasonable grounds.

3. Requests the Government of San Marino 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 **5 April 2020**.
4. Recommends that the Government of San Marino takes measures to implement the further conclusions of GRETA's second evaluation report.
5. Invites the Government of San Marino to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.