



**GRETA**  
GROUP OF EXPERTS  
ON ACTION AGAINST  
TRAFFICKING IN HUMAN BEINGS

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

# **Practical impact of GRETA's monitoring work**

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## **Introduction**

The second round of evaluation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Group of Experts on Action against Trafficking in Human Beings (GRETA) aims to measure progress in the implementation of the Convention. As of 31 December 2018, GRETA has published second round evaluation reports in respect of 31 States Parties to the Convention. This report provides examples of situations where States Parties have taken measures to improve their legislation, policy and practice in the light of GRETA's previous recommendations.

Measuring the impact of work carried out to improve the respect for human rights is known to be challenging. However, the concrete affirmative impact of the Convention and GRETA's monitoring work can be gauged in several ways. Many Parties have amended their legislation or updated their national anti-trafficking strategies or action plans in the light of GRETA's first report recommendations. Further impact is observed through judgments of national courts, which refer to the Convention and GRETA's findings. Of great importance are also domestic actors referring to GRETA's reports and recommendations. These include national human rights institutions, national rapporteurs on trafficking in human beings, as well as civil society representatives. Finally, reporting in the media about newly released reports by GRETA and their main findings has an impact, in that it maintains or raises awareness of trafficking in human beings and about the need to protect trafficking victims, thus keeping these matters on the national political agenda.



## Albania

- ✓ As a follow-up to GRETA's first report recommendations, amendments to the Criminal Code provisions concerning trafficking in human beings were made in 2013. Article 110/b concerning trafficking in women was repealed and Article 110/a now criminalises trafficking in adults, both men and women, as well as expressly refers to internal trafficking. Further, a new Article 110/b was added, criminalising the use of the services of a victim of human trafficking with the knowledge that the person has been trafficked.
- ✓ Another legal development is the adoption of a specific legal provision concerning the non-punishment of victims of trafficking for offences committed as a result of being trafficked. Other amendments of the Criminal Code concern the list of aggravating circumstances and the criminalisation of offences linked to travel and identity documents related to human trafficking.
- ✓ The Albanian authorities have made further efforts to engage NGOs in the development and implementation of anti-trafficking policies. Specialised NGOs are members of the Responsible Authority of the National Referral Mechanism and are involved in the identification of victims of trafficking, in addition to providing accommodation and other assistance to victims.



## Armenia

- ✓ The adoption of the Law on Identification and Support to Persons Subjected to Trafficking in Human Beings and Exploitation, which entered into force on 1 July 2015, reflected a number of GRETA's first report recommendations. In particular, the law contains provisions on the recovery and reflection period (Article 19) and the granting of a temporary residence permit to victims of trafficking (Article 22, paragraph 17).
- ✓ As a follow-up to GRETA's first report recommendations, the National Referral Mechanism (NRM) for victims of human trafficking was reviewed, in particular by disconnecting the identification process from the victim's co-operation in the investigation. Further, a Commission for the identification of victims of trafficking in human beings and exploitation was set up, comprising representatives of public bodies and NGOs.
- ✓ The Armenian authorities have taken steps to implement GRETA's first report recommendation to set up a State compensation scheme accessible to victims of trafficking by including in the Law on Identification and Support to Persons Subjected to Trafficking in Human Beings and Exploitation a provision (Article 22, paragraph 16) which envisages the granting of a lump-sum monetary compensation to victims of trafficking (currently amounting to about 500 euros). The aim of this lump-sum compensation is to partially reimburse the damages suffered during the trafficking offence, but it cannot in any way substitute or restrict the right of the victim to receive compensation from the perpetrator.



### **Austria**

- ✓ As a follow-up to GRETA's recommendations, amendments were made to the Criminal Code, increasing the penalties for the basic offence of trafficking in human beings as well as for trafficking in children.
- ✓ 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 in December 2012. It prepared a list of indicators of trafficking for the purpose of labour exploitation as a first step for increasing the detection of such cases. Further, a drop-in and counselling centre for undocumented migrant workers, UNDOK, was set up in June 2014.
- ✓ Another development since the first evaluation report is the setting up of the Men's Health Centre MEN VIA which is a specialised support structure for male victims of trafficking.



### **Azerbaijan**

- ✓ A new Article 123(1) was introduced into the Criminal Procedure Code (CPC), stipulating that police officers conducting a criminal investigation and prosecutors are authorised to grant a recovery and reflection period to victims of THB. While the recovery and reflection period was already defined in the Law on Combatting Trafficking in Human Beings, adding a provision on it to the CPC was an important development as police officers and prosecutors are guided by the CPC in their work.
- ✓ In line with a recommendation by GRETA to reinforce the interagency and multi-disciplinary approach in designing and implementing prevention and assistance measures, the "Programme on Elimination of Social Problems Creating Conditions for Human Trafficking" was updated in 2016. Further, the 2014-2018 National Action Plan against Trafficking in Human Beings includes measures addressing the root causes of human trafficking, such as the encouragement of employers to employ persons vulnerable to trafficking and victims of trafficking.
- ✓ Efforts were made by Azerbaijani court officials to better protect the private lives of victims of trafficking by making communications sent to victims by courts more discreet, thus decreasing the risk that victims' family members or other persons might learn about the person's victimisation.



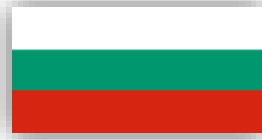
## Belgium

- ✓ A number of legislative amendments were made with a view to implementing some of the recommendations made in GRETA's first report. Thus Article 433*septies* of the Criminal Code was amended on 31 May 2016, expanding the list of means used to commit the offence of human trafficking to include kidnapping, deception, abuse of power, giving or receiving of payments or benefits to allow for a person having control over another person. Further, in order to meet GRETA's recommendation concerning the recovery and reflection period, Article 61/2 of the Law on the Access to the Territory, Stay, Settling in and Removal of Foreigners was amended through a law of 30 March 2017, replacing the "order to leave the territory" by "a temporary residence document".
- ✓ Following judgment No. 106/2013 of the Belgian Constitutional Court, by a law of 12 May 2014, legal guardianship was extended to unaccompanied children from EU and EEA countries, which complies with one of the recommendations made in GRETA's first report.
- ✓ The circular on implementing multidisciplinary co-operation in respect of victims of trafficking and/or certain aggravated forms of human smuggling was revised by the Federal Ministry of Justice and published on 30 March 2017. It sets out the National Referral Mechanism, explaining the role of each stakeholder, the information to be provided to victims, the assistance provided by specialised centres, and the granting of a recovery and reflection period and a residence permit. The revised circular contains sub-sections relating to the identification of possible victims of trafficking for the purpose of domestic servitude in diplomatic households, as well as child victims of trafficking. Further, a leaflet for asylum seekers with information about the risks of human trafficking and contact information of relevant authorities and specialised centres was produced in English and Arabic.



## Bosnia and Herzegovina

- ✓ As a follow-up to GRETA's first report recommendations, the offence of trafficking in human beings was included in the Criminal Codes of the Republika Srpska, the Federation of Bosnia and Herzegovina, and Brčko District. The State Criminal Code was modified to apply only to transnational cases of trafficking in human beings.
- ✓ In the first evaluation round, GRETA urged the authorities of Bosnia and Herzegovina to ensure that the recovery and reflection period provided for in Article 13 of the Convention is specifically defined in law. The new Law on Foreigners, which entered into force on 25 November 2015, contains provisions establishing the right of victims of trafficking to be granted a recovery and reflection period and the right of victims of trafficking who have been granted temporary residence on humanitarian grounds to have access to the labour market and education.
- ✓ In accordance with GRETA's first report recommendation, as part of the amendments made to the State Criminal Code in 2015, a new paragraph 10 was added to Article 186, pursuant to which victims of human trafficking are not to be punished for their involvement in illegal activities to the extent that they were forced into such activities. A similar non-punishment provision was introduced into the Criminal Codes of the Federation of Bosnia and Herzegovina and the Brčko District.



## **Bulgaria**

- ✓ In accordance with GRETA's recommendation, the Bulgarian authorities have adopted a provision concerning the non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so.
- ✓ In its first evaluation report, GRETA urged the Bulgarian authorities to strengthen the aspect of prevention through social and economic empowerment measures for groups vulnerable to human trafficking. The Bulgarian authorities have adopted a number of policy documents and actions plans (in the area of gender equality, for the prevention of violence against children and for Roma integration) which have the potential of preventing human trafficking by tackling the root causes of this phenomenon.
- ✓ Further, steps have been taken since the first evaluation visit to prevent trafficking for the purpose of labour exploitation through raising awareness about this phenomenon, appointing "labour attachés" in countries where many Bulgarian nationals seek employment and strengthening the capacity of labour inspectors to detect forced labour.



## **Croatia**

- ✓ A number of legislative developments have taken place since GRETA's first evaluation. The new Criminal Code, which entered into force on 1 January 2013, expands the definition of trafficking in human beings and criminalises acts relating to travel and identity documents carried out for the purpose of enabling trafficking in human beings, in line with the recommendation made in GRETA's first report.
- ✓ The Criminal Procedure Act was amended with a view to specifying the rights of victims of trafficking in human beings during criminal investigations and proceedings. Further, measures were put in place to assist victims in court and avoid contacts with offenders.
- ✓ The National Action Plan to Combat Trafficking in Human Beings 2012-2015 follows the recommendation made by GRETA to adopt criteria on the selection of civil society organisations for membership of the National Committee for Combatting Trafficking in Human Beings and the Operative Team.





## Cyprus

- ✓ The Cypriot authorities have further developed the legal framework for combating trafficking in human beings, in accordance with GRETA's recommendations, by adopted a new, comprehensive anti-trafficking law (Law 60(I)2014) aimed at making anti-trafficking measures more effective.
- ✓ The capacity of the specialised Police Office for Combating Trafficking in Human Beings has been strengthened and its mandate has been expanded to cover the investigation of human trafficking cases.
- ✓ As a follow-up to GRETA's recommendation, the new Anti-trafficking Law 60(I)2014 provides that all victims of trafficking, regardless of whether they are EU or third-country nationals, are entitled to a reflection period of at least one month (two months for children) to escape the influence of the traffickers and decide whether or not to co-operate with the prosecution.



## Denmark

- ✓ The Danish authorities have taken steps to prevent human trafficking for the purpose of labour exploitation, through awareness-raising campaigns, working with businesses, promoting corporate social responsibility and issuing guidelines for companies and employers on managing the risk of hidden forced labour.
- ✓ In February 2015, the Director of Public Prosecutions issued Guidelines on trafficking in human beings, which are intended to support the police and prosecutors in their work on combating human trafficking. The Guidelines cover a broad range of issues linked to the identification and rights of victims of trafficking and to the prosecution of traffickers, including instructions on how the non-punishment provision should be applied in relation to victims.



## France

- ✓ A number of legislative developments have taken place since GRETA's first evaluation report. Law No. 2013-711 of 5 August 2013, amending the definition of the offence of trafficking in human beings in Article 225-4-1 of the Criminal Code, introduced the element of "means" as a component of the offence, along the lines of the recommendations made by GRETA in its first report. Furthermore, Law No. 2013-711 added slavery, servitude, forced labour and the removal of organs to the purposes of exploitation in Article 225-4-1 of the Criminal Code, in line with GRETA's recommendations.
- ✓ Following on from these amendments to the criminal legislation, and in line with a recommendation made by GRETA in its first report, a circular of 22 January 2015 from the Minister of Justice setting out the criminal law policy in the sphere of action against trafficking in human beings was sent to prosecutors and the presidents of criminal courts.
- ✓ In line with the recommendation made in GRETA's first report concerning the eligibility of all victims of trafficking for State compensation, Law No. 2013-711 of 5 August 2013 removed the requirements relating to the injured party's nationality or legal residence in France, where the offences were committed on national territory.



## Georgia

- ✓ As a follow-up to GRETA's recommendation made in the first evaluation report, a new chapter concerning the social and legal assistance to child victims of trafficking and their rehabilitation was added to the Law on Combating Human Trafficking.
- ✓ In accordance with GRETA's recommendation, the new Law on the Legal Status on Aliens and Stateless Persons, in force since 1 September 2014, contains provisions on granting temporary residence permits to victims of human trafficking, both on the grounds of their co-operation in criminal proceedings and for humanitarian reasons.
- ✓ A unified database has been set up containing information on victims of human trafficking, as well as on offenders, which is disaggregated by nationality, sex, age, type of exploitation and country of exploitation.



## Ireland

- ✓ The setting up of the Garda National Protective Services Bureau in 2015 and the inclusion into it of the Human Trafficking Investigation and Co-Ordination Unit (which was previously part of the Garda National Immigration Bureau) has resulted in the separation of the identification of victims of trafficking from immigration control, as recommended in GRETA's first evaluation report.
- ✓ The second National Action Plan, which was approved by the Irish Government and published in October 2016, addresses a number of issues raised in GRETA's first report, such as a fundamental re-examination of the victim identification process and the role to be played in that process by all stakeholders, including non-governmental organisations, an examination of the appropriateness and efficacy of victim support services, and an examination of criminal justice measures.
- ✓ Various steps have been taken to prevent trafficking for the purpose of labour exploitation, including legislative amendments, research and NGO-run projects.



## Latvia

- ✓ In line with GRETA's recommendations, Section 154<sup>2</sup> of the Criminal Law criminalising trafficking in human beings has been amended, adding "abuse of a position of vulnerability" to the means for the commission of the offence, as well as an explanation of the term "vulnerability". Further, compelling a person to commit criminal activities was added to the forms of exploitation. Another legal development is the introduction of a provision in the Criminal Law making it possible to release from criminal liability a person who was compelled to commit a criminal offence while being trafficked.
- ✓ Following GRETA's recommendation to consider criminalising the use of services of a person with the knowledge that the person is a victim of trafficking, Section 164 of the Criminal Law ("involvement of a person in prostitution and use of prostitution services") was amended, criminalising the use of prostitution services from a person with the knowledge that this person is a victim of human trafficking.
- ✓ With a view to implementing another recommendation made in GRETA's first evaluation report, an amendment to Section 3 of the Law on the Protection of the Rights of the Child was adopted by the Latvian Parliament on 26 November 2015, providing that persons under 18 years of age are considered as children in the context of the administrative violations and criminal justice system.
- ✓ In its first report, GRETA urged the Latvian authorities to ensure the provision of adequate funding for victim assistance. The annual budget allocated by the Ministry of Welfare for assistance to victims of human trafficking was increased from 87 794 euros in 2012 to 162 562 euros in 2015.



### Luxembourg

- ✓ A number of legislative developments relevant to action against trafficking in human beings since GRETA's first evaluation. In line with GRETA's recommendation in its first report, a new offence was added to the Criminal Code, punishing the obtaining, procuring, destroying, concealing, disposing, confiscating, retaining, altering, reproducing or holding of another person's travel or identity document or facilitating its fraudulent use with a view to committing offences of sexual exploitation, pimping, trafficking in human beings or migrant smuggling.
- ✓ In line with a recommendation made in GRETA's first report, the legislative provisions on State compensation were amended to allow access to compensation for trafficking victims who are third-country nationals.
- ✓ To address GRETA's concerns raised in the first evaluation report, an Inter-ministerial Committee tasked with co-ordinating activities to prevent and evaluate the phenomenon of trafficking in human beings was set up and drew up the first National Action Plan against Trafficking in Human Beings, which was adopted in December 2016.



### Malta

- ✓ Article 248A of the Criminal Code, which criminalises trafficking in human beings, was amended in line with GRETA's first report recommendations. The term "abuse of a position of vulnerability" was included among the means and the list of forms of exploitation was expanded to include "forced labour", "activities associated with begging" and "any other unlawful activities". The irrelevance of the victim's consent to the intended or actual exploitation, where any of the means have been used, was also made explicit.
- ✓ A National Referral Mechanism (NRM) has been in use in Malta since 2013. It defines the stakeholders who can be involved in the identification of victims or potential victims of trafficking and can refer them to assistance and support, as well as the relevant procedures. The NRM is accompanied by Standard Operating Procedures adopted by the Anti-Human Trafficking Monitoring Committee and published by the Ministry of Home Affairs and National Security in 2014.
- ✓ Since the first GRETA report, the Criminal Injuries Compensation Regulations have been amended to explicitly include trafficking in human beings among the offences for which a victim may seek State compensation. By virtue of the Victims of Crime Act (Cap 539), enacted on 2 April 2015, victims of human trafficking and their families benefit from compensation under the Criminal Injuries Compensation Scheme. Article 12 of the Act refers to the victim's right to information about possibilities for compensation.
- ✓



### **Republic of Moldova**

- ✓ The Moldovan authorities have further developed the legal framework for combating trafficking in human beings, in line with GRETA's first report recommendations. The provisions of the Criminal Code were amended with a view to clarifying the distinction between forced labour and trafficking for the purpose of labour exploitation, on the one hand, and between pimping and trafficking for the purpose sexual exploitation, on the other. Further, the use of services from a victim of human trafficking, with the knowledge that the person has been trafficked, was criminalised.
- ✓ In its first report, GRETA recommended strengthening the Permanent Secretariat of the National Committee for Combating Trafficking in Human Beings with a view to ensuring its effective functioning. Since January 2014, the Permanent Secretariat has been placed within the State Chancellery and there are four staff working in it.
- ✓ In its first report, GRETA invited the Moldovan authorities to commission an independent evaluation of the implementation of the National Action Plan. The Permanent Secretariat of the National Committee commissioned external evaluations of the 2010-11 and 2012-13 National Anti-trafficking Action Plans, which were carried out by the NGO La Strada Moldova, with funding from the OSCE.



### **Montenegro**

- ✓ In the light of recommendations made in GRETA's first report, the Montenegrin authorities have introduced amendments to the Criminal Code, adding to the list of forms of exploitation related to human trafficking "slavery and practices similar to slavery", "other forms of sexual exploitation" and "entering into unlawful marriage". Further, the definition of "victim" in the Criminal Code was amended and the irrelevance of the trafficking victim's consent to the intended exploitation was explicitly stated.
- ✓ In accordance with GRETA's recommendation, the new Law on Foreigners (in force since 1 January 2015) contains a provision on the granting of a recovery and reflection period of up to 90 days for victims of human trafficking. Further, there is a now a legal provision in this law on granting temporary residence permits on humanitarian grounds to victims of human trafficking.
- ✓ Pursuant to GRETA's recommendation made in the first report, the Office for the Fight against Trafficking in Human Beings, which is responsible for co-ordinating the activities of public bodies and NGOs in the implementation of the National Anti-trafficking Strategy and Action Plans, was moved back to the General Secretariat of the Government of Montenegro and was given an additional staff post.



## Netherlands

- ✓ In line with GRETA's recommendation to strengthen the multi-agency involvement in the decision-making process leading to the identification of victims of trafficking, an independent multi-disciplinary Victim Identification Board was set up as a pilot project in January 2018, tasked with examining cases of possible victims of human trafficking on the basis of certain criteria (e.g. the victim must have reported to the police, the case has been dismissed or the suspect acquitted by a court after 2017, an application was submitted within four weeks of the date of the dismissal decision or the acquittal, and the presumed victim was exploited in the Netherlands or brought to the Netherlands to be exploited, using coercion and/or violence).
- ✓ To address GRETA's concerns raised in the first evaluation report, a number of campaigns and projects were launched to prevent trafficking in children, efficient procedures were put in place for appointing guardians to unaccompanied or separated children, and clear procedures were introduced for tracing missing children.
- ✓ The Dutch authorities have continued to build the institutional framework for combating trafficking in human beings and to develop specialisation among competent authorities to deal with human trafficking, in particular judges and prosecutors. The composition of the Task Force on Human Trafficking has been expanded and a national network of regional care co-ordinators of the assistance provided to victims of trafficking has been set up.



## Norway

- ✓ In its first report, GRETA considered that the Norwegian authorities should strengthen their efforts to provide assistance to victims of trafficking, including safe and suitable temporary accommodation. In 2015 the Norwegian Parliament established a new grant scheme of 7 000 000 NOK (about 763 000 Euros) for measures to prevent trafficking in human beings and provide support to victims of trafficking, which is managed by the Ministry of Justice and Public Security. Among the 27 funding decisions taken by the Ministry in 2016, the largest grants concerned accommodation for trafficking victims. In May 2016 the Salvation Army opened a shelter in the Oslo area with four beds for male victims of trafficking and/or couples, with funding from the new grant scheme.
- ✓ With a view to improving access to compensation for victims of trafficking, a brochure was issued with information on compensation for victims of crime and the services provided by the Service for Victims of Crime, which is available in eight foreign languages. The regional offices of the Service for Victims of Crime provide advice to victims, including victims of trafficking, on how to seek compensation for injuries suffered and support witnesses before, during and after court proceedings.
- ✓ In its first report, GRETA considered that the Norwegian authorities should strengthen their efforts to ensure that crimes related to human trafficking are investigated and prosecuted promptly and effectively. In the 2015 Guidelines of the Director of Public Prosecutions, it is stated that trafficking in human beings should be considered a priority area for the prosecution authorities and that investigations in this context need to focus more on financial investigations, including by means of strengthened co-operation with financial institutions.



## Poland

- ✓ The legal provisions related to the recovery and reflection period and residence permits for victims of trafficking have evolved since GRETA's first evaluation, following amendments to the Law on Foreigners adopted in December 2013 (in force since 1 May 2015). The amendments introduced a certificate for third-country victims of trafficking confirming that the holder is a presumed victim of trafficking and in that capacity may remain in Poland for three months (four months in the case of children). The law also extended the maximum validity of the residence permit granted to victims who co-operate with the law enforcement agencies to three years and introduced the possibility to obtain a permanent residence permit.
- ✓ In order to improve the identification of child victims of trafficking in human beings, a document entitled "Algorithm of Identification of Child Victims of Trafficking in Human Beings and Conduct of Police and Border Guard Officers" was issued in mid-2015. Pursuant to it, identification cannot be based only on information provided by the child, but must be supplemented by an in-depth analysis of the child's situation and circumstances, and hearings of presumed child victims must be performed in a child-friendly environment.
- ✓ A number of amendments have been made in the area of compensation for victims of crime, broadening the possibilities of victims permanently resident in Poland and other European Union member States to seek compensation in situations in which the perpetrator for one reason or another cannot be held legally liable. Leaflets with information on the rights of victims of human trafficking, which refer to the right to compensation and the right to an attorney, have been issued in nine different languages.



## Portugal

- ✓ In accordance with GRETA's first report recommendations, Article 160 of the Criminal Code ("trafficking in persons") was amended by expanding the list of forms of exploitation by adding slavery, forced begging and the exploitation of other criminal activities and adding a list of aggravating circumstances. Further, a paragraph was added stating that the victim's consent to the offences set out in Article 160 does not exclude the wrongfulness of the act. Moreover, Law No. 23/2007 on the Entry, Stay, Exit and Removal of Foreigners from Portugal was amended by introducing a new provision, Article 185-A, stipulating the punishment of an employer or user of the work or services of an irregular foreign citizen, with the knowledge that he/she is a victim of offences related to human trafficking.
- ✓ An evaluation of the implementation of the second National Action Plan against Trafficking in Human Beings was carried out by the University of Minho and the evaluation results were taken into consideration in the development of the third National Action Plan.
- ✓ As a follow-up to GRETA's recommendations, a revision of the National Referral Mechanism (NRM) was carried out, taking into account new trends and enabling the adaptation of the NRM procedures to the legislative and institutional changes. The revised NRM was approved in 2014. Further, four more regional multi-disciplinary teams for the support and protection of victims of trafficking were set up, in addition to the one in Porto which existed at the time of GRETA's first evaluation, based respectively in Coimbra, Lisbon, the Alentejo and the Algarve region.
- ✓ Two more specialised shelters for victims of trafficking have been opened since GRETA's first report, one for male victims and another one for women and their children.



## Romania

- ✓ In accordance with the recommendations made in GRETA's first report, additional measures have been made to provide training to relevant professionals and to expand the categories of staff targeted, by including professionals working with children and health-care staff. The training provided to the Border Police has contributed to the detection of victims of human trafficking by border guards.
- ✓ In its first round report on Romania, GRETA urged the Romanian authorities, including the entities responsible in the field of ensuring respect of the labour legislation, to conduct proactive investigations concerning trafficking offences. In its second report on Romania GRETA welcomed the high rate of convictions for human trafficking. In the investigation of cases of transnational trafficking, Romanian law enforcement agencies co-operate with the competent authorities of countries of transit or destination of the victims through the exchange of information, requests for legal assistance and the conclusion of joint investigation teams (JITs). Recent JITs in cases of trafficking were signed with France and Spain in 2014, and with Germany and Denmark in 2015.
- ✓ The setting up of the National Agency for the Management of Seized Assets is a step towards implementing GRETA's recommendation to review the system of confiscation of assets in order to reinforce its effective implementation to trafficking-related offences.



## Serbia

- ✓ As a follow-up to GRETA's first report recommendations, the Serbian authorities have set up the Office for Co-ordinating Action against Trafficking in Human Being, headed by the National Co-ordinator and comprising four police officers. The Office became operational on 1 September 2017.
- ✓ In its first report, GRETA considered that the authorities should strengthen the implementation of the non-punishment provision of the Convention. To implement this recommendation, a working group consisting of a judge, a prosecutor and an academic drew up guidelines for judges, prosecutors and police officers on the non-punishment provision.
- ✓ To address GRETA's concerns raised in the first evaluation report, the Serbian authorities have taken measures to strengthen the protection of victims of human trafficking from retaliation or intimidation in the course of judicial proceedings. Courts have increasingly applied the status of "especially vulnerable witnesses" to victims of human trafficking, which has resulted in limiting the face-to-face examination ("direct confrontation") of victims and defendants.





### **Slovak Republic**

- ✓ In the light of GRETA's recommendation made in the first report, the Slovak authorities adopted new terms of reference of the Expert Group for the Area of Combatting Trafficking in Human Beings and introduced a procedure for selection of NGOs to participate in the work of the Expert Group.
- ✓ Following GRETA's recommendations, the Ministry of the Interior adopted a new Regulation No. 180/2013 which sets out the procedure for the formal identification of victims of trafficking, with a view to enabling their access to state-funded assistance.
- ✓ The Slovak authorities also followed GRETA's recommendation to introduce a legal provision concerning the non-punishment of victims of trafficking who have been compelled to be involved in unlawful activities.



### **Slovenia**

- ✓ As a follow up to GRETA's first report recommendations, the Criminal Code was amended to criminalise the retaining, removing, concealing, damaging or destroying of identity documents of victims of trafficking in human beings. Further, the use of services provided by a victim of trafficking in human beings, with the knowledge that the person concerned is a victim, was also criminalised. Moreover, victims of trafficking holding a temporary residence permit were granted access to the labour market.
- ✓ As a follow-up to GRETA's first report recommendations, the victim identification procedures have been formalised in the Manual on the Identification, Assistance and Protection of Victims of Trafficking in Human Beings, which was approved by the Slovenian Government in 2016. The manual defines the role and tasks of relevant public bodies and NGOs and contains indicators for the identification of trafficking in human beings for different forms of exploitation.
- ✓ In its first report, GRETA urged the Slovenian authorities to ensure that safe and suitable accommodation is provided to victims of trafficking beyond the five-day period of emergency assistance, depending on their needs. With a view to implementing this recommendation, the crisis accommodation programme for victims of trafficking has been extended to 30 days, regardless of whether victims co-operate in the investigation.



## Spain

- ✓ A number of legislative developments have taken place since GRETA's first evaluation report, in line with GRETA's recommendations. The list of means and forms of exploitation in Article 177bis of the Criminal Code, which criminalises human trafficking, was expanded. Amendments were also made to other provisions of the Criminal Code designed to strengthen the prosecution and punishment of traffickers. Moreover, Article 59bis of Organic Law 4/2000 on the Rights and Freedoms of Foreigners in Spain and Their Social Integration was amended, increasing the minimum duration of the recovery and reflection period from 30 to 90 days.
- ✓ In order to facilitate co-ordination and co-operation in the process of identification of victims and to guarantee their assistance, new collaboration protocols were developed, such as the Framework Protocol on certain actions related to unaccompanied foreign children, a draft Framework Protocol for the identification and assistance to child victims of trafficking in human beings, as well as regional protocols linked to the Framework Protocol in an increasing number of autonomous communities. Further, "social interlocutors" were designated within the National Police and the Guardia Civil, pursuant to Instruction 6/16 of 15 June 2016 of the State Secretariat for Security, in order to facilitate co-ordination of anti-trafficking activities with civil society and other actors.
- ✓ An increased number of compensations have been granted by courts to victims of trafficking. Prosecutors have received instructions from the State Prosecutor's Office to be particularly vigilant in relation to their obligations to seek compensation when it comes to victims of trafficking.



## Sweden

- ✓ In its first report, GRETA urged the Swedish authorities to set up a formalised national referral mechanism (NRM). In 2016, the County Administrative Board of Stockholm (CABS) launched a manual on how to act in the case of suspicion of human trafficking, which was developed in co-operation with the International Centre for Migration Policy Development (ICMPD), the National Task Force and the Platform Swedish Civil Society against Human Trafficking. The manual defines the roles and responsibilities of different actors who may come into contact with victims of trafficking with regard to their identification, assistance and protection.
- ✓ As a follow-up to GRETA's first report recommendations, in 2016 the CABS started funding the National Support Programme, which is implemented by the Platform Swedish Civil Society against Human Trafficking and allows presumed victims of trafficking who have not been formally identified to benefit from different forms of assistance. Further, the first specialised shelter for male victims of trafficking was set up in April 2017 the Salvation Army.
- ✓ In its first report, GRETA considered that the Swedish authorities should strengthen their efforts to facilitate and guarantee access to compensation for victims of trafficking. The new Criminal Injuries Compensation Act which entered into force on 1 July 2014 extended the time-limit for applying for compensation. Further, information materials for victims have been made available in different languages by the Crime Victim Compensation and Support Authority.



### **“The former Yugoslav Republic of Macedonia”**

- ✓ In 2016, with the financial support of IOM, an external evaluation of the implementation of the National Strategy and National Action Plan for Combating THB and Illegal Migration 2013-2016 was conducted by an independent expert. The results of the evaluation were taken into account when drafting the new National Strategy and Action Plan.
- ✓ In order to strengthen action to combat human trafficking for the purpose of labour, the National Commission for Combating Trafficking in Human Beings and Illegal Migration was enlarged to include members of the State Labour Inspectorate and the Employment Agency. Further, awareness-raising measures were implemented, as well as carrying out research and training of labour inspectors.
- ✓ As a follow-up to GRETA’s first report recommendations, the national authorities have developed indicators for the identification of victims of human trafficking in mixed migration flows. In order to better identify persons vulnerable to human trafficking among visa applicants, the Ministry of Foreign Affairs and the Ministry of the Interior have developed a questionnaire to be used by diplomatic and consular staff as well as the border crossing points when interviewing visa applicants.



### **United Kingdom**

- ✓ The adoption of the Modern Slavery Act, which consolidates and simplifies the offences previously contained in a number of different laws, addresses one of the main recommendations made in GRETA’s first evaluation report. In addition to increasing the maximum sentence for human trafficking to life imprisonment, the new legislation introduces provisions for slavery and trafficking prevention orders and makes it easier to confiscate the assets of traffickers and use them to compensate victims.
- ✓ In April 2014, the UK Government commissioned a review of the National Referral Mechanism (NRM), in line with a recommendation made by GRETA in its first evaluation report. Following the review, the NRM decision-making and the asylum procedure have been separated. Further, multi-agency panels involving NGOs have been introduced to identify victims of trafficking.
- ✓ To address GRETA’s concerns raised in the first evaluation report, new regulations have been adopted to ensure the protection of victims of human trafficking during criminal proceedings and prevent secondary victimisation.



## Ukraine

- ✓ Following GRETA's recommendation to improve the co-ordination of anti-trafficking activities, the Interdepartmental Council for Family, Gender Equality, Demographic Growth, Prevention of Family Violence and Combating Trafficking in Human Beings re-convened in March 2016 to discuss, *inter alia*, the strengthening of the National Referral Mechanism and the implementation of Ukraine's commitments in the anti-trafficking area. At regional level, interdepartmental anti-trafficking councils have been set up across the country, bringing together a range of relevant actors, including civil society.
- ✓ Specialised anti-trafficking units of the National Police have been set up in all regions of Ukraine and prosecutors specialised in procedural oversight of criminal proceedings for human trafficking offences have been designated in many of the country's regions. Since 2017, the Prosecutor General and the Ministry of the Interior have prioritised the fight against trafficking in human being and the strengthening of inter-agency co-operation, which has resulted in an increase in the number of investigations into human trafficking cases.
- ✓ As a follow-up to GRETA's first report recommendations, steps were taken to improve the capacity of relevant actors at local level to identify victims of human trafficking and apply the National Mechanism of Interaction, resulting in an increased number of persons granted the status of victims of trafficking.