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

24th meeting of the Committee of the Parties

(Strasbourg, 5 April 2019)

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 24th meeting on 5 April 2019 in Strasbourg.

2. Due to the expiry of the second term of office of Ambassador Christopher Yvon (United Kingdom) as Chair of the Committee and Ambassador Corina Călugăru (Republic of Moldova) as Vice-Chair, the meeting was opened by the Executive Secretary of the Convention, Ms Petya Nestorova. She invited 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. 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 Corina Călugăru (Republic of Moldova) had expressed interest in becoming Chair of the Committee of the Parties. Ambassador Laima Jurevičienė (Lithuania) and Ambassador Eva Tomič (Slovenia) expressed their support for the candidacy of Ambassador Călugăru. No other candidates for the Chair of the Committee were proposed. The Committee elected Ambassador Călugăru as its Chair by acclamation for a first term of office of one year, starting on 5 April 2019.

4. Ambassador Călugăru thanked the Committee for the confidence placed in her and stated that she would strive to build upon the work accomplished by the Committee in the past and promote the Council of Europe Anti-Trafficking Convention and its effective implementation.

5. The Chair invited members to elect a new Vice-Chair of the Committee, indicating that Ambassador Christopher Yvon (United Kingdom) had expressed interest in assuming this role. No other candidates were proposed. The Committee elected Ambassador Christopher Yvon as its Vice-Chair by acclamation for a first term of office of one year, starting on 5 April 2019.

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

6. The Chair invited Mr Davor Derenčinović, President of the Group of Experts on Action against Trafficking in Human Beings (GRETA), to take the floor for the periodic exchange of views with the Committee of the Parties.

7. The President of GRETA highlighted the main findings from GRETA's second evaluation round reports concerning Iceland, Italy and San Marino, which were the subject of draft recommendations by the Committee of the Parties at the meeting. These reports showed that progress has been made in regard of many of GRETA's recommendations made in the context of the first round evaluation round, but there were also continuing gaps in the implementation of certain provisions of the Convention. Further, Mr Derenčinović indicated that at its last plenary session, held on 18-22 March 2019, GRETA had adopted final reports on Andorra, Finland, Germany and Lithuania, which would be published after the reception of final comments from the national authorities. Mr Derenčinović also informed the Committee that GRETA was planning to carry out 11 evaluation visits in 2019, two of which had already taken place (first-time visits to the Czech Republic and Monaco), while the other nine visits would take part in the context of the third evaluation round (to Albania, Austria, Bulgaria, Croatia, Cyprus, Denmark, Georgia, the Republic of Moldova and the Slovak Republic).

8. Furthermore, GRETA's President referred to the meeting of Presidents of Council of Europe monitoring and advisory bodies, organised on 4 February 2019, in the presence of the Secretary General of the Council of Europe, which had explored important questions such as how to measure and strengthen States' compliance with the recommendations of monitoring bodies, including through the work of intergovernmental committees and technical co-operation. The text of Mr Derenčinović's presentation is set out in Appendix III.

9. The Chair thanked Mr Derenčinović for his presentation. In the debate which followed, several delegations (Austria, Cyprus, Lithuania) asked GRETA's President to comment on the Secretary General's report published earlier in the week, entitled "Ready for Future Challenges – Reinforcing the Council of Europe", which had identified forced labour ("modern slavery") as one of the main challenges to be addressed by Council of Europe member states. Mr Derenčinović noted that GRETA had not yet had the opportunity to study this new report and would discuss the proposals made in it at its next plenary session in July 2019.

Agenda item 5: Examination of GRETA's reports on the implementation of the Convention on Action against Trafficking in Human Beings by Iceland, Italy and San Marino (second evaluation round) and adoption of recommendations in respect of these Parties

10. The Chair recalled that GRETA had adopted final reports concerning the implementation of the Convention by Iceland, Italy and San Marino. These reports had been sent to the respective national authorities for final comments and, following their receipt, had been made public. The three draft recommendations based on GRETA's reports and taking into account the final comments received from the Parties concerned had been made available to the Committee on 8 March 2019.

5.1 Draft recommendation to be adopted in respect of Iceland

11. The Deputy Permanent Representative of Iceland, Ms Hjördís Olga Guðbrandsdóttir, expressed the Icelandic authorities' gratitude to GRETA for the good co-operation during the second evaluation round and noted that Iceland welcomed the carefully conducted evaluation. She indicated that a new action plan against trafficking in human beings had recently been published by the Icelandic Government and that it took into account GRETA's recommendations, including to set up a National Referral Mechanism. Further, she noted that a new centre for survivors of violence had been opened in Northern Iceland. The full text of Ms Guðbrandsdóttir's statement appears in Appendix IV.

12. The Committee adopted the recommendation in respect of Iceland and requested the Icelandic Government to inform it of measures taken to comply with this recommendation by 5 April 2020.

5.2 Draft recommendation to be adopted in respect of Italy

13. Ms Anna Claudia Servillo of the Equal Opportunities Department of the Presidency of the Council of Ministers stated that Italy had taken GRETA's recommendations into consideration and had already started making concrete plans for implementing some of them, including as regards identifying victims of trafficking among asylum seekers and unaccompanied children, and providing compensation to victims of trafficking. The Italian Secretary of State had announced the preparation of a new National Action Plan against trafficking in human beings and it was intended to carry out an independent assessment of the implementation of the previous action plan. Further, in December 2018, the Italian Government had published a new call for anti-trafficking projects, for which 24 million euros had been budgeted. The full text of Ms Servillo's statement appears in Appendix V, together with written observations and comments on the draft recommendation submitted by the Italian authorities.

14. The Committee adopted the recommendation in respect of Italy and requested the Italian Government to inform it of measures taken to comply with this recommendation by 5 April 2020.

5.3 Draft recommendation to be adopted in respect of San Marino

15. Ambassador Sylvie Bollini (San Marino) underlined that no victims of trafficking had so far been identified in San Marino and that therefore San Marino's efforts to tackle trafficking and support victims rather focused on possible future situations. She added that some measures to implement GRETA's recommendations had been undertaken recently, notably in the area of training of professional groups and awareness-raising. The full text of Ambassador Bollini's statement appears in Appendix VI.

16. The Committee adopted the recommendation in respect of San Marino and decided to request the San Marino Government to inform it of measures taken to comply with this recommendation by 5 April 2020.

Agenda item 6: Government reports submitted in reply to Committee of the Parties' recommendations (second evaluation round)

17. The Chair indicated that the Governments of Belgium, North Macedonia, Poland, Serbia and Slovenia had submitted on time their replies to the Committee of the Parties' recommendations (adopted on 9 February 2018), requesting them to inform the Committee of measures taken to comply with the recommendations within a one-year period and that these reports have been made available on the restricted website of the Committee. With a view to facilitating the consideration of these reports by the Committee of the Parties and the follow-up to be given to them, the Secretariat had prepared a table summarising the information provided in the reports. The Chair invited the representatives of the countries in question to take the floor concerning their authorities' replies to the Committee of the Parties' recommendations.

6.1 Belgium

18. Ambassador Gilles Heyvaert (Belgium) highlighted some of the information contained in the Belgian Government's report on measures taken to comply with the recommendations of the Committee of Parties concerning Belgium. He noted that while efforts were being made to improve data collection on trafficking in human beings, this task was made more challenging by the many levels of administration in Belgium. Further, Ambassador Heyvaert noted that the three NGO-run specialised reception centres for victims of trafficking had received addition funding of some 500 000 euros in the years 2017, 2018 and 2019.

19. The President of GRETA welcomed the information provided in Belgium's report concerning the additional funding allocated to the three specialised centres, the adoption of a child-specific addendum to the National Action Plan on combating human trafficking, and measures taken to protect unaccompanied children for whom there is a suspicion that they are victims of trafficking, by creating a pool of specialised guardians. However, GRETA's President noted that victims' access to State compensation did not appear to have been improved.

6.2 North Macedonia

20. No representative of North Macedonia was present at the meeting. Ambassador Panayiotis Beglitis (Greece) drew attention to the inconsistent use of the country's old and the new names in the report submitted by the national authorities. The Chair proposed that the North Macedonian authorities be asked to resend their report with updated and consistent use of the country's name.

21. The President of GRETA noted that according to the information provided by the authorities of North Macedonia, steps had been taken to improve victim identification and assistance measures, in particular through the revision of the Standard Operating Procedures for dealing with victims of trafficking, and by the conclusion of a Memorandum of Understanding between the Ministry of Interior and the Ministry of Labour and Social Policy to set up additional mobile teams. Further, a new provision on a recovery and reflection period of up to two months had been included in the new Law on Foreigners and a specific legal provision on the non-punishment of victims of human trafficking had been added to the Criminal Code. However, the report submitted by the national authorities did not suggest that measures had been taken to improve the identification of, and assistance to, child victims, or assistance to male victims of trafficking. The President of GRETA further observed that a State compensation scheme for victims of human trafficking had not yet been set up.

6.3 Poland

22. Ms Joanna Sosnowska, Head of Unit for the European Migration Network and Prevention against Trafficking in Human Being of the Ministry of Interior and Administration of Poland, expressed her appreciation of GRETA's work. She indicated that the Polish authorities had analysed case-law related to forced labour with a view to deciding whether legislative amendments would be necessary. She acknowledged that there might be shortcomings in the collection of data on human trafficking and noted that the Polish authorities were discussing how to improve data collection. Further, the Ministry of Health and other relevant authorities were discussing how to ensure full access to public health care for victims of trafficking, regardless of their residence status.

23. The President of GRETA welcomed the information provided in the Polish authorities' report concerning training to relevant professionals on the identification of child victims of trafficking and with a view to improving the criminal justice response to human trafficking. However, he noted that no progress had been made in developing and maintaining a comprehensive and coherent statistical system on human trafficking. Further, the legislation regarding eligibility for State compensation had not changed, thus State compensation was only available if the offence is committed on Polish territory and the injured party is permanently residing in Poland or in another EU country.

6.4 Serbia

24. Mr Marko Tanaskovic of the National Anti-Trafficking Co-Ordination Office under the General Police Directorate of the Ministry of the Interior of Serbia reported that a new Law on Foreigners had been adopted in December 2018, providing for a recovery and reflection period of up to 90 days for presumed victims of human trafficking and temporary residence permits for victims of human trafficking. Further, the first specialised State shelter for victims of trafficking had been opened in February 2019. The full text of Mr Tanaskovic's intervention appears in Appendix VII.

25. The President of GRETA welcomed the setting up of a State shelter for emergency accommodation of victims of trafficking in human beings, the adoption of new Standard Operating Procedures for the treatment of victims, as well as the recommendations for pro-active investigations in human trafficking cases. However, he noted that no information had been provided on measures to improve the identification and assistance of child victims. GRETA's recommendation concerning access to compensation had been only partially addressed and there was no information in the report suggesting that a State compensation scheme for victims of human trafficking had been set up.

6.5 Slovenia

26. Ambassador Eva Tomič (Slovenia) expressed her appreciation for GRETA's work and referred to the adoption of a new National Action Plan for Combatting Trafficking in Human Beings for the period 2019-2020 on 7 February 2019, which reportedly addressed a number of GRETA's recommendations. Further, she referred to the establishment of a new Anti-Trafficking Service within the Ministry of the Interior on 26 November 2018. The full text of the intervention made by Ambassador Tomič appears in Appendix VIII.

27. The President of GRETA welcomed the establishment of a new Anti-Trafficking Unit and the adoption of the new National Action Plan. He noted that the new plan contained measures related to some of the urgent recommendations made by GRETA, such as ensuring compliance with the non-punishment provision, and extending the application of the procedural protection measures to all child victims and witnesses of trafficking up to the age of 18. However, he noted that no steps had apparently been taken to effectively implement the obligations related to the recovery and reflection period. Further, GRETA's recommendation to facilitate and guarantee access to compensation had been only partially addressed; according to the authorities, an amendment to the State compensation legislation was envisaged.

Agenda item 7: Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by France

28. The Deputy to the Permanent Representative of France, Mr Jean-François Goujon-Fischer, presented the report submitted by France. He referred in particular to the increased funding providing for projects addressing trafficking for the purpose of sexual exploitation (as part of the budget line on promoting equality between women and men), and a pilot project on identifying and assisting child victims of trafficking. The full text of Mr Goujon-Fischer intervention appears in Appendix IX.

29. The Chair invited Ms Dorothea Winkler, member of GRETA, to inform the Committee of the Parties of the high-level talks which GRETA had held with the French authorities on 11-12 February 2019.

30. Ms Winkler explained that in the spring of 2018, GRETA had received several communications from NGOs, notably from the NGO network "*Ensemble contre la traite des êtres humains*", which brings together 26 NGOs engaged in anti-trafficking action, drawing attention to persisting lacunae in the policy and institutional framework for combating trafficking in human beings in France. In particular, concerns were raised about the lack of progress in developing a new national action plan for combating human trafficking in France (following up on the first national plan which covered the period 2014-2016), the continuing absence of a National Referral Mechanism, failure to integrate the fight against human trafficking into policies dealing with asylum, migration and child protection, and lack of financial and human resources for co-ordinating and implementing action against all forms of human trafficking. GRETA had discussed these concerns at its 32nd plenary meeting in July 2018 and had decided to propose to the French authorities the holding of high-level talks with a view to discussing the implementation of GRETA's recommendations and getting an insight into any difficulties that could be addressed through strengthened co-operation. The initially proposed date for these talks was 27 September 2018. However, GRETA was informed by Ms Élisabeth Moiron-Braud, General Secretary of the Inter-ministerial group for the protection of women against violence and action against trafficking in human beings (MIPROF), that progress was being made towards the adoption of a second national action plan, which would address GRETA's recommendations. GRETA therefore decided to postpone the holding of high-level talks and asked to be provided in the meantime with a copy of the draft new action plan.

31. Ms Winkler noted that in October 2018, the Consultative Committee on Human Rights (CNC DH), which acted as National Rapporteur on human trafficking, had issued a declaration stressing the need to adopt a new national action plan for combating human trafficking, supported by adequate recourses and prepared in consultation with NGOs and trade unions. The CNC DH had also called on the French authorities to ensure victims' access to justice, as well as to reinforce the training of relevant professionals.

32. At its 34th meeting held in December 2018, GRETA had noted that the French authorities had asked for an extension of the deadline for submitting their reply to the Committee of the Parties' recommendation issued on the basis of GRETA's report, which was due on 13 October 2018. At that time, the second national action plan had not yet been adopted. GRETA therefore had decided to propose once again the holding of high-level talks with the French authorities with a view to strengthening the dialogue with the French authorities and stimulating the process of implementation of GRETA's recommendations. This proposal had been accepted and a delegation of GRETA had held a series of meetings in Paris on 11-12 February 2019.

33. GRETA had received reassurances that some progress was being made, in particular towards the preparation of a new national action plan, to be adopted by April 2019. However, many of the recommendations made by GRETA in its second report on France remained to be implemented, in particular the introduction of a National Referral Mechanism for the identification and assistance of all victims of trafficking, setting up a comprehensive and coherent statistical system of trafficking in human beings, ensuring effective granting of a recovery and reflection period to victims of trafficking, and ensuring the application of the non-punishment provision. More generally, GRETA remained concerned by the considerable delay in the preparation of the new national action plan against trafficking in human beings and the lack of information as regards its content, timetable for adoption and funding that would be made available to enable its implementation. GRETA stressed the importance of transparency of the process of preparation of the new plan and consultation with civil society.

34. Ms Winkler indicated that the high-level talks organised by GRETA with the French authorities were the first of their kind, but this was a method already used by other Council of Europe monitoring bodies to address issues of concern in-between country visits and try to resolve them without having recourse to an urgent or *ad-hoc* visit procedure.

35. Following Ms Winkler's intervention, Mr Goujon-Fischer stated that France shared the concerns expressed by GRETA and that the new national action plan, expected to be published within the next few weeks, would address those concerns. In particular, the new plan would provide for the development of indicators for the identification of victims of trafficking, to be drawn up in consultation with specialised NGOs.

Agenda item 8: Follow-up to be given to the Government reports submitted in reply to Committee of Parties Recommendations

36. The Chair concluded that as regards the reports by the six State Parties examined by the Committee (Belgium, France, North Macedonia, Poland, Serbia and Slovenia), in the light of the discussions and GRETA's assessment of the information contained in them, the Secretariat would prepare letters to these Parties, asking them to provide further information on certain issues. The States' reports would also be made public on the Council of Europe's Anti-Trafficking website.

Agenda item 9: Discussion on action taken by State Parties to ensure the implementation of the recommendations made in GRETA's reports and by the Committee of Parties

37. The Chair invited the President of GRETA, Mr Davor Derenčinović, to reflect on the state of implementation of GRETA's recommendations.

38. As examples of implementation by State Parties of GRETA's recommendations, Mr Derenčinović referred to the adoption of new or amended legislation related to combating trafficking in human beings, for example by adopting a specific legal provision concerning the non-punishment of victims of trafficking for offences committed as a result of being trafficked, and criminalising the use of services of a victim of trafficking, with the knowledge that the person concerned is a victim. Further, new national anti-trafficking strategies and action plans included measures reflecting GRETA's recommendations, as well of the provision of increased funding, the opening of new specialised shelters for victims of trafficking and steps taken to improve access to compensation for victims of trafficking. Further impact of GRETA's work was observed through judgments of national courts which referred to the Convention and GRETA's findings, as well as through reference made to GRETA's recommendations by national human rights institutions, national rapporteurs on trafficking in human beings and civil society. Mr Derenčinović referred to a document published by GRETA, entitled "Practical impact on GRETA's monitoring work", which provided selected examples of actions taken by each country.

39. At the same time, GRETA's President indicated that not all of GRETA's recommendations are implemented, due to slowness of the legislative process, conflicting priorities, lack of financial resources, or even insufficient political will. By way of example, some countries still lacked comprehensive national action plans for combating human trafficking for different forms of exploitation. Data collection was another area where a number of countries still failed to implement the recommendations made to collect statistical data on (presumed) victims from multiple sources, with disaggregation by sex, age, type of exploitation, country of origin and country where exploitation took place. Other areas where the recommendations made by GRETA were not fully implemented concerned the recovery and reflection period, the application of the non-punishment provisions, and access to State compensation.

40. To support countries in their implementation of GRETA's recommendations, the Secretariat of GRETA has organised round-table meetings to discuss the implementation of GRETA's recommendations two to three years after the first evaluation. Civil society had been involved in the process and had been instrumental in putting pressure on the authorities to follow up on GRETA's recommendations. Further, the Secretariat had organised periodical meetings of National Anti-Trafficking Coordinators, which had provided an opportunity to discuss GRETA's findings and recommendations, present promising practices and encourage their replication in other countries. In addition, a number of co-operation projects with external funding had been carried out, linked to the implementation of GRETA's recommendations (e.g. Norway-EEA Grant project in Poland and Romania and on-going projects funded by the joint European Union/Council of Europe programme "Horizontal Facility for the Western Balkans and Turkey" in Serbia and North Macedonia). Furthermore, the Council of Europe had developed an online training course on human trafficking under the HELP Programme for legal professionals.

41. Mr Derenčinović stressed the importance of the two pillars of the monitoring system of the Anti-Trafficking Convention, GRETA and the Committee of the Parties, periodically reflecting together on how to ensure effective implementation of the recommendations made in GRETA's reports and by the Committee of the Parties.

42. Ms Thorildhur Sunna Aevarsdóttir, Member of the Committee on Equality and Non-Discrimination of the Parliamentary Assembly of the Council of Europe (PACE), noted that trafficking in human beings fell within the remit of two PACE Committee, on Equality and Non-Discrimination, and on Migration, Refugees and Displaced Persons. She indicated that a report on "Concerted action on human trafficking" was being prepared by the latter committee, with MP Vernon Coaker (UK) as rapporteur. As regards Iceland, Ms Aevarsdóttir noted that it was difficult to guarantee assistance to victims of trafficking outside Reykjavik and that it was not clear if sufficient funding to implement the new National Action Plan would be made available.

43. Mr Rüdiger Dossow of the PACE Secretariat noted that the rapporteur on the forthcoming report "Concerted action on human trafficking" intended to explore any loopholes in anti-trafficking standards, whether existing standards were interpreted in the same way across Europe, and shortcomings in the practical implementation of standards and recommendations. He indicated that hearings with relevant actors would be organised, including with GRETA.

44. The President of GRETA noted that GRETA was ready to contribute to the preparation of the PACE report. He also recalled that GRETA meets Members of Parliaments during its country evaluation visits.

45. The Chair invited members of the Committee to share their experiences as regards the implementation of GRETA's and the Committee of the Parties' recommendations, any challenges encountered in their implementation, proposals for strengthening implementation, including through technical co-operation projects.

46. Mr Marko Tanaskovic of the National Anti-Trafficking Co-Ordination Office under the General Police Directorate of the Ministry of the Interior of Serbia presented the project "Preventing and Combatting Trafficking in Human Beings in Serbia", implemented in the framework of the EU-Council of Europe "Horizontal Facility for Western Balkans and Turkey", which was designed to facilitate the implementation of GRETA's recommendations. The three main components of the first phase of this project were: strengthening capacity to combat trafficking for the purpose of labour exploitation, promoting access to compensation for victims or trafficking, and developing a transnational referral mechanism of victims of trafficking. The overall assessment of the first phase of the project was positive and the European Commission was in the process of approving the proposals for the second phase. Mr Tanaskovic noted the need to co-ordinate anti-trafficking projects supported by different international organisations in Serbia and promote synergies between them.

47. Ms Astghik Baldryan, Deputy to the Permanent Representative, (Armenia) informed the Committee of the recent organisation of an expert workshop in Yerevan on 28 March 2019, upon the initiative of the Ministry of Foreign Affairs of Armenia and with the support of the Council of Europe, which had taken stock of 10 years of implementation of the Anti-Trafficking Convention by Armenia. The workshop has also been an occasion to present two related Council of Europe conventions, on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) and against Trafficking in Human Organs (Santiago de Compostella Convention), which Armenia had signed but not yet ratified.

48. Mr Andrei Ursu, Deputy to the Permanent Representative of the Republic of Moldova, informed the Committee of the forthcoming circulation of a non-paper describing measures taken to prevent trafficking in human beings in the Republic of Moldova.

49. Ms Queeny Jurel, Policy Officer in the Law Enforcement and Crime Prevention Department of the Directorate General for Justice and Law Enforcement of the Dutch Ministry of Justice and Security, noted that a new National Action Plan against trafficking in human beings had been adopted by the Netherlands at the end of 2018. The new plan adopted a comprehensive approach to addressing human trafficking for different forms of exploitation.

50. The Chair proposed continuing to discuss ways to strengthen the implementation of recommendations at future Committee of the Parties' meetings. She noted that it could be envisaged to hold thematic exchanges on certain provisions of the Convention which pose problems of implementation in a number of State Parties (e.g. the non-punishment provision, data collection) and invited member to send to the Secretariat in writing suggestions for possible discussion topics.

Agenda item 10: Information on the anti-trafficking activities of other international organisations of interest to the Committee of the Parties

51. The Chair invited the Executive Secretary to present relevant information concerning activities by other international organisations or Council of Europe entities.

52. The Executive Secretary referred to the forthcoming 19th Alliance against trafficking in persons conference, entitled "Using Technology to Combat Trafficking in Human Beings: Turning a Liability into an Asset", which would be organised by OSCE in Vienna on 8-9 April 2019. She noted in this context that GRETA was planning to hold an exchange of views with the Cybercrime Convention Committee. GRETA was concerned by the increasing number of cases of live streaming of child sexual abuse which were being prosecuted as trafficking in human beings in some national jurisdictions and was considering the possibility of organising an event to address this issue.

53. Further, the Executive Secretary informed the Committee of the forthcoming policy exchange organised by the EU Anti-Trafficking Co-ordinator with the UN Inter-Agency Co-ordination Group against Trafficking in Persons (ICAT), on 11 April 2019 in Brussels, the aim of which was to present the European Commission's latest findings on trafficking in human beings in the EU. In addition, the Executive Secretary noted that the International Labour Organization (ILO), which was marking its 100th anniversary in 2019, had approached the Council of Europe with a proposal for a project on strengthening capacity to detect and prevent human trafficking of the purpose of labour exploitation.

Agenda item 11: State of signatures and ratifications of the Council of Europe Convention on Action against Trafficking in Human Beings

54. The Chair indicated that no new signatures and/or ratifications had been submitted since the last meeting of the Committee of the Parties and consequently the number of Parties to the Convention continued to stand at 47. She stressed the importance of all Council of Europe member States joining the Convention and encouraged the Russian Federation to sign and ratify the Convention.

Agenda item 12: Dates of future meetings

55. Bearing in mind GRETA's schedule for the adoption of reports which are subsequently to be submitted to the Committee of the Parties with a view to adopting recommendations, the Committee decided to hold its next meeting on Friday, 18 October 2019.

Agenda item 13: Other business

56. No other business was raised under this item.

Agenda item 14: Adoption of the list of decisions taken

57. The Committee adopted the list of decisions taken.

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 Iceland, Italy and San Marino (second evaluation round) and adoption of recommendations in respect of these Parties**
 - 5.1 Iceland
 - 5.2 Italy
 - 5.3 San Marino
- 6. Government reports submitted in reply to Committee of the Parties recommendations (second evaluation round)**
 - 6.1 Belgium
 - 6.2 North Macedonia
 - 6.3 Poland
 - 6.4 Slovenia
 - 6.5 Serbia
- 7. Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by France**
 - 7.1 Report submitted by the French government in reply to Committee of the Parties recommendation
 - 7.2 High-level talks organised by GRETA with the French authorities (Paris, 11-12 February 2019)
- 8. Follow up to be given to Government reports submitted in reply to Committee of the Parties rec**
- 9. Discussion on action taken by State Parties to ensure the implementation of the recommendations made in GRETA's reports and by the Committee of the Parties**
- 10. Information on the anti-trafficking activities of other international organisations of interest to the Committee of the Parties**
- 11. State of signatures and ratifications of the Council of Europe Convention on Action against Trafficking in Human Beings**
- 12. Dates of future meetings**
- 13. Other business**
- 14. 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 Albana Dautllari
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Mr Andreas Bilgeri
Deputy to the Permanent Representative
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Mr Nikita Belinchinko
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BULGARIA / BULGARIE

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Ambassadeur
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(*apologised/excusée*)

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(*apologised/excusée*)

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Appendix III

Statement by Mr Davor Derenčinović, President of GRETA

Ms Chair, Excellencies, Ladies and Gentlemen,

This is the first time that I have the honour to address the Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings, following my election as President of GRETA at the most recent plenary meeting. At that meeting, GRETA met for the first time in a partially renewed composition and elected its new Bureau for a term of office of two years, with me as President and Ryszard Piotrowicz and Helga Gayer as, respectively, First and Second Vice-Presidents. I look forward to fulfilling my role as President of GRETA, a well-established Council of Europe monitoring body which has been active for 10 years now (I myself was one of the members in the first composition of GRETA, in 2009-2012).

Since the last meeting of the Committee of the Parties on 9 November 2018, GRETA has held two plenary meetings (on 3-7 December 2018 and 18-23 March 2019). At the first one of these meetings, GRETA adopted final reports concerning **Iceland, Italy and San Marino**, in the context of the second evaluation round of the Anti-Trafficking Convention, which are the subject of draft recommendations that you will discuss and adopt today. Further, at the second meeting, held two weeks ago, GRETA adopted final reports concerning Andorra, Finland, Germany and Lithuania; these reports are in the process of being sent to the national authorities, which will be asked to provide final comments before the reports are published.

Allow me to highlight the main findings of GRETA from the reports on **Iceland, Italy and San Marino**.

In **Iceland**, progress had been made in developing the legal and institutional framework for combating trafficking in human beings. For example, since 2018, victims of human trafficking who have been granted a residence permit are entitled to receive a work permit. Further, the duration of the recovery and reflection period has been extended from six to nine months. Other positive developments are the setting up of two teams by the Ministry of Welfare to provide assistance and services to victims of trafficking, a human trafficking team at the Directorate of Labour, as well as a new investigation unit at Reykjavik Metropolitan Police to deal with cases of human trafficking and prostitution.

However, there are a number of areas which require action. GRETA has urged the authorities to adopt as a matter of priority a new national Action Plan against human trafficking, and I am pleased to note that such a plan was recently made public, on 29 March, and it refers to GRETA's recommendations. As a result of the increase in the number of migrant and temporary workers in Iceland, there are concerns about labour exploitation in different sector, and GRETA has urged the Icelandic authorities to take further steps to prevent trafficking for the purpose of labour exploitation. GRETA has also urged the Icelandic authorities to set up a formalised National Referral Mechanism and to pursue a proactive approach to victim identification. GRETA is concerned by the lack of progress in the criminal justice response to human trafficking in Iceland and has called on authorities to take measures to ensure that human trafficking offences are investigated proactively, prosecuted successfully, and lead to effective, proportionate and dissuasive sanctions. This would require further training to police officers, prosecutors and judges.

Following the first evaluation by GRETA in 2014, **Italy** has made progress on a number of issues linked to the implementation of the Anti-trafficking Convention, such as the adoption of a law strengthening the protection of unaccompanied children, including child victims of trafficking. Other encouraging developments are the adoption of the first National Action Plan against human trafficking in 2016 and a "Single programme for the emergence, assistance and social integration of victims of trafficking and exploitation". Further, the development of Guidelines for the identification of victims of trafficking among applicants for international protection, in co-operation with UNHCR, has the potential to facilitate the identification of victims amongst asylum seekers.

However, GRETA is concerned that recently adopted legislation excluding asylum seekers from access to reception centres risks leaving possible victims of trafficking without assistance. The number of persons identified and assisted as victims of human trafficking in Italy has remained in the region of 1,000, despite the significant increase in the number of asylum seekers and migrants arriving in the country. GRETA has urged the Italian authorities to increase their efforts to proactively identify victims of trafficking, in particular for the purpose of labour exploitation. This would require strengthening labour inspections and providing additional training to labour inspectors, members of other inspecting agencies, law enforcement officers, prosecutors and judges. Moreover, GRETA has urged the Italian authorities to take additional measures to prevent unaccompanied or separated children from going missing and to increase their outreach work to identify child victims of trafficking for different forms of exploitation. GRETA's report also stresses the importance of building strategic partnerships with NGOs and trade unions, and to involve them in anti-trafficking action.

In the report on **San Marino**, GRETA has noted positive legislative developments, such as 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. Furthermore, through the adoption of another law in 2016, the assistance measures and protection envisaged for victims of violence have been extended to victims of human trafficking. Another positive development concerns 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 San Marino prior to requesting new permits.

However, GRETA has stressed that even though no cases of human trafficking have so far been discovered in San Marino, the provision of training to relevant professionals is crucial for enabling them to detect indicators of human trafficking and deal with them in accordance with the provisions of the Convention. GRETA has urged the San Marino authorities to take legislative or other measures to enable the identification of victims of trafficking and to ensure that they can receive adequate assistance and support. Further, GRETA has called on the authorities to ensure that the recovery and reflection period provided for in Article 13 of the Convention is specifically defined in law.

As regards GRETA's **plans for 2019**, we have a busy schedule of 11 planned visits, two of which have already taken place (first-time visits to the Czech Republic and Monaco). The first three countries to be evaluated under the third evaluation round of the Convention – Austria, Cyprus and the Slovak Republic – have provided their replies to GRETA's questionnaire on time, and dates for the visits to these countries have been agreed with the authorities. The third round questionnaire has also been sent to six more countries which will be evaluated in the course of 2019: Albania, Bulgaria, Croatia, Denmark, Georgia and Republic of Moldova. I wish to stress the importance of providing timely replies to GRETA's questionnaire so that the third monitoring round of the Convention can be completed on schedule.

Co-operation and partnerships are indispensable prerequisites for successful international action against trafficking in human beings and GRETA has continued to reinforce its working relations with international organisations and NGOs active in the area of combating trafficking in human beings, as well as with other Council of Europe structures. At its plenary meeting in December, GRETA had the opportunity to hold a fruitful exchange of views with the Vice-President of the European Court of Human Rights, Mr Linos-Alexandre Sicilianos, as well as a representative of the Office of the Prosecutor of the International Criminal Court. Further, at its recent meeting in March, GRETA had an exchange with Ambassador Tomáš Boček, Special Representative of the Council of Europe Secretary General on Migration and Refugees.

At this meeting, the Committee of the Parties will consider **reports submitted by six Parties** to the Convention in response to the Committee's recommendations issued in the context of the second evaluation round of the Convention. These reports have been examined by GRETA at its recent plenary meeting and therefore I will later on be in a position to provide comments on them on behalf of GRETA.

The last meeting of Presidents of Council of Europe monitoring and advisory bodies, which was organised on 4 February 2019, in the presence of the Secretary General, explored important questions such as how to measure and strengthen States' compliance with the recommendations of monitoring bodies, including through the work of intergovernmental committees and technical co-operation. In the case of GRETA, the conclusions made as a result of country monitoring are reinforced by the recommendations issued by the political pillar of the monitoring mechanism under the Convention, the Committee of the Parties. It is important that the two pillars of the Convention's mechanism continue to speak with one voice. It is also of crucial importance that the Council of Europe continues assisting member States in implementing GRETA's recommendations through targeted co-operation activities.

I trust that the Committee of the Parties will continue reinforcing GRETA's monitoring findings through its work and support to States Parties in improving the implementation of the Convention.

Thank you for your attention.

Appendix IV

Statement by Ms Hjördís Olga Guðbrandsdóttir, Deputy to the Permanent Representative of Iceland

Thank you, Madam Chair.

Let me start by expressing our gratitude to the GRETA group for the excellent cooperation during the second evaluation round on Iceland.

We welcome the carefully conducted evaluation in 2018 and the helpful report that followed and was published earlier this year. We value the words of positive achievements and we take note of any shortcomings presented in the report.

After the publication of the GRETA report on Iceland, The Ministry of Justice published on the 29th of March in Icelandic and in English a paper on "Government emphasizes on actions against human trafficking".

The action plan focuses on combating trafficking in human beings and other forms of exploitation, in accordance with Iceland's obligations under the Convention on Action against Trafficking in Human Beings and is based on and gives consideration to the new report from GRETA.

I do not intend to take you through the action plan in details, but I will give a few examples:

- In the action plan you can find the governments intentions to establish a National Referral Mechanism, as has been recommended by GRETA, no later than in 2020 and currently a cost assessment is underway so that work can be brought forward;
- intentions to define a formal process for identifying victims and coordinate guidelines and procedures; and child protection authorities will prepare clear procedures for identifying children suspected of being victims of human trafficking.
- Intentions to ensure recording of information about potential victims of human trafficking and the registration of information by the police and prosecution authorities of complaints and notifications regarding suspicion of human trafficking and how they are handled.

And as I have already mentioned, the action plan is based on the recommendations made by GRETA and it is intended to tackle the shortcomings identified in the report.

I am also happy to inform you that a Family Justice Centre similar to Bjarkarhlíð in Reykjavík has been opened in the northern part of the country. The centre provides co-ordinated services to all victims of violence, including of human trafficking. It provides a holistic approach to adult victims of violence who are interviewed in the same location by different specialists such as social workers, lawyers and police officer and are supported in a warm welcoming environment.

Let me finish by saying that Iceland remains dedicated to the cause and the fight against human trafficking and we are determined to make further progress and we will use GRETA´s recommendations on our way forward.

Appendix V

Statement by Ms Anna Claudia Servillo, Department for Equal Opportunities, Italian Presidency of the Council of Ministers

Dear President, kind representatives of the Committee, dear colleagues.

Thank you all for the valuable work done so far.

We have noted with satisfaction the appreciation by GRETA of the progress made with respect to the first evaluation. As we already stated on the occasion of the publication of the draft report, the Italian Government attaches great importance to the work of GRETA and takes into consideration all the indications provided.

With regard to the Recommendations formulated in the report concerning the second cycle of evaluation, we have proposed further elements that were sent to you through the Italian Permanent Representation to the Council of Europe. However, we want to inform you that we are already working on the critical points that emerged in the recommendations, such as the need to harmonize the rules on the recognition of victims of trafficking with those relating to asylum and voluntary repatriation, in particular for unaccompanied minors. Likewise, careful consideration will be given to the reduction of the procedures for the compensation of victims of trafficking, also for the purpose of organ harvesting.

Furthermore, we take this opportunity to inform you that yesterday the Undersecretary of State, Mr Vincenzo Spadafora, signed the decree for the re-establishment of the inter-institutional Direction Cabinet (a governing body) with the mandate to draw the new National Action Plan against human trafficking. The latter will be composed by representatives of central administrations and of those coming from the regions and local Authorities. While deeply studying the content of GRETA Recommendations, the Cabinet will be the forum to define the guidelines to plan the interventions to combat trafficking and serious exploitation.

We all know that human trafficking is a complex phenomenon that can only be addressed and countered by acting simultaneously on multiple levels. Indeed, we need to carefully examine its multifaceted nature with a comprehensive and coordinated approach. Under the perspective of multilevel and multi-agency governance, the Department for equal opportunity has already submitted the decree for the establishment of a Technical Committee to support the Direction Cabinet in the drafting of the Action Plan. In this context, representatives of the main NGOs in this field and the Trade Unions and employers' organizations will be able to contribute to it for the first time as effective members.

We are also pleased to inform the Committee of the Parties and the GRETA Group that in parallel, on the 21st of December 2018, the Department for Equal Opportunities published a new call for tenders of about 24 million of euros (around 5 million more than the previous program) for the financing of anti-trafficking projects, consolidating the practice of long-term projects lasting 15 months.

Finally, we want to confirm our resolve to submit the 2016-2018 Plan to an independent assessment that will allow us to highlight the strengths and weaknesses of the previous Strategy, in order to streamline the preparation of the new Plan.

Thank you again.

Written observations and comments on the Draft Recommendation for Italy from the Group of Experts of the Council of Europe in the framework of the monitoring system of the Convention of the Council of Europe on Action against Trafficking in Human Beings (Strasbourg, 5 April 2019)

It has been noted with satisfaction that GRETA acknowledged the progress made by Italy vis-à-vis the first round of evaluation.

As already underlined on the occasion of the publication of the first draft report, the Italian Government attaches great importance to GRETA's work and all its indications and suggestions are duly taken into account by the relevant Authorities.

In view of the meeting of the Committee of the Parties on the 5th of April, the following observations and comments have been drawn-up with respect to some of the Recommendations drafted at the end of the second round of evaluation.

Developing a comprehensive and coherent statistical system

The Government is well aware of the importance of implementing a complete and coherent statistical system on Trafficking in Human Beings. In light of that, it is currently being thoroughly examined the possibility to develop an integrated system that enables a more in-depth analysis of reported offences and a more targeted action against trafficking. In this respect, it is envisaged to draw lessons from the best practises of successful models such as the European observatory on smugglers and human trafficking or the computerised system for the management of the inspection procedures and the statistical returns with respect to the results of social work surveillance and social legislation.

Intensifying efforts to prevent human trafficking for the purpose of labour exploitation

Labour inspectors have participated in various editions of OSCE's training courses in Italy (the last one being held in December 2018). Such courses aim at promoting a multi-agency approach and at developing synergies between Authorities and private and public stakeholders which are involved in the fight against trafficking.

With the goal of countering the phenomena related to labour exploitation, Italy has taken part in some projects financed by the EU in the framework of the fight against human trafficking, in order to strengthen effective measures to combat "*caporalato*" (the illegal recruitment and employment of agricultural workers). Moreover, Law 145/2018 art. 1 co. 445 authorised the hiring of 1000 new labour inspectors in the period 2019-2021.

Separating immigration enforcement functions from labour inspectorate roles

The detection of irregularities in the access to Italy of non-EU citizens does not fall within the competences of territorial labour inspectors. However, in her/his capacity of judicial police officer in cases concerning criminal offences in the field of labour law and social legislation, the labour inspector has the obligation to report the presence of illegal workers to the Authorities of public security for the subsequent identification and necessary controls. In any case, it must be underscored the fact that all inspective activities aim at making sure that the substantial protection guaranteed to Italian and foreign workers legally residing in Italy be the same also for those non-EU citizens who do not hold a legal residence permit. In addition, the nullity of the labour contract, consequent to the lack of compliance to the procedure for the correct establishment of a work relationship, does not prevent the worker without a legal residence permit from being remunerated and having access to the obligatory contributions, as well as from benefiting from the current labour, healthcare and safety provisions. Finally, the principle of non-discrimination and the legislation concerning the protection of minors and working mothers always apply.

Strengthening efforts to prevent trafficking in children

A number of legislative provisions and initiatives have been undertaken in order to guarantee the right to good quality education and training to all minors present on Italian territory as stated in the art. 34 of the Italian Constitution. Special attention is granted to programmes aimed at raising awareness, informing and training students, school staff and other stakeholders about trafficking. Indeed, important initiatives are currently implemented in order to guarantee professional training to teachers and school staff on preventing early leaving which may put minors at risk of different forms of exploitation. Moreover, equally important are the measures implemented for training and education aimed at rescuing adults already at risk of violence and trafficking who need social and labour-market re-integration programmes. Concerning the assistance for minors who are victims of trafficking, the Law 47/2017 established the prohibition of refusing access to Italy to minors at the border.

In the case of assisted and voluntary repatriation, which can be adopted when the reunification of the minor with the family members present in the country of origin or in a third country represents the major interest of the minor, the provision is ordered by the Juvenile Court, heard the minor and the tutor and on the basis of the results of family investigations and the report of social services regarding the situation of the minor in Italy.

With respect to exceptional cases concerning the expulsion of a foreign minor, the decision may be adopted by the Juvenile Court, upon request of the "*Questore*" (Commissioner of police), only and if such decision is necessary, proportionate and does not cause serious damages to the minor.

Ensuring compliance with Article 26 of the Convention

The Italian criminal justice system expressively provides the non-punishment of the person who committed the offence after being forced by unforeseeable circumstances or "force majeure" (art.45 crim. Law) or by physical violence, to which he/she could not resist or escape (art. 46 crim. Law). Such provisions find their implementation whenever the victim of traffic was 'forced' to commit the offence. Moreover, art. 54 of the criminal law (state of necessity), excludes any punishment for whom committed the offence after being forced by the necessity to save himself or others by the danger of a serious damage to the person, a danger not voluntarily caused by him/herself, not otherwise avoidable, if proportional to the danger. The provision of the first part of this article is applied despite the state of necessity is determined by the threat of others (including in cases of psychic violence); however, in that circumstance, the person who forced a person to commit an offence is responsible for the act committed by the threatened person

Appendix VI

Statement by Ms Sylvie Bollini, Permanent Representative of San Marino

Thank you, Madame Chair, for giving me the floor.

I have to say to begin with that I feel privileged as I was able to participate in person, as the "point of contact", in GRETA's visits to San Marino, for both the first and second rounds, before being appointed Permanent Representative here in Strasbourg.

So I am well placed to appreciate the work of the experts and to thank them - including the outgoing members who have taken up new duties in the meantime – for their receptiveness and, if I might say, their human approach.

Here, we are in an organisation that focuses on human rights and, personally, I am convinced that it is precisely this human approach that is such an asset when dealing with these issues.

Where the second round report on my country is concerned, the basic premise that my authorities wish to make - or rather reiterate - when talking about trafficking in human beings, is that, to date, no cases or even reports of presumed trafficking in human beings or human slavery have ever been found in San Marino, either by the institutions (judicial authorities, police, health care staff and the like) or by civil society. That is a fact.

But signing up to the Convention was our way of showing the support we wished to give this instrument so vital in combating a crime that is, by definition, a global phenomenon reaching beyond borders, and also of protecting ourselves from any future risks.

We appreciate the fact that the document submitted to the Committee of the Parties has duly taken developments since the first round into account.

I would just like to add a further footnote: the report covers the situation only up to 7 December 2018 and, as you will see from the appended comments of the San Marino authorities, a number of measures have been taken, particularly in the area of training and awareness-raising, which now render some of the recommendations obsolete.

Finally, we would just like to point out a correction to be made on page 34 of the French version of the report, where it is stated that the Italian authorities have submitted their comments. I would be grateful if, obviously, you would amend this text to read "the San Marino authorities".

Thank you.


Appendix VII

Power point presentation by Mr Marko Tanaskovic, Ministry of Interior, General Police Directorate, National Anti-trafficking Coordination Office of Serbia



**SRBIJA PROTIV TRGOVINE LJUDIMA.
SRBIJA - ZEMLJA SLOBODNIH LJUDI.**

**IMPLEMENTATION OF THE COUNCIL OF EUROPE
CONVENTION ON ACTION AGAINST TRAFFICKING IN
HUMAN BEINGS BY SERBIA**



**SRBIJA PROTIV TRGOVINE LJUDIMA.
SRBIJA - ZEMLJA SLOBODNIH LJUDI.**

Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Serbia

Issues that requires immediate action:

- Measures for reduction of children's vulnerability to trafficking**
 - Improvement of legal framework
 - New obligations for competent authorities
- Specialised services and actions that support victims of THB**
 - State shelters for victims of THB
 - Current supporting projects and their effects
- Improvement of the identification of victims of THB among unaccompanied and separated foreign children**
 - Standard operating procedure
 - Multidisciplinary trainings and workshops
 - Reorganization of the identification stakeholders



**SRBIJA PROTIV TRGOVINE LJUDIMA.
SRBIJA - ZEMLJA SLOBODNIH LJUDI.**

Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Serbia

- Actions for improving position of presumed foreign victim of THB and particularly vulnerable groups**
 - New Law on Foreigners
 - Directive 2004/81/EC
- Providing compensation for victims of THB**
 - Promotional material (leaflet about rights of victims)
 - Comprehensive improvement of status and rights of new draft National Strategy for achievement of rights for victims and witnesses of criminal act 2019/2025



**SRBIJA PROTIV TRGOVINE LJUDIMA.
SRBIJA - ZEMLJA SLOBODNIH LJUDI.**

Preventing and Combating Trafficking in Human Beings in Serbia -Horizontal Facility for Western Balkans and Turkey-

Component I

- Trafficking for the purpose of labour exploitation in Serbia**
 - Strengthening capacities for combating THB in this domain
 - Multidisciplinary workshops
 - Pocket guidebook for labour inspectors/market inspectors
 - Implementation of good praxis from EU countries

Component II

- Compensation mechanism**
 - Informative leaflet for victims of the THB
 - Round-table meeting about National compensation model
 - Trainings for Financial investigation units




**SRBIJA PROTIV TRGOVINE LJUDIMA.
SRBIJA - ZEMLJA SLOBODNIH LJUDI.**

**Preventing and Combating Trafficking in Human Beings in Serbia
-Horizontal Facility for Western Balkans and Turkey-**

Component III

- **Transnational Referral Mechanism**
 - Expert opinion in order to improve TRM
 - Adoption of the Standard operative procedure
 - Training for Ministry of Foreign Affairs
 - International Multidisciplinary workshops



**SRBIJA PROTIV TRGOVINE LJUDIMA.
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Challenges

- **Sinergy** of the current projects based on prevention and combating THB
- Monitoring and evaluation of the **new Standard operative procedures**
- **Financing** specialized licensed services of NGO's from National budget
- **Age assessment** process



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**Republic of Serbia
Ministry of Interior
General police directorate
National Antitrafficking Coordination Office**

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Appendix VIII

Statement by Ms Eva Tomič, Permanent Representative of Slovenia

We would (on behalf of our National Coordinator Against Human Trafficking, Mr Sandi Čurin) like to thank the members of GRETA for the efforts made during the second evaluation round concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings.

According to the Report of the Republic of Slovenia on measures taken to comply with Committee of the Parties Recommendations in front of us, from 28 February 2019, it can be noted that some of the GRETA's recommendations have already been fulfilled. Some recommendations are still outstanding, but their full implementation is foreseen in the framework of the implementation of the national Action Plan for Combating Trafficking in Human beings for the period of 2019-2020, adopted by the Government of the Republic of Slovenia on 7 January 2019.

Let me be more concrete:

In accordance with the GRETA's recommendation to strengthen the co-ordination of anti-trafficking action, a new unit - Anti-Trafficking Service – has been established within the Ministry of the Interior on 26. 11. 2018 (whereby the National Anti-Trafficking Coordinator has been placed within this unit).

In accordance with the GRETA's recommendation to adopt the measures to protect and promote the rights of victims, guaranteeing gender equality, the Inter-Ministerial Working Group for Combating Trafficking in Human Beings has continued to train professionals involved in combating trafficking in human beings.

On GRETA's recommendation on access to assistance for victims of THB and the Recovery and reflection period, assistance to minor victims of trafficking in human beings in the Republic of Slovenia is provided under the programmes of care for victims of trafficking in human beings in crisis accommodation and in a safe location. The Republic of Slovenia is also aware of the need to amend the Compensation to Crime Victims Act and has therefore included the above among the measures envisaged in Chapter V of the Action Plan.

The Republic of Slovenia nevertheless took note of all GRETA's recommendations and will examine them within the framework of activities envisaged in Chapter V of the Action Plan

To conclude, let us once again thank you, Mr President, and the GRETA members for the efforts made during the second evaluation round and to stress that the comments and recommendations highlighted by GRETA provide useful guidance to the Slovenian authorities for more efficient implementation of the Convention.

Appendix IX

Statement by Mr Jean-François Goujon-Fischer, Deputy to the Permanent Representative of France

In connection with the recommendations made by the Committee of the Parties regarding implementation of the Council of Europe Convention on action against trafficking in human beings, France explained the means it deployed to combat THB.

1. Collection of data on trafficking in human beings

The administrative statistics on the activities of the security forces (police and gendarmerie) and the judiciary reveal among other things the number of victims having lodged a complaint and been inventoried in judicial proceedings as well as the number of perpetrators sentenced. In order to cover the entire area of THB as comprehensively as possible, the scope of the offence taken into account in the statistics of the ministries of the Interior and Justice relates to acts classified as THB offences (Articles 225-4-1 to 4 of the Criminal Code) as well as the forms of exploitation listed in those articles.

On top of the institutional statistics, over the last two years the National Observatory on Delinquency and Criminal Law Responses (ONDRP), working in partnership with the Interministerial task-force on combating violence against women and human trafficking (MIPROF), has produced an annual survey of trafficking victims in France assisted by associations, providing information on the profiles of the victims, the conditions in which they were exploited, the support provided and the formalities completed by the victims. This survey is carried out in collaboration with the associations making up the "*Ensemble contre la traite des êtres humains*" NGO collective.

2. Trafficking in children

a. Care for unaccompanied minors

The Paris Prosecutor's office, with support from the MIPROF, has taken the initiative of establishing a special agreement on setting up a pilot scheme for protecting minors who are victims of THB. This is geared to spotting and identifying child victims of THB and removing them from the sphere of influence of trafficking networks so that they can benefit from a full package of medical and administrative care. This entails placing child victims of THB in secure conditions, including in geographically distant locations. The victims are taken into care in facilities where specially trained educators provide them with support on a day-to-day basis.

As soon as a judicial investigation into the perpetrators is opened, an ad hoc administrator is systematically appointed to represent the minor, as well as a lawyer from the list of lawyers specially trained to assist and defend the interests of minors.

The 2nd action plan against trafficking in human beings provides for the extension of this agreement to the areas impacted by the phenomenon, which will make it possible to integrate all the relevant stakeholders so that child victims of THB can be better identified on French territory.

Access to education

There are arrangements for minors under 16 years of age who are at risk of exploitation to be taken into the compulsory schooling system. There is also provision for access to training leading to a qualification for young people aged over 16.

For unaccompanied minors, this work is necessarily carried out on a partnership basis and takes account of their age, their situation in terms of the right to stay in France, social support, their ability to speak French and to read and write and the schooling they have acquired.

- a) To step up efforts to prevent the trafficking of children, not only for the purpose of sexual exploitation but also for other types of exploitation

Training is given on the protection of children in danger at basic training level (in the national teacher training colleges) and in further training (within staff training schemes), for all staff (teachers, head teachers, educational advisers, nurses, doctors, social workers etc). This training, enshrined in Article L. 542-1 of the Education Code, provides for the introduction of a multidisciplinary module on sexual offences against minors and their impact. Such training must cover the different situations that may arise (including trafficking in human beings and exploitation) and could place the child at risk. The different angles tackled include: child safeguarding policies and arrangements; knowledge of children and their domestic circumstances; the stance to be taken by the professional, particularly in terms of ethics and responsibility.

The training modules for *département* council assessors for unaccompanied minors have dealt with the phenomenon of trafficking since 2017. An educational booklet on trafficking in minors has been produced by the MIPROF with input from the Ministry of Justice, professionals working on the ground and associations, and is aimed at the educators of the child welfare services and child protection services.

3. Identification of trafficking victims

- a. To strengthen the multidisciplinary approach to the identification of victims by introducing a national referral mechanism

Both the Ministry of the Interior instruction of 19 May 2015 and the Ministry of Justice circular of 22 January 2015 on criminal law policy on action against trafficking in human beings encourage the stakeholders to work in partnership.

Working in partnership is one of the priorities of the 2nd anti-trafficking action plan currently in preparation. Departmental coordination bodies will be set up in pilot locations impacted by the phenomenon of trafficking. Special agreements will be concluded locally between all the institutional and voluntary sector stakeholders with a view to organising this work in partnership at local level and facilitate identification of trafficking victims.

- b. To ensure that, in practice, the identification of trafficking victims is not conditional on their co-operation with law enforcement agencies

Under Ministry of the Interior instruction no. NORINTV1501995N of 19 May 2015 on conditions for allowing foreign nationals who are victims of THB or pimping to stay in the country, identification of trafficking victims is entrusted to trained professionals recognised for their expertise in order to avoid the exploitation of victim status by traffickers and stay permits being issued to people who are not actually victims of trafficking. No changes to this instruction are envisaged.

- c. To clarify the procedure for identifying trafficking victims who are French nationals and EU/EEA country nationals

Victims who are French nationals and EU/EEA country nationals have the same entitlement as victims of a criminal offence, which includes the right to care and social and judicial assistance up to the criminal trial, as well as a right to compensation.

d. To take steps without delay to identify trafficking victims among the migrants living in makeshift camps, as well as those who have been sent to accommodation centres (CAOs)

The asylum directorate of the Ministry of the Interior is currently working with those operating in the asylum field on the topic of basic and further training for social workers, covering the issues linked to asylum in general and including a module on issues of gender-related vulnerability, including trafficking in human beings. In addition, the OFII has already planned training for its single-window staff on the topic of vulnerability in its different forms.

Furthermore, training for professionals, particularly those whose work brings them into contact with migrants, will be a measure under the 2nd national action plan being prepared.

e. To ensure that identification efforts cover all trafficking victims, regardless of the purpose of exploitation

Although the formal identification of victims falls within the remit of the security agencies, partnership between public institutions and THB victim assistance associations remains essential for better identifying the acts committed and also improving care for the persons concerned. The offices involved work with specialised associations.

The identification of THB victims is an indispensable step in the process that makes assistance and protection available to them. This identification requires basic and further training for the professionals coming into contact with THB victims. While trafficking in human beings (in the broad sense) is broached in basic training for the different ranks in the municipal police, it is an integral component of numerous training programmes and courses for all profiles across the board within the national police force.

Under the 2nd anti-trafficking action plan, training and awareness-raising for professionals in relation to victims or potential victims of THB will be continued and stepped up.

4. To improve access to specialised assistance and accommodation for all trafficking victims

a) To ensure that all the assistance measures provided for by legislation are guaranteed in practice; if such assistance is delegated to NGOs acting as service providers, the State has an obligation to allocate the necessary funding and guarantee the quality of services provided by the NGOs

Budget programme 137 "Equality between women and men" under the responsibility of the Directorate General of Social Cohesion includes an action entitled "Prevention of and action against trafficking in human beings" (Action 15). The Directorate funds the policy for prevention of and action against prostitution and sexual exploitation implemented by the central department and applied at local level by local and regional teams working for women's rights.

In 2018, budget appropriations for action 15 amounted to 5M€. After application of the precautionary reserve, the funding available totalled 4.8 M€, 2.7 M€ of this being at national level and 2.1 M€ of it at devolved level.

Under programme 101 the Ministry of Justice finances anti-trafficking NGOs at both national and local level to the tune of 225 000 euros for 2018, and these include ALC, Amicale du Nid, Comité contre l'esclavage moderne (CCEM) and Association Foyer Jorbalan.

- b) To allocate adequate resources for the creation of accommodation places to provide shelter for any victim of trafficking, of either gender, through the Ac.Sé national system and the accommodation offered by specialised NGOs

The national system providing secure reception for victims of trafficking in human beings and pimping (AcSé system) is intended to provide reception, accommodation and protection for victims of trafficking in human beings and pimping demonstrably in a situation of vulnerability and/or danger who should be placed far away from those exploiting them. Coordination of the AcSé system is funded through a special agreement concluded between the Directorate General of Social Cohesion (DGCS/SDFE) and ALC. Assessment of the pluriannual agreement on objectives concluded between the DGCS and ALC for the period 2016-2018 will analyse whether those objectives have been attained. The current system will be analysed to evaluate the real needs, including in terms of the number of THB victims in danger on French territory. It should be emphasised that the appropriations in programme 137 on "Equality between women and men" are not intended to create accommodation places as such but rather to support national coordination of the AcSé system, one of whose aims is to incite reception structures to join the system.

- c) To take all necessary steps to allow effective access to healthcare, the asylum seeker's allowance and social housing

Access to healthcare:

THB victims' healthcare expenses are covered under ordinary law, which states that, depending on their circumstances, any foreigner residing in France may have their healthcare expenses paid for them, regardless of whether they are legally or illegally present on French territory.

Those who have been legally resident on French territory for over 3 months may request affiliation to the sickness insurance scheme and benefit from supplementary universal health insurance coverage (CMU-c scheme) or aid for the payment of supplementary health insurance (ACS) if they pass means testing.

Those who are illegally present and have been resident on French territory for over 3 months must seek state medical aid (known as AME), granted under the same means-testing conditions as for the CMU-c scheme. Those residing in France for less than 3 months may receive care under the "emergency care" system.

Minors, whether unaccompanied or not, and irrespective of their parents' situation with regard to the right to stay, may have their healthcare expenses paid for them as of their arrival on French territory under the International Convention on the rights of the child.

Following the introduction of reforms to asylum on 1 November 2015, asylum seekers now receive an allowance during their asylum procedure in France: the asylum seeker's allowance (ADA).

5. To reinforce without delay the process of identifying and assisting child victims of trafficking, in full compliance with the best interests of the child

- a) To introduce a national referral mechanism defining the role to be played and the procedure to be followed by all the authorities and professionals who may come into direct contact with child victims of trafficking, including NGOs

The extension of the scheme set up in Paris which is envisaged in the 2nd national action plan will make it possible to integrate all the relevant stakeholders so that child trafficking victims can be better identified on French territory. The associations specialising in action against trafficking will be at the forefront of work harnessing prevention efforts and the protection of THB victims involved in a network or likely to be.

b) To provide for the systematic appointment, as quickly as possible, of guardians for child trafficking victims to protect their interests

In the absence of a system specifically dedicated to child trafficking victims it is the general provisions of the law which are applicable. The existing legal framework provides both for a guardianship system and for ad hoc administration (AAH). The ad hoc administrator is appointed by the judicial authorities to represent and support the minor in specified administrative and/or judicial procedures. Guardianship, on the other hand, entails a more extensive role, to be fulfilled until the child reaches the age of 18.

Under arrangements to extend the system of care for child victims of trafficking, the special agreements concluded locally for the introduction of such schemes will provide for the systematic appointment of an ad hoc administrator to represent the minor as soon as a judicial investigation is opened into the perpetrators of trafficking in human beings.

c) To develop the offer of accommodation, with staff specifically trained in receiving victims of trafficking

One of the aims of the pilot scheme conducted in Paris for the care of trafficking victims is to refer victims to a partner reception centre. These centres, identified beforehand, provide minors with an educational or vocational training pathway together with health, social and psychological assistance to facilitate their academic and professional insertion. The partner associations participate in training and awareness-raising for the staff in those centres as regards child victims of THB.

Extending the scheme to locations impacted by the phenomenon will make it possible to expand the number of centres suitable for receiving child victims, with local associations running training for the professionals involved.

d) To develop reinsertion programmes for child victims of THB

There is currently no programme or service specifically dealing with the insertion or reinsertion of child victims of trafficking. However, the previously mentioned special agreement (question 2.a) provides for socio-educative support tailored to child victims taken in under the pilot scheme.

Regarding the special case of unaccompanied foreign minors, French legislation on child protection prioritises their child status and assimilates them to French minors, which enables them to access the different systems of social protection, education and healthcare in France. In concrete terms, this means that they are looked after until adulthood, and in exceptional cases up to the age of 21 years by the child welfare services of the *département* council (material, educational and psychological support).

e) To develop awareness-raising and training for all the institutional stakeholders who may come into contact with child victims of trafficking, including staff working in the refugee camps

A holistic, cross-sectoral approach to trafficking in human beings is taken in the training mentioned under question 2.e).

As indicated for question 2.b), there are training courses on protecting children in danger at basic training level (in the national teacher training colleges) and further training level (within staff training schemes) for all categories of staff (teachers, head teachers, educational advisers, nurses, doctors, social workers etc).

These courses must cater for the different situations that may arise (including trafficking in human beings and exploitation) and have dangerous consequences for children. They tackle the issue from various angles: safeguarding policy and arrangements; knowledge of children and their domestic circumstances; the stance to be taken by the professional, particularly in terms of ethics and responsibility.

The training modules for *département* council assessors for unaccompanied minors have covered the phenomenon of trafficking since 2017.

An educational booklet on trafficking in minors has been produced by the MIPROF with input from the Ministry of Justice, professionals working on the ground and associations, and is aimed at the educators of the child welfare services and child protection services.

Training for professionals working with and for children will be stepped up under the 2nd national anti-trafficking action plan.

6. To improve application of the recovery and reflection period

a) To ensure that trafficking victims, including EU/EEA nationals, are systematically informed of the possibility of a recovery and reflection period and that reflection and recovery periods are, in practice, granted

European Union nationals are entirely governed, where being allowed to stay in France is concerned, by special provisions of the Code governing the entry and stay of foreigners and right of asylum, meaning that the usual provisions on the granting of a stay to THB victims are not applicable to them. However, in the event of them being identified as, or suspected to be, a trafficking victim, they will not be removed without being offered a reasonable recovery and reflection period.

b) To ensure that the relevant authorities are informed of the State's positive obligation to grant recovery and reflection periods to all possible victims of THB, whether or not such a request is made by a victim

The Ministry of the Interior instruction of 19 May 2015 reiterates the importance of harmonising practices between *préfectures* for the granting of stay permits and the recovery and reflection period. To better harmonise the practices of *préfectures* regarding victims' right to stay, dedicated contact persons have been appointed within the *préfectures* most affected by the phenomenon of trafficking in human beings, and training is being devised for them.

7. To align the notion of abuse of vulnerability to that of the Convention which encompasses any abuse of vulnerability, whether physical, psychological, emotional, family-related, social or economic
The notion of vulnerability is specified by the provisions of Article 225-4-1 of the Criminal Code relating to trafficking in human beings, as being "due to age, sickness, disability, physical or mental impairment or an apparent or known pregnancy". This text, formulated in elastic and tangible terms, covers all aspects of vulnerability, whether physical, psychological or emotional.

8. To take all appropriate measures to ensure that the possibility provided for in internal law of not imposing penalties on victims for their involvement in unlawful activities, where they have been coerced into them, be upheld in the case of trafficking victims, in accordance with Article 26 of the Convention and, to that end, draw up circulars for the investigation services and prosecutor's offices specifying the scope of the non-liability provision in the special case of trafficking victims

Current French law already allows for the non-liability of victims coerced into committing offences. The provisions of Article 122-2 of the Criminal Code stipulate that a person who has acted under the influence of a force or constraint which they could not resist is not criminally liable. The state of necessity provided for in Article 122-7 of that code may also be relied on as grounds by the defence, in a case where the act committed to safeguard people or property is proportionate to the seriousness of the threat (present or imminent danger).

Moreover, since the repeal of the offence of soliciting by the Law of 13 April 2016, victims of sexual exploitation, including minors, can no longer be prosecuted under this charge. Accordingly, engaging in prostitution is not an offence under French law.

On the other hand, the use of prostitution of minors or vulnerable individuals is an offence punishable by three years in prison. Following the passing of the Law of 13 April 2016, the use of prostitution of an adult is also an offence punishable by a fine. These legal provisions help to protect victims. In addition, the circular of 22 January 2015 setting out criminal law policy on action against trafficking in human beings stresses that where the existence of a trafficking network is proven and the victims are identified, the priority for criminal law policy is to prosecute those running the network and to protect the victims.

Comments following the GRETA experts' visit to France on 11 and 12 February

The MIPROF coordinated the visit by the GRETA's experts on 11 and 12 February 2019.

In the course of those two days, the GRETA representatives held talks with the Interministerial task-force on combating violence against women and human trafficking (MIPROF), the Ministry of the Interior, the Ministry of Justice, the Ministry of Solidarity and Health, the Ministry of Labour, the Ministry of National Education and Youth, the French Office for Immigration and Integration (OFII) and the French Office for the Protection of Refugees and Stateless Persons (OFPRA).

The process underlying the preparation of the 2nd anti-trafficking action plan, and in particular the phase entailing consultation with the ministries concerned and the specialised associations, was presented to the experts together with the 2nd plan's main thrusts. The different ministries also reiterated the anti-trafficking efforts they had mobilised in implementing the first plan and their involvement in devising the second one.

The ministries concerned presented their respective anti-trafficking initiatives and the initiatives to be pursued under the next action plan. In particular, the experts focused on:

Setting up of a national referral mechanism: the French government noted the Council of Europe's repeated wish to see such a mechanism introduced in France.

The MIPROF coordinates anti-trafficking action nationally in conjunction with the ministries concerned. In addition, a coordination committee, set up by a decree of 11 August 2016 and made up of the ministries concerned by THB, representatives of specialised associations and qualified eminent figures, is tasked with monitoring implementation of measures under the national action plan and gathering best practices at local level in order to steer governmental action in this sphere. Furthermore, one measure in the 2nd plan entails the drawing up of a list of indicators for identifying victims that will serve as a common basis for all the stakeholders. The list, drawn up in consultation between the ministries concerned and the associations, will be issued via a joint ministerial circular enabling all professionals to share the same indicators to ensure better identification of victims.

Finally, the *département*-level bodies, provided for in the section on coordination at national and local level, will provide a means of exchanging information between the judicial and administrative authorities and also the associations for effective identification of victims (based *inter alia* on the list of common indicators) and better victim protection.

Protecting child victims of THB: The MIPROF and ministry representatives (justice and solidarity) reiterated that the unconditional protection of minors would be one of the priorities of the 2nd action plan. Specific measures in the 2nd plan are aimed at better prevention of the phenomenon and better protection of victims. An information campaign on the risks of exploitation for young people is to be launched on-line and on social networks. In addition, the pilot scheme run in Paris to protect child victims of trafficking, which proved to be effective during the 1st action plan, is to be extended to locations impacted by this phenomenon.

This scheme, described in greater detail in the recommendations of the parties, entails placing child victims of THB in secure conditions, including in geographically distant locations, removing them from the sphere of influence of trafficking networks and ensuring better care for them in facilities where specially trained educators provide them with support on a day-to-day basis. Under the training programme provided for in the 2nd plan, there is special emphasis on training professionals working with and for children (child welfare services and child protection services).

Identifying victims: In France, the identification of trafficking victims is entrusted to professionals (municipal and national police officers, labour inspectors, staff of the OFPRA) who have training and recognised expertise. For this reason, the administrative statistics on the activities of the security and justice agencies make it possible, among other things, to establish the number of victims having lodged a complaint and been inventoried in judicial proceedings. In order to cover the entire area of THB as comprehensively as possible, the scope of the offence taken into account in the statistics relates to acts classified as THB offences as well as the forms of exploitation listed in the same articles of the law. On top of the institutional statistics and as part of a constant drive to improve knowledge, over the last two years the National Observatory on Delinquency and Criminal Law Responses (ONDRP), working in partnership with the MIPROF, has produced an annual survey of trafficking victims in France assisted by associations, providing information on the profiles of the victims, the conditions in which they were exploited, the support provided and the formalities completed by the victims. This survey will be continued and reinforced under the 2nd action plan.

Training and awareness-raising for professionals, already a priority of the 1st plan, will form a strong line of action in the 2nd plan, which provides for the introduction of a real national training plan. This training will be relevant to all professionals. In addition to the security agencies, professionals in the judiciary will have their training stepped up, and there will also be training and awareness-raising for the staff of the integrated reception and referral services and accommodation facilities, officials posted abroad, social workers, consular staff, hospital staff, healthcare professionals, airline staff and hotel workers.

Exploitation through labour: There is still too little known about trafficking in human beings for the purpose of exploitation through labour in France. A survey will be run under the 2nd plan in order to grasp the scale of the phenomenon and identify victims' needs and the solutions required. Initiatives to inform and raise awareness of employers and employees in order to spot potential THB situations will be implemented in order to fully involve the corporate sector in the efforts of the public authorities and the voluntary sector to combat this form of exploitation. To that end, a partnership agreement will be concluded between the State, professional employers' organisations and representative trade union bodies.

A THB contact person will also be designated within the employment section of each regional Business, Labour, Competition and Employment Directorate to facilitate the circulation and appropriation of information and awareness-raising tools by local corporate stakeholders and also to liaise with the contact persons appointed in the *préfectures* of the region's *départements*.

Coordinating action against trafficking in human beings: Public anti-trafficking policy will be rolled out to the areas affected via local victim assistance committees, co-chaired by the public prosecutor and the *préfet*.

The entire 2nd national action plan was validated at an interministerial meeting on 17 January 2019. The date of its announcement and adoption by the Council of Ministers has not yet been set.