



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

**Recommendation CP/Rec(2022)10
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Luxembourg**

*adopted at the 31st meeting of the Committee of the Parties
on 25 November 2022*

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

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

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

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

Having regard to the instrument of ratification deposited by Luxembourg on 14 April 2009;

Recalling Committee of the Parties' Recommendation CP(2018)25 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Luxembourg and the report of the Luxembourg authorities on measures taken to comply with this recommendation, submitted on 9 November 2019;

Having examined the third report concerning the implementation of the Convention by Luxembourg, adopted by GRETA at its 44th meeting (27 June - 1 July 2022), as well as the comments of the Luxembourg Government received on 9 September 2022;

Bearing in mind the focus of the third evaluation round of the Convention on access to justice and effective remedies for victims of trafficking;

Considering the conclusions and proposals contained in Appendix I of GRETA's third report on topics related to the third evaluation round and follow-up topics specific to Luxembourg;

Welcoming the measures taken and progress achieved by the Luxembourg authorities in implementing the Convention, and in particular:

- the further development of the legislative framework relevant to action against trafficking in human beings;

- the steps taken to prevent and combat trafficking for the purpose of labour exploitation, including the increase in the number of labour inspectors and their active involvement in the detection of victims of trafficking;
- the increase in the resources of victim support services and the number of accommodation places for victims of human trafficking;
- the increase in the number of staff of the Victim Protection and Fugitive Search Unit of the Police, responsible for identifying and protecting victims of trafficking;
- the effective implementation of protection measures in child trafficking cases;
- the participation in international co-operation in the fight against human trafficking.

A. Recommends that the Government of Luxembourg take measures to address the following issues for immediate action¹ identified in GRETA's report:

1. Make additional efforts to guarantee effective access to compensation for victims of trafficking, in particular by:

- ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of victims, is part of the criminal investigations and labour inspections with a view to supporting compensation claims in court;
- including the topic of compensation in the training programmes for lawyers, prosecutors and judges and encouraging them to use all the possibilities the law offers them to uphold compensation claims by victims of human trafficking;
- reviewing the eligibility criteria for state compensation to ensure that it is not conditional on failure to obtain compensation from the perpetrator and extending the presumption under Article 1 of the Law of 12 March 1984 to all victims of trafficking (paragraph 69);

2. Take additional measures to ensure that trafficking cases are investigated proactively and prosecuted effectively and lead to effective, proportionate and dissuasive sanctions, and in particular:

- continue developing the training and specialisation of investigators, prosecutors and judges so that they are better able to deal with trafficking cases and in order to prevent human trafficking offences being reclassified as other offences carrying lighter sentences, which also deprives trafficking victims of access to protection, support and compensation;
- strengthen proactive investigation of trafficking cases, regardless of whether a complaint about the reported crime has been submitted or not, by making use of special investigation techniques in order to gather evidence and not have to exclusively rely on testimony by victims. In this context, the Code of Criminal Procedure needs to be amended to enable the police to conduct online investigations under a pseudonym in cases of trafficking in human beings;
- strengthen co-operation between law enforcement officers, labour inspectors, financial police, trade unions and other civil society actors, with a view to collecting evidence necessary for successfully investigating and prosecuting cases of human trafficking, including cases of trafficking for the purpose of labour exploitation (paragraph 93);

3. Make full use of the available measures intended to protect victims and witnesses of human trafficking from intimidation or further trauma during the investigation and during and after court proceedings, including by using videoconferencing and other appropriate arrangements to avoid cross-examination of victims of trafficking in the presence of the trafficker (paragraph 108);

¹ The number of the paragraph setting out GRETA's proposals in the report is indicated in brackets.

4. Carry out and support research on trafficking in human beings for different forms of exploitation, including labour exploitation (particularly in the construction and catering sectors and domestic work) and trafficking in children, including children in street situations (paragraph 146);
5. Step up efforts to identify victims of trafficking for all forms of exploitation, and in particular:
 - ensure that the identification of presumed victims is not dependent upon the opening or continuation of criminal proceedings;
 - increase multi-agency involvement in the identification of victims of human trafficking by involving relevant actors other than the police;
 - ensure that all stakeholders involved in the identification of trafficking victims take a more proactive approach and step up their action on the ground to more effectively identify victims of trafficking, including among applicants for international protection;
 - review the application of the Dublin procedure to presumed victims of trafficking and conduct risk assessments to prevent victims from being returned to the country where they first applied for asylum, but where they face the risk of being re-trafficked (paragraph 171);
6. Ensure that the assistance provided to victims is not linked to the fact that criminal proceedings are initiated or are ongoing (paragraph 181);
7. Step up efforts to improve the identification of child victims of trafficking in human beings and the assistance provided to them and, in particular:
 - establish a clear procedure for the identification of child victims of trafficking that takes into account the particular situation and needs of child victims of trafficking;
 - raise awareness among and train professionals who work with and for children, including guardians and ad hoc administrators, so that they can detect presumed cases of trafficking;
 - ensure that the competent stakeholders step up their work on the ground to identify child victims of trafficking, paying special attention to street children and unaccompanied children, particularly unaccompanied children in accommodation centres for children in distress, the UNISEC centre and the Findel holding centre;
 - amend the Law of 10 August 1992 on the Protection of Young People in order to guarantee adequate protection for unaccompanied children who are not applicants for international protection;
 - ensure that child victims of trafficking benefit from the assistance measures provided for in the Convention, including specialised and appropriate accommodation (paragraph 189);

B. Recommends that the Luxembourg authorities take measures to implement the other proposals for action listed in Appendix 1 of GRETA's third evaluation report.

C. Requests the Government of Luxembourg to report to the Committee of the Parties on the measures taken to comply with this recommendation by **25 November 2024**.

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