

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



**Recommendation CP/Rec(2024)12
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by San Marino**

*adopted at the 35th meeting of the Committee of the Parties
on 29 November 2024*

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

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

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

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

Having regard to the instrument of ratification deposited by San Marino on 29 November 2010;

Recalling Committee of the Parties’ Recommendation CP/Rec(2019)03 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by San Marino and the report of the Sammarinese authorities on measures taken to comply with this recommendation, submitted on 3 June 2022;

Having examined the third report concerning the implementation of the Convention by San Marino, adopted by GRETA at its 51st meeting (1-5 July 2024), as well as the comments of the Sammarinese Government received on 30 September 2024;

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 San Marino;

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

- the decision to develop a national strategy for combating trafficking in human beings, accompanied by an operational protocol;

- the agreements concluded with structures in Italy for the provision of safe accommodation to women and child victims of violence, which could be applied to victims of trafficking identified in San Marino;
- the existence of psychological support for women and child victims of violence which would apply to any victims of human trafficking identified;
- the decision to prepare a brochure with information on how to recognise and report human trafficking and where to seek assistance, as well as a multilingual website with information on the available services and rights of victims of violence.

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

1. take measures to ensure compliance with the principle of non-punishment of victims of THB for their involvement in unlawful activities, including administrative offences, to the extent that they were compelled to do so, as contained in Article 26 of the Convention. Such measures should include the adoption of a specific legal provision and/or the development of guidance for police officers, prosecutors, and judges on the aims and scope of the non-punishment provision. Furthermore, the non-punishment provision should be included in the training of police officers, prosecutors, judges and lawyers (paragraph 93).
2. ensure that training on THB is integrated into the training curricula of relevant professionals and provides specific guidance geared to the role of each profession in the identification and assistance of victims, and the investigation and prosecution of cases (paragraph 103).
3. adopt without further delay a strategic policy document on action against trafficking in human beings, including measures in the areas of prevention, identification of victims, awareness raising and training of relevant professionals, and ensuring that the necessary resources are allocated and that a precise timetable for its implementation is established (paragraph 22);
4. take further measures to prevent and combat trafficking in human beings for the purpose of labour exploitation, taking into account GRETA's Guidance Note on combating trafficking for labour exploitation and the CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation. This should include steps to:
 - raise awareness amongst professionals, the general public and, in a targeted manner, among migrant workers about the risk of THB for the purpose of labour exploitation and the rights of trafficking victims;
 - strengthen the capacities and resources of the Labour Inspectorate so that they can be actively involved in the prevention of trafficking for the purpose of labour exploitation and the detection of possible victims in different sectors of the economy, including in private households, and paying particular attention to the contracts used for non-EU countries workers;
 - ensure the systematic involvement of qualified and independent interpreters in person or remotely when inspecting at-risk workplaces where foreign workers are being employed;
 - ensure continuous training to labour inspectors on combating THB for the purpose of labour exploitation, proactively identifying victims of trafficking for labour exploitation and the rights of victims;

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

- co-operate with trade unions and the private sector in preventing and combating trafficking for the purpose of labour exploitation (paragraph 136).
5. adopt measures to promote the proactive identification of victims of THB, in particular by:
 - developing a multi-disciplinary framework for the identification and referral to assistance of victims of trafficking, involving law enforcement agencies, labour inspectors, health-care staff, social services, civil society organisations and child protection authorities;
 - providing indicators for the identification of victims of THB for different forms of exploitation, as well as guidance and training to all professionals who may come into contact with possible victims of trafficking;
 - increasing efforts to proactively identify victims of THB for the purpose of labour exploitation, paying particular attention to at-risk sectors, by effectively involving labour inspectors and trade unions (paragraph 141).
 6. develop procedures for the identification and referral to assistance of child victims of trafficking, including by:
 - setting up a child-specific identification mechanism based on multi-agency co-operation which takes into account the special circumstances and needs of child victims, involves child specialists and ensures that the best interests of the child are the primary consideration;
 - ensuring that relevant actors (educational staff from schools, law enforcement officials, service providers, child protection authorities, education professionals, social workers, legal guardians) are systematically trained and provided with guidance to enable them to proactively identify child victims of THB and know where to refer them for assistance (paragraph 162);
 7. enshrine in their internal law the recovery and reflection period provided for under Article 13 of the Convention and to ensure that it is systematically offered to presumed foreign victims of human trafficking, together with all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period. The recovery and reflection period should last at least 30 days and should not be conditional upon any additional requirement, beyond the existence of reasonable grounds (paragraph 165).

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

C. Requests the Sammarinese Government to report to the Committee of the Parties on the measures taken to comply with this recommendation by **29 November 2026**.

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