

# 9th GENERAL REPORT ON GRETA'S ACTIVITIES



**GRETA**  
Group of Experts  
on Action against  
Trafficking  
in Human Beings

covering the period from  
1 January to 31 December 2019



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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**French edition:**

9<sup>e</sup> Rapport Général  
sur les activités du GRETA

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# COUNCIL OF EUROPE CONVENTION ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS



## Introduction by the President of GRETA

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It is my pleasure and privilege to introduce the 9th General Report on the activities of the Group of Experts on Action against Trafficking in Human Beings (GRETA), covering the period from 1 January to 31 December 2019.

The report highlights the work carried out on monitoring and strengthening the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings. The human rights-based and victim-centred approach of the Convention guides GRETA in its assessment. GRETA has emphasized the obligations of States to respect, fulfil and protect human rights, including by ensuring compliance by non-State actors, in accordance with the duty of due diligence. GRETA's work thus contributes to preventing violations of the European Convention on Human Rights, Article 4 of which includes within its scope trafficking in human beings, as confirmed by the European Court of Human Rights.

By the end of 2019, GRETA had completed the second evaluation round of the Convention in respect of 42 of the 47 State Parties and started a new cycle of evaluations. This General Report provides an opportunity to take stock of the implementation of the Convention 12 years after its entry into force, on the basis of the second evaluation round reports drawn up by GRETA.

The Convention's provisions monitored by GRETA in the course of the second evaluation round have been translated into 34 indicators and GRETA's recommendations related to these indicators have been reflected in a table, which provides an overview of the implementation of the Convention. The purpose of the analysis is to highlight the areas where compliance with the obligations of the Convention requires improvement across State Parties.

Let me highlight some of the main conclusions from this stocktaking.

In the course of the second evaluation round, GRETA paid particular attention to measures taken to address the vulnerability of children to trafficking. The stocktaking shows that the great majority of State Parties continue to have important gaps in the identification of, and assistance to, child victims of trafficking. In general, GRETA's evaluation reports reveal a shortage of suitable accommodation for these children. Another frequent concern is the significant number of unaccompanied migrant children disappearing from local authority care.

There are also serious shortcomings regarding the assistance provided to adult victims of trafficking. Most assistance services, including shelters, are designed and tailored to the needs of female victims, in particular those subjected to sexual exploitation. The number of male victims of trafficking has been on the rise, but there is still a marked shortage of assistance projects for male victims of trafficking.

Notwithstanding some progress, protection of the rights of victims and assisting them in their recovery are still problematic. Since identification is not systematic, many victims remain undetected. Nevertheless, available data shows a trend towards an increase in the number of victims (presumed and formally identified): from 10,598 in 2015, to 15,310 in 2018, i.e. a 44% increase.

Other gaps identified in the stocktaking concern the application of the recovery and reflection period, access to compensation and legal aid, as well as compliance with the non-punishment provision. There is nevertheless some improvement in the implementation of these provisions compared to the first evaluation round, during which the proportion of countries where GRETA found gaps was higher. This is a sign of State Parties improving their legislative and institutional frameworks, policies and practices, in the light of GRETA's recommendations.

The stocktaking also shows that the punishment of traffickers remains unsatisfactory. While all State Parties to the Convention have criminalised human trafficking, not all forms of exploitation are adequately covered in practice. The number of prosecutions and convictions for human trafficking offences is still low in many State Parties, and the sentences imposed are sometimes not sufficiently dissuasive. Further, the confiscation of traffickers' assets remains all too rare. GRETA stresses that failure to convict traffickers and the absence of effective, proportionate and dissuasive sanctions undermines efforts to combat human trafficking and guarantee victims' access to justice.

In 2019, GRETA made progress in the monitoring of State Parties under the third evaluation round of the Convention, which has a thematic focus on access to justice and effective remedies for victims of trafficking in human beings. Nine countries were visited for the third time by GRETA in 2019. The monitoring timetable for 2020

includes 11 country visits. GRETA has so far managed to ensure a four-to-five year periodicity of its evaluations, but maintaining this rhythm will depend on the staffing situation in the Secretariat.

The fight against human trafficking has been a priority for the Council of Europe as it impinges on a number of issues of concern to the Organisation, including violence against women and children, social rights, migration and organised crime. The former Secretary General's report "Ready for Future Challenges - Reinforcing the Council of Europe", which was published in April 2019, identified trafficking for labour exploitation as one of the major challenges in Europe, referring to GRETA's findings. Subsequently, in November 2019, the new Council of Europe Secretary General announced a roadmap on strengthening action against trafficking in human beings for the purpose of labour exploitation, which will be implemented in the course of 2020. In this context, GRETA has set up an ad-hoc working group which will be preparing a compendium of good practices and a guidance note on preventing and combating human trafficking for the purpose of labour exploitation.

Despite the Organisation's challenging budgetary context in 2019, GRETA's work has continued to benefit from the support of the Committee of Ministers and the Committee of the Parties to the Convention. On behalf of GRETA, I would like to extend my sincere gratitude to the former Secretary General of the Council of Europe, Mr Thorbjørn Jagland, for his continuous consideration of the work of our expert group. I also trust that the new Secretary General, Ms Marija Pejčinović Burić, will continue to consider the fight against human trafficking as a priority for the Organisation.

In 2019, the composition of GRETA was partially renewed. I would like to warmly thank the previous GRETA President, Ms Siobhán Mullally, and the other former GRETA members for their unfailing commitment, professionalism and contribution to monitoring of the implementation of the Convention and promoting the Convention's provisions and GRETA's work. There were also a number of staff changes in the Secretariat and I would like to acknowledge the tremendous efforts made by the Executive Secretary, Ms Petya Nestorova, and her team to ensure that GRETA's programme of activities in 2019 was carried out successfully.

Since 2009, GRETA has been contributing to international efforts to combat human trafficking. There are a number of other international organisations engaged in the fight against human trafficking and, conscious of the importance of co-ordination and joint efforts, the Council of Europe has become a partner to the Inter-Agency Co-ordination Group against Trafficking in Persons (ICAT). It is imperative to make full use of existing instruments and structures, and to ensure that the Convention's standards and GRETA's work are duly taken into account, avoiding contradictory standpoints or duplication of efforts.

**Davor Derenčinović**  
President of GRETA





*GRETA evaluation visit to Cyprus (3rd evaluation round), 10-13 June 2019*

## Activities during the period from 1 January to 31 December 2019

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### Introduction

1. GRETA is set up pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) to monitor the implementation of the Convention by the Parties. GRETA is composed of 15 members who sit in their individual capacity and are independent and impartial in the exercise of their functions. GRETA started functioning in February 2009, following the entry into force of the Convention on 1 February 2008, and the first election of GRETA members by the Committee of the Parties to the Convention in December 2008. GRETA is currently the only independent panel of experts monitoring the implementation of binding international legal provisions on combating trafficking in human beings.
2. As concerns its working methods, GRETA evaluates the implementation of the Convention by the Parties following a procedure divided in rounds. In carrying out its monitoring work, GRETA has the right to avail itself of a variety of means for collecting information. As a first step, GRETA sends a questionnaire to the authorities of the Party undergoing evaluation. The questionnaire is also sent to non-governmental organisations (NGOs) active in the field of action against trafficking in human beings. After receiving the authorities’ reply to its questionnaire, GRETA organises a visit to the country concerned in order to hold meetings with relevant governmental and non-governmental actors, collect additional information and evaluate the practical implementation of adopted measures.

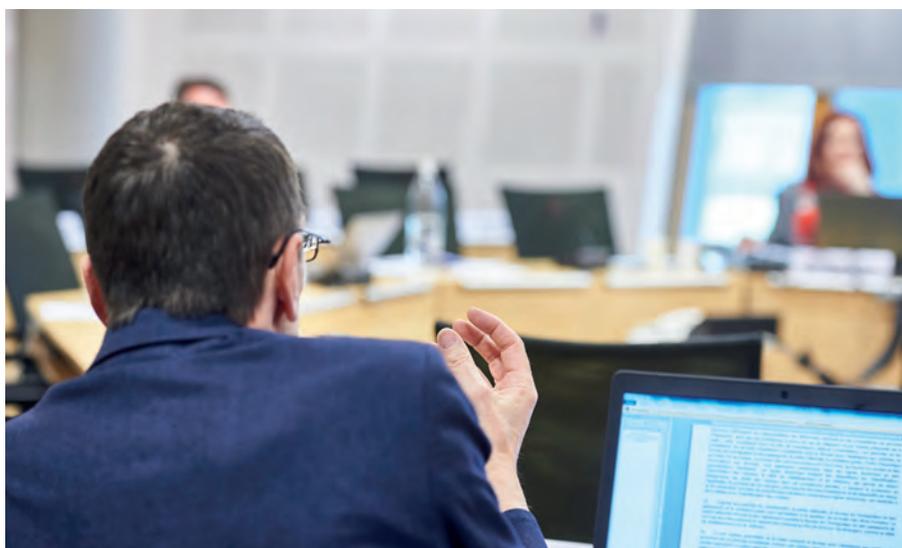
3. Following the country visit, GRETA draws up a draft evaluation report containing an analysis of the implementation of the Convention and conclusions concerning the action which the Party needs to take to deal with any problems identified. The draft report is discussed in a plenary meeting and, following its approval by GRETA, is sent to the relevant national authorities for comments. Following the receipt and consideration of these comments, GRETA draws up a final report, which is discussed and adopted in another plenary session, and subsequently transmitted to the Party concerned and the Committee of the Parties to the Convention. GRETA's final report is made public together with eventual comments by the Party concerned. The Committee of the Parties to the Convention considers GRETA's reports and, on the basis of those reports, adopts recommendations to the governments of the Parties concerned (for a workflow of the monitoring mechanism of the Convention, see Appendix 10).

4. On the basis of GRETA's reports and recommendations, the Council of Europe assists member States to strengthen the implementation of the Convention through projects funded from the organisation's ordinary budget or external sources.

### GRETA meetings

5. During the reporting period, GRETA held three five-day plenary meetings in Strasbourg, during which it considered nine draft country reports and adopted a total of 10 final country reports: six as part of the second round of evaluation of the implementation of the Convention (concerning Andorra, Finland, Germany, Hungary, Lithuania and Switzerland), two as part of the first evaluation round (concerning the Czech Republic and Turkey), as well as two combined first and second evaluation round reports (concerning Liechtenstein and Monaco).

6. Further, at its plenary meetings, GRETA discussed reports submitted by the authorities of Azerbaijan, Belgium, France, Luxembourg, the Netherlands, North





*GRETA members at the 34th GRETA plenary meeting, Strasbourg, 18-22 March 2019*

Macedonia, Poland, Serbia, Slovenia and Sweden on measures taken to comply with the Committee of the Parties' recommendations in the context of the second evaluation round, and agreed on issues which should be followed up in the context of the on-going dialogue with the authorities.

7. GRETA also discussed a number of procedural and substantive issues, including ways to strengthen action against trafficking for the purpose of labour exploitation, the linkages between information and communication technology (ICT) and human trafficking, and international protection issues in relation to victims of human trafficking. On the last issue, GRETA finalised the preparation of a guidance note aimed at strengthening the implementation of the obligation to provide international protection to victims of trafficking, as well as persons at risk of being trafficked, which will be published in 2020.

8. GRETA's plenary meetings were also an occasion to invite representatives of relevant Council of Europe structures and other international organisations for exchanges of views on issues of relevance to GRETA's mandate. Thus, at its 34th meeting (18-22 March 2019), GRETA held an exchange of views with Ambassador Tomáš Boček, Special Representative of the Council of Europe Secretary General on Migration and Refugees (see paragraph 55). Further, at its 35th meeting (8-12 July 2019), GRETA had an exchange of views on the links between cybercrime and human trafficking with Mr Alexander Seger, Executive Secretary of the Cybercrime Convention Committee, and Mr Virgil Spiridon, Head of Operations for the Cybercrime Programme Office (see paragraph 56). Moreover, at its 36th meeting (18-22 November 2019), GRETA held an exchange of views with the European Committee of Social Rights (see paragraph 57).

9. During the reporting period, GRETA received a number of communications from victims of trafficking, lawyers and civil society organisations concerning issues covered by the Convention, which were discussed at GRETA's plenary meetings. The Convention does not provide for an individual complaints procedure, but according to the Rules of procedure for evaluating implementation of the Convention (Rule 10), the Executive Secretary brings to the attention of GRETA any relevant communication

addressed to it. In some cases, GRETA decided to send letters to the relevant authorities, inquiring about legislative, institutional or policy developments.

10. Further, in 2019, GRETA made for the first time written submissions to the European Court of Human Rights, pursuant to Rule 44 § 4 of the Rules of Court. On 6 February 2019, GRETA made a submission in the case of *A.N. v. the United Kingdom* (application No. 74603/12), which raises a number of issues related to the implementation of the Anti-Trafficking Convention, in particular the identification of victims of human trafficking and the provision of assistance to them, the non-punishment provision, as well as the effective investigation and prosecution of trafficking offences. Further, on 27 March 2019, GRETA made a submission in the case of *S.M. v. Croatia* (application No. 60561/14), which had been referred to the Grand Chamber of the Court on 3 December 2018. The application in question raises issues related to the effective investigation and prosecution of trafficking offences, the protection of victims and witnesses, and the abuse of a position of vulnerability of trafficking victims.

## Country visits and evaluations

11. During the reporting period, GRETA carried out its first visits under the third evaluation round of the Convention, which has a thematic focus on “Access to justice and effective remedies for victims of trafficking in human beings”. Such visits took place to nine Parties to the Convention (Albania, Austria, Bulgaria, Croatia, Cyprus, Denmark, Georgia, the Republic of Moldova and the Slovak Republic). GRETA also sent the questionnaire for the third evaluation round to seven more Parties (Armenia, Malta, Montenegro, Portugal, Latvia, Romania and the United Kingdom), visits to which will be organised in the course of 2020. GRETA has drawn up a provisional timetable for the third evaluation round (see Appendix 7), according to which the chronology of evaluation visits should respect, as closely as possible, that of the



GRETA evaluation visit to the Republic of Moldova (3rd evaluation round), 16-20 September 2019



*GRETA visits the immigration detention centre in Medved'ov, during the third evaluation visit to the Slovak Republic, 17-21 June 2019*

preceding evaluation rounds. GRETA has so far managed to ensure a four-to-five year periodicity of its evaluations, but maintaining this rhythm will depend on the staffing situation in the Secretariat.

12. Further, GRETA decided to merge the first and second evaluation rounds in respect of Monaco and a visit to this country took place on 28-31 January 2019. In March 2019, GRETA also carried out its first visit to the Czech Republic, which became a party to the Convention on 1 July 2017.

13. GRETA's country visits were an occasion to hold meetings with relevant actors, collect additional information, clarify the responses to the questionnaire, and assess the practical implementation of adopted measures. Thus, meetings were held with national anti-trafficking co-ordinators and/or rapporteurs, officials from relevant ministries and governmental agencies, law enforcement officers, prosecutors, judges, labour inspectors, social workers, child protection officials, local authorities' representatives and other relevant professionals. Further, in most countries visited, GRETA met members of parliament and representatives of Ombudsman institutions and other independent human rights institutions. Civil society organisations, trade unions, lawyers, employers' associations, researchers and investigative journalists were also consulted during the visits.

14. The country visits were an opportunity for GRETA to visit facilities where protection and assistance are provided to victims of trafficking and to exchange views with their staff and any victims willing to meet GRETA on a confidential basis. Specialised shelters for victims of trafficking were visited in Albania, Croatia, Cyprus, the Czech Republic, Denmark, Georgia and the Republic of Moldova. In Bulgaria, GRETA visited crisis centres for victims of human trafficking and domestic violence in Sofia and Pernik, which are run by NGOs. Further, GRETA visited an NGO-run workshop for presumed victims of trafficking in Vienna.

15. GRETA has continued to pay particular attention to the situation of child victims of trafficking and unaccompanied or separated children, who are vulnerable

to trafficking. By way of example, in Bulgaria GRETA visited the safe zone for unaccompanied asylum-seeking children at the Reception Centre of the State Agency for Refugees in Sofia. In Austria, a visit was paid to the Drehscheibe Centre, an institution of assisted living for unaccompanied foreign children, operated by the City of Vienna. In Denmark, GRETA visited the Children's Centre in Copenhagen, and in Cyprus, the Children's House in Nicosia. In the Slovak Republic, visits were carried out at the Siniacko crisis centre for children in Nitra and a child advocacy centre in Žilina.

16. GRETA also visited centres for asylum seekers and detention facilities for irregular migrants, where victims of trafficking may be placed. In Albania, GRETA paid a visit to the reception centre for asylum seekers in Tirana; in Croatia, to the reception centre for foreigners in Ježevo; in Cyprus, to the Kokkinotrimithia reception centre for asylum seekers; and in Denmark, to the asylum reception centre in Sandholm. In Austria, GRETA visited the detention centre for foreigners in Vordernberg; in Denmark, the immigration detention centre in Ellebæk; in the Slovak Republic, the immigration detention centre in Medved'ov; and in the Republic of Moldova, the temporary placement centre for foreign nationals in Chişinău.

### High-level talks with the French authorities

17. On 11-12 February 2019, representatives of GRETA held high-level talks with the French authorities in Paris, pursuant to Rule 10 of the Rules of procedure for evaluating the implementation of the Convention, with a view to discussing the implementation of GRETA's recommendations and gaining an insight into any difficulties that could be addressed through strengthened co-operation. The organisation of these talks was triggered by GRETA's concerns about the lack of progress in developing a new national action plan for combating human trafficking in France (the first national plan covered the period 2014-2016) and the continuing absence of a National Referral Mechanism. Other areas of concern included the failure to



integrate the fight against human trafficking into policies dealing with asylum, migration and child protection, and the lack of financial and human resources for co-ordinating and implementing action against all forms of human trafficking.

18. GRETA's representatives (Mr Frédéric Kurz and Ms Dorothea Winkler, together with the Executive Secretary and Ms Evgenia Giakoumopoulou from the Secretariat) held meetings with the Interministerial group 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 Education and Youth, the National Office for Immigration and Integration (OFII), and the National Office for the Protection of Refugees and Stateless Persons (OFPRA). A joint meeting was also held with representatives of NGOs and trade unions.

19. The French authorities gave reassurances to GRETA's representatives that progress was being made towards the preparation of a new national action plan, as well as encouraging information about other developments, such as the forthcoming setting up of the first specialised shelter for child victims of human trafficking. GRETA's representatives stressed the importance of transparency of the process of preparation of the new action plan and consultation with civil society. The second National Action Plan against Trafficking in Human Beings (2019-2021) was eventually presented by the French Government on 18 October 2019.

### **Strengthening action to combat trafficking for the purpose of labour exploitation**

20. Referring to GRETA's findings, the former Secretary General's report "Ready for Future Challenges - Reinforcing the Council of Europe" identified trafficking for labour exploitation as one of the major challenges in Europe.<sup>1</sup> According to the report, "bringing to an end the abhorrent practice of forced labour within Europe should be among the Organisation's top priorities in the years to come". At the 129th Ministerial Session in Helsinki, the Committee of Ministers instructed its Deputies to examine ways of strengthening action against trafficking in human beings.<sup>2</sup> A working breakfast to discuss proposals for action was held on 9 July 2019 in Strasbourg with the participation of Permanent Representations and members of GRETA and the Secretariat. Subsequently, in November 2019, the new Council of Europe Secretary General announced a roadmap on strengthening action against trafficking in human beings for the purpose of labour exploitation, which will be implemented in the course of 2020.

21. At its 35th meeting (8-12 July 2019), GRETA held an exchange of views on ways to strengthen action against trafficking for the purpose of labour exploitation. GRETA members agreed that there was no need for a new legal instrument and that the Council of Europe Convention on Action against Trafficking in Human Beings, together with the European Convention on Human Rights, provided an adequate legal basis for capturing human trafficking for the purpose of labour exploitation.

1. <https://edoc.coe.int/en/an-overview/7915-ready-for-future-challenges-reinforcing-the-council-of-europe.html>

2. CM/Del/Dec(2019)129/2a



Nevertheless, there was concern that the interpretation of “forced labour” might be too narrow and GRETA noted that the concept of “labour exploitation” in the context of human trafficking could be better defined through guidance. GRETA members also considered that the implementation of the Convention’s provisions needed to be strengthened through capacity building, prevention and reinforcing of labour standards. Labour inspectors, NGOs and trade unions should be involved in national referral mechanisms which identify victims of trafficking. The need to discourage demand for the services of victims of trafficking, as well as to engage with the private sector and address the risks of trafficking through supply chains and public procurement, was also noted.

22. GRETA decided to set up an *ad hoc* working group on strengthening action to combat trafficking for the purpose of labour exploitation. The terms of reference of this group include the drafting of a compilation of good practices in the area of combating human trafficking for the purpose of labour exploitation, on the basis of GRETA’s country evaluation reports, as well as a guidance note on preventing and combating human trafficking for the purpose of labour exploitation. The working group, composed of Mr Francesco Curcio, Ms la Dadunashvili, Ms Nathalie Martin and Ms Antoaneta Vassileva, met on 4 October and 17 November 2019, and reported to GRETA on the progress of its work during the 36th meeting. The working group is expected to present the final results at the 38th plenary session (July 2020).



*GRETA Bureau members. From left to right: Davor Derenčinović, President, Helga Gayer, Second Vice-President, Ryszard Piotrowicz, First Vice-President*

## GRETA membership and Bureau

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23. In 2019, the composition of GRETA was partially renewed, following the elections of seven GRETA members by the Committee of the Parties to the Convention on 9 November 2018. As a result of these elections, one GRETA member was elected for a second term of office and six new members were elected. Their mandates run from 1 January 2019 until 31 December 2022. The new composition of GRETA is set out in Appendix 3.

24. An induction meeting for new GRETA members took place on 17 March 2019 in Strasbourg.

25. At its 34th meeting (18-22 March 2019), GRETA elected its new Bureau, which is composed of Mr Davor Derenčinović (President), Mr Ryszard Piotrowicz (First Vice-President) and Ms Helga Gayer (Second Vice-President). The Bureau's term of office is two years. During the reporting period, GRETA's Bureau held two meetings (on 2 May and 3 October 2019).



## Signatures and ratifications of the Convention

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26. No new ratifications of the Convention took place in the reporting period. The total number of Parties to the Convention remains at 47 (see Appendix 1).
27. GRETA once again calls upon the Russian Federation, as the only remaining Council of Europe member State which has not done so, to sign and ratify the Convention, in order to ensure a pan-European response to the challenges posed by human trafficking.
28. GRETA recalls that the Convention is open to non-member States and hopes that more States which are not members of the Council of Europe will express interest in, and accede to, the Convention.
29. Through their participation in various events, GRETA members and Secretariat have continued promoting the Convention's standards (see Appendix 8). The Convention also serves as the basis for co-operation projects in Morocco and Tunisia.



## Visibility and impact of the monitoring process

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### Publicity of GRETA's reports

30. In accordance with Article 38, paragraph 6, of the Convention, the final reports and conclusions of GRETA are made public, together with eventual comments by the Party concerned. During the reporting period, a total of 11 GRETA country evaluation reports were published (see Appendix 5).<sup>3</sup> Nine of them were under the second evaluation round of the Convention (concerning Andorra, Finland, Germany, Hungary, Iceland, Italy, Lithuania, San Marino and Switzerland), which brought the number of country reports published under the second evaluation round to 41. One report, concerning Turkey, was published under the first evaluation round, and one report, on Liechtenstein, was on the combined first and second evaluation rounds.

31. A press release is issued whenever a GRETA report is published. In addition, interviews are given by GRETA members and the Secretariat to journalists, serving as a basis for press articles and broadcasts.

32. According to the sample processed by the Council of Europe Media Monitoring and Analysis Unit, the activities of GRETA, and in particular its country evaluation

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3. There is a time lag between the adoption and the publication of GRETA reports, due to the fact that GRETA awaits the receipt of the national authorities' final comments before publishing a country evaluation report.

reports, were frequently reported in the news in 2019. Most reports received national coverage, while some were also examined in the regional and international press.

33. In late January, the Italian print and electronic media (*Il Sole 24 Ore, Il Fatto Quotidiano, ANSA, AGI, Askanews, TgCom 24*) reported on GRETA's second report on Italy. In March, San Marino's public service broadcaster *SM TV* examined GRETA's second evaluation report.

34. GRETA's 8th general report, published in May 2019, made headlines in several countries (*DPA, InfoMigrants, Financial Mirror, CNA, In Cyprus, EFE, La Vanguardia*). In addition, the Brussels-based weekly *New Europe* featured an opinion article penned by GRETA President Davor Derenčinović, entitled: "We have a moral and legal duty to help people who have been trafficked", which called for improving anti-trafficking prevention and prosecution, and also stressed the importance of taking proper care of trafficking victims "whoever they may be, and whatever their circumstances".

35. In early June, GRETA's report on Finland was strongly covered in the national press (*Helsingin Sanomat, Hufvudstadsbladet, YLE, STT, News Now Finland, MTV Uutiset, Hämeen sanomat, Satakunnan Sanomat, Iltalehti and Iltasanomat*), which highlighted that GRETA had called on the authorities to do more to help trafficking victims, especially children, whose numbers more than tripled between 2015 and 2018.

36. Later the same month, the German-speaking media (*DPA, DW, NTV, Der Standard, Frankfurter Allgemeine Zeitung, Berliner Zeitung, Zeit Online, Stern, Spiegel Online*) gave much prominence to GRETA's conclusion that Germany had to do more to prevent human trafficking, in particular by providing its officials with training to identify exploiters such as Internet "lover boys" who lure girls into prostitution. The articles also noted that the report had recommended the development of a comprehensive national action plan for combating human trafficking. Further, Ms Dorothea Winkler gave a radio interview for *Mitteldeutscher Rundfunk (MDR)*.

37. The publication of GRETA's report on Andorra was also widely reflected in the national media, as well as by media outlets in Spain (*Bondia, El Periodic d'Andorra, Europa Press, La Vanguardia, Altaveu, La Valira, Andorra Diffusio, Cadena SER, ARA*).

38. Probably the best-covered evaluation report in 2019 was the one on Hungary (*AFP, Agence Europe, MTI, Hungary Today, Budapest Business Journal, Hirado.hu, HVG.hu, Local, Deutschlandfunk, Krone, Askanews, Agerpres, Askanews, Infostart*), which was released in late September. While most national outlets highlighted that GRETA had welcomed the progress that Hungary had made in fighting against human trafficking, the international outlets gave more prominence to the finding that Hungary needed to step up its efforts to prevent child trafficking.

39. GRETA's reports on Turkey and Switzerland, published in October, also received numerous media mentions. The Turkey report was examined in the local media and in reports filed by Turkish language editions of international news services, such as *Euronews* and *Deutsche Welle*. In addition to the national outlets, the report on Switzerland was examined in several Italian and international media (*New Europe, InfoMigrants, ANSA, SDA/ATS, Blick*).



## Practical impact of GRETA's monitoring work

40. Based on the GRETA reports published in the course of 2019, the following section provides examples of measures taken by State Parties to improve their legislation, policy and practice in the light of GRETA's first round recommendations.



### Andorra

- ▶ Following GRETA's first evaluation report, there have been several legislative developments. The offence of trafficking in human beings was introduced in the Criminal Code (CC). Further, the "Law on measures for action against trafficking in human beings and protection of victims" entered into force on 14 June 2017.
- ▶ As a follow-up to GRETA's first report recommendations, an Action Protocol for the protection of victims of trafficking was adopted, setting out the procedures for identifying victims and referring them to assistance.
- ▶ To address GRETA's recommendations, legal provisions were introduced to enable victims of trafficking to be granted a recovery and reflection period and a renewable residence and work permit.



### Finland

- ▶ Following amendments to the International Protection Act, the Assistance System was given the competence to formally identify victims of human trafficking and grant them a recovery and reflection period.
- ▶ With a view to improving the provision of assistance to victims of trafficking, an office of the Assistance System was opened in Oulu, in western Finland, and the Association of Finnish Local and Regional Authorities issued guidance to municipalities regarding assistance to be given to victims of trafficking.
- ▶ In its first report, GRETA urged the Finnish authorities to adopt additional measures to facilitate and guarantee access to compensation for victims of trafficking. The Criminal Investigation Act was amended, making it compulsory for the police to inform victims of the possibility to seek compensation in connection with the criminal proceedings, as well as to benefit from free legal aid, interpretation and translation.



## Germany

- ▶ In its first report, GRETA urged the German authorities to ensure that the national definition of trafficking in human beings fully complied with the Convention. Following amendments to the Criminal Code (CC), the new Article 232, which criminalises human trafficking, comprises the three elements of the Convention's definition of trafficking in human beings.
- ▶ To address GRETA's concerns raised in the first evaluation report, a Federal Working Group on Combating Human Trafficking for the Purpose of Labour Exploitation was established in 2015. Based on the recommendations of this group, the Service Centre against Labour Exploitation, Forced Labour and Human Trafficking was established in August 2017 in Berlin on a pilot basis.
- ▶ With a view to creating a specific referral process for cases of trafficking in children, as recommended by GRETA, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth and ECPAT Germany, in co-operation with other public and civil society actors, has developed a document entitled "Federal Co-operation Guidance on Protecting and Supporting Child Victims of Trafficking and Exploitation".



## Hungary

- ▶ To address GRETA's concerns raised in the first evaluation report, a database for the registration of presumed victims of trafficking in human beings, EKAT, was launched in September 2017, enabling the collection of information from a range of relevant professionals, including NGOs.
- ▶ The list of professional groups entitled to perform identification of victims of human trafficking was extended to include the victim support services, the probation services and the legal aid services. Further, with a view to strengthening the identification of victims of trafficking amongst asylum seekers, relevant questions have been added to the standard questions used during asylum interviews.
- ▶ The Ministry of Justice established three support centres for victims of crime, including victims of human trafficking, which provide psychological support and assist victims in preparing for criminal proceedings.



## Iceland

- ▶ The legislative framework relevant to action against human trafficking has evolved as a result of amendments to the Act on Foreigners, which increased the duration of the recovery and reflection period from six to nine months. Further, victims of human trafficking who have been granted a residence permit are now also entitled to receive a work permit.
- ▶ To address GRETA's concerns raised in the first evaluation report, two teams have been set up by the Ministry of Welfare to provide assistance and services to victims of trafficking, and a human trafficking team was established at the Directorate of Labour.

- ▶ Training on human trafficking has been provided to an increasing range of relevant professionals, following a multi-agency approach.



## Italy

- ▶ In its first report, GRETA stressed the importance of adopting as a matter of urgency a comprehensive national anti-trafficking action plan. The first National Action Plan against Trafficking in, and Serious Exploitation of, Human Beings was adopted in February 2016. It is comprehensive in nature and pays particular attention to improving knowledge on human trafficking, strengthening prevention, and combating trafficking for the purpose of labour exploitation.
- ▶ In order to strengthen the institutional framework for combating human trafficking, as recommended by GRETA, the Italian authorities have set up a steering committee (Cabina di regia), an inter-institutional forum for planning, implementing and financing measures to combat human trafficking.
- ▶ As a follow-up to GRETA's first report recommendations, a National Referral Mechanism for the identification and referral to assistance of victims of trafficking was drafted and Guidelines for the identification of victims of trafficking among applicants for international protection developed. Further, there was an increase in the budgetary funding allocated to anti-trafficking projects, the duration of which was increased to 15 months.



## Lithuania

- ▶ To address GRETA's concerns raised in the first evaluation report, the authorities adopted a new National Action Plan against Trafficking in Human Beings for 2017-2019. It includes activities to be implemented both at national and local level and defines the responsible bodies, timeframe and financial resources for each objective.
- ▶ Following the adoption of Recommendations regarding the Identification of Victims of Trafficking, Criminal Investigations and Interagency Co-operation, a formalised National Referral Mechanism was set up, promoting a multi-disciplinary approach to victim identification.
- ▶ As a follow-up to GRETA's first report recommendations, the authorities increased the public funding allocated to specialised NGOs providing assistance to victims of trafficking and extended the duration of the contracts awarded to NGOs from one to two years.



## San Marino

- ▶ In line with a recommendation made in GRETA's first report, the Law on the Entry and Stay of Foreigners was amended, 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.

- ▶ In GRETA's first report, concerns were raised about the potential vulnerability to human trafficking and exploitation of migrant workers employed as private carers ("*badanti*"). Subsequently, amendments were made to the Law on the Entry and Stay of Foreigners and a dedicated helpdesk to provide private carers with information on their rights was set up.
- ▶ Through the adoption of Law No. 57 on 6 May 2016, the authorities extended the available assistance measures to all victims of violence (women, men and children), including victims of human trafficking.



## Switzerland

- ▶ The second National Action Plan to Fight Human Trafficking (2017-2020) reflects many of GRETA's first round recommendations and involves the setting up of a number of thematic working groups (e.g. on victim protection, on asylum and human trafficking, on the development of guidelines and procedures for victim identification, on the development of checklists with human trafficking indicators).
- ▶ In its first report, GRETA considered that the Swiss authorities should carry out information and awareness-raising campaigns on different forms of human trafficking. The Swiss authorities have made efforts to raise public awareness of human trafficking, in co-operation with IOM, civil society and the private sector. A campaign to raise awareness among medical staff was launched in 2018 with a view to improving the identification of possible victims, in particular in emergency departments.
- ▶ In line with a recommendation made in GRETA's first report, the number of places in shelters providing specialised assistance to victims of trafficking, including men, has increased.

## Activities related to the implementation of GRETA's recommendations

41. On the basis of GRETA's reports, the Council of Europe assists member States to strengthen the implementation of the Convention by organising targeted co-operation activities funded from the organisation's ordinary budget.<sup>4</sup>

42. With a view to promoting better understanding of the Convention's provisions and GRETA's recommendations, stimulating dialogue between relevant stakeholders, and identifying areas where the Council of Europe can support national anti-trafficking efforts, round-table meetings are organised in State Parties to the Convention some two to three years after the publication of GRETA's first evaluation report. During the reporting period, a round-table meeting was organised in Greece, on 30 October 2019. The meeting brought together some 40 representatives of relevant ministries, public agencies and civil society organisations. Participants

4. In addition, there are several projects linked to the implementation of GRETA's recommendations which are funded by other sources (in particular, under the EU-Council of Europe Horizontal Facility for the Western Balkans and Turkey, in Bosnia and Herzegovina, North Macedonia and Serbia).



*Round-table meeting on follow-up to GRETA's report and the Committee of the Parties recommendation concerning the implementation of the Convention on Action against Trafficking in Human Beings by Greece, Athens, 30 October 2019*

discussed progress and remaining challenges in the field of prevention, identification and assistance provided to victims of human trafficking, the criminal justice response to human trafficking, and co-ordination of anti-trafficking action. A new National Action Plan against human trafficking has been drafted for the years 2019 to 2023, responding to GRETA's recommendation urging the Greek authorities to adopt as a matter of priority a new national action plan and/or strategy. Further, the Criminal Code was amended to reflect GRETA's recommendations. It was noted that the Greek authorities continued to face enormous challenges as a result of the arrival of large numbers of undocumented migrants, including children.

43. On 17 December 2019, the Council of Europe Anti-Trafficking Division organised a round-table meeting on "Stepping up Council of Europe action against trafficking in human beings in the digital age". The meeting brought together some 60 participants, including staff from Permanent Representations of Council of Europe member States and observer States, law enforcement officials, business representatives and civil society. Two GRETA members, Ms Helga Gayer and Ms Ana Revenco, took part in the meeting. Participants discussed key challenges in identifying victims, investigating cases and prosecuting perpetrators of human trafficking offences committed with the use of information and communication technology, human rights challenges linked to the use of technology in tackling trafficking in human beings, and how governments and international organisations can strengthen collaboration with businesses and civil society. In 2020, work on this issue will be continued in the context of broader Council of Europe work on cyberviolence and engagement with private companies.

44. As a follow-up to the meetings of specialised lawyers and NGOs providing legal assistance to victims of trafficking in human beings, which took place in 2016 and 2018 in Strasbourg, the process of establishing a lawyers' network started in 2019.



*Round-table “Stepping up Council of Europe action against trafficking in human beings in the digital age”, Strasbourg, 17 December 2019*

During the first phase, 35 lawyers have joined the network. The development of the network will continue in 2020. This should enable the exchange of information on case-law and legal strategies, encourage strategic litigation, and facilitate co-operation in supporting victims in transnational cases on human trafficking.

45. On 28 March 2019, the Ministry of Foreign Affairs of Armenia and the Council of Europe organised an expert workshop in Yerevan to take stock of 10 years of implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Armenia. Further, the Council of Europe commissioned an independent evaluation of the implementation of the National Action Plan on Combating Trafficking in Human Beings (2016-2018) of Armenia.



*Meeting of National Anti-Trafficking Co-ordinators and Rapporteurs, Bratislava, 22-23 October 2019*

## Meeting of National Anti-Trafficking Co-ordinators and Rapporteurs

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46. The Council of Europe and the OSCE organised jointly, for the second time, a meeting of National Anti-Trafficking Co-ordinators and Rapporteurs, held in Bratislava (Slovak Republic) on 22-23 October 2019 under the Slovak OSCE Chairmanship. The meeting brought together representatives of 42 countries across the Council of Europe and OSCE region. GRETA was represented at the meeting by its First Vice-President, Mr Ryszard Piotrowicz, and its Second Vice-President, Ms Helga Gayer.

47. On the first day of the meeting, participants discussed ways to enhance the protection of child victims of trafficking by means of needs-based assistance in the child's best interests, and measures to reduce the demand that leads to human trafficking for different exploitative purposes, including labour exploitation. The European Union's Anti-Trafficking Co-ordinator, Dr Myria Vassiliadou, addressed participants, while experts from the OSCE Office for Democratic Institutions and Human Rights (ODIHR) led a discussion on the update of the National Referral Mechanism Handbook. On the second day, participants discussed the role of the National Anti-Trafficking Co-ordinators and Rapporteurs in engaging civil society in anti-trafficking policy-making, prevention efforts, identifying and assisting victims of trafficking, as well as supporting victims in the course of criminal and other proceedings. There was also a presentation on the policy recommendations by the UN's Inter-Agency Coordination Group against Trafficking in Persons (ICAT), which in 2019 was co-chaired by the OSCE and UN Women.

48. Regular exchanges between National Anti-trafficking Coordinators and Rapporteurs of States Parties to the Council of Europe Convention on Action against Trafficking in Human Beings are vital for promoting the implementation of the Convention, sharing information on new trends and approaches, and strengthening partnerships.



*25th meeting of the Committee of the Parties, Strasbourg, 18 October 2019*

## Relations with the Committee of the Parties

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49. According to Article 38, paragraph 7, of the Convention, the Committee of the Parties may adopt, on the basis of GRETA's reports and conclusions, recommendations addressed to the Parties concerning the measures to be taken to implement GRETA's conclusions, if necessary setting a date for submitting information on their implementation, and aiming at promoting co-operation with the Party concerned for the proper implementation of the Convention. GRETA recalls that the purpose of this provision of the Convention is to strengthen the implementation of GRETA's conclusions.

50. The Committee of the Parties has continued to hold regular exchanges with the President of GRETA. Such exchanges are an opportunity to present GRETA's ongoing work, highlight the main findings from country evaluations, and clarify the content of certain substantive obligations under the Convention.

51. At its 24th meeting (5 April 2019), the Committee of the Parties considered three GRETA reports and adopted second-round recommendations addressed to the authorities of Iceland, Italy and San Marino. At its 25th meeting (18 October 2019), the Committee of the Parties adopted second-round recommendations concerning Andorra, Finland, Germany, Hungary, Lithuania and Switzerland, as well as a first-round recommendation concerning Turkey and a combined first/second round recommendation concerning Liechtenstein.

52. The Committee of the Parties also examined reports submitted by Parties on the implementation of the Committee's recommendations. Thus, at its 24th meeting, the Committee examined reports submitted by Belgium, France, North Macedonia, Poland, Slovenia and Serbia (second round). The Committee of the Parties decided to transmit these reports to GRETA for examination. Letters were sent to the Parties concerned, asking them to provide further information on certain issues. This information will be followed up during the third evaluation round of the Convention.



*Exchange of views between GRETA and Ms Kristine Dupate, member of the European Committee of Social Rights, during GRETA's 36th plenary meeting, Strasbourg, 18-22 November 2019*

## Co-operation with other Council of Europe bodies

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53. GRETA has continued to forge links with other Council of Europe bodies. Contacts were maintained with the Parliamentary Assembly of the Council of Europe (PACE). On 27 June 2019, the President of GRETA participated in a hearing co-organised by the Parliamentary Assembly's Committees on Migration, Refugees and Displaced Persons and on Equality and Non-Discrimination, on the preparation of a report and recommendation on "Concerted action against human trafficking".

54. Further, GRETA submitted comments to the Committee of Ministers on three recommendations by the PACE: 2155 (2019) "The situation of migrants and refugees on the Greek islands: more needs to be done", 2159 (2019) "Ending violence against children: a Council of Europe contribution to the Sustainable Development Goals", and 2160 (2019) "Stop violence against, and exploitation of, migrant children".

55. Reference has already been made to the exchange of views with the Special Representative of the Secretary General for Migration and Refugees, Ambassador Tomáš Boček, during GRETA's 34th meeting, which involved discussions on alternatives to the detention of migrants, trends in human trafficking, and challenges to the work of civil society. As part of the Council of Europe Action Plan on Protecting Refugee and Migrant Children in Europe (2017-2019), a range of instruments relevant to action against human trafficking were being developed (e.g. on effective guardianship and age assessment, on reception conditions for refugee and migrant children, on alternatives to immigration detention).

56. GRETA also held an exchange of views on the links between cybercrime and human trafficking with Mr Alexander Seger, Executive Secretary of the Cybercrime (Budapest) Convention Committee, and Mr Virgil Spiridon, Head of Operations for

the Cybercrime Programme Office, during GRETA's 35th meeting. The discussion focused on issues of data retention and data protection, the availability of tools to identify victims of trafficking online, and the need for further training, guidance and awareness. While the Budapest Convention does not refer specifically to trafficking in human beings, it comprises a series of procedural powers and tools which should be regarded as covering all crimes committed on or via the Internet, such as the search of computer networks and interception and seizure of computer-stored data, as well as international co-operation provisions related to any criminal offence, including aspects of human trafficking where evidence is available on computer systems. There is ongoing work on a second additional protocol to the Budapest Convention, which concerns, *inter alia*, mutual legal assistance, direct co-operation with providers in other jurisdictions, and safeguards for data protection.

57. Further, at its 36th meeting, GRETA held a first exchange of views with Ms Kristine Dupate, member of the European Committee of Social Rights (ECSR), and Ms Niamh Casey from the Secretariat of the European Social Charter. Ms Dupate presented the work of ECSR, which monitors compliance with the European Social Charter, noting that the questionnaire sent to States Parties in 2019 asked them to report on measures taken to assess the prevalence of exploitation of vulnerability, forced labour and modern slavery. The ensuing exchange related to measures to prevent human trafficking through addressing root causes, such as poverty and unemployment, and the relevance of the rights enshrined in the European Social Charter, in particular Articles 2, 4, 12 and 13. Ms Dupate noted that the provision of social and economic rights should serve as a point of departure when talking about prevention of human trafficking. The need for elaborating standards enabling the distinction between labour law violations and criminal offences, such as human trafficking and forced labour, was also discussed. It was emphasized that GRETA and ECSR should continue reflecting on possible synergies in matters of cross-cutting competence, in the light of the implementation of the previously mentioned roadmap on strengthening action against trafficking in human beings for the purpose of labour exploitation (see paragraph 20).



*Side-event “Fighting trafficking in human beings: fostering partnerships and co-ordination – good practices”, organised at the 41st session of the UN Human Rights Council in Geneva, 26 June 2019*

## Co-operation with other intergovernmental organisations

58. Co-operation, strong partnerships and co-ordinated action are the keys to the success of anti-trafficking action. GRETA has continued developing links and forging partnerships with international organisations active in the area of combating trafficking in human beings. The country evaluation visits were an opportunity to meet representatives of international organisations present in the respective countries (Council of Baltic Sea States, ICMPD, ILO, IOM, OSCE, UNHCR, UNICEF). Further, GRETA members and Secretariat participated in events organised by other international organisations where they presented the Convention and GRETA’s work (see Appendix 8).

59. The Council of Europe is a partner to the Inter-Agency Co-ordination Group against Trafficking in Persons (ICAT), and GRETA’s Secretariat has been involved in the ICAT Working Group meetings and the preparation of issue briefs, ensuring that the Convention’s standards and GRETA’s work are duly reflected.

### United Nations agencies

60. A round-table on “Preventing, Combating and Responding to Sexual and Gender Based Violence and Trafficking in Human Beings in the Context of Asylum and Migration” was organised jointly by the Council of Europe and UNHCR in Bucharest on 12 April 2019. This was the fifth joint event organised since 2018 on this topic (the previous ones were in Spain, Poland, Lithuania and Italy). There were some 60 participants, including Romanian officials from the migration and asylum agencies,

the anti-trafficking agency, the national equality body, as well as NGO representatives and lawyers.

61. Another joint Council of Europe - UNHCR event, entitled “Effective Protection of Refugee and Migrant Children in Portugal”, took place on 27 May 2019 in Lisbon. It brought together professionals from different agencies and sectors, such as migration, asylum, anti-trafficking and child protection authorities, as well as lawyers, NGOs and Ombudspersons, to consider the multi-disciplinary challenges and existing solutions in tackling efficiently child protection, migration management, prevention of human trafficking, law enforcement, and social services for refugee and migrant children.

62. At the 41st session of the UN Human Rights Council in Geneva, on 26 June 2019, a side-event entitled “Fighting trafficking in human beings: fostering partnerships and co-ordination - good practices” was co-organised by the Republic of Moldova, the United Kingdom, the Council of Europe and the Office of the High Commissioner for Human Rights, with the participation of Ms Tatiana Molcean, State Secretary of Foreign Affairs and European Integration of the Republic of Moldova, Ms Maria Grazia Giammarinaro, UN Special Rapporteur on Trafficking in Persons, especially Women and Children, the President of GRETA, Ms Rachel Devlin from the Modern Slavery Unit of the United Kingdom Home Office and Ms Suzanne Hoff, International Co-ordinator of La Strada International. Its aim was to take stock of the effectiveness and contribution of various mechanisms at international, regional and national levels to combating human trafficking, by integrating a human rights-based approach, to promote the implementation of legally binding international instruments towards combating trafficking in human beings, and to emphasize the role of partnership with civil society for effective national mechanisms in combating human trafficking.

## OSCE

63. Action against trafficking in human beings has been one of the four priority areas of co-operation between the Council of Europe and the OSCE. During the reporting period, co-operation between GRETA and the Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR/CTHB) continued to be strengthened. Members of GRETA and the Secretariat regularly participated in conferences and other events organised by the OSCE, and the reverse was also true for activities organised by the Council of Europe. By way of example, Ms Ana Revenco and the Executive Secretary of the Convention spoke at the OSCE 19th Alliance conference entitled “Using Technology to Combat Trafficking in Human Beings: Turning a Liability into an Asset”, held on 8-9 April 2010 in Vienna. The Executive Secretary also attended the 30th meeting of the Council of Europe/OSCE Co-ordination Group, which was held in Vienna on 15 November 2019.

64. The Council of Europe and the OSCE organised jointly a meeting of National Anti-Trafficking Co-ordinators and Rapporteurs, held in Bratislava (Slovak Republic) on 22-23 October 2019 under the Slovak OSCE Chairmanship (see paragraphs 46-48).



*Ms Ana Revenco speaking at the OSCE 19th Alliance Conference “Using Technology to Combat Trafficking in Human Beings: Turning a Liability into an Asset”, Vienna, 8-9 April 2019*

65. To avoid duplication of country visits, GRETA and the OSCE Special Representative and Co-ordinator for Combating Trafficking (SR/CTHB) aim to co-ordinate their visit plans. During country evaluation visits, GRETA delegations continue to meet representatives of local offices of the OSCE (where they have Field Operations and anti-trafficking Focal Points) and benefit from their presence on the ground to complete the collection of information necessary for monitoring the implementation of the Council of Europe Convention. GRETA’s reports are made public and are communicated to the OSR/CTHB and ODIHR. The reports issued after the country visits carried out by the SR/CTHB are also made public, and are communicated to GRETA for taking into account in the context of evaluating the respective countries.

## European Union

66. GRETA’s Secretariat took part in a policy exchange organised by the EU Anti-Trafficking Coordinator in Brussels on 11 April 2019, following the adoption of the second report on progress made in the fight against trafficking in human beings in the EU. The policy exchange aimed at presenting the latest findings on trafficking in human beings in the EU and discussing ways forward from respective mandates.

67. Further, Mr Frédéric Kurz participated in the conference “From wrongs to rights – Ending severe labour exploitation” organised by the European Union Agency for Fundamental Rights (FRA) on 25 June 2019 in Brussels.

# Real lives, real people

Ten years of advocacy for  
victims of slavery in the UK

#ATMG10



*Panellists in the event marking the 10th anniversary of the UK's Anti-Trafficking Monitoring Group, London, 12 September 2019*

## Co-operation with civil society

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68. The Convention provides for co-operation and building strategic partnerships with civil society, which can help governments fulfil their obligations under the Convention (Article 35). In its country reports, GRETA has emphasised the need to adopt an inclusive approach and develop formal and systematic consultation between governmental and non-governmental actors involved in anti-trafficking action. Civil society, including trade unions, should be involved in the development and implementation of anti-trafficking measures and their evaluation. Further, GRETA has called for the involvement of specialised NGOs in a multi-agency effort to identify and protect victims of trafficking.

69. GRETA is concerned that in some countries, the regulation of the activities and funding of NGOs may unduly impede their ability to engage in assisting victims of trafficking, and consequently inhibit the building of strategic partnerships between the authorities and civil society with the aim of achieving the purpose of the Convention.

70. During the reporting period, international and national NGOs continued to provide information to GRETA in the context of the preparation of country evaluation visits and reports. In the course of each country visit, GRETA held meetings with representatives of NGOs and other civil society actors, such as trade unions, Bar Associations and research institutes. GRETA also visited shelters, crisis centres, drop-in centres and other assistance facilities for victims of trafficking run by NGOs. Furthermore, NGOs provided feedback on GRETA's reports and the follow-up given to them.

71. GRETA members and Secretariat participated in the international exchange seminar "Justice at Last: access to compensation for victims of crime", on 27-28 May 2019 in Brussels. The seminar was organised as part of a two-year project funded by the European Commission and implemented by La Strada International and 11 partner NGOs in 10 countries, which aims to enhance access to compensation for trafficked persons and victims of related crimes.
72. Further, on the occasion of the 13th European Day against Trafficking in Human Beings, a side-event entitled "Access to remedies for victims of trafficking and labour exploitation: What are the critical barriers and next steps?" was organised in Strasbourg on 18 October 2019, in the margins of the 25th meeting of the Committee of the Parties, with the participation of representatives of La Strada International and the Platform for International Co-operation on Undocumented Migrants (PICUM).
73. On 12 September 2019, the Executive Secretary of the Convention participated in an event marking the 10th anniversary of the UK's Anti-Trafficking Monitoring Group, which included the launch of a retrospective report.
74. GRETA members and Secretariat participated in a number of other events organised by civil society organisations (see Appendix 8).
75. GRETA is grateful for the contributions made by NGOs to its monitoring work and is committed to continuing the existing co-operation with civil society.



## Taking stock of the second evaluation round of the Convention

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76. Following a first round of monitoring, which provided an overview of the implementation of the Convention by each State Party, GRETA decided to examine during the second evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The second evaluation round paid particular attention to measures taken to address the vulnerability of children to trafficking, as well as to new trends in human trafficking.

77. The second evaluation round of the Convention started on 15 May 2014 and by the end of 2019, GRETA had completed this round in respect of 42 State Parties<sup>5</sup> to the Convention. The remaining five State Parties<sup>6</sup> will undergo the second evaluation round at a later stage.

78. The complexity of issues covered by the Convention means that when assessing the implementation of a particular obligation by a party, GRETA may grade the urgency in its recommendations by using different verbs. As explained in GRETA's 4th General Report, GRETA has adopted the use of three different verbs in its recommendations - "urge", "consider" and "invite" – which correspond to different levels

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5. In respect of Liechtenstein and Monaco, the first and second evaluation rounds were merged.

6. Belarus, the Czech Republic, Greece, Estonia and Turkey will undergo the second evaluation round of the Convention approximately four years after their first evaluation.

of urgency of the recommendation for bringing the party's legislation and/or practice into compliance with the Convention.<sup>7</sup> Thus GRETA uses the verb "urge" when it assesses that the national legislation or policies are not in compliance with the Convention, or when it finds that despite the existence of legal provisions and other measures, the implementation of a key obligation of the Convention is lacking. In other situations, GRETA "considers" that it is necessary to make further improvements in order to fully comply with an obligation of the Convention. By "inviting" a country to pursue its efforts in a given area, GRETA acknowledges that the authorities are already on the right track.

79. The *ad hoc* working group set up by GRETA to take stock of the 2nd evaluation round<sup>8</sup> reviewed the list of indicators used to measure progress during the first evaluation round and prepared a revised list of indicators for the second evaluation round. The new list of 34 indicators reflecting obligations under the Convention is set out in Appendix 9. The *ad hoc* working group noted that GRETA's recommendations requiring urgent action ("urges") sometimes consisted of a number of elements (sub-indicators), not all of which had the same weight in deciding whether there was non-compliance with a Convention provision. GRETA therefore agreed that a more nuanced analysis was needed to differentiate between an important failure to meet a Convention provision, combining a number of sub-indicators ("full urge"), and situations where only certain aspects of a Convention provision were not met ("partial urge").

80. The table in Appendix 9 provides an overview of the implementation of the Convention, along 34 indicators, by the 42 State Parties which have completed the second evaluation round. The purpose of this table is not to compare the individual performance of State Parties or rank them, but rather to highlight the areas where compliance with the obligations of the Convention requires improvement across countries. The table in Appendix 9 provides only a glimpse of GRETA's assessment and can in no way substitute the analysis made in the country evaluation reports. On the basis of this table, the implementation of each of the 34 indicators is summarised below.

## Criminalisation of trafficking in human beings

81. All State Parties to the Convention have criminalised human trafficking, which is a requirement under Article 18 of the Convention. The majority have adopted a definition of trafficking in human beings which is identical to, or consistent with, the definition in Article 4 of the Convention. However, in respect of 13 countries,<sup>9</sup> GRETA has made recommendations which fall under the category of "partial urges". They relate to the absence of some of the forms of exploitation included in the "at a minimum" list in Article 4(a) of the Convention (in particular slavery, practices similar

7. See 4th General Report on GRETA's Activities, covering the period from 1 August 2013 to 30 September 2014, p. 31.

8. See 8th General Report on GRETA's Activities, covering the period from 1 January to 31 December 2018, paragraph 19.

9. Andorra, Bosnia and Herzegovina, Bulgaria, Denmark, France, Georgia, Hungary, Iceland, Liechtenstein, Malta, Monaco, Norway and Slovenia.



to slavery and servitude), the absence of some of the means (in particular “abuse of a position of vulnerability”), or the absence of some of the aggravating circumstances envisaged in Article 24 of the Convention.

82. In five countries,<sup>10</sup> the means were not a constituent component of the national definition of trafficking in human beings, but were considered as aggravating circumstances. GRETA has stressed the importance of keeping under review whether this leads to confusion with other criminal offences which involve sexual or labour exploitation of victims without the use of means, or to possible difficulties regarding the interpretation of Article 4(b) of the Convention concerning victim’s consent.

83. In the period between the first and the second evaluation by GRETA, 26 State Parties amended their Criminal Code provisions on trafficking in human beings. In addition to the “at a minimum” list of forms of exploitation contained in the Convention, many countries have added to the criminalisation of trafficking in human beings the exploitation of begging and the exploitation of criminal activities. Some countries have included additional forms of exploitation, such as forced marriage, using a woman for reproductive purposes, removal of cells and tissues, illegal adoption, or using a person in armed conflicts. Several countries have adopted open-ended lists of exploitative purposes. GRETA recalls that the Convention provides a minimum list of exploitative purposes, and national legislation may therefore target other forms of exploitation. GRETA has stressed the importance of ensuring that all forms of exploitation related to human trafficking are adequately covered by law and practice.

84. Further, following the first evaluation by GRETA, several State Parties increased the penalties for the offence of human trafficking.<sup>11</sup>

85. The irrelevance of the victim’s consent is not always explicitly stated in the national provision criminalising trafficking in human beings. GRETA has noted that stating explicitly the irrelevance of the consent of a victim to the intended exploitation could improve the implementation of anti-trafficking provisions.<sup>12</sup> After the first

10. Belgium, Bulgaria, Hungary, Luxembourg and Slovenia.

11. Austria, Belgium, Denmark, Republic of Moldova, North Macedonia, United Kingdom.

12. See 7th General Report on GRETA’s Activities, covering the period from 1 January to 31 December 2017, paragraph 83.



evaluation by GRETA, some State Parties amended their criminal law provisions on human trafficking in order to state explicitly that the victim's consent to the intended or actual exploitation, where any means have been used, is irrelevant.<sup>13</sup>

### National Action Plans

86. To be effective, national action against human trafficking must be comprehensive and multi-sectoral, taking on board the required multidisciplinary expertise. While there is no provision in the Convention specifically on National Action Plans, the purposes of the Convention (Article 1), which include designing a comprehensive framework for the protection and assistance of victims and witnesses, and the requirements of co-ordinated action (Article 29(2) of the Convention), can only be met if State Parties adopt comprehensive policies, in the form of a strategy, action plan or some other policy document, against trafficking in human beings, covering prevention, protection of victims, prosecution of traffickers, and partnerships.

87. At the time of the second evaluation by GRETA, eight of the 42 State Parties did not have a national action plan for combating trafficking in human beings.<sup>14</sup> GRETA has "urged" the national authorities concerned to adopt an action plan or other policy document which addresses all aspects of the fight against human trafficking in a comprehensive manner. GRETA has made a "partial urge" in respect of Bulgaria, concerning the inadequacy of the state budget allocated to the implementation of anti-trafficking activities. A "partial urge" was also made in respect of Spain, where the national action plan was limited to combating trafficking in women and girls

13. Malta, Montenegro, Portugal.

14. Andorra, Finland, Germany, Iceland, Liechtenstein, Monaco, Netherlands, San Marino.

for sexual exploitation. GRETA asked the national authorities to ensure that national action against human trafficking is comprehensive and addresses all victims of trafficking for all forms of exploitation, while taking into account the gender dimension of trafficking and the particular vulnerability of children.

88. Further, GRETA has made recommendations at the level of “consider” in 14 countries, where the budget allocated to the implementation of the national action plan was not adequate or there was no independent evaluation of its implementation. In Sweden, while there was a national action plan to protect children from human trafficking, exploitation and sexual abuse, and another action plan against prostitution and human trafficking, GRETA considered that not all forms of human trafficking were sufficiently addressed.

### **National co-ordination**

89. Article 29(2) of the Convention requires State Parties to ensure co-ordination of the policies and actions of government departments and other public agencies against trafficking in human beings, where appropriate, through setting up co-ordinating bodies. Such co-ordination can be ensured through the appointment of a National Co-ordinator and/or the setting up of an inter-agency forum which periodically brings together relevant professionals at political and expert level.

90. GRETA has urged one country, Iceland, to designate a national co-ordination body with a mandate and responsibility to bring together all relevant actors. GRETA has also made three “partial urges” in the reports on Austria (concerning the need to involve prosecutors in the national co-ordination structure, the Task Force on Combating Human Trafficking), Bulgaria (concerning the need to increase the frequency of the meetings of the National Commission on Combating Trafficking in Human Beings) and Slovenia (concerning the position of the National Co-ordinator within the government structure and the need to increase the human and budgetary resources required for effectively co-ordinating anti-trafficking action).

91. Further, in respect of 16 State Parties, GRETA has made recommendations at the level of “consider”, aimed at strengthening the co-ordination of the policies and actions of government departments and other public agencies against human trafficking.

### **National rapporteur (independent monitoring)**

92. In the period between the first and second evaluations by GRETA, two countries designated existing independent human rights bodies as National Rapporteurs on trafficking in human beings: Luxembourg (the Advisory Committee of Human Rights, CCDH) and France (the National Consultative Committee on Human Rights, CNCDH). GRETA has welcomed the designation of independent bodies to monitor the anti-trafficking activities of state institutions and make relevant recommendations.

93. In 24 countries, GRETA considered that the authorities should examine the possibility of establishing an independent National Rapporteur or designating another mechanism as an independent organisational entity, with a view to ensuring

effective monitoring of the anti-trafficking activities of state institutions and making recommendations to the persons and institutions concerned. GRETA is of the view that the key features of National Rapporteurs' mechanisms within the meaning of Article 29(4) of the Convention should be the ability to critically monitor the efforts and effectiveness of all state institutions, including national co-ordinators, and to that end maintain a constant exchange with civil society, the research community and other relevant stakeholders. A structural separation between these monitoring functions and executive functions makes possible an objective evaluation of the implementation of anti-trafficking legislation, policy and activities, identification of lacunae and shortcomings, and the formulation of comprehensive legal and policy recommendations.

## Training

94. To combat human trafficking effectively and protect its victims, it is essential that training be provided to a range of relevant professionals, as provided for in Article 29(1) of the Convention. In the great majority of State Parties, training on human trafficking is being provided to a series of professionals as part of their general training curricula or through the periodic organisation of training activities, frequently involving civil society and international organisations.

95. GRETA has urged the authorities of Liechtenstein and San Marino to ensure the systematic provision of training to relevant professionals, either in the country or abroad. In three other countries, GRETA has made "partial urges" concerning the provision of training on human trafficking to certain professional groups which had not yet received such training or where training was sporadic: in Iceland, to police officers, prosecutors and judges, with a view to improving the criminal justice response



and protecting victims; in Sweden, to medical staff and labour inspectors; and in Switzerland, to labour inspectors and prosecutors dealing with labour exploitation cases.

96. In 34 other countries, GRETA has “considered” that the training efforts should be continued and strengthened, highlighting which professional groups in particular need more training. GRETA has stressed that training on different aspects of human trafficking should be embedded in the core training curricula of different professional groups, ensuring that all relevant professionals are trained periodically, throughout their careers, taking into consideration legislative changes and new trends. Further, GRETA has noted the benefits of a multi-agency approach to training, which involves civil society and can help, *inter alia*, overcome prejudices and stereotypes concerning victims of trafficking. Training programmes need to be ongoing and implemented systematically, in order not only to inform but to sensitize relevant professionals. The relevance, effectiveness and reach of training programmes should be evaluated at regular intervals.<sup>15</sup>

## Data collection

97. While there is no provision in the Convention on data collection as such,<sup>16</sup> collecting data on various aspects of human trafficking is important because it represents a tool to inform, adjust and assess anti-trafficking policies, as well as to carry out risk assessment.<sup>17</sup>

98. GRETA’s recommendations on data collection can be broken down into four sub-indicators: (i) availability of a comprehensive system for data collection which feeds into a comprehensive database, preferably maintained by one agency; (ii) collection of data on (presumed) victims from multiple sources, with disaggregation by sex, age, type of exploitation, country of origin and country where exploitation took place; (iii) availability of statistics on investigations, prosecutions and adjudications; and (iv) adequate data protection measures, especially concerning victim data provided by NGOs. A “full urge” is used where at least two of these sub-indicators are negative.

99. GRETA has made recommendations at the level of “full urge” to 16 countries,<sup>18</sup> as well as one “partial urge” (to Poland, where victim statistics were collected from many sources, but were not integrated).

100. In several countries (Cyprus, Georgia, Portugal), GRETA has welcomed the steps taken to develop and maintain a comprehensive, unified and coherent statistical system on human trafficking.

15. See GRETA’s second report on the United Kingdom, paragraph 67.

16. Article 11(1) of the Convention (protection of private life) provides only that collected data should be protected. Furthermore, Article 5(2) of the Convention (prevention of trafficking in human beings) requires parties to do research, among other things, to establish and/or strengthen prevention policies and programmes.

17. See 4th General Report on GRETA’s Activities, covering the period from 1 August 2013 to 30 September 2014, page 34.

18. Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Finland, France, Germany, Hungary, Iceland, Italy, Latvia, Liechtenstein, Norway, Spain, Ukraine.

101. Despite some signs of improvement, due to continuing problems in data collection in the majority of State Parties, the statistics provided by them do not reveal the real scale of human trafficking (see paragraph 135).

## Research

102. The Convention refers to research in the context of prevention of human trafficking, under Articles 5(2) and 6, but research is also relevant for other aspects of combating trafficking, and is important for shaping future policy measures.

103. Concerning research, there were no “urges” made by GRETA in respect of any State Party, but in 34 of the 42 country reports, GRETA “considered” that the authorities should conduct and support research on trafficking-related issues, highlighting areas where research was needed in order to shed light on the extent and new trends of human trafficking. A new area of research highlighted in GRETA’s second round reports concerns the possible links between online streaming of sexual abuse of children and human trafficking, as there is little information on how State Parties identify and assist such child victims. Further, more research is needed on trafficking for the purpose of organ removal and the possible links between trafficking and surrogacy.

104. GRETA has also welcomed the research undertaken in several countries,<sup>19</sup> including in areas suggested in GRETA’s first evaluation reports, and has invited them to continue conducting and supporting research on human trafficking as an important source of information for future policy measures.

## Awareness raising

105. Raising awareness about human trafficking plays a key part in the action taken by most State Parties. While welcoming the awareness-raising measures undertaken, GRETA has noted that their impact is rarely measured.

106. Noting that awareness raising is essential for preventing and detecting human trafficking, GRETA has urged one country (San Marino) to introduce measures for raising awareness of human trafficking for different forms of exploitation.

107. In 29 countries, GRETA has “considered” that the authorities should continue their efforts to raise awareness of human trafficking for different types of exploitation, in partnership with civil society, and by designing future actions in the light of the assessment of the impact of previous measures.

## Prevention of human trafficking for the purpose of labour exploitation

108. Prevention of human trafficking for the purpose of labour exploitation is a new indicator for the second evaluation round, given the specific focus put on this form of exploitation in the questionnaire for that round.

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19. Austria, Finland, Netherlands, Norway, Poland, Sweden, Switzerland, United Kingdom.

109. GRETA has “urged” the authorities of 15 State Parties to strengthen action to prevent trafficking for the purpose of labour exploitation (including six “full urges”<sup>20</sup> and nine “partial urges”<sup>21</sup>). The recommendations can be broken down into the following sub-indicators: (i) sensitization and training of relevant officials on trafficking for labour exploitation and victims’ rights; (ii) raising public awareness of trafficking in human beings (THB) for labour exploitation; (iii) targeted prevention for at-risk groups, such as migrant workers, including the provision of information on their rights and legal assistance;



(iv) reviewing the regulations applicable to certain sectors of work where risks of trafficking have been identified (domestic and care work, *au pairs*, fishing vessels); (v) including the prevention of THB in the mandate of labour inspectors, strengthening their capacity to carry out inspections in all places of work and detect possible victims of THB, and separating immigration enforcement from labour inspection functions; (vi) reviewing the regulations applicable to recruitment and temporary work agencies, and strengthening the monitoring of their activities; (vii) working closely with civil society, trade unions and the private sector, in line with the Guiding Principles on Business and Human Rights; (viii) enforcement of due diligence obligations to prevent trafficking in companies’ supply chains.

110. Concerning the remaining 27 State Parties, GRETA has made recommendations at the level of “consider”. This reflects the general need for more attention to the prevention of trafficking for the purpose of labour exploitation. As highlighted in GRETA’s 7th General Report, beyond awareness-raising, prevention efforts should aim at effective protection of workers, including migrant workers, providing access to channels for legal migration, and promoting greater transparency of supply chains.<sup>22</sup>

## Prevention of child trafficking

111. Prevention of child trafficking is another new indicator for the second evaluation round, in view of the specific focus on measures taken by State Parties to address the vulnerability of children to human trafficking by creating a protective environment for them, as required by Article 5(5) of the Convention.

112. GRETA has made 18 “urges” (six “full urges”<sup>23</sup> and 12 “partial urges”<sup>24</sup>), which cover a number of different aspects of the prevention of child trafficking. The recommendations can be broken down into the following sub-indicators: (i) reinforced

20. Armenia, Azerbaijan, Italy, Romania, Spain, Ukraine.

21. Andorra, Bosnia and Herzegovina, Cyprus, Germany, Hungary, Iceland, Liechtenstein, Lithuania, Switzerland.

22. See 7th General Report on GRETA’s Activities, covering the period from 1 January to 31 December 2017.

23. Armenia, Azerbaijan, Bosnia and Herzegovina, France, Italy, Romania.

24. Belgium, Croatia, Finland, Germany, Hungary, Lithuania, North Macedonia, Serbia, Spain, Sweden, Switzerland, Ukraine.



protection of children from vulnerable groups, such as children in street situations, children from ethnic minorities (Roma, Yazidi), and children placed in care institutions or leaving them; (ii) ensuring that unaccompanied and separated children benefit from effective care arrangements, including safe and specialised accommodation, so that they are not exposed to risks of human trafficking; (iii) an effective guardianship system; (iv) ensuring that all children are registered at birth; (v) raising public awareness of the risks and different manifestations of child trafficking (including for the purpose of exploitation in begging or criminal activities, and arranged/forced marriages); (vi) sensitising and training relevant professionals (teachers, educational staff, child welfare professionals, social workers, guardians); (vii) information and education, including integrating the prevention of THB in online safety education.

113. Concerning the remaining 24 State Parties, GRETA has made recommendations at the level of “consider”. This means that there are continuing gaps in the prevention of child trafficking across State Parties to the Convention. As noted in GRETA’s 6th General Report, the prevention of child trafficking should be integrated in national strategies and action plans for combating violence against children, in line with the priorities of the Council of Europe Strategy for the Rights of the Child.<sup>25</sup>

### **Prevention of trafficking for the purpose of organ removal**

114. This is another new indicator for the second evaluation round, which examined how State Parties prevent and detect this relatively less common form of exploitation.

115. GRETA notes that while human trafficking for the purpose of organ removal as defined by the Convention and organ trafficking as defined by Articles 4 to 8 of the Council of Europe Convention against Trafficking in Human Organs<sup>26</sup> are two distinct crimes, they bear certain similarities and share similar root causes, such as shortage of organs to meet demand for transplantation and poor economic and other conditions that put persons in a vulnerable position. Therefore, measures to prevent organ trafficking can help prevent trafficking for the purpose of organ removal; the reverse

25. See 6th General Report on GRETA’s Activities, covering the period from 1 January to 31 December 2016, paragraph 187.

26. Opened for signature in Santiago de Compostela on 25 March 2015.

is also true.<sup>27</sup> Among the necessary preventive measures, GRETA has underlined the importance of a robust and transparent domestic system for the removal and transplantation of human organs and the need for training of health-care professionals. GRETA has also stressed the importance of conducting a thorough investigation of each case where there is information or suspicion of trafficking for the purpose of organ removal, paying attention to the abuse of the vulnerability of the “donor” and ensuring that “donors” are treated as victims of trafficking in human beings.

116. In the majority of State Parties, health care professionals do not have an obligation to inform the police when they suspect that a patient has had an illegal organ transplantation abroad.

117. There were no “urges” made by GRETA in respect of any State Party, but in 26 of the 42 countries, GRETA “considered” that the authorities should ensure that, as part of their training, medical and other professionals involved in organ transplantations are sensitized about human trafficking for the purpose of organ removal. Further, GRETA has encouraged the countries which have not yet signed and ratified the Council of Europe Convention against Trafficking in Human Organs to do so, as this would contribute to the prevention of trafficking for the purpose of organ removal.

118. In six countries,<sup>28</sup> the authorities reported having identified cases of trafficking for the purpose of organ removal.

### **Discouraging demand (including criminalisation of the use of services of victims)**

119. Article 6 of the Convention places an obligation on State Parties to adopt legislative, administrative, educational, social, cultural or other measures to discourage demand for the services of victims of trafficking, especially women and children. The Convention also contains a related provision, Article 19, according to which Parties shall consider making it a criminal offence to knowingly use the services of a victim of trafficking, by way of discouraging demand that drives trafficking in human beings. This provision targets the client whether of a victim of trafficking for sexual exploitation or of a victim of forced labour or services, slavery or practices similar to slavery, servitude or organ removal.<sup>29</sup>

120. GRETA’s second round evaluation reports indicate that in many State Parties, the existing national action plans envisage measures aimed at reducing demand that fosters human trafficking. Most countries have targeted demand through

27. See “Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs”, Joint Council of Europe/United Nations Study (2009), in particular pages 55-56; “Trafficking in human beings for the purpose of organ removal in the OSCE region: Analysis and Finding”, OSCE Occasional Paper No. 6 (2013).

28. Armenia (seven victims identified in 2012, see paragraph 82 of GRETA’s second report); Finland (four reported cases which happened before the persons arrived in Finland, see paragraph 74 of GRETA’s second report); Republic of Moldova (two victims, in 2012-2013, see paragraph 86 of GRETA’s second report); Spain (two cases of attempted trafficking for organ removal, in 2013-2015, see paragraphs 105-106 of GRETA’s second report); Ukraine (six persons identified in 2015-2016); United Kingdom (eight referrals of possible victims in 2012-2015, see paragraph 124 of GRETA’s second report).

29. Explanatory Report on the Convention, paragraph 231.

awareness raising, but the impact of such measures is rarely assessed. One example of assessing impact was the campaign organised under the REACH Project in Ireland, which aimed at raising awareness amongst potential buyers of sex of the harms caused by demand for sexual services. The campaign was launched in April 2015 and lasted for six weeks. The campaign's slogan, "We Don't Buy It", was delivered by way of a multi-media mix (outdoor, radio, public relations, online and social media) to ensure targeted reach and maximum attention. According to the evaluation of the campaign, it achieved an awareness level of 9% amongst the general public in circumstances where the industry standard would be 3-4% for a campaign of this nature and duration. The evaluation of social media results was also positive.<sup>30</sup>

121. Between the first and second rounds of evaluation of the Convention, five more State Parties<sup>31</sup> have criminalised the use of services of victims of trafficking in accordance with Article 19 of the Convention, and another four<sup>32</sup> have criminalised the use of sexual services from persons with the knowledge that they are victims of trafficking. GRETA has invited the latter countries to also criminalise the use of services of victims of human trafficking for other forms of exploitation, with the knowledge that they are victims.

122. In total, at the time of being evaluated by GRETA, 17 State Parties had established as a separate criminal offence the use of services of a victim of trafficking, with the knowledge that the person is a victim, in accordance with Article 19 of the Convention,<sup>33</sup> and a further six Parties had criminalised only the use of sexual services of a victim of trafficking, with the knowledge that the person concerned is a victim.<sup>34</sup> Furthermore, 15 Parties had other legal provisions which according to the authorities could be used to punish the users of services of victims of trafficking (e.g. criminalisation of the purchase of sexual services;<sup>35</sup> employing an irregularly residing foreigner who is a victim of trafficking;<sup>36</sup> intentionally profiting from the exploitation of another person;<sup>37</sup> illegally employing or exploiting foreign workers;<sup>38</sup> liability of contractors;<sup>39</sup> requiring a person to perform forced or compulsory labour while knowing that the person concerned is being required to do so<sup>40</sup>).

123. Only five State Parties which have established as a separate criminal offence the use of services of a victim of trafficking, with the knowledge that the person is a victim, have reported related case-law.<sup>41</sup>

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30. See GRETA's second report on Ireland, paragraph 92.

31. Albania, Cyprus, Malta, Republic of Moldova and Slovenia.

32. Finland, Germany, Latvia and Luxembourg.

33. Albania, Armenia, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Georgia, Greece, Lithuania, Malta, Republic of Moldova, Montenegro, North Macedonia, Portugal, Romania, Serbia, Slovenia.

34. Estonia, Finland, Germany, Ireland, Latvia (which also has a provision criminalising the employment of irregularly residing third-country nationals, including victims of trafficking) and Luxembourg.

35. France, Iceland, Ireland, Norway, Sweden, United Kingdom (Northern Ireland).

36. Austria, Denmark, Germany, Latvia, Poland, Portugal.

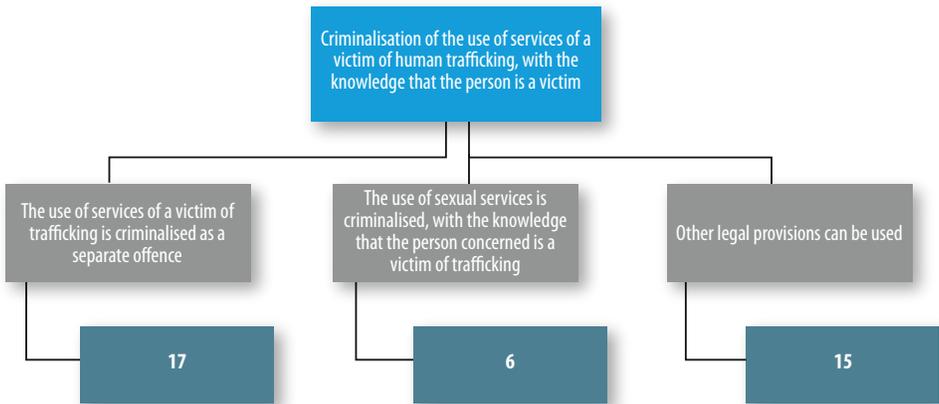
37. Netherlands.

38. Switzerland.

39. Belgium.

40. United Kingdom.

41. Bulgaria, Lithuania, North Macedonia, Romania and Serbia.



124. GRETA notes that the criminalisation of the use of services which are the object of exploitation as referred to in Article 4 of the Convention, with the knowledge that the person is a victim of trafficking in human beings, can have a normative effect and increase public awareness of human trafficking issues, in addition to having a punitive function. State Parties which have introduced this provision in their national legislation should disseminate information about it and promote its application in practice. Other State Parties should consider introducing a legal provision criminalising the use of services which are the object of exploitation as referred to in Article 4 of the Convention, with the knowledge that the person is a victim of trafficking.

125. In respect of all State Parties, GRETA has made recommendations at the level of “consider”, asking them to take further measures to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with civil society, trade unions and the media, including by raising awareness, implementing educational programmes at schools, strengthening corporate social responsibility and requiring businesses to report publicly on measures to reduce human trafficking or forced labour in their supply chains.

## Social and economic measures

126. One important element of prevention consists of social, economic and other initiatives for groups vulnerable to trafficking. The fact that a party is primarily a country of destination does not preclude it from undertaking activities to address root causes either for internal trafficking or in relation to empowering and preventing re-trafficking.

127. No “urges” were made by GRETA in respect of this indicator. In 20 of the 42 countries,<sup>42</sup> GRETA “considered” that the authorities should strengthen prevention through social and economic empowerment measures for groups vulnerable to

42. Albania, Armenia, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, France, Georgia, Latvia, Lithuania, Republic of Moldova, Montenegro, North Macedonia, Portugal, Romania, Serbia, Slovak Republic, Slovenia, Ukraine.

trafficking, including by promoting gender equality, combating gender-based violence, and supporting policies for the empowerment of women, ethnic minorities and migrant workers.

### **Border control measures**

128. GRETA urged one Party (Albania) to step up its efforts to prevent and detect cases of human trafficking during border controls, paying particular attention to unaccompanied children. In another 22 countries, GRETA “considered” that the authorities should take further measures to improve the detection of trafficking victims during border controls, in particular in the context of increased migration flows, by reinforcing the training of border control staff and developing awareness within transport companies.

### **Identification of victims**

129. Article 10 of the Convention requires Parties to adopt measures to identify victims. For that purpose, Parties must provide their competent authorities with persons who are trained and qualified in identifying victims, irrespective of their nationality and immigration status. According to Article 10, identification is a collaborative process involving different authorities and relevant victim support organisations.

130. In 31 of the 42 countries, there was a formalised National Referral Mechanism (NRM) for the identification of victims of trafficking and their referral to assistance, involving a series of actors. Depending on the country, the NRM takes the form of a law, secondary legislation or Standard Operating Procedures. The identification procedure usually consists of several stages, starting with first-hand detection or identification on “reasonable grounds”, which can be performed by a series of actors, including specialised NGOs, and finishing with formal identification and, in some countries, granting the status of a victim of THB, which is performed by law enforcement agencies or a specially set-up body (for example, the Centre for Protection of Victims of Trafficking in Serbia; the Commission for Identification of Victims of Trafficking and Exploitation in Armenia).

131. In several countries, while there was no formalised NRM, there were other arrangements making it possible for specialised NGOs to identify victims of trafficking and provide them with assistance.<sup>43</sup> In some countries, the identification and granting of a status of victim of trafficking has been assigned to dedicated bodies, but only as far as victims legally present in the country are concerned (for example, the Danish Centre against Human Trafficking, CMM; the Polish National Consulting and Intervention Centre for Victims of Trafficking, KCIK).

132. GRETA notes that there is a series of actors who can identify victims of trafficking, not only the specialised investigation units dealing with THB offences, but also immigration and asylum officials, labour inspectors, social workers, health-care staff and NGOs. Without a coherent and co-ordinated National Referral Mechanism,

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43. For example, in Austria and Poland.

there is no guarantee that victims of THB will be put in contact with specialised support providers who can provide them with assistance and legal support. Good co-operation between the police and NGOs cannot be a substitute for a fully-fledged NRM defining the roles and responsibilities of all relevant actors.

133. GRETA has urged 27 countries (five “full urges”<sup>44</sup> and 22 “partial urges”<sup>45</sup>) to improve the identification of victims of trafficking. The recommendations can be broken down into the following sub-indicators: (i) establish a formalised NRM which provides for multi-agency involvement in the identification of victims of trafficking; (ii) where an NRM already exists, reinforce the multi-agency involvement and take measures to ensure its proper functioning, by providing guidance, training and funding; (iii) delink identification from the presumed victim’s co-operation with the investigation; (iv) ensure that identification covers all victims, regardless of the form of exploitation; (v) ensure the application of the NRM to asylum seekers and persons in immigration detention; (vi) proactively identify victims of trafficking for labour exploitation.

134. In respect of all the remaining State Parties, GRETA has made recommendations at the level of “consider”, asking them to take further measures to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures contained in the Convention.

135. The table below indicates the annual number of victims of trafficking identified by the 42 State Parties to the Convention since 2015. There are considerable differences between countries in the way in which victims are counted, as is evident from the footnotes. Some countries provide statistics on presumed victims, i.e. persons for whom there are indicators (“reasonable grounds”), or persons who received assistance on the assumption that they were victims, while others count only victims who were formally identified as part of criminal proceedings; yet another group of countries count both presumed victims and formally identified victims. Further difficulties arise because of double counting. For some of the years, there was lack of data in certain countries. Not all countries have disaggregated data (by sex, age, form of exploitation). Despite these caveats, the available data shows a trend of increase in the number of identified victims (by 44% between 2015 and 2018). The countries which accounted for the highest number of victims (presumed and formally identified) were the United Kingdom, France, Italy, the Netherlands and Romania.

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44. Azerbaijan, France, Iceland, Monaco, San Marino.

45. Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Denmark, Finland, Georgia, Germany, Hungary, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Montenegro, North Macedonia, Norway, Romania, Slovenia, Spain, Sweden, Switzerland.

## Number of identified victims of human trafficking per year (2015-2018), according to information provided by the national authorities

State Parties	2015	2016	2017	2018
Albania <sup>46</sup>	109	95	105	95
Andorra	0	0	0	0
Armenia <sup>47</sup>	n.a.	28	12	9
Austria <sup>48</sup>	221	242	390	373
Azerbaijan <sup>49</sup>	63	70	71	n.a.
Belarus <sup>50</sup>	121	184	131	142
Belgium	135	133	120	n.a.
Bosnia and Herzegovina <sup>51</sup>	35	48	83	36
Bulgaria <sup>52</sup>	409	447	508	443
Croatia	38	30	29	76
Cyprus	46	44	23	41
Czech Republic <sup>53</sup>	50	38	14	11
Denmark	93	121	98	97
Estonia	13	9	n.a.	n.a.
Finland <sup>54</sup>	52	130	127	163
France <sup>55</sup>	1,826	n.a.	1,857	2,819
Georgia	16	3	11	7
Germany	470	536	671	n.a.
Greece	57	46	n.a.	n.a.

46. Albania: number of presumed and formally identified victims.

47. Armenia: number of victims identified by the State commission on identification of victims of trafficking, which started functioning on 25 November 2015. The number of victims in 2016 include those identified at the end of 2015.

48. Austria: number of presumed and identified victims who participated in criminal proceedings under Article 104a of the CC ("trafficking in human beings"), Article 217 of the CC ("trans-border prostitution trade"), Article 104 of the CC ("slavery") and Article 116 of the Aliens' Police Act ("exploitation of a foreigner").

49. Azerbaijan: number of victims identified by the police; in addition, there were presumed victims identified on reasonable grounds who did not want to co-operate in criminal proceedings (19 in 2015, 7 in 2016).

50. Belarus: number of victims identified by law enforcement agencies in cases of human trafficking and related offences (exploitation or facilitation of prostitution, involving in prostitution or forcing to continue practicing prostitution, illegal acts to provide employment abroad, production and distribution of pornography, including of children).

51. Bosnia and Herzegovina: number of presumed and formally identified victims.

52. Bulgaria: number of victims identified as part of criminal proceedings; the number is cumulative, including victims from proceedings opened in previous years and ongoing (Supreme Cassation Prosecutor's Office data).

53. Czech Republic: number of victims identified by the police as part of criminal proceedings.

54. Finland: the number of new presumed victims admitted to the Assistance System.

55. France: number of victims followed by NGOs; data collected on the basis of questionnaires sent to NGOs by MIPROF and the National Observatory.

State Parties	2015	2016	2017	2018
Hungary <sup>56</sup>	15	10	2	n.a.
Iceland <sup>57</sup>	n.a.	10	2	n.a.
Ireland <sup>58</sup>	62	75	75	n.a.
Italy <sup>59</sup>	n.a.	1,172	1,050	1,373
Latvia	12	19	25	23
Liechtenstein <sup>60</sup>	3	0	3	n.a.
Lithuania	62	46	58	n.a.
Luxembourg	7	20	16	n.a.
Malta	3	27	5	35
Monaco	0	0	0	0
Montenegro	4	3	4	10
Republic of Moldova	310	232	249	365
North Macedonia	4	6	2	9
Netherlands <sup>61</sup>	1,150	952	956	668
Norway	145	98	n.a.	n.a.
Poland <sup>62</sup>	62	78	453	222
Portugal <sup>63</sup>	32	134	60	59
Romania	880	756	662	497
San Marino	0	0	n.a.	n.a.
Serbia	40	55	43	76
Slovak Republic	56	45	88	56
Slovenia	47	27	n.a.	n.a.
Spain <sup>64</sup>	267	193	213	200
Sweden <sup>65</sup>	179	197	214	214
Switzerland	47	90	108	64
Turkey	108	181	303	134
Ukraine	83	110	198	n.a.
United Kingdom <sup>66</sup>	3,266	3,805	5,142	6,993
<b>TOTAL</b>	<b>10,598</b>	<b>10,545</b>	<b>14,181</b>	<b>15,310</b>

56. Hungary: number of victims identified as part of criminal proceedings, following a court decision establishing a human trafficking offence.

57. Iceland: number of possible victims; no victims were formally identified.

58. Ireland: number of suspected victims of human trafficking identified by An Garda Síochána.

59. Italy: number of victims who received assistance.

60. Liechtenstein: number of presumed victims, none of whom was formally identified.

61. Netherlands: number of victims according to the Dutch National Rapporteur.

62. Poland: number of victims identified according to the General Prosecutor's Office.

63. Portugal: number of confirmed victims, data of the Observatory on Trafficking in Human Beings.

64. Spain: number of victims identified as part of criminal investigations by law enforcement agencies.

65. Sweden: reported offences of human trafficking, data of the National Council for Crime Prevention.

66. United Kingdom: number of referrals of potential victims of trafficking to the National Referral Mechanism.



## Victim assistance measures

136. GRETA's 8th General Report contained a thematic chapter on the provision of assistance to victims of trafficking, which explored in detail the application of the Convention's provisions in this respect.<sup>67</sup>

137. To avoid repetition, this general report will only summarise GRETA's recommendations made in respect of the 42 Parties which have completed the first and second evaluation rounds. In 29 countries, GRETA has urged the authorities to improve different aspects of the provision of assistance to victims of trafficking (seven "full urges"<sup>68</sup> and 22 "partial urges"<sup>69</sup>). The recommendations can be broken down into the following sub-indicators: (i) setting up specialised facilities providing accommodation and assistance to victims of human trafficking, with a sufficient number of places; (ii) providing adequate, sustainable funding to service providers, including NGOs; (iii) ensuring that male victims of trafficking can access assistance, including safe accommodation; (iv) ensuring that all victims of trafficking receive the assistance guaranteed by law, irrespective of nationality and form of exploitation; (v) facilitating long-term assistance and reintegration of victims into society, including vocational training, education and work; (vi) ensuring access to health care.

138. In respect of all the remaining State Parties, GRETA has made recommendations at the level of "consider", asking them to take additional measures to ensure that all victims of trafficking are provided with assistance as required by the Convention.

## Child victim identification

139. Article 10 of the Convention provides for special measures and procedures for children in the context of victim identification, such as in case of age disputes and in respect of unaccompanied children, who should have a legal guardian appointed.

140. GRETA's 6th General report contained a thematic chapter on trafficking in children, which explored in detail the findings from the country evaluation reports published by the end of 2016.

67. See 8th General Report on GRETA's Activities, covering the period from 1 January to 31 December 2018, paragraph 83 and following.

68. Bulgaria, Iceland, Ireland, Monaco, Romania, Serbia, Ukraine.

69. Albania, Armenia, Belgium, Bosnia and Herzegovina, Cyprus, Finland, France, Germany, Hungary, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, North Macedonia, Poland, San Marino, Slovenia, Spain, Switzerland, United Kingdom.



141. GRETA has urged 39 out of the 42 countries which have completed the second evaluation round (26 “full urges”<sup>70</sup> and 13 “partial urges”<sup>71</sup>) to take measures in order to improve the identification of child victims of trafficking, including by setting up a specific identification and referral mechanism which takes into account the special circumstances and needs of child victims, involves child specialists, child protection services, and specialised police and prosecutors, and ensures that the best interests of the child are the primary consideration.

142. The recommendations can be broken down into the following sub-indicators: (i) establishment of a child-focused, integrated national referral mechanism; (ii) periodic training on identification for various stakeholders; (iii) development and dissemination of indicators, tools and guidance; (iv) proactive identification, including outreach activities; (v) effective guardianship; (vi) identification of victims amongst at-risk groups, such as unaccompanied children, children from ethnic minorities, children exploited in begging or criminal activities, children in care institutions, children subject to arranged/forced marriages.

### Child victim assistance measures

143. Assistance to child victims of human trafficking should be adapted to their special needs. To take care of child victims, shelters specialised in receiving and assisting such victims should be set up with a view to addressing their needs and offering a protected environment.

144. GRETA has urged the authorities of 33 countries to take measures to improve the provision of assistance to child victims of trafficking (19 “full urges”<sup>72</sup> and 14 “partial urges”<sup>73</sup>). The recommendations can be broken down into the following sub-indicators: (i) access to appropriate, secure accommodation, specific for child

70. Albania, Armenia, Austria, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, France, Georgia, Hungary, Iceland, Italy, Latvia, Luxembourg, Malta, Monaco, Norway, Portugal, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Ukraine.

71. Belgium, Finland, Germany, Liechtenstein, Lithuania, Republic of Moldova, Montenegro, North Macedonia, Poland, Romania, Sweden, Switzerland, United Kingdom.

72. Albania, Armenia, Austria, Bosnia and Herzegovina, Bulgaria, Cyprus, France, Latvia, Malta, Republic of Moldova, Norway, Poland, Portugal, Romania, Serbia, Slovenia, Spain, Ukraine, United Kingdom.

73. Belgium, Croatia, Denmark, Georgia, Germany, Hungary, Italy, Lithuania, Luxembourg, Montenegro, North Macedonia, Slovak Republic, Sweden, Switzerland.



victims of trafficking; (ii) measures to prevent the disappearance of children placed in institutions, in particular unaccompanied children; (iii) access to psychological support; (iv) access to education and vocational training; (v) access to other assistance measures, e.g. legal assistance, interpretation; (vi) long-term assistance, including monitoring of reintegration; (vii) ending the detention of children for immigration purposes.

145. In general, GRETA's evaluation reports reveal a shortage of suitable accommodation for children. Another frequent concern is the significant number of unaccompanied children disappearing from local authority care.

### Provision of support delinked from co-operation

146. Article 12(6) of the Convention requires State Parties to ensure that assistance to victims of trafficking is not made conditional on their willingness to act as witnesses or otherwise co-operate with competent authorities in the investigations and criminal proceedings.

147. GRETA is concerned by indications that in some State Parties the provision of assistance to victims of trafficking hinges on their co-operation with law enforcement authorities, even though the link does not exist formally. Compared to the situation five years ago, when GRETA took stock of the first evaluation round of the Convention, the number of countries where this link is being made has decreased.<sup>74</sup> In most Parties, admission to the victim assistance system is not dependent on the existence of a criminal investigation. Nevertheless, GRETA has urged the authorities of 10 of the 42 countries (eight "full urges"<sup>75</sup> and two "partial urges"<sup>76</sup>) to ensure that, in practice, access to assistance for victims of trafficking is provided irrespective of the victim's readiness or capacity to co-operate with law enforcement.<sup>77</sup>

74. See 4th General Report on GRETA's Activities, covering the period from 1 August 2013 to 30 September 2014, p. 44. According to the stock-taking of the first evaluation round, in 20 out of 35 country evaluation reports, GRETA had urged the authorities to ensure that in practice access to assistance for victims of trafficking is not made conditional on their co-operation in the investigation and criminal proceedings.

75. Bosnia and Herzegovina, France, Ireland, Liechtenstein, Luxembourg, Romania, Slovenia, Spain.

76. Finland, Netherlands.

77. See also 8th General Report on GRETA's Activities, covering the period from 1 January to 31 December 2018, paragraphs 101-110.

## Protection of private life

148. The protection of trafficking victims' private life enshrined in Article 11 of the Convention is essential for their physical safety, avoiding stigmatisation and preserving the chances of social reintegration.

149. In most State Parties evaluated as part of the second round, GRETA did not observe problems in the implementation of this provision. However, GRETA has urged one country, Romania, to abandon the practice of making the names and addresses of victims of trafficking publicly available. GRETA was concerned by reports indicating that the personal data of victims was not protected, and their names and addresses may be found on the publicly available judiciary website. Further, trafficking cases as a rule were dealt with in public court hearings, with the exception of cases in which children were involved, but in cases where both adults and children are involved, the case was heard in open court.

150. GRETA has stressed the importance of respecting the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information to the National Referral Mechanism, law enforcement authorities or other data collection systems.

## Recovery and reflection period

151. According to Article 13 of the Convention, a recovery and reflection period of at least 30 days must be granted when there are reasonable grounds to believe that a person is a victim of trafficking. GRETA recalls that the Convention provides for a recovery and reflection period to be granted "when there are reasonable grounds to believe that the person concerned is a victim of trafficking", therefore before the identification procedure is completed. The primary aim of the recovery and reflection period is to distance presumed victims of trafficking from the influence of the perpetrators and to give them sufficient time to take a decision on whether to cooperate with the authorities. During the recovery and reflection period, the persons concerned must not be removed from the country's territory and must be able to receive the assistance measures contained in Article 12, paragraphs 1 and 2, of the Convention.

152. Some EU Member States may deny presumed victims of trafficking from other EU Member States a recovery and reflection period on the grounds that, as EU nationals, they have privileged residence entitlements anyway. However, such rights are limited. Considering that after three months EU nationals can only stay legally in other EU countries provided they meet a number of requirements (e.g. economic activity, sufficient resources, being enrolled as a student), the possibility that they would be considered as being irregular cannot be excluded and they should logically be entitled to benefit from a recovery and reflection period.

153. Four State Parties (Andorra, Armenia, Bosnia and Herzegovina, and Montenegro) adopted legal provisions on the recovery and reflection period in the period between the first and the second evaluation by GRETA, as a follow-up to GRETA's recommendations. Further, in Iceland, the duration of the recovery and reflection period

was increased from six to nine months, and in Spain, its minimum duration was increased from 30 to 90 days. Moreover, in Finland, following amendments to the International Protection Act, the Assistance System for Victims of Trafficking was given the competence to formally identify victims of human trafficking and grant them a recovery and reflection period.

154. At the time of being evaluated by GRETA as part of the second round, 33 of the 42 State Parties had the recovery and reflection period specifically enshrined in their national law.<sup>78</sup> However, the manner in which national legislation defined the recovery and reflection period was not always consistent with Article 13 of the Convention. For example, in Denmark and Germany, victims were granted a deadline for leaving the country, as opposed to a recovery and reflection period.

155. In nine State Parties,<sup>79</sup> the recovery and reflection period was not enshrined in law, although in some cases it was specified in an internal decree (Austria) or administrative immigration arrangements (Ireland). GRETA is concerned that in the absence of an explicit legal framework concerning the recovery and reflection period, presumed victims of trafficking (including those to whom the Dublin Regulation is applicable) risk being deported and not being given the time needed to recover from the trauma experienced and to make an informed decision on possible co-operation with the authorities.

156. GRETA has urged 28 countries (13 “full urges”<sup>80</sup> and 15 “partial urges”<sup>81</sup>) to ensure compliance with Article 13 of the Convention. The recommendations can be broken down into four sub-indicators: (i) the recovery and reflection period has no statutory footing; (ii) the period is linked to the person’s co-operation in the investigation and is granted by law enforcement agencies; (iii) the period does not apply to EU/EEA nationals; (iv) the period is not provided to asylum seekers.

## Residence permit

157. Pursuant to Article 14(1) of the Convention, Parties can choose between granting a renewable residence permit to victims of trafficking on the basis of their personal situation, or for the purpose of their co-operation with the competent authorities in the investigation or criminal proceedings, or indeed to adopt both options simultaneously.

158. Out of the 42 countries, 22 had legislation envisaging the issuing of residence permits to victims of trafficking, both owing to their personal situation and for the purpose of co-operating with the investigation or criminal proceedings, 14 granted residence permits to victims of trafficking exclusively for the purpose of

78. In the United Kingdom, the recovery and reflection period was enshrined in law in Northern Ireland and Scotland, but not in England and Wales.

79. Austria, Bulgaria, Ireland, Italy, Liechtenstein, Monaco, San Marino, Serbia, Ukraine.

80. Bulgaria, Denmark, Germany, Hungary, Ireland, Italy, Latvia, Liechtenstein, Monaco, San Marino, Serbia, Sweden, Ukraine.

81. Austria, Finland, France, Georgia, Lithuania, Luxembourg, Malta, North Macedonia, Norway, Poland, Slovak Republic, Netherlands, Slovenia, Spain, United Kingdom.

their co-operation, and two had legislation providing for the issuing of a residence permit to victims of trafficking on humanitarian grounds.

159. Following GRETA's first evaluation, Andorra, Armenia, Denmark and San Marino have amended their legislation, introducing the possibility of granting temporary residence permits to victims of trafficking, as recommended by GRETA.

160. GRETA has made one "full urge", in respect of Monaco, which had no legal basis to grant residence permits to victims of trafficking. Further, GRETA has made a "partial urge" in respect of Luxembourg concerning the delays in issuing residence permits to victims of trafficking. GRETA has also made recommendations at the level of "consider" in respect of 30 State Parties.

161. GRETA has noted that difficulties arise when a country chooses to make the residence permit conditional on the victim's co-operation, which in practice undermines the unconditional nature of assistance to victims. There are situations in which victims might be afraid to co-operate in the investigation because of threats from the traffickers. Granting a residence permit on account of the personal situation of the victim takes in a range of situations, such as the victim's safety, state of health and family situation, and tallies with the human rights-based approach to combating trafficking in human beings. GRETA has therefore invited State Parties to consider granting temporary residence permits to victims of human trafficking on the basis of their personal situation, in addition to the residence permit on the basis of the victim's co-operation in the investigation or criminal proceedings.

## Legal assistance and free legal aid

162. Article 15(2) of the Convention obliges Parties to provide in their internal law for the right of victims of trafficking to legal assistance and free legal aid. Early access to legal assistance is important to enable victims to access compensation and redress.<sup>82</sup>

163. This indicator, as well as the following two indicators related to compensation, are subject to detailed examination by GRETA during the third evaluation round of the Convention, with a thematic focus on "Access to justice and effective remedies for victims of trafficking".

164. In the second evaluation round, legal assistance and free legal aid was linked to access to compensation, which is why they usually formed part of one joint recommendation, with a number of sub-indicators.

165. GRETA has urged 25 State Parties (one "full urge"<sup>83</sup> and 24 "partial urges"<sup>84</sup>) to take steps in this regard. The recommendations can be broken down into the following sub-indicators: (i) absence of regulation for free legal aid; (ii) no effective

82. See also 8th General Report on GRETA's activities, covering the period from 1 January to 31 December 2018, paragraph 163 and following.

83. Azerbaijan.

84. Albania, Armenia, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Finland, Georgia, Germany, Hungary, Ireland, Italy, Latvia, Malta, Republic of Moldova, Montenegro, North Macedonia, Poland, Portugal, Romania, Serbia, Slovak Republic, Slovenia, United Kingdom.



access to legal assistance, including for claiming compensation; (iii) lack of training and capacity of lawyers to support victims to claim compensation.

### Compensation from the perpetrators

166. Article 15(3) of the Convention establishes a right of victims of human trafficking to compensation from the perpetrators. Like the previous indicator, compensation of victims forms part of the thematic focus of the ongoing third evaluation round of the Convention.

167. In general, there are a number of obstacles preventing victims of trafficking from obtaining compensation from the perpetrators, and only a few countries have reported successful compensation claims.

168. GRETA has made 24 “urges” (10 “full urges”<sup>85</sup> and 14 “partial urges”<sup>86</sup>) in this regard. The recommendations can be broken down into the following sub-indicators: (i) compensation from the perpetrator is non-existent in practice; (ii) victims are not systematically informed about the procedures and their rights; (iii) there is insufficient knowledge among police officers, prosecutors, judges and lawyers about victim compensation; (iv) insufficient use of possibilities of seizure and confiscation of criminal assets and/or failure to use them to compensate victims; (v) prosecutors do not take an active role in promoting compensation.

### State compensation

169. Even though it is the trafficker who is liable to compensate the victim, in practice there is rarely full compensation, either because the trafficker has not been found, has disappeared or has no realisable assets. Article 15(4) therefore requires that Parties take steps to guarantee compensation of victims. The means of guaranteeing compensation are left to the Parties, which are responsible for establishing the legal basis for compensation, the administrative framework and the operational arrangements for compensation schemes. In this connection, Article 15(4) suggests setting up a

85. Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Hungary, Ireland, Italy, Serbia, Slovak Republic, Slovenia.

86. Bulgaria, Croatia, Cyprus, Georgia, Germany, Latvia, Malta, Republic of Moldova, Montenegro, North Macedonia, Poland, Portugal, Romania, United Kingdom.

compensation fund or introducing measures or programmes for social assistance to, and social integration of, victims that could be funded by assets of criminal origin.

170. At the time of the evaluation, in 10 State Parties,<sup>87</sup> there were no functioning mechanisms for State compensation of victims of trafficking in case of impossibility or failure to obtain compensation from the perpetrator.

171. GRETA has made 25 “urges” (8 “full urges”<sup>88</sup> and 17 “partial urges”<sup>89</sup>). The recommendations can be broken down into the following sub-indicators: (i) State compensation is not legally possible; (ii) the eligibility criteria for State compensation are too restrictive, preventing victims of trafficking from obtaining compensation; (iii) State compensation is dependent on proven impossibility to receive compensation from the offender; (iv) insufficient or no funding is available for State compensation.

### Safe return and repatriation

172. Article 16 of the Convention requires Parties to ensure that the return of victims of trafficking is carried out with due regard for their rights, safety and dignity, as well as for the status of any related legal proceedings, and is preferably voluntary. Child victims must not be returned if there is indication, following a risk and security assessment, that such return would not be in the best interests of the child. Further, pursuant to Article 40(4) of the Convention, the obligation of *non-refoulement* must be respected. In order to comply with the duty of *non-refoulement*, there must be effective implementation of pre-removal risk assessments, and the principle of safe and preferably voluntary return. A full and competent risk assessment must be carried out before anyone is returned.<sup>90</sup>



87. Albania, Andorra, Bosnia and Herzegovina, Cyprus, Italy, Republic of Moldova, Monaco, Montenegro, North Macedonia, Serbia.

88. Albania, Bosnia and Herzegovina, Cyprus, Italy, Republic of Moldova, Montenegro, North Macedonia, Serbia.

89. Azerbaijan, Belgium, Bulgaria, Croatia, Finland, Germany, Hungary, Ireland, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovenia, Spain, United Kingdom.

90. See 5th General Report on GRETA's Activities, covering the period from 1 October 2014 to 31 December 2015, paragraphs 122-123.

173. GRETA has made four “urges” (two “full urges”<sup>91</sup> and two “partial urges”<sup>92</sup>) in this regard. The recommendations can be broken down into the following sub-indicators: (i) absence of voluntary return schemes adapted to the needs of victims of trafficking, or unavailability of the schemes to all victims of trafficking; (ii) absence of individualised risk assessment by specialised bodies prior to forced returns or expulsions, including of unaccompanied children; (iii) absence of co-operation of countries returning victims with partners in countries receiving them, to support victims’ effective reintegration on return.

174. Further, in respect of 33 State Parties, GRETA has “considered” that the authorities should take further steps to ensure that repatriations of victims of trafficking fully comply with the requirements of Article 16 of the Convention, including by developing co-operation arrangements with countries of return.

### Corporate liability

175. Article 22 of the Convention requires Parties to ensure that legal persons can be held liable for human trafficking offences committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person who has a leading position within the legal person. Liability under this article may be criminal, civil or administrative.

176. Implementation in practice seems challenging, since only a few countries have reported corporate liability proceedings. GRETA has made three “urges”, in respect of Andorra, Armenia and Ukraine, asking them to ensure that legal entities may be held liable for human trafficking offences.

177. Further, in the case of 11 countries, GRETA “considered” that the authorities should continue to take measures to ensure that the liability of legal entities for criminal offences is effectively implemented.

### Non-punishment provision

178. Pursuant to Article 26 of the Convention, Parties must provide for the possibility of not imposing penalties upon victims of human trafficking for their involvement in unlawful activities, to the extent that they have been compelled to do so. As previously stressed by GRETA, the criminalisation of victims of trafficking not only contravenes the state’s obligation to provide services and assistance to victims, but also discourages victims from coming forward and co-operating with law enforcement agencies, thereby also interfering with the state’s obligation to investigate and prosecute those responsible for human trafficking.<sup>93</sup>

179. Of the 42 countries, at the time of the second evaluation by GRETA, 17 had specific legal provisions concerning the non-punishment of victims of trafficking.<sup>94</sup>

91. Hungary, Italy.

92. Portugal, United Kingdom.

93. See Second General Report on GRETA’s Activities, covering the period from 1 August 2011 to 31 July 2012, paragraph 58.

94. Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Cyprus, Finland, Germany, Georgia, Latvia, Lithuania, Luxembourg, Malta, Romania, Slovak Republic, Spain, United Kingdom.



183. GRETA has urged 16 State Parties (one “full urge”<sup>97</sup> and 15 “partial urges”<sup>98</sup>) to take measures to improve the investigation of human trafficking cases. The recommendations can be broken down into the following sub-indicators: (i) need to identify and address gaps in the investigation procedure; (ii) availability of specialised units and investigators, sufficiently staffed and resourced; (iii) training; (iv) availability and use of special investigation techniques; (v) use of financial investigations in human trafficking cases; (vi) proactive investigation of labour exploitation cases; (vii) co-operation among relevant actors.

184. In most countries, financial investigations are not conducted for human trafficking cases, or if they are, they do not lead to the confiscation of assets. Asset recovery is especially challenging in countries outside the European Union because they are not part of the European Investigation Order and Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders. The lack of specialisation of the investigators dealing with human trafficking cases is another gap. Another common failing is the absence of proactive investigations.

## Prosecution

185. GRETA has urged 16 State Parties (two “full urges”<sup>99</sup> and 14 “partial urges”<sup>100</sup>) to take steps with regard to prosecution. The recommendations can be divided into the following sub-indicators: (i) training of prosecutors to deal with human trafficking cases; (ii) specialisation of prosecutors; (iii) use of plea bargaining in human trafficking



97. Iceland.

98. Albania, Azerbaijan, Croatia, Georgia, Hungary, Ireland, Italy, Malta, Montenegro, North Macedonia, Poland, Portugal, Slovak Republic, Sweden, Ukraine.

99. Iceland, Sweden.

100. Albania, Azerbaijan, Croatia, Georgia, Hungary, Ireland, Italy, Malta, Montenegro, North Macedonia, Poland, Portugal, Slovak Republic, Ukraine.

cases: (iv) re-qualification of human trafficking offences as other offences carrying lower penalties and not providing victims with access to their rights as victims of trafficking; (v) prosecution of labour exploitation cases; (vi) prosecution of police officers and officials involved in, or complicit with, human trafficking cases.

186. The main challenge identified for prosecution in most of the countries is the lack of specialisation among prosecutors combined with the lack of sensitization towards the rights of the victims. Victims are sometimes afraid or reluctant to make depositions because of threats of revenge from the perpetrators or lack of trust in the effectiveness of the criminal justice system, and the prosecution may drop the case if the victim is not willing to give testimony. The victims' testimony is often the central piece of evidence, and failure of the prosecution to support the victim's statement with other evidence leads to the exoneration of the defendant or prosecution for other offences.

## Convictions

187. Article 23 of the Convention requires Parties to match their action to the seriousness of the offences and lay down criminal penalties which are "effective, proportionate and dissuasive". Further, paragraph 3 of Article 23 places a general obligation on Parties to adopt appropriate legal instruments enabling them to confiscate or otherwise deprive offenders (e.g. by so-called "civil" confiscation) of the instrumentalities and proceeds of human trafficking criminal offences.

188. GRETA has issued "urges" in respect of 16 State Parties (six "full" urges<sup>101</sup> and 10 "partial" urges<sup>102</sup>). The recommendations can be broken down into the following sub-indicators: (i) number of convictions for human trafficking, in relation to the number of investigations; (ii) effective, proportionate and dissuasive convictions; (iii) convictions for trafficking for the purpose of labour exploitation; (iv) sensitization and training of judges regarding human trafficking, the impact of exploitation on the victims and the need to respect their human rights; (v) specialisation of judges to deal with human trafficking offences. The low number of convictions for human trafficking and/or the leniency of the penalties, combined with the lack of sensitization, training and specialisation of judges, constitutes a full urge.

189. Further, in 24 countries, GRETA has "considered" that the authorities should take additional measures to improve the conviction rate, including by issuing sentencing guidelines.

190. GRETA's evaluation of the 42 parties to the Convention reveals that there is still an important gap between the number of identified victims of trafficking and the number of convictions for human trafficking offences. GRETA's reports refer to a variety of reasons for this gap: over-reliance on victims' statements, issues around the credibility of witnesses who may change their statements over time, or difficulties in relation to the sufficiency of evidence. Furthermore, in some countries, the fact that legal proceedings against traffickers take a long time can have a dissuasive effect

101. Albania, Iceland, Montenegro, North Macedonia, Sweden, Ukraine.

102. Azerbaijan, Croatia, Georgia, Hungary, Ireland, Italy, Malta, Poland, Portugal, Slovak Republic.

on victims. Judges who are not specialised and trained to deal with trafficking cases may be prejudiced vis-à-vis victims of trafficking and insensitive to the problems experienced by them.

## Victim and witness protection

191. Under Article 28 of the Convention, Parties must take the necessary measures to provide effective and appropriate protection from potential retaliation or intimidation for victims and witnesses of human trafficking, as well as for members of civil society organisations supporting victims during criminal proceedings and, where appropriate, victims' family members. This protection can be of various types (physical protection, relocation, identity change). Further, Article 30 of the Convention requires Parties to adapt their judicial procedure so as to protect victims' privacy and ensure their safety, including special protection measures for child victims. While the measures provided for in Article 28 have to do with extra-judicial protection, the measures referred to in Article 30 are concerned with the procedural measures to be introduced (such as non-public hearings, audio-visual technology, recordings of testimony, and anonymous testimony).

192. Most countries' legislation envisages measures designed to protect victims and witnesses before, during and after the criminal justice process. However, it is rare for measures such as concealing the identity of a witness or preventing her/him from meeting the perpetrator to be applied in human trafficking cases.

193. GRETA has made "partial urges" in respect of eight countries,<sup>103</sup> asking them to make full use of the measures available in law to protect victims and witnesses of trafficking (including by allocating necessary funds for implementing such measures) and/or to ensure that they are adequately protected from retaliation or intimidation in the course of judicial proceedings, including by avoiding face-to-face examination (sometimes referred to as "direct confrontation") of victims and suspected traffickers. As regards in particular child victims, GRETA has urged the Slovak Republic and Slovenia to ensure that special protection measures are applied, taking into account the best interests of the child, and referring to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice.<sup>104</sup>

194. Further, in 24 countries, GRETA "considered" that the authorities should make full use of the measures available to protect victims and witnesses of human trafficking and to prevent intimidation during the investigation and during and after court proceedings.

## International co-operation

195. Article 32 of the Convention requires State Parties to co-operate to the widest extent possible to prevent and combat THB, to protect and to provide assistance to victims, and to investigate and prosecute cases of THB. Parties must co-operate with

103. Albania, Azerbaijan, Belgium, Bulgaria, Republic of Moldova, Slovak Republic, Slovenia, Ukraine.

104. Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice (Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies).

one another “to the widest extent possible”. This principle requires them to provide extensive co-operation to one another and to minimise impediments to the smooth and rapid flow of information and evidence internationally.

196. GRETA has not made “urges” in respect of any State Party, but in 10 countries, it “considered” that there was a need to strengthen international co-operation, both in criminal matters for the purposes of investigations or proceedings, and in the prevention of trafficking and protection of victims.

## Co-operation with civil society

197. The Convention explicitly recognises the role of civil society organisations in fulfilling the purposes of the Convention, including when it comes to prevention, identification of victims of trafficking, and the provision of assistance to them. Pursuant to Article 35 of the Convention, State Parties “shall encourage state authorities and public officials to co-operate with non-governmental organisations, other relevant organisations and members of civil society, in establishing strategic partnerships with the aim of achieving the purpose of the Convention”. According to the Explanatory Report on the Convention, “strategic partnership” means the setting up of co-operation frameworks through which state actors fulfil their obligations under the Convention, by co-ordinating their efforts with civil society.

198. The important role played by civil society in anti-trafficking action is generally acknowledged by State Parties, with specialised NGOs being involved in designing and implementing anti-trafficking policies and activities. In some countries, NGOs are full members of national co-ordinating structures and/or are involved in working groups. The provision of services to victims of trafficking is sometimes delegated to NGOs which are selected through public tenders or are subject to some form of licensing procedures. Certain countries have adopted Memoranda of Understanding or protocols which specify the role of the NGO.<sup>105</sup>

199. GRETA has made three “partial” urges in this area: in respect of Azerbaijan (effective access of NGOs to adequate funding and enabling them to participate in the prevention of THB and victim protection and assistance), Hungary (reviewing any legislation which may impede the work of specialised anti-trafficking NGOs and ensuring their effective access to adequate funding), and Italy (reviewing the Code of Conduct for NGOs undertaking activities on migrants’ rescue operations at sea with a view to enabling the identification of victims of trafficking amongst migrants and refugees at sea and in ports).

200. Further, GRETA has “considered” in another 28 countries that the authorities should further strengthen co-operation with civil society and build strategic partnerships with a range of civil society actors, including trade unions and academia. In a number of countries,<sup>106</sup> GRETA has noted the lack of funding for NGOs acting as service providers, and has asked the authorities to ensure that minimum standards are guaranteed to all victims of trafficking across the country, regardless of the

105. See 8th General Report on GRETA’s Activities, covering the period from 1 January to 31 December 2018, paragraphs 206-210.

106. Albania, Armenia, Belgium, Bosnia and Herzegovina, Bulgaria, France, Republic of Moldova, North Macedonia, Romania, Serbia.

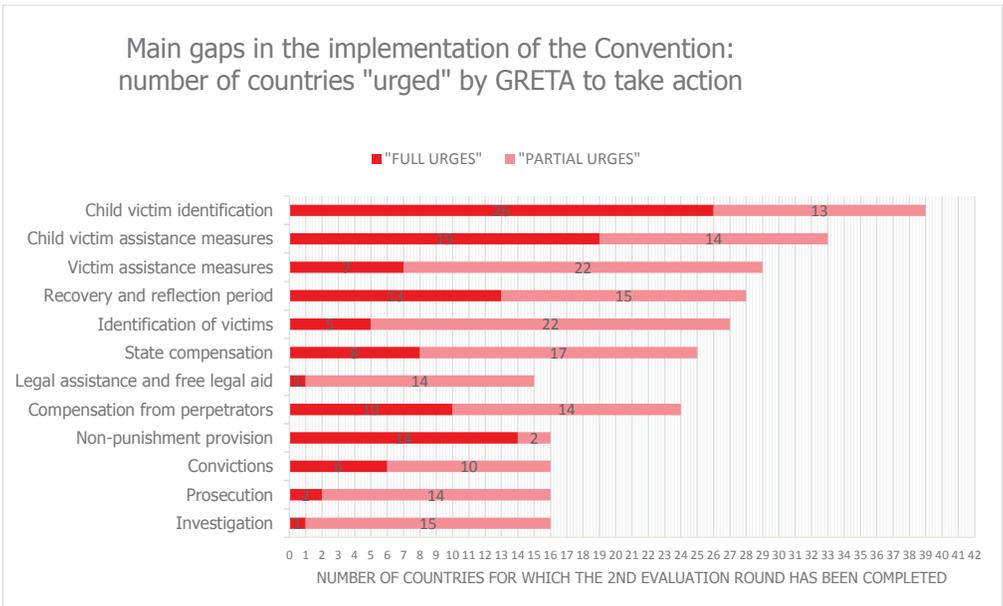
service provider and the victim's place of residence, and that adequate funding is provided to maintain them.<sup>107</sup> More generally, GRETA has stressed the need to adopt an inclusive approach and develop formal and systematic consultation between governmental and non-governmental actors on trafficking.

**Summary of the main findings from the second evaluation round of the Convention**

201. On the basis of the table in Appendix 9, the histogram below shows the 12 main areas where GRETA has identified gaps in the implementation of the Convention and has urged State Parties to take corrective action.

202. The great majority of State Parties have important gaps in the identification of child victims of trafficking: 39 out of 42 countries were urged to take action in this respect. In the second place, there are important gaps in the provision of assistance to child victims, with 33 countries being urged by GRETA to take corrective action. Similar to the stock-taking of the first evaluation round,<sup>108</sup> GRETA found in the course of the second evaluation round that almost all State Parties needed to strengthen child victim identification and services.

203. In the third place, GRETA urged 29 of the 42 countries to make improvements in order to meet their obligations under Article 12 of the Convention, related to the provision of assistance to victims of trafficking. Most assistance services, including shelters, are designed and tailored to the needs of female victims, in particular those subjected to sexual exploitation. The number of male victims of trafficking has been



107. See 8th General Report on GRETA's Activities, paragraphs 211-218.

108. See 4th General Report on GRETA's Activities, covering the period from 1 August 2013 to 30 September 2014, p.33.

on the rise, but there is still a marked shortage of assistance projects for male victims of trafficking.

204. In the fourth place, GRETA found that 28 of the 42 countries (67%) needed to address gaps in the application of the recovery and reflection period (Article 13 of the Convention). The implementation of this indicator is followed closely by the identification of victims of human trafficking (Article 10 of the Convention), in respect of which GRETA urged 27 of the 42 countries (64%) to step up their efforts. In respect of both indicators, there is an improvement compared to the first evaluation round, during which the proportion of countries where GRETA found gaps in the implementation of these indicators was, respectively, 86% and 77%.

205. The next cluster of indicators where GRETA found widespread gaps in the implementation of the Convention relate to Article 15 (compensation and legal redress). GRETA has urged 25 of the 42 countries (59%) to make improvements in the provision of legal assistance and legal aid to victims of trafficking. Further, 25 countries were urged to provide access to State compensation for victims of trafficking, and 24 countries were urged to improve access to compensation from the perpetrators. This suggests that there is some improvement compared to the first evaluation round as regards State compensation, but no improvement as regards access to compensation from the perpetrators.

206. In 16 of the 42 evaluated countries (38%), GRETA found that compliance with the non-punishment provision (Article 26) was not ensured. There is nevertheless an improvement in the implementation of this provision compared to the first evaluation round, during which the proportion of countries where GRETA found gaps in the implementation of this provision was 46%.<sup>109</sup>

207. Finally, GRETA urged 16 of the 42 countries (38%) to strengthen the investigation and prosecution of trafficking cases, as well as the conviction rate. This suggests a slight improvement compared to the first evaluation round, where the proportion of countries urged by GRETA to take action was 46%.

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109. See 4th General Report on GRETA's Activities, covering the period from 1 August 2013 to 30 September 2014, p.33.

# Appendix 1

Chart of signatures and ratifications of Treaty 197

Council of Europe Convention on Action against Trafficking in Human Beings  
Status as of 31/12/2019

<b>Title</b>	<b>Council of Europe Convention on Action against Trafficking in Human Beings</b>
<b>Reference</b>	CETS No.197
<b>Opening of the treaty</b>	Warsaw, 16/05/2005 - Treaty open for signature by the member States, the non-member States which have participated in its elaboration and by the European Union, and for accession by other non-member States
<b>Entry into Force</b>	01/02/2008 - 10 Ratifications, including 8 member States

	Signature	Ratification	Entry into Force	Notes	R.	D.	A.	T.	C.	O.
Albania	22/12/2005	6/2/2007	1/2/2008							
Andorra	17/11/2005	23/3/2011	1/7/2011							
Armenia	16/5/2005	14/4/2008	1/8/2008							
Austria	16/5/2005	12/10/2006	1/2/2008							
Azerbaijan	25/2/2010	23/6/2010	1/10/2010					T.		
Belgium	17/11/2005	27/4/2009	1/8/2009							
Bosnia and Herzegovina	19/1/2006	11/1/2008	1/5/2008							
Bulgaria	22/11/2006	17/4/2007	1/2/2008							
Croatia	16/5/2005	5/9/2007	1/2/2008							
Cyprus	16/5/2005	24/10/2007	1/2/2008							O.
Czech Republic	2/5/2016	29/3/2017	1/7/2017		R.					
Denmark	5/9/2006	19/9/2007	1/2/2008		R.			T.		
Estonia	3/2/2010	5/2/2015	1/6/2015		R.					
Finland	29/8/2006	30/5/2012	1/9/2012		R.					
France	22/5/2006	9/1/2008	1/5/2008		R.	D.				
Georgia	19/10/2005	14/03/2007	1/2/2008			D.				
Germany	17/11/2005	19/12/2012	1/4/2013		R.					
Greece	17/11/2005	11/4/2014	1/8/2014							
Hungary	10/10/2007	4/4/2013	1/8/2013							
Iceland	16/5/2005	23/2/2012	1/6/2012							
Ireland	13/4/2007	13/7/2010	1/11/2010							

	Signature	Ratification	Entry into Force	Notes	R.	D.	A.	T.	C.	O.
Italy	8/6/2005	29/11/2010	1/3/2011							
Latvia	19/05/2006	6/3/2008	1/7/2008		R.					
Liechtenstein	30/11/2015	27/1/2016	1/5/2016							
Lithuania	12/2/2008	26/7/2012	1/11/2012							
Luxembourg	16/5/2005	9/4/2009	1/8/2009							
Malta	16/5/2005	30/1/2008	1/5/2008		R.					
Republic of Moldova	16/5/2005	19/5/2006	1/2/2008			D.				
Monaco	30/11/2015	30/11/2015	1/3/2016		R.					
Montenegro	16/5/2005	30/7/2008	1/11/2008	55						
Netherlands	17/11/2005	22/4/2010	1/8/2010					T.		
North Macedonia	17/11/2005	27/05/2009	1/9/2009		R.					
Norway	16/5/2005	17/1/2008	1/5/2008							
Poland	16/5/2005	17/11/2008	1/3/2009		R.	D.				
Portugal	16/5/2005	27/2/2008	1/6/2008		R.					
Romania	16/5/2005	21/8/2006	1/2/2008							
Russia										
San Marino	19/5/2006	29/11/2010	1/3/2011							
Serbia	16/5/2005	14/4/2009	1/8/2009	55						
Slovakia	19/5/2006	27/3/2007	1/2/2008							
Slovenia	3/4/2006	3/9/2009	1/1/2010		R.					
Spain	9/7/2008	2/4/2009	1/8/2009			D.				
Sweden	16/5/2005	31/5/2010	1/9/2010		R.					
Switzerland	8/9/2008	17/12/2012	1/4/2013		R.					
Turkey	19/3/2009	2/5/2016	1/9/2016			D.				
Ukraine	17/11/2005	29/11/2010	1/3/2011			D.				
United Kingdom	23/3/2007	17/12/2008	1/4/2009		R.					
	Signature	Ratification	Entry into Force	Notes	R.	D.	A.	T.	C.	O.
Belarus		26/11/2013 a	1/3/2014							
Canada										
Holy See										
Japan										
Mexico										
United States of America										
	Signature	Ratification	Entry into Force	Notes	R.	D.	A.	T.	C.	O.
European Union										

**Total number of signatures not followed by ratifications: 0**

**Total number of ratifications/accessions: 47**

#### Notes

(55) Date of signature by the state union of Serbia and Montenegro.

**a:** Accession – **s:** Signature without reservation as to ratification – **su:** Succession – **r:** Signature “ad referendum”.

**R.:** Reservations – **D.:** Declarations – **A.:** Authorities – **T.:** Territorial Application – **C.:** Communication – **O.:** Objection.

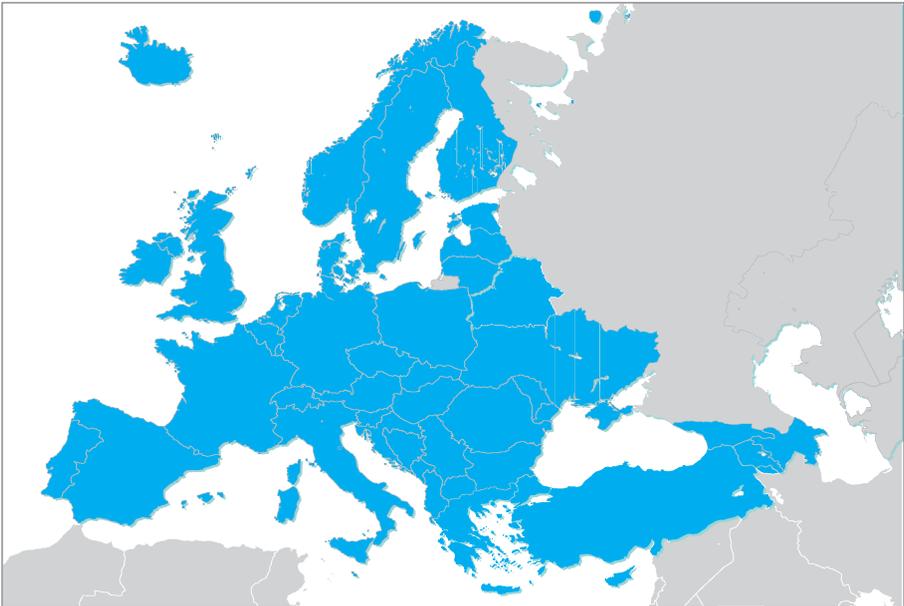
Source: Treaty Office on <http://conventions.coe.int>

# Appendix 2

## GRETA's field of operations

### States bound by the Convention

Albania	Georgia	North Macedonia
Andorra	Germany	Norway
Armenia	Greece	Poland
Austria	Hungary	Portugal
Azerbaijan	Iceland	Romania
Belarus	Ireland	San Marino
Belgium	Italy	Serbia
Bosnia and Herzegovina	Latvia	Slovak Republic
Bulgaria	Liechtenstein	Slovenia
Croatia	Lithuania	Spain
Cyprus	Luxembourg	Sweden
Czech Republic	Malta	Switzerland
Denmark	Republic of Moldova	Turkey
Estonia	Monaco	Ukraine
Finland	Montenegro	United Kingdom
France	Netherlands	





## Appendix 3

### List of GRETA members (as at 31 December 2019)

Members	Term of office
<b>President:</b> Mr Davor Derenčinović (Croatian)	31/12/2020
<b>First Vice-President:</b> Mr Ryszard Piotrowicz (British)	31/12/2020
<b>Second Vice-President:</b> Ms Helga Gayer (German)	31/12/2020
Mr Rudolf Christoffersen (Norwegian)	31/12/2020
Mr Francesco Curcio (Italian)	31/12/2022
Ms Ia Dadunashvili (Georgian)	31/12/2022
Mr Kevin Hyland (Irish)	31/12/2022
Mr Frédéric Kurz (Belgian)	31/12/2020
Mr Ola Laurell (Swedish)	31/12/2020
Ms Nathalie Martin (French)	31/12/2022
Ms Julia Planitzer (Austrian)	31/12/2022
Ms Ana Revenco (Moldovan)	31/12/2022
Mr Mihai Șerban (Romanian)	31/12/2020
Ms Antoaneta Vassileva (Bulgarian)	31/12/2022
Ms Dorothea Winkler (Swiss)	31/12/2020



## Appendix 4

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### Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings (as at 31 December 2019)

Ms Petya Nestorova, Executive Secretary of the Convention

Ms Natacha De Roeck, Administrator

Ms Evgenia Giakoumopoulou, Administrator

Mr Mats Lindberg, Administrator

Ms Ursula Sticker, Administrator

Ms Jackie Renaudin-Siddall, Administrative Assistant

Ms Giorgia Spada, Administrative Assistant

#### **Co-operation activities**

Mr Alexander Bartling, Administrator

Ms Lilia Kolombet, Project Manager\*

Ms Kristina Velcikova, Project Manager\*\*

Ms Nadia Marino, Administrative Assistant\*\*\*

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\* Employed as from 1 May 2019.

\*\* Employed from 14 January to 29 November 2019.

\*\*\* Employed as a temporary replacement for a permanent staff member from 1 January to 30 June and from 1 September to 30 November 2019.

# Appendix 5

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## List of GRETA's activities during the period 1 January to 31 December 2019

### **GRETA meetings**

- ▶ 34th meeting on 18-22 March 2019
- ▶ 35th meeting on 8-12 July 2019
- ▶ 36th meeting on 18-22 November 2019

### **Meetings of GRETA's Bureau**

- ▶ 2 May 2019 (Paris)
- ▶ 3 October 2019 (Paris)

### **Meetings of the ad-hoc working group on strengthening action to combat trafficking for the purpose of labour exploitation**

- ▶ 4 October 2019 (Paris)
- ▶ 17 November 2019 (Strasbourg)

### **GRETA's evaluation visits (in chronological order)**

- ▶ Monaco (1st/2nd evaluation round) 28-31 January 2019
- ▶ Czech Republic (1st evaluation round) 4-8 March 2019
- ▶ Austria (3rd evaluation round) 3-7 June 2019
- ▶ Cyprus (3rd evaluation round) 10-14 June 2019
- ▶ Slovak Republic (3rd evaluation round) 17-21 June 2019
- ▶ Croatia (3rd evaluation round) 16-20 September 2019
- ▶ Moldova (3rd evaluation round) 16-20 September 2019
- ▶ Albania (3rd evaluation round) 23-27 September 2019
- ▶ Georgia (3rd evaluation round) 4-8 November 2019
- ▶ Denmark (3rd evaluation round) 2-6 December 2019
- ▶ Bulgaria (3rd evaluation round) 9-13 December 2019

### **GRETA country evaluation reports (in order of publication)**

- ▶ Italy (2nd evaluation round) 25 January 2019
- ▶ San Marino (2nd evaluation round) 14 March 2019
- ▶ Iceland (2nd evaluation round) 15 March 2019
- ▶ Finland (2nd evaluation round) 5 June 2019
- ▶ Germany (2nd evaluation round) 20 June 2019
- ▶ Lithuania (2nd evaluation round) 21 June 2019
- ▶ Andorra (2nd evaluation round) 3 July 2019
- ▶ Liechtenstein (1st/2nd evaluation round) 24 September 2019
- ▶ Hungary (2nd evaluation round) 27 September 2019
- ▶ Turkey (1st evaluation round) 8 October 2019
- ▶ Switzerland (2nd evaluation round) 9 October 2019



*Round-table “Stepping up Council of Europe action against trafficking in human beings in the digital age”, Strasbourg, 17 December 2019*

## Appendix 6

### List of activities organised to support the implementation of GRETA’s recommendations during the period 1 January to 31 December 2019

- ▶ Expert workshop taking stock of 10 years of implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Armenia, co-organised by the Ministry of Foreign Affairs of Armenia and the Council of Europe, 28 March 2019, Yerevan (Armenia)
- ▶ Side-event “Fighting trafficking in human beings: fostering partnerships and coordination – good practices”, held during the 41st session of the UN Human Rights Council, co-organised with the Republic of Moldova, the United Kingdom and the Office of the High Commissioner for Human Rights, 26 June 2019, Geneva (Switzerland)
- ▶ Meeting of National Anti-Trafficking Co-ordinators and Rapporteurs, co-organised by the Council of Europe, the Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, 22-23 October 2019, Bratislava (Slovak Republic)
- ▶ Round-table meeting on follow-up to GRETA’s report and the Committee of the Parties recommendation concerning the implementation of the Convention on Action against Trafficking in Human Beings by Greece, 30 October 2019, Athens (Greece)
- ▶ Round-table meeting on “Stepping up Council of Europe action against trafficking in human beings in the digital age”, 17 December 2019, Strasbourg (France)

## **Projects in North Macedonia and Serbia, under the EU-Council of Europe Horizontal Facility for the Western Balkans and Turkey**

- ▶ Multi-disciplinary training on preventing and combating human trafficking for labour exploitation, 24-25 January 2019, Mavrovo (North Macedonia)
- ▶ Public lecture on THB for law students and NGO representatives, 25 January 2019, Skopje (North Macedonia)
- ▶ Multi-disciplinary workshop on preventing and combating human trafficking for labour exploitation delivered to labour and market inspectors, 29-30 January 2019, Sabac (Serbia)
- ▶ Workshop for school directors on detecting and preliminary identifying child victims of trafficking for the purpose of labour exploitation, 15 February 2019, Skopje (North Macedonia)
- ▶ Workshop on transnational co-operation to prevent and combat human trafficking with a specific focus on labour exploitation, 28 February 2019, Skopje (North Macedonia)
- ▶ Training for diplomatic and consular personnel on how to prevent and combat trafficking in human beings, 7 March 2019, Belgrade (Serbia)
- ▶ Training for judges, prosecutors and lawyers on financial investigations, freezing and confiscation of illegal assets as well as issues related to compensation claims of trafficking victims, 27-28 March 2019, Ohrid (North Macedonia)
- ▶ Pilot training on detecting and preliminary identifying child victims of trafficking for the purpose of labour exploitation, 2 April 2019, Skopje (North Macedonia)
- ▶ Workshop for lawyers on victim's access to compensation, 4 April 2019, Belgrade (Serbia)
- ▶ Multi-disciplinary basic training on preventing and combating human trafficking for labour exploitation, 19-21 September 2019, Struga (North Macedonia)
- ▶ Marking the 70th Anniversary of the Council of Europe – Panel discussion on access to compensation for victims of human trafficking and gender-based violence, 4 November 2019, Skopje (North Macedonia)
- ▶ Public lecture on THB for criminal law students, 5 November 2019, Skopje (North Macedonia)
- ▶ Multi-disciplinary workshop on preventing and combating human trafficking for labour exploitation delivered to labour inspectors and key anti-trafficking stakeholders, 26-27 November 2019, Sabac (Serbia)
- ▶ Simulation training on preventing and combating human trafficking for labour exploitation, 16-18 December 2019, Ohrid (North Macedonia)

# Appendix 7

## Provisional timetable of GRETA's 3rd Evaluation Round

Parties	Questionnaire to be sent	Deadline for replies	Evaluation visits	Draft GRETA reports	Final GRETA reports
Austria Cyprus Slovak Republic	November 2018	March 2019	May - June 2019	36th meeting November 2019	37th meeting March 2020
Albania Croatia Georgia Republic of Moldova	February 2019	June 2019	September - December 2019	37th meeting March 2020	38th meeting July 2020
Bulgaria Denmark				38th meeting July 2020	39th meeting November 2020
Montenegro Romania	June 2019	October 2019	January - March 2020	39th meeting November 2020	40th meeting March 2021
Armenia					
Latvia Malta United Kingdom	September 2019	January 2020	April - June 2020	40th meeting March 2021	41st meeting July 2021
Portugal					
France Bosnia and Herzegovina Norway	February 2020	June 2020	September - December 2020	41st meeting July 2021	42nd meeting November 2021
Poland Belgium Ireland Luxembourg	May 2020	October 2020	January - March 2021	42nd meeting November 2021	43rd meeting March 2022
North Macedonia Serbia Slovenia Spain	September 2020	January 2021	April - June 2021	43rd meeting March 2022	44th meeting July 2022
Azerbaijan Netherlands Sweden Ukraine	February 2021	June 2021	September - December 2021	44th meeting July 2022	45th meeting November 2022
Iceland Italy San Marino	May 2021	October 2021	January - March 2022	45th meeting November 2022	46th meeting March 2023
Andorra Finland Lithuania Germany	September 2021	January 2022	April - June 2022	46th meeting March 2023	47th meeting July 2023
Hungary Liechtenstein Monaco Switzerland	February 2022	June 2022	September - December 2022		

**Note:** Belarus, the Czech Republic, Estonia, Greece, Liechtenstein, Monaco, Turkey, and other new parties to the Convention will undergo the third evaluation round approximately four years after the second evaluation, unless otherwise decided by GRETA (Rules 2 and 3 of the Evaluation Procedure).

# Appendix 8

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## Participation of GRETA members and Secretariat in events in the area of action against trafficking in human beings

*Florence (Italy), 28 January 2019*

Training for Italian prosecutors, judges, lawyers and other relevant professionals on trafficking for the purpose of labour exploitation, organised by the Italian High School of the Judiciary

*Berlin (Germany), 21 February 2019*

Parliamentary Evening on “Judicial co-operation across borders in cases of Trafficking in Human Beings”; and Conference on “Trafficking in human beings within and into Germany: Focus on demand”, organised by the Academy of the Konrad-Adenauer Foundation

*Nizhny Novgorod (Russian Federation), 27 February 2019*

Round Table and training of trainers on Council of Europe standards in the area of human trafficking, on the basis of the HELP online course on combating trafficking in human beings

*Strasbourg (France), 13 March 2019*

Study visit for Equality Bodies and National Human Rights Institutions on access to justice for Roma women, in the framework of the Council of Europe/European Commission Joint Programme on Access to Justice of Roma and Traveller Women (JUSTROM)

*Vienna (Austria), 8-9 April 2019*

19th Alliance against Trafficking in Persons Conference “Using Technology to Combat Trafficking in Human Beings: Turning a Liability into an Asset”, organised by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings

*Vienna (Austria), 10 April 2019*

UN Inter-Agency Co-ordination Group against trafficking in persons (ICAT) Working Group meeting

*Brussels (Belgium), 11 April 2019*

Policy exchange on trafficking in human beings, organised by the EU Anti-Trafficking Co-ordinator

*Bucharest (Romania), 12 April 2019*

Round-table on “Preventing, Combating and Responding to Sexual and Gender Based Violence and Trafficking in Human Beings in the Context of Asylum and Migration”, co-organised by the Council of Europe and the UNHCR

*Lisbon (Portugal), 27 May 2019*

Seminar “Effective Protection of Refugee and Migrant Children in Portugal”, co-organised by the Council of Europe and the UNHCR

*Brussels (Belgium), 27-28 May 2019*

International Exchange Seminar "Justice at Last: access to compensation for victims of crime", organised by La Strada International

*London (United Kingdom), 29 May 2019*

Workshop organised by the Centre for Women, Peace and Security, London School of Economics, on the preparation of a General Recommendation on Trafficking in Women and Girls in the Context of Global Migration by the Committee on the Elimination of Discrimination against Women (CEDAW)

*Brussels (Belgium), 25 June 2019*

Conference "From wrongs to rights – Ending severe labour exploitation", organised by the European Union Agency for Fundamental Rights (FRA)

*London (United Kingdom), 12 September 2019*

10th anniversary of UK's Anti-Trafficking Monitoring Group, organised by Anti-Slavery International, with a launch of a retrospective report

*London (United Kingdom), 13 September 2019*

Expert round-table on "Orphanage Trafficking", organised by the Lumos Foundation

*Belfast (United Kingdom), 23 September 2019*

Side-event organised by the Council of Europe in the margins of the 23rd Annual Conference of the European Network of Ombudspersons for Children (ENOC), to present Council of Europe mechanisms relevant to the rights of the child

*Vienna (Austria), 16 October 2019*

Conference "Technology and combating human trafficking – chance or challenge", organised by the Austrian Ministry of Foreign Affairs

*Bern (Switzerland), 18 October 2019*

Conference "Victims of human trafficking as asylum seekers: finally safe in Switzerland?", organised by the NGO FIZ

*Bratislava (Slovak Republic), 24 October 2019*

International professional symposium "Education and training of the Police Corps members in the area of Prevention and Identification of Trafficking in Human Beings", organised by the Secondary Specialised Police School and Academy of the Police Force of the Slovak Republic

*Tbilisi (Georgia), 24-25 October 2019*

Regional conference "Preventing and Combating Trafficking for Labour Exploitation: Challenges and Best Practices", organised by the International Organisation for Migration (IOM), the Ministry of Justice of Georgia and the Georgian Inter-Agency Council on Combating Trafficking in Human Beings

*Geneva (Switzerland), 31 October 2019*

Event on human trafficking in the form of labour exploitation, organised by the Social Protestant Centre of Geneva (CSP)

*Berlin (Germany), 8 November 2019*

Europeans for Peace Youth Conference - fishbowl-discussion on “The good human or the human good – Footprints of modern slavery”, organised by the Foundation wannseeFORUM and the Foundation Remembrance, Responsibility and Future (EVZ)

*Vienna (Austria), 15 November 2019*

30th meeting of the Council of Europe/OSCE Co-ordination Group

*Pristina (Kosovo\*), 26-27 November 2019*

International conference on child trafficking, organised by the Euro-Mediterranean Network to Combat Trafficking in Human Beings

*Warsaw (Poland), 26-27 November 2019*

Conference “Towards maximised effectiveness and unified practical co-operation in the fight against human trafficking”, organised by the Council of Baltic Sea States (CBSS) and the Ministry of the Interior and Administration of Poland

*Budva (Montenegro), 5-6 December 2019*

Round-table on combating trafficking in human beings, organised by the AIRE Centre and the Supreme Court of Montenegro

*La Valletta (Malta), 9-10 December 2019*

Regional workshop on “Preventing and Combating Trafficking in Persons and Smuggling of Migrants through a Multidisciplinary Approach and Multi-Level Co-operation”, organised by IOM, OSCE and UNODC

*Esch-sur-Alzette (Luxembourg), 10 December 2019*

Benelux Conference on Trafficking in Human Beings, organised by the Minister of Justice of Luxembourg and the College of Secretaries General of the Benelux Union

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\* All references to Kosovo, whether to the territory, institutions or population, shall be understood in full compliance with the United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

# Appendix 9

Overview of the implementation of the Council of Europe Anti-Trafficking Convention based on GRETA's second round

INDICATORS	ALB	AND	ARM	AUT	AZE	BEL	BIH	BGR	HRV	CYP	DNK	FIN	FRA	GEO	DEU	HUN	ISL	IRL	ITA	
1. Criminalisation of human trafficking		■	■	■			■	■			■		■	■		■	■	■	■	■
2. National action plan		■		■	■			■				■	■		■	■	■	■		
3. National co-ordination				■			■	■	■				■		■			■	■	■
4. National rapporteur (independent monitoring)				■	■			■	■		■				■	■	■	■	■	■
5. Training of relevant professionals	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
6. Data collection	■		■	■	■	■	■	■	■		■	■	■		■	■	■	■	■	■
7. Research	■	■			■	■			■		■	■		■	■	■	■	■	■	■
8. Awareness raising	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
9. Prevention of trafficking for the purpose of labour exploitation	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
10. Prevention of child trafficking	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
11. Prevention of trafficking for the purpose of organ removal	■		■		■	■	■	■	■		■	■	■	■	■	■	■	■	■	■
12. Discouraging demand, including criminalisation of the use of services of victims	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
13. Social and economic measures	■		■		■	■	■	■	■			■	■	■		■	■	■	■	■
14. Border control measures	■				■	■	■	■			■	■	■	■	■	■	■	■	■	■
15. Identification of victims	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
16. Victim assistance measures	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■



INDICATORS	ALB	AND	ARM	AUT	AZE	BEL	BIH	BGR	HRV	CYP	DNK	FIN	FRA	GEO	DEU	HUN	ISL	IRL	ITA
17. Child victim identification, including age assessment and legal guardian	Full	Consider	Full	Full	Full	Partial	Full	Full	Full	Full	Full	Partial	Full						
18. Child victim assistance measures	Full		Full	Full		Partial	Full	Full	Partial	Full	Partial	Full	Full	Full	Partial	Full		Full	Full
19. Provision of support delinked from co-operation							Full					Partial	Full		Consider				Full
20. Protection of private life											Consider								
21. Recovery and reflection period			Consider	Partial	Consider	Consider	Full	Full	Consider		Full	Partial	Partial	Partial	Full	Full	Full	Full	Full
22. Temporary residence permits		Consider		Consider					Consider		Consider	Consider	Consider		Consider	Consider		Consider	Full
23. Legal assistance and free legal aid	Partial		Full	Full	Full	Consider	Full	Full	Full	Full	Consider	Partial		Full	Full	Full	Full	Full	Full
24. Compensation from perpetrator	Full	Consider	Full	Consider	Full	Consider	Full	Full	Full	Full	Consider		Consider	Full	Full	Full	Full	Full	Full
25. State compensation	Full	Consider	Consider		Partial	Full	Full	Full	Full	Full	Consider	Partial	Consider		Full	Full	Full	Full	Full
26. Safe return and repatriation	Consider			Consider	Full		Consider	Full											
27. Corporate liability	Consider	Full	Full											Consider	Consider	Consider	Consider	Consider	
28. Non-punishment provision		Consider	Consider	Full	Consider	Full	Full	Consider	Consider	Full	Full	Full							
29. Investigation (including financial investigations)	Partial	Consider	Consider	Consider	Full	Consider	Consider	Consider	Full	Consider	Consider	Consider	Consider	Consider	Full	Consider	Full	Full	Full
30. Prosecution	Partial		Consider	Consider	Partial	Consider	Consider	Full	Consider	Consider	Consider	Consider	Consider	Consider	Full	Full	Full	Full	Full
31. Convictions	Partial		Consider	Consider	Partial	Consider	Consider	Full	Consider	Consider	Consider	Consider	Consider	Consider	Full	Full	Full	Full	Full
32. Victim and witness protection	Full		Consider	Consider	Full	Full	Full	Full	Consider		Consider	Full							
33. Co-operation with civil society		Consider		Consider	Partial	Consider		Consider							Consider	Full	Consider	Consider	Full
34. International co-operation	Consider	Consider	Consider		Consider		Consider												Consider

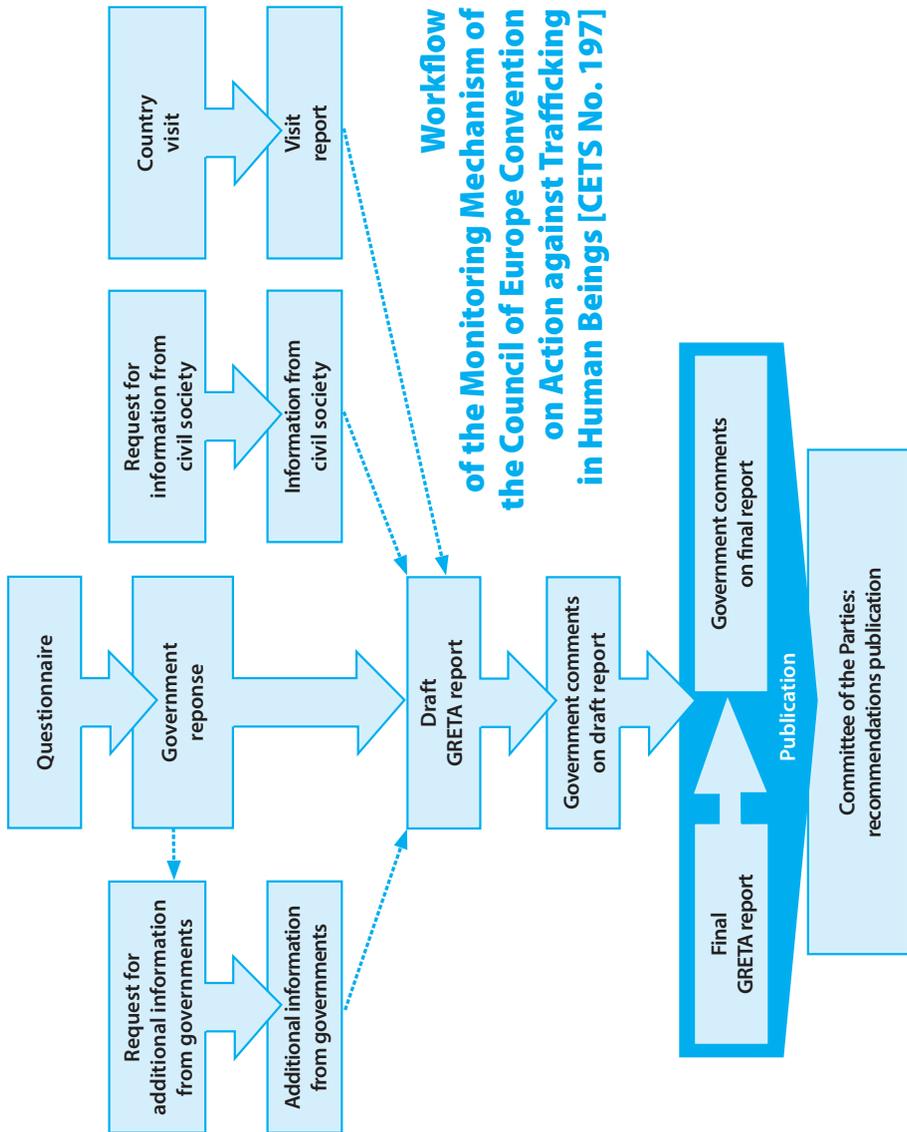
Key:

-  Full urge
-  Partial urge
-  Consider

LVA	LIE	LTU	LUX	MLT	MDA	MCO	MNE	NDL	MKD	NOR	POL	PRT	ROU	SMR	SRB	SVK	SVN	ESP	SWE	CHE	UKR	GBR
Light Blue	Blue Triangle	Light Blue	Blue Triangle																			
Blue Triangle	White	Blue Triangle	Light Blue	Blue Triangle	White	Blue Triangle	Light Blue	Blue Triangle														
White	Blue Triangle	White	Blue Triangle	White	White	White	White	Blue Triangle	White	White	White	White	Blue Triangle	White	White	White	Blue Triangle	Blue Triangle	White	White	White	White
White	Light Blue	White	White	White	White	Blue Triangle	Light Blue	White	White	White	White	White	White	Light Blue	White							
Blue Triangle	Light Blue	Blue Triangle	Light Blue	Blue Triangle	Light Blue	Blue Triangle																
White	Light Blue	Light Blue	Blue Triangle	White	Blue Triangle	Light Blue	White	Light Blue														
Blue Triangle	Light Blue	Light Blue	Blue Triangle	Blue Triangle	Light Blue	Blue Triangle	Blue Triangle	Blue Triangle	Blue Triangle	White	Blue Triangle	Blue Triangle	Blue Triangle	Light Blue	Blue Triangle	Blue Triangle	Blue Triangle	Light Blue	Light Blue	White	Light Blue	Blue Triangle
Blue Triangle	Light Blue	Light Blue	Blue Triangle	Blue Triangle	Light Blue	Blue Triangle	Blue Triangle	Blue Triangle	Blue Triangle	Light Blue	Blue Triangle	Blue Triangle	Blue Triangle	Light Blue	Blue Triangle	Blue Triangle	Blue Triangle	Light Blue	White	White	Light Blue	Blue Triangle
Blue Triangle	Blue Triangle	Light Blue	Light Blue	Blue Triangle	Light Blue	Blue Triangle	Blue Triangle	Blue Triangle	Blue Triangle	Light Blue	Blue Triangle	Blue Triangle	Blue Triangle	Light Blue	Blue Triangle	Blue Triangle	Blue Triangle	Light Blue	Blue Triangle	White	Light Blue	Blue Triangle
Light Blue	Blue Triangle	Light Blue	Blue Triangle																			
White	Light Blue																					
White	White	Light Blue	White	Light Blue	White	White	White	White	Light Blue	White	Light Blue	White										

# Appendix 10

Workflow of the monitoring mechanism of the Council of Europe Anti-Trafficking Convention



[www.coe.int](http://www.coe.int)

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE