

# 8th GENERAL REPORT ON GRETA'S ACTIVITIES



**G R E T A**  
Group of Experts  
on Action against  
Trafficking  
in Human Beings

covering the period from  
**1 January to 31 December 2018**



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**French edition:**

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

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## Introduction by the President of GRETA

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I am pleased to introduce the 8th 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 2018.

Ensuring human rights of victims and survivors of trafficking are to the fore in combating human trafficking is critical to all aspects of GRETA's work, recognising as it does that trafficking in human beings is a serious human rights violation. The human rights-based approach ensures that the rights of all victims - to assistance, residence, international protection, compensation and redress - are effectively protected by States. It is this human rights-based approach, its gender dimension and child rights perspective, that distinguish GRETA's work on combating human trafficking and place it firmly within the Council of Europe's commitment to the promotion and protection of human rights.

In this 8th General Report, GRETA highlights the rights of victims to assistance, and the obligations of States to ensure that assistance is provided to all victims without delay, and on a consensual basis. These obligations are rooted in Article 12 of the Convention, but find legal authority and support in several other provisions of the Convention, which recognise that social protection and access to remedies for victims require timely and appropriate responses by the State.

Civil society plays an essential role in the provision of assistance, and in the critical stages of early identification and referral. The Convention requires State Parties to co-operate with civil society to achieve the purposes of the Convention, including in prevention of trafficking and provision of assistance. Recognising the importance of civil society, including NGOs and trade unions, GRETA has repeatedly recommended that State Parties ensure sufficient resourcing of NGOs, and an enabling framework for civil society, to support their work in providing safe and appropriate accommodation and social protection measures. Echoing concerns raised by several Council of Europe bodies, GRETA has called on States to meet their obligations in building strategic partnerships with civil society to achieve the purposes of the Convention in prevention and protection of victims. This requires respecting rights to freedom of association and assembly of NGOs, and ensuring that search and rescue operations at sea undertaken by civil society are not impeded.

The provision of assistance to victims is particularly important in ensuring long term social inclusion, access to employment, education and training. Survivors of trafficking often play an important role in leading the design and planning of new social inclusion programmes and projects, and in working as cultural mediators or in the management and administration of specialised accommodation. This report highlights several examples of practice, where States are supporting victims and in some instances also their children. Secondary victimisation of children of victims of trafficking is a concern that highlights again the marginalisation of children in anti-trafficking policies and in mainstream child protection systems.

GRETA has stressed the importance of ensuring that unconditional assistance is provided to victims, recognising that fear of reprisal and the impact of trauma may hinder a victim's ability to engage with criminal justice proceedings. The provision of specialised assistance to victims of trafficking who may also be seeking asylum or complementary forms of protection is a key theme in many country evaluation reports, and GRETA routinely visits asylum reception centres during country visits.

Strengthening the impact of GRETA's work in combating human trafficking is critical and the report highlights examples of where implementation of Convention standards is securing incremental, but significant, reform. These reforms, and changes to policy and practice on the ground, are improving access to justice for victims, and in some instances also preventing exploitation. Legislative changes continue, as well as policy and practical measures to improve early identification and referral to assistance of child victims of trafficking, provision of assistance to male victims of trafficking, and more proactive approaches to ensure access to compensation and legal redress.

The urgent procedure report on Hungary, published by GRETA in April 2018, stressed the obligations of identification, assistance and protection for all victims of trafficking, and the specific obligations arising in relation to children, as defined under international law.

In 2018, GRETA took a significant step in deciding to request permission from the European Court of Human Rights to submit written comments in relation to application no. 74603/12 (*A.N. against the United Kingdom*). This decision was taken as the application in question raises a number of important issues related to the implementation

of the Council of Europe Convention on Action against Trafficking in Human Beings, in particular the non-punishment provision (Article 26 of the Convention).

At our final plenary session in 2018, we had the opportunity again to host a formal exchange of views with the Vice-President of the European Court of Human Rights, Judge Linos-Alexandre Sicilianos. The exchange provided an opportunity to reflect on the Court's expanding jurisprudence under Article 4 of the European Convention on Human Rights, and the impact of GRETA's country monitoring reports.

GRETA continues to work with other Council of Europe bodies to strengthen the impact of its work, as well as with other international organisations and civil society.

As President of GRETA, I had the opportunity to participate in a round-table of specialised lawyers from across Council of Europe member States, exchanging information and case-studies on using the Anti-Trafficking Convention in domestic legal proceedings, to ensure access to justice and effective remedies. The round-table was an important opportunity to further strengthen our work in developing a network of specialised lawyers, and ensuring that the Convention has impact at domestic level.

The third evaluation round of the Convention was launched in November 2018, with a thematic focus on "Access to justice and effective remedies". GRETA chose this focus because access to information and legal assistance remains a challenge for many victims of trafficking, in particular those who are in an irregular migration situation. GRETA highlights the importance of ensuring that victims are not criminalised, and can secure access to compensation and effective legal redress. In addition to the thematic focus, the third round questionnaire contains a country-specific section closely aligned to the context of each State and the most urgent priorities for action.

Prioritising the rights of victims as we begin the third evaluation round will ensure that we continue to work towards securing remedies for the human rights violations that function as a scourge on the conscience of all Council of Europe member States.

**Siobhán Mullally**  
President of GRETA





## Activities during the period from 1 January to 31 December 2018

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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 them, adopts recommendations to the governments of the Parties concerned (for a workflow of the monitoring mechanism of the Convention, see Appendix 10).

## **GRETA meetings**

4. During the reporting period, GRETA held three five-day plenary meetings in Strasbourg, during which it considered 12 draft country reports and adopted a total of 11 final country reports: nine as part of the second round of evaluation of the Convention, concerning Azerbaijan, Iceland, Italy, Luxembourg, the Netherlands, San Marino, Spain, Sweden and Ukraine, one as part of the first evaluation round, concerning Estonia, and an urgent procedure report concerning Hungary.

5. Further, GRETA held an extraordinary meeting on 24-25 May 2018 to prepare the 3rd evaluation round of the Convention (see paragraph 20 and following).

6. In addition to considering and adopting country evaluation reports, GRETA's plenary meetings were an occasion to invite representatives of other international organisations or Council of Europe structures for exchanges of views on issues of relevance to GRETA's mandate. Thus, at its 31st meeting (19-23 March 2018), GRETA held an exchange of views with Ms Petra Bakker, Police Commissioner EU for the Netherlands and Dutch National EMPACT Co-ordinator (see paragraph 77). At its 32nd meeting (9-13 July 2018), GRETA held an exchange of views with Ms Christel de Craim, Vice-Chairperson of the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee), and Ms Maria José Castello-Branco, member of the Bureau of the Lanzarote Committee (see paragraph 66).

7. Further, at its 33rd meeting (3-7 December 2018), GRETA held an exchange of views with Mr Linos-Alexandre Sicilianos, Vice-President of the European Court of Human Rights. During the same meeting, another exchange of views took place with Mr Julian Nicholls, Senior Trial Lawyer at the Office of the Prosecutor of the International Criminal Court (see paragraph 64).

8. In addition, with a view to developing its working methods, GRETA held internal thematic discussions as regards visits to holding facilities for asylum seekers and/or irregular migrants, financial investigations in the context of human trafficking cases, the use of Joint Investigation Teams and the European Investigation Order in human trafficking cases, and child trafficking.



## Country-specific monitoring by GRETA

9. During the reporting period, GRETA carried out second-round evaluation visits to nine Parties to the Convention (see Appendix 5). As a result, by the end of 2018, 40 of the current 47 Parties to the Convention had been monitored for the second time by GRETA. It should be recalled that the second round of evaluation of the Convention was launched in May 2014 and therefore it has taken GRETA four and a half years to complete the second monitoring round of all countries which became Parties to the Convention before 2014.

10. In 2018, GRETA also carried out a first-round evaluation visit to Turkey, which became a party to the Convention in 2016. Further, on 13 July 2018 the questionnaire for the first evaluation round was sent to the Czech Republic, which became a party to the Convention on 1 July 2017.

11. As regards Liechtenstein and Monaco, GRETA decided to merge the first and second evaluation rounds and a combined questionnaire for these rounds was sent to the national authorities on 9 April 2018. A visit to Liechtenstein took place on 20-22 November 2018 and the report on this country will be adopted in 2019. The visit to Monaco had to be postponed to early 2019 due to the impossibility of finding appropriate dates in the last quarter of 2018.

12. GRETA's country visits were an occasion to hold meetings with relevant actors, collect additional information and assess the practical implementation of adopted measures. Thus, meetings were held with national anti-trafficking co-ordinators, national rapporteurs on anti-trafficking action, 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 and researchers, were also consulted during the visits.

13. The country visits were also an opportunity for GRETA to visit facilities where protection and assistance are provided to victims of trafficking. GRETA visited specialised shelters for victims of trafficking in Finland, Germany, Hungary, Italy, Switzerland and Turkey. In some countries, GRETA visited shelters for female victims of violence which can also accommodate female victims of trafficking (e.g. in Finland, Iceland and Lithuania).

14. GRETA has paid particular attention to the situation of child victims of trafficking and unaccompanied or separated children who are vulnerable to trafficking. By way of example, during the visit to Finland, the GRETA delegation visited the unit for unaccompanied children at the Oulu Reception Centre for Asylum Seekers. In Germany, GRETA visited an accommodation centre for unaccompanied foreign children in Hanover. In Turkey, GRETA visited Bağlum Child Support Centre for unaccompanied children (in Ankara). In Switzerland, a visit was paid to an emergency shelter for children in the canton of Saint Gallen.

15. GRETA also visited centres for asylum seekers and detention facilities for irregular migrants, where victims of trafficking may be placed. In Italy, a visit was paid to an emergency reception centre (CAS) for asylum-seeking women in Torre Angela. In Lithuania, GRETA visited the Foreigners' Registration and Reception Centre of the State Border Guard Service in Pabradė. Further, in Switzerland, a visit took place at the asylum reception centre in Boudry. In Turkey, GRETA visited a removal centre for migrants in an irregular situation in Pehlivanköy, Kırklareli Province, and Sarıçam Temporary Protection Centre for Syrian refugees near Adana.

### **Urgent procedure evaluation of Hungary**

16. The adoption by Hungary of Law No. T/13976 "On the amendment of certain acts related to increasing the strictness of procedures carried out in the areas of border management" on 7 March 2017 raised a number of questions related to GRETA's mandate. Pursuant to this law, unaccompanied migrant children aged 14 or more are considered adults during a "crisis situation caused by mass immigration" declared by the Hungarian government and do not benefit from the usual child protection measures provided to other separated or unaccompanied children. The law provides for the automatic placement of asylum seekers, including families with children and unaccompanied and separated children from the age of 14, in transit zones at the border. On 21 June 2017, GRETA wrote to the Hungarian authorities pursuant to Rule 7 of the Rules of procedure for evaluating implementation of the Convention by the Parties, requesting information on the steps taken in the transit zones and other detention facilities to enable staff to screen migrants and asylum seekers for indicators of human trafficking, the training and instructions provided to staff working in transit zones concerning the identification of possible victims of trafficking, and the number of possible victims of trafficking in human beings detected in transit zones and other detention facilities for migrants and asylum seekers. Further, GRETA asked to be informed of the steps taken to protect unaccompanied and separated migrant and asylum seeking children from falling victim to trafficking in human beings, as well as the procedures in place to ensure that the return of victims of trafficking is conducted with due regard for the rights, safety and dignity of the persons concerned.



17. Following exchanges of letters with the Hungarian authorities, GRETA decided to carry out an urgent procedure visit to Hungary, which took place from 18 to 20 December 2017. The visit focused on the identification and referral to assistance of victims of human trafficking amongst asylum seekers held in the transit zones at the border to Serbia, and examined the measures taken to prevent trafficking of unaccompanied and separated children by creating a protective environment for them. During the visit, GRETA's delegation visited the transit zones in Röszke and Tompa, as well as the Károly István Children's Centre in Fót.

18. The draft report prepared following the visit was adopted by GRETA at its 31st meeting (19-23 March 2018) and was published on 27 April 2018, following the reception of the authorities' comments. According to the report, the transit zones did not create an atmosphere of trust which would make it possible for victims of trafficking to come forward. GRETA noted that asylum seekers were insufficiently informed about their rights and the applicable procedures. GRETA was also deeply concerned that children aged 14-17 years were treated as adults, and no measures were taken to reduce children's vulnerability to trafficking by creating a protective environment for them. Noting that there were 79 cases of collective expulsions of migrants in an irregular situation to Serbia in a period of less than two weeks in December 2017, GRETA stressed that collective expulsions may hinder the detection of victims of human trafficking and raise concerns regarding Hungary's compliance with the Convention, including positive obligations to identify victims of trafficking and to refer them to assistance, and to conduct a pre-removal risk assessment to ensure compliance with the obligation of *non-refoulement*. GRETA called on Hungary to set up procedures to identify trafficking victims and their referral to specialised assistance, and to provide victims with support and assistance outside the transit zones, in accordance with Article 12 of the Convention. GRETA also urged the Hungarian authorities to review age assessment procedures, so as to ensure that the best interests of children are protected and that the benefit of the doubt is given where age may be uncertain.

## **Ad hoc working group to take stock of the second evaluation round of the Convention**

19. At its 29th meeting (3-7 July 2017), GRETA decided to set up an ad hoc working group to take stock of the second evaluation round of the Convention. The terms of reference of this group included updating the indicators reflecting obligations under the Convention which were used in GRETA's 4th General Report to assess the implementation of the Convention, proposing a methodology for identifying the main gaps in the implementation of the Convention by the Parties, and preparing an overview of progress in the implementation of the Convention on the basis of the available second round reports. The working group, composed of Mr Jan van Dijk, Mr Helmut Sax and Ms Rita Theodorou Superman, met twice in 2018 and reported to GRETA on the progress of its work during the plenary meetings. The stocktaking of the second evaluation round will be presented in the next GRETA's General Report on activities.

## **Launch of the third evaluation round of the Convention**

20. GRETA decided that the thematic focus of the third evaluation round of the Convention would be "Access to justice and effective remedies for victims of trafficking in human beings", which is essential for victims' rehabilitation and reinstatement of rights, and reflects a victim-centred and human rights-based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic. Moreover, victims of trafficking, by virtue of their status as victims of human rights violations, are entitled to effective remedies under the European Convention on Human Rights. Access to justice and effective remedies must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of State Parties, irrespective of their immigration status or presence on the national territory and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

21. Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, regularisation of the victim's stay, the right to seek and enjoy asylum, and the application of the principle of *non-refoulement*. These preconditions, corresponding to various provisions of the Convention, have been examined at length during the first<sup>1</sup> and second<sup>2</sup> evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA's previous recommendations on selected topics, through a separate country-specific part of

1. The first round of monitoring of the Convention, launched in February 2010, provided an overview of the implementation of the Convention by State Parties.
2. The second evaluation round of the Convention, launched in May 2014, examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings (THB), the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

the questionnaire, rather than including once again questions related to the same provisions in the general questionnaire for the third evaluation round.

22. For the third evaluation round of the Convention, GRETA intends to pay greater attention to the practical implementation of the provisions of the Convention. This will include on-site visits and observing the work of frontline professionals responsible for identification, accommodation, assistance and protection of victims of trafficking, as well as legal proceedings where possible.

23. GRETA has decided that the third evaluation round will follow, as closely as possible, the chronology of country evaluations of the preceding evaluation round. GRETA sent the questionnaire for the third evaluation round to Austria, Cyprus and the Slovak Republic on 20 November 2018. The authorities of these Parties were given four months to submit their responses to GRETA's questionnaire. At the same time, GRETA's questionnaire was sent to civil society organisations in the countries concerned.

24. GRETA's provisional timetable for the third round of evaluation of the implementation of the Convention is set out in Appendix 8. GRETA is mindful of the importance of observing the timetable adopted for each evaluation round and stresses that this depends on State Parties submitting their replies to GRETA's questionnaire on time, as well as on the availability of adequate human resources in the Secretariat.



## GRETA membership and Bureau

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25. The composition of GRETA and its Bureau during the reporting period is set out in Appendix 3.

26. The terms of office of seven of the 15 members of GRETA expired on 31 December 2018. Elections to fill the seven vacant seats were held at the 22nd meeting of the Committee of the Parties on 9 November 2018. As a result of these elections, one GRETA member was re-elected for a second term and six new members were elected. The mandates of these seven members will run from 1 January 2019 until 31 December 2022.

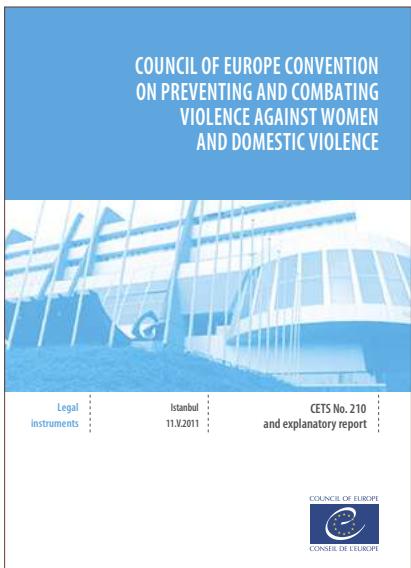
27. GRETA warmly thanks its outgoing President, Ms Siobhán Mullally, its First Vice-President, Mr Jan van Dijk, and the other outgoing members - Ms Alina Brașoveanu, Ms Kateryna Levchenko, Mr Helmut Sax and Ms Rita Theodorou Superman - for their unfailing commitment, professionalism and contribution to monitoring of the implementation of the Convention and promoting the Convention's provisions and GRETA's work.

28. The new composition of GRETA was due to hold its first meeting on 18-22 March 2019. Pending the election of a new Bureau at that meeting, GRETA's work was directed by a Bureau *ad interim* composed of Mr Ryszard Piotrowicz (President), Mr Frédéric Kurz (First Vice-President) and Mr Davor Derenčinović (Second Vice-President).<sup>3</sup>

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3. The composition of the Bureau *ad interim* follows Rule 7 of the Internal Rules of procedure of GRETA.

# Signatures and ratifications of the Convention



29. 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).

30. 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.

31. In October 2017, Tunisia submitted a request to be invited to accede to the Convention. According to Article 43 of the Convention, the Committee of Ministers of the Council of Europe may, after consultation of the Parties to the Convention and obtaining their unanimous consent, invite any non-member State of the Council of

Europe, which has not participated in the elaboration of the Convention, to accede to this Convention by a decision taken by the majority provided for in Article 20 d. of the Statute of the Council of Europe, and by unanimous vote of the representatives of the Contracting States entitled to sit on the Committee of Ministers. On 7 February 2018, the Committee of Ministers decided to invite Tunisia to accede to the Convention. This is a welcome development and GRETA trusts that the steps necessary for Tunisia's accession to the Convention will be completed soon.

32. 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.

33. Through their participation in various events, GRETA members and Secretariat have continued promoting the Convention's standards (see Appendix 9).



## Visibility and impact of the monitoring process

### Publicity of GRETA's reports

34. 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: nine under the second evaluation round (concerning Azerbaijan, Luxembourg, the Netherlands, Serbia, Slovenia, Spain, Sweden, "the former Yugoslav Republic of Macedonia"<sup>4</sup> and Ukraine), one under the first evaluation round (on Estonia) and an urgent procedure report on Hungary (see Appendix 5).<sup>5</sup> This brought the number of country evaluation reports published under the second evaluation round to 31 and those under the first evaluation round to 43.

35. A press release is issued and widely distributed 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.

36. According to the sample processed by the Council of Europe Media Monitoring and Analysis Unit, the media visibility of GRETA's reports in 2018 was fairly strong.

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4. As of 12 February 2019, the official name of the country changed to North Macedonia.
  5. 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.

37. In April 2018, the publication of the 7th General report on GRETA's activities, which highlighted the particular challenges of human trafficking for the purpose of labour exploitation, received substantial media coverage (*Politico, New Europe, DW, ANSA, DPA, ZDF, Deutschlandfunk, APA, EFE, La Vanguardia, The Irish Independent, The Irish Times, ANP, HINA, Kathimerini, Unian, SDA/ATS*, etc.).

38. The country evaluation reports on Serbia, Slovenia and "the former Yugoslav Republic of Macedonia"<sup>6</sup>, published in January and February 2018, were closely examined in the key national media (*Tanjug, Vecernje novosti, BETA, N1 Info, Novi magazine, Mondo, Dnevnik, RTV Slovenija, STA, 24 Vesti, Civil Media, MKD.mk, MIA, Sky, Plus Info, Lokalno*, etc.).

39. The urgent procedure report on Hungary, published on 27 April 2018, made Europe-wide headlines, triggering the debate on the country's treatment of trafficking victims and migrants in general (*AFP, Yahoo News, France 24, Le Monde, Emerging Europe, Balkan Insight, Daily Mail, Kurier, Epoch Times, Tanjug, BETA, MTI, HVG, 444.hu, 24.hu* and many other Hungarian news sources).

40. GRETA's report on Spain, which was published in June 2018, drew the attention of key national outlets (*EFE, El País, La Vanguardia, Europa Press, Cadena SER, El Diario, El Confidencial, ACN*, etc.) and was also picked up in France (*Le Figaro*), Italy (ANSA) and Romania. A radio interview with the Executive Secretary was broadcast by the leading radio station *Cadena SER*.

41. In November, GRETA's reports on Luxembourg, Ukraine and Azerbaijan received fairly strong media attention. The one on Luxembourg was analysed by the national media, but also by the *Info Migrants* online magazine. In Ukraine, the media coverage of GRETA's report included articles in *Kyiv Post, Evropeiskaya Pravda, iPress.ua, UNIAN, Den, Ukrinform* and *DW Ukrainian Service*. Finally, the report on Azerbaijan was examined in the national and regional media (*Echo Kavkaza, Emerging Europe, Turan, Trend, Azer News*).

## Practical impact of GRETA's monitoring work

42. The second round of evaluation of the Convention aims to measure progress in the implementation of the Convention. Based on the GRETA reports published in the course of 2018, the following section provides examples of situations where State Parties have taken measures to improve their legislation, policy and practice in the light of GRETA's previous recommendations.



### Azerbaijan

- ▶ A new Article 123(1) was introduced into the Criminal Procedure Code (CPC), stipulating that police officers conducting a criminal investigation and prosecutors are authorised to grant a recovery and reflection period to victims of THB. While the recovery and reflection period was already defined in the Law on Combating Trafficking in Human Beings, adding a provision on it to the CPC was an important development as police officers and prosecutors are guided by the CPC in their work.

6. As of 12 February 2019, the official name of the country changed to North Macedonia.

- ▶ In line with a recommendation by GRETA to reinforce the interagency and multi-disciplinary approach in designing and implementing prevention and assistance measures, the “Programme on Elimination of Social Problems Creating Conditions for Human Trafficking” was updated in 2016. Further, the 2014-2018 National Action Plan against Trafficking in Human Beings includes measures addressing the root causes of human trafficking, such as the encouragement of employers to employ persons vulnerable to trafficking and victims of trafficking.
- ▶ Efforts were made by Azerbaijani court officials to better protect the private lives of victims of trafficking by making communications sent to victims by courts more discreet, thus decreasing the risk that victims’ family members or others might learn about their victimisation.



### Luxembourg

- ▶ There have been a number of legislative developments relevant to action against trafficking in human beings since GRETA’s first evaluation. In line with GRETA’s recommendation in its first report, a new offence was added to the Criminal Code, punishing various acts relating to travel and identity documents or the facilitation of their fraudulent use with a view to committing offences of sexual exploitation, pimping, trafficking in human beings or migrant smuggling.
- ▶ In line with a recommendation made in GRETA’s first report, the legislative provisions on State compensation were amended to allow access to compensation for trafficking victims who are third-country nationals.
- ▶ To address GRETA’s concerns raised in the first evaluation report, an Inter-ministerial Committee tasked with co-ordinating activities to prevent and evaluate the phenomenon of trafficking in human beings was set up and drew up the first National Action Plan against Trafficking in Human Beings, which was adopted in December 2016.



### Netherlands

- ▶ In line with GRETA’s recommendation to strengthen the multi-agency involvement in the victim identification process, an independent multi-disciplinary Victim Identification Board was set up as a pilot project in January 2018, tasked with examining cases of possible victims of trafficking on the basis of certain criteria (e.g. the victim must have reported to the police, the case was dismissed or the suspect acquitted by a court after 2017, an application was submitted within four weeks of the date of the dismissal decision or acquittal, the presumed victim was exploited in the Netherlands or brought there to be exploited, using coercion and/or violence).
- ▶ To address GRETA’s concerns raised in the first evaluation report, a number of campaigns and projects were launched to prevent trafficking in children, efficient procedures were put in place for appointing guardians to unaccompanied or separated children, and clear procedures were introduced for tracing missing children.

- ▶ The Dutch authorities have continued to develop the institutional framework for combating trafficking in human beings and to develop specialisation among competent authorities to deal with human trafficking, in particular judges and prosecutors. The composition of the Task Force on Human Trafficking has been expanded and a national network of regional care co-ordinators of the assistance provided to victims of trafficking has been set up.



### North Macedonia

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



### Serbia

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



## Slovenia

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



## Spain

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



## Sweden

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



## Ukraine

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

## Follow-up activities

43. 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>7</sup>

44. 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 Belarus, on 16 October 2018. The meeting brought together 34 representatives of relevant ministries and agencies, NGOs and the International Organization of Migration (IOM). Belarus is expected to report to the Committee of the Parties to the Convention on Action against Trafficking in Human Beings on the measures taken to comply with the recommendations made by GRETA and the Committee of the Parties by 14 October 2019.

45. On 20-21 November 2018, a meeting of specialised lawyers and NGOs providing legal assistance to victims of trafficking took place in Strasbourg. It followed up on the first such meeting organised in November 2016 by the Council of Europe in co-operation with the Netherlands Helsinki Committee. The meeting brought together 37 participants from 21 State Parties to the Council of Europe Convention on Action against Trafficking in Human Beings, who discussed experiences in the provision of legal assistance to victims of trafficking at different stages (identification as a victim of trafficking, access to assistance and residence permits, asylum procedure, court proceedings, compensation claims, application of the non-punishment provision). Ms Siobhán Mullally, President of the Group of Experts on Action against Trafficking in Human Beings (GRETA), presented GRETA's monitoring findings from the second evaluation round and the questionnaire for the third evaluation round of monitoring the implementation of the Convention by GRETA, with a thematic focus on "Access to justice and effective remedies for victims of human trafficking". Further, Ms Ksenija Turković, Judge of the European Court of Human Rights, and Mr Thomas Straub, Registry Lawyer, made presentations on the case-law of the European Court of Human Rights related to trafficking in human beings. Moreover, the new online course on human trafficking developed by the European Programme for Human Rights Education for Legal Professionals (HELP) of the Council of Europe was introduced to participants by one of the authors of the course, Ms Parosha Chandran, human rights barrister and Professor of Modern Slavery Law at King's College, London. Participants made concrete proposals for improving access to justice for trafficked persons, including by setting up a European network of trafficking victim lawyers, which would enable the exchange of information on case law and legal strategies, support training, encourage strategic litigation and facilitate co-operation in transnational cases.

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7. In addition, there are several projects linked to the implementation of GRETA's recommendations which are funded by other sources.



## **Conference marking the 10th anniversary of the entry into force of the Council of Europe Convention on Action against Trafficking in Human Beings**

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46. The conference "Ten years of implementation of the Convention on Action against Trafficking in Human Beings: impact and challenges ahead" was organised during the Croatian Chairmanship of the Committee of Ministers of the Council of Europe on 22 May 2018 in Strasbourg. It brought together some 180 participants, including national anti-trafficking co-ordinators and rapporteurs, civil society representatives, survivors of human trafficking, representatives of international organisations, academia and business.

47. In her opening statement, Ms Snežana Samardžić-Marković, Director General of Democracy, stressed that the Convention is recognised as one of the major achievements in the Council of Europe's nearly 70 years of existence. The Convention has been ratified by all but one of the Council of Europe member States and has attracted requests for accession by non-member States, which is a recognition of the fact that the Convention provides an indispensable tool to prevent and combat human trafficking.

48. The conference examined the impact of the Council of Europe Anti-Trafficking Convention on State Parties' law, policy and practice, and in particular on improving the situation and rights of victims of trafficking. Emphasis was placed on the human rights-based and victim-centred approach of the Convention, as well as on the positive obligations of States to prevent trafficking, protect victims, prosecute traffickers



and engage in international co-operation in order to achieve the purposes of the Convention. At the same time, the conference was an occasion to analyse remaining gaps in the implementation of the Convention, new challenges and innovative ways to address them.

49. To illustrate the importance of a victim-centred approach, participants listened to the testimony of a survivor of human trafficking currently working for the Spanish NGO APRAMP. This NGO has offices in six of Spain's provinces and carries out survivor-led projects covering the detection and identification of victims, comprehensive and individualised intervention services, specialised protective housing, job training and training for professionals who encounter potential victims. It gives survivors a voice and the opportunity to help rescue and protect other persons.

50. Another testimony was given by Ms Fareeda Abbas, a Yazidi survivor of ISIS enslavement. Since her escape, she has actively participated in raising awareness, receiving the Polish Foreign Minister's Pro Dignate Humana Prize 2017 and the LiberPress Award for 2017.

51. Four thematic panels took place simultaneously, dealing respectively with how to make prevention work, ensuring the rights of victims of trafficking, effective human rights-based criminal justice responses to human trafficking for all forms of exploitation, and building strategic partnerships.

52. On the occasion of the conference, GRETA published a document on the practical impact of its monitoring work, which provides examples of situations where State Parties have taken measures to improve their legislation, policy and practice in light of GRETA's recommendations.



## Second meeting of National Anti-Trafficking Co-ordinators and Rapporteurs

53. A meeting of National Anti-Trafficking Co-ordinators and Rapporteurs, co-organised by the Council of Europe and the Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, took place in Strasbourg on 23 May 2018. The meeting gathered some 60 participants from 40 countries in the Council of Europe and OSCE regions, as well as Israel, which is an OSCE Partner for Co-operation. Such periodic exchanges are vital for pooling knowledge, strengthening partnerships and promoting the implementation of international obligations in the area of combating trafficking in human beings.

54. Participants discussed the recommendations from the 18th Alliance against Trafficking in Persons Conference, entitled "Everyone Has a Role: How to Make a Difference Together", organised by OSCE on 23-24 April 2018 in Vienna, as well as GRETA's 7th General Report, which had a thematic focus on human trafficking for labour exploitation.

55. Further, participants exchanged information and views on trends in trafficking in human beings, current challenges and ways to address them in order to foster the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings and relevant OSCE commitments. In particular, participants shared their experiences in tackling human trafficking for the purpose of forced criminality and provided examples of cases related to the use of information and communication technologies to commit human trafficking offences, including online streaming of sexual abuse.

56. The discussion on how to combat human trafficking for the purpose of labour exploitation provided examples of joint activities between countries of destination and origin, and targeted efforts to prevent exploitation (e.g. flyers for seasonal workers, control over recruitment agencies, promotion of legal and safe migration). Participants stressed the importance of involving NGOs, trade unions and professional associations as partners in anti-trafficking efforts, working with the travel industry

and ensuring transparency and due diligence in public and private procurement and supply chains.

57. It was noted that co-operation at national and international levels would benefit from further development of national and transnational referral mechanisms. National Co-ordinators should have an authority to co-ordinate multi-agency co-operation at the national level, including via building strategic partnerships with civil society and the private sector, and can serve as entry points for transnational co-operation.

58. It was also stressed that National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions can provide an additional perspective in highlighting new and emerging human trafficking trends, enhancing national responses to them and influencing legislative development and policy making.



## Relations with the Committee of the Parties

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59. 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 letter and spirit of this provision of the Convention is to strengthen the implementation of GRETA's conclusions.

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

61. At its 22nd meeting (9 February), the Committee of the Parties considered six GRETA reports and adopted second-round recommendations addressed to the authorities of Belgium, Poland, Serbia, Slovenia and "the former Yugoslav Republic of Macedonia"<sup>8</sup>, as well as a first-round recommendation addressed to Greece. At its 23rd meeting (9 November), the Committee of the Parties adopted second-round recommendations concerning Azerbaijan, Luxembourg, the Netherlands, Spain, Sweden and Ukraine, as well as a first round recommendation concerning Estonia. It should be recalled that, in the case of second-round recommendations, the deadline given by the Committee of the Parties to report back on measures taken to address a number of urgent issues identified by GRETA has been reduced to one year.

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8. As of 12 February 2019, the official name of the country changed to North Macedonia.

62. The Committee of the Parties also examined reports submitted by Parties on the implementation of the Committee's recommendations. Thus, at its 22nd meeting, the Committee examined reports submitted by Switzerland (first round) and Montenegro, Romania and the United Kingdom (second round). During its 23rd meeting, the Committee examined reports received from Armenia, Bosnia and Herzegovina, France, Ireland, Latvia, Malta, Norway and Portugal (all concerning the second round). The Committee of the Parties decided to transmit these reports to GRETA for examination. In the case of the second-round reports, 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.



## Co-operation with other Council of Europe bodies

63. GRETA has continued to forge links with other Council of Europe bodies. Contacts were maintained with the Parliamentary Assembly of the Council of Europe. GRETA submitted comments on PACE Recommendation 2137 (2018) - "International obligations of Council of Europe member States: to protect life at sea" and Recommendation 2141 (2018) - "Family reunification of refugees and migrants in the Council of Europe member States". On 9 October 2018, an exchange of views was organised by PACE's Committee on Migration, Refugees and Displaced Persons on two reports - "Missing refugee and migrant children in Europe" and "Concerted action on human trafficking" - with the participation of Mr Markus Lehner of the Secretariat of the Convention.

64. The previously mentioned exchange of views with the European Court of Human Rights, represented by Judge Linos-Alexandre Sicilianos, Vice-President of the Court, accompanied by Ms Ayşegül Uzun and Mr Thomas Straub, Registry Lawyers, during GRETA's 33rd meeting, was an opportunity to discuss the evolving case-law of the Court related to trafficking in human beings, and the possibility of GRETA intervening before the Court in relevant cases.

65. GRETA and its Secretariat have maintained close contacts with the Special Representative of the Secretary General for Migration and Refugees, Ambassador Tomáš Boček, in the context of his activities and the preparation of GRETA's country visits and reports.

66. Reference has already been made to the exchange of views with representatives of the Lanzarote Committee at which Ms Christel de Craim, Vice-Chairperson of the Lanzarote Committee presented the second evaluation round of the implementation of the Lanzarote Convention, entitled "The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)", focussing on self-generated images of child nudity. The exchange of views included discussions on the overlap between the on-line streaming of images of sexual abuse of children and trafficking in human beings. The President of GRETA noted that, in its recent reports, GRETA had asked Parties to examine the links between these two criminal offences. GRETA members also highlighted the

transnational aspect of on-line sexual exploitation of children and trafficking in children via the misuse of the Internet, which lead to practical challenges regarding the prosecution of the recruiters and intermediaries engaged in proliferation of images of child sexual exploitation, provision of assistance and payment of compensation to victims. The need to ensure effective protection of children at all stages of proceedings was also underlined.

67. Further, Ms Rita Theodorou Superman represented GRETA in a panel on the financing of human trafficking and modern slavery organised by MONEYVAL on 7 December 2018 in Strasbourg.

68. GRETA has continued to follow closely the work of the Council of Europe Committee of Experts on Administrative Detention of Migrants (CJ-DAM), whose task is to prepare a codified instrument with standards on the administrative detention of migrants. On 1 October 2018 GRETA sent a letter to the Chairman of CJ-DAM with a new drafting proposal which is consistent with the provisions of the Convention.



## Co-operation with other intergovernmental organisations

69. GRETA has continued to build partnerships with international organisations active in the area of combating trafficking in human beings. The country evaluations and 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 9).

70. Following the decision of the Council of Europe to become a partner of the Inter-Agency Co-ordination Group against Trafficking in Persons (ICAT), the Executive Secretary of the Convention participated in the ICAT Working Group meeting on 5-6 February 2018 in Geneva and the ICAT Principals Meeting and Working Group meeting on 2-3 May 2018 in London.

### United Nations agencies

71. The President of GRETA, Ms Siobhán Mullally, attended the 62nd session of the UN Commission on the Status of Women and spoke at a side event on Trafficking, Sexual Exploitation and Gender-Based Violence, held on 16 March 2018 in New York.

72. On two occasions in 2018, UNHCR and the Council of Europe co-organised roundtables on preventing, combating and responding to sexual and gender-based violence and trafficking in human beings in the context of migration and asylum (in Warsaw on 14 June and in Vilnius on 30 October), attended respectively by the President of GRETA and the Executive Secretary.

73. GRETA evaluation reports included references to relevant country-specific work of UN human rights bodies (e.g. Committee on the Rights of the Child, CEDAW, UNHCR) and the UN Special Rapporteur on Trafficking in Persons, especially women and children. The President of GRETA, Ms Siobhán Mullally participated in an expert round-table convened by the UN Special Rapporteur at the Office of the High Commissioner for Human Rights in Geneva, on 17-18 December 2018, to discuss the forthcoming

thematic report on social protection. The President of GRETA also attended the half-day of discussion on the forthcoming CEDAW General Recommendation on Trafficking of women and girls in the context of global migration, on 18 December 2018, Palais Wilson, Geneva.

## OSCE

74. Action against trafficking in human beings remains 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 continued to be strengthened. Members of GRETA and the Secretariat regularly participated in conferences and other events organised by the OSCE. By way of example, Mr Frédéric Kurz, member of GRETA participated in the OSCE Alliance Conference entitled "Everyone Has a Role: How to Make a Difference Together", held on 23-24 April 2018 in Vienna. The OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings participated as a speaker in the conference on the occasion of the 10th anniversary of the entry into force of the Convention on 22 May 2018 in Strasbourg.

75. As already noted in paragraphs 53-58, the Council of Europe and the OSCE organised jointly a meeting of National Anti-Trafficking Co-ordinators and Rapporteurs, held in Strasbourg on 23 May 2018.

76. To avoid duplication of country visits, GRETA and the OSCE Special Representative and Co-ordinator for Combating Trafficking regularly 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.

## European Union

77. As noted previously, at its 31st meeting (19-23 March 2018), GRETA held an exchange of views with Ms Petra Bakker, Police Commissioner EU for the Netherlands and Dutch National Co-ordinator of the European Multidisciplinary Platform against Criminal Threats (EMPACT). Ms Bakker provided GRETA members with examples of EMPACT projects related to human trafficking, such as joint action days, prevention activities, international co-operation with third countries (e.g. Nigeria, China) and financial investigations and asset recovery. The ensuing exchange of views related to the structures of organised criminal groups committing human trafficking offences, the challenges of asset recovery at EU level, the need to involve relevant stakeholders such as labour inspectors and trade unions in the fight against trafficking for the purpose of labour exploitation, the role of civil society actors in EMPACT projects, the collection of data and compilation of statistics, and how the aspect of child trafficking was addressed in EMPACT actions. Ms Bakker noted that through its country monitoring, GRETA should examine whether EU Members States are making use of the available tools for international co-operation, including EMPACT.



## Co-operation with civil society

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78. The Convention refers to the need to co-operate and build strategic partnerships with civil society through co-operative frameworks that 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.

79. 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.

80. NGOs were consulted by GRETA in the process of the preparation of the questionnaire for the third evaluation round and their suggestions for issues to be examined were taken into consideration by GRETA when adopting the final questionnaire.

81. On the occasion of the 12th European Day against Trafficking in Human Beings, GRETA's Secretariat joined the initiative of the Italian Helpline for victims of trafficking by releasing balloons with the message [#FREEYOURDREAM](#). The exhibition "Open Your Eyes to Human Trafficking", which is an initiative of the Dutch NGO CoMensha and the Open Mind Foundation, was inaugurated in front of the main building of the Council of Europe. The exhibition was brought to Strasbourg with the support of the Permanent Representation of the Netherlands to the Council of Europe.

82. GRETA members and Secretariat participated in a number of events organised by civil society organisations (see Appendix 9). 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.



## Provision of assistance to victims of human trafficking

### Introduction

83. Victims who break free of their traffickers' control generally find themselves in a position of great insecurity and vulnerability. In addition to having suffered psychological trauma and physical injuries, victims of trafficking may have no means of subsistence, may be in an irregular migration situation, without documents and resources to return to their home countries, and may be afraid of retaliation against themselves or their families. The Convention requires Parties to adopt measures to assist victims in their physical, psychological and social recovery, taking into account their safety and protection needs. These measures apply to all victims in a non-discriminatory manner in accordance with Article 3 of the Convention - women, men and children, whether subjected to transnational or national trafficking, regardless of the form of exploitation and the country where they were exploited.<sup>9</sup>

84. Assistance services must be provided on a consensual and informed basis, taking account of the special needs of persons in a vulnerable position, as well as children. Article 12, paragraphs 1 and 2 of the Convention, set out the assistance measures which State Parties must provide to persons for whom there are "reasonable grounds to believe" that they are victims of trafficking, i.e. before the victim

9. See Explanatory Report on the Convention, paragraph 146.

identification process has been concluded. These measures also apply to foreign victims in an irregular situation during the recovery and reflection period of at least 30 days provided for in Article 13 of the Convention, prior to the granting of any residence permit.

85. The aim of the measures is to "assist victims in their physical, psychological and social recovery". The authorities must therefore make arrangements for those assistance measures while bearing in mind the specific nature of that aim. The Convention provides a minimum list of assistance measures which must be guaranteed by law and include at least standards of living capable of ensuring the victims' subsistence (including appropriate and secure accommodation, psychological and material assistance), access to emergency medical treatment, translation and interpretation services, counselling and information, assistance to represent the victims' rights during criminal proceedings against offenders, and access to education for children. Parties are free to grant additional assistance measures.<sup>10</sup> The assistance measures in the Convention should be read in conjunction with other relevant human rights instruments and guidelines.<sup>11</sup>

86. The victim-centred approach of the Convention can be met only through multi-agency co-operation, such as in the framework of a National Referral Mechanism, involving a series of governmental and non-governmental actors working together in a co-ordinated way to ensure that all victims, regardless of the body which identified them, have access to assistance, and that their needs are effectively met.

87. Timely and effective support to trafficked persons is important to ensure their recovery and reintegration, but also to encourage them to break away from the traffickers. Delays in, and limitations on, delivering assistance make victims vulnerable to further trafficking and abuse. GRETA stresses that the provision of timely assistance to victims of trafficking is essential for encouraging them to remain in the country of destination for long enough to serve as witnesses in trials against traffickers. Victims of trafficking should be given the opportunity to play a role in criminal proceedings against traffickers, if they so wish, and to receive compensation. Further, measures to improve victims support should include consultation of survivors of human trafficking to ensure that their needs are adequately met.

## **Legal basis for providing assistance to victims of trafficking**

88. The obligations under Article 12 of the Convention apply equally to all State Parties on whose territory victims of trafficking are located, regardless of whether this is a country of origin, destination or transit.

89. Most countries evaluated by GRETA have a statutory basis for the provision of assistance to victims of human trafficking, either in a dedicated anti-trafficking

10. See Explanatory Report on the Convention, paragraphs 150-151.

11. For example, UNHCR, Guidelines on International Protection: The Application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked, UN Doc. HCR/GIP/06/07 (7 April 2006) 9 [22]; UN General Assembly, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, UN Doc. A/RES/40/34 (29 November 1985).

law (e.g. Armenia, Azerbaijan, Bulgaria, Cyprus, Georgia, Luxembourg, Republic of Moldova, Romania, Ukraine) or in general social assistance legislation (e.g. Latvia, the Netherlands, North Macedonia, Norway, Poland, Serbia, Sweden). In countries which are primarily of destination, the legal basis for assisting victims of trafficking is provided in aliens or international protection legislation (e.g. Belgium, Denmark, France, Italy, Portugal). In some countries, assistance is provided on the basis of inter-agency co-operation agreements, memoranda or protocols setting up the National Referral Mechanism (e.g. Albania, Croatia, Montenegro, Spain).

90. As regards children, national legislation on child protection usually applies to all children, including children at risk of and victims of trafficking. The legislation provides that the authorities must safeguard especially vulnerable groups, such as child victims of trafficking. Further, it regulates the rights of foreign children to education, health care and social services and basic social benefits, under the same conditions as national children.

91. GRETA has noted that in countries primarily of destination, there may be gaps when it comes to the legal basis and related funding for assisting victims who are the country's nationals. Conversely, countries primarily of origin may have gaps in the assistance of foreign victims of trafficking. Regardless of the legislative approach taken, GRETA stresses the positive obligation on Parties to provide assistance to all victims of trafficking without discrimination and to secure the necessary funding for the purpose.

92. By way of example, in the **Republic of Moldova**, the assistance to victims of trafficking is regulated by the Anti-Trafficking Law, and covers physical, psychological and social recovery measures in the form of a minimum assistance package provided by the Ministry of Labour, Social Protection and Family. It also includes secure accommodation, advice and information, representation in court proceedings and access to education for children. Victim assistance is provided by specialised state-run centres. By Government Decision No. 898 of 30 December 2015, minimum quality standards were approved for services responsible for the support and protection of victims of trafficking in human beings. The Regulation on operation of the territorial multidisciplinary teams within the National Referral System (Government Decision No. 228 of 28 March 2014) clarified the roles of responsibilities of the entities participating in these teams with regard to victim assistance.

93. In **Poland**, under the Act on Social Assistance, victims of trafficking are entitled to assistance, including access to medical and psychological assistance, shelter from two to eight months, legal assistance, social assistance and financial assistance. In 2006, a Programme for the Support and Protection of Victims/Witnesses of Trafficking was set up to cater for foreign nationals who are possible victims of trafficking. It is implemented by the National Consulting and Intervention Centre for Polish and Foreign Victims of Trafficking and is financed by the Ministry of the Interior. The Programme covers accommodation, medical and psychological assistance, legal assistance, support during criminal proceedings and assistance in voluntary return.

94. In **Spain**, a Framework Protocol for the Protection of Victims of Trafficking was signed in October 2011. It establishes procedures for the detection, identification,

referral, support and protection of adult and child victims of trafficking, covering both EU nationals and third-country nationals. The right to assistance is recognised to all victims without exclusion and, in the case of foreign victims, regardless of whether they have a residence permit in Spain. Assistance covers suitable and safe accommodation, material assistance, psychological assistance, medical assistance, interpretation services and legal counsel. Subject to their consent, victims are referred to the regional or local services providing social assistance or organisations with accredited experience in assisting victims of trafficking. However, GRETA was concerned that Spanish and other EU citizens may not benefit from resources provided for third-country victims by the General Secretary for Immigration and Emigration, and there was a lack of resources to assist victims of trafficking for purposes of exploitation other than sexual.

95. In some countries, GRETA was concerned that access to assistance depended on the victim's nationality, in violation of the non-discrimination principle.

96. In **Bosnia and Herzegovina**, there are different legal provisions for national victims and foreign victims. The system of providing assistance to victims of human trafficking is regulated by the "Rules on the protection of victims who are nationals of Bosnia and Herzegovina" and the "Rulebook on the protection of foreign victims of trafficking in persons". Victims are entitled to safe accommodation, medical assistance, access to information about their rights, and legal assistance during criminal proceedings. However, as concerns foreign victims of trafficking, the revised "Rulebook on the protection of foreign victims of trafficking in persons" introduced in 2016 some restrictions on their rights, namely only foreign victims placed in shelters are entitled to receive assistance and they can access only emergency medical care. Moreover, the revised Rulebook stipulates that victims placed in shelters are entitled to legal aid only in matters concerning their status, as opposed to the previous version of the Rulebook pursuant to which they were entitled to legal aid to exercise their rights during criminal and other proceedings. On a positive note, the entitlement to psychological support has been included in the list of foreign victims' rights.

97. In **France**, trafficking victims' access to assistance is provided for in the Code governing the entry and stay of foreigners and right to asylum (CESEDA). Access to specialised assistance and accommodation is problematic for victims from EU/EEA countries, particularly from Romania and Bulgaria who were among the most numerous. Only victims over 25 years of age can claim the "active solidarity income" allowance (*revenue de solidarité active - RSA*), which stood at €535.17 in September 2016 (it is available to 18 to 25 year-olds only if they have worked for two of the last three years).

98. In **Ireland**, there was no clear statutory basis on which suspected victims of trafficking could invoke protection and assistance. Pursuant to paragraph 4 of the Administrative Immigration Arrangements, "an EEA national who has been identified as a suspected victim of human trafficking will be treated no less favourably than a person from outside this area." However, EEA nationals who are victims of human trafficking experience difficulties in accessing social welfare and other entitlements which are conditional on habitual residency in Ireland, including women's shelters, and therefore their options are limited to asylum seekers' centres or voluntary repatriation. GRETA was concerned that the practice not to assign the formal status of a

victim of trafficking to Irish and EEA nationals may result in depriving them from access to specialised assistance and urged the Irish authorities to enact statutory rights to assistance and protection for possible victims of trafficking, as specified in Articles 10 and 12 of the Convention, regardless of the victims' nationality or immigration status.

99. In **Romania**, Article 38<sup>1</sup> of the Anti-Trafficking Law 678/2001 determines that the measures of protection and assistance to victims of trafficking who are EU/EEA nationals shall be the same as those available to Romanian victims. These provisions do not apply to third-country nationals. Foreign victims of trafficking are entitled to accommodation during the reflection period without being the subject of an administrative detention order due to their irregular situation. The accommodation, consisting of special facilities in the administrative detention centres where victims of trafficking should be placed separately from detained foreign nationals, must be approved by the General Director of the Romanian Immigration Inspectorate. These centres have a closed regime as they are mainly used to accommodate irregular migrants. They do not have separate facilities for trafficking victims, who consequently are held under conditions no different from detention.<sup>12</sup>

100. In the **Slovak Republic**, GRETA noted that even though some legal acts contain piecemeal provisions relevant to victims of trafficking, their right to receive assistance is not prescribed in any law. This means that there is no clear statutory basis on which victims of trafficking can invoke protection and assistance. GRETA asked the authorities to enact statutory rights to assistance for victims of trafficking, as specified in Articles 10 and 12 of the Convention, regardless of the victim's co-operation with the investigation and regardless of nationality or immigration status.

## Unconditional assistance

101. Pursuant to Article 12, paragraph 6, of the Convention, each Party shall adopt such legislative or other measure as may be necessary to ensure that assistance to a victim is not made conditional on his or her willingness to act as a witness or otherwise co-operate with competent authorities in the investigations and criminal proceedings. Paragraph 170 of the Explanatory Report on the Convention specifies that in the law of many countries, it is compulsory to give evidence if requested to do so. Article 12, paragraph 6, of the Convention is without prejudice to the activities carried out by the competent authorities in all phases of the relevant national proceedings, and in particular when investigating and prosecuting the offences concerned. Thus no one may rely on paragraph 6 in refusing to act as a witness when they are legally required to do so.

102. In most Parties, admission to the victim assistance system is not dependent on the existence of a criminal investigation. However, GRETA is concerned by indications that 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. GRETA has made recommendations to the authorities of several countries to guarantee access to assistance irrespective of the victim's readiness or capacity to co-operate with police/prosecution.

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12. *Asociatia Pro Refugiu, Legal analysis of the rights of trafficked persons: Romania* (2015), page 53.

103. In **Bosnia and Herzegovina**, the provision of assistance is conditional on the victim's willingness to report the case and act as a witness.<sup>13</sup> Further, in practice, access to the State-funded assistance programme is dependent on the qualification of the case as trafficking.<sup>14</sup> If this is not the case, the victim can only receive assistance if an NGO has funds from other sources.

104. In **Luxembourg**, the authorities have stated that assistance for trafficking victims is not dependent on their co-operation with the investigation and prosecution. However, GRETA notes that, under Article 1, paragraph 1, of the Law of 8 May 2009 on Assistance to and Protection and Security of Victims of Trafficking in Human Beings, assistance measures commence on the day when the police possess indications that the person is a presumed victim of trafficking. In the event of victims not wishing to meet the police, this means that they cannot benefit from assistance measures. The roadmap states that if a victim refuses to see the police, owing to their particular situation (danger, threat, fear), the assistance services can only provide psycho-social support for a maximum period of one month. GRETA urged the authorities not to link the assistance provided to their co-operation with the police and to systematically refer all potential, presumed and identified victims to specialised assistance services.

105. In the report on **Romania**, GRETA noted that the duration of a victim's stay in a public shelter seemed to depend on the duration of the criminal proceedings, rather than on the assessment of the victim's actual needs and degree of reintegration and autonomy. Victims of trafficking can stay at shelters for up to 90 days, which can be extended by the county council at the request of the judicial authorities for a maximum of six months or until the completion of the criminal proceedings. In practice victims have to co-operate with the judicial authorities to benefit from the services of the shelters. Based on statistics provided by the National Agency against Trafficking in Persons (ANITP) for the period 2011-2014, over 95 % of the identified victims of trafficking co-operated with the prosecution. GRETA urged the Romanian authorities to ensure that the assistance measures provided for in law are not made, in practice, dependent on the victims' willingness to co-operate with law enforcement agencies.

106. Article 14 of the Convention allows Parties to make the issuing of a temporary residence permit conditional on co-operation, which in some cases blocks unconditional access to assistance for foreign victims. In **Austria**, the provision of assistance to presumed victims of trafficking by the NGO LEFO-IBF, which is funded by the authorities for that purpose, is unconditional, begins before the start of any criminal proceedings and is not dependent on the victim's willingness to act as a witness in a trial. Assistance is available both to victims officially identified by the police and to presumed trafficked persons who were not officially identified. The latter are provided free and unconditional access to assistance by LEFO-IBF, but have no access to a legal residence status and have to leave the country. This erodes the

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13. See IFS-Emmaus, *Report on Trafficking in Human Beings in 2015 in Bosnia and Herzegovina* (2016), page 36.

14. See Liliana Sorrentino, *Assessment of Referral Mechanisms for Victims of Trafficking in Bosnia and Herzegovina* (2016), page 26.

standard of unconditional assistance, the requirement of safety and protection for trafficked persons, as well as the prevention of further trafficking.

107. In **Denmark**, pursuant to Article 33(14) of the Aliens Act, victims of trafficking who have an irregular residence status are granted a deadline of 30 days for leaving the country, which can be extended if the person agrees to co-operate in the prepared return to his/her country of origin. Following amendments to the Aliens Act in 2013, the maximum duration of the period was extended from the previous 100 days to 120 days. During this period, victims of trafficking are offered various assistance measures, the aim being to prepare their return. In practice, it is very rare for victims of trafficking to be granted a residence permit in Denmark. This significantly reduces victims' incentives to co-operate with the authorities. GRETA considered that the Danish authorities should review the application of the system for granting residence permits to victims of trafficking with a view to ensuring that the victim-centred approach which underpins the Convention is fully applied and in order to prevent re-trafficking.

108. In the **Netherlands**, Dutch and EU victims, as well as third-country nationals with legal residence in the country, have access to all forms of support and assistance, regardless of whether they co-operate with the investigation and prosecution. For victims without legal residence, a residence permit can be granted for the period beyond the recovery and reflection period on condition that human trafficking is reported to the police and a criminal investigation against the perpetrator initiated. Thus the assistance to most third-country victims of trafficking beyond the recovery and reflection period remains linked to a criminal investigation being pursued. Civil society representatives told GRETA that the authorities do not always accept NGO assessments about victims of trafficking being too traumatised to participate in criminal proceedings. If third-country victims of trafficking who have been issued a temporary residence permit for the purpose of their co-operation in the investigation or criminal proceedings stop co-operating, the residence permit is withdrawn and as a consequence they lose access to assistance and support. According to the Dutch authorities, the support is not immediately withdrawn in practice and after the criminal proceedings end, third-country nationals can apply for a permanent residence permit on humanitarian grounds. Nevertheless, GRETA urged the Dutch authorities to ensure that assistance provided to foreign victims of trafficking is not linked to investigations or prosecutions being pursued.

109. In **Slovenia**, victims of trafficking with an irregular residence status who do not co-operate in the investigation can spend up to 30 days in crisis accommodation, but after this period they do not qualify for state-funded support. Such third-country nationals are allowed to remain in Slovenia for up to 90 days. NGOs such as Society Ključ support such victims with the help of donations and funds from Ljubljana City Municipality, but the available funding is not sufficient for the long-term recovery of victims of trafficking. GRETA urged the Slovenian authorities to ensure that access to assistance for victims of trafficking is not made conditional on their co-operation in the investigation and criminal proceedings, and is based on their individual needs.

110. In Sweden, in 2016, the CABS commenced financing a project called the National Support Programme (NSP), which is implemented by the Platform Swedish Civil Society against Human Trafficking. This project covers the provision of assistance to presumed victims of trafficking who have not necessarily been formally identified by the police. The budget of the NSP can finance 30 days of assistances for victims of trafficking, extendable by a further 90 days in cases in which the presumed victims do not wish to formalise their victim status by reporting to the police or cannot get formal victim status, for example because they were exploited before arriving in Sweden. An accredited service provider has to apply to the NSP for an informal identification of a person as a victim of trafficking before NSP funds can be used to support the person concerned. Starting in 2016, the Platform Swedish Civil Society against Human Trafficking has been certifying service providers in order to ensure quality of interventions, using jointly developed guidelines and structured assessment templates. The NSP support is complementary to the support provided by the Social Services and should be individually tailored. There are seven certified shelters within the NSP programme, with another three being reviewed with a view to certification.

## Gender dimension of victim assistance

111. Pursuant to Article 17 of the Convention, each Party shall, in applying measures to protect and promote the rights of victims, including the right to assistance, aim to promote gender equality and use gender mainstreaming in the development, implementation and assessment of the measures.

112. The aim of Article 17 is to draw attention to the fact that women, according to existing data, are the majority of identified victims of trafficking in human beings and to the fact that discrimination against women and girls in many societies, leading to poverty and marginalisation, may increase risks of being targeted by trafficking networks. Trafficking in human beings, when it is carried out for the purposes of sexual exploitation, mainly affects women. Women are also trafficked for other purposes, such as forced labour, domestic servitude, forced marriage, forced begging or forced criminality. Women and girls are often targeted because they are disproportionately affected by poverty and discrimination, factors that impede their access to employment, educational opportunities and other resources. It is critical, therefore, that the gender dimension of prevention and protection measures, recognize these risks and include survivors of trafficking in the design and implementation of social inclusion and reintegration measures.<sup>15</sup>

113. Due to the gendered nature of trafficking, in many countries, anti-trafficking policy and practice have focused on women and girls. Most assistance services, including shelters, are designed and tailored to the needs of female victims, in particular those subjected to sexual exploitation. In several countries (e.g. France, Spain), GRETA has welcomed the increased resources for assistance and reintegration programmes for women and girls victims of sexual exploitation. However, not enough resources are available to assist female victims of other forms of exploitation. The situation of

15. See Explanatory Report on the Convention, paragraph 210.

women who have children can also be particularly challenging, given the risks of secondary victimisation of children.

114. The number of male victims of trafficking has been on the rise across State Parties to the Convention due to the proliferation of cases of trafficking for the purpose of labour exploitation. However, there is still a marked shortage of assistance projects for male victims of trafficking. As noted in GRETA's 7th General report, the provision of assistance to victims of trafficking for the purpose of labour exploitation has specificities linked to the fact that the majority of these victims are men who may not be recognised as vulnerable to exploitation or as victims of trafficking. Greater awareness raising, and targeted programmes recognising men and boys as potential victims, are critical to ensure identification and referral to assistance. The availability of information on their rights, in languages the victims can understand, as well as qualified interpretation and specialised legal assistance, are crucial for building trust with the victims, helping them understand their situation and increasing the chances of successful investigation and prosecution.<sup>16</sup>

## Appropriate and secure accommodation

115. Pursuant to the Convention, Parties should take account of the victim's safety and protection needs (Article 12, paragraph 2). The Explanatory Report notes that victims' needs can vary widely depending on their personal circumstances, such as age or gender, or circumstances such as the type of exploitation they have undergone, their country of origin, the types and degree of violence suffered, the isolation suffered from their family and culture, their knowledge of the local language, and their material and financial resources. It is therefore essential to provide measures that take victims' safety fully into account. For example, the address of any accommodation needs to be kept secret and the accommodation must be protected from any attempts by traffickers to recapture the victims.<sup>17</sup>

116. The type of appropriate accommodation depends on the victim's personal circumstances (for instance, they may be living in the streets or already have accommodation, and in the latter case it will be necessary to make sure that the accommodation is appropriate and does not present any security problems). Where trafficking in human beings is concerned, special protected shelters are especially suitable and have already been introduced in various countries. Such shelters, staffed by people qualified to deal with questions of assistance to trafficking victims, provide round-the-clock victim reception and are able to respond to emergencies. The purpose of such shelters is to provide victims with surroundings in which they feel secure and to provide them with help and stability. The protection and help which the shelters provide is aimed at enabling victims to take charge of their own lives again.

117. In some countries, there are shelters especially set up for victims of trafficking, while in others assistance is provided in shelters or crisis centres for victims of domestic violence. GRETA stresses the importance of differentiated approaches to

16. See 7th General report on GRETA's activities (2018), paragraph 178.

17. See Explanatory Report on the Convention, paragraph 164.

victims of trafficking and victims of domestic violence, who in many countries are accommodated in the same shelters or crisis centres.

118. GRETA also notes that the needs of female and male victims will often differ and assistance measures offered to them should take into account their specific needs, bearing also in mind the type of exploitation to which they were subjected. Vulnerable women should not be housed with men they do not know or random acquaintances. International best practice suggests that persons who have experienced trafficking for sexual exploitation should be accommodated in specialised shelters, following a gender-sensitive approach. In general, it would be preferable if all victims, regardless of their nationality, were housed within a similar type of setting, which is separate from the immigration system and responds to the type of abuse that they have sustained.

119. Victims can be accommodated in shelters or crisis centres run by state or municipal social services, or by service providers, usually civil society organisations, with at least some funding from the state or local authorities. As pointed out in paragraph 149 of the Explanatory Report on the Convention, Parties remain responsible for meeting the obligations in the Convention and must take the steps necessary to ensure that victims receive the assistance they are entitled to, in particular by making sure that reception, protection and assistance services are funded adequately and in a timely manner. In countries where shelters for victims of trafficking are being run by NGOs, GRETA has stressed the importance of providing sustainable funding in order to ensure the continuity of victims' assistance, subject to quality controls and periodic evaluation.

120. GRETA is concerned when the freedom of movement of trafficking victims is restricted. During visits to certain shelters, GRETA has observed what appears to be an excessive limitation of the personal liberty of victims, as well as disrespect for their privacy. GRETA stresses the need for greater awareness amongst staff working with victims of trafficking of the need to respect the confidentiality of victims' personal data and victims' privacy. Any limitation of the personal liberty of victims of trafficking should always be proportionate to the objectives aimed at by such limitation.

121. Generally speaking, GRETA's evaluation reports point to a shortage of safe and appropriate accommodation for victims of trafficking. Gaps in victim support services typically include lack of specialised shelters, limited number of places in shelter accommodation, uneven availability of accommodation and services in different parts of the country, lack of long-term options for survivors who continue to need assistance, and inadequate funding.

122. In **Belgium**, three NGOs (Pag-Asa, Payoke and Sürya, located respectively in Brussels, Antwerp and Liège) have been given the status of official assistance providers to victims of trafficking pursuant to the Royal Decree of 18 April 2013. They run specialised and secure reception centres for all adult victims of trafficking, irrespective of sex, type of exploitation, nationality or immigration status and where they were detected. In certain cases, victims may be housed in transit flats or other accommodation after a stay in a specialised reception centre (which lasts up to six months on average) or directly, depending on their needs. Each centre has a multidisciplinary team including educators, criminologists and social

workers. In addition to accommodation, the centres provide legal aid, psychosocial support and medical assistance. However, there are no legal provisions on the financing of the activities of the three specialised centres. GRETA was concerned that the financing of the three specialised centres had deteriorated and urged the Belgian authorities to secure adequate funding to them in order to ensure their unimpeded operation and the provision of all assistance measures envisaged in Article 12 of the Convention.

123. In **France**, accommodation for victims of trafficking is provided in the framework of the Ac.Sé national secure reception system, which is a network grouping together 45 accommodation and social reintegration centres (CHRS) and reception facilities, and 23 specialised NGOs. The Ac.Sé is funded through an agreement concluded by the Ministry of Justice, the Ministry of Family Affairs, Children and Women's Rights and the City of Paris with the NGO ALC. The Ac.Sé system provides a total of 70 places. The funding in the period 2016-2018 stood at €220 000 per year. In practice, assistance is provided to victims without distinction in terms of nationality or gender, and is not conditional on the victim's willingness to co-operate with the police services, nor their immigration status. However, the Ac.Sé system is saturated, which results in waiting periods. Furthermore, the precarious administrative situation of some foreign victims can pose a problem in gaining access to CHRS in departments where places are not allocated to persons in an irregular situation.

124. In the **Republic of Moldova**, victim assistance is provided by specialised state-run centres. At the time of GRETA's second evaluation, there were seven centres for assistance and protection of victims and potential victims of human trafficking, with a total of 146 places, which was about twice as many places as at the time of the first evaluation. The centre in Chisinau is directly funded from the State budget, while the remaining six centres receive State funding through local budgets. In 2014, about 6.8 million MDL (about €340 000) were spent for the running of these centres. However, this funding was only sufficient to cover staff salaries and the maintenance and running costs of the centres, which is why their proper functioning required support from external donors.

125. In **Romania**, as a rule, the shelters accommodate only victims originating from the same county because the Anti-Trafficking Law provides that shelters shall be financed by the counties rather than at the central level, and most counties are reluctant to pay for victims originating from other administrative entities, especially as there is a perpetual lack of funds. GRETA has stressed that the choice of location of accommodation for a victim of trafficking should be in accordance with the risk assessment rather than prior residence since in some cases, the victim may need to be accommodated in a place far from where persons complicit in her/his recruitment and/or exploitation may live.

126. In **Ireland**, there are no dedicated shelters for presumed victims of trafficking. Such persons are provided with full board accommodation and ancillary services through the Reception and Integration Agency (RIA), whose primary function is to provide appropriate accommodation and support to asylum seekers while their application for asylum is being processed. RIA operates a number of asylum seekers accommodation centres across Ireland, the running of which has been tendered to

companies. The centres are open in the sense that the residents are not detained, and all but one of them are mixed, accommodating families as well as single women and men. GRETA has stressed that these centres do not provide an appropriate environment for victims of trafficking. The mixing of men and women can expose vulnerable women to sexual harassment, grooming and exploitation. There is a lack of privacy, victims sharing bedrooms with up to three other persons. Staff who are employed by private contractors as well as visiting medical staff are not sensitised to the situation and needs of victims of trafficking, and are generally not aware of who the victims of trafficking are, which creates difficulties to apply a personalised approach. Further, there are possibilities for traffickers to contact victims, as the addresses of RIA centres are known, which may cause further distress to victims. Moreover, the dispersal policy of RIA results in victims of trafficking being moved away from NGOs providing them with comprehensive services and support. GRETA has urged the Irish authorities to review as a matter of priority the policy of accommodating presumed victims of trafficking in accommodation centres for asylum seekers, with a view to ensuring that the accommodation is gender-sensitive, appropriate and safe, and that victims are provided with specialised services. As a first step, the authorities should set up as a pilot a specialised shelter, with dedicated, trained personnel. In addition to better support and protection of the victims, this would also be in the interest of the investigation.

127. In **Azerbaijan**, the State shelter for women, men and children victims of trafficking in Baku, with a capacity of 54 beds, was under-used in relation to its capacity, while the two shelters run by NGOs were operating at maximum capacity and State officials indicated that they often referred victims to the NGO-run shelters. GRETA was informed that the shelters run by NGOs were preferred by victims because they offered a more personalised and less regimented environment than the State shelter. Female victims in particular reportedly feel isolated at the high-security State shelter, which residents generally do not leave unaccompanied. The Ministry of Labour and Social Protection of the Population periodically issues tenders for NGO services, but so far shelters run by NGOs have not received funding from the Ministry as public grants can only be awarded to accredited NGO shelters, and there is no clear mechanism in place for an NGO shelter to become accredited.<sup>18</sup>

128. In **Cyprus**, there is a State shelter for female victims of sexual exploitation, but victims choose not to stay at this shelter because they feel locked in and there are no programmes of activities to fill their time. Victims receive €17 per week while staying in the shelter and many are keen on getting to work as soon as possible. GRETA stressed that the provision of timely assistance to victims of trafficking is essential for encouraging victims to remain in Cyprus for long enough to serve as witnesses in trials against traffickers and urged the Cypriot authorities to ensure that safe and suitable accommodation is provided for all victims of trafficking, according to their needs.

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18. IOM, *Needs Assessment: Counter-trafficking Response in the Republic of Azerbaijan*, 2016, page 19.

## **Male victims**

129. While most evaluated countries take due account of the needs of female victims of trafficking, a number of countries still fail to offer assistance services, including accommodation, to male victims of trafficking. GRETA has stressed that assistance and protection measures, including safe accommodation, should also be provided to male victims of trafficking.

130. The second evaluation round has brought to light some improvements in certain countries when it comes to assisting male victims of trafficking. For example, in **Austria**, a support centre for male victims of human trafficking was set up in early 2014, run by the NGO MEN VIA, and financially supported by the Federal Ministry of Labour, Social Affairs and Consumer Protection.

131. In **Luxembourg**, in 2017, the Ministry of Equal Opportunities officially contracted the InfoMann service to care for male victims of trafficking. InfoMann operates two flats reserved for male victims of trafficking. Other measures of assistance, including psycho-social support, are provided by the assistance services.

132. In **Norway**, in May 2016 the Salvation Army opened a shelter in the Oslo area with four beds for male victims of trafficking and/or couples. Initial funding for one year was provided by the Ministry of Justice and Public Security. The shelter is staffed by up to six persons from a range of professional backgrounds, with at least one staff member present at any time.

133. In **Portugal**, a shelter for male victims of trafficking was opened after GRETA's first evaluation visit, run by the NGO Saúde em Português. The shelter has a capacity of eight places (plus an additional place in case of emergency). From its opening in 2013 until the visit of the GRETA delegation in April 2016, 31 men had been accommodated in the shelter. The average stay of the victims was one year, but in one case a victim had spent two years at the shelter. The shelter was staffed around the clock and the staff team comprised social workers and lawyers. Victims were provided with language courses, vocational training and assistance with finding jobs.

134. However, in several countries, there are still no shelters or crisis centres providing assistance to male victims of trafficking, or the availability of places is very limited. GRETA is concerned by this continuing lacuna, which is all the more worrying given the increasing number of male victims. GRETA has urged the authorities of the countries concerned to provide assistance, including safe accommodation, adapted to the specific needs of male victims of trafficking. A needs assessment should be carried out and on the basis of it a plan made for the provision of services tailored to the needs of male victims.

135. In **Armenia**, the assistance provided by NGOs is accessible to both women and men, but shelter accommodation is envisaged only for women victims of trafficking. Representatives of public bodies are of the view that there is no need for separate shelters for men victims of trafficking, as their number is low and they prefer to return to their homes and receive out-of-shelter assistance.

136. In **Bosnia and Herzegovina**, the available assistance is geared towards female victims, in particular of sexual exploitation. No specific accommodation or other assistance is foreseen for male victims, with the exception of four places provided by "IFS-Emmaus". There are no structures for providing assistance to victims of trafficking outside shelters. This would fall under the responsibility of social welfare centres which, however, do not have human and financial resources to deal with trafficking cases.

137. In **Spain**, since 2014, the Ministry of Employment and Social Security has provided funding to the NGO Foundation Cruz Blanca for a shelter with four places for men in vulnerable situations or at risk of social exclusion, in Huesca (Aragon), which also receives male victims of trafficking. The number of referrals is high and the shelter is usually full. Most of the victims have been exploited in agriculture, often in remote, isolated farms, but there have also been male victims of sexual exploitation. In addition, in Madrid, Foundation Cruz Blanca offers support (legal, psychological, social, assistance to find work) to male victims who do not access accommodation because no places are available or they do not need it. GRETA urged the Spanish authorities to comply with their obligations under Article 12 of the Convention and to provide assistance, including safe accommodation, adapted to the specific needs of male victims of trafficking.

## **Child victims**

138. In the case of child victims of trafficking, the assistance must be adapted to their specific needs and the particular psychological and psychosocial harm that they may suffer, including appropriate accommodation, access to education and vocational training, taking into account the best interests of the child. GRETA recalls the comprehensive nature of the Convention's obligation to provide assistance to child victims of trafficking. Such assistance should be provided within the framework of a National Referral Mechanism (NRM) for trafficked children, which itself should be integrated into the general child protection system, bringing together social, health and education services, in line with Council of Europe and other international standards and policies.<sup>19</sup>

139. 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. The absence of specialised shelters for child victims of trafficking is a common problem in most Parties to the Convention and GRETA has urged the authorities to provide appropriate accommodation for child victims. At the same time, in its 6th General report, GRETA has highlighted some positive practices from countries which have set up specialised shelters for child victims of trafficking.<sup>20</sup>

140. Because of the absence of specialised facilities or a shortage of places in specialist child-welfare institutions, child victims of trafficking are sometimes placed in detention institutions. GRETA understands that a balance needs to be struck between preventing child victims of trafficking or children at risk of being trafficked from absconding from shelters and avoiding actual detention of children. However,

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19. See 6th General Report on GRETA's activities (2017), p. 138.

20. See 6th General Report on GRETA's activities (2017), pp. 54-55.

placement of a child in a detention institution should never be regarded as appropriate accommodation. In this context, GRETA recalls paragraph 155 of the Explanatory Report on the Convention and Article 37(b) of the UN Convention on the Rights of the Child, according to which any detention of children shall be used only as a measure of last resort and for the shortest possible period of time.<sup>21</sup>

141. In **Armenia**, there are no specialised shelters for child victims of trafficking, who may be accommodated in other types of institutions for children or may be assisted in day care centres and institutions for social protection. The Armenian authorities consider that there is no need for separate shelters for child victims of trafficking due to the low number of such victims and the fact that they do not always need to be placed in a shelter. If need arises, boys can be accommodated in the shelter of the NGO Hope and Help and girls in the shelter of the NGO UMCOR. In practice, most of the trafficked children are special school students and they are returned to these institutions. In other cases trafficked children are returned to their families and the support provider works with the whole family.

142. In **Bulgaria**, at the time of GRETA's second evaluation visit in 2015, there were 16 crisis centres for child victims of violence and other forms of abuse, including trafficking, with a total of 161 places. In addition, child victims of trafficking can be accommodated in other facilities, such as centres for temporary placement of homeless children, run by the police, or shelters for children. There are also reports that child victims of trafficking have been placed in juvenile delinquency institutions (correctional boarding schools, socio-pedagogical boarding schools and homes for the temporary accommodation of children). All these institutions are of the closed type, children not being allowed to leave them.<sup>22</sup> According to a report by the Bulgarian Helsinki Committee, which visited a number of child institutions in Bulgaria, these institutions in general did not manage to provide the needed care and protection for child victims and the requirements for placement were not always respected (e.g. the judge's decision was delayed; children were kept for longer than the maximum provided for in law). The mixing of different categories of children with different needs has also been highlighted as a problem. GRETA urged the Bulgarian authorities to provide adequate support and services which are adapted to the needs of child victims of trafficking, including appropriate accommodation, access to education and vocational training.

143. In **Georgia**, child victims of trafficking share accommodation with adults in the two State Fund shelters, as no separate accommodation is available. A report of the Public Defender's Office highlighted the absence of a separate programme for assistance to child victims of trafficking and the lack of specialised social workers and child specialists. On 7 August 2015 the State Fund amended the internal regulations of the two shelters and introduced the service of child carer for child victims of human trafficking and children accompanying adult victims. Further, on 10 August 2015, the Director of the State Fund approved the procedure for drawing up individual

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21. See also the Council of Europe's Strategy for the Rights of the Child 2016-2021 and the UN Guidelines on Alternative Care for Children.

22. In the case of *A. and others v. Bulgaria*, the European Court of Human Rights found that placing a child in a crisis centre amounted to deprivation of liberty under Article 5 of the ECHR.

rehabilitation plans for child victims of trafficking and children accompanying their parents accommodated in the shelter.

144. In **the Netherlands**, GRETA visited the Fier Fryslân shelter, which has 45 places for Dutch girls victims of “pimp boyfriends” (out of a total of 250 places for different categories of vulnerable children). The staff comprises social workers, psychologists and psychiatrists. Different degrees of restrictions are imposed on residents, depending on the stage of their rehabilitation. During the first month, they are not allowed to leave the shelter and have no access to phones or the Internet. After the first month the restrictions are gradually lifted, depending on progress. New SIM cards are provided to ensure that no previous contact numbers remain. For the first phase of rehabilitation, there is a school on-site, but subsequently the girls can attend schools in the community. Vocational training is provided in a bakery and a sewing workshop and there are also sport facilities. The location of the shelter is not secret, but there are security guards on the premises around the clock.

145. In **Norway**, pursuant to Section 4-29 of the Child Welfare Act, children of 12 years or above who are suspected of being victims of trafficking can be placed in institutions where their freedom of movement and the right to use telephone and Internet are restricted as a means of ensuring their protection while the police are investigating the case. Permission from the police is required for a child to be temporarily brought out of the institution, for any purpose. The placement is decided by the county social welfare boards, which in this context act as state tribunals and must review the need for the placement every six weeks. No placement may last longer than six months and children have access to a lawyer, who can challenge the placement decision by the county social welfare board in court. A report by Save the Children noted that placement in an institution of presumed child victims of trafficking against their will may be disorienting and traumatising for the children as they are faced with adults representing a system they do not understand, who say that they are going to help them but who place them in an institution which they cannot leave and the location of which they are told they are not, for security reasons, allowed to know.<sup>23</sup> GRETA asked the Norwegian authorities to keep under review the application of Section 4-29 of the Child Welfare Act.

## Subsistence

146. As specified in paragraph 156 of the Explanatory Report on the Convention, material assistance is intended to give victims the means of subsistence because many victims, once out of the traffickers’ hands, are totally without material resources. Material assistance is distinguished from financial aid in that it may take the form of aid in kind (for example, food and clothing) and is not necessarily in the form of money. The risks of exploitation of victims of trafficking struggling to make ends meet are considerable, especially for those with mental or physical disabilities or experiencing discrimination based on age or gender.

23. Save the Children, *De sa du må* (“They said you have to”), April 2016, p. 61.

147. In this context, GRETA refers to the conclusions of the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings report "Trafficking in Human Beings Amounting to Torture and Other Forms of Ill-Treatment", according to which "regular support payments, beyond mere subsistence (i.e. sufficient for the welfare and well-being of victims) should be provided. Support levels that are below subsistence risk further harm and/or exploitation (for example on-street prostitution or forced labour)".<sup>24</sup>

148. In **Cyprus**, the Social Welfare Services previously provided financial support to male victims of trafficking which included a component for accommodation expenses, as well as to female victims who did not wish to stay in the State shelter. This practice changed in July 2014 with the entry into force of the Law on Minimum Guaranteed Income (Law 109(I)/2014), according to which victims of trafficking are eligible for a guaranteed minimum income which amounts to €480 per month, on top of which support towards covering accommodation costs is added. Under the new scheme, victims' earnings from gainful employment no longer result in the complete end of public financial support, but the amount earned is taken into account when calculating the support, which can be progressively decreased depending on the income. Following the entry into force of the Law on Minimum Guaranteed Income, there was a large number of applications submitted from different categories of persons, causing delays in the granting of support. According to civil society representatives, it could take up to five months for the administrative procedures for the granting of financial and other forms of support to victims, and in the meantime, victims of trafficking for the purpose of labour exploitation did not receive any assistance.

149. In **France**, trafficking victims may receive asylum seeker's allowance (*allocation pour demandeurs d'asile* – ADA). The allowance, reserved for certain categories of foreign nationals, is paid by the national employment agency for 12 months and stood at €343.50 a month in 2016. However, civil society organisations pointed to diverging practices in granting the allowance, depending on the prefectures and the French Office of Immigration and Integration (OFII) subdivisions responsible for the allowance. Moreover, the asylum seeker's allowance is available only to third-country nationals. Victims over 25 years of age can claim the "active solidarity income" allowance (*revenu de solidarité active* - RSA), which stood at €535.17 in September 2016 (it is available to 18 to 25 year-olds only if they have worked for two of the last three years).

150. In **Malta**, if victims or potential victims of trafficking are without financial means, they may, in addition to being provided with free accommodation and food, apply for a small allowance for purchasing food and personal necessities. There is no fixed daily rate for such financial support, but it corresponds to that given to asylum seekers. Civil society representatives pointed out that the low level of financial support may force trafficking victims to accept any job offer, thereby putting them at risk of exploitation.

151. In the **United Kingdom**, the Home Office decided to reduce the subsistence payments received by victims of trafficking who are asylum seekers during the recovery

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24. OSCE, *Trafficking in Human Beings Amounting to Torture and Other Forms of Ill-Treatment* (2013), Vienna.



and reflection period, from £65.00 to £37.75 per week (i.e. by 40%), as of 1 March 2018. On 30-31 October 2018, a Judicial Review claim was heard in the Administrative Court (at the Royal Courts of Justice) Court of Appeal in the case of *AM and K v Secretary of State for the Home Department* (CO/2294/2018). The two claimants were presumed victims of human trafficking who were affected by the reduction. The judge found that the position since 1 March 2018, where presumed victims of trafficking who are asylum seekers received £37.75 and non-asylum seeking victims £65.00 per week, is discriminatory, and asked the Home Office to make back-payments. In the light of the court judgment, the Home Office launched a repayment scheme, to ensure that those affected by the change receive a full back payment.

## Medical assistance

152. Medical assistance is often necessary for victims of trafficking who have been exploited or have suffered violence. The assistance may also allow evidence to be kept of the violence so that, if they wish, the victims can take legal action. While the identification process is on-going, during the recovery and reflection period, emergency medical treatment must be guaranteed to all victims of trafficking, regardless of citizenship or legal status. In this respect, GRETA refers to Article 13 of the revised European Social Charter, which recognises the right of any person who is without adequate resources to social and medical assistance. Full medical assistance is only envisaged under the Convention for victims lawfully resident in the Party's territory who do not have adequate resources and need such help (Article 12, paragraph 3, of the Convention).

153. In the majority of countries, access to medical assistance for victims of trafficking did not pose particular problems, but in several countries,<sup>25</sup> GRETA made recommendations to either make provision for victims' access to emergency medical care or to improve the existing access.

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25. Bosnia and Herzegovina, Bulgaria, France, Republic of Moldova, Poland and Romania.

154. In **Albania**, Law No. 141/2014 amended Law No. 10383/2001 on Compulsory Health Insurance, entitling victims of trafficking to free access to health care. Victims must be issued with a card entitling them to free access to medical care provided outside shelters. This would enable victims suffering from psychiatric problems who cannot be cared for by the shelters to receive care and, if necessary, be hospitalised. The Ministry of the Interior was expected to draw up lists of beneficiaries to be forwarded to the Directorate General of Social Security, which will then contact the competent regional authorities.

155. In **Armenia**, while free access to medical assistance for victims of trafficking is provided for in law, in practice, the realisation of this right is sometimes curbed by bureaucratic formalities. The organisation assisting a victim has to apply to the Ministry of Labour and Social Affairs, specifying the examination or treatment needed. On the basis of this request, the Ministry of Labour and Social Affairs asks the Ministry of Health to issue a "referral slip" for the victim concerned. This process may take up to three days. GRETA was informed that medical institutions were not always ready to provide free-of-charge services to victims of trafficking on the basis of the "referral slip". According to the Armenian authorities, such situations were resolved through a direct intervention by the Ministry of Health official responsible for the human trafficking issue and urgent medical assistance could be arranged immediately by phoning the responsible official of the Ministry of Health.

156. In **Austria**, pursuant to Section 9 of the General Social Security Act, specific groups which have no income and otherwise would not be part of the statutory health system can be included in it by a decree of the Federal Ministry of Labour and Social Affairs. This decree refers to asylum seekers (who are covered by the federal minimum guarantee) and vulnerable foreigners covered by Section 2 of the basic provision agreement (*Grundversorgungsvereinbarung*) between the Federal Government and the *Länder*. Therefore victims of trafficking in human beings who fulfil one of these criteria can be included in the statutory health system. Third-country nationals are entitled to "basic provision", including medical care, according to the basic provision agreement as well as the regional laws on basic provision. However, trafficked EU citizens cannot be insured before receiving a registration certificate, which may be difficult to obtain. The maintenance of a network of doctors and the co-operation with a Vienna-based organisation providing basic health care for uninsured people implies a significant effort for LEFÖ-IBF. GRETA was informed that difficulties arise since the quality of free health care is not comparable to paid health care services.

157. In **Bulgaria**, the provision of health care to victims of trafficking, who often lack medical insurance because no contributions have been made to the State Health Fund, is limited to emergency care and thus remains highly problematic. The funding provided by the Agency for Social Protection to crisis centres does not cover health care.

158. In **France**, access to health care for trafficking victims depends on the person's residence status. Those illegally present on the territory for at least three months receive state medical aid for the duration of one year, subject to their resources. Otherwise, the costs of emergency care will be covered. Victims who hold a residence permit application certificate or asylum request certificate benefit from universal sickness coverage, which covers the costs of all medical care. However, some NGOs

indicated that, in practice, victims sometimes run into difficulties in accessing health care. The example was given of a victim who was refused state medical aid by the sickness insurance fund on the grounds that she was unable to supply a copy of a valid passport (which had been confiscated by the traffickers). GRETA urged the French authorities to take all necessary steps to allow effective access to health care.

159. In **Iceland**, victims and possible victims of trafficking are entitled to emergency health care, regardless of their immigration status. They are also guaranteed health services pursuant to Regulation No. 50/2017 on health services for persons without health insurance. The Ministry of Health has arranged for possible victims of trafficking to have access to health care at the Primary Health Care Centre and psychological assistance is provided by a special team at *Landspítali* (the National University Hospital).

160. In the **Republic of Moldova**, Section 20, paragraph 2, of the Anti-Trafficking Law stipulates that victims of trafficking shall benefit "from the minimum package of social and medical assistance". GRETA was informed that the Ministry of Health appeared to interpret the right of trafficked persons to free medical assistance as a right to a primary free consultation with a family doctor, and considered that the provision of other medical services should be the responsibility of the local authorities. However, the local authorities lack the resources to cover such services. Problems also arise if victims of trafficking who have no medical insurance need to be hospitalised.

161. In **Poland**, GRETA was informed that emergency health care was provided to victims of trafficking without any problems. However, access for victims of trafficking to public health care for non-urgent treatment remained problematic. Victims of trafficking are provided with medical services pursuant to the 2004 Law on Health Care Services Financed from Public Funds. While it is stated in this law that Polish and EU citizens and third-country citizens with a residence permit, as well as refugees and persons granted subsidiary protection, are covered by the health insurance necessary for benefiting from medical services, third-country citizens whose stay in Poland is irregular - which is the case of a number of victims of trafficking - do not appear to benefit from these provisions.

162. In **Romania**, many victims do not have health insurance and therefore can only receive short-term emergency medical assistance. NGOs try to fill this gap by paying for medical assistance to the best of their abilities.

## Counselling, information and legal assistance

163. Two common features of victims' situation are helplessness and submissiveness to the traffickers due to fear and lack of information about how to escape their situation. Article 12, paragraph 1, sub-paragraph d, of the Convention provides that victims are to be given counselling and information, in particular as regards their legal rights and the services available to them, in a language that they understand. Further, pursuant to Article 15 of the Convention, Parties must ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings in a language they can understand.



164. The information that victims of trafficking must be provided with deals with matters such as availability of protection and assistance arrangements, the various options open to the victim, the risks they run, the requirements for legalising their presence in the Party's territory, the various possible forms of legal redress, how the criminal-law system operates (including the consequences of an investigation or trial, the length of a trial, witnesses' duties, the possibilities of obtaining compensation from persons found guilty of offences or from other persons or entities, and the chances of a judgment's being properly enforced). The information and counselling should enable victims to evaluate their situation and make an informed choice from the various possibilities open to them.<sup>26</sup>

165. Article 12, paragraph 1, sub-paragraph e, of the Convention deals with general assistance to victims to ensure that their interests are taken into account in criminal proceedings. Article 15, paragraph 2, of the Convention deals more specifically with the right to a defence counsel.

166. GRETA notes that in general, more information is needed for victims of trafficking, including children, regarding their legal rights and obligations, the benefits and services available and how to access them, and the implications of being recognised as a victim of trafficking. Law enforcement officers do not always properly explain to victims their rights even if there are legally obliged to do so. This concerns in particular the right to a recovery and reflection period and the right to protection of privacy and safety.

167. GRETA's reports highlight the value of a lawyer being appointed as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before the person makes an official statement and/or decides whether to co-operate with the authorities. Early access to legal assistance is also important to enable victims to undertake civil actions for compensation and redress. A common problem is the low rate of remuneration paid to lawyers as part of State-funded legal aid programmes, which is disproportionate to the amount of work that is to be performed. In practice, victims are largely dependent on NGOs for the provision of specialised legal aid, whereas NGOs are dependent on donors who are willing to fund legal assistance or lawyers who are willing to work pro bono.<sup>27</sup>

26. See Explanatory Report on the Convention, paragraphs 160-162.

27. See Marjan Wijers, Report from the lawyers' networking meeting "Improving access to justice to trafficked persons", organised by the Council of Europe on 22-23 November 2016 in Strasbourg, France.



168. Many victims do not speak, or barely speak, the language of the country they have been brought to for exploitation. Ignorance of the language adds to their isolation and is one of the factors preventing them from claiming their rights. The provision of translation and interpretation, where needed, is an essential measure for guaranteeing access to rights, which is a prerequisite for access to justice.

169. Telephone helplines are operated for victims of trafficking in most countries, providing counselling and information in a variety of languages, and referring persons in need to assistance. Further, specialised shelters for victims of trafficking, in particular those run by NGOs, employ interpreters and cultural mediators, who are sometimes former victims of trafficking. However, in a number of countries GRETA has stressed the need for ensuring the availability, quality and independence of interpreters.

170. In **Belgium**, GRETA was informed that as a consequence of financial cuts for the three specialised centres, the centres had had to lay off staff members, decrease the budget envisaged for interpretation services and remove the expenses for lawyer's fees from their budgets. Legal representation of victims of trafficking had become more difficult, the centres no longer being in a position to pay for such services. As a result, *pro bono* lawyers represent victims of trafficking at a very late stage (sometimes only when the file arrives in court). This leads to failure to sufficiently take into account the interests of the victims (for instance, not requesting the seizure of assets of suspected traffickers in criminal proceedings). According to a lawyer specialised in representing victims of trafficking, one solution could be to provide in law that legal assistance to victims of trafficking is free of charge, regardless of their income, and recover the cost of the legal assistance from the traffickers once the court decision has been rendered.

171. In **Ireland**, the Legal Aid Board is responsible for providing free legal advice to presumed victims of trafficking in relation to their status in Ireland, seeking redress through the employment protection legislation, information on what is involved in the criminal trial as a victim/witness, information of compensation, information on voluntary return, and criminal matters related to the trafficking offence. There is no means test involved prior to accessing the available legal services. The Legal Aid Board has issued a leaflet "Potential Victims of Human Trafficking", updated in August 2015, which contains information, *inter alia*, on the right to compensation.

172. In **the Netherlands**, the Legal Aid Board (LAB) is entrusted with the implementation of the legal aid system. Victims of violent crimes and sexual offences, including trafficking, are exempted from an income-related contribution. Trafficking victims are entitled to a free lawyer from the first contact with the authorities until the end of the proceedings. They can choose their own lawyer who submits an application to the LAB on behalf of his or her client. To be entitled to accept legal aid cases, private lawyers need to be registered with the LAB and comply with a set of quality standards, which are set by the Bar. Lawyers are paid by the LAB according to a fixed tariff.

173. In **Norway**, a change was made to the general rule for free legal aid to all victims of crime considering if they should file a complaint with the police. It was decided that lawyers should receive a salary for three hours as a rule. However, since trafficking cases are more complex, lawyers providing legal aid to victims of trafficking are not limited to this general rule and presumed victims of trafficking in practice receive 6-10 hours of free legal aid before applying for a recovery and reflection period. The legal aid is paid for by the county authorities. Should a victim file a complaint with the police and a prosecution follow, a lawyer will be appointed for the victim without limits to the hours of free legal aid. If the victim does not have a preferred lawyer, one will be appointed by the court from a list of lawyers onto which interested lawyers can be added through regular calls for interest. Further, persons on low income may get granted further free legal aid for particular purposes, such as seeking compensation from the Compensation Authority for Victims of Crime. NGOs providing support to victims of trafficking co-operate with specialised lawyers.

174. In **Sweden**, the municipal authorities have expressed concern at the lack of interpreters available for unaccompanied and separated migrant and asylum-seeking children and the varying standards of interpretation, adding to difficulties in communicating effectively with the children.<sup>28</sup> In 2016 a Human Rights Watch report on unaccompanied children in Sweden noted limited interpretation or cultural mediation services.<sup>29</sup>

### Psychological assistance

175. Psychological assistance is needed to help victims of trafficking overcome the trauma they have been through and achieve a sustained recovery and social inclusion. Some victims require long-term therapeutic attention due to the violence that they have suffered. Every victim of trafficking should have a clinical assessment tailored to include an evaluation of their particular readiness for therapy conducted by an experienced clinician.<sup>30</sup>

176. While access to psychological assistance forms part of the package of assistance measures to which victims of trafficking are entitled by law, in many countries there are lacunae when it comes to the practical implementation of this provision,

28. Länsstyrelsen i Stockholm (CABS), *Report on Missing Unaccompanied Minors in Sweden* (2016), p.20 and p. 31.

29. Human Rights Watch, *Seeking Refuge: Unaccompanied Children in Sweden* (2016).

30. OSCE, *Trafficking in Human Beings Amounting to Torture and Other Forms of Ill-Treatment* (2013), Vienna, p.115.



such as delays in access to psychiatric and psychosocial support, or shortage of psychotherapists able to deal with trauma.

177. In **Georgia**, the report of the Public Defender's Office for 2013-2014 noted the lack of psychological specialist support in the Tbilisi shelter for victims of trafficking, the fact that the director of the shelter was a psychologist by specialisation not being considered as sufficient. The authorities informed GRETA that as of August 2015 the Tbilisi shelter employs a psychologist.

178. In **Ireland**, there is no dedicated statutory psychological assistance for victims of trafficking and the counselling services provided by NGOs, such as Ruhama, are not sufficient.

179. In the **United Kingdom**, difficulties have been reported where service providers cannot provide access to psychological support during the recovery and reflection period and possible victims have to go through the National Health Service where waiting lists are sometimes several weeks or even months long.<sup>31</sup>

## Social and economic (re)integration

180. Depending on the trafficking experience, some trafficking victims may return to their countries and families/communities of origin, while others have to integrate new countries or communities. In some cases, return, even when voluntary, will not be possible, owing to on-going safety and security concerns or humanitarian considerations, which is why States should have the capacity to provide both short-term and long-term solutions as alternatives to return.<sup>32</sup>

181. Article 12, paragraph 4, of the Convention requires State Parties to enable victims of trafficking who are lawfully present in the country to have access to the labour market, vocational training and education. Further, Article 16, paragraph 5, of the Convention obliges each Party to establish repatriation programmes by the

31. Anti-Trafficking Monitoring Group (ATMG), *Hidden in Plain Sight* (2013), p.39.

32. OSCE/ODIHR, *Guiding Principles on Human Rights in the Return of Trafficking Persons*, Warsaw (2014), p.22.

adoption of legislative or other measures, aiming at avoiding re-victimisation. This provision is addressed to each Party, which is responsible for putting in place the measures provided for. At the same time, each Party should make its best efforts to favour the social reintegration of the victims.<sup>33</sup>

182. The process of recovery and successful social inclusion following a trafficking experience can be lengthy and complex. In addition to measures to ensure the personal safety and mental and physical well-being, it requires steps to promote the economic and social inclusion of survivors of trafficking and enable a reasonable and sustainable standard of living, thus preventing future trafficking episodes. Destitution pushes survivors back to the hands of the traffickers. Survivors of trafficking therefore need access to suitable and sustainable accommodation, and continued provision of specialist support and care.

183. An important element of the (re)integration of trafficked persons is their economic empowerment, which can be achieved through job placement, microbusinesses and social enterprises.<sup>34</sup> A number of challenges have to be overcome in the process, such as insufficient education or professional skills, limited job opportunities, stigmatisation and discrimination, as well as practical barriers such as childcare and transportation.<sup>35</sup> GRETA stresses the need to develop public-private partnerships with a view to creating appropriate work opportunities for victims of trafficking.

184. Monitoring (re)integration programmes - from the perspective of both professionals and beneficiaries - is important in order to measure the impact of services and the success of the various stages of (re)integration.<sup>36</sup>

185. GRETA has stressed in its country evaluation report the need for measures to facilitate long-term assistance and reintegration of victims into society, including through vocational training and facilitating access to the labour market. GRETA notes a lack of systematic monitoring of the long-term impact of available programmes on the reintegration of victims. At the same time, GRETA has highlighted some promising practices in some countries.

186. In **Albania**, GRETA was informed that victims of trafficking enjoy priority access to jobs and are offered state-remunerated internships. Similarly, the NGO-run shelters seek the co-operation of employment agencies and potential employers to facilitate access to the labour market for victims of trafficking, which nevertheless remains difficult. The database set up in 2014 to collect information on victims of trafficking is updated to enable the different entities making up the Responsible Authority to track victims' progress and contribute to their reintegration. Civil society representatives pointed out that social services' monitoring of the reintegration phase was inadequate, chiefly as a result of understaffing. Moreover, trafficked victims do not have priority access to social housing. Under Law No. 2039 of 17 March 2011, every victim leaving a shelter must in principle receive ALL 3 000 (€21.50) a month until

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33. Explanatory Report on the Convention, paragraph 205.

34. Rebecca Surtees, NEXUS Institute, *Re/integration of trafficked persons: supporting economic empowerment*, Issue paper No. 4, King Baudouin Foundation (2012).

35. *Ibid.*, p. 29.

36. Rebecca Surtees, *Monitoring anti-trafficking re/integration programmes. A manual*, King Baudouin Foundation, Brussels and The Nexus Institute, Washington (2010).

they are able to find work. The authorities acknowledge that this amount is not enough to enable victims to lead independent lives. Only victims who have been accommodated in the shelters receive such benefits, and according to NGOs, victims are reluctant to collect the benefits from the relevant local authority departments because of the stigma attached to victims of trafficking.

187. In **Armenia**, after the termination of the assistance programme, victims often need longer-term support for their social reintegration. Victims of trafficking are not among the groups eligible for social housing, while about 40% of them are in need of such housing. The NGO UMCOR continues working with victims after they have left the shelter, even though this work is not funded by the State budget. The reintegration assistance aims at providing victims with vocational training, assistance in finding employment, solving housing issues, as well as medical assistance.

188. In **Austria**, an amendment to the Act on the Employment of Foreign Nationals entered into force on 1 July 2011, granting victims and witnesses of trafficking facilitated access to the labour market. The issuance of a work permit is thus no longer contingent on a labour market demand test. However, access to the labour market is rather restrictive for asylum seekers. There are no restrictions on asylum seekers becoming self-employed and GRETA was informed that women asylum seekers in particular were frequently driven into being self-employed sex workers.

189. Since 2013, victims of trafficking residing legally in **Bosnia and Herzegovina** have the right of access to the labour market. However, after leaving shelters, victims experience problems in finding accommodation, accessing social welfare, health care and the educational system, as well as finding employment. There are no State funds available for reintegration measures for victims of trafficking.

190. In **Croatia**, training is provided to victims of trafficking to ensure their access to the labour market. The Employment Service has taken special measures to facilitate the integration into the labour market of victims of trafficking as a vulnerable category of workers, including by subsidising jobs; employers who benefit from these subsidies are not informed of the particular vulnerability of the persons concerned. During the period 2012-2014, five adult victims of trafficking of Croatian origin (four male victims of labour exploitation and one female victim of sexual exploitation) benefited from a reintegration programme, which involved accommodation, psychological and social support, counselling, health care, and support in finding work.

191. In **Cyprus**, any trafficking victim who holds a temporary residence permit or certificate of identification, including those whose stay in the country was irregular, has the right to access the labour market through the Public Employment Services in the same way as Cypriot citizens. In the period 2011-2014, 75 victims of trafficking were registered with the Employment Services and 34 persons were referred to employers. However, many employers are not aware that victims of trafficking have the right to work or are reluctant to employ them due to the complex rules regarding the employment of migrant workers. Victims of trafficking only get residence permits for six months at a time, called "visitor visas", which makes employers even more disinclined to employ them, though victims of trafficking who can provide

evidence of offered employment are issued employment permits. A victim of trafficking who refuses the employment offered reportedly risks losing the different forms of assistance to which such victims are entitled, though this claim is denied by the authorities. GRETA has highlighted as a positive practice the support given by the private Frederick University, in co-operation with the NGO Stop Trafficking, which gives scholarships to victims of trafficking to enable them to pursue studies.

192. In **Georgia**, victims who do not need to be accommodated in shelters may require other types of assistance (medical and psychological assistance, information about their rights, vocational training, and facilitation of access to employment). In this respect, the possibilities for the State Fund to provide out-of-shelter assistance appear to be limited, especially for victims residing in rural areas. In its first evaluation report, GRETA recommended that the Georgian authorities address the lack of social workers available to assist victims of trafficking. Representatives of civil society and international organisations engaged in victim assistance informed GRETA that the situation remained unsatisfactory due to social workers' low remuneration and absence of specialised training. Representatives of the Ministry of Labour, Social Affairs and Family informed GRETA that the current caseload was 60-70 cases per social worker per month. There were 239 social workers in Georgia, with the Ministry envisaging an increase to 306 in the course of 2016. Training on trafficking issues is provided to social workers employed at the State Fund. GRETA recommended the provision of training on trafficking to all social workers in order to increase their outreach and enable them to effectively assist victims of trafficking.

193. In the **Republic of Moldova**, the National Agency for Employment takes steps to enable victims of trafficking to access the labour market. Victims of trafficking are registered at employment agencies, where they are provided with job mediation, counselling, training, participation in job fairs, and receive an allowance for vocational integration or reintegration. However, the reintegration of, and long-term assistance to, victims pose problems in practice. There is no social housing available, and victims go back to live with their family even if this is not a good solution. There are difficulties in particular in reintegrating victims without families or with disabilities. The municipality of Chisinau with the support of IOM runs a centre for orientation, vocational training and social reintegration that offers services to victims and potential victims of trafficking. The centre provides access to education and professional orientation and vocational training for a variety of job profiles. According to the authorities, in the period 2004-2015, 255 victims of trafficking found employment.

194. In **Montenegro**, the shelter for victims of trafficking, which is run by the NGO Montenegrin Women's Lobby, has limited means for reintegration measures. Victims are offered craft and jewellery workshops and IT courses. With the exception of a small one-time grant for the jewellery course, no funds were available for these activities. As the majority of the victims are from socially vulnerable groups and are illiterate, there are few possibilities to find a job for them when they finally leave the shelter. The authorities have indicated that in mid-2015 the Office for the Fight against Trafficking in Human Beings approved additional funding for the purchase of equipment and materials necessary for the implementation of reintegration programmes at the shelter. The authorities have also referred to a Protocol on co-operation signed by the Union of Employers of Montenegro and the Office for the

Fight against Trafficking in Human Beings which provides, *inter alia*, for assistance to victims of trafficking in the reintegration process, as regards employment opportunities for victims of human trafficking.

195. In **North Macedonia**, a Programme for Assistance and Support in the Reintegration of Victims of trafficking has been adopted. Individual reintegration plans are drawn up for victims of trafficking and centres for social work are responsible for following their implementation, in partnership with other institutions at the local level such as the Employment Service Agency, local self-government units and NGOs. The Ministry of Labour and Social Policy has organised training sessions on how to implement the reintegration programme. Two projects on the reintegration of victims, involving the Ministry of Labour and Social Policy and the NGOs Open Gate/La Strada and "Equal Access", were financially supported by the King Baudouin Foundation of Belgium and GIZ.

196. In **Norway**, a range of capacity-building activities are offered to victims of trafficking, including education, vocational training and access to the labour market for victims who are lawfully resident in the country, with a view to facilitating their rehabilitation and avoiding re-trafficking. In 2015 the Norwegian Parliament established a new grant scheme of 7 000 000 NOK (about €763 000) for measures to prevent trafficking and support victims, managed by the Ministry of Justice and Public Security. The Norwegian Red Cross runs a project entitled "Right to be Seen", which aims to build, develop and run activities that assist and empower victims of trafficking. The beneficiaries of this project are mostly victims of trafficking for the purpose of exploitation other than sexual exploitation, such as persons exploited as *au pairs*, domestic workers, drivers, or forced to commit criminal offences. Beneficiaries receive counselling and support to contact lawyers, the police and other relevant actors. As part of this project, the Red Cross and the Choice Hotel chain have started a programme through which victims of trafficking can undertake a three-month period of work practice in one of the hotels belonging to the chain. In 2015 eight victims of trafficking took part in this programme. Four of them were offered regular contracts at the hotels after completing the three-month period of work practice.

197. In **Serbia**, the 2014 Law on Employment of Foreigners introduces the right of foreign victims of trafficking to be granted a work permit for the duration of their residence permit. The NGO Atina, which operates safe houses for victims of trafficking, gender-based violence and sexual abuse among refugees and migrants, has opened a bagel shop which provides employment to victims of trafficking (in 2016 it provided jobs to 22 persons).

198. GRETA was informed that victims of trafficking who are returned to **Spain** under the Dublin III Regulation are not referred to specialised services or given assistance upon arrival in Spain. This puts them at risk of being re-trafficked if they are found by criminal networks as in many cases the victim may have fled Spain to escape from them. In some cases victims have been known to have undergone rehabilitation treatment in another EU country, which had to be interrupted when they were transferred to Spain.

199. In the **UK**, the government-funded support to victims of human trafficking lasts only during the recovery and reflection period of 45 days (although, in practice, the stay in a shelter may be longer because of the time it takes to reach a conclusive grounds decision whether a person has been trafficked or not). After the Competent Authority's conclusive grounds decision, the person has to leave the safe house where they have been accommodated, within 48 hours if the decision is negative, and within two weeks if it is positive. All service providers met by GRETA across the UK underlined that victims exiting NRM accommodation face difficulties in transitioning to independence and benefiting from other types of services to enable them to access housing, health care, employment or training. This makes victims very vulnerable and at risk of being re-trafficked. There is no hard data on what happens to victims after they exit the government-funded scheme, but there is evidential information in a report by the Human Rights Foundation highlighting concerns about victims' safety and barriers to integration.<sup>37</sup> In the absence of a government scheme, a number of NGOs offer services to victims after the conclusive grounds decision. For example, the Salvation Army's Victim Care Fund is available for subcontractors to support victims' reintegration. A pilot programme was developed to tackle the difficulty of reintegrating trafficked men back into society by supporting them in finding work, exiting the benefit system and becoming self-supported. This involved coaching sessions, group work, work placement and training opportunities. Further, the NGO HERA (Her Equality Rights and Autonomy) helps female victims of trafficking to set up their own business. For this purpose, HERA has set up an Entrepreneurship Training Programme and a network of businesswomen to act as mentors and share their professional knowledge. In Northern Ireland, the NGO Flourish helps trafficked women and men to find housing, develop professional skills, get financial and advice support, access legal advice and therapies. These are positive initiatives, but they place victims on a different footing depending on where they are assisted as there is no national approach to assistance and support after the conclusive grounds decision. GRETA urged the UK authorities and devolved administrations to make further efforts to ensure that all victims of trafficking are provided with adequate support and assistance, according to their individual needs, beyond the 45-day period covered by the NRM, with a view to facilitating their reintegration and recovery as well as guaranteeing their protection.

200. In the **Netherlands**, assistance to victims of trafficking is provided by an extensive network of organisations, including specialised shelters, women's shelters and youth care. There are three specialised shelters for adult foreign victims of trafficking who have been granted a reflection period, known as category-oriented shelters for victims of human trafficking (COSM), which are funded jointly by the Ministry of Justice and Security and the Ministry of Health, Welfare and Sport. The length of stay is limited to the three-month recovery and reflection period, but staff told GRETA that some victims had remained longer. GRETA was informed that there are no clear arrangements for support and accommodation beyond the three-month recovery and reflection period and *ad hoc* solutions have to be found by the municipalities.

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37. Human Trafficking Foundation, *Life Beyond the Safe House for Survivors of Modern Slavery in London* (2015), London.

201. In the case of children, there are special protection measures required by Article 16, paragraph 7, of the Convention, which states that child victims shall not be returned to a State if there is indication, following a risk and security assessment, that such return would not be in the best interests of the child. Further, Article 16, paragraph 5, of the Convention obliges Parties to establish repatriation programmes for children which take into account their right to education and to establish measures in order to secure adequate care or receipt by the family or appropriate care structure.<sup>38</sup> The ultimate aim must be to ensure that the return of a child is the durable solution, and as such addresses all the child's protection needs and takes into account the child's views.<sup>39</sup> Children should not be returned to their countries of origin if there are no guarantees that the family or special institution will provide for the child's safety, protection, long-term care and reintegration. The particular vulnerability of children, who may be trafficked by their own families or persons from the same community, calls for additional safeguards to ensure their recovery and (re)integration.

202. In **Bulgaria**, the authorities have adopted a "Co-ordination Mechanism for Referral, Care and Protection of Repatriated Unaccompanied Minors". Social workers play a central role in assisting child victims of trafficking. They meet repatriated children at the border, accompany them to the crisis centre, and make assessments concerning the child, including a social assessment of the family environment. However, there is a lack of effective monitoring of the children's re-integration, which decreases the chances of prevention of re-trafficking. According to research, the most acute weaknesses are observed at the stage of looking for long-term durable solutions and re-integration of child victims of, especially those of Roma origin (which, according to trafficking expert assessments, account for between 50 and 80% of trafficked children).<sup>40</sup> Boys trafficked for the purpose of sexual exploitation are reportedly not referred to assistance by the authorities and service providers. The trafficking of children for the purpose of pickpocketing and/or begging is most often done with the active collusion of the child's parents or relatives, but risk assessments are rarely conducted and no steps are taken to establish the complicity of the parents or caregivers in the trafficking of the children. The deprivation of parental rights is an extreme measure, rarely applied.

203. In **Romania**, the authorities have adopted Government Decision No. 1443/2004 on the repatriation of unaccompanied children and/or victims of trafficking, as well as the "Methodology for multi-disciplinary and inter-institutional intervention in cases of children exploited or at risk of exploitation through labour, child victims of trafficking and Romanian migrant children who are victims of other forms of violence in other countries". Child victims of trafficking are usually placed in emergency reception centres for unaccompanied, abused or neglected children, which are not specialised for victims of trafficking.<sup>41</sup> If the reintegration of a child victim of trafficking in its natural family is not possible or is not in his/her best interests,

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38. See Explanatory Report on the Convention, paragraph 205.

39. See UN Committee of the Rights of the Child (CRC) General Comment No. 6, paragraph 79.

40. Kamelia Dimitrova, Yva Alexandrova, *Countering New Forms of Roma Child Trafficking* (CONFRONT), Centre for the Study of Democracy, Sofia (2015).

41. Asociatia Pro Refugiu, *Legal analysis of the rights of trafficked persons: Romania* (2015), p. 50.

the child may be placed in the care of a member of the extended family or a professional child carer or placed in a residential institution. The appointment of legal guardians for child victims of trafficking who for one reason or another cannot be returned to their families is performed by a court in the territorial jurisdiction where the child resides or was found. In theory, the Department of Social Assistance and Child Protection (DGASPC) is responsible for monitoring the situation of repatriated children for at least six months after their return to Romania. However, according to a report by the NGO Terre des Hommes on child victims originating from Braila and Constanta, the DGASPC is not in a position to implement specific protection measures and child victims are returned to their parents, even if the latter were involved in the trafficking, which exposes them to the risk of re-trafficking. GRETA urged the Romanian authorities to ensure that proper risk assessment is conducted before returning children to their parents, taking into account the best interests of the child, as well as to review the application of the guardianship system for child victims of trafficking and paying increased attention to children who are trafficked by their parents or other family members.

## Role of civil society organisations

204. The Convention explicitly recognises the role of civil society organisations in fulfilling the purposes of the Convention, including when it comes to the provision of assistance to victims of trafficking. In accordance with Article 12, paragraph 5, of the Convention, assistance can be provided in co-operation with NGOs, other relevant organisations or other elements of civil society engaged in victim assistance. However, as pointed out in paragraph 149 of the Explanatory Report on the Convention, Parties remain responsible for meeting the obligations in the Convention. Consequently, they have to take the steps necessary to ensure that victims receive the assistance they are entitled to, in particular by making sure that reception, protection and assistance services are funded adequately and in a timely manner.

205. GRETA refers to the report by the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings which explored the role of civil society in the fight against trafficking in human beings.<sup>42</sup> NGOs often operate on the frontline, have first-hand contacts with marginalised groups vulnerable to trafficking, and can enable victims to access the assistance and support they are entitled to. Further, they can provide a safe and neutral environment in which trafficked persons can recover, as well as access to various effective support services. Moreover, NGOs often facilitate and enable referral of victims to public services.

206. Most countries have set up an institutional form of co-operation with specialised NGOs providing support to victims. In some countries, the provision of services to victims of trafficking is delegated to NGOs who are selected through public tenders or are subject to some form of licensing procedures. Other countries have adopted Memoranda of Understanding or protocols which specify the role of the NGO.

42. OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, *The Critical Role of Civil Society in Combating Trafficking in Human Beings* (2018), Vienna.



207. In Austria, Section 25 of the Security Police Act allows the Minister of the Interior to mandate an appropriate victim protection organisation to advise and support presumed victims of violence. LEFÖ-IBF has been commissioned by the Government to provide support to female victims of human trafficking from the age of 15 onwards. The financial resources provided to LEFÖ-IBF have increased over the years (from €480 000 in 2011, to €707 000 in 2014).

208. In **Italy**, the provision of assistance to victims of trafficking is implemented by NGOs which are selected through a call for tender by the Department of Equal Opportunities (DEO). In 2016, the funding disbursed by the DEO for victim assistance projects amounted to €14.5 million, which represented a significant increase compared to the funding in 2015 (€8 million). Regional and local governments provide additional funding for anti-trafficking projects. Projects currently run for 15 months and NGOs have to apply for a new call for tender to be able to continue their work. Given that most NGOs implementing assistance projects are small associations, it is difficult for them to work on the basis of 15-monthly projects in a sustainable manner.

209. In **Latvia**, the task of assisting victims of trafficking is delegated to two NGOs selected by the Ministry of Welfare on the basis of a public procurement procedure. At the time of GRETA's second evaluation visit to Latvia, there was a gap in the funding of assistance to victims of trafficking due to the delay in signing the new agreement. The annual budget allocated by the Ministry of Welfare for assistance to victims of trafficking increased from €87 794 in 2012 to €162 562 in 2015. GRETA was informed that this budget was calculated on the basis of an estimated 24 victims per year. When more victims are identified, the mandated NGO has to look for *ad hoc* solutions in order to cover the additional costs, which may result in shortening the duration of assistance provided to some victims.

210. In the **United Kingdom**, assistance to adult victims of trafficking is entrusted to different service providers. The Salvation Army was awarded a Victim Care Contract for the provision of services to victims in England and Wales. As prime contractor, the Salvation Army has access to over 200 units of safe accommodation across England and Wales, which allows for victims to be accommodated outside the area

of exploitation. Accommodation varies from single flats to shared houses with three to 12 places. Safe houses are available to meet the needs of male and female victims, pregnant women, single parents, families and couples. The annual amount spent on the support contract of the Salvation Army was GBP 4 million in 2013-2015. In Scotland, the Government provided funding for services to victims to two NGOs, TARA and Migrant Help (respectively GBP 317 900 and GBP 405 000 for the fiscal year 2016-2017). In Northern Ireland, the NGO Migrant Help was contracted by the Department of Justice to provide support to male victims of human trafficking, and Women's Aid to provide support to female victims.

211. In a number of countries, GRETA has noted the lack of funding for NGOs acting as service providers.<sup>43</sup>

212. In **Albania**, the National Reception Centre for Victims of Trafficking is entirely financed by the Ministry of Social Affairs and Youth. The funding of the three shelters managed by NGOs hinges essentially on international donors. The State has been providing funding towards meals in the shelters, but NGOs are suffering from a lack of resources. In 2015 the NGO Another Vision had to scale back its activities to cover only urgent cases for three months and staff worked unpaid. In 2015, the Ministry granted ALL 13 million (€93 500) to the shelters managed by NGOs, to be allocated to them via local authority budgets. This has enabled two of the NGOs to fund six employees but the third one, in Tirana, had not received any grant by the time of the visit.

213. In **North Macedonia**, public funding for assistance measures for victims of trafficking decreased significantly due to the significant strain on government resources caused by the influx of refugees and migrants. The previous, already rather limited, public funding available for the State shelter was cut to zero in 2015 and 2016. In addition, the yearly public grants amounting to approximately €5 000 for up to five NGOs specialised in trafficking were not awarded in 2015 and 2016.

214. In **Romania**, the National Agency against Trafficking in Persons (ANITP) concludes co-operation agreements with NGOs providing assistance to victims of trafficking. However, NGOs have relied to a great extent on international and private donors to fund the provision of assistance to victims of trafficking, including the employment of staff assisting victims, such as doctors, lawyers, psychologists and social workers.

215. When assistance is provided by different service providers, including NGOs, the national authorities must ensure that minimum standards are guaranteed to all victims of trafficking across the country, regardless of the service provider and the victim's place of residence, and that adequate funding is provided to maintain them. Further, there should be an effective supervision of the observance of the quality standards. In some countries, the authorities have involved NGOs in developing standards of care.

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

216. In the **United Kingdom**, the Human Trafficking Foundation, in partnership with service providers,<sup>44</sup> published the Trafficking Survivor Care Standards in 2015. A wide range of professionals were consulted, including lawyers, medical practitioners and clinical psychologists. The aim is to improve service provision by ensuring that adult survivors of trafficking consistently receive high quality care wherever they are in the UK. The care standards were endorsed by the Independent Anti-Slavery Commissioner and distributed to all police forces in England and Wales. In Northern Ireland, the care standards were taken into account in the 2016 revision of the operational guidance "Working Arrangements for Safeguarding the Welfare of Child Victims and Potential Child Victims of Human Trafficking" and were shared with members of the NGO Engagement Group and the Organised Crime Task Force subgroup on Human Trafficking. In Scotland, the NGOTARA has distributed the care standards to the police, prosecutors, social workers, frontline support agencies, medical doctors and other relevant professionals. The standards were updated and published in October 2018 under the title "The Slavery and Trafficking Survivor Care Standards"<sup>45</sup>

217. In **Serbia**, to establish nation-wide standards of services provided to victims of trafficking, the authorities have introduced mandatory licensing of bodies and organisations wishing to provide services to victims of THB. Such licenses have been obtained by centres for social work. GRETA was informed that following the introduction of the licensing procedure for service providers financed by the state budget, the referral of victims of trafficking to specialised NGOs has considerably decreased as they are more often transferred to centres for social work. In this connection, concerns were raised that staff of centres for social work, while having a broad knowledge and expertise in the field of social protection, lack specialist knowledge on working with trafficking victims and do not have sufficient human resources to provide the range of assistance measures needed by such victims.

218. In **Poland**, a document entitled "Standards of Safe Shelter for Victims of Trafficking" was adopted by the Ministry of Family, Labour and Social Policy in 2014 and distributed as a guideline to social workers and other staff engaged in the provision of assistance to trafficking victims, including staff of crisis intervention centres. Particular attention is paid to the need to provide safe accommodation for male victims of trafficking. However, the Department of Social Assistance and Integration is not obliged to monitor the implementation of these standards.

219. 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.

44. Ashiana, BAWSO, City Hearts, Counter Human Trafficking Bureau, Helen Bamber Foundation, Hestia, Housing for Women, Human Trafficking Foundation, Medaille Trust, Eaves Poppy Project, the Salvation Army, TARA, Unseen.

45 Available at: <https://www.humantraffickingfoundation.org/news/2018/10/12/launch-of-updated-slavery-and-trafficking-survivor-care-standards>

220. In **Azerbaijan**, in 2015, the Cabinet of Ministers adopted rules which restrict the possibilities for NGOs to receive foreign funding for their activities. In addition, the Law on Grants, the Law on State Registration of Legal Entities and the State Registry, as well as the Code of Administrative Offences, were amended in 2014, effectively preventing NGOs from obtaining grants from foreign donors and putting NGOs at risk of being penalised for violating administrative procedures.<sup>46</sup> In the absence of Government funding for NGOs running shelters for victims of trafficking, IOM and USAID have provided financial support in the form of reimbursing various expenses related to the running of the shelters. Despite donor funding, many NGOs lack sufficient funding, forcing them to either terminate operations or their staff to work without remuneration. GRETA refers to Resolution 2226 (2018) of the Parliamentary Assembly of the Council of Europe on “New restrictions on NGO activities in Council of Europe member States”, in which the Assembly calls on Azerbaijan to amend its legislation on NGOs in accordance with the case law of the ECHR and the recommendations of the European Commission for Democracy through Law (Venice Commission). In this resolution, the Assembly also calls on all member States to, *inter alia*, review and repeal or amend legislation that impedes the free and independent work of NGOs and ensure that this legislation is in conformity with international human rights instruments regarding the rights to freedom of association, assembly and expression, and ensure that NGOs can seek, receive and use transparent funding and other resources, whether domestic or foreign, without discrimination or undue impediments.

221. In **Italy**, the adoption of a Code of Conduct for NGOs undertaking activities in migrants’ rescue operations at sea has raised concerns that search and rescue operations, and assistance activities of NGOs operating in the Mediterranean Sea, may be at risk. GRETA refers to the concerns raised by the UN Special Rapporteur on trafficking in persons, especially women and children, at the restrictions placed on activities of NGOs in the Mediterranean Sea, which, she states, is harmful for the protection of migrants.<sup>47</sup> Further, GRETA refers to Resolution 2229 (2018) of the Parliamentary Assembly of the Council of Europe which calls on member States to allow commercial and non-governmental ships to enter ports of coastal States, and assist those ships in their rescue operations.<sup>48</sup>

## Concluding remarks

222. Ten years after the entry into force of the Council of Europe Convention on Action against Trafficking in Human Beings, GRETA’s monitoring work shows that there are continuing and serious gaps in the protection of the rights of victims of trafficking, and in particular the availability of assistance measures adapted to the needs of victims.

46. IOM, *Needs Assessment: Counter-trafficking Response in the Republic of Azerbaijan* (2016), page 18.

47. UN Human Rights Council, Thirty-eighth session, *Report of the Special Rapporteur on trafficking in persons, especially women and children*, A/HRC/38/45, 14 May 2018, pp. 5-6.

48. PACE, Resolution 2229 (2018) on International obligations of Council of Europe member States to protect life at sea.

223. At the same time, GRETA's country-by-country reports demonstrate how the implementation of the Convention's standards leads to improvements over time. By pushing for legal, policy and practical changes, GRETA aims to make a difference for victims of trafficking in Europe, as well as to prevent more people being trafficked in the first place. GRETA's recommendations are reflected in national strategies and action plans, and followed up by opening new shelters and services for victims.

224. The far-reaching harmful effects of human trafficking require persistency and commitment to full implementation of States' human rights obligations, and a strengthened focus on prevention. International organisations, governments and civil society must increase awareness within the private sector, about human trafficking and their responsibility and roles in combating human trafficking. In this respect, GRETA refers to the Committee of Ministers' Recommendation CM/Rec(2016)3 on human rights and business, the aim of which is to contribute to the implementation of the United Nations Guiding Principles on Business and Human Rights by effectively preventing and remedying business-related human rights abuses. Respecting and fulfilling the rights of all workers, and preventing labour exploitation in sectors most at risk is critical to eliminating human trafficking. Trafficking in human beings falls within the UN "Protect, Respect and Remedy" Framework, and gives rise to clear due diligence obligations on states and the private sector.

# Appendix 1

## Chart of signatures and ratifications of Treaty 197

### Council of Europe Convention on Action against Trafficking in Human Beings

Status as of 31/12/2018

<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

	<b>Signature</b>	<b>Ratification</b>	<b>Entry into Force</b>	<b>Notes</b>	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							

	<b>Signature</b>	<b>Ratification</b>	<b>Entry into Force</b>	<b>Notes</b>	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.					
	<b>Signature</b>	<b>Ratification</b>	<b>Entry into Force</b>	<b>Notes</b>	R.	D.	A.	T.	C.	O.
Belarus		26/11/2013 a	1/3/2014							
Canada										
Holy See										
Japan										
Mexico										
United States of America										
	<b>Signature</b>	<b>Ratification</b>	<b>Entry into Force</b>	<b>Notes</b>	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.

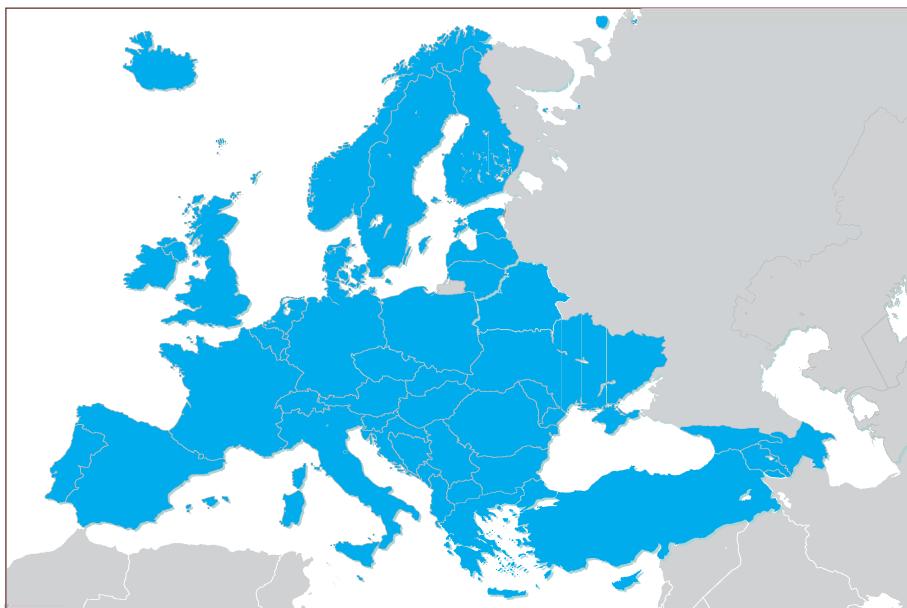
Source: Treaty Office on <http://conventions.coe.int>

# 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 2018)

Members	Term of office
<b>President:</b> Ms Siobhán Mullally (Irish)	31/12/2018
<b>First Vice-President:</b> Mr Jan van Dijk (Dutch)	31/12/2018
<b>Second Vice-President:</b> Mr Ryszard Piotrowicz (British)	31/12/2020
Ms Alina Brașoveanu (Moldovan)	31/12/2018
Mr Rudolf Christoffersen (Norwegian)	31/12/2020
Mr Davor Derenčinović (Croatian)	31/12/2020
Ms Helga Gayer (German)	31/12/2020
Mr Frédéric Kurz (Belgian)	31/12/2020
Mr Ola Laurell (Swedish)	31/12/2020
Ms Kateryna Levchenko (Ukrainian)	31/12/2018
Ms Nathalie Martin (French)	31/12/2018
Mr Helmut Sax (Austrian)	31/12/2018
Mr Mihai Ţerban (Romanian)	31/12/2020
Ms Rita Theodorou Superman (Cypriot)	31/12/2018
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 2018)

Ms Petya Nestorova, Executive Secretary of the Convention

Mr David Dolidze, Administrator

Ms Evgenia Giakoumopoulou, Administrator<sup>49</sup>

Mr Markus Lehner, Administrator

Mr Mats Lindberg, Administrator

Ms Melissa Charbonnel, Administrative Assistant

Ms Giorgia Spada, Administrative Assistant

### Co-operation activities

Mr Alexander Bartling, Administrator

Ms Ursula Sticker, Project Manager

Ms Fabienne Schaeffer-Lopez, Administrative Assistant<sup>50</sup>

Ms Nadia Marino, Administrative Assistant<sup>51</sup>

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49. Employed as from 1 July 2018.

50. Until 31 August 2018.

51. Employed as a temporary replacement for a permanent staff member from 1 September to 31 December 2018.

# Appendix 5

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## List of GRETA's activities during the period 1 January to 31 December 2018

### **GRETA meetings**

- ▶ 31st meeting on 19-23 March 2018
- ▶ Extraordinary meeting of GRETA on 24-25 May 2018
- ▶ 32nd meeting on 9-13 July 2018
- ▶ 33rd meeting on 3-7 December 2018

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

- ▶ 16 February 2018 (Paris)
- ▶ 25 May 2018 (Strasbourg)
- ▶ 28 September 2018 (Paris)

### **Meetings of the ad-hoc working group on stocktaking of the 2nd evaluation round**

- ▶ 15 February 2018 (Paris)
- ▶ 18 March 2018 (Strasbourg)

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

▶ Italy (2nd evaluation round)	29 January-2 February 2018
▶ San Marino (2nd evaluation round)	20-22 February 2018
▶ Iceland (2nd evaluation round)	17-20 April 2018
▶ Germany (2nd evaluation round)	4-8 June 2018
▶ Finland (2nd evaluation round)	11-15 June 2018
▶ Andorra (2nd evaluation round)	13-15 June 2018
▶ Lithuania (2nd evaluation round)	25-29 June 2018
▶ Turkey (1st evaluation round)	5-12 October 2018
▶ Hungary (2nd evaluation round)	8-12 October 2018
▶ Switzerland (2nd evaluation round)	5-9 November 2018
▶ Liechtenstein (combined 1st and 2nd evolution rounds)	20-22 November 2018

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

▶ Serbia (2nd evaluation round)	29 January 2018
▶ Slovenia (2nd evaluation round)	15 February 2018
▶ "the former Yugoslav Republic of Macedonia" <sup>52</sup> (2nd evaluation round)	21 February 2018
▶ Hungary (urgent procedure report)	27 April 2018
▶ Sweden (2nd evaluation round)	8 June 2018
▶ Estonia (1st evaluation round)	12 June 2018
▶ Spain (2nd evaluation round)	20 June 2018
▶ Netherlands (2nd evaluation round)	19 October 2018
▶ Luxembourg (2nd evaluation round)	6 November 2018
▶ Ukraine (2nd evaluation round)	22 November 2018
▶ Azerbaijan (2nd evaluation round)	23 November 2018

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52. As of 12 February 2019, the official name of the country changed to North Macedonia.



## Appendix 6

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List of activities organised to support the implementation of GRETA's recommendations during the period 1 January to 31 December 2018

### **Round-table meetings**

- ▶ Minsk, Belarus (16 October 2018)

### **Other activities**

- ▶ Conference "Ten years of implementation of the Convention on Action against Trafficking in Human Beings: impact and challenges ahead". 22 May 2018, Strasbourg
- ▶ Meeting of National Anti-Trafficking Co-ordinators and Rapporteurs, co-organised with the Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings. 23 May 2018, Strasbourg
- ▶ Meeting of specialised lawyers and NGOs providing legal assistance to victims of trafficking in human beings. 21-22 November 2018, Strasbourg

# Appendix 7

## Updated timetable of GRETA's 2nd Evaluation Round (1 June 2014 - 31 December 2018)<sup>53</sup>

<b>Parties</b>	<b>Questionnaire to be sent</b>	<b>Deadline for replies</b>	<b>Evaluation visits</b>	<b>Draft GRETA reports</b>	<b>Final GRETA reports</b>
Austria, Cyprus, Slovak Republic	15 May 2014	15 October 2014	November - December 2014	22nd meeting March 2015	23rd meeting July 2015
Bulgaria, Croatia, Denmark	3 June 2014	3 Nov 2014	February - May 2015	23rd meeting July 2015	24th meeting Nov 2015
Albania			May - June 2015	24th meeting Nov 2015	25th meeting March 2016
Georgia, Republic of Moldova	1 Sept 2014	3 Feb 2015			
Romania				25th meeting March 2016	26th meeting July 2016
Montenegro, United Kingdom	5 Jan 2015	5 June 2015	Oct - Dec 2015		
Armenia				26th meeting July 2016	27th meeting Nov 2016
Latvia, Malta, Portugal	8 June 2015	9 Nov 2015	January - March 2016		
France			September 2016	27th meeting Nov 2016	28th meeting March 2017
Bosnia and Herzegovina Norway	1 Sept 2015	1 Feb 2016	April - June 2016		
Poland			November 2016		
Belgium, Ireland	4 Jan 2016	6 June 2016	Decembre 2016	28th meeting March 2017	29th meeting July 2017
Luxembourg			October 2017	31st meeting March 2018	32nd meeting July 2018
Serbia, "the former Yugoslav Republic of Macedonia" <sup>54</sup>	8 June 2016	8 Nov 2016	Feb - March 2017	29th meeting July 2017	30th meeting Nov 2017
Slovenia Spain			April - June 2017		
Sweden	10 Nov 2016	10 April 2017	May 2017	30th meeting Nov 2017	31st meeting March 2018
Azerbaijan, Netherlands, Ukraine	1 Feb 2017	1 July 2017	Oct - Dec 2017	31st meeting	32nd meeting
Iceland Italy	2 May 2017	2 October 2017	January-April 2018	32nd meeting July 2018	33rd meeting Nov 2018
San Marino	1 June 2017	2 Nov 2017			
Andorra			June 2018	33rd meeting Nov 2018	34th meeting March 2019
Finland, Lithuania, Germany	5 Sept 2017	5 Feb 2018			
Hungary, Switzerland	2 Jan 2018	4 June 2018	Oct - Nov 2018	34th meeting March 2019	35th meeting July 2019

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

53. As of 12 February 2019, the official name of the country changed to North Macedonia.

# Appendix 8

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

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

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

# **Appendix 9**

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

*Geneva (Switzerland), 5-6 February 2018*

Meeting of the Inter-Agency Co-ordination Group against Trafficking in Persons (ICAT) Working Group

*Washington DC (USA), 12-13 March 2018*

Organization of American States' Fifth Meeting of National Authorities on Trafficking in Persons

*Berlin (Germany), 13 March 2018*

Networking conference to implement the Federal Co-operation Concept on Protection and Assistance in Cases of Trafficking and Exploitation of Children, organised by the German Federal Ministry of Family

*New York City (USA), 16 March 2018*

62nd session of the UN Commission on the Status of Women, Side Event on Trafficking, Sexual Exploitation and Gender-Based Violence against Women

*Vienna (Austria), 23-24 April 2018*

18th Alliance against Trafficking in Persons conference organised by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings

*Oxford (United Kingdom), 2 May 2018*

Reflecting on 10 years of the Convention on Action against Trafficking in Human Beings and the role of GRETA, Oxford University, Bonavero Institute for Human Rights

*London (United Kingdom), 2-3 May 2018*

ICAT Principals Meeting and ICAT Working Group meeting

*Oslo (Norway), 29-30 May 2018*

CBSS Regional Expert Consultation "Co-operation in the best interests of the child: good practices in identification and referral of children at risk of exploitation and trafficking"

*Sofia (Bulgaria), 31 May - 1 June 2018*

Seminar "EU & the Western Balkans: Anti-human trafficking systems in South Eastern Europe in the context of EU accession", organised by the Bulgarian Presidency of the EU Council, the Bulgarian National Commission for Combating Trafficking in Human Beings and ICMPD

*Vienna (Austria), 4-5 June 2018*

Conference "20 years LEFÖ Intervention Centre for Trafficked Women"

*Chișinău (Republic of Moldova), 5-7 June 2018*

UNODC "Inter-regional workshop on strengthening capacities for effective cross border criminal justice cooperation and national reporting, referral, and coordination mechanisms in combating trafficking in persons"

*Warsaw (Poland), 14 June 2018*

Joint Council of Europe - UNHCR roundtable on preventing and combating sexual and gender-based violence and trafficking in human beings and refugee protection

*Vienna (Austria), 2-3 July 2018*

8th meeting of the Working Group on Trafficking in Persons set up by the Conference of the Parties to the UN Convention against Transnational Organised Crime (CTOC), organised by the UNODC

*Strasbourg (France), 21 July 2018*

Council of Europe HELP Annual Network Conference "Good training for good judgments"

*London (United Kingdom), 11 September 2018*

Discussion of the UK Anti-Trafficking Monitoring Group's report on the extent to which prevention strategies applied across the UK enhance the prevention of trafficking in human beings

*Vienna (Austria), 5 October 2018*

28th meeting of the Co-ordination Group between the Council of Europe and the OSCE

*Port au Prince (Haiti), 8-10 October 2018*

4th International Seminar on sexual and gender-based violence organised by the UN Mission for Justice Support in Haiti

*Berlin (Germany), 25 October 2018*

KOK Symposium on trafficking in human beings and exploitation in Germany

*Vienna (Austria), 29 October 2018*

Conference on the occasion of the EU Anti-Trafficking Day "Access to Rights from National and International Perspectives" organised by the Austrian Task Force on Combating Human Trafficking

*Vilnius (Lithuania), 30 October 2018*

Joint Council of Europe - UNHCR roundtable on preventing, combating and responding to sexual and gender-based violence and trafficking in human beings in the context of migration and asylum

*Sofia (Bulgaria), 31 October – 2 November 2018*

Meeting on improving capacities and co-operation in addressing trafficking in persons facilitated through abuse of internet-based technologies in South Eastern Europe, organised by UNODC and the Bulgarian National Commission of Combating Trafficking in Human Beings

*Rome (Italy), 13 November 2018*

Seminar on detection and identification of victims of trafficking in forced return procedures organised by the Italian National Guarantor of the rights of persons deprived of their liberty

*London (UK), 16 November 2018*

Conference on Trafficking and Modern Slavery hosted by King's College London, School of Law, and the UN University

*Paris (France), 16 November 2018*

Seminar on human trafficking organised by the National Consultative Commission of Human Rights (CNCDH) on the occasion of the 70th anniversary of the Universal Declaration of Human Rights

*Athens (Greece), 30 November 2018*

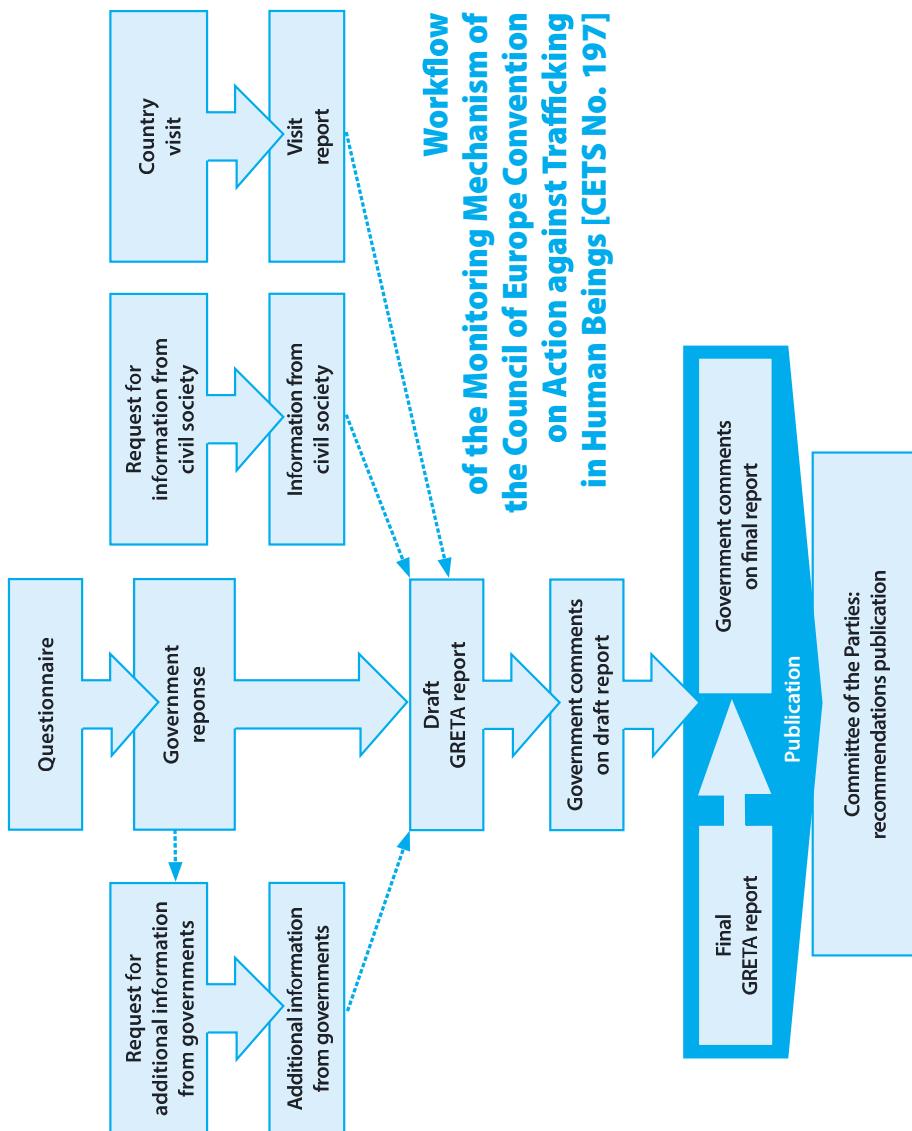
Conference "Putting Chowdury into practice: challenges and opportunities in relation to the execution of the ECtHR judgement *Chowdury and Others v. Greece*", co-organised by the Greek Ministry of Foreign Affairs / Office of the National Rapporteur on Trafficking in Human Beings, the Ministry of Justice, Transparency and Human Rights / General Secretariat for Human Rights, and the Office of the Supreme Court Prosecutor

*Geneva (Switzerland), 18 December 2018*

Expert round-table hosted by the UN Special Rapporteur on Trafficking in Persons especially women and children, on the subject of the thematic report on Social Protection

# Appendix 10

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



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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.