

# 5th GENERAL REPORT ON GRETA'S ACTIVITIES



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

covering the period from  
**1 October 2014 to 31 December 2015**



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE



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Mr Nicolas LECOZ, President of GRETA



## Introduction by the President of GRETA

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It is a great honour for me to introduce the 5th General Report on the activities of the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA), all the more so as the year 2015 ended with one more ratification of the Convention on Action against Trafficking in Human Beings, expanding the scope of application of this legal instrument to 44 countries with a total population of some 600 million people.

This report, covering the period from 1 October 2014 to 31 December 2015, describes the work performed over 15 months to fulfil the mission entrusted by states to our panel of experts to monitor the Convention's application, guide them in their commitments and

develop certain key concepts in the light of current developments. Moreover, the report provides an analysis of a topical issue - the identification of victims of trafficking in human beings among asylum seekers, refugees and migrants - which has been chosen in view of the crisis that has gripped the European continent for many months now. Without going into details, I would point out that while the majority of the asylum seekers and migrants arriving in Europe are men travelling without their families, who may become victims of trafficking for different exploitative purposes, the share of women is increasing and this heightens in particular the risk of trafficking for sexual exploitation. In this context, states' efforts to tackle trafficking in human

beings for the purpose of sexual exploitation and violence against women must be sustained and stepped up, by applying the principle of due diligence and following a gender-specific approach. That is why GRETA has forged links in 2015 with the newly set-up Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO).

GRETA's insistence on the importance of the identification of victims of trafficking in human beings among asylum seekers, refugees and migrants will continue for one obvious reason: states have a refugee crisis to manage, but this is no ground for putting on hold their obligations to combat trafficking and, more specifically, the obligation to identify victims. These are obligations pertaining to human rights and, under well-established international case-law, there can be no derogation from them. GRETA's analysis reiterates that states' honouring of their obligations is a bulwark against trafficking and exploitation of human beings and a weapon against traffickers who, whether individually or as members of criminal gangs, seek to profit from the crisis.

In this connection and at a more general level, our concerns are also fuelled by the threats to children, which is why the second evaluation round of the Convention focuses on them. In the country reports published in 2015, GRETA examines whether states have duly acted on their obligations, including to criminalise forms of exploitation that affect children in particular, such as exploitation of begging or coercion into criminal acts, to appoint legal guardians tasked with ensuring that unaccompanied minors' rights are respected, or to tackle the problem of children disappearing from

accommodation centres, which is often organised by traffickers.

That said, the past year has also given us cause for celebration, with the 10th anniversary of the opening for signature of the Convention being marked by an international conference organised at the Council of Europe's headquarters in Strasbourg. The event provided an opportunity to highlight this legal instrument's impact on the states parties' legislation, policy and practice. It also provided a welcome forum for strengthening partnerships between states, international organisations and civil society. With the Convention's first decade and the first round of evaluation of its implementation behind us, and the second evaluation round well under way, I would like to set out five priority areas, which relate to five key players in action against trafficking in human beings.

**The first of these key players are non-governmental organisations (NGOs)** which, as the Convention was the first legal instrument to unequivocally recognise, make a significant contribution to identifying and supporting victims of trafficking. In practice, NGOs are all too often lacking material resources to care for victims, especially when support is needed until the end of the criminal proceedings. Furthermore, NGOs are not always sufficiently involved in framing, implementing and assessing national policies and are sometimes not represented in national co-ordination mechanisms. Moreover, national criminal law procedures do not systematically allow NGOs to accompany victims in hearings by law enforcement agencies or judicial authorities, which can be detrimental to their testimony. Consequently, governments should take a close look at these problem areas, which could be overcome by amendments to the applicable texts.

**The second group consists of the judicial authorities and legal professionals.** These are prosecutors, judges, investigators and lawyers, to whom I would also add labour inspectors, to the extent that they have a mandate to investigate labour law violations. Each of these professionals has a key role to play in securing the convictions of traffickers as well as the compensation for, and protection of, victims. However, it is necessary to ensure that they are provided with tailored basic and further training and receive guidance on the interpretation of the legislation. Failure by the authorities to guarantee this is likely to hamper the chances of successful prosecution and implementation of victims' rights protected under the Convention. Furthermore, bar associations must also encourage their members to specialise. In the light of meetings with specialised lawyers in the framework of GRETA's evaluations, I hope that the Council of Europe can contribute to reinforcing these exchanges of expertise in the near future.

**The third group relates to medical staff,** who can play an important role in the identification of victims of trafficking, but are still not sufficiently involved in anti-trafficking policies. Trafficking for the purpose of organ removal in particular is a form of exploitation that calls for these professionals to be taken into account. In this connection, let us hope that the opening for signature of the new Council of Europe Convention against Trafficking in Human Organs on 25 March 2015 in Santiago de Compostela and its ratification will provide a further opportunity to involve this category of professionals. Trafficking in human organs, which the new Convention defines as comprising various illicit acts punishable by criminal law, has a common feature with trafficking in human beings, namely the question of the consent of the

individual against whom the offence was committed. Medical staff need urgently to be trained to identify these two serious forms of crime and human rights violations. In this respect, it should be noted that GRETA's reports under the second evaluation round comprise a specific section on trafficking for the purpose of organ removal setting out the measures taken by states to prevent it.

**The media and, more generally, the business sector form the fourth group** which can be instrumental in the success of action against trafficking in human beings. Do the media take sufficient interest in the different manifestations of trafficking and what falls outside the clichés about victims and traffickers? Do they have the impulse to identify new trends and alert the authorities and the general public? And is the business sector sufficiently keen to find means of cutting off subcontractors that do not respect human rights and exploit workers in violation of international law? We can see a movement towards greater accountability and an eagerness on the part of legislators to lay down reporting obligations for businesses on the steps taken to clean up their supply chains of trafficked labour. Here again the public authorities and legislators must act as a driving force, like the media.

Finally, **the national co-ordinators, set up in almost all the states parties to the Convention, have a key role to play.** The tasks entrusted to them include framing policies, raising awareness of the ministries and public agencies concerned, drawing up texts, launching campaigns and gathering data. Their work enables another category of institution, namely the national rapporteurs or equivalent mechanisms, to fulfil their mandate and monitor the situation of human trafficking on the basis of data



compiled thanks to the national co-ordinators. Regarding this aspect, states parties do not have the same understanding and it is vital to foster exchanges of good practice.

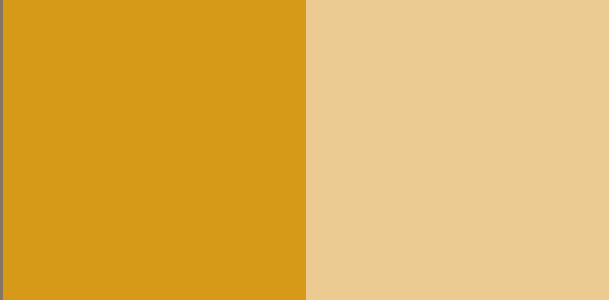
All these players in the fight against trafficking in human beings must be strong focal points for governments and parliaments and I hope that international organisations will be able to assist governments in this connection and that the member states of those organisations can, in turn, suggest initiatives along these lines. Allow me, in this respect, on behalf of GRETA, to thank all intergovernmental organisations and NGOs which have involved us in their work and take account of the Convention's standards and GRETA's mission in their activities.

Within the Council of Europe, GRETA wishes to thank the Secretary General for his efforts to encourage a new wave of ratifications of the Convention and trusts that the Parliamentary Assembly, the Commissioner for Human Rights and the European Court of Human Rights will continue to promote the standards of the Convention. Special thanks go to

the successive chairs of the Committee of the Parties for supporting the idea that this committee is the «armed wing» of GRETA, ensuring that the conclusions made in GRETA's country reports are acted upon in their totality. Furthermore, the Secretariat of the Convention demonstrates outstanding professionalism year after year. Finally, I would like to pay tribute to the members of GRETA whose unfailing commitment, professionalism, moral fibre and impartiality guarantee the authority of our findings and proposed action.

The Convention on Action against Trafficking in Human Beings as interpreted by GRETA has had remarkable ramifications in the national and international legal systems, to the point where the achievements of the Council of Europe and GRETA have become a reference for the adoption of the most advanced standards. This is one of the factors constantly driving us forward in our fight against this grave violation which concerns the whole human family.

**Nicolas Le Coz,  
President of GRETA**



# I. Activities during the period from 1 October 2014 to 31 December 2015

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## 1. 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 conduct of 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 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 the workflow of the monitoring mechanism of the Convention, see Appendix 10).

## 2. GRETA meetings

4. During the reporting period, GRETA held four five-day plenary meetings in Strasbourg, during which it considered 14 draft country evaluation reports and adopted a total of 10 final country reports, concerning Austria, Bulgaria, Croatia, Cyprus, Finland, Germany, Hungary, Lithuania, the Slovak Republic and Switzerland (see Appendix 5).

5. In addition to discussing and adopting country evaluation reports, the 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 21st meeting (17-21 November 2014), GRETA held an exchange of views on the linkages between the Convention on Action against Trafficking in Human Beings and the new Council of Europe Convention against Trafficking in Human Organs (CETS No. 216). Two Council of Europe staff members, Mr Carlo Chiaromonte, Head of the Criminal Law Division and Secretary of the European Committee on Crime Problems (CDPC), and Ms Marta Lopez Fraga, Head of the Organ Transplantation Unit of the European Directorate for the Quality of Medicines and Healthcare, participated in this exchange of views.

6. At its 22nd meeting (16-20 March 2015), GRETA held an exchange of views on data collection and reporting with Ms Kristiina Kangaspunta, Chief of the Global Report on Trafficking in Persons Unit, United Nations Office on Drugs and Crime (UNODC), and two officials of the Organization for Security and Co-operation in Europe (OSCE), Ms Ruth Pojman, OSCE Deputy Co-ordinator for Combating Trafficking in Human Beings, and Ms Aimée Comrie, Adviser

to the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings.

7. Further, during its 23rd meeting (29 June - 3 July 2015), GRETA held an exchange of views with Ms Rosinda Silva, Senior Legal Officer at the International Labour Organization (ILO). Finally, at GRETA's 24th meeting (16-20 November 2015), exchanges of views were held respectively with Ms Maria Grazia Giammarinaro, United Nations Special Rapporteur on trafficking in persons, especially women and children, and Mr Nils Muižnieks, Council of Europe's Commissioner for Human Rights. More details on the previously mentioned exchanges of views are given in the sections of this report concerning co-operation with the respective bodies.

## 3. Amendment of the Rules of procedure for evaluating implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties

8. At its 21st meeting (17-21 November 2014), GRETA adopted a number of amendments to its Rules of procedure for evaluating implementation of the Convention. Rule 5, according to which replies to GRETA's questionnaire by the Parties were to be treated as confidential unless the Party concerned requested publication, was amended to state that Parties' replies to its questionnaire shall be published unless otherwise requested by the Party concerned. At the same time, GRETA decided to maintain the provision concerning information from civil society, according to which GRETA treats replies to its questionnaire or other requests for information from civil society

organisations as confidential unless the respondent requests publication (Rule 8). GRETA deems this provision important for guaranteeing that civil society representatives are able to speak freely, bearing in mind that any information given to GRETA is cross-checked with other reliable sources of information, including the elements provided by the public authorities.

9. A new Rule 7 was added to the Rules of procedure for evaluating implementation of the Convention regarding urgent requests for information. Pursuant to this rule, when GRETA receives reliable information indicating a situation where problems require immediate attention to prevent or limit the scale or number of serious violations of the Convention, it may make an urgent request for information to any Party or Parties to the Convention. If necessary, GRETA may carry out a visit to follow up on such situations.

10. The amended Rules of procedure for evaluating implementation of the Convention as adopted by GRETA entered into force on 1 January 2015. As a result of the amended Rule 5, the replies to GRETA's second round questionnaire from 14 Parties have been made available on the Council of Europe anti-trafficking website.<sup>1</sup>

11. GRETA trusts that, by amending and updating its Rules of procedure for evaluating implementation of the Convention, it will strengthen the implementation of the Convention and ensure that its operational practices can respond rapidly to urgent situations, which was one of the recommendations made by the Secretary General in his first Report on the State of democracy, human rights and rule of law in Europe.

<sup>1</sup> [http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Monitoring/2nd\\_Country\\_Reports\\_en.asp#TopOfPage](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Monitoring/2nd_Country_Reports_en.asp#TopOfPage)

## 4. Country-specific monitoring by GRETA

### a. First evaluation round

12. During the reporting period, GRETA sent the questionnaire for the first evaluation round to the authorities of Belarus on 1 October 2015, requesting them to submit their reply within four months (i.e. by 1 February 2016). A country visit to Belarus will be carried out in the course of 2016.

13. GRETA has now completed the first round of evaluation of 40 of the current 44 Parties to the Convention. An updated overview of the implementation of the Convention by these Parties is presented in Appendix 9.

### b. Second evaluation round

14. GRETA has drawn up a provisional timetable for the second round of evaluation of the implementation of the Convention (see Appendix 7), according to which the chronology of evaluations should respect, as closely as possible, that of the preceding evaluation round. Despite the growing number of Parties to the Convention, GRETA has managed to ensure a four-year periodicity of its evaluations.

15. Between October 2014 and December 2015, GRETA sent the questionnaire for the second evaluation round to the following 10 Parties to the Convention: Armenia, Montenegro and the United Kingdom (5 January 2015); France, Latvia, Malta and Portugal (9 June 2015); Bosnia and Herzegovina, Norway and Poland (1 September 2015). The authorities of these Parties were given five 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.

16. During the reporting period, GRETA carried out second round evaluation visits to 13 Parties to the Convention (see Appendix 5). The visits were an occasion to meet a variety of stakeholders, including national rapporteurs and national co-ordinators of anti-trafficking action, officials from relevant ministries and governmental agencies, law enforcement officers, prosecutors, judges, labour inspectors, social workers, local authorities' representatives and other relevant professionals. Further, in most countries visited, GRETA met Members of Parliament and representatives of independent human rights institutes. Civil society representatives, such as NGOs, trade unions, Bar Associations, employers' associations and researchers, were also consulted during all visits.

17. The country visits were an opportunity for GRETA to visit facilities where protection and assistance are provided to victims of trafficking. Thus during the reporting period, GRETA visited specialised shelters for victims of trafficking in Albania, Austria, Croatia, Cyprus, Georgia,

the Republic of Moldova, Romania, the Slovak Republic and the UK.

18. During the second evaluation round, GRETA pays particular attention to the situation of child victims of trafficking. By way of example, in the course of the visit to the UK, the GRETA delegation visited a specialised shelter for child victims of trafficking in Belfast. The visit to Bulgaria included a visit to a shelter for children in Ruse run by the Bulgarian Red Cross. In Denmark, GRETA visited a reception centre for unaccompanied minors, run by the Danish Red Cross. A reception centre for unaccompanied minors was also visited in Bucharest, Romania.

19. GRETA also visited centres for asylum seekers and/or detention facilities for irregular migrants as victims of trafficking may be placed or found in such facilities. Thus, during the visit to Cyprus, GRETA visited the Menoyia detention centre for irregular migrants. In Austria, GRETA visited a police detention centre (PAZ) in Klagenfurt. A reception centre for asylum seekers was visited by GRETA in Bulgaria, in Vrazhdebna (near Sofia).

## II. Visibility and impact of the monitoring process

### 1. Publicity of GRETA's reports



20. In accordance with Article 38, paragraph 6, of the Convention, the final report and conclusions of GRETA are made public, together with eventual comments by the Party concerned. A total of eight GRETA final country reports were published during the period covered by this General Report (see

Appendix 5). The new reports contain a section entitled “Conclusions”, which sums up the positive developments since the first evaluation and presents a number of issues for immediate action which should be addressed as a priority.

21. A press release is issued and widely distributed whenever a GRETA report is published. In addition, interviews are given by GRETA members and Secretariat to journalists, serving as a basis for articles in the press and broadcasts. GRETA's country evaluation reports published during the reference period have received considerable media coverage, with more than 100 news items being published and 29 web items. By way of example, the report on Hungary attracted national and international attention, with articles by *Magyar Távirati Iroda*, *Tagesschau*, *Der Standard*, *Die Zeit* and *Deutschland Rundfunk*. The report on Austria also received wide coverage (*The Local Austria*, *Der Standard*, *ORF*, *Tiroler Tageszeitung*, *Die Welt*, *Die Zeit*, *Salzburger Nachrichten*). The report on Switzerland was covered by national and international media (*Tribune de Genève*, *La Liberté*, *Le Matin*, *Schweizer Radio und Fernsehen*, *NZZ news*, *20 minutes*, *Swissinfo*). The report on Cyprus was covered by *Cyprus mail*, *In-cyprus*, *FG News*, *Balkans News* and *Cygmalive*.

22. GRETA's reports have also been referred to in legal and policy analysis.<sup>2</sup> Further, interviews with GRETA members were reported by media and NGOs (*Irish Times*, *Collectif contre la traite des êtres humains*, *SOS esclaves*, *Thomson Reuters Fondation*).

23. In order to continue improving the visibility of its work, GRETA has created a Twitter account (@CoE\_Trafficking).

## 2. Impact of the Convention and GRETA's work

24. Measuring the impact of work carried out to improve the respect for human rights is known to be challenging. However, the concrete affirmative impact of the Convention and GRETA's monitoring work can be gauged in several ways. To start with, most Parties to the Convention in preparation for its ratification amend their legislation in order to bring it into compliance with the Convention's requirements. It also appears that before GRETA's first evaluation, Parties make further efforts to improve their legislation and practices. By way of example, in Finland the institution of the national anti-trafficking co-ordinator was introduced shortly before GRETA's first evaluation visit and preparatory work was carried out on drafting or amending several legal acts relevant to anti-trafficking action.<sup>3</sup>

2. For example, Davor Derenčinović, *Comparative Perspectives on Non-Punishment of Victims of Trafficking in Human Beings*, *Annales XLVI*, No. 63, 3-20, 2014; Jelena Jovanović, *Vulnerability of Roma and Anti-Human Trafficking Policies in Serbia: Recommendations to the National Policy*, Centre for Policy Studies, Central European University, 2015; Siniša Dostić, Saša Gosić, *GRETA Questionnaires as a Part of the Mechanism for Monitoring Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings*, *Temida*, No. 2, June 2015.

3. See GRETA's report on Finland, GRETA(2015)9.

25. Countries which have undergone a first evaluation by GRETA have amended their legislation or updated their national anti-trafficking action plans in the light of GRETA's conclusions. There are many examples of such action in the government reports submitted to the Committee of Parties to the Convention two years after the issuing of recommendations by the Committee on the basis of GRETA's reports. For example, as a reaction to the recommendations made in GRETA's first report, Cyprus adopted Law 60(I)/2014 on Prevention and Combating of Trafficking and Exploitation of Persons and the Protection of Victims, in which committing trafficking by a public official in the performance of his/her duties has been introduced as an aggravating circumstance and there is a specific reference to the irrelevance of the victim's consent to the intended exploitation.<sup>4</sup> In Austria, amendments to Section 104a of the Criminal Code in 2013 increased the penalty for the offence of trafficking in human beings from up to three years of imprisonment, to between six months and five years of imprisonment, and the penalty for trafficking children aged 14 to 18 from up to three years of imprisonment, to between one and 10 years of imprisonment. Further, an amendment to the Victims of Crime Act in 2013 introduced the possibility of granting compensation to victims of human trafficking whose stay in Austria was irregular at the time of the crime.<sup>5</sup> Further, in France, the amendments made to Article 225-4-1 of the Criminal Code took into account the conclusions of GRETA's report on France and this was stressed by the rapporteur of the draft bill before the French National Assembly.<sup>6</sup>

4. GRETA's second report on Cyprus, GRETA(2015)20.

5. GRETA's second report on Austria, GRETA(2015)19.

6. National Assembly, Report No. 840 by Ms Marietta Karamanli, 27 March 2013, page 38.



26. Another impact is observed through judgments of national courts which refer to the Convention and GRETA's findings. By way of example, the Irish High Court decision 2013/795<sup>7</sup> ruled that the Irish police (Gardaí) failed to identify a victim of human trafficking, resulting in the imprisonment of a trafficked woman for two and a half years. This case raised a number of issues relating to the way in which Ireland identifies and protects victims of trafficking, making several references to the Convention and GRETA's report on Ireland.

27. The political impact achieved from other human rights bodies or international organisations quoting GRETA's findings in their own reports and statements must not be underestimated. References to GRETA's work have been made by the Council of Europe's Commissioner for Human Rights, Mr Nils Muižnieks,<sup>8</sup> the UN Special Rapporteur on trafficking in persons, especially women and children, Ms Maria Grazia Giammarinaro,<sup>9</sup> the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Ambassador Madina Jarbussynova, and the United Nations Committee on the Elimination of Discrimination against Women (CEDAW).<sup>10</sup> Further, GRETA's reports were published on the website

of the European Commission and the United Nations High Commissioner for Refugees (UNHCR).

28. Of great importance are also domestic actors referring to GRETA's reports and recommendations. These include national human rights institutions, national rapporteurs on trafficking in human beings, as well as civil society representatives. As examples of such references one may mention the 2014 report of the Finnish National Rapporteur on Trafficking in Human Beings to the Parliament of Finland and the *amicus curiae* submission by the Irish Human Rights and Equality Commission in the Irish High Court case referred to above.

29. Finally, reporting in the media about newly released reports by GRETA and their main findings undoubtedly has an impact in that it maintains or raises awareness of trafficking in human beings and about the need to protect trafficking victims, thus keeping these matters on the national political agenda.

### 3. Follow-up activities

30. Monitoring does not end with the publication of GRETA's report; it is followed up by activities promoting better understanding and implementation of GRETA's conclusions. Since 2012, round-table meetings have been proposed to all the countries which have been evaluated by GRETA in order to discuss the implementation of GRETA's recommendations. During the reporting period, 12 such round-table meetings were organised: in Portugal (30 October 2014), Montenegro (13 November 2014), Latvia (10 December 2014), France (30 January 2015), "the former Yugoslav Republic of Macedonia" (8 April 2015), Slovenia (17 April 2015), Serbia (19 May 2015), Ireland (27 May 2015), Sweden (29 September

7. P -v- Chief Superintendent Garda National Immigration Bureau & ors., available at: <https://cases.legal/en/act-uk2-78175.html>

8. For example, the Council of Europe's Commissioner for Human Rights referred to GRETA's reports on Denmark and Germany in his respective reports, see CommDH(2014)4 and CommDH(2015)20.

9. [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/70/260](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/70/260)

10. See CEDAW Concluding observations concerning UK, Legal and Physical Security, available at: <http://www.equalityhumanrights.com/sites/default/files/uploads/Pdfs/cedaw/Legal%20and%20Physical%20Security.pdf>

2015), Azerbaijan (10 November 2015), Luxembourg (1 December 2015) and Belgium (3 December 2015).

31. The round-table meetings brought together relevant stakeholders and were an opportunity to receive updated information on developments in the countries concerned and steps taken to implement GRETA's recommendations. They were also a tool for promoting a better understanding of the Convention's provisions, stimulating dialogue between relevant stakeholders in each country, and identifying areas where the Council of Europe can support national anti-trafficking efforts.

32. As a follow-up to the round-table meetings, two workshops for judges and prosecutors were organised in Strasbourg with the participation of GRETA members and Secretariat, in co-operation with the office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings. The first workshop took place on 9-10 October 2014 and brought together some 40 judges and prosecutors from 23 countries. In the light of the positive feedback received from participants, a second workshop was organised on 27-28 April 2015, bringing together some 30 participants from another 15 countries. The aim of the workshops was to promote better implementation of

the non-punishment principle, which holds that victims of human trafficking should not be punished for unlawful activities they were forced to commit by their exploiters.

33. Further, in co-operation with the Office for Fight against Trafficking in Human Beings of Montenegro, a regional workshop on enhancing the protection of victims of trafficking in human beings was organised on 15-16 December 2015 in Budva, Montenegro. It brought together some 33 experts from seven countries in the Western Balkans, including national anti-trafficking co-ordinators, judges, prosecutors, police officers, lawyers and NGO representatives. The aim of this workshop was to promote effective access to compensation for victims of trafficking in human beings and better implementation of the non-punishment provision with regard to victims of trafficking. The need to strengthen the capacity of relevant professionals to address these two issues has been stressed repeatedly in GRETA's reports.

34. The implementation of GRETA's recommendations is also followed up through projects developed under the Norway Grants, in Poland and Romania.



### III. Signatures and ratifications of the Convention

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35. Estonia ratified the Convention on 5 February 2015 and Monaco signed and simultaneously ratified the Convention on 30 November 2015, bringing the total number of Parties to the Convention to 44 (see Appendix 1). Furthermore, Liechtenstein signed the Convention on 30 November 2015.

36. On the occasion of the 10th anniversary of the opening for signature of the Convention (on 16 May 2005 in Warsaw), the Secretary General of the Council of Europe wrote to the five Council of Europe member States which at that time were not Parties to the Convention (the Czech Republic, Liechtenstein, Monaco, the Russian Federation and Turkey), urging them to sign and/or ratify the Convention.

37. Through their participation in various international events, GRETA

members and Secretariat continued to promote the Convention beyond the European continent (see Appendix 8). The President of GRETA took part in a session entitled “Human Trafficking: Development Threat and Human Rights Violation” as part of the World Bank’s Law, Justice and Development Week in October 2014 in Washington D.C. As part of the programme “Strengthening democratic reform in the Southern Neighbourhood”, two GRETA members, Ms Alina Braşoveanu and Mr Frédéric Kurz, participated in a seminar entitled “Challenges and good practices to fight against trafficking in human beings”, held in Marrakech, Morocco, on 26-27 November 2014. Further, Mr Jan Van Dijk spoke at a symposium organised by the International Centre for Comparative Criminology entitled “Trafficking in Human Beings: Think Globally and Act

Locally to Shape the Future Together” in Montreal, Canada, on 24 April 2015. The Executive Secretary spoke at the conference “Not for Sale: Protecting the Victims of Human Trafficking in Europe and Canada”, organised jointly by the Embassies of Switzerland and Austria, in collaboration with the Centre for International Policy Studies at the University of Ottawa on 16 October 2015.

38. GRETA once again urges the Council of Europe member States which have not already done so, the non-member states which participated in the preparation of the Convention, as well as the European Union, to sign and/or ratify the Convention.





**HUMAN TRAFFICKING:  
TRANSITIONS AND  
TRANSFORMATIONS**

*Focus on victims' rights*

**TRAITE DES ÊTRES HUMAINS:  
TRANSITIONS ET  
TRANSFORMATIONS**

*Mettre l'accent sur les droits des victimes*

## IV. Conference “Human Trafficking: Transitions and Transformations – Focus on Victims’ Rights”

39. GRETA and its Secretariat were actively involved in the organisation of a conference marking the 10th anniversary of the opening for signature of the Convention on 16 June 2015 in Strasbourg. The conference entitled “Human Trafficking: Transitions and Transformation – Focus on Victims’ Rights” recalled the Convention’s innovative features and victim-centred approach, and explored its impact on States Parties’ legislation, policy and practice. Speakers included the Secretary General of the Council of Europe, the Chairperson of the Committee on Equality and Non-Discrimination of the Parliamentary Assembly of the Council

of Europe, the Chairman of the Ministers’ Deputies, a judge from the European Court of Human Rights, the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, national anti-trafficking co-ordinators, representatives of international organisations and NGOs.<sup>11</sup>

11. The programme of the conference, a video recording and the text of the speeches delivered are available at: [http://www.coe.int/t/dghl/monitoring/trafficking/10th\\_anniv\\_conf\\_en.asp](http://www.coe.int/t/dghl/monitoring/trafficking/10th_anniv_conf_en.asp)

40. In his opening statement, the Secretary General of the Council of Europe, Mr Thorbjørn Jagland, stressed the ground-breaking features of the Convention and paid tribute to GRETA's energy and commitment to making them a reality on the ground. He called on governments to step up efforts to reduce demand and make sure they have robust regulation guaranteeing decent labour standards. Further, he stressed the need for involving businesses in anti-trafficking action as well as a better enforcement of corporate liability. The Secretary General also urged all States to draw on the work done in the Council of Europe to help them get to grips with child trafficking and abuse, including the new Strategy for the Rights of the Child and the Guidelines on Child-Friendly Justice.

41. One of the highlights of the conference was the testimony of a survivor of modern-day slavery, Ms Henriette Akofa Siliadin, who was the applicant in the case *Siliadin v. France* before the European Court of Human Rights.<sup>12</sup> Her presentation illustrated the challenges and failures in protecting children from being trafficked and exploited.

42. Ms Klara Skrivankova of Anti-Slavery International referred to the Council of Europe Anti-Trafficking Convention as "the Magna Carta of rights of trafficked persons". According to her, a lot has been achieved in anti-trafficking efforts in the past 10 years, and these achievements are unlikely to have happened without the Convention, the work of the GRETA and the strong ethos of partnership promoted by the Council of Europe, including the active engagement of civil society from the very beginning. Yet, she concluded that there is still a long way

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<sup>12</sup> [http://www.coe.int/t/dghl/monitoring/trafficking/docs/echr/SILIADIN\\_c\\_FR.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/docs/echr/SILIADIN_c_FR.pdf)

to go before the human rights approach and the spirit of the Convention are truly reflected in practice, and this will be the challenge for the next decade.

43. The conference also provided a forum for strengthening international partnerships against trafficking in human beings. The OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Ambassador Madina Jarbussynova, noted that the Council of Europe was one of the OSCE's closest partners in combating human trafficking and gave examples of concrete synergies between the two organisations. She called for greater complementarity and goal-oriented partnerships at all levels, the real test of success being the practical impact of these partnerships on the protection of victims.

44. In the concluding remarks made at the end of the conference, the then Chair of the Committee of the Parties, Ambassador Pekka Hyvönen, noted that the Council of Europe Anti-Trafficking Convention remained as relevant as it was 10 years ago for combating trafficking from a human-rights perspective and that the Council of Europe must ensure a pan-European response to human trafficking challenges, using the tools provided by the Convention. He stressed the importance of all Council of Europe member States joining the Convention without delay and also expanding the application of the Convention beyond the European continent. Further, Ambassador Hyvönen noted that the Committee of the Parties should continue to make sure that GRETA has the liberty and resources it needs to carry out monitoring work. He also stressed the need for strengthened partnerships with all relevant international organisations.

45. Finally, the President of GRETA referred to Article 40 of the Convention on the relationship between the Convention and other international instruments and drew attention to the need for a coherent and consistent interpretation and application of related provisions, such as those on slavery, forced labour and trafficking in human beings. Further, he suggested that for the second

round of evaluation of the Convention, the Committee of the Parties might consider setting a shorter deadline for States to report back on the implementation of the most urgent issues identified by GRETA. He concluded by recalling the continued need for complementarity between international organisations and avoiding duplication.





## V. Organisational issues

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### 1. GRETA membership

46. At the 15th meeting of the Committee of the Parties (5 December 2014), two GRETA members, Mr Helmut Sax and Mr Jan van Dijk, were re-elected for a second term of office, running from 1 January 2015 to 31 December 2018. The terms of office of the other 13 GRETA members will expire on 31 December 2016 and a procedure for filling the vacant seats will run in 2016.

47. The current composition of GRETA reflects a gender and geographical balance (see Appendix 3). The abridged curricula vitae of GRETA members are posted on the Council of Europe anti-trafficking website.<sup>13</sup>

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<sup>13</sup> [http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Monitoring/Composition\\_of\\_GRETA\\_en.asp#TopOfPage](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Monitoring/Composition_of_GRETA_en.asp#TopOfPage)

### 2. Bureau of GRETA

48. At its 22nd meeting, GRETA held elections for its Bureau. Mr Nicolas Le Coz was re-elected as GRETA's President. Ms Siobhán Mullally was elected as GRETA's 1st Vice-President and Mr Jan van Dijk as GRETA's 2nd Vice-President. These three GRETA members constitute the Bureau of GRETA for a period of two years.

49. GRETA's Bureau held four meetings during the reporting period (see Appendix 5).





## VI. Relations with the Committee of the Parties

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50. 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 implementations, 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.

51. 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 ongoing work, highlight the main findings from country

evaluations and clarify the content of certain substantive obligations under the Convention. GRETA is grateful to the former Chair of the Committee of the Parties, Ambassador Pekka Hyvönen, for his dedication to ensuring the success of the monitoring mechanism of the Convention and his efforts to promote new ratifications of the Convention.

52. At its 15th meeting (5 December 2014), the Committee of the Parties considered GRETA's reports on Andorra, Iceland, Italy, San Marino and Ukraine and adopted recommendations addressed to these Parties. At its 16th meeting (15 June 2015), the Committee adopted recommendations concerning Finland, Germany, Hungary and Lithuania. Further, at its 17th meeting (30 November 2015), the Committee adopted a recommendation concerning Switzerland (1st evaluation round),

setting a period of two years for the Swiss authorities to provide information on the measures taken to comply with the recommendation, as well as recommendations concerning Austria, Cyprus and the Slovak Republic (2nd evaluation round), setting a period of one year to provide information on a selected number of issues for immediate action identified by GRETA.

53. The Committee of the Parties also examined reports submitted by Parties on the implementation of the Committee's recommendations, following the expiry of the two year period set in them. Thus, at its 15th meeting, the Committee of the Parties examined

reports submitted by Armenia, Georgia and Montenegro. During its 16th meeting, the Committee examined reports received from Bosnia and Herzegovina, France, Latvia, Malta, Norway, Poland, Portugal and the United Kingdom, and at its 17th meeting, reports by Belgium, Ireland and Spain. The Committee of the Parties decided to transmit these reports to GRETA for examination. GRETA subsequently considered the reports and decided that the information contained in them should be taken into account during the second evaluation round.



## VII. Co-operation with the Parliamentary Assembly of the Council of Europe

54. GRETA has continued to follow closely the work of the Parliamentary Assembly's Committee on Equality and Non-Discrimination. Ms Gülsün Bilgehan, Chairperson of the Committee on Equality and Non-Discrimination of the Parliamentary Assembly of the Council of Europe (PACE), made an opening statement at the conference marking the 10th anniversary of the opening for signature of the Council of Europe Convention on Action against Trafficking

in Human Beings on 16 June 2015. She highlighted the continued support of the PACE in promoting further ratifications of the Convention, its proper implementation and its monitoring system. She also referred to the need for synergies within the Council of Europe, between the Parliamentary Assembly, the Committee of Ministers and all other relevant institutions in order to confront the growing challenges posed by trafficking in human beings.

## VIII. Co-operation with other Council of Europe bodies

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55. During its 24th meeting, on 18 November 2015, GRETA held an exchange of views with the Council of Europe Commissioner for Human Rights, Mr Nils Muižnieks. The Commissioner updated GRETA on his thematic and country work related to human trafficking, including promoting the ratification and implementation of the Council of Europe Convention on Action against Trafficking in Human Beings. The discussions focused on the risks of human trafficking faced by migrants and asylum seekers, the particular vulnerability of unaccompanied children, the need for governments to increase their efforts to clamp down on human trafficking for the purpose of labour exploitation, and the work of national human rights institutions related to action against human trafficking. GRETA and the Commissioner also explored possibilities for closer co-operation.

56. The President of GRETA made a presentation at the high-level conference on the fight against Trafficking in Human Organs organised on 25-26 March 2015 in Santiago de Compostela, Spain, which

was the occasion to open for signature the Council of Europe Convention against Trafficking in Human Organs.

57. On 22 September 2015, the President and First Vice-President of GRETA held an exchange of views with the members of the newly set up Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) in the context of GREVIO's first plenary meeting in Strasbourg. This was an opportunity to share the monitoring experience of GRETA, in particular when it comes to designing questionnaires, organising country visits and drafting reports.

58. Further, Ms Kateryna Levchenko, who is GRETA's Gender Equality Rapporteur, participated in training on gender mainstreaming on 17 November 2015 in Strasbourg and an exchange of views between Gender Equality Rapporteurs and the Gender Equality Commission on 18 November 2015.

59. The President of GRETA participated in a meeting of the Working Group set up to draft an Action Plan to the Council of Europe White Paper on Transnational Organised Crime, held in Paris on 17 April 2015.



## IX. Co-operation with other intergovernmental organisations

60. Co-operation and partnerships are indispensable prerequisites for successful international action against trafficking in human beings. During the period covered by this General Report, GRETA continued to reinforce its working relations with international organisations active in the area of combating trafficking in human beings. The country visits were an opportunity to meet representatives of international organisations present in the respective countries (ICMPD, IOM, ILO, OSCE, UNHCR, UNICEF). Further, GRETA members and Secretariat participated in numerous events organised by other international organisations where they presented the Convention and GRETA's work (see Appendix 8). The most important developments in this area during the reporting period are listed below.

### 1. United Nations agencies

61. At GRETA's 24th meeting (16-20 November 2015), an exchange of views was held with Ms Maria Grazia Giammarinaro, United Nations Special Rapporteur on trafficking in persons, especially women and children. Ms Giammarinaro updated GRETA on her

thematic and country work. The discussions explored areas for further co-operation, including through sharing of information on country visits and evaluations, follow-up on recommendations, and consultation in thematic areas, such as unconditional assistance to victims of trafficking, access to justice and remedies, and engaging businesses in preventing and combating human trafficking.

62. The Council of Europe and the UNHCR, together with the Bulgarian National Commission for Combatting Trafficking in Human Beings and the Hanns Seidel Foundation, organised a conference in Sofia on 23-24 June 2015 entitled "The interface between protection of victims of trafficking in human beings and asylum". The conference brought together government officials, academics, civil society actors and representatives of international organisations who discussed how to improve the procedures for identifying victims of trafficking in human beings among asylum seekers, with a special focus on unaccompanied minors. The 1st Vice-President of GRETA, Ms Siobhán Mullally, delivered a key-note speech at the conference.

63. On 20 March 2015, GRETA organised an exchange of views on data collection and sharing of data on trafficking in human beings which was attended, *inter alia*, by Ms Kristiina Kangaspunta, Chief of the United Nations Office on Drugs and Crime (UNODC) Global Report on Trafficking in Persons Unit. Discussions focused on ways and means to further strengthen co-operation within the framework of GRETA's second evaluation round, the UNODC's global report and the OSCE's survey of political commitments.

64. At the conference marking the 10th anniversary of the opening for signature of the Council of Europe Convention on Action against Trafficking in Human Beings held on 16 June 2015, Mr Martin Fowke, Officer-in-charge at the Anti-Human Trafficking and Migrant Smuggling Unit of the United Nations Office on Drugs and Crime (UNODC), was amongst the speakers during the session on strengthening international partnerships against trafficking in human beings.

65. On 1 July 2015, GRETA held an exchange of views with Ms Rosinda Silva, Senior Legal Officer at the Forced Labour and Child Labour Unit of the ILO. Discussions focused on the ILO Convention No. 29 on Forced Labour and its 2014 Protocol aimed at strengthening global efforts to eliminate forced labour and human trafficking, as well as challenges faced in protecting seasonal workers, domestic workers and migrant workers from falling victim to human trafficking and forced labour, and the need for monitoring recruitment agencies.

66. During its country evaluation visits, GRETA met representatives of different UN agencies (UNHCR, UNICEF, ILO). Several GRETA evaluation reports

adopted during the reporting period include references to country-specific work of UN human rights bodies on human trafficking-related issues (e.g. Committee on the Rights of the Child, CEDAW, ILO, UNHCR).

## 2. OSCE

67. Action against trafficking in human beings is one of the four priority areas of co-operation between the Council of Europe and the OSCE. The importance of this co-operation was reiterated by the Co-ordination Group between the Council of Europe and the OSCE at its 22nd meeting on 23 October 2015 in Vienna. The Group welcomed the further development of co-operation between the OSCE and the Council of Europe, in particular the organisation of joint activities and the efforts to avoid duplication and achieve synergies.

68. A joint Council of Europe-OSCE side event on measures that businesses, civil society and governments can take to prevent trafficking in human beings for labour exploitation took place in Vienna on 4 November 2014 on the margins of the 14th Alliance against Trafficking in Persons Conference entitled "Ethical issues in Preventing and Combating Human Trafficking". This side event was organised as a follow-up to the Framework for Joint Action agreed by the Council of Europe and the OSCE at the conference organised in February 2014 on the occasion of the Austrian Chairmanship of the Council of Europe and the Swiss OSCE Chairmanship. The President of GRETA, Mr Nicolas Le Coz, spoke at another side event organised during the same conference and entitled "Leveraging anti-money laundering regimes to combat trafficking in human beings".

69. Ambassador Jarbussynova and the Deputy Co-ordinator Ms Ruth Pojman participated in the conference organised on 16 June 2015 in Strasbourg on the occasion of the 10th anniversary of the opening for signature of the Council of Europe Convention on Action against Trafficking in Human Beings. The Executive Secretary of the Council of Europe Convention, Ms Petya Nestorova, acted as moderator of one of the panels during the OSCE 15th High-level Alliance against Trafficking in Persons Conference entitled "People at risk: combating human trafficking along migration routes", held in Vienna on 6-7 July 2015. She also participated in the "Expert meeting on prevention of trafficking in human beings in supply chains, with a focus on government practices and measures", organised by the OSCE in Milan, Italy on 14-15 September 2015 and in the OSCE Alliance Expert Co-ordination Team meetings.

70. The Council of Europe and the Office of the Special Representative and Co-ordinator for Combating of Trafficking in Human Beings co-operated closely in the organisation of two joint workshops for judges and prosecutors on the implementation of the non-punishment principle, held respectively on 9-10 October 2014 and 27-28 April 2015 in Strasbourg.

71. The OSCE has observer status with the Committee of the Parties to the Convention and Ambassador Madina Jarbussynova, OSCE Special Representative and Co-ordinator for Combating of Trafficking in Human Beings, participated in the 15th meeting of the Committee of the Parties on 15 June 2015.

72. With a view to avoiding duplication, GRETA and the OSCE Special Representative and Co-ordinator for Combating of Trafficking in Human

Beings co-ordinated their respective visit plans. During country evaluation visits, GRETA delegations met representatives of local offices of the OSCE (where they have Field Operations and anti-trafficking Focal Points) and benefitted from their presence on the ground to complete the collection of information necessary for monitoring the implementation of the Convention.

### 3. European Union

73. The Council of the European Union, through its conclusions dated 25 October 2012 concerning the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016, invited EU member states to ratify the Council of Europe Anti-Trafficking Convention and the European Commission to further co-ordinate actions with international organisations and to make full use of the monitoring reports of international organisations, especially GRETA. At its meeting on 18 November 2013, the Foreign Affairs Council of the EU adopted the priorities for co-operation with the Council of Europe in 2014-2015 which include co-operation in the context of the Council of Europe Convention on Action against Trafficking in Human Beings.

74. The European Union's Anti-Trafficking Coordinator, Ms Myria Vassiliadou, participated in the 16th Meeting of the Committee of the Parties of the Council of Europe Convention on Action Against Trafficking in Human Beings which took place in Strasbourg on 15 June 2015 where she informed the representatives of the Parties to the Convention about the latest developments and priorities of the EU legal and policy framework as regards action against trafficking in human beings.

75. On 2 December 2015 GRETA's President and the Executive Secretary of the Convention held a meeting in Brussels with Ms Catherine Bearder MEP, who was preparing a report on the gender dimension of human trafficking as part of the activities of the European Parliament's Committee on Women's Rights and Gender Equality (FEMM). Further, Several GRETA members participated in events organised by EU agencies (see Appendix 8).

76. In 2015 the European Union's Fundamental Rights Agency (FRA) published studies on guardianship systems for children deprived of parental care in the European Union and on severe labour exploitation, which make reference to GRETA's evaluation reports.

77. GRETA is committed to continuing and strengthening its partnership with the EU's Anti-Trafficking Coordinator, the European Parliament, FRA, Frontex, Eurojust and Europol.

#### **4. International Centre for Migration Policy Development (ICMPD)**

78. On 30-31 March 2015, the Executive Secretary of the Convention attended a meeting of the National Anti-Trafficking Co-ordinators of Central and South Eastern Europe which was organised by the ICMPD in Vienna. She made a presentation on the main findings of GRETA's monitoring work and participated in exchanges on the development of networks and the use of Transnational Referral Mechanisms (TRM) as a tool for enhancing international co-operation. The Council of Europe and ICMPD have been discussing the launching of a joint

initiative aimed at strengthening the identification of and assistance to trafficked persons through efficient transnational co-operation and exchange of information, including the application of TRM.

79. Mr Martijn Pluim, Director at ICMPD, was one of the speakers at the conference marking the 10th anniversary of the opening for signature of the Council of Europe Convention on Action against Trafficking in Human Beings, held on 16 June 2015 in Strasbourg.

#### **5. INTERPOL**

80. The President of GRETA was invited as keynote speaker at the opening session of the 3rd INTERPOL Global Trafficking in Human Beings Conference in Lyon, France, on 12 November 2014. He stressed the need for a rights-based approach to anti-trafficking action, in particular the identification and adequate protection of victims of trafficking, which can also assist the police in the criminal investigations. The conference brought together international experts from law enforcement agencies, the public and private sectors, non-governmental and international organisations. Agenda items included victim assistance, new global trafficking trends, enhanced use of INTERPOL's Green Notices to reduce demand for trafficked children by preventing the movement of child sex offenders, and prosecution challenges. On this occasion, INTERPOL's Secretary General, Mr Jürgen Stock, recalled the importance of close co-operation between the international police co-operation organisation and the Council of Europe and GRETA.





## X. Co-operation with civil society

81. 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 involving specialised NGOs in a multi-agency effort to identify and protect victims of trafficking.

82. During the reporting period, international and national NGOs continued to provide valuable information to GRETA in the context of the preparation of country evaluation visits and reports. In the course of each country visits, 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 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. In particular, NGOs

participated actively in the round-table meetings on the follow-up to be given to GRETA's report and the Committee of Parties recommendations on the implementation of the Convention.

83. GRETA members and Secretariat participated in a number of events organised by civil society organisations (see Appendix 8). By way of example, Mr Helmut Sax made a presentation at a symposium organised by KOK (the German network of NGOs against human trafficking) on 15-16 October 2015 in Berlin on the occasion of the 10th anniversary of the opening for signature of the Council of Europe Anti-Trafficking Convention. Further, Ms Kateryna Levchenko participated in a round table organised by La Strada Belarus on 13 October 2015 in Minsk, Belarus, on the role of civil society organisations in combating human trafficking.

84. The President of GRETA and the Executive Secretary of the Convention held a meeting with Ms Pierrette Pape, Policy and Campaigns Director of the European Women's Lobby, on 2 December 2015 in Brussels, in order to discuss issues of common interest.

85. GRETA is grateful for the contributions made by NGOs and is committed to continuing the existing co-operation with civil society.

## XI. Evaluation of Kosovo\*

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86. Following discussions with the authorities of Kosovo\*, it was agreed in October 2014 to carry out an evaluation by GRETA of the anti-trafficking legislation, policy and practice of Kosovo\*, using GRETA's methodology and first round questionnaire. The evaluation was covered by the extra-budgetary project "Reinforcing the fight against trafficking in human beings in Kosovo\* through the application of GRETA methodology and tools", which was paid for through a voluntary contribution.

87. GRETA's first round questionnaire was sent to the authorities of Kosovo\* on 26 September 2014 and their reply was received on 16 January 2015, following which a country visit was organised from 7 to 10 April 2015.

88. GRETA held a meeting on 17 June 2015 in Strasbourg in order to adopt a draft report on the compliance of Kosovo\* with the standards of the Council of Europe Convention on Action against Trafficking in Human Beings. Following the reception of the authorities' comments on 15 September 2015, GRETA adopted a final report which was sent to the authorities of Kosovo\* on 22 December 2015. The authorities were given one month to provide comments on the final report, following which the report will be made public.

89. GRETA underlines the importance of not having any "grey zones" on the European continent when it comes to preventing and combating human trafficking. The evaluation by GRETA of the anti-trafficking legislation, policy and practice of Kosovo\* will be followed by action to implement the recommendations made in the report in order to close any gaps in the protection of victims of trafficking and the punishment of perpetrators.

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



## XII. Identification and protection of victims of trafficking among asylum seekers, refugees and migrants

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90. The year 2015 saw an unprecedented surge in asylum applications in Europe. Hundreds of thousands of people fleeing violent conflicts are taking dangerous sea and land routes to reach Europe. While most of these people are being transported by smugglers who do not seek their exploitation, many of them are at high risk of falling victim to human trafficking in the process. These migrants frequently face barriers in accessing assistance, making them an easy prey for traffickers and exploiters in the countries where they seek asylum or in transit countries. Unaccompanied and separated children are particularly vulnerable to being caught up in the web of traffickers and are less likely to be identified as victims of trafficking in screening procedures. Further, the increasing proportion of women and girls among asylum seekers and migrants

heightens the risk of trafficking for the purpose of sexual exploitation.<sup>14</sup>

91. Media coverage of the refugee and migrant crisis has used the terms “trafficking” and “smuggling” interchangeably. However, in the context of the movement of people, these terms refer to different things and countries have distinct responsibilities toward people who have been trafficked and those who have resorted to smugglers to undertake a journey.

92. GRETA has followed the unfolding refugee and migrant crisis with great concern and on two occasions in 2015,

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14. See UNHCR, “Report warns refugee women on the move in Europe are at risk of sexual and gender-based violence”, [http://data.unhcr.org/mediterranean/flash\\_read.php?ID=84](http://data.unhcr.org/mediterranean/flash_read.php?ID=84); Aljazeera, “EU refugee crisis heightens sex trafficking concerns”, <http://america.aljazeera.com/articles/2015/10/20/eu-refugee-crisis-boosts-sex-trafficking.html>

it made statements in order to draw the attention of States to their legal obligations to protect victims of trafficking.<sup>15</sup> Thus in a statement made on the occasion of the World Day against Trafficking in Persons, 30 July 2015, GRETA called upon States Parties to the Council of Europe Anti-trafficking Convention to uphold their commitment to protecting victims of trafficking and to ensure that migration policies and measures to combat migrant smuggling do not put at risk the lives and safety of trafficked people and do not prejudice the application of the protection and assistance measures provided by the Convention.

93. GRETA has decided to dedicate a thematic section in its 5th General Report to a number of issues related to the identification and protection of victims of trafficking among asylum seekers, refugees and migrants, basing itself on the findings from its country evaluation reports.

## 1. Identification of victims of trafficking

94. Article 10 of the Convention places a positive obligation on States Parties to identify victims of trafficking. The Convention requires that the competent authorities have staff who are trained and qualified in identifying and helping victims, including children, and that the

<sup>15</sup> "Current management of the humanitarian crisis in the Mediterranean region must not be disconnected from obligations to combat trafficking in human beings", Statement by GRETA on the occasion of the World Day against Trafficking in Persons, 30 July 2015, available at: [http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Press\\_releases/World\\_day\\_vs\\_THB\\_2015\\_en.asp](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Press_releases/World_day_vs_THB_2015_en.asp); "Governments must act to prevent and combat child trafficking along migration routes", Statement by GRETA on the occasion of the 9th EU Anti-Trafficking Day, 18 October 2015, available at: [http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Press\\_releases/Statement\\_GRETA\\_9th\\_Anti-THB\\_day\\_en.asp](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Press_releases/Statement_GRETA_9th_Anti-THB_day_en.asp)

authorities collaborate with one another and with relevant support organisations, such as NGOs. Victim identification is a process that takes time. Even when the identification process is not completed, as soon as the competent authorities consider that there are reasonable grounds to believe that a person is a victim, he/she must not be removed from the territory of the state concerned, be it to the country of origin or a third country.

95. During the first round of evaluation of the Convention, which has now been completed in respect of 40 States Parties, GRETA paid particular attention to the identification of victims of trafficking among asylum seekers and made recommendations on this issue.<sup>16</sup> In the report on Serbia, for instance, GRETA noted the dramatic increase in asylum applications and the fact that the Asylum Office lacked capacity to process these asylum applications and to detect possible victims of trafficking among asylum seekers. GRETA considered that the Serbian authorities should increase their efforts to detect possible victims of trafficking among asylum seekers and ensure their referral to the Centre for the Protection of Victims of Trafficking for formal identification and support.<sup>17</sup> In the report on "the former Yugoslav Republic of Macedonia", GRETA also noted the increase in the number of asylum seekers and urged the authorities to pay more attention to the identification of victims of trafficking among asylum seekers, irregular migrants and unaccompanied foreign minors, and to provide additional training to staff who come in contact with such persons.<sup>18</sup>

<sup>16</sup> For example, see GRETA's reports on Belgium, Hungary, Italy, Malta, the Netherlands, Norway, Serbia, Sweden, Switzerland and the UK.

<sup>17</sup> GRETA's report on Serbia, GRETA(2013)19, paragraph 161.

<sup>18</sup> GRETA's report on "the former Yugoslav Republic of Macedonia", GRETA(2014)12, paragraph 145.

96. GRETA has also focused on the identification of trafficked persons among irregular migrants facing forced return/expulsion in detention facilities.<sup>19</sup> In the report on Italy, for instance, GRETA was concerned by the absence of clear procedures for the screening of persons placed in identification and expulsion centres (CIE) for signs of trafficking. GRETA urged the Italian authorities to improve the identification of victims of trafficking among irregular migrants and asylum seekers, including through clear, binding procedures to be followed and through training of immigration police officers and staff working in first assistance and reception centres (CPSA), reception centres for migrants (CDA), identification and expulsion centres (CIE) and reception centres for asylum seekers (CARA).<sup>20</sup>

97. GRETA also observed in Italy that the detection of victims of human trafficking for the purpose of labour exploitation was particularly complicated due to the significant size of the “informal economy” in certain sectors. As the Italian immigration laws do not offer a possibility for legal employment for workers who already are irregularly in Italy, their only possibility of being employed is in the informal economy, very often under exploitative conditions. Economic sectors where the exploitation of high numbers of irregular migrants is common include agriculture, the construction sector and the textile industry. GRETA urged the Italian authorities to take steps to reduce the particular vulnerability of irregular migrants to trafficking in human beings and invited them to study the implications of the immigration legislation, in particular the offence of illegal entry and stay, for the identification

and protection of victims of trafficking, and the prosecution of offenders.

98. In the report concerning Spain, GRETA was concerned by the lack of training and awareness of the rights of victims of trafficking among border police officers, asylum officials, staff at temporary reception centres for aliens (particularly in the Autonomous Cities of Ceuta and Melilla), staff in reception centres for asylum seekers, reception centres for irregular migrants where third-country nationals await expulsion, and judicial bodies responsible for issuing expulsion orders.<sup>21</sup>

99. In general, GRETA's monitoring of the implementation of the Convention has highlighted important gaps in the identification and protection of victims of trafficking among asylum seekers and irregular migrants. Law enforcement efforts to combat irregular migration are too often disconnected from the legal obligation to identify victims of trafficking in human beings, with negative consequences for the protection of such victims and the prosecution of traffickers. GRETA stresses the legal obligations enshrined in the Convention, which requires Parties to put in place adequate identification procedures which enable the detection of victims of trafficking, including among people seeking international protection and irregular migrants, and to enable them to exercise a series of rights to assistance, protection and compensation. The Convention also recognises the importance for States Parties to enable migration to take place legally.

100. GRETA calls upon States Parties to the Convention to uphold their commitment to protecting victims of trafficking and to ensure that migration policies and measures to combat migrant smuggling do not

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19. For example, see GRETA's reports on Belgium, Italy, Luxembourg, Poland, Spain and the Slovak Republic.

20. GRETA's report on Italy, GRETA(2014)18, paragraph 135.

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21. GRETA's report on Spain, GRETA(2013)16, paragraph 90.

put at risk the lives and safety of trafficked people and do not prejudice the application of the protection and assistance measures provided by the Convention. It is also imperative to put in place reception and screening mechanisms which enable the identification of victims of trafficking among asylum seekers and migrants, in particular women and children who are especially vulnerable, and to adequately train the competent authorities, including at immigration detention centres and reception centres for asylum seekers.

## 2. Risks of trafficking of unaccompanied minors and separated children

101. The Convention recognises the additional measures of protection and prevention required to ensure that the rights of child victims of trafficking are effectively protected by States. These include obligations on the State to ensure that trafficked children, or children at risk of trafficking, have effective access to asylum or other forms of protection and that the positive obligation to identify child victims is fulfilled by States. Early identification of victims of child trafficking is essential not only to ensuring that obligations of non-punishment are met, but also to ensuring that States take all appropriate measures to provide assistance and protection to children, including preventing risks of re-trafficking. In the current context of significantly increased numbers of unaccompanied minors and separated children arriving in Europe, the obligations on States to ensure protection of such vulnerable children and young persons is ever more urgent.

102. Article 10(4) of the Convention provides that as soon as an unaccompanied child is identified as a victim, each Party shall: (a) provide for representation of

the child by a legal guardian, organisation or authority which shall act in the best interests of that child; (b) take the necessary steps to establish his/her identity and nationality; (c) make every effort to locate his/her family when this is in the best interests of the child. These requirements are also found in General Comment No. 6 (2005) of the UN Committee on the Rights of the Child, "Treatment of Unaccompanied and Separated Children Outside their Country of Origin", cited in several GRETA country reports. As has been noted by GRETA, identification of child victims of trafficking requires specialised training to ensure that where a child is unable to explicitly articulate a concrete fear of persecution, including trafficking, such risks are recognised, and protection provided without delay. Identification of child victims is also essential to the prevention of re-trafficking.

103. In 36 out of the 40 countries evaluated as part of the first evaluation round, GRETA has urged the authorities to take measures in order to improve the identification of and assistance to child victims of trafficking, including by setting up a specific identification and referral mechanism which takes into account the special circumstances and needs of child victims, and ensures that the best interests of the child are the primary consideration. Recognising the crisis in refugee protection in Europe and its impact on children in particular, the statement published by GRETA on the occasion of the 9th EU Anti-Trafficking Day (18 October 2015) specifically addressed the issue of preventing and combating child trafficking

along migration routes.<sup>22</sup> In this statement, GRETA expressed concern about the serious shortcomings in the identification of child victims of trafficking, noting that children at risk are frequently treated as offenders or irregular migrants by law enforcement officials who do not systematically look for indicators of human trafficking. In many countries, unaccompanied children disappear within a few days of being placed in reception centres. The inadequacy of child protection measures and the lack of co-ordination at national level as well as between countries increase the risk of unaccompanied children falling victim to trafficking. In most countries there is little or no information on the identification of trafficked persons among separated children.

104. In the report on Switzerland, for instance, GRETA called on the authorities to mainstream prevention of trafficking as a policy measure and in the training of staff working with unaccompanied minors and other children at risk.<sup>23</sup> In the report on Serbia, responding to the particular vulnerability of unaccompanied minors and separated children to risks of trafficking, GRETA urged the authorities to pay more attention to the identification of victims among unaccompanied minors, and to provide additional training to staff as well as information on the risks of human trafficking to unaccompanied minors.<sup>24</sup> In the report on Hungary, GRETA noted the significant numbers of unac-

companied minors going missing from reception centres,<sup>25</sup> and urged the authorities to increase efforts to identify child victims of trafficking among unaccompanied minors and to set up child-specific identification procedures which take into account the special circumstances and needs of child victims of trafficking.<sup>26</sup>

105. A critical step in the identification process is that of age assessment. As the UNHCR Guidelines on Unaccompanied Children note, age assessment must be part of a comprehensive assessment that takes into account both the physical appearance and the psychological maturity of the individual.<sup>27</sup> Such assessments must be conducted in a safe, child- and gender-sensitive manner, with due respect for human dignity. The benefit of the doubt should be applied in such a manner that, in case of uncertainty, the individual will be considered a child. Given that the consequences of an erroneous assessment may lead to children being placed in accommodation with adults with potentially heightened risks of trafficking or re-trafficking, age assessment is critical to effective protection. Article 10(3) of the Council of Europe Anti-Trafficking Convention re-states the benefit of the doubt principle and provides that “When the age of the victim is uncertain and there are reasons to believe that the victim is a child, he or she shall be presumed to be a child and shall be accorded special protection measures pending verification of his/her age.”

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22. “Governments must act to prevent and combat child trafficking along migration routes”, Statement by GRETA on the occasion of the 9th EU Anti-Trafficking Day, 18 October 2015, available at: [http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Press\\_releases/Statement\\_GRETA\\_9th\\_Anti-THB\\_day\\_en.asp](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Press_releases/Statement_GRETA_9th_Anti-THB_day_en.asp).

23. GRETA’s report on Switzerland, GRETA(2015)18, paragraph 96.

24. GRETA’s report on Serbia, GRETA(2013)19, paragraph 165.

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25. GRETA’s report on Hungary, GRETA(2015)11, paragraph 153, and recommendation in paragraph 155.

26. GRETA’s report on Hungary, GRETA(2015)11, paragraph 135.

27. UNHCR *Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum*, February 1997, paragraph 5.11.

106. In Hungary, GRETA expressed concern that age assessment carried out by the Office of Immigration and Nationality was limited to the use of X-rays only. In Spain, GRETA noted calls by the Spanish Ombudsman and ECRI to improve age assessment methods and access to asylum for unaccompanied minors.<sup>28</sup> In its second evaluation report on the Slovak Republic, GRETA noted that the method of age assessment used (X-ray and dental assessment) does not take into account psychological, cognitive or behavioural factors, as required by General Comment No. 6 of the UN Committee on the Rights of the Child.<sup>29</sup>

107. The issue of age assessment is a difficult one as is that of family reunification. Recognising the risks, GRETA has noted the need for close monitoring of unaccompanied minors on family reunification and on return to countries of origin to avoid risks of re-trafficking and to ensure that states obligations of protection are fulfilled. In its second report on Austria, GRETA noted the work of the Drehscheibe Centre in the City of Vienna, in partnership with Bulgarian and Romanian authorities, on the return of children and the risk-based assessment undertaken in the context of family reunification.<sup>30</sup> GRETA has expressed concerns about the possible return of unaccompanied minors to countries of origin by the Spanish authorities, without comprehensive risk assessments and the need for additional measures to meet obligations of *non-refoulement* and protection of the best interests of the child.<sup>31</sup>

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28. GRETA's report on Spain, GRETA(2013)16, paragraphs 76 and 215.

29. GRETA's second report on the Slovak Republic, GRETA(2015)21, paragraph 117.

30. GRETA's second report on Austria, GRETA(2015)19, paragraphs 101 and 130. See also GRETA's report on Germany, GRETA(2015)10, paragraph 185, and GRETA's report on Belgium, GRETA(2013)14, paragraph 193.

31. GRETA's report on Spain, GRETA(2013)16, paragraph 234.

108. It remains a matter of concern that in several States Parties, significant numbers of unaccompanied minors, including child victims of trafficking and possible victims, go missing within a short time after arrival. Such patterns of disappearance indicate that children may be at risk of trafficking, and re-trafficking in many cases. In the context of quick disappearances, it is also not possible to establish whether the child is already in the process of being trafficked and what are his/her concrete individual protection needs, including that of a possible international protection.

109. In Italy, GRETA expressed concern at the 'alarming' numbers of unaccompanied minors going missing, echoing similar concerns voiced by the UN Committee on the Rights of the Child and the UN Special Rapporteur on Trafficking in Human Beings.<sup>32</sup> GRETA urged the authorities to take steps to address the problem of disappearance of unaccompanied minors by providing suitable safe accommodation and assigning adequately trained legal guardians. This recommendation is echoed in several other country evaluations where GRETA has called for urgent reforms and expressed concern at the lack of consistency and delays in practice in the appointment of guardians for unaccompanied minors.<sup>33</sup> These gaps in protection are noted as contributing to the significant numbers of unaccompanied minors who go miss-

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32. GRETA's report on Italy, GRETA(2014)18, paragraph 133.

33. GRETA's report on Italy, GRETA(2014)18, paragraph 143; GRETA's second report on Austria, GRETA(2015)19, paragraph 122; GRETA's report on Portugal, GRETA(2012)17, paragraph 129; GRETA's second report on the Slovak Republic, GRETA(2015)21, paragraph 116. In GRETA's report on Belgium, at paragraph 173, it was noted that distinctions are made between unaccompanied minors who are European Economic Area (EEA) nationals and non-EEA nationals, with the latter only being provided with a legal guardian. Belgium.



ing from reception centres, highlighted in several GRETA reports, and recognised as contributing further to risks of trafficking and re-trafficking.<sup>34</sup>

110. Determining the measures required to protect unaccompanied minors, while safeguarding the best interests of the child, has been difficult for States, and noted by GRETA in its monitoring work. In Norway, followed targeted measures to prevent unaccompanied minors going missing from care, the Child Welfare Act introduced in August 2012 provided for unaccompanied minors to be held for up to six months in a closed institution without their consent in cases where the child is at risk of being subject to human trafficking and in order to prevent the child being contacted by traffickers. In its first evaluation report on Norway, GRETA considered that the Norwegian authorities should evaluate the impact of actions undertaken to prevent and investigate the disappearance of minors from care centres and asylum reception centres, and also specifically recommended that the new measures introduced be kept under review, with a view to ensuring compliance with international standards on the rights of the child, in particular as regards the deprivation of children's liberty as a measure of last resort.<sup>35</sup>

111. GRETA has also noted that good practices exist in some States Parties. In the Netherlands, for example, a pilot project was launched in 2008 in order to prevent unaccompanied foreign minors disappearing and falling prey to trafficking. The project consisted of two protected reception centres with additional security measures, located in

remote areas, with their addresses kept secret. At the time of GRETA's visit to the Netherlands, there was 24-hour staff supervision, cameras and key cards for the doors. Children received special guidance and support and were informed of the risks linked to trafficking.<sup>36</sup> In its first evaluation report on Ireland, GRETA welcomed the move to small residential centres and foster care placements for unaccompanied minors, and the significant impact that this had on preventing unaccompanied minors from going missing.<sup>37</sup>

112. Effective access to asylum may also depend on the prompt appointment of a guardian to represent a child's best interests. In GRETA's second evaluation report on the Slovak Republic, for example, concern was expressed about delays in appointing legal guardians and the impact that such delays may have on a child's access to asylum.<sup>38</sup> Similar concerns were expressed in GRETA's first report on the United Kingdom, where it was noted that the appointment of a social worker or voluntary advocate fell short of providing a legal guardian who can act independently with authority and uphold the child's best interests.<sup>39</sup> Since then, significant legislative and policy developments on the appointment of legal guardians have taken place, in particular in Northern Ireland and Scotland.

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34. GRETA's second report on Austria, GRETA(2015)19, paragraphs 122-124; GRETA's second report on the Slovak Republic, GRETA(2015), paragraph 116.

35. GRETA's report on Norway, GRETA(2013)5, paragraph 178.

36. GRETA's report on the Netherlands, GRETA(2014)10, paragraph 164.

37. GRETA's report on Ireland, GRETA(2013)15, paragraph 153.

38. GRETA's second report on the Slovak Republic, GRETA(2015), paragraph 115.

39. GRETA's first report on the United Kingdom, GRETA(2012)6, paragraph 245.

### 3. Access to asylum for victims of trafficking

113. It is now well established, as a matter of refugee law, that a victim of human trafficking may have a claim to asylum or subsidiary/complementary protection. As UNHCR has noted, “inherent in the trafficking experience are such forms of severe exploitation as abduction, incarceration, rape, sexual enslavement, enforced prostitution, forced labour, removal of organs, physical beatings, starvation, the deprivation of medical treatment. Such acts constitute serious violations of human rights which will generally amount to persecution.”<sup>40</sup> Risks faced on return to a country of origin, or a third country (of transit, for example), including risks of re-trafficking, are also recognised as potentially giving rise to a claim to asylum. Furthermore, UNHCR’s Executive Committee has recognised that child-specific forms of persecution may include child trafficking.<sup>41</sup>

114. However, while the legal obligations may now be clearer thanks to landmark cases such as *Rantsev v Cyprus and Russia*, the practice continues to reveal shortcomings in ensuring that protection obligations are met. As has been noted by GRETA in several evaluation reports, there are significant gaps in the data available on how often asylum is granted where the persecution feared is linked to human trafficking. These gaps are even more pronounced in relation to child trafficking and asylum, adding to the difficulties in monitoring whether

child victims have effective access to asylum. This lack of information limits our understanding of the effectiveness in practice of access to asylum for victims of trafficking.

115. In Norway, pursuant to the 2010 Immigration Act, victims of trafficking are considered “members of a particular social group”, which can entitle them to recognition as refugees. When deciding whether to grant a residence permit on humanitarian grounds, the Immigration Act allows taking account of whether the person concerned has been a victim of trafficking. However, the application for asylum must be withdrawn if the victim of trafficking applies for a reflection period. In practice, many victims of trafficking apply or reapply for asylum after the reflection period has expired. In 2011, there were 39 asylum decisions with claims of trafficking, 14 of which were granted a residence permit (most of them were Nigerian women trafficked for the purpose of sexual exploitation). In 2012, the immigration authorities made 38 decisions in cases with trafficking claims, granting 18 permits to stay (11 of which were for asylum protection, four for witnesses in human trafficking cases, and three on humanitarian grounds). Seven of these residence permits concerned children.<sup>42</sup>

116. Negative findings on credibility can lead to asylum claims being diverted through accelerated procedures, with reduced time limits and rights of appeal. Due to their ‘complex nature’, claims based on the harms of human trafficking are particularly unsuited to accelerated processing and may limit the likelihood of identification of victims. In a number of country evaluations, GRETA has noted

40. UNHCR, *Guidelines on International Protection No. 7: 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, 2006.

41. UNHCR ExCom, *Conclusion No. 107*, paragraph (g)(viii).

42. GRETA’s report on Norway, GRETA(2014), paragraphs 200 and 205.

the difficulties that persist in decision-making processes at national level, where a victim's testimony is not accepted as credible.<sup>43</sup> In the context of trafficking for the purpose of forced labour, for example, a lack of consent has proven hard to establish. Such difficulties may also hinder recognition of a related asylum claim.

117. A related, though distinct question, is whether the rights to assistance stated in the Convention are effectively protected where a victim of trafficking is also seeking asylum. GRETA noted in its report on Ireland, for example, the failure to safeguard the rights of victims of trafficking who were also seeking asylum, but denied the right to work and to specialised accommodation facilities.<sup>44</sup> In its report of the Netherlands, GRETA expressed concern at the exclusion of victims of trafficking with ongoing or past asylum applications from the specialised shelters (COSM).<sup>45</sup> In Austria, there is no data available on the number of victims of trafficking given refugee status or subsidiary protection. Access to the labour market is rather restrictive for asylum seekers, but 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.<sup>46</sup>

118. In a statement made on the occasion of the World Refugee Day, GRETA expressed deep concern that victims of trafficking are often denied international

protection in Europe.<sup>47</sup> Not all States Parties to the Convention allow for asylum applications to be made while potential victims of trafficking are in an identification procedure, which amounts to a violation of their international protection obligations. GRETA recalls that the human rights approach enshrined in the Council of Europe's Anti-Trafficking Convention requires States Parties to take into account the risk of persecutions of victims of trafficking, as well as to ensure that all foreign nationals identified as victims of trafficking are informed about their right to request international protection and have access to fair and efficient asylum procedures.

#### 4. The obligation of non-refoulement

119. Article 16 of the Convention contains extensive mandatory provisions on how repatriation and return of victims of trafficking should be conducted. Both returning and receiving States are obliged States Parties to take due regard of the rights, safety and dignity of the victim. Moreover, the Convention states that return shall preferably be voluntary and must take account of the status of any legal proceedings related to the fact that the person is a victim. Article 16 of the Convention should be read along with Article 40(4), which specifically mentions the principle of *non-refoulement* and provides that its applicability is in no way affected by the Convention.

120. The obligation of *non-refoulement* binds the State which proposes to return a victim of trafficking to their home country, or possibly to a third country if the

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43. See, for example, GRETA's report on Sweden, GRETA(2014)11; GRETA's report on the United Kingdom, GRETA(2012)6.

44. GRETA's report on Ireland, GRETA(2013)15, paragraphs 173 and 181.

45. GRETA's report on the Netherlands, GRETA(2014)10, paragraph 173.

46. GRETA's second report on Austria, GRETA(2015)19, paragraph 137.

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47. "Victims of trafficking in human beings are too often deprived of their right to international protection", Statement made by GRETA on the occasion of the World Refugee Day (20 June 2014).

person's situation is to be considered under the Dublin Regulation. Therefore, it is the practice of countries of destination that is most important. However, it is also necessary to assess the practice of source countries: are they themselves doing enough to prevent the risks that would trigger the application of the principle?

121. GRETA's evaluation reports frequently raise concerns with regard to procedures for repatriation and return, and reception, of trafficked persons. However, it should be borne in mind that the principle of *non-refoulement* does not operate to protect a person against all risks in the State to which they are to be sent. It applies only with regard to risk to life or a serious threat to the individual's human rights. This includes threats from the State itself, but also from non-State actors, where the State is unable or unwilling to provide effective protection.

122. Many of GRETA's country evaluation reports identify the need for a clear institutional and procedural framework for the return and repatriation of victims of human trafficking, having regard to their safety, protection and dignity, and often stressing the need to avoid their re-victimisation, while others refer to the need for the national authorities to take steps to ensure the safety, protection and dignity of trafficked persons.<sup>48</sup> This should apply to all countries: the destination country must have in place

procedures to identify those whose enforced return would violate the principle of *non-refoulement*, so that they are not in fact obliged to return.<sup>49</sup> In turn, countries of origin need to reform their systems and procedures so that it is safe for their citizens to return. In particular, there is a danger for trafficked persons if they are not given sufficient support to reintegrate and may even be put at risk if returned to a situation similar to that from which they were trafficked in the first place.<sup>50</sup>

123. GRETA has expressed concerns about the efficacy of individual risk assessments prior to the return of trafficked people to their home countries.<sup>51</sup> If the actual threats are not identified then a person may well end up being repatriated to a situation of real personal risk that could amount to *refoulement*. It is therefore important that full and competent risk assessments are carried out before anyone is returned. This will reduce the likelihood of anyone being returned to their home country in violation of the returning State's international protection obligations.

124. In the report on Switzerland, while welcoming the existence of a voluntary return scheme specifically for victims of trafficking in human beings, GRETA considered that the Swiss authorities should take steps to ensure that victims of trafficking who are irregular migrants are not subjected to forced return in

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48. See, for example, GRETA's first reports on: Denmark, GRETA(2011)21, paragraph 182; Romania, GRETA(2012)2, paragraph 173; Malta, GRETA(2012)14, paragraph 159; Portugal, GRETA(2012)17, paragraph 158; Ireland, GRETA(2013)15, paragraph 221; Spain, GRETA(2013)16, paragraph 237; Hungary, GRETA(2015)11, paragraph 181; Finland, GRETA(2015)9, paragraph 197; Germany, GRETA(2015)10, paragraph 186; Italy, GRETA(2014)18, paragraph 175.

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49. GRETA's first report on Austria, GRETA(2011)10, paragraph 84. In some countries, there appeared to be gaps in the system that might result in trafficked persons being repatriated to situations where they could be endangered (see GRETA's report on Belgium, GRETA(2013)14, paragraph 195).

50. GRETA's first report on the Slovak Republic, GRETA(2011)9, paragraph 125.

51. GRETA's report on the UK, GRETA(2012)6, paragraph 308.

contravention of the obligations stemming from the principle of *non-refoulement*, and are identified and assisted accordingly.<sup>52</sup>

125. Another risk to trafficked persons arises through the misuse of expedited removal procedures. One problem with these is that, by their very nature, they allow only limited time to assess each individual case. There may not be enough time to identify the trafficked person.<sup>53</sup> Even if identified as such, they may nevertheless be wrongfully removed because of a failure adequately to assess the risks to them of return.<sup>54</sup> GRETA expressed particular concerns about this in its report on Sweden.<sup>55</sup>

126. When it comes to the obligations under Article 32 of the Convention, which are related to international co-operation, in reality, countries have focused on international co-operation with regard to criminal proceedings. The idea of international cooperation in protecting and assisting victims is still rarely considered and the issue of *non-refoulement* does not arise. There is potential to use Article 32 as a basis for increased cooperation with regard to prevention of *refoulement*.<sup>56</sup> Further, there is a possibility to link the duty to co-operate in protecting and assisting

victims (Article 32) with the return and repatriation of victims under Article 16. Return and repatriation of victims may be considered an area in which effective co-operation between the returning State and the receiving State will promote safe return.<sup>57</sup> Such cooperation might also enable the returning State to make a more accurate assessment about whether it is in fact safe to return a trafficked person. A lack of international co-operation was specifically asserted to be problematic with regard to the carrying out of risk assessments before returning trafficked person to their countries of origin.<sup>58</sup>

127. Considering the need for further efforts by States Parties to the Convention to prevent trafficking and to identify and protect trafficking victims among asylum seekers, refugees and migrants, GRETA will continue to pay close attention to these issues during its future monitoring work.

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52. GRETA's report on Switzerland, GRETA(2015)18, paragraph 174.

53. GRETA's report on the UK, GRETA(2012)6, paragraph 312.

54. GRETA's report on Latvia, GRETA(2012)15, paragraph 162.

55. GRETA's report on Sweden, GRETA(2014)11, paragraph 185.

56. For example, with regard to the Republic of Moldova, it was recommended that the authorities develop co-operation with destination countries for Moldovan citizens; see GRETA's report on the Republic of Moldova, GRETA(2011)25, paragraph 138. See also GRETA's report on Malta, GRETA(2012)11, paragraph 160.

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57. Support for this may be found, for instance, in GRETA's report on Belgium, GRETA(2013)14, at paragraph 196, of which GRETA urges Belgium to strengthen co-operation with source countries so as to improve reintegration and rehabilitation of trafficked persons. Similarly, in the report on Spain, GRETA(2013)16, paragraphs 237-238, GRETA recommends that the authorities develop co-operation with source countries to ensure safe return.

58. GRETA's report on Slovenia, GRETA(2013)20, paragraph 75.

# Appendix 1

## Signatures and ratifications of the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197)

■ 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

### Opening for signature

Place: Warsaw

Date: 16/5/2005

### Entry into force

Conditions: 10 Ratifications including 8 member states

Date: 1/2/2008

### Status as of 31/12/2015

■ Member states of the Council of Europe

States	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Albania	22/12/2005	6/2/2007	1/2/2008							
Andorra	17/11/2005	23/3/2011	1/7/2011							
Armenia	16/5/2005	14/4/2008	1/8/2008							
Austria	16/5/2005	12/10/2006	1/2/2008							
Azerbaijan	25/2/2010	23/6/2010	1/10/2010					x		
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							
Czech Republic										
Denmark	5/9/2006	19/9/2007	1/2/2008		x			x		
Estonia	3/2/2010	5/2/2015	1/6/2015		x					
Finland	29/8/2006	30/5/2012	1/9/2012		x					
France	22/5/2006	9/1/2008	1/5/2008		x	x				
Georgia	19/10/2005	14/3/2007	1/2/2008			x				
Germany	17/11/2005	19/12/2012	1/4/2013		x					
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							
Italy	8/6/2005	29/11/2010	1/3/2011							
Latvia	19/5/2006	6/3/2008	1/7/2008		x					

States	Signature	Ratification	Entry into force	Notes	R.	D.	A.	T.	C.	O.
Liechtenstein	30/11/2015									
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		x					
Republic of Moldova	16/5/2005	19/5/2006	1/2/2008			x				
Monaco	30/11/2015	30/11/2015	1/3/2016		x					
Montenegro	16/5/2005	30/7/2008	1/11/2008	55						
Netherlands	17/11/2005	22/4/2010	1/8/2010					x		
Norway	16/5/2005	17/1/2008	1/5/2008							
Poland	16/5/2005	17/11/2008	1/3/2009		x	x				
Portugal	16/5/2005	27/2/2008	1/6/2008		x					
Romania	16/5/2005	21/8/2006	1/2/2008							
Russian Federation										
San Marino	19/5/2006	29/11/2010	1/3/2011							
Serbia	16/5/2005	14/4/2009	1/8/2009	55						
Slovak Republic	19/5/2006	27/3/2007	1/2/2008							
Slovenia	3/4/2006	3/9/2009	1/1/2010		x					
Spain	9/7/2008	2/4/2009	1/8/2009			x				
Sweden	16/5/2005	31/5/2010	1/9/2010		x					
Switzerland	8/9/2008	17/12/2012	1/4/2013		x					
"the former Yugoslav Republic of Macedonia"	17/11/2005	27/5/2009	1/9/2009		x					
Turkey	19/3/2009									
Ukraine	17/11/2005	29/11/2010	1/3/2011							
United Kingdom	23/3/2007	17/12/2008	1/4/2009		x					

### Non-member states of the Council of Europe

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

### International Organisations

Total number of signatures not followed by ratifications: 2

Total number of ratifications/accessions: 4

#### 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.

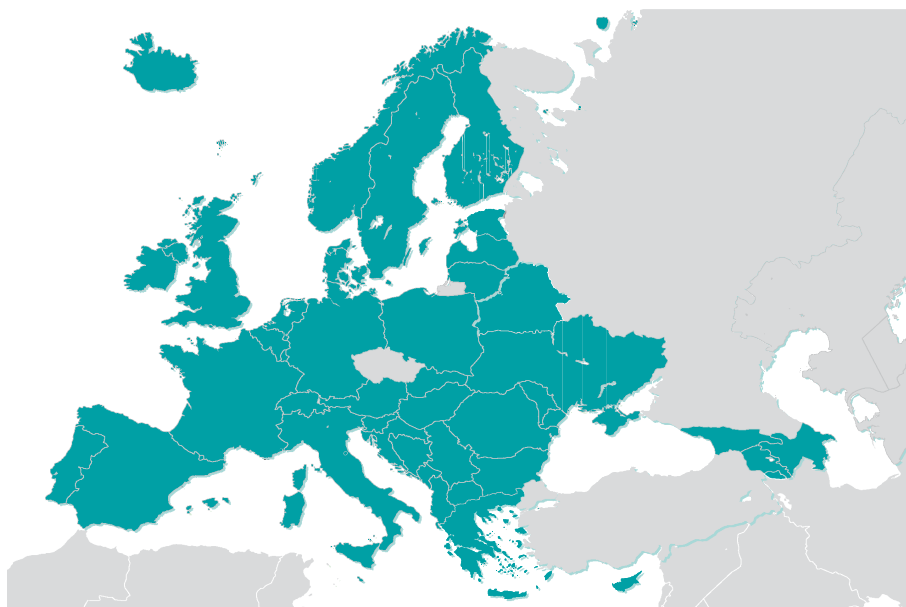
Source: Treaty Office on <http://conventions.coe.int>

# Appendix 2

GRETA's field of operations  
as at 30 September 2014

## STATES BOUND BY THE CONVENTION

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



Note:

This is an unofficial representation of States bound by the Convention. For technical reasons it has not been possible to show the entire territory of certain of the States concerned.



## Appendix 3

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### List of GRETA members (as at 31 December 2015)

Members	Term of office
<b>President:</b> Mr Nicolas Le Coz (French)	31/12/2016
<b>First Vice-President:</b> Ms Siobhán Mullally (Irish)	31/12/2016
<b>Second Vice-President:</b> Jan van Dijk (Dutch)	31/12/2018
Ms Vessela Banova (Bulgarian)	31/12/2016
Ms Alina Braşoveanu (Moldovan)	31/12/2016
Mr Olafs Bruvers (Latvian)	31/12/2016
Mr Frédéric Kurz (Belgian)	31/12/2016
Ms Leonor Ladrón de Guevara y Guerrero (Spanish)	31/12/2016
Ms Kateryna Levchenko (Ukrainian)	31/12/2016
Ms Alexandra Malangone (Slovak)	31/12/2016
Mr Ryszard Piotrowicz (British)	31/12/2016
Mr Helmut Sax (Austrian)	31/12/2018
Mr Mihai Şerban (Romanian)	31/12/2016
Ms Gulnara Shahinian (Armenian)	31/12/2016
Ms Rita Theodorou Superman (Cypriot)	31/12/2016

# Appendix 4

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## Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings (as at 31 December 2015)

Ms Petya Nestorova, Executive Secretary

Mr David Dolidze, Administrator

Mr Gerald Dunn, Administrator

Mr Markus Lehner, Administrator

Mr Mats Lindberg, Administrator

Ms Ita Mirianashvili, Administrator (co-operation activities)

Ms Rona Sterricks, Principal Administrative Assistant

Ms Giovanna Montagna, Administrative Assistant

Ms Melissa Charbonnel, Administrative Assistant

Ms Fabienne Schaeffer-Lopez, Administrative Assistant (co-operation activities)

Ms Anne-Iris Romens, Administrative Assistant<sup>59</sup>

Ms Grazia Alessandra Siino, Administrative Assistant<sup>60</sup>

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59. Employed as a temporary replacement for a permanent staff member from 22 June to 18 September 2015.

60. Employed as a temporary replacement for a permanent staff member from 1 November to 16 December 2014 and from 7 April to 6 May 2015.

# Appendix 5

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## List of GRETA's activities during the period 1 October 2014 to 31 December 2015

### ■ Meetings held by GRETA in Strasbourg

- ▶ 17 - 21 November 2014
- ▶ 16 - 20 March 2015
- ▶ 29 June - 3 July 2015
- ▶ 16-20 November 2015

### ■ Meetings of GRETA's Bureau

- ▶ 6 November 2014 (Vienna)
- ▶ 13 February 2015 (Vienna)
- ▶ 22 May 2015 (Paris)
- ▶ 19 October 2015 (Paris)

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

- ▶ Hungary (1st evaluation round) 29 May 2015
- ▶ Germany (1st evaluation round) 3 June 2015
- ▶ Finland (1st evaluation round) 4 June 2015
- ▶ Lithuania (1st evaluation round) 5 June 2015
- ▶ Austria (2nd evaluation round) 12 October 2015
- ▶ Switzerland (1st evaluation round) 14 October 2015
- ▶ Slovak Republic (2nd evaluation round) 5 November 2015
- ▶ Cyprus (2nd evaluation round) 9 November 2015

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

- ▶ Slovak Republic 25-28 November 2014
- ▶ Cyprus 8-11 December 2014
- ▶ Austria 9-12 December 2014
- ▶ Bulgaria 23-27 February 2015
- ▶ Croatia 9-12 March 2015
- ▶ Republic of Moldova 11-15 May 2015
- ▶ Denmark 18-22 May 2015
- ▶ Albania 1-5 June 2015
- ▶ Georgia 22-26 June 2015
- ▶ Montenegro 12-15 October 2015
- ▶ Romania 12-16 October 2015
- ▶ United Kingdom 23-30 October 2015
- ▶ Armenia 14-18 December 2015

# Appendix 6

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## List of follow-up activities during the period 1 October 2014 to 31 December 2015

### ■ Round-table meetings organised as a follow-up to GRETA's recommendations

- ▶ Lisbon, Portugal, 30 October 2014
- ▶ Podgorica, Montenegro, 13 November 2014
- ▶ Riga, Latvia, 10 December 2014
- ▶ Paris, France, 30 January 2015
- ▶ Skopje, "the former Yugoslav Republic of Macedonia", 8 April 2015
- ▶ Ljubljana, Slovenia, 17 April 2015
- ▶ Belgrade, Serbia, 19 May 2015
- ▶ Dublin, Ireland, 27 May 2015
- ▶ Stockholm, Sweden, 29 September 2015
- ▶ Baku, Azerbaijan, 10 November 2015
- ▶ Luxembourg, 1 December 2015
- ▶ Brussels, Belgium, 3 December 2015

### ■ Other activities organised to support the implementation of GRETA's recommendations

- ▶ Promoting the Implementation of the Non-Punishment Principle for Victims of Human Trafficking: A Workshop for Judicial and Prosecutorial Officials, Strasbourg, 9-10 October 2014
- ▶ Second Workshop for Judicial and Prosecutorial Officials on Promoting the Implementation of the Non-Punishment Principle for Victims of Human Trafficking, Strasbourg, 27-28 April 2015
- ▶ Conference "Human Trafficking: Transitions and Transformations – Focus on Victims' Rights", Strasbourg, 16 June 2015
- ▶ International Conference on the interface between trafficking in human beings and asylum, Sofia, 23-24 June 2015
- ▶ Regional workshop for professionals from the Western Balkans on access to compensation for victims of human trafficking and the implementation of the non-punishment provision, Budva, Montenegro, 15-16 December 2015

# Appendix 7

## Timetable of GRETA's 2nd Evaluation Round (1 June 2014 - 31 December 2018)

Parties	Questionnaire to be sent	Deadline for replies	Evaluation visits	Draft GRETA reports	Final GRETA reports
Austria Cyprus Slovak Republic	15 May 2014	15 October 2014	November - December 2014	22nd meeting March 2015	23rd meeting June 2015
Albania Bulgaria Croatia Denmark	3 June 2014	3 Nov 2014	February - March 2015	23rd meeting June 2015	24th meeting Nov 2015
Georgia Republic of Moldova Romania	3 Sept 2014	3 Feb 2015	April - June 2015	24th meeting Nov 2015	25th meeting March 2016
Armenia Montenegro United Kingdom	5 Jan 2015	5 June 2015	Sept - Dec 2015	25th meeting March 2016	26th meeting June 2016
France Latvia Malta Portugal	8 June 2015	9 Nov 2015	January - March 2016	26th meeting June 2016	27th meeting Nov 2016
Bosnia and Herzegovina Norway Poland	1 Sept 2015	1 Feb 2016	April - June 2016	27th meeting Nov 2016	28th meeting March 2017
Belgium Ireland Luxembourg	7 Jan 2016	7 June 2016	Sept - Dec 2016	28th meeting March 2017	29th meeting June 2017
Serbia Slovenia Spain "the former Yugoslav Republic of Macedonia"	1 June 2016	1 Nov 2016	January - March 2017	29th meeting June 2017	30th meeting Nov 2017
Azerbaijan Netherlands Sweden	1 Sept 2016	1 Feb 2017	April - June 2017	30th meeting Nov 2017	31st meeting March 2018
Iceland Italy Ukraine	1 Jan 2017	1 June 2017	Sept - Dec 2017	31st meeting March 2018	32nd meeting June 2018
Andorra Finland Lithuania San Marino	1 June 2017	1 Nov 2017	January - March 2018	32nd meeting June 2018	33rd meeting Nov 2018
Germany Hungary Switzerland	1 Sept 2017	1 Feb 2018	April - June 2018	33rd meeting Nov 2018	34th meeting March 2019
Belarus Greece	1 Jan 2018	1 June 2018	Sept - Dec 2018	34th meeting March 2019	35th meeting June 2019

## Appendix 8

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

*Ottawa (Canada), 16 October 2014*

Conference “Not for Sale: Protecting the Victims of Human Trafficking in Canada and Europe”, organised jointly by the Centre for International Policy Studies at the University of Ottawa and the Embassies of Switzerland and Austria in Canada

*Vienna (Austria,) 18 October 2014*

Conference “Joining Forces against Human Trafficking” organised by the Austrian Task Force on Combating Human Trafficking on the occasion of the EU Anti-Trafficking Day

*Washington DC (USA), 22 October 2014*

Session “Human Trafficking: Development Threat and Human Rights Violation”, organised during the World Bank’s Law, Justice and Development Week

*Vienna (Austria), 22-23 October 2014*

UNODC Expert group meeting on the role of recruitment fees and abusive and fraudulent practices of recruitment agencies in trafficking in persons

*Lisbon (Portugal), 31 October 2014*

Seminar for judges and prosecutors on trafficking in human beings, organised by the Judicial Academy of Portugal

*Geneva (Switzerland), 3-7 November 2014*

NGO Forum Beijing and Beijing+20 Regional Review Meeting “Gender equality and the empowerment of women and girls for sustainable development in the ECE region”, co-organised by UN Economic Commission for Europe and UN Women

*Vienna (Austria), 4-5 November 2014*

OSCE 14<sup>th</sup> High-Level Alliance against Trafficking Conference “Ethical questions in the prevention and fight against trafficking”, including side-events on “Leveraging anti-money laundering regimes to combat trafficking in human beings” and “Measures that businesses, civil society and governments can take to prevent trafficking in human beings for labour exploitation”

*Lyon (France), 12 November 2014*

3rd INTERPOL Global Trafficking in Human Beings Conference

*Marrakech (Morocco), 26-27 November 2014*

Seminar “Challenges and best practices in action against trafficking in human beings in light of the Council of Europe Convention and international standards”

*Athens (Greece), 27 November 2014*

Franco-Hellenic colloquium on "Action against trafficking for sexual exploitation and protection of victims"

*Brussels (Belgium), 27 November 2014*

5th Annual International Symposium "Preventing Human Trafficking: Prevention, Protection, Prosecution"

*Rome (Italy), 18-19 February 2015*

SMi's Group 8th annual conference on Border Security

*Brussels (Belgium), 5 March 2015*

EU Public Conference "Closing a protection gap for European children on the move!"

*Vienna (Austria), 30-31 March 2015*

Meeting of the National Anti-Trafficking Co-ordinators of Central and South Eastern Europe, organised by ICMPD with support from the Austrian Ministry for Foreign Affairs and the British Embassy in Vienna

*Brussels (Belgium), 29 May 2015*

Policy Briefing for EU Stakeholders on "Child Trafficking among Vulnerable Roma Communities"

*Lisbon (Portugal), 25-26 June 2015*

International seminar "New (old?) challenges in fighting trafficking in human beings"

*The Hague (Netherlands), 2 June 2015*

Expert roundtable "Countering Human Trafficking through Business and Human Rights (Ruggie)", organised by the Hague Institute for Global Justice

*Vienna, Austria, 6-7 July 2015*

OSCE 15th High-level Alliance against Trafficking in Persons Conference "People at risk: combating human trafficking along migration routes"

*Vatican City, 14 September 2015*

International Symposium on the Pastoral Care of the Road, organised by the Pontifical Council for the Pastoral Care of Migrants and Itinerant People

*Milan (Italy), 15-16 September 2015*

OSCE Expert meeting on prevention of human trafficking in supply chains, with a focus on government practices and measures

*Nicosia (Cyprus), 28-29 September 2015*

Seminar "International Best Practices in Combating Human Trafficking", co-organised by the Peace Research Institute Oslo (PRIO) Cyprus Centre and Friedrich Ebert Foundation in partnership with the Swedish and Norwegian Ministries for Foreign Affairs

*Chisinau (Republic of Moldova), 29-30 September 2015*

Regional Conference "Ten years of the Council of Europe Convention on Action against Trafficking in Human Beings: Results and Perspectives in Eastern Europe (Belarus, Republic of Moldova and Ukraine)", co-organised by the Government of the Republic of Moldova and IOM

*Wroclaw (Poland), September 2015*

Conference: Who Owes Human Rights? Human Trafficking and the Duties of Private Enterprise

*Riga (Latvia), September 2015*

European Law Academy Workshop "Countering Trafficking in Human Beings: Towards a More Comprehensive Approach"

*Bologna (Italy), 7 October 2015*

Terre di Tutti Art Festival "Migration Towards Europe: Culture, Media and Human Rights"

*Minsk (Belarus), 13 October 2015*

Round table "Role of civil society organisations in combating trafficking in human beings - experience sharing", organised by La Strada Belarus and IPA Gender Perspectives

*Berlin (Germany), 15-16 October 2015*

Symposium on the occasion of the 10th anniversary of the Council of Europe Anti-trafficking Convention, organised by KOK

*Kyiv (Ukraine), 15-16 October 2015*

Seminar "Strengthening the Fight against Trafficking in Human Beings through Collaboration between Law Enforcement Bodies and Social Service Providers"

*Paris (France), 9 November 2015*

Biennial meeting of the Christian Organisations against Trafficking in Human Beings (COATNET) affiliates

*Innsbruck (Austria), 12-13 November 2015*

International symposium "Human Trafficking: Global and Local Perspectives", organised by the Management Centre Innsbruck and Innsbruck University

*Gemershausen (Germany), 23-24 November 2015*

Training workshop for professionals who may come into contact with child victims of human trafficking, organised by ECPAT Germany

*Antalya (Turkey), 1 December 2015*

Training for judges and prosecutors on migration and human trafficking, organised by the Ministry of Justice of Turkey and IOM

*Dublin (Ireland), 15 December 2015*

Multi-stakeholder round-table meeting on developing a model for identification of victims of trafficking in human beings in Ireland

*Paris (France), 17 December 2015*

Colloquium "World mobilisation against modern slavery" co-organised by the National Consultative Commission on Human Rights (CNCDH) and ILO at the French Senate





Table 2: Overview of the implementation of the Convention, based on GRETA's 1st round reports ("considers")

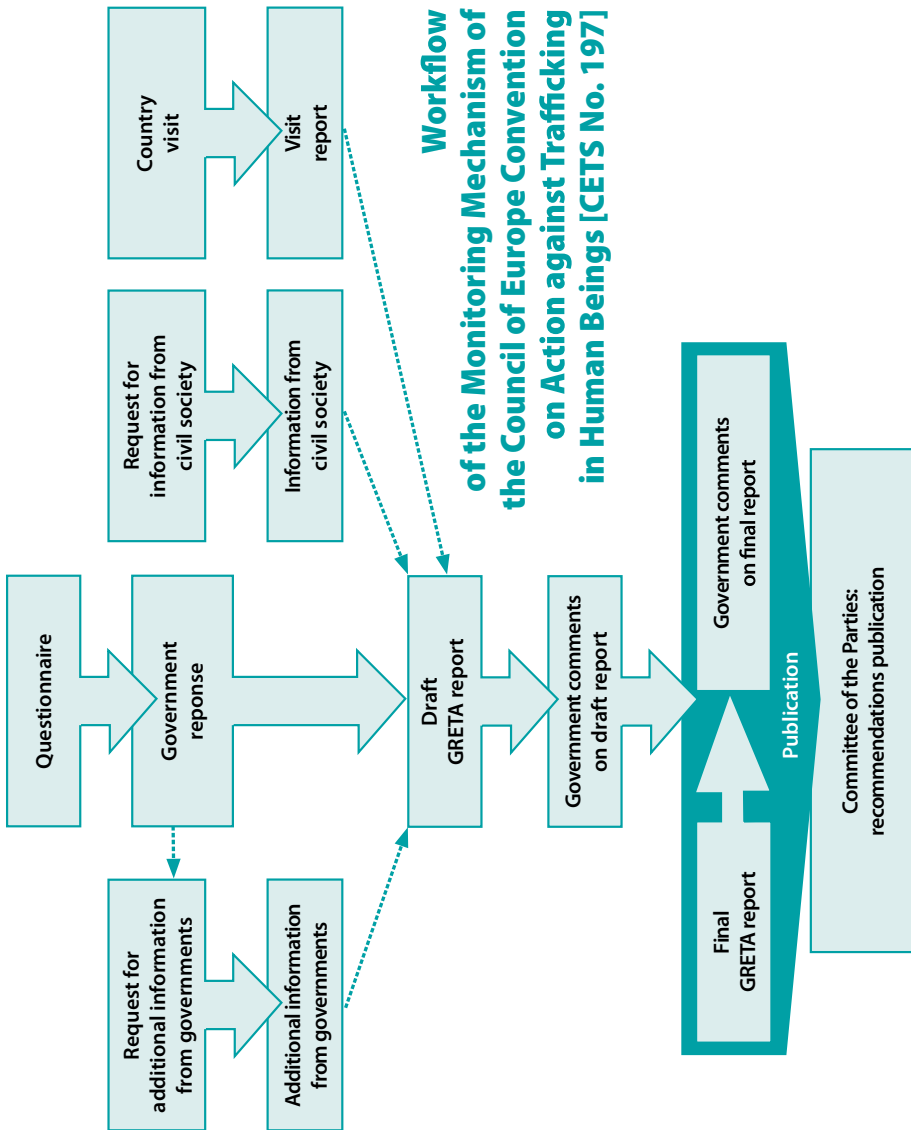
Indicators	report publication	
	2011	2014
1	✓	✓
2		✓
3	✓	✓
4	✓	✓
5	✓	✓
6	✓	✓
7	✓	✓
8	✓	✓
9	✓	✓
10	✓	✓
11	✓	✓
12	✓	✓
13	✓	✓
14	✓	✓
15	✓	✓
16	✓	✓
17	✓	✓
18	✓	✓
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22	✓	✓
23	✓	✓
24	✓	✓
25	✓	✓
26	✓	✓
27	✓	✓
28	✓	✓
29	✓	✓
ALB	✓	✓
AND	✓	✓
ARM	✓	✓
AUT	✓	✓
AZE	✓	✓
BEL	✓	✓
BIH	✓	✓
BGR	✓	✓
HRV	✓	✓
CYP	✓	✓
DNK	✓	✓
FIN	✓	✓
FRA	✓	✓
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IRL	✓	✓
ITA	✓	✓
LVA	✓	✓
LTU	✓	✓
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MLT	✓	✓
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MNE	✓	✓
NLD	✓	✓
NOR	✓	✓
POL	✓	✓
PRT	✓	✓
ROM	✓	✓
SMR	✓	✓
SRB	✓	✓
SVK	✓	✓
SVN	✓	✓
ESP	✓	✓
SWE	✓	✓
CHE	✓	✓
MKD	✓	✓
UKR	✓	✓
GBR	✓	✓

Table 3: Overview of the implementation of the Convention, based on GRETA's 1st round reports («welcomes»)

Indicators	report publication	
	2011	2012
1		
2		
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8		
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11		
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BIH		
BGR		
HRV		
CYP		
DNK		
FIN		
FRA		
GEO		
DEU		
HUN		
ISL		
IRL		
ITA		
LVA		
LTU		
LUX		
MLT		
MDA		
MNE		
NLD		
NOR		
POL		
PRT		
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SRB		
SVK		
SVN		
ESP		
SWE		
CHE		
MKD		
UKR		
GBR		

# Appendix 10

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





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

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE