

COMPENDIUM  
of good practices on the  
implementation of the  
Council of Europe  
Convention on Action  
against Trafficking in  
Human Beings



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## Introduction

The implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, which entered into force on 1 February 2008, is monitored by the Group of Experts on Action against Trafficking in Human Beings (GRETA). By October 2016, GRETA has published 40 country reports as part of the first round of evaluation of the Convention, as well as 12 reports under the second evaluation round, which was launched in May 2014. These reports contain a detailed analysis of the legislation and practice in each country, identifying gaps, needs and good practices, and providing suggestions to strengthen the implementation of the Convention.

In its 4th General Report, published in April 2015, GRETA analysed trends emerging from 35 country evaluation reports available at the time.<sup>1</sup> In addition to identifying gaps in the implementation of the Convention, the report highlighted some good practices in the areas monitored by GRETA.

GRETA wishes through this compendium of good practices to illustrate the positive impact of the Convention on law, policy and practice across Europe, in the areas of the four pillars ('4Ps') of the Convention: prevention, protection of victims' rights, prosecution, and partnerships. The examples chosen have generally been selected on the basis of GRETA having 'welcomed' specific measures in the country evaluation reports. Care has been taken to present as wide a selection of countries as possible as well as presenting a balance of practice from countries of origin and destination.

GRETA's reports reflect the situation in each country at the time of evaluation, which is why the year of publication of each report is included in brackets after the name of the country.

It is hoped that this compendium of good practices will highlight the kind of measures that can be taken by States Parties to successfully implement the Convention and will provide food for thought and direction in their future efforts. It is intended as a living document and will periodically be updated in the light of new developments stemming out of GRETA's monitoring of the Convention.

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<sup>1</sup> Council of Europe, Group of Experts on Action against Trafficking in Human Beings (GRETA), 2015, *4<sup>th</sup> General report on GRETA's Activities*, Council of Europe Publishing, Strasbourg, p. 31-60.

## Chapter One - Prevention

The Convention's provisions (Articles 5 to 9) place obligations on state parties to take measures, in partnership with civil society, to prevent trafficking in human beings (THB) through research, awareness raising, education and training, to tackle the underlying causes of trafficking through social and economic initiatives, to enable migration to take place legally, to discourage demand, to strengthen visa and border control, and to ensure the integrity, security and validity of travel or identity documents. This chapter focuses on good practices that have been identified in States Parties in the areas of data collection and research, awareness raising, measures in respect of vulnerable groups, measures to address demand, and training of professionals.

### 1.1 Data collection and research

The collection of data on various aspects of THB is important to allow for the monitoring of trends in trafficking and evaluation of the performance of actors and anti-trafficking policies, alongside informing future policy and practice. Similarly, research is important as a means of assessing the impact of current policies and providing an evidence base for future measures. GRETA has noted that the appointment of an independent mechanism to monitor the anti-trafficking activities of state institutions, collect data and promote research on trafficking, such as a National Rapporteur, is advantageous.

A unique tool to inform anti-trafficking policies has been developed in the Netherlands (2014). The National Rapporteur and her office collect information on all aspects of human trafficking and regularly publish reports. Information on trafficking victims from all relevant law enforcement agencies and NGOs is collected by the NGO Comensha, which is mandated to register all presumed trafficked persons in the Netherlands, while data on prosecution and trials is provided by the Public Prosecution Service, on residence permits by the Immigration and Naturalisation Service, on compensation by the Central Fine Collection Agency, and other data from the Departure and Repatriation Service, IOM and the Violent Offences Compensation Fund. The National Rapporteur has access to police files and those held by the Public Prosecution Service. Detailed trafficking data is included in the reports of the National Rapporteur, which are available online.<sup>2</sup> The Office of the National Rapporteur also conducts research in various fields related to trafficking and publishes in-depth reports on specific themes. For example, a study on human trafficking for the purpose of organ removal and forced commercial surrogacy was published in 2012, and a report on prosecution and trials of traffickers containing an analysis of case law on THB were published in 2013.

In Finland (2015), the function of National Rapporteur on Trafficking in Human Beings was introduced in 2009 and was made a part of the duties of the Finnish Ombudsman for Minorities. The National Rapporteur's tasks include monitoring and reporting on THB-related phenomena, the implementation of international obligations and the functioning of national legislation. The National Rapporteur issues proposals, recommendations, opinions and advice on action against THB and on implementing victims' rights, and submits an annual report to the Government as well as, once every four years, a report to Parliament.<sup>3</sup> There has been considerable research into THB in recent years in Finland. One of the key institutions conducting research into THB in Finland and in the Baltic Sea Region) is the Helsinki-based European Institute for Crime Prevention and Control (HEUNI), which is publicly funded and affiliated with the United Nations.

<sup>2</sup> [www.dutchrapporteur.nl](http://www.dutchrapporteur.nl) (in English) or [www.nationaalrapporteur.nl](http://www.nationaalrapporteur.nl) (in Dutch).

<sup>3</sup> [https://www.syrjinta.fi/ombudsman\\_for\\_minorities/communication/publications/annual\\_reports](https://www.syrjinta.fi/ombudsman_for_minorities/communication/publications/annual_reports)

In Portugal (2013), the Observatory of Trafficking in Human Beings (OTSH), under the Ministry of the Interior, is responsible for collecting, analysing and disseminating data about THB. The OTSH has signed co-operation protocols and memoranda of understanding with a series of governmental and non-governmental organisations in order to place data collection on a formal footing. On the basis of the collected data, the OTSH produces annual reports.<sup>4</sup> The OTSH was involved in a project entitled “Towards a Pan-European Monitoring System of Trafficking in Human Beings” (MoSy project), funded by the European Union and involving several other EU member states, for the creation of a harmonised system for data collection, management and analysis, based on comparable indicators. In the framework of the project, guidelines for data providers, data collectors, focal points and statistical reporting were developed.

In the United Kingdom (first report: 2012; second report: 2016), the authorities have set up a data collection system on referrals of possible victims to the National Referral Mechanism. It is run by the UK Human Trafficking Centre of the National Crime Agency (NCA), which publishes quarterly and annual reports.<sup>5</sup> These reports contain data broken down by country of origin, sex, age and exploitation type. The NCA analyse the collected data in order to produce regular threat assessment analysis. Research into THB-related issues is carried out by a series of stakeholders and has included a scientific estimate of the scale of modern slavery in the UK, prepared by the Home Office Chief Scientific Adviser,<sup>6</sup> an independent review of the Overseas Domestic Worker visa system,<sup>7</sup> a report by the Human Trafficking Foundation on what happens to victims beyond the 45-day period of state-funded assistance,<sup>8</sup> and a report by the NGOs Finance against Trafficking and Stop the Traffik on the risks of human trafficking in the supply chains of FTSE 100 companies.<sup>9</sup>

In Albania (first report: 2011; second report: 2016), a database on victims of trafficking, which formed part of the larger ‘Total Information Management System’, collected information from the police, social services, consular services as well as shelters for victims of trafficking. Statistics on investigations, prosecutions and convictions were generated separately by the Ministry of Interior and the Ministry of Justice. A new database (SIVET) was introduced in 2014 with a view to collecting information on victims of THB from different sources, including the police and victim assistance services. There is a single person designated within the Office of the National Anti-Trafficking Co-ordinator to access and manage the database.

## 1.2 Measures to raise awareness of trafficking in human beings

Raising awareness about THB as a form of prevention plays a key part in anti-trafficking action. While welcoming the awareness raising efforts taken by Parties to the Convention, GRETA has noted that only in a few cases the impact of awareness-raising measures was measured and has stressed that future actions should be designed on the basis of evaluations of campaigns. The following section provides a cross-section of good practice across States in raising awareness about trafficking.

In Ireland (2013), the Anti-Human Trafficking Unit of the Department of Justice and Equality circulated an information pack on human trafficking to Irish visa and diplomatic offices abroad. Information packs were also sent to all secondary schools. Leaflets on sexual exploitation and labour exploitation were sent to 2 400 medical doctors (GPs) around the country. The National Employment Rights Authority (NERA) launched a campaign to raise awareness of employment rights amongst migrant workers and provided targeted awareness for workers in the domestic sector in close co-operation with NGOs.

<sup>4</sup> Available at: <http://www.otsh.mai.gov.pt/Pages/default.aspx>

<sup>5</sup> [www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics](http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics)

<sup>6</sup> Bales K., Hesketh O. and Silverman B. (2015), *Modern Slavery in the UK: how many victims?*, Significance Volume 12, Issue 3, on pages 16-21.

<sup>7</sup> Available at:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/486532/ODWV\\_Review\\_-\\_Final\\_Report\\_6\\_11\\_15\\_.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486532/ODWV_Review_-_Final_Report_6_11_15_.pdf)

<sup>8</sup> Available at: [www.humantraffickingfoundation.org/life-beyond-safe-house-survivors-modern-slavery-london](http://www.humantraffickingfoundation.org/life-beyond-safe-house-survivors-modern-slavery-london)

<sup>9</sup> Available at: [www.stopthetraffik.org/uk/page/new-report-forced-labour-human-trafficking-and-the-ftse-100-](http://www.stopthetraffik.org/uk/page/new-report-forced-labour-human-trafficking-and-the-ftse-100-)



In Lithuania (2015), following an increase in reports of labour exploitation of Lithuanian nationals abroad, the Ministry of the Interior launched an information campaign on trafficking for forced labour by producing a video clip. The European Employment Services office at the Lithuanian Labour Exchange conducted campaigns, consultations and published leaflets about the rights and duties for those looking for employment in the European Union.

In Romania (second report: 2016), awareness-raising measures are tailored to address the characteristics of the particular area. The implementation tools are both “classical” (meetings, posters, flyers, audio-video spots, distribution of materials) and Internet-based, such as using Facebook and online contests. Two impact assessments of the awareness-raising campaigns against THB have been conducted. One of them, prepared under the Swiss-Romanian Co-operation Programme, assessed campaigns aimed at raising awareness of THB for both labour and sexual exploitation and the other one focused on campaigns targeting THB for the purpose of labour exploitation. Both impact assessments found that the campaigns had reached a large number of beneficiaries, including people at risk of falling victim to traffickers.

In Serbia (2014), a range of measures have been taken by the authorities, in co-operation with civil society and international organisations, to raise awareness about trafficking amongst the general public and to target specific groups because of their vulnerability to trafficking. In 2011 Serbia joined the United Nations ‘Blue Heart Campaign’ against trafficking and produced a feature film on trafficking, ‘Sisters’ which was screened across Serbia and on national television. Further, in 2012 the NGO Astra launched a media campaign entitled ‘Stop Labour Exploitation’ which involved the dissemination of commercials, music, videos and other materials to alert the general public to trafficking and promote action to combat it.

In the UK (2016), the Home Office launched a campaign entitled “Slavery is closer than you think” to increase awareness of modern slavery and its different forms amongst the general public. The campaign involved a TV advertisement and a dedicated website launched in partnership with the National Society for the Prevention of Cruelty to Children (NSPCC). The website describes what modern slavery is, providing indicators, concrete examples of different types of exploitation, and information on who to contact in case of suspicion.<sup>10</sup> A new helpline was launched on this occasion. Media partnerships were concluded with two large newspapers, the Daily Mail and Daily Telegraph, from September to November 2014, including online and print advertorials, display advertising and social media support. The total cost of the campaign was GBP 2.18 million. An independent evaluation was carried out by Ipsos MORI before and after the campaign and a report on the impact of the campaign was published in July 2015.<sup>11</sup> According to this report, the combined marketing activity reached 93% of all adults in the UK. A higher portion of people acknowledged that “modern slavery exists in the UK” after the campaign (61%) than before it (50%) and there was also a better understanding and awareness of the types of exploitation and the signs of modern slavery.

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<sup>10</sup> Available at: <https://modernslavery.co.uk/spot-the-signs.html>

<sup>11</sup> Available at:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/451964/150806\\_Modern\\_Slavery\\_Evaluation\\_for\\_publication\\_FINAL.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/451964/150806_Modern_Slavery_Evaluation_for_publication_FINAL.pdf)

### 1.3 Targeted prevention for vulnerable groups

In Bulgaria (2016), the National Network of Health Mediators<sup>12</sup> plays an important role in preventing THB in Roma communities. The Network has more than 170 members (health mediators, medical specialists, sociologists, psychologists, experts in the field of ethnic minorities' integration) whose objective is to facilitate access to health and social services for vulnerable communities. The health mediators, often of Roma origin themselves, are active in 85 municipalities. They are trained in dealing with risk situations and inform relevant institutions when they discover situation of trafficking or risk situations that might lead to trafficking. Further, the NGO Empowered Roma Union, based in Burgas, has been working on prevention of THB among Roma communities at risk, in partnership with the German NGO Jadwiga based in Munich. It was reported to GRETA that as a result of this project, the number of Roma women and girls trafficked from that particular community to the area of Munich for the purpose of sexual exploitation had decreased.

In the Republic of Moldova (first report: 2012; second report: 2016), the authorities have launched a programme to support the economic empowerment of vulnerable women, including women victims of domestic violence, who are given guidance and counselling, partial coverage of expenses associated with vocational training and support to set up businesses. Victims of domestic violence have the status of potential victims of THB and enjoy access to the support measures under the National Referral System. The Moldovan authorities run several centres for psycho-social rehabilitation of domestic violence victims across the country. The 2010-2015 National Plan on Gender Equality provided for strengthening the social programmes and the rehabilitation and re-socialisation measures for victims of violence and victims of THB.

In Serbia (2014), the National Employment Action Plans consider victims of trafficking as an especially vulnerable category and envisage active labour market programmes to foster their employment opportunities and achieve greater social inclusion. The NGO Atina has implemented a project, together with the National Employment Service and the Agency for Co-ordination of the Protection of Victims of Trafficking, whereby employers who provide jobs to victims of trafficking are given tax exemptions. To address the vulnerability of Roma to human trafficking, the NGO Praxis has assisted families in obtaining birth certificates and personal identity documents. The Serbian authorities have also revised the relevant legal provisions to facilitate late birth registration. The Ministry of Health has set up a Roma Health Mediators programme which is relevant to prevention of THB among the Roma community. Health mediators perform outreach work in Roma neighbourhoods, visit families and facilitate their access to health care, and assist families to send their children to school.

In "the former Yugoslav Republic of Macedonia" (2014), the Roma community is recognised as being at risk of human trafficking. Efforts are made to enrol all children in primary schools, combat school drop-out and foster the enrolment of Roma children in secondary schools and colleges. The Ministry of Labour and Social Policy has opened two day centres for street children on the territory of Skopje and one in the municipality of Bitola

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<sup>12</sup>

<http://www.togetherforbetterhealth.eu/countries/bulgaria/bulgaria>



## 1.4 Measures to discourage demand

The Convention places a positive obligation on Parties to adopt legislative, administrative, educational, social, cultural or other measures to discourage demand for the services of victims of trafficking, especially women and children. Article 6 of the Convention provides a list of minimum measures, including research on best practices, methods and strategies, use of the media to raise awareness, targeted information campaigns, and educational programmes for children which promote gender equality and human dignity. The Convention also contains a provision encouraging Parties to make it a criminal offence to knowingly use the services of a victim of trafficking, by way of suppressing demand that drives trafficking in human beings (Article 19). This provision targets the client whether of a victim of trafficking for sexual exploitation or of a victim of forced labour or services, slavery or practices similar to slavery, servitude or organ removal.

In Norway (2013), information campaigns against the purchase of sexual services have been conducted at airports (aimed at influencing young men who might buy sex for the first time in a foreign country), on the internet and by means of notices in taxis. In 2008, the Norwegian Parliament adopted legislation criminalising the purchase of sexual services. The effects of this measure, including on the type and extent of prostitution and trafficking, were subsequently evaluated.

In Romania (2016), the National Agency against Trafficking in Persons (ANITP) launched the campaign "Exploitation kills souls" aimed at reducing demand by informing target groups and the general public about the abuse of victims of THB, the methods of their recruitment and the penalties provided by law. The campaign was mainly carried out online, using social media networks. Recruitment agencies were also targeted in the context of preventing THB for the purpose of labour exploitation.

In Montenegro (first report: 2012; second report: 2016), a Protocol of Co-operation was signed between the Office for the Fight against THB and the Union of Employers of Montenegro in April 2011, with a view to jointly combating THB. Further, the Office for the Fight against THB, together with representatives of the tourist industry and in co-operation with the OSCE Mission to Montenegro, signed a Code of Conduct for the protection of children from sexual exploitation in travel and tourism. It has been signed by 244 companies from the tourism sector which undertake to comply with the standards laid down in it to prevent child trafficking and exploitation of children in the sector of tourism.

## 1.5 Measures to prevent trafficking for the purpose of labour exploitation

In Austria (2015), a drop-in and counselling centre for undocumented workers, UNDOK, was established in June 2014. It is run by an association of Trade Unions, the Chamber of Labour, the National Student Union and civil society actors such as the NGO LEFÖ-IBF, which is the main provider of assistance for female victims of trafficking, migrant organisations and anti-racist activists. UNDOK is funded by the Ministry of Labour, Social Affairs and Consumer Protection, the Vienna Employment Promotion Fund, the Chamber of Labour and trade unions. Persons working in Austria without a residence and/or work permit who are not paid the agreed wage or are harmed by their employers in any other way are provided with basic counselling about issues of labour law, social security and assistance with administrative procedures. Leaflets with information for undocumented migrants have been issued in a variety of languages. UNDOK co-operates actively with organisations supporting victims of trafficking.

In Bulgaria (2016), “labour attachés” have been posted by the Ministry of Labour and Social Policy in EU countries where many Bulgarian nationals seek employment. They provide information and advice to Bulgarian citizens working abroad, serving as a link to the local services in the foreign country. Further, the Employment Agency of the Ministry of Labour and Social Assistance licenses employment agencies and Bulgarian employment intermediaries and provides information through its website on licensed employment agencies which offer work abroad, available jobs, work conditions and workers’ rights abroad.<sup>13</sup> The Executive Agency of the Labour Inspectorate is responsible for conducting checks on the licensed employment intermediaries.

In Denmark (2016), the Danish Centre against Human Trafficking (CMM) issued in 2014 guidelines for companies and employers on managing the risk of hidden forced labour, which are available as an interactive web-based tool, including checklists for measures which companies can take to reduce the risk of hidden forced labour.<sup>14</sup> The guidelines are based on a mapping of risk factors and interviews with employers and have been developed in dialogue with a range of stakeholders, including the Danish Agency for Labour Market and Recruitment, the Danish Working Environment Authority, the Danish Immigration Service, the Danish Customs and Tax Administration, the Danish National Police, the Business Authority and the United Federation of Danish Workers. Since 2014 the CMM has been part of the Danish Inter-Ministerial Working Group on Corporate Social Responsibility and has prepared sector-specific corporate social responsibility guidelines on combatting THB.



#### FOCUS: Prevention of trafficking of domestic workers in diplomatic households

As home to a large diplomatic community, Austria (2015) has put a particular emphasis on preventing THB among private domestic staff in diplomatic households. The Ministry for Europe, Integration and Foreign Affairs has put in place a comprehensive policy which includes obligatory personal interviews on the occasion of the collection of the yearly extensions of legitimation cards of domestic staff in diplomatic households and has organised together with the Ministry of the Interior an event for domestic workers in diplomatic households to inform them about their basic rights.

In Switzerland (2015), in order to prevent abuse and trafficking of domestic workers employed by diplomatic staff, a procedure was introduced whereby domestic workers’ employment contracts must be signed before the person’s arrival in Switzerland. Contracts are checked by consulate officials during an individual interview which must take place to obtain a visa to enter Switzerland. During the interview, domestic workers are informed about their rights, obligations and working conditions. After arrival in Switzerland, they meet officials from the Federal Department of Foreign Affairs and can seize the Office of the Mediator (*bureau de l’amiable compositeur*) which has been set up in Geneva to resolve conflicts involving persons benefiting from diplomatic privileges and immunities.

<sup>13</sup> <http://eures.bg/>

<sup>14</sup> <http://www.centermodmenneskehandel.dk/materialer/instruktioner-til-fagpersoner/guidelines-til-at-undga-skjult-tvangsarbejde>

In the UK (first report: 2012; second report: 2016), the Gangmasters Licensing Authority (GLA) was set up in 2005 to regulate the supply of workers to the agricultural, forestry, horticultural, shellfish gathering, food processing and packaging industries by setting up and operating a licensing scheme for labour providers across the UK. GLA carries out compliance inspections to check that license holders are continuing to meet the licensing standards. GLA has not only civil powers, but also extensive criminal powers required to ensure effective investigation. The maximum penalty for operating without a license is 10 years in prison and a fine, but the GLA also uses sanctions such as the refusal or revoking of the license and publicly naming and shaming. The GLA has sought private sector engagement, for instance through the 2013 Supplier/Retailer Protocol (known as the 'Supermarket Protocol') agreed with the major food retailers and suppliers, which aims to ensure that safety and welfare standards for workers are maintained and any exploitation of workers is eliminated.<sup>15</sup> The Good Practice Guide for Labour Users and Suppliers details the legal requirements and explains how suppliers can ensure they are using a licensed labour provider. Furthermore, the GLA has prepared a leaflet on workers' rights, available in 18 languages, which also indicates employers' obligations and organisations to contact for support. Following a consultation process launched in October 2015, the UK Government decided in January 2016 to extend the GLA's remit and rename it the Gangmasters Labour Abuse Authority (GLAA) to reflect its broader functions. It will be given new police-style powers, as well as powers under national minimum wage and employment agencies legislation to investigate and enforce more serious cases of labour market offences.



#### FOCUS: Prevention of trafficking in supply chains

In the UK (2016), an innovative feature of the Modern Slavery Act 2015 is the introduction of a requirement for businesses of a certain size to prepare a "slavery and human trafficking statement" for each financial year on the steps taken to ensure that slavery and human trafficking are not taking place in any of their supply chains and any part of their own business. Following a public consultation, the threshold of GBP 36 million annual turnover was set for this provision to apply, which would concern an estimated 12 000 businesses in the UK. A failure to produce a slavery and human trafficking report can result in the Secretary of State bringing civil proceedings in the High Court for an injunction against the companies concerned. In October 2015 the Home Office published guidance for companies entitled "Practical Guide on Transparency of Supply Chains".

## 1.6 Training

This section sets out a cross-section of examples to illustrate good practices by countries which train frontline officials on a regular basis and cover a wide range of professionals.

In Austria (2015), the training department of the Ministry of the Interior (*Sicherheitsakademie*, SIAK) offers training on THB to police officers at different levels (basic police training, training of middle and senior management). SIAK also offers an annual in-service training with at least two 3-day seminars focusing on THB and victims' rights. These seminars are conducted in co-operation with NGOs. Labour inspectors, the tax authorities and the customs authorities also receive training on THB. A seminar for labour inspectors on THB for the purpose of labour exploitation took place on 28 April 2015 in Wels, Upper Austria, involving participants from all 20 labour inspectorates in Austria. The Federal Ministry for Europe, Integration and Foreign Affairs offers training on THB to diplomatic and consular staff, including prevention of exploitation of domestic staff in diplomatic households, as part of the training curricula for young diplomats (obligatory) and in the framework of the annual consular conference (voluntary).

<sup>15</sup> Available at: [www.gla.gov.uk/Publications/Labour-User-Guidance/](http://www.gla.gov.uk/Publications/Labour-User-Guidance/)

In Belgium (2013), the officials of the Inter-Departmental Co-ordination Unit for Action against Trafficking, judges, police officers, staff of reception centres specialised in action on trafficking, as well as frontline actors not specialised in trafficking, are regularly trained on trafficking. The Social Inspection Service of the Federal Department of Social Security organises theme-based training sessions on human trafficking for its inspectors. Further, the Directorate General of Labour and Social Dialogue organises training on trafficking for labour inspectors. Training for social workers in reception centres for unaccompanied minors has also been provided.

In the Netherlands (2014), the police forces are periodically assessed to ensure that each regional police unit meets a number of requirements, including having a senior officer specialised in trafficking, a good level of knowledge of trafficking and policies on how to approach victims. The training programme for the police includes modules on communication skills, different types of victims, initial assessments and reports, and provision of assistance. Particular attention is devoted to child victims and how to detect them. At the regional level, the Dutch Police College provides training to all operational staff to enable them to identify possible victims. Further, all public prosecutors receive training on human trafficking as part of their compulsory training programme, and each district has a prosecutor specialised in human trafficking. A special course for judges has been developed and the specialisation of judges on trafficking is encouraged. Staff from the Custodial Institutions Agency under the Ministry of Security and Justice have been trained to recognise signs of human trafficking among persons placed in detention centres for irregular migrants and staff dealing with asylum procedures have been trained to detect signs of possible trafficking. Further, at the municipal level, front-line staff assigned to register people taking up residence in the community have been trained to recognise signs of trafficking.

In Norway (2013), the Fafo Institute for Labour and Social Research has developed training modules for staff working at reception centres for asylum seekers and social welfare officers who may come into contact with child victims. The Norwegian Directorate of Immigration has carried out training in five regions for staff working at reception centres for asylum seekers. The Directorate for Children, Youth and Family Affairs has also organised regional training courses on child trafficking for the child welfare service and other relevant services.

In Poland (2013), training on THB has formed an integral part of the training curricula of police academies and is provided systematically to new police officers. Border guards have been trained on how to interview potential victims of trafficking. Labour inspectors have also been trained on identifying cases of trafficking for labour exploitation. The NGO Nobody's Children has organised training seminars on trafficking in children and commercial child abuse for employees of educational care centres in several towns.

In Portugal (2013), initial and continuous training on THB has been provided to police officers, included training on investigation techniques specific to trafficking, interviewing of victims and victim protection. Border guards are also trained on an annual basis. Prosecutors and judges receive training by the Centre for Judicial Studies as part of their induction or continued professional development. Further, the Observatory of Trafficking in Human Beings has organised trafficking for labour inspectors, criminal justice practitioners, social workers, health-care professionals and NGO representatives in regions with particular risks of labour trafficking in agriculture.

In Serbia (2014), at the time of GRETA's first evaluation, there were three programmes through which police officers were trained on the issue of human trafficking: basic police training programme (six lessons), police officer professional development programme (one day) and specialist training programme for police officers already working in the anti-trafficking field (two courses of seven days). The Serbian Judicial Academy has developed training for judges and prosecutors on combating THB. In 2010 training of trainers was organised for labour inspectors. Further, the NGO Astra, in co-operation with the Institute of Forensic Medicine, organised training for general practitioners in border areas to improve their capacity to identify victims of THB.

In the United Kingdom (2016), a basic one-hour e-learning training on modern slavery is mandatory for staff most likely to come into contact with victims, in particular staff of the police forces, the National Crime Agency (NCA), UK Border Force (UKBF), UK Visas and Immigration (UKVI), Immigration Enforcement (IE), the Gangmasters Licensing Authority (GLA), Her Majesty's Revenue and Customs (HMRC), the local authorities' children's services, health workers and the judiciary. Further, the Home Office e-learning on modern slavery and the National Referral Mechanism, aimed at UKBF, UKVI and IE staff, was updated and re-launched in March 2016. In March 2013, the Crown Prosecution Service (CPS) for England and Wales also launched an e-training resource. In addition, the CPS has delivered a number of briefing sessions on the non-punishment provision. In 2015 the Judicial College organised training sessions on human trafficking, including on compensation. The Department of Health has published an e-learning tool for health service staff on identifying and responding to cases of modern slavery, which is available on the largest e-learning portal for NHS staff.<sup>16</sup> In 2015, the guidance for health professionals on identifying and supporting victims of modern slavery was updated.<sup>17</sup>

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<sup>16</sup> <http://www.e-lfh.org.uk/programmes/modern-slavery/>

<sup>17</sup> <https://www.gov.uk/government/publications/identifying-and-supporting-victims-of-human-trafficking-guidance-for-health-staff>

## Chapter Two - Protection of victims' rights

### 2.1. Identification of victims

Article 10 of the Convention requires Parties to adopt measures to identify victims of trafficking. The issue of identification is of fundamental importance as many trafficked people do not always identify themselves as 'victims'. In order to perform identification, Parties must provide their competent authorities with persons who are trained and qualified in identifying and helping victims, including children. At the same time, specialised NGOs can contribute to the victim identification process and should be involved in a multi-agency effort to ensure that no victim of trafficking remains unidentified. GRETA has noted good practices in some countries where a variety of stakeholders are involved in the identification of victims and identification – and the access to assistance and protection that go with it – do not depend on the presumed victim's readiness to co-operate in the investigation.

In Belgium (2013), a government circular sets out the framework for the identification and referral to assistance of foreign victims of trafficking. It incorporates a list of indicators to facilitate detection of a trafficking situation, which includes evidence of falsified travel documents, indebtedness, unsanitary workplace, poor working conditions, non-payment of wages and limited freedom of movement. When a victim is detected by the police or labour inspectorate, the circular requires them to inform the public prosecutor, contact a specialised reception centre for victims of trafficking and inform the Foreigner's Office. The victim must be informed of the existence of a special protected status accorded to victims under Belgian law. The public prosecutor formally identifies the victim in consultation with the police, labour inspectorate and reception centre assisting the person concerned. If a reception centre is the first point of contact for a victim, it may contact the public prosecutor directly. Awareness-raising activities have been conducted for other front-line staff, including health workers and social workers, to facilitate referral of potential victims to specialised reception centres. Structures and procedures are also in place to assist the identification of victims of trafficking among asylum seekers, with a specialised unit operating within the Office of the Commissioner General for Refugees and Stateless Persons.

In the Republic of Moldova (first report: 2012; second report: 2016), the Anti-Trafficking Law stipulates that the identification of victims of trafficking in human beings shall be carried out by the competent public authorities with the support of non-governmental organisations, or by non-governmental organisations that have reasonable grounds to believe that a person is a victim of trafficking. A National Referral System has been established within the Ministry of Labour, Social Protection and Family, with a National Co-ordination Unit and a series of multidisciplinary teams set up at regional level. These teams are composed of representatives of the local social assistance and family protection departments, medical staff, police officers, representatives of NGOs and other relevant bodies. The multidisciplinary teams may identify persons vulnerable to human trafficking and provide assistance to them. Identification takes place by interaction between the multidisciplinary teams and the National Co-ordination Unit which decides on the further referral. Guidelines on Identification of Victims and Potential Victims of THB have been developed with the support of IOM and the NGO La Strada Moldova and serve as an operational tool establishing the steps to be taken by central and local authorities, NGOs and service providers during the identification process. The guidelines have annexes containing questionnaires for identifying victims and potential victims of THB.

In Poland (2013), the National Consulting and Intervention Centre for Polish and Foreign Victims of Trafficking performs the identification of victims of trafficking who were legally present in Poland and do not wish to contact a law enforcement agency. Victims with an irregular immigration status are identified by the Police or the Border Guard in accordance with published guidance which requires that a specially trained officer of the same sex as the victim should determine whether there are reasonable grounds to believe that a person is a victim or witness of trafficking. If victims do not want to report an offence, they had to be informed of the right to a three-month reflection period and the law enforcement officials issues a certificate confirming the victim's status and inclusion in the Programme for Support.



In Serbia (2014), the Government has set up the Centre for the Protection of Victims of Trafficking in Human Beings with the purpose of performing the identification and referral of victims. The Centre is a structural part of the Ministry of Labour, Employment and Social Policy and therefore victim identification is based on a social protection approach. The body or person who comes across a possible victim of trafficking sends the initial information to the Centre for the Protection of Victims of Trafficking. An internal circular instructs police officers to refer all detected possible victims of trafficking to the Centre. Staff from the Office for Co-ordination of the Protection of Victims travel to the location where the victim has been detected, interview him/her and co-ordinate actions to determine whether the person concerned is a victim of trafficking. The assessment is based on an interview with the possible victim and information received from other relevant sources (the police, NGO, centre for social work, etc.). The Centre has developed a semi-structured questionnaire for the assessment and identification of victims and a standardised form for entering the findings. On the basis of needs assessment, an individual service plan is set up for the victim concerned. City task forces for detecting human trafficking cases were set up in seven towns in Serbia.

The UK (first report: 2012; second report: 2016) introduced in 2009 a National Referral Mechanism (NRM) establishing a three-stage procedure for identification: i) initial referral of a potential victim by frontline staff from designated organisations known as "First Responders, which included government agencies, local authorities and NGOs; ii) consideration of the merits of the case by an official from a designated "Competent Authority" in order to determine whether a person might have been a victim of trafficking, known as "reasonable grounds decision", which entitled the person concerned to a minimum of 45 days of recovery and reflection period; iii) a conclusive decision by the Competent Authority whereby a person is considered as a trafficking victim. In April 2014, the UK Government commissioned a review of the NRM, which involved consultations with a broad range of stakeholders, including the police, local authorities, NGOs, parliamentarians and victims. The review made a number of recommendations, including an overhaul of the referral process by replacing the current First Responders by accredited officials known as "Slavery Safeguarding Leads". Further, the review proposed a process of conclusive identification of trafficking victims through regional multi-disciplinary panels. Pilots were launched in parts of the UK to trial some of the changes proposed by the review.

## 2.2. Assistance measures

Article 12 of the Convention requires Parties to take measures to assist victims in their physical, psychological and social recovery, taking account of the victim's safety and protection needs, in co-operation with NGOs and other organisations engaged in assistance to victims. Assistance must not be made conditional on the victim's willingness to act as a witness and must be provided to all victims of trafficking without discrimination on any grounds, taking account of the special needs of persons in a vulnerable position, as well as children. The assistance to victims must include appropriate and secure accommodation, psychological and material assistance, emergency medical treatment, translation and interpretation services, counselling and information, and access to education for children.

In Austria (2015), an amendment to the Act on the Employment of Foreign Nationals entered into force on 1 July 2011, granting victims and witnesses of trafficking facilitated access to the labour market. The issuance of a work permit is thus no longer contingent on a labour market demand test.

In Belgium (2013), there are three specialised reception centres for victims of trafficking in human beings (Pag-Asa, Payoke and Sürya). They take in all adult victims of trafficking, irrespective of their sex, type of exploitation, nationality or immigration status and where they were detected. The three centres each have a secure reception facility where adult victims may be accommodated, with a total of 50 places available. In certain cases victims may be housed in transit flats or other accommodation after a stay in a specialised reception centre (which lasts up to six months on average) or directly, depending on their needs. In addition to accommodation, the centres provide legal aid, psychosocial support and medical assistance. They help victims to take back control of their lives and build a plan for the future (e.g. enrolment in language classes or vocational training, job hunting). Each centre has a multidisciplinary team including educators, criminologists and social workers.

In Croatia (first report: 2011; second report: 2016), assistance is co-ordinated at the local level by mobile teams composed of trained representatives of the social services, the Croatian Red Cross and NGOs active in the field of anti-trafficking. Victims of trafficking are referred to the mobile team responsible for the location where the victim was identified and an individualised assistance and protection programme, adapted to the victim's age and needs, is created. Furthermore, training is provided to victims of THB to ensure their access to the labour market. The Employment Service has taken special measures to facilitate the integration into the labour market of victims of trafficking as a vulnerable category of workers, including by subsidising jobs from 75% to 100% of earnings, alongside other vulnerable categories; employers who benefit from these subsidies are not informed of the particular vulnerability of the persons concerned.

In Finland (2015), the Joutseno Reception Centre for asylum seekers has been responsible since 2012 for co-ordinating the provision of assistance to victims of human trafficking. Referrals to the reception centre, which makes decisions on admission to the assistance programme together with a multidisciplinary assessment team, were made by government agencies, NGOs, lawyers or the victims themselves. The threshold for admission to the system is low and not dependent on the existence of a criminal investigation or the person's immigration status. Since most identified victims in Finland have been asylum seekers, accommodation is primarily provided in reception centres for asylum seekers run by the Immigration Service, but victims can also be accommodated in safe houses/shelters for victims of violence or supported housing provided by the municipal authorities.

In Italy (2014), at the time of GRETA's first evaluation, there were two forms of assistance foreseen for victims of trafficking: short-term special support (under Article 13 of Law No. 228/2003) and long-term protection (under Article 18 of the Consolidated Immigration Act). The two programmes were implemented by NGOs and faith-based organisations which were selected on an annual basis through a tender process conducted by the Department for Equal Opportunities. The short-term assistance programme provided three months of accommodation, medical assistance, counselling and legal assistance, which could be extended for a further three months. Agreement of the relevant Police Headquarters was needed to grant access to the programme. The long-term programme had an initial duration of six months and could be renewed for an additional year. It included social, health, psychological and legal assistance, accommodation, access to educational and work inclusion programmes, and the granting of a special resident permit for social protection. Access to the assistance programme was via two routes: where an NGO or social service provider made a request to the police headquarters for reasons of social protection (the 'social path') or where a public prosecutor made the request for the inclusion of victims who co-operate with investigation/criminal proceedings (the 'judicial path').

In Latvia (2013), access to a six-month state-funded programme of assistance is based on a statement of a law enforcement authority confirming that the person was trafficked abroad or an assessment report by an NGO providing assistance to the victim. Assistance includes safe accommodation, medical and psychological assistance, legal assistance and access to educational and vocational training provided by NGOs selected through a procurement process. Where victims do not wish to stay in a state-funded shelter, assistance is provided to them on an outreach basis by NGOs.

In the Republic of Moldova (2012), the National Agency for Employment takes steps to enable victims of trafficking to access the labour market. In particular, victims of trafficking were registered at employment agencies where they were provided with job mediation, counselling, training, participation in job fairs, and received an allowance for vocational integration or reintegration. In 2008-2009, 40 victims of trafficking followed vocational training courses which were provided by regional agencies for employment.

In Poland (2013), under the Act on Social Assistance, victims of trafficking are entitled to assistance, including access to medical and psychological assistance, shelter from two to eight months, legal assistance, social assistance and financial assistance. The Act also regulates the provision of care for unaccompanied foreign children who must be accommodated by local authorities in child care institutes or with foster families, irrespective of immigration status. The Programme for the Support and Protection of Victims/Witnesses of Trafficking was set up in 2006 to cater for foreign nationals who are possible victims of trafficking. It is implemented by the National Consulting and Intervention Centre for Polish and Foreign Victims of Trafficking and is financed by the Ministry of the Interior. The Programme covers accommodation, medical and psychological assistance, legal assistance, support during criminal proceedings and assistance in voluntary return. Support is in practice provided under the programme whether or not the person concerned has been formally identified by law enforcement authorities or co-operates with them.

In the Slovak Republic (first report: 2011; second report: 2015), assistance provided to victims of THB is financed by the Ministry of the Interior which has concluded contracts with three organisations (the Slovak Catholic Charity, the Slovak Crisis Centre DOTYK and the IOM Office in Bratislava). The Slovak Catholic Charity operates several victims assistance facilities with staff trained to provide help to victims of THB. There are two crisis apartments in Bratislava, one for men and another one for women. The Slovak Crisis Centre DOTYK runs a specialised shelter for victims of THB, with 18 places, as well as renting two flats in a confidential location.



#### FOCUS: Assisting and protecting child victims of trafficking

In the Netherlands (2014), a pilot project was launched in 2008 in order to prevent unaccompanied foreign minors disappearing and falling victim to trafficking. The project consisted of two protected reception centres with additional security measures, located in remote areas and whose address was kept secret. In 2010 the outcome of the project was considered positive as the level of disappearance was low, but the security measures were found too stringent and tantamount to detention. This aspect was accordingly relaxed and the two protected reception centres were kept running. At the time of GRETA's evaluation in 2013, the capacity of these centres was 60 beds, with some flexibility in case of need. The shelters had a staff of 12 educators who were trained to identify signs of trafficking, and a visiting psychologist. 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. Further, they were taken to a school outside the shelters where a special programme was organised for them. Children were usually referred to the shelters by the Nidos Foundation, an organisation providing guardianship for unaccompanied minors, after an interview with the police. All relevant partners met every six weeks to discuss the situation of the children staying in the centres.

In the UK (2016), a children's home for separated/unaccompanied children of secondary school age upwards (i.e. above 11) who may be victims of human trafficking was opened in 2014 in Northern Ireland. It is commissioned by the Health and Social Care Board and delivered by a civil society organisation. A range of protection measures are implemented, determined by an individualised risk assessment. Security and protection measures include CCTV in the reception area and in the hall. Access to computers is in a communal area and supervised. A range of activities are organised and access to education is ensured, with specialist support provided. Additional support is in place for young people transitioning out of the home, and continuing support is being provided. No child placed at the home has gone missing.

### 2.3. Recovery and reflection period

As victims of trafficking are extremely vulnerable after the trauma they have experienced, Article 13 of the Convention introduces the obligation for Parties to provide in their internal law for a recovery and reflection period of at least 30 days. The recovery and reflection period is not conditional on co-operation with the investigation or prosecution authorities and should be granted when there are reasonable grounds to believe that the person concerned is a victim of trafficking. The minimum 30-day period constitutes an important guarantee for victims and potential victims and serves a number of purposes, including allowing them to recover and escape the influence of traffickers and take a decision on co-operating with their competent authorities. During this period, the authorities must authorise the person concerned to stay on the country's territory and expulsion orders cannot be enforced.

In Norway (2013), the immigration regulations provide for a six-month reflection period for victims of trafficking which entitle the victim to a residence permit, safe accommodation, legal advice, health care and information on assisted voluntary return. The permit is available to third-country nationals as well as EU/EEA citizens. The Directorate of Immigration decides whether to grant the reflection period on the basis of facts stated in an application submitted by the victim to the police. Where there are reasons to believe that the person is a victim of trafficking and he/she is willing to receive assistance and protection, a reflection period is granted. Negative decisions can be appealed to the Immigrations' Appeal Board.

Luxembourg (2013) provides in law for a 90-day reflection period for non-EU national victims of trafficking in order to allow the victim to escape the influence of the traffickers, recover and make an informed decision on whether to lodge a complaint or give statements about the case. A person granted a reflection period can lodge an application for asylum in parallel without this having any effect on the period.

In the Netherlands (2014), foreign victims of trafficking are entitled to a reflection and recovery period of up to three months. If the law enforcement authorities consider that there is the 'slightest indication' that a person is a possible victim of trafficking, they must inform him/her of the possibility of receive a reflection period and assistance. If the person agrees, the law enforcement authorities notify the Immigration and Naturalisation Service responsible for granting the reflection period. During the reflection period, victims are entitled to assistance and accommodation in specialised shelters for foreign victims of trafficking.

### 2.4. Residence permit

Article 14 of the Convention allows Parties to choose between granting a residence permit to victims of THB in exchange for their co-operation with the competent authorities in the investigation or criminal proceedings or on account of the victim's personal situation, or indeed to adopt both simultaneously. There are situations in which victims might be afraid to co-operate in the investigation because of threats from the traffickers. Therefore, granting a residence permit on account of the personal situation of the victim takes in a range of situations, such as the victim's safety, state of health and family situation, and tallies with the human rights-based approach to combating THB.

In Italy (2014), Article 18 of the Consolidated Immigration Act provides for the granting of a residence permit for social protection to victims of trafficking. There are two ways to be granted a residence permit: the "social path", when NGOs or public social services consider that the person is a trafficking victim and request the granting of a residence permit by the *Questura*, and the "judicial path", when the victim decides to co-operate with the police and prosecution in the framework of criminal proceedings.

In Spain (2014), the legislation also provides for the possibility of issuing residence permits to victims of trafficking both on the basis of the victim's personal situation and for co-operation with the authorities. Before issuance of a temporary residency permit, the Law on Foreigners requires that a victim of trafficking is granted an exemption from responsibility for his/her irregular immigration status. Following the granting of such an exemption, victims of trafficking and their children can be issued with a five-year permit which allows the victim to work in any sector and location in Spain.

In Sweden (2014), the Aliens Act provides for the possibility of a temporary residence permit to be issued to victims of trafficking on the basis of the victim's co-operation with the authorities in a criminal investigation or on the basis of their personal situation where "an overall assessment of his/her situation reveal such exceptionally distressing circumstances that he/she should be allowed to stay". The temporary residence permit entitles beneficiaries to access social assistance as well as education and the labour market, on the same basis as Swedish nationals. Permits are issued for a minimum of six months and may be renewed on the request of the body in charge of the investigation, provided the reasons for which they have been issued remain valid.

## 2.5. Compensation

Article 15 of the Convention establishes the obligation for Parties to provide in their internal law for the right of victims of trafficking to compensation from the perpetrators as well as to adopt legislative or other measures to guarantee compensation for victims, for instance through the establishment of a fund for victim compensation or measures or programmes aimed at social assistance and integration of victims.

In Austria (2015), the Victims of Crime Act – which sets up a State compensation scheme for victims of violent acts – was amended in 2013 to provide for the possibility of granting compensation to victims of THB whose stay in Austria was irregular at the time when the offence against them was committed. The number of State compensation payments to victims of THB has increased over the years: while there was one application in 2011, in 2012 there were six applications and in 2013, 17 applications. Four applicants were granted compensation in 2012 (for the total amount of 13 630 euros) and 10 in 2013 (for the total amount of 89 680 euros). Special departments have been established at the Prosecutor's Offices in Vienna, Graz, Linz and Innsbruck and at the Central Public Prosecutor's Office for Combating Economic Crimes and Corruption to deal with proprietary orders to ensure that assets are seized and victims are able to obtain compensation from perpetrators. Thanks to early confiscation measures and freezing of assets, there has been progress in obtaining compensation from perpetrators. The Chamber of Labour provides legal support for claiming unpaid wages and supports victims of THB together with LEFÖ-IBF through labour law court proceedings.

In the Netherlands (2014), a person who has suffered direct injury as a result of a punishable offence can join the criminal proceedings as an injured party to claim damages. The judge can impose a compensation order on the person convicted, in which case the compensation is collected by the state and transferred to the victim. Since 2011 Dutch law provides for advance payment by the state to victims of violent and sexual crimes, including victims of human trafficking. If the person convicted has not paid the full amount of compensation due under the compensation order eight months after the judgment has become final, the state pays the outstanding amount to the victim and recovers it from the perpetrator.



In Iceland (2014), state compensation is paid to victims of crimes even if the offender is unknown, is a minor or is *non compos mentis*. The victim claims compensation directly from the state and has no obligation to try to collect it first from the offender. The state recovers the compensation amount from the perpetrator if the latter is known. The nationality of the victim has no bearing on the outcome.

In Sweden (2014) the law allows for compensation claims of trafficking victims in both criminal and civil courts. In cases where the perpetrator was not identified or has no possibility to pay compensation, victims of crimes may apply for state compensation through the Crime Victim Compensation and Support Authority. State compensation may cover expenses incurred in medical treatment, counselling, pain and suffering, and permanent injuries. It is possible to apply for compensation within two years after the completion of the criminal case. If the victim has returned to his/her country of origin there is a mechanism allowing him/her to access compensation from abroad. At the time of the GRETA evaluation, a total of 40 requests for state compensation had been recorded by the Crime Victim Compensation and Support Authority. In 14 cases compensation was awarded to victims of trafficking for sexual exploitation and in one case to a victim of labour exploitation. The amounts awarded ranged from 8 200 to 33 400 euros for violation of personal integrity and for pain and suffering.

In Georgia (first report: 2012; second report: 2016), victims of trafficking can apply for a one-off payment of compensation from the State Fund (GEL 1 000, equivalent to approximately 390 euros), regardless of their co-operation with the law enforcement authorities, if the alleged perpetrator is not identified and detained within three months after the investigation has been launched, or if it is impossible to enforce the compensation order against the perpetrator within six months after the court decision. In case a victim of THB has received compensation from the State Fund, he/she remains eligible to claim compensation from the offender, if the latter has been detained and brought to justice after the victim received State compensation. The State Fund provides free legal assistance to victims of trafficking, including representation in civil cases to sue traffickers.

In France (2013), confiscated assets may be used to compensate victims of trafficking. The seizure of assets may be initiated by the Prosecutor's Office or by the investigation authorities. The Agency for the Management and Collection of Seized and Confiscated Assets (AGRASC) was established in 2011 to facilitate seizure and confiscation in criminal matters. The Agency must prioritise the compensation of those that have started a civil action in respect of the assets of the person sentenced.

In the UK (2016), with a view to improving the compensation of victims, section 8 of the Modern Slavery Act 2015 provides for reparation orders to ensure that more money from convicted perpetrators goes directly to victims. Where the perpetrator has assets available, as evidenced by a confiscation order, the court has to consider making a reparation order to provide compensation to the victim and give reasons if it does not. The court can also impose a reparation order in cases where no confiscation order has been made. If the perpetrator does not have enough money to pay both a fine and compensation, the court must give preference to compensation. In order to make a reparation order, the court must have regard to the offender's means. Where the offender has limited means, the order may be scaled down or the offender may be given additional time to pay.



## 2.6. Repatriation and return

Article 16 of the Convention requires Parties to establish repatriation programmes which aim at avoiding re-victimisation and involve relevant national or international institutions and NGOs, as well as to make efforts to favour the reintegration of victims into the society of the state of return. Parties must make available to victims of trafficking contact information or structures that can assist them in the country of return, such as law enforcement offices, NGOs, legal professionals and social welfare agencies. The return of victims of trafficking must preferably be voluntary and be carried out with due regard to their rights, safety and dignity and the status of any legal proceedings related to the fact that the person is a victim of trafficking. A victim may not be returned where such action would be in contravention of the State's obligation of international protection, recognised in Article 40(4) of the Convention.

In Norway (2013), a programme of assisted voluntary return was made available to victims of trafficking through the International Organization for Migration (IOM). The programme aims at providing an adequate and dignified return and to empower beneficiaries by giving them tools to reintegrate in their countries of origin and thus reduce their vulnerability to being re-trafficked. The project is implemented in close co-ordination with the competent authorities and NGOs both in Norway and in the countries of origin of the victims.

In Switzerland (2015), the IOM office in Bern has been mandated by the State Secretariat for Migration to implement specialised assistance for the return of victims and witnesses of human trafficking, with an annual project budget of around 97 690 euros. This programme is available to third-country as well as EU citizens. The State Secretariat for Migration has issued a circular addressed to the cantonal migration authorities, cantonal assistance authorities and cantonal advisory service for return which specifies the different steps to be followed by each of them regarding assistance in the voluntary return of victims of human trafficking. Victims wishing to benefit from assisted return must contact the cantonal advisory service which makes the application to the State Secretariat for Migration. After approving the application, the State Secretariat for Migration mandates IOM to organise assistance for return on the spot and monitor the person's reintegration. IOM assesses the risks in the country of return and provides an analysis of the possibilities of rehabilitation and reintegration. IOM organises return to the country of origin in co-operation with the canton concerned, which bears the costs of departure. Victims receive an initial financial aid of CHF 1 000 (approximately 927 euros) per adult, and a supplementary aid of CHF 5 000 (4 635 euros) for a reintegration project (e.g. housing, company start-up, training).

## Chapter Three - Prosecution

One of the purposes of the Convention is to ensure the effective investigation and prosecution of trafficking offences. The Convention establishes that the investigation or prosecution of trafficking offences must not be dependent on victims' reports and that civil society organisations aimed at fighting trafficking or protecting human rights must be able to assist and support victims during proceedings (Article 27). The obligation to investigate potential situations of trafficking extends to a duty to cooperate with the relevant authorities of other States concerned in the investigation of events which occurred outside their territory.<sup>18</sup>

### 3.1. Investigation, prosecution and convictions

GRETA has noted that in countries where there are investigators, prosecutors and judges who, through training and practical experience have developed specialism in trafficking cases, the rate of convictions is higher. GRETA has stressed the importance of using special investigation techniques in criminal proceedings concerning trafficking in human beings.<sup>19</sup> It has also emphasised the need to carry out financial investigations and to freeze, seize and confiscate the assets of perpetrators of human trafficking. This is crucial for reinforcing the effect of the penalty as well as for ensuring the payment of compensation to the victim. The following section sets out a cross-section of good practices in investigation, prosecution and conviction of trafficking offences.

In Belgium (2013), one of the five prosecutors general, namely the one attached to Liège Appeal Court, has responsibility in the area of THB and acts as the contact person within the public prosecution services, co-ordinating criminal law policy in this area. Further, there are prosecutors specialised in trafficking at each prosecutor's office and labour law auditor's office. The presence of prosecutors specialised on THB in the labour law auditor's offices has contributed to a high number of cases of THB for labour exploitation being prosecuted. The need to conduct financial investigations in connection with human trafficking was included as an objective under the 2012-2014 Action Plan on Trafficking. The Financial Information Processing Unit, tasked with analysing suspicious financial transactions, reports to the judicial authorities when its analysis indicates laundering of proceeds from trafficking.

In Albania (2016), the Serious Crime Prosecution Office and the First Instance Court for Serious Crimes specialise in cases of trafficking in human beings. The National Anti-Trafficking Co-ordinator has initiated the setting up of a working group bringing together representatives of the Serious Crime Prosecution Office and the National Police in order to strengthen co-operation between them. A Memorandum of Understanding "On the establishment of a task force on the integrated review of the cases of trafficking in persons that have been dropped or not started" between these partners was concluded in October 2015. The aim is to guarantee a multi-institutional approach, to perform an analysis of criminal legislation related to THB and to strengthen institutional co-operation. Special investigation techniques include phone tapping, video recording, physical surveillance measures, vehicle bugging, the use of GPS to follow suspects' vehicles in real time and the use of undercover agents. Infiltration via the Internet, in particular where a police officer poses as a victim, is also possible.

<sup>18</sup> See *Rantsev v. Cyprus and Russia*, application No. 25965/04, judgment of 7 January 2010, ECHR 2010.

<sup>19</sup> See Recommendation Rec(2005)10 of the Committee of Ministers to member states on "special investigation techniques" in relation to serious crimes including acts of terrorism.

In the Republic of Moldova (first report: 2012; second report: 2016), the Centre for Combating Trafficking in Persons (CCTP) was established in 2006 under the Ministry of the Interior with a view to improving the investigation and prosecution of cases of human trafficking. It is a highly specialised multidisciplinary unit comprising officials assigned by the Ministry of the Interior, the Prosecutor General's Office, the Customs Service, the National Migration Bureau, the Border Guard Service, the Information and Security Service, and the Centre for Combating Economic Crimes and Corruption. The purpose of bringing together representatives of these bodies is to increase the effectiveness of investigations and prosecutions of trafficking offences. In 2014, the CCTP was restructured in order to make it more operational. Further, within the General Prosecutor's Office, a new specialised unit for combating human trafficking was set up, comprising seven prosecutors.

In the Netherlands (2014), a public prosecutor specialised in human trafficking has been appointed in each Public Prosecution Service (OM) district and a National Public Prosecutor on Human Trafficking has been appointed to ensure co-ordination both internally and with external partners. There are also specialised prosecutors on trafficking in the Functional Prosecution Service which deals with tax and environmental cases. The Board of Prosecutors General has published a directive on investigating and prosecuting the crime of trafficking which specifies how cases should be investigated and prosecuted and how victims should be treated, placing emphasis on non-prosecution and non-punishment of victims of trafficking and their protection, including child victims, throughout the criminal investigation and proceedings. Following a recommendation by the National Rapporteur, judges have been encouraged to undertake specialised training on THB. Following a reform of first instance courts in 2013, the decision was taken that a limited number of judges and legal staff would deal with all THB cases with a view to ensuring that they possess enough substantive knowledge to tackle often complex cases. In addition, the Board of Prosecutors General and the Council for the Judiciary agreed that THB cases reaching the National Public Prosecutors' Office and the National Public Prosecutor's Office for Serious Fraud and Environmental Crime will be handled by four designated courts (Amsterdam, Rotterdam, Den Bosch and Zwolle).

In Austria (2015), the Asset Recovery Unit of the Criminal Intelligence Service is involved in all THB investigations. According to Section 110(1) of the CCP, a seizure shall be admissible if it appears to be necessary for reasons of evidence, to secure private law claims or to secure a forfeiture, a recovery or another property law order stipulated by law. The public prosecutor orders the seizure and the criminal police perform it. Criminal police officers are entitled to seize objects at their own initiative under certain circumstances, in particular if they were taken from the victim as a result of the punishable act.

In Romania (first report: 2012; second report: 2016), the Department for Countering Trafficking in Persons within the Police (DCCO) and the Directorate for Investigating Organised Crime and Terrorism (DIICOT) within the Prosecutor's Office attached to the High Court are specialised in investigating THB cases. During criminal investigations, the police systematically check the financial resources and assets of presumed perpetrators and any identified assets are seized with a view to ensuring their subsequent confiscation by court. Information about confiscated assets is managed by the Asset Recovery Office in the Ministry of Justice, which has been active since 2011.

### 3.2. Victim and witness protection

By virtue of Article 28 of the Convention, Parties must take measures to provide effective and appropriate protection from potential retaliation or intimidation in particular during and after the investigation and prosecution of perpetrators. This protection can be of various types, including physical, relocation, identity change, and is to be provided to victims of trafficking, witnesses and those co-operating with the investigation or prosecution, as well as members of their families where necessary.

Victims are sometimes reluctant to give statements because of threats of revenge from the perpetrators and therefore the protection of victims and witnesses of trafficking is important to reassure them to take the step of testifying. Victims also need to be prepared psychologically to give statements and NGOs providing assistance to victims have an important role to play in this regard.

In the Netherlands (2014), during court proceedings victims can be hidden from the view of suspects or disguised and/or can give evidence through video-conferencing. Victims can also be examined outside the courtroom by the investigating judge, in the presence of the suspect's legal counsel, but without the suspect being present. Statements from victims can be shown on video or taken into account in the courtroom in the form of a written transcript. Where victims wish to remain anonymous they may be declared 'threatened witnesses' and can be interviewed anonymously by the investigating judge. Additional measures of protection are available for child victims, including the same person conducting all interviews and interviews taking place in premises adapted for that purpose. Also interviews are recorded and used as such as evidence in criminal proceedings. Since 2010 a special witness protection programme has been in place for victims or witnesses of trafficking. Devised in consultation with NGOs, this programme provides specialised care and shelter for victims of trafficking and standard witness protection procedures.

In Belgium (2013), there are provisions safeguarding witness anonymity and protection which apply to trafficking cases. The taking of statements via audio-visual media and hearings via video-link are also possible for victims/witnesses under threat or abroad. The Witness Protection Commission may provide protection measures for threatened witnesses, including setting up an alarm procedure, organising police patrols, providing close and immediate protection for the witness or providing them with another residence for 45 days.

In Ireland (2013), under the Criminal Law (Human Trafficking) Act 2008, members of the public can be excluded from court proceedings to protect witnesses and victims willing to testify. This measure serves to limit publicity in cases where it might place victims, witnesses or their families at risk. The Act provides for a guarantee of anonymity of alleged victims of trafficking, unless waived by the judge in the interests of justice. Any person who contrary to a court decision publishes or broadcasts any information likely to enable an alleged victim to be identified is liable to prosecution. Victims of trafficking may also give evidence via television link with the leave of the court from either within the country or abroad.

In Romania (2012), if a victim of human trafficking co-operates with the authorities as a witness, he or she may benefit from special protection under the Law on the Protection of Witnesses which includes measures such as identity change and change of residence. In addition, under the Anti-Trafficking Law, physical protection shall be guaranteed for victims at the request of the judicial authorities and this has also been extended to apply to groups and associations providing victims with assistance. Further, hearings may be held *in camera* to protect witnesses, especially children. The law also provides for physically separating the defender and the victim during hearings, where necessary, to protect the victim but in practice not all court rooms are provided with the appropriate equipment to do so.

### 3.3. Non-punishment provision

Pursuant to Article 26 of the Convention, Parties must provide for the possibility of not imposing penalties upon victims of THB for their involvement in unlawful activities, to the extent that they have been compelled to do so. GRETA considers that the absence of a specific provision on the non-punishment of victims of trafficking entails a risk of treating them differently depending on the prosecutor in charge of the case.

In Cyprus (2015), the new Anti-trafficking Law 60(I)2014 in its Article 29 provides that victims of human trafficking are not to be prosecuted and subject to sanctions for their involvement in criminal activities, if they were a direct consequence of the fact that the persons were victims of THB. Third-country nationals who are victims of THB within the meaning of this law are not prosecuted for the offences of unlawful entry, unlawful residence, unlawful employment or employment contrary to the terms of employment, as defined in the Aliens and Immigration Law. The Attorney General's practice is not to prosecute victims for offences directly related to their status as victims of THB. A number of examples have been provided where the Attorney General dismissed cases against victims of THB or did not charge them for illegal entry and residence in Cyprus.

In Denmark (2016), the Director of Public Prosecutions issued in May 2012 binding guidelines to the members of the prosecution service on handling cases of victims of human trafficking who have committed a criminal offence. These guidelines were later incorporated into the Guidelines on the Handling of Cases of Human Trafficking published by the Director of Public Prosecutions in February 2015. According to the Guidelines, an indictment shall be waived if the suspect is a victim of human trafficking, provided that the alleged offence relates to the trafficking and cannot be characterised as a serious crime. The guidelines stress that victims of trafficking as a point of departure shall not be deprived of their liberty and that it should always be considered whether accommodating a trafficking victim in a crisis centre or similar place would not be sufficient for securing the presence of the person.

## Chapter Four - Partnerships

Partnership is an indispensable prerequisite for successful action against trafficking in human beings. The Convention creates obligations for States to co-operate both at national level, through co-ordination of the actions of different stakeholders in the prevention of trafficking and the identification and protection of victims, and at international level. Only by joining forces will countries overcome trafficking: on their own, they stand very little chance of success. International co-operation as referred by the Convention is not confined to criminal matters, but also takes in preventing trafficking and assisting and protecting victims.

### 4.1 National co-ordination

Article 29(2) of the Convention requires Parties to take measures to ensure the co-ordination of national policies and action against trafficking, including through the setting-up of specific co-ordinating bodies. Further, Article 35 of the Convention requires Parties to encourage state authorities and public officials to co-operate with non-governmental organisations, other relevant organisations and members of civil society in building strategic partnerships with the aim of achieving the purposes of the Convention. This chapter focuses on good practices in the areas of national co-ordination and international co-operation.

In Albania (first report: 2011; second report: 2016), the National Anti-Trafficking Task Force was set up in 2012 pursuant to the revised National Referral Mechanism (NRM). Its aim is to monitor implementation of the NRM with a view to improving the identification and referral to assistance of victims and co-ordination between different stakeholders. It is chaired by the National Anti-Trafficking Co-ordinator and comprises experts, representatives of national and local authorities and NGOs. Regional anti-trafficking committees have been set up in each of the country's 12 regions, involving representatives of relevant regional public bodies and NGOs.

In Bulgaria (first report: 2012; second report: 2016), GRETA noted as a good practice the fact that the National Commission for Combating Trafficking in Human Beings is subordinated to the Council of Ministers, rather than to a particular ministry, which can be seen as a sign of political will to ensure that it functions as an inter-agency structure. There are nine local commissions for combating human trafficking, each with a full-time executive secretary who is paid from the budget of the National Commission. These local commissions bring together a variety of stakeholders, including NGOs.

In Germany (2015), the implementation of federal laws and policies on human trafficking falls within the remit of the different federal states (*Länder*). To facilitate co-ordination, a Federal Working Group on Trafficking was set up under the leadership of the Federal Ministry for Family Affairs. It is composed of representatives of relevant ministries, *Länder*, NGOs and academics and meets at least twice a year. The tasks of the working group include the exchange of information on activities, analysis of trafficking problems, development of guidelines and taking joint action. Further, the German NGO network against trafficking (KOK) is an alliance of 37 organisations across Germany working to combat trafficking, which is funded by the Federal Ministry for Family Affairs. At *Länder* level trafficking roundtables, based on co-operation agreements between key stakeholders, are regularly hosted. Most co-operation agreements are concluded between the police and counselling centres, but some include a wider circle of actors. The majority of co-operation agreements were restricted to addressing trafficking for sexual exploitation, but a number of *Länder* have added trafficking for labour purposes to their agreements, for example in Berlin and Hamburg.

In Latvia (2013), the implementation of the second National Programme for 2009-2013 is co-ordinated by an inter-institutional working group, which includes NGOs and the IOM as full members, demonstrating the willingness of the government to ensure their involvement in developing and implementing anti-trafficking policy.



In Lithuania (2015), in addition to the Inter-Institutional commission, which is responsible for preparing and implementing the National Anti-Trafficking Action Plan, an informal anti-trafficking network has been set up to facilitate the exchange of information and co-ordinate anti-trafficking action. The network consists of representatives of various ministries, law enforcement agencies, labour inspectorate, municipalities and NGOs. During the implementation of the Action Plan for 2009-2012, multidisciplinary groups were set up in the 10 largest towns of Lithuania which were responsible for the co-ordination of anti-trafficking activities at the municipal level. Further, in 2014, the project 'Strengthening the role of municipalities in the work against trafficking in human beings in the Baltic Sea Region' was launched and led to the development of guidelines for municipalities on how to deal with cases of trafficking and develop local referral mechanisms.

In the Republic of Moldova (first report: 2012; second report: 2016), the National Committee for Combating Trafficking in Human Beings was established in 2001 as a permanent consultative body of the Moldovan Government with the aim of co-ordinating the activities of relevant bodies. The National Committee is chaired by the Deputy Prime Minister and is composed of representatives of relevant ministries and public bodies. Representatives of NGOs and international organisations active in the anti-trafficking field may participate in the meetings of the National Committee with a consultative vote. Anti-trafficking action at the local level is co-ordinated by territorial commissions for combating trafficking in human beings, which are set up in each region as well as in each administrative district of Chişinău. The territorial commissions are subordinated to the National Committee and are financed by the local authorities' budgets. The commissions are chaired by the Deputy Chairman of the local authority and are composed of local representatives of the ministries and other public authorities with competence in the field of preventing and combating human trafficking, as well as NGOs active in this field.

In the Netherlands (2014), the anti-trafficking framework is based on multi-agency co-operation and action referred to as the "barrier model". The reasoning is to regard human trafficking as a "business" that has to overcome a number of barriers before traffickers earn money from the exploitation of victims and the objective is to make each barrier harder for them to cross. The Ministry of Justice has established a Task Force on Human Trafficking which includes representatives of all relevant ministries, law enforcement agencies, the Immigration and Naturalisation Service, the Public Prosecution Service, municipal authorities, a judge and the National Rapporteur. The NGO CoMensha, tasked with the registration of possible trafficking victims, is a full member of the Task Force. Alongside the Task Force, the Ministry of Security and Justice is responsible for co-ordinating national policy against trafficking and hosts regular interdepartmental meetings with different compositions which NGOs may attend. Further, in Amsterdam, multi-agency co-operation takes place between the municipal authorities, trafficking officers of the police's regional unit and the NGO providing specialised assistance to victims of trafficking. Together they form what is called the "care chain" to ensure that victims receive assistance from the outset. Similar co-operation at the municipal level takes place in Rotterdam and other main cities.

In Norway (2013), an Inter-Ministerial Working Group, chaired by the Ministry of Justice and Public Security, is responsible for overseeing implementation of the National Action Plan. The Government has also set up the National Co-ordinating Unit for Victims of trafficking (KOM), under the Ministry of Justice, which became in 2011 a permanent unit with a mandate to assist the central, regional and municipal authorities and other organisations to identify victims of trafficking and provide them with support and protection.

## 4.2 International co-operation

Article 32 of the Convention requires Parties to co-operate to the widest extent possible to prevent and combat human trafficking, to protect and provide assistance to victims, and to investigate and prosecute cases of trafficking. Most countries evaluated by GRETA are parties to the European Convention on Mutual Legal Assistance in Criminal Assistance and many have also signed bilateral co-operation agreements with other countries. Some countries have participated in Joint Investigation Teams (JITs) which have been successful in bringing to justice organised trafficking groups operating internationally. International co-operation between countries or destination and countries of origin also takes place through projects in the area of prevention of human trafficking and providing assistance to victims. The following section provides a selection of some of the good practices referred to in GRETA's country reports.

In Bulgaria (first report: 2011; second report: 2016), the law enforcement agencies regularly conduct investigations together with other countries Joint Investigation Teams (JITs) and parallel investigations. From 2010 to 2013, eight JITs were set up in investigations of human trafficking offences (with the Netherlands, the UK, Germany and France). Parallel investigations were put in place concerning activities of organised crime groups relating to THB for the purpose of sexual exploitation, forced labour or forced marriage with several countries (Austria, Belgium, France, Germany, Italy, the Netherlands, Spain, Sweden and the UK). In efforts to prevent trafficking and address the 'pull' factors for migration, co-operation with destination countries has led to projects funded by France (2013), the Netherlands (2014) and Switzerland (2015) and implemented by the Bulgarian National Commission for Combating Trafficking in Human Beings, together with local and foreign partners.

In France (2013), the Specialised Inter-regional Courts have made frequent use of international co-operation for investigation and prosecution, particularly through the setting up of Joint Investigation Teams with Romania and Bulgaria. France also provides technical co-operation to law enforcement agencies in the field of trafficking in countries outside Europe through its Interior Security Attaches, police and gendarmes posted to its French diplomatic missions covering 156 countries. Technical co-operation on assistance and protection of trafficking victims is one of the priorities of the Ministry of Foreign Affairs.

In Hungary (2015), Joint Investigation Team (JIT) agreements in human trafficking cases were signed with the United Kingdom, the Netherlands and Belgium in 2013. Joint operations and investigations have also taken place with the authorities of Austria, Germany, Switzerland, Belgium, the Netherlands and the United Kingdom. In July 2013 the Hungarian and Dutch Police signed a Bilateral Operational Co-operation Action Plan specifically for the fight against human trafficking, which involves common investigations and sharing best practices. Further, in the framework of the European Neighbourhood and Partnership Instrument Cross-border Co-operation Programme, involving Hungary, the Slovak Republic, Romania and Ukraine, the NGO Helping Hands run a project in 2010-2012 to create the basis for cross-border co-operation in the fight against human trafficking in the regions of Satu Mare (Romania), Szabolcs Szatmar Bereg Megyei (Hungary) and Berehovo (Ukraine).

In Spain (2013), the police participated in 2011 in 28 police operations with police units from other countries, through Interpol and Europol, in relation to trafficking for sexual exploitation. The Civil Guard has also taken part in joint international actions regarding the sharing of intelligence, co-ordination of investigations and JITs. On international development assistance, Spain has pursued numerous activities in priority countries of origin of victims trafficked to Spain, including action to tackle trafficking as a form of gender-based violence in Latin America and to tackle trafficking for sexual exploitation in the Asia-Pacific region.

## Concluding remarks

Since the opening for signature of the Convention in 2008, States have made significant efforts to prevent trafficking in human beings, provide assistance and protection to victims, prosecute and punish traffickers, and strengthen national co-ordination and international co-operation to combat human trafficking. This compendium has aimed to highlight some good practices identified in GRETA's country reports. What is crucial in the eyes of GRETA is the integration of a victim-centred and human rights-based approach in the action against trafficking in human beings.

Data collection and research are essential for effective prevention programmes and planning future policy measures. The compendium has highlighted examples of countries compiling comprehensive statistical information on human trafficking, covering a range of relevant issues. Some countries have taken steps to evaluate the impact of their awareness-raising efforts and have channelled their findings into the development of further initiatives. Examples have been given of targeted prevention activities for vulnerable groups, in particular women, children and ethnic minorities. Some Parties have taken care to target vulnerable groups, including women, children and ethnic minorities, organising a broad range of initiatives at national and local level. A number of countries have addressed the growing phenomenon of trafficking for the purpose of labour exploitation and have reached out to communities of migrant workers providing information on assistance provision and their rights.

On training, examples have been given of countries providing systematic and regular training to a broad range of professionals to enable the identification of victims of different forms of exploitation and to raise awareness of victims' rights.

The compendium has highlighted approaches to victim identification which are independent of the victim's co-operation with law enforcement and involve a broad range of actors, including civil society. Good practices have extended to ensuring that trained professionals are able to identify victims of trafficking in detention centres for foreigners awaiting deportation, and that labour inspectors are mandated to identify victims of trafficking for the purpose of labour exploitation.

On victim assistance measures, examples have been provided of countries which have ensured that the provision of assistance is not conditional on the willingness of a victim to collaborate with law enforcement and is available for as long as required by the victim's personal circumstances. Parties that go beyond the minimum period of 30 days of the recovery and reflection period, during which they provide access to a broad range of assistance provision, and ensure the provision of this period is not conditional in either law or practice on co-operation with law enforcement, set examples for other countries. On residence permits, good practices are seen in those Parties which provide residence permits for victims of trafficking both on the grounds of one's personal situation and for co-operation with law enforcement. Good practices are also seen in countries where residence permits for victims of trafficking allow access to the labour market.

On prosecution, good practices are noted in those countries that have invested in training and specialising their investigators, prosecutors and judiciary in human trafficking, which has resulted in more effective criminal proceedings and higher rates of conviction of traffickers.

On partnerships, examples have been provided of countries which have set up an institutional form of co-ordination between different stakeholders, including civil society, adopting a multidisciplinary approach. Finally, in the area of international co-operation, the compendium has highlighted some good practices in the investigation of cross-border human trafficking offences and the provision of assistance to countries of origin to prevent trafficking or to facilitate the reintegration of victims.

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