

# 7th GENERAL REPORT ON GRETA'S ACTIVITIES



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

covering the period from  
1 January to 31 December 2017



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

# 7th GENERAL REPORT ON GRETA'S ACTIVITIES

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

covering the period from 1 January  
to 31 December 2017

**French edition:**  
7<sup>e</sup> Rapport Général  
sur les activités du GRETA  
GRETA(2018)1

All requests concerning the reproduction  
or translation of all or part of this document should be  
addressed to the Directorate of Communication  
(F-67075 Strasbourg Cedex or [publishing@coe.int](mailto:publishing@coe.int)).  
All other correspondence concerning this document  
should be addressed to the Secretariat of the Council  
of Europe Convention on Action against  
Trafficking in Human Beings  
[trafficking@coe.int](mailto:trafficking@coe.int)

Cover and layout: Document and Publications  
Production Department (SPDP), Council of Europe  
Cover Photo Shutterstock

This publication has not been copy-edited  
to correct typographical and grammatical errors.

© Council of Europe, March 2018  
Printed at the Council of Europe

# Contents

---

<b>INTRODUCTION BY THE PRESIDENT OF GRETA</b>	<b>5</b>
<b>ACTIVITIES DURING THE PERIOD FROM 1 JANUARY TO 31 DECEMBER 2017</b>	<b>9</b>
Introduction	9
GRETA plenary meetings	10
Country-specific monitoring by GRETA	11
Urgent procedure evaluation of Hungary	13
Ad hoc working group	14
<b>GRETA MEMBERSHIP AND BUREAU</b>	<b>15</b>
<b>SIGNATURES AND RATIFICATIONS OF THE CONVENTION</b>	<b>16</b>
<b>VISIBILITY AND IMPACT OF THE MONITORING PROCESS</b>	<b>17</b>
Publicity of GRETA's reports	17
Practical impact of GRETA's monitoring work	18
Follow-up activities	23
<b>RELATIONS WITH THE COMMITTEE OF THE PARTIES</b>	<b>25</b>
<b>CO-OPERATION WITH OTHER COUNCIL OF EUROPE BODIES</b>	<b>27</b>
<b>CO-OPERATION WITH OTHER INTERGOVERNMENTAL ORGANISATIONS</b>	<b>28</b>
United Nations agencies	28
OSCE	29
European Union	29
<b>CO-OPERATION WITH CIVIL SOCIETY</b>	<b>30</b>
<b>HUMAN TRAFFICKING FOR THE PURPOSE OF LABOUR EXPLOITATION</b>	<b>32</b>
Introduction	32
Criminalisation of human trafficking for the purpose of labour exploitation	34
Trends regarding trafficking for the purpose of labour exploitation	38
Policy and institutional framework for addressing trafficking for the purpose of labour exploitation	41
Prevention of trafficking for the purpose of labour exploitation	43
Awareness raising and training	43
Targeted prevention for groups at risk	46
Labour laws and inspections	52
Measures to discourage demand, including through public-private partnerships	55
Identification of victims of trafficking for the purpose of labour exploitation	59
Assistance to victims of trafficking for the purpose of labour exploitation	61
Compensation and legal redress	63
Non-punishment of victims of human trafficking	65
Investigating and prosecuting cases of trafficking for the purpose of labour exploitation	66
Corporate liability	68

<b>APPENDIX 1</b>		<b>70</b>
	Chart of signatures and ratifications of Treaty 197 Council of Europe Convention on Action against Trafficking in Human Beings Status as of 31/12/2017	70
<b>APPENDIX 2</b>		<b>72</b>
	GRETA's field of operations States bound by the Convention	72
<b>APPENDIX 3</b>		<b>73</b>
	List of GRETA members (as at 31 December 2017)	73
<b>APPENDIX 4</b>		<b>74</b>
	Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings (as at 31 December 2017)	74
<b>APPENDIX 5</b>		<b>75</b>
	List of GRETA's activities during the period 1 January to 31 December 2017	75
<b>APPENDIX 6</b>		<b>76</b>
	List of activities organised to support the implementation of GRETA's recommendations during the period 1 January to 31 December 2017	76
<b>APPENDIX 7</b>		<b>77</b>
	Updated provisional timetable of GRETA's 2nd Evaluation Round	77
<b>APPENDIX 8</b>		<b>78</b>
	Participation of GRETA members and Secretariat in events in the area of action against trafficking in human beings	78
<b>APPENDIX 9</b>		<b>81</b>
	Workflow of the monitoring mechanism of the Council of Europe Anti-Trafficking Convention	81



## Introduction by the President of GRETA

---

I am pleased to introduce the Seventh General Report on GRETA's activities and to highlight the on-going work of the Council of Europe in combating trafficking in human beings and vindicating the rights of victims of trafficking. The human rights-based approach to combating human trafficking is critical to all aspects of GRETA's work, recognising as it does that trafficking in human beings is a serious human rights violation, one that, as the European Court of Human Rights has repeatedly noted, treats human beings as commodities to be bought and sold.

This General Report covers the activities of GRETA from 1 January to 31 December 2017. The year 2017 marked further progress in the application of the Convention across Europe, with the ratification by the Czech Republic on 29 March 2017. All member States of the Council of Europe, with the exception of the Russian Federation, have now ratified the Convention, and Belarus is also a State Party.

While the expansion in ratifications of the Convention is significant to ensure greater reach in our work, more effective implementation by States Parties of the Convention standards remains critical. Against a backdrop of millions of people forcibly displaced worldwide, and hundreds of thousands of people on the move in Europe, the risks of exploitation are great. Of particular concern are the risks faced by victims of trafficking on arrival in Europe, with many barriers in place to accessing protection and heightened risks of re-trafficking within Europe. The gender dimension of human trafficking, and gender inequality as both a cause and a driver of exploitation, is central to many of GRETA's country reports. The risks faced by children and young people remain of particular concern, as weaknesses in child protection systems in many countries lead to failings in ensuring timely responses to the rights and needs of migrant and asylum-seeking children at risk.

Strengthening the impact of GRETA's work in combating human trafficking is critical and the report highlights examples of where implementation of Convention standards is securing incremental change. Legislative changes continue, as well as policy and practical measures to improve early identification of child victims, steps to provide assistance to male victims of trafficking, and more proactive approaches to ensure access to compensation and legal redress.

In this Seventh General Report, GRETA highlights the particular challenges of trafficking for the purpose of labour exploitation. Labour exploitation was chosen as one of the thematic focuses of the second evaluation round of the Convention because of GRETA's concern that Convention obligations were not being met, and that many victims of labour trafficking were not being identified as such nor granted access to assistance and protection.

2017 saw the adoption of the landmark judgment of the European Court of Human Rights in *Chowdury and Others v Greece*, in which the Convention and its Explanatory Report, together with GRETA's reports on Italy and Spain, were widely cited. The judgment is an important contribution to European human rights law in recognising the complex and subtle forms of coercion that underpin trafficking for the purpose of labour exploitation. The judgment is significant given GRETA's findings that many domestic courts fail to fully understand the gravity of labour exploitation or the nexus with human trafficking.

As of the end of 2017, GRETA had adopted 42 country reports under the first evaluation round and 25 country reports under the second evaluation round. These reports highlight that in many States Parties, trafficking for the purpose of sexual exploitation is the predominant form of human trafficking identified. There is, however, an increase in the number of identified victims of trafficking for the purpose of labour exploitation, and in several countries, labour trafficking has emerged as the predominant form of trafficking. While there are considerable variations in the number and proportion of labour trafficking victims among countries, all countries indicate an upward trend of labour exploitation.

These trends are of great concern to GRETA and highlight the urgent need for closer co-operation between States, civil society, trade unions and the private sector. GRETA has repeatedly stressed the need for comprehensive legislation on trafficking for the purpose of labour exploitation, including recognition of the irrelevance of the victim's consent to the intended exploitation, and the need for heightened attention to the abuse of a position of vulnerability.

Trafficking for the purpose of labour exploitation occurs in the formal and informal economies, with migrant workers particularly at risk. Men constitute most of the identified victims of labour trafficking, in sectors as diverse as agriculture, construction, hospitality and fisheries. Women are also victims of trafficking for labour exploitation, often in the more isolated setting of domestic and care work. The possibility of trafficking occurring in diplomatic households is now well recognised, and GRETA's country reports highlight examples of good practice in prevention of such exploitation and in overcoming the barriers presented by state and diplomatic immunity claims.

Poverty and discrimination on grounds of 'race' or ethnicity, as well as migration status, continue to contribute to the risks faced by minority communities, including risks of labour exploitation. The increasing precariousness of work, and the risks encountered by seasonal and migrant workers in particular, are documented in several of GRETA's country reports. The fisheries industry is recognised as posing particular challenges to the resourcing and functioning of inspectorates and other oversight bodies. GRETA's reports highlight steps being taken to strengthen preventive measures, yet the limited oversight of agricultural and other sectors contributes to difficulties in outreach to those often most at risk of exploitation. Limited resources for labour inspectorates, restrictions on collective bargaining and restricted access to channels for legal migration all contribute to labour trafficking.

Access to information and to legal assistance remains a challenge for many victims of trafficking for the purpose of labour exploitation, and GRETA highlights the importance of ensuring that victims are not criminalised, and can secure access to compensation and effective legal redress.

The move towards greater transparency in supply chains, with significant legislative developments as well as policy initiatives, is highlighted as a potentially useful tool to combat human trafficking.

In 2017, GRETA again invoked its urgent procedure mechanism, undertaking a short country visit to Hungary, in response to concerns raised in relation to the identification and access to assistance and protection of victims of trafficking. The use of the urgent procedure ensures a more timely response to potentially serious violations of human rights. Combined with the one-year follow-up reporting by States Parties now adopted, GRETA's monitoring work is developing to be more responsive, timely and effective.

Complementing GRETA's monitoring work is the continued expansion of the Council of Europe's co-operation programmes which assist States Parties to implement GRETA's recommendations. GRETA is also working with other Council of Europe bodies to strengthen the impact of its work, including with MONEYVAL to highlight the importance of financial investigations in disrupting trafficking networks, as well as

with other international organisations and civil society to assist in the identification of victims of trafficking among asylum seekers and migrants.

2017 came to an end with images of human trafficking in Libya and concerns at labour exploitation of many migrants travelling en route to Europe. This highlights the urgent need for strengthened co-operation between states and prevention measures to combat exploitation and abuse.

The effectiveness of GRETA's work will continue to depend to a great extent on co-operation by States Parties and continued support from civil society.

**Siobhán Mullally**  
President of GRETA



## Activities during the period from 1 January to 31 December 2017

---

### Introduction

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

3. Following the conduct of the country visit, GRETA draws up a draft evaluation report containing an analysis of the implementation of the Convention and conclusions concerning the action which the Party needs to take to deal with any problems identified. The draft report is discussed in a plenary meeting and, following its approval by GRETA, is sent to the relevant national authorities for comments. Following the receipt of these comments, GRETA draws up a final report which is discussed and adopted in another plenary session, and subsequently transmitted to the Party concerned and the Committee of the Parties to the Convention. GRETA's final report is made public together with eventual comments by the Party concerned. The Committee of the Parties to the Convention considers GRETA's reports and, on the basis of them, adopts recommendations to the governments of the Parties concerned (for a workflow of the monitoring mechanism of the Convention, see Appendix 9).

### **GRETA plenary meetings**

4. During the reporting period, GRETA held three five-day plenary meetings in Strasbourg, during which it adopted a total of 11 final country reports: nine as part of the second round of evaluation of the Convention, concerning Belgium, Bosnia and Herzegovina, France, Ireland, Norway, Poland, Serbia, Slovenia and "the former Yugoslav Republic of Macedonia", and two as part of the first evaluation round, concerning Belarus and Greece.

5. At its 28th meeting (27-31 March 2017), GRETA held an exchange of views with the Director General of Democracy, Ms Snežana Samardžić-Marković. During the exchange, the Director General indicated that action against human trafficking must remain a priority for the Council of Europe and that this should be duly reflected in the Programme and Budget of the Council of Europe for the next biennium, bearing in mind the growing number of Parties to the Convention and the resurgent risks of human trafficking in the context of the refugee protection crisis. Further, she stressed that the Council of Europe should continue assisting member States in implementing GRETA's recommendations through targeted co-operation activities.

6. GRETA's plenary meetings were also an occasion to invite representatives of other international organisations or Council of Europe structures for exchanges of views on issues of relevance to GRETA's mandate. Thus at its 28th meeting (27-31 March 2017), GRETA held an exchange of views on the issue of child trafficking with Ms Christel de Craim, Bureau member of the Council of Europe Ad hoc Committee for the Rights of the Child (CAHENF), Ms Ellen Gorris, Assistant Policy Officer, Rights of the Child, Directorate-General for Justice, European Commission and Ms Valeria Galanti, Policy Officer, Office of the EU Anti-Trafficking Co-ordinator.

7. At its 29th meeting (3-7 July 2017), GRETA held an exchange of views on the provision of training on issues related to human trafficking with Ms Kim Ann Williamson, Inclusion and Community Engagement Manager, Member of the Wales Anti-Slavery Leadership Group. Further, an exchange of views took place with Mr Mykola Gnatovskyy, President of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).



8. At its 30th meeting (20-24 November 2017), GRETA held an exchange of views with Ms Katharine Bryant, Research Manager at the Global Slavery Index, on methodologies for assessing government responses to human trafficking and their impact. During the same meeting, GRETA held a thematic discussion with Matthias Kloth, Executive Secretary of MONEYVAL, and Suzanna Van Es, on the activities in the area of disrupting financial flows associated with human trafficking.

### Country-specific monitoring by GRETA

9. During the reporting period, GRETA carried out a first-round evaluation visit to Estonia (in May 2017). Further, the questionnaire for the first evaluation round was sent to Turkey on 5 October 2017.

10. In 2017, GRETA carried out second-round evaluation visits to nine Parties to the Convention (see Appendix 5). In addition to these Parties, GRETA sent the questionnaire for the second evaluation round to Italy (on 2 May 2017); Andorra and San Marino (on 1 June 2017); and Finland, Lithuania and Germany (on 5 September 2017). The authorities of these Parties were given five months to submit their responses to GRETA's questionnaire. At the same time, GRETA's questionnaire was sent to civil society organisations in the countries concerned.

11. GRETA's country visits were an occasion to hold meetings with relevant actors, collect additional information and assess the practical implementation of adopted measures. Thus meetings were held with national anti-trafficking co-ordinators, national rapporteurs on anti-trafficking action, officials from relevant ministries and governmental agencies, law enforcement officers, prosecutors, judges, labour inspectors, social workers, local authorities' representatives and other relevant professionals. Further, in most countries visited, GRETA met Members of Parliament and representatives of Ombudsman institutions and other independent human rights institutions. Civil society representatives, such as NGOs, trade unions, lawyers, employers' associations and researchers, were also consulted during the visits.



12. The country visits were an opportunity for GRETA to visit facilities where protection and assistance are provided to victims of trafficking. GRETA visited specialised shelters or centres for victims of trafficking in Azerbaijan, Estonia, Slovenia, Spain, Sweden, “the former Yugoslav Republic of Macedonia” and Ukraine. In Luxembourg and the Netherlands, GRETA visited accommodation facilities for male victims of trafficking.

13. GRETA has continued to pay particular attention to the situation of child victims of trafficking. By way of example, during the visit to Estonia, the GRETA delegation went to a state-funded shelter for child victims of trafficking, run by the NGO SOS Children’s Villages. The visit to Luxembourg included a visit to an NGO-run shelter for girls in crisis situations. In Sweden, GRETA visited a residential care home for unaccompanied children in Malmö, and in Slovenia, an accommodation centre for unaccompanied children in Postojna.

14. GRETA also visited centres for asylum seekers and detention facilities for irregular migrants as victims of trafficking may be placed or found in such facilities. Thus during the visit to Serbia, the GRETA delegation visited two reception centres for refugees and asylum seekers, in Adaševci and Šid. In Skopje, GRETA went to the holding centre for foreign victims and irregular migrants and a safe house for vulnerable categories of migrants and asylum seekers. In Ljubljana, GRETA visited a reception centre for asylum seekers. In Estonia, a visit was paid to the accommodation centre for asylum seekers in Vao.

15. GRETA had to postpone the visit to Italy to 2018 due to the unfavourable staffing situation in the Secretariat (the post of one administrator has been vacant since December 2016 and the recruitment procedure was frozen following the suspension by the Russian Federation of their contribution to the Council of Europe’s budget for 2017). Further, due to the delay in the submission of the reply by the Icelandic authorities to GRETA’s questionnaire, the visit to Iceland was also postponed to 2018. GRETA has updated its provisional timetable for the second round of evaluation of the implementation of the Convention (see Appendix 7). GRETA is mindful of the importance of maintaining the timetable adopted for each evaluation round and stresses that this depends on States Parties submitting their replies to GRETA’s questionnaire on time and the availability of adequate human resources in the Secretariat.



### Urgent procedure evaluation of Hungary

16. Since the adoption of the first report on Hungary in March 2015, as part of its mandate to monitor the implementation of the Convention, GRETA has continued to follow developments related to trafficking in human beings in Hungary. The adoption of Law No. T/13976 “On the amendment of certain acts related to increasing the strictness of procedures carried out in the areas of border management” on 7 March 2017 raised a number of questions related to GRETA’s mandate. Pursuant to this law, unaccompanied migrant children aged 14 or older are considered adults during the emergency crisis and cannot benefit from child protection measures, including the appointment of a child protection guardian. The law provides for the automatic detention of asylum seekers, including families with children and unaccompanied minors from the age of 14, in transit zones at the border. A limited number of NGOs have access to the transit zones and they are not specialised or trained in detecting victims of human trafficking.

17. On 21 June 2017 GRETA sent a letter to the Hungarian authorities pursuant to Rule 7 of the Rules of procedure for evaluating implementation of the Convention by the Parties, requesting information on the steps taken in the transit zones and other detention facilities to enable staff to screen migrants and asylum seekers for indicators of human trafficking, the training and instructions provided to staff working in transit zones concerning the identification of possible victims of trafficking, and the number of possible victims of trafficking in human beings detected in transit zones and other detention facilities for migrants and asylum seekers. Further, GRETA asked to be informed of the steps taken to protect unaccompanied and separated children from falling victim to trafficking in human beings and to ensure that a protective environment is provided for such children, and the procedures in place to ensure that the return of victims of trafficking is conducted with due regard for the rights, safety and dignity of the persons concerned.

18. By letter of 3 July 2017, the Hungarian Ministry of the Interior provided responses to GRETA's urgent requests for information. GRETA considered the information provided by the Hungarian authorities during its 29th meeting (3-7 July 2017) and decided to send a follow-up letter requesting some clarifications and additional information. By letter of 8 September 2017, the Ministry of the Interior provided responses to GRETA's requests for additional information, which only partially addressed GRETA's concerns.

19. In application of Rule 7 of the Rules of procedure for evaluating the implementation of the Convention by the Parties, GRETA decided to appoint Ms Siobhán Mullally, President of GRETA, and Mr Jan van Dijk, First Vice-President of GRETA, as rapporteurs to assess the specific situation of identification and referral to assistance of victims of trafficking among asylum seekers held in the transit zones. With a view to collecting first-hand information necessary to perform this assessment, GRETA decided to carry out a visit to Hungary, which took place from 18 to 20 December 2017.

20. During the visit, GRETA's delegation met Mr Mátyás Hegyaljai, Deputy State Secretary for EU and International Affairs at the Ministry of the Interior and National Anti-Trafficking Co-ordinator, as well as officials from the Ministry of the Interior, the Ministry of Human Capacities and the Asylum and Immigration Office. The delegation visited the transit zones in Röszke and Tompa and interviewed asylum seekers present in these zones. The delegation also visited the Károly István Children's Centre in Fót. Separate meetings were organised with representatives of NGOs and officials of the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR).

21. The draft report prepared following the visit will be considered by GRETA at its 31st meeting (19 - 23 March 2018), following which it will be sent to the Hungarian authorities for comments and will be published.

### **Ad hoc working group**

22. At its 29th meeting, GRETA decided to set up an ad hoc working group to take stock of the 2nd Evaluation Round. The terms of reference of this group include updating the indicators reflecting obligations under the Convention which were used in GRETA's 4th General Report to assess the implementation of the Convention, proposing a methodology for identifying the main gaps in the implementation of the Convention by the Parties, and preparing an overview of progress in the implementation of the Convention on the basis of the available 2nd round reports. The working group, composed of Mr Jan van Dijk, Mr Helmut Sax and Ms Rita Theodorou Superman, met twice in 2017 and reported to GRETA on the progress of its work at the 30th plenary meeting. The ad hoc working group will continue its work in 2018.



## GRETA membership and Bureau

---

23. On 4 November 2016, the Committee of the Parties to the Convention held elections for 13 members of GRETA. As a result of these elections, seven GRETA members were re-elected for a second term and six new members were elected. In order to ensure that one half of the membership of GRETA is renewed every two years, the Committee of the Parties exceptionally chose, by the drawing of lots, five members whose mandates will expire at the end of two years (i.e. on 31 December 2018). The mandates of the other eight members will run until 31 December 2020. The new composition of GRETA is set out in Appendix 3.

24. An induction meeting for new GRETA members took place on 2 March 2017 in Strasbourg.

25. At its first meeting in its new composition on 27-31 March 2017, GRETA elected its new Bureau, which is composed of Ms Siobhán Mullally (President), Mr Jan van Dijk (First Vice-President) and Mr Ryszard Piotrowicz (Second Vice-President). The Bureau's term of office is two years.



## Signatures and ratifications of the Convention

---

26. On 29 March 2017, the Czech Republic ratified the Convention, bringing the total number of Parties to the Convention to 47 (see Appendix 1).

27. GRETA once again urges the Russian Federation, as the only remaining Council of Europe member State which has not done so, to sign and ratify the Convention, in order to ensure a pan-European response to the challenges posed by human trafficking.

28. In 2017 October, Tunisia submitted a request to be invited to accede to the Convention. According to Article 43 of the Convention, the Committee of Ministers of the Council of Europe may, after consultation of the Parties to the Convention and obtaining their unanimous consent, invite any non-member State of the Council of Europe, which has not participated in the elaboration of the Convention, to accede to this Convention by a decision taken by the majority provided for in Article 20 d. of the Statute of the Council of Europe, and by unanimous vote of the representatives of the Contracting States entitled to sit on the Committee of Ministers. On 7 February 2018, the Committee of Ministers decided to invite Tunisia to accede to the Convention. This is a welcome development and GRETA trusts that the financial resources necessary for Tunisia's participation in the Convention's monitoring mechanism will be made available.

29. GRETA recalls that the Convention is open to non-member states and hopes that more states which are not members of the Council of Europe will express interest in, and accede to, the Convention.

30. Through their participation in various events, GRETA members and Secretariat have continued to promote the Convention's standards (see Appendix 8).



## Visibility and impact of the monitoring process

### Publicity of GRETA's reports

31. In accordance with Article 38, paragraph 6, of the Convention, the final reports and conclusions of GRETA are made public, together with eventual comments by the Party concerned. During the reporting period, a total of 13 GRETA country evaluation reports were made public: 10 under the second evaluation round (concerning Armenia, Belgium, Bosnia and Herzegovina, France, Ireland, Latvia, Malta, Norway, Poland and Portugal), two under the first evaluation round (on Belarus and Greece) and an urgent procedure report on Italy (see Appendix 5).<sup>1</sup> This brought the number of country evaluation reports published under the second evaluation round to 22.

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

33. According to the sample processed by the Media Monitoring and Analysis Unit, the media visibility of GRETA's country evaluation reports continued to be fairly strong in 2017.

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

34. The urgent procedure report on Italy, published on 30 January 2017, generated substantial coverage in the national media (e.g. *ANSA, Avvenire, Eurocomunicazione, Imola Oggi*), but also outside the country (*EFE, La Vanguardia, Te Interesa, Sputnik*).

35. In March 2017, several GRETA reports made headlines, in particular GRETA's 6th General Report (*Europa Press, La Vanguardia, Eco Diario, Georgia Today*).

36. In Portugal, GRETA's report was widely examined in the print and electronic media (*RTP, Agência Lusa, Jornal de Notícias, Diário de Notícias, Público, TSF, Expresso, Observador, SIC Notícias, ZAP, Radio Renascença, Sapó, TVi24, Jornal Económico, Record TV Europa, Sábado*). The report also received several significant media mentions in neighbouring Spain (*EFE, Terra, El Confidencial, El Diario Vasco*).

37. The findings of a GRETA report on Armenia received a number of significant mentions in key national and regional media (*Radio Free Europe/Radio Liberty, Settimana News, Armenia News, News.am*). The report on Malta also received its share of publicity in and outside the country (*Times of Malta, ANSA, Xinhua, Famagusta Gazette*).

38. In July 2017, the statement made by GRETA on the occasion of the World Day against Trafficking in Persons (30 July) was mentioned in several influential news outlets (*Agence Europe, ANSA, Libération, All Africa and Sputnik*), which highlighted GRETA's concerns about the scale of trafficking of children in Europe.

39. In September, the publication of GRETA's report on Ireland was widely publicised (e.g. by *Reuters, Daily Mail, The Times, The Irish Times, Irish Independent and Irish Legal*). In November, the report on Poland also received a number of significant media mentions (*TVN 24, Onet.pl, Polsatnews.pl*).

## Practical impact of GRETA's monitoring work

40. The second round of evaluation of the Convention aims to measure progress in the implementation of the Convention. Based on the GRETA reports published in the course of 2017, the following section provides examples of situations where State Parties have taken measures to improve their legislation, policy and practice in the light of GRETA's previous recommendations.

### Armenia

- ▶ The adoption of the Law on Identification and Support to Persons Subjected to Trafficking in Human Beings and Exploitation, which entered into force on 1 July 2015, reflected a number of GRETA's first report recommendations. In particular, the law contains provisions on the recovery and reflection period (Article 19) and the granting of a temporary residence permit to victims of trafficking (Article 22, paragraph 17).
- ▶ As a follow-up to GRETA's first report recommendations, the National Referral Mechanism (NRM) for victims of human trafficking was reviewed, in particular by disconnecting the identification process from the victim's co-operation in the investigation. Further, a Commission for the identification of victims of trafficking in human beings and exploitation was set up, comprising representatives of public bodies and NGOs.

- ▶ The Armenian authorities have taken steps to implement GRETA's first report recommendation to set up a State compensation scheme accessible to victims of trafficking by including in the Law on Identification and Support to Persons Subjected to Trafficking in Human Beings and Exploitation a provision (Article 22, paragraph 16) which envisages the granting of a lump-sum monetary compensation to victims of trafficking (currently amounting to about 500 euros). The aim of this lump-sum compensation is to partially reimburse the damages suffered during the trafficking offence, but it cannot in any way substitute or restrict the right of the victim to receive compensation from the perpetrator.

## **Belgium**

- ▶ A number of legislative amendments were made with a view to implementing some of the recommendations made in GRETA's first report. Thus Article 433*septies* of the Criminal Code was amended on 31 May 2016, expanding the list of means used to commit the offence of human trafficking to include kidnapping, deception, abuse of power, giving or receiving of payments or benefits to allow for a person having control over another person. Further, in order to meet GRETA's recommendation concerning the recovery and reflection period, Article 61/2 of the Law on the Access to the Territory, Stay, Settling in and Removal of Foreigners was amended through the Law of 30 March 2017, replacing the "order to leave the territory" by "a temporary residence document".
- ▶ Following judgment No. 106/2013 of the Belgian Constitutional Court, by a Law of 12 May 2014, legal guardianship was extended to unaccompanied children from EU and EEA countries, which complies with one of the recommendations made in GRETA's first report.
- ▶ The Circular on implementing multidisciplinary co-operation in respect of victims of trafficking and/or certain aggravated forms of human smuggling was revised by the Federal Ministry of Justice and published on 30 March 2017. It sets out the National Referral Mechanism, explaining the role of each stakeholder, the information to be provided to victims, the assistance provided by specialised centres, and the granting of a recovery and reflection period and a residence permit. The revised circular contains sub-sections relating to the identification of possible victims of trafficking for the purpose of domestic servitude in diplomatic households, as well as child victims of trafficking. Further, a leaflet for asylum seekers with information about the risks of human trafficking and contact information of relevant authorities and specialised centres was produced in English and Arabic.

## **Bosnia and Herzegovina**

- ▶ As a follow-up to GRETA's first report recommendations, the offence of trafficking in human beings was included in the Criminal Codes of the Republika Srpska, the Federation of Bosnia and Herzegovina, and Brčko District. The State Criminal Code was modified to apply only to transnational cases of trafficking in human beings.
- ▶ In the first evaluation round, GRETA urged the authorities of Bosnia and Herzegovina to ensure that the recovery and reflection period provided for in Article 13 of the Convention is specifically defined in law. The new Law on Foreigners, which entered into force on 25 November 2015, contains provisions establishing the right of victims of trafficking to be granted a recovery and reflection period and

the right of victims of trafficking who have been granted temporary residence on humanitarian grounds to access the labour market and education.

- ▶ In accordance with GRETA's first report recommendation, as part of the amendments made to the State Criminal Code in 2015, a new paragraph 10 was added to Article 186, pursuant to which victims of human trafficking are not to be punished for their involvement in illegal activities to the extent that they were forced into such activities. A similar non-punishment provision was introduced into the Criminal Codes of the Federation of Bosnia and Herzegovina and the Brčko District.

## **France**

- ▶ A number of legislative developments have taken place since GRETA's first evaluation report. Law No. 2013-711 of 5 August 2013, amending the definition of offence of trafficking in human beings in Article 225-4-1 of the Criminal Code, introduced the element of "means" as a component of the offence, along the lines of the recommendations made by GRETA in its first report. Furthermore, Law No. 2013-711 added slavery, servitude, forced labour and the removal of organs to the purposes of exploitation in Article 225-4-1 of the Criminal Code, in line with GRETA's recommendations.
- ▶ Following on from these amendments to the criminal legislation, and in line with a recommendation made by GRETA in its first report, a circular of 22 January 2015 from the Minister of Justice setting out the criminal law policy in the sphere of action against trafficking in human beings was sent to prosecutors and the presidents of criminal courts.
- ▶ In line with the recommendation made in GRETA's first report concerning the eligibility of all victims of trafficking for State compensation, Law No. 2013-711 of 5 August 2013 removed the requirements relating to the injured party's nationality or legal residence in France, where the offences were committed on national territory.

## **Ireland**

- ▶ The setting up of the Garda National Protective Services Bureau in 2015 and the inclusion into it of the Human Trafficking Investigation and Co-Ordination Unit (which was previously part of the Garda National Immigration Bureau) has resulted in the separation of the identification of victims of trafficking from immigration control, as recommended in GRETA's first evaluation report.
- ▶ The second National Action Plan which was approved by the Irish Government and published in October 2016 addresses a number of issues raised in GRETA's first report, such as a fundamental re-examination of the victim identification process and the role to be played in that process by all stakeholders, including non-governmental organisations, examination of the appropriateness and efficacy of victim support services, and examination of criminal justice measures.
- ▶ Various steps have been taken to prevent trafficking for the purpose of labour exploitation, including legislative amendments, funding research and NGO-run projects.

## Latvia

- ▶ In line with GRETA's recommendations, Section 154<sup>2</sup> of the Criminal Law criminalising trafficking in human beings has been amended, adding "abuse of a position of vulnerability" to the means for the commission of the offence, as well as an explanation of the term "vulnerability". Further, compelling a person to commit criminal activities was added to the forms of exploitation. Another legal development is the introduction of a provision in the Criminal Law making it possible to release from criminal liability a person who was compelled to committed a criminal offence while being trafficked.
- ▶ Following GRETA's recommendation to consider criminalising the use of services of a person with the knowledge that the person is a victim of trafficking, Section 164 of the Criminal Law ("involvement of a person in prostitution and use of prostitution services") was amended, criminalising the use of prostitution services from a person which the knowledge that this person a victim of human trafficking.
- ▶ With a view to implementing another recommendation made in GRETA's first evaluation report, an amendment to Section 3 of the Law on the Protection of the Rights of the Child was adopted by the Latvian Parliament on 26 November 2015, providing that persons under 18 years of age are considered as children in the context of the administrative violations and criminal justice system.
- ▶ In its first report, GRETA urged the Latvian authorities to ensure the provision of adequate funding for victim assistance. The annual budget allocated by the Ministry of Welfare for assistance to victims of human trafficking was increased from 87 794 euros in 2012 to 162 562 euros in 2015.

## Malta

- ▶ Article 248A of the Criminal Code, which criminalises trafficking in human beings, was amended in line with GRETA's first report recommendations. The term "abuse of a position of vulnerability" was included among the means and the list of forms of exploitation was expanded to include "forced labour", "activities associated with begging" and "any other unlawful activities". The irrelevance of the victim's consent to the intended or actual exploitation, where any of the means have been used, was also made explicit.
- ▶ A National Referral Mechanism (NRM) has been in use in Malta since 2013. It defines the stakeholders who can be involved in the identification of victims or potential victims of trafficking and can refer them to assistance and support, and the relevant procedures. The NRM is accompanied by Standard Operating Procedures adopted by the Anti-Human Trafficking Monitoring Committee and published by the Ministry of Home Affairs and National Security in 2014.
- ▶ Since the first GRETA report, the Criminal Injuries Compensation Regulations have been amended to explicitly include trafficking in human beings among the offences for which a victim may seek State compensation. By virtue of the Victims of Crime Act (Cap 539), enacted on 2 April 2015, victims of human trafficking and their families benefit from compensation under the Criminal Injuries Compensation Scheme. Article 12 of the Act refers to the victim's right to information about possibilities for compensation.

## Norway

- ▶ In its first report, GRETA considered that the Norwegian authorities should strengthen their efforts to provide assistance to victims of trafficking, including the provision of safe and suitable temporary accommodation. In 2015 the Norwegian Parliament established a new grant scheme of 7 000 000 NOK (about 763 000 Euros) for measures to prevent trafficking in human beings and provision of support to victims of trafficking, which is managed by the Ministry of Justice and Public Security. Among the 27 funding decisions taken by the Ministry of Justice and Public Security in 2016, the largest grants concerned accommodation for trafficking victims. In May 2016 the Salvation Army opened a shelter in the Oslo area with four beds for male victims of trafficking and/or couples, with funding from the new grant scheme.
- ▶ With a view to improving access to compensation for victims of trafficking, a brochure was issued with information on compensation for victims of crime and the services provided by the Service for Victims of Crime, which is available in eight foreign languages. The regional offices of the Service for Victims of Crime provide advice to victims, including victims of trafficking, on how to seek compensation for injuries suffered and support witnesses before, during and after court proceedings.
- ▶ In its first report, GRETA considered that the Norwegian authorities should strengthen their efforts to ensure that crimes related to human trafficking are investigated and prosecuted promptly and effectively. In the 2015 Guidelines of the Director of Public Prosecutions, it is stated that trafficking in human beings should be considered a priority area for the prosecution authorities and that investigations in this context need to focus more on financial investigations, including by means of strengthened co-operation with financial institutions.

## Poland

- ▶ The legal provisions related to the recovery and reflection period and residence permits for victims of trafficking have evolved since GRETA's first evaluation, following amendments to the Law on Foreigners adopted in December 2013 (in force since 1 May 2015). The amendments introduced a certificate for third-country victims of trafficking confirming that the holder is a presumed victim of trafficking and in that capacity may remain in Poland for three months (four months in the case of children). The law also extended the maximum validity of the residence permit granted to victims who co-operate with the law enforcement agencies to three years and introduced the possibility to obtain a permanent residence permit.
- ▶ In order to improve the identification of child victims of trafficking in human beings, a document entitled "Algorithm of Identification of Child Victims of Trafficking in Human Beings and Conduct of Police and Border Guard Officers" was issued in mid-2015. Pursuant to it, identification cannot be based only on information provided by the child, but must be supplemented by an in-depth analysis of the child's situation and circumstances, and hearings of presumed child victims must be performed in a child-friendly environment.
- ▶ A number of amendments have been made in the area of compensation for victims of crime, broadening the possibilities of victims permanently resident in Poland and other European Union member States to seek compensation in situations

in which the perpetrator for one reason or another cannot be held legally liable. Leaflets with information on the rights of victims of human trafficking, which refer to the right to compensation and the right to an attorney, have been issued in nine different languages.

## Portugal

- ▶ In accordance with GRETA's first report recommendations, Article 160 ("trafficking in persons") of the Criminal Code was amended in August 2013, expanding the list of forms of exploitation by adding slavery, forced begging and the exploitation of other criminal activities and adding a list of aggravating circumstances. Further, a paragraph was added stating that the victim's consent to the offences set out in Article 160 does not exclude the wrongfulness of the act. Moreover, Law No. 23/2007 on the Entry, Stay, Exit and Removal of Foreigners from Portugal was amended by introducing a new provision, Article 185-A, stipulating the punishment of an employer or user of the work or services of an irregular foreign citizen, with the knowledge that he/she is a victim of offences related to human trafficking.
- ▶ An evaluation of the implementation of the second National Action Plan against Trafficking in Human Beings was carried out by the University of Minho and the evaluation results were taken into consideration in the development of the third National Action Plan.
- ▶ As a follow-up to GRETA's recommendations, a revision of the National Referral Mechanism (NRM) was carried out, taking into account new trends and enabling the adaptation of the NRM procedures to the legislative and institutional changes. The revised NRM was approved in 2014. Further, four more regional multi-disciplinary teams for the support and protection of victims of trafficking were set up, in addition to the one in Porto which existed at the time of GRETA's first evaluation, based respectively in Coimbra, Lisbon, the Alentejo and the Algarve region.
- ▶ Two more specialised shelters for victims of trafficking have been opened since GRETA's first report, one for male victims and another one for women and their children.

## Follow-up activities

41. On the basis of GRETA's reports, the Council of Europe assists member States to strengthen the implementation of the Convention, through funding from the organisation's ordinary budget, by organising targeted co-operation activities.

42. With a view to promoting better understanding of the Convention's provisions and GRETA's recommendations, stimulating dialogue between relevant stakeholders, and identifying areas where the Council of Europe can support national anti-trafficking efforts, round-table meetings are organised in State Parties to the Convention some two to three years after the publication of GRETA's first evaluation report. During the reporting period, four round-table meetings were organised: in Italy (6 April 2017), Hungary (10 April 2017), Germany (9 June 2017) and Switzerland (10 October 2017).

43. With a view to assisting the Ukrainian authorities to strengthen the implementation of the Convention, a training session on financial crime investigations related to trafficking in human beings cases was organised in Kyiv on 25-26 April 2017.



44. On 8-9 November 2017, the Council of Europe organised in Sofia, Bulgaria, a regional expert workshop on enhancing international legal co-operation in the fight against trafficking in human beings and the protection of victims' rights. The aim of the workshop was to promote better co-operation between Parties to the Council of Europe Convention on Action against Trafficking in Human Beings in the investigation and prosecution of human trafficking cases, while respecting the human rights of victims of trafficking. The workshop brought together some 50 experts from countries in Southern and Eastern Europe as well as international organisations involved in combating human trafficking. Participants discussed existing challenges and studied the use of different tools for facilitating the co-ordination of investigations and prosecutions of cross-border cases of trafficking in human being, including Joint Investigation Teams (JITs).

45. The Project "Beside You - Beside the Victims: Knowledge Sharing, Co-operation and Crime Investigation across Europe against Trafficking in Human Beings", co-funded by the Council of Europe and implemented by the Institute for Socio-Economic Research of Piedmont (IRES) and the Prosecutor's Office of Turin, was designed to increase the capacity of law enforcement officers and social workers to identify possible victims of human trafficking among asylum seekers, to assist and protect them, and to facilitate the investigation of human trafficking cases, as recommended by GRETA. The project ran between April and October 2017. The training and capacity building covered 105 law enforcement officers and 225 social workers. Further, prosecutors and investigators from Austria, Belgium, France and Finland participated in a technical meeting together with relevant Italian professionals aimed at improving international co-operation in the investigation of human trafficking cases.



## Relations with the Committee of the Parties

---

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

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

48. At its 20th meeting (10 March 2017), the Committee of the Parties considered GRETA's reports on Armenia, Latvia, Malta and Portugal and adopted second round recommendations addressed to these Parties. At its 21st meeting (13 October 2017), the Committee adopted recommendations concerning Bosnia and Herzegovina, France, Ireland and Norway, as well as a first round recommendation concerning Belarus. It should be recalled that the deadline given by the Committee of the Parties to report back on measures taken to address a number of urgent issues identified by GRETA has been reduced to one year for second round recommendations.

49. The Committee of the Parties also examined reports submitted by Parties on the implementation of the Committee's recommendations, following the expiry of the two year period set in them. Thus, at its 20th meeting, the Committee of the Parties examined reports submitted by Andorra, Iceland, Italy, the Netherlands, San Marino and Ukraine. During its 21st meeting, the Committee examined reports received from Finland, Germany, Hungary and Lithuania. The Committee of the Parties decided to

transmit these reports to GRETA for examination. GRETA subsequently considered the reports and decided that the information contained in them should be taken into account during the second evaluation round.

50. Further, in 2017, the Committee of the Parties began the examination of reports submitted by States Parties to the Committee's recommendations made in the context of the second evaluation round. Thus at its 20th meeting, the Committee of the Parties examined reports submitted by Austria, Cyprus and the Slovak Republic. At its 21st meeting, reports from Albania, Bulgaria, Croatia, Denmark, Georgia and the Republic of Moldova were examined. These government reports were also examined by GRETA, following which letters were sent to the Parties concerned, asking them to provide further information on certain issues.



## Co-operation with other Council of Europe bodies

51. GRETA has continued to forge links with other Council of Europe bodies. Reference has already been made to GRETA's exchange of views with Mr Mykola Gnatovskyy, President of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). The discussion focused on the selection and organisation of ad hoc visits, monitoring of regions affected by on-going or "frozen" conflicts, the situation of possible victims of trafficking in places of deprivation of liberty, and forced return procedures.

52. The previously mentioned exchange of views with representatives of MONEYVAL during GRETA's 30th meeting addressed cross-cutting issues for the two monitoring bodies in the areas of combating money laundering, in particular related to assets generated by serious criminal activity, including human trafficking, and financial investigations aimed at intercepting criminal assets.

53. GRETA has continued to build synergies with the Council of Europe Ad hoc Committee for the Rights of the Child (CAHENF), including through inviting Ms Christel de Craim, Bureau member of CAHENF, to an exchange of views on the subjects of child trafficking, legal guardianship and age assessment. Further, the Executive Secretary took part in a meeting of the CAHENF Drafting Group on Safeguards, on 19 September 2019 in Strasbourg.

54. Ms Kateryna Levchenko, who is GRETA's Gender Equality Rapporteur, participated in the 12th meeting of the Gender Equality Commission (GEC) on 15-16 November 2017 in Prague. During this meeting, she updated GEC members on gender-related issues stemming from GRETA's evaluation work.

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

56. As in previous years, contacts were maintained with the Office of the Council of Europe Commissioner for Human Rights, the Parliamentary Assembly and the Congress of Regional and Local Authorities on matters of common interest.



## Co-operation with other intergovernmental organisations

57. GRETA has continued to build partnerships with international organisations active in the area of combating trafficking in human beings. The country evaluations and visits were an opportunity to meet representatives of international organisations present in the respective countries (Council of Baltic Sea States, ICMPD, ILO, IOM, OSCE, UNHCR, UNICEF). Further, GRETA members and Secretariat participated in events organised by other international organisations where they presented the Convention and GRETA's work (see Appendix 8). The most important developments in this area during the reporting period are listed below.

### United Nations agencies

58. On 6 June 2017 the CoE Secretary General sent a request to the Office of the United Nations High Commissioner for Human Rights, who was the Chair of Inter-Agency Co-ordination Group against Trafficking in Persons (ICAT) in 2017, to convey to the members of ICAT the interest of the Council of Europe to become an ICAT partner. On 15 September, the UN High Commissioner for Human Rights communicated ICAT's positive reply to this request. The establishment of closer relations between the Council of Europe and ICAT will promote the implementation of UNGA Resolution A/RES/71/17 on co-operation between the United Nations and the Council of Europe, in particular its paragraph 8 which encourages the Council of Europe to continue co-operation with the United Nations in the fight against trafficking in persons.

59. During country evaluation visits organised in 2017, GRETA delegations met representatives of different UN agencies, such as UNHCR, UNICEF, ILO and IOM. Several GRETA evaluation reports adopted in 2017 include references to relevant country specific work of UN human rights bodies (e.g. Committee on the Rights of the Child, Committee on the Elimination of Discrimination against Women, UNHCR).

## OSCE

60. Action against trafficking in human beings remains one of the four priority areas of co-operation between the Council of Europe and the OSCE. During the reporting period, co-operation between GRETA and the Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings continued to be strengthened.

61. Members of GRETA and representatives of the Council of Europe Secretariat regularly participated in conferences and other events organised by the OSCE. By way of example, Mr Helmut Sax made a presentation on behalf of GRETA at the OSCE Alliance Conference entitled “Trafficking in Children and the Best Interests of the Child”, held on 3-4 April in Vienna, Austria. Further, the Executive Secretary of the Convention spoke at the conference “The Public-Private Partnership in the Fight against Human Trafficking”, organised by the OSCE and the Ministry of Foreign Affairs of the Russian Federation in Moscow on 20-21 July 2017.

62. The Executive Secretary of the Convention also participated in the meeting of National Anti-Trafficking Co-ordinators and Rapporteurs from the OSCE Region, held in Vienna on 30 June 2017. Part of this meeting was dedicated to presenting the 2016 OSCE Survey Report on the implementation of political commitments to combat trafficking in human beings, which was peer-reviewed at its preparation stage by GRETA’s Secretariat.

63. The President of GRETA participated in an ODIHR Advisory Group Meeting on the review of the National Referral Mechanism Handbook, which took place on 13-14 December in Warsaw. Mr Helmut Sax took part in the ODIHR/OSCE Human Dimension Seminar on children in situations of risk, held on 11-12 October 2017 in Warsaw, as well as in a meeting on human trafficking in conflict and crisis situations organised by OSCE and the Austrian Task Force against Human Trafficking on 20 October 2017 in Vienna.

64. To avoid duplication when it comes to country visits, GRETA and the OSCE Special Representative and Co-ordinator for Combating Trafficking regularly co-ordinate their visit plans. During country evaluation visits, GRETA delegations continue to meet representatives of local offices of the OSCE (where they have Field Operations and anti-trafficking Focal Points) and benefit from their presence on the ground to complete the collection of information necessary for monitoring the implementation of the Council of Europe Convention.

## European Union

65. As noted previously, at its 28th meeting (27-31 March 2017), GRETA held an exchange of views on combating trafficking in children with two representatives of the European Commission, Ms Ellen Gorris, Assistant Policy Officer, Rights of the Child, Directorate-General for Justice and Ms Valeria Galanti, Policy Officer, Office of the EU Anti-Trafficking Co-ordinator. Amongst the issues discussed were the collection of reliable data, including concerning missing children, online exploitation of children, and ways to promote exchanges of experience between practitioners and strengthening co-operation between international institutions.



# #INVISIBLES

Contre la traite des mineurs  
en France

UN FILM DE  
GUIDO FREDDI

## Co-operation with civil society

---

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

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

68. To mark the 11th European Day against Trafficking in Human Beings, the Council of Europe, in partnership with the City of Strasbourg, the Prefect of the Grand-Est Region and the Academy of Strasbourg, organised a public event entitled “Child trafficking: new faces of slavery, in France as well”. Students from several secondary schools in Strasbourg and their teachers were invited to watch documentaries about different forms of human trafficking and listen to a debate with the participation of experts, civil society activists and front-line actors. Speakers included Ms Geneviève Colas (Secours Catholique - Caritas France), Mr Guido Freddi (Director of #INVISIBLES), Sister Marie-Hélène Halligon (Notre Dame de Charité du Bon Pasteur), Mr Olivier Brisson (Committee against Modern Slavery) and Ms Radia Elgribi (Themis Association). The event was moderated by Mr Nicolas Le Coz, former GRETA President.

69. GRETA members and Secretariat participated in a number of events organised by civil society organisations (see Appendix 8). GRETA is grateful for the contributions made by NGOs and is committed to continuing the existing co-operation with civil society.



# Human trafficking for the purpose of labour exploitation

---

## Introduction

70. Trafficking in human beings for the purpose of labour exploitation is one of the most challenging aspects of “modern-day slavery”. It is challenging on many accounts: because differences arise in practice in the interpretation and application of labour standards and in defining labour exploitation, because victims prefer not to lodge complaints or stand as witnesses as they are often dependent on their traffickers for work and housing, and not least because combating trafficking for the purpose of labour exploitation requires co-ordinated action between the State, civil society, trade unions and the private sector.

71. In the course of the first evaluation round (2010-2014), GRETA noted that a number of Parties to the Convention failed to acknowledge the existence or scale of human trafficking for the purpose of labour exploitation and did not address it sufficiently in their policy and practice. As a result, trafficking for labour exploitation remained largely invisible and the number of identified victims and successfully prosecuted cases was low. For the second round of evaluation of the Convention, GRETA decided to pay particular attention to measures taken by States Parties to

prevent and combat trafficking for the purpose of labour exploitation.<sup>2</sup> By the end of 2017, GRETA had adopted 42 country reports under the first evaluation round and 25 country reports under the second evaluation round, which provide ample information on the measures taken by States Parties to the Convention in this area. GRETA has decided to dedicate a thematic section in the 7th General Report to the issue of trafficking for the purpose of labour exploitation, based on the country evaluation reports published so far.

72. GRETA refers to the landmark judgment of the European Court of Human Rights in the case of *Chowdury and Others v. Greece*, adopted on 30 March 2017, in which the Court found for the first time a violation of Article 4 of the European Convention on Human Rights (ECHR) in respect of trafficking for the purpose of labour exploitation.<sup>3</sup> The case was brought before the Court by a group of 42 Bangladeshi men who had worked at a strawberry farm in Manolada (southern Greece). The applicants did not have work permits, worked up to 12 hours per day under the supervision of armed guards and lived in makeshift shacks without toilets or running water. For several months, they did not receive the agreed wages and their employers threatened them that they would only receive wages if they continued to work. When a group of workers demanded their wages on 17 April 2013, one of the armed guards opened fire on them, seriously injuring 30 workers. Before this incident the Greek authorities had known for years about the circumstances under which thousands of workers lived and worked in strawberry farms around Manolada, due to media reports and an Ombudsman's report which had been submitted to all relevant authorities and labour inspections, but no effective action to remedy the situation had been taken. Before the case reached the Court, the Patras Assize Court had acquitted the defendants - two employers, the guard who opened fire and an armed overseer - of the charge of trafficking in human beings, finding, in particular, that it had not been absolutely impossible for the workers to protect themselves and that their freedom of movement had not been compromised in that they had been free to leave their jobs. The European Court of Human Rights considered that a restriction on freedom of movement was not a condition *sine qua non* for establishing a situation as forced labour or human trafficking because a trafficking situation could exist in spite of the victim's freedom of movement. The Court saw the situation of the workers in Manolada as a case of human trafficking for the purpose of forced labour and concluded that there had been a violation of Article 4, paragraph 2, of the ECHR due to the failure of the Greek authorities to fulfil their positive obligations under this article to prevent human trafficking, to protect victims, to effectively investigate the offences committed, and to punish those responsible for human trafficking offences.

73. The Council of Europe Convention on Action against Trafficking in Human Beings had not entered into force in Greece at the time of the events, but this did not stop the Court from drawing on it in interpreting the positive obligations under Article 4 of the ECHR. The judgement highlights in paragraph 104 that "Article 4 of the Convention must be construed in the light of the Council of Europe's Anti-Trafficking Convention" and that the Court "is guided by that Convention and the manner

---

2. GRETA's questionnaire for the second evaluation round contains a number of questions related to this issue: <http://rm.coe.int/16805ab825>

3. *Chowdury and Others v. Greece* (application No. 21884/15), judgement of 30 March 2017.

in which it has been interpreted by GRETA”, referring to GRETA’s Fourth and Fifth General Reports and first-round evaluation reports on Spain and Italy. In the report on Italy, GRETA observed that the detection of victims of human trafficking for the purpose of labour exploitation was particularly complicated due to the significant size of the informal economy in certain sectors and the high numbers of irregular migrants working in them, in particular agriculture, construction and the textile industry. GRETA consequently urged the Italian authorities to take steps to reduce the vulnerability of irregular migrants to trafficking in human beings and invited them to study the implications of the immigration legislation for the identification and protection of victims of trafficking, and the prosecution of offenders.<sup>4</sup>

### **Criminalisation of human trafficking for the purpose of labour exploitation**

“Trafficking in human beings” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (Article 4 (a) of the Convention).

The consent of a victim of “trafficking in human beings” to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.” (Article 4 (b) of the Convention).

74. The Council of Europe Convention on Action against Trafficking in Human Beings does not define “forced labour”, but the Explanatory Report refers to several relevant international instruments, such as the Universal Declaration of Human Rights (Article 4), the International Covenant on Civil and Political Rights (Article 8), the 1930 ILO Convention concerning Forced or Compulsory Labour (Convention No. 29), and the 1957 ILO Convention concerning the Abolition of Forced Labour (Convention No. 105).<sup>5</sup> Similarly, Article 4 of the ECHR prohibits forced labour, without defining it. The Explanatory Report to the Convention refers to case law of the European Court of Human Rights which has given a broad meaning to “forced labour”, encompassing “forced services”, and therefore there is no distinction to be made between the two concepts, from the standpoint of the ECHR.<sup>6</sup>

75. The concept of “labour exploitation” in the context of trafficking in human beings is not defined as such in international legal instruments, but is taken to cover, at a minimum, forced labour or services, slavery or servitude. GRETA notes that restrictive

4. GRETA 1<sup>st</sup> report on Italy, paragraphs 61 and 70.

5. Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings, paragraph 89.

6. Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings, paragraphs 90 and 92.

interpretations by courts of what constitutes human trafficking for the purpose of labour exploitation may result in acquittals or the cases being considered as labour law violations or exploitation which does not involve human trafficking.

76. Different countries have different understandings of what constitutes exploitative labour conditions and what falls under the scope of trafficking in human beings. For example, the criminalisation of trafficking in Belgium includes the purpose of “carrying out work or providing services in conditions contrary to human dignity”, which has a broader scope than the minimum list of exploitative purposes in the Convention.<sup>7</sup> In Germany, Section 232(1) of the Criminal Code (human trafficking) refers to, in addition to slavery, servitude or bonded labour, making a person work “under working conditions that are in clear discrepancy to those of other workers performing the same or a similar activity”<sup>8</sup>

77. In the course of the first evaluation round, GRETA asked 10 countries to amend the national definition of trafficking in human beings in order to ensure that all forms of exploitation provided for by the Convention, and in particular forced labour or services, slavery or practices similar to slavery, and servitude, are covered. In response to GRETA’s first round recommendations, a number of countries have revised their criminal law provisions criminalising trafficking in human beings. GRETA’s second round reports provide details of the amended or new legislation which specifically addresses trafficking in human beings for the purpose of labour exploitation.

78. In France, Law no. 2013-711 of 5 August 2013 made a number of amendments to the definition of the offence of trafficking in human beings in Article 225-4-1 of the Criminal Code (CC), one of which was to include slavery, servitude and forced labour or services in the purposes of exploitation, in line with GRETA’s recommendations. These purposes are also identified as stand-alone offences. Thus Article 225-14-1 of the CC defines “forced labour” as the act of forcing a person, through violence or threat, to carry out work without remuneration or for remuneration manifestly bearing no relation to the scale of the work carried out. Article 225-14-2 defines “servitude” as the act of subjecting a person whose vulnerability or dependence is obvious or known to the offender, on a habitual basis, to the offence provided for in Article 225-14-1 as an aggravated form of forced labour. Under the new Article 224-1 A of the CC, “slavery is the act of exercising one of the powers of the right of ownership over a person”. Article 224-1 B criminalises the exploitation of an enslaved person as the act of “committing a sexual assault against a person whose situation of slavery is obvious or known to the offender, sequestering that person or forcing them to carry out forced labour or forced service”. GRETA has welcomed the clarification brought by the new provisions, which come in addition to the already existing exploitation of “living and working conditions contrary to human dignity” defined in Article 225-14 of the CC.<sup>9</sup>

79. In Ireland, the Criminal Law (Human Trafficking) (Amendment) Act 2013 expanded the definition of the term “labour exploitation” to include forced begging, and defined

---

7. GRETA 2<sup>nd</sup> report on Belgium, paragraphs 169 and 173.

8. Before the German Criminal Code was amended in 2016, this definition appeared in Section 233. See GRETA 1<sup>st</sup> report on Germany, paragraph 43.

9. GRETA 2<sup>nd</sup> report on France, paragraphs 20 and 228.

the term “forced labour” as “work or service which is exacted from a person under the menace of any penalty and for which the person has not offered himself or herself voluntarily”, in line with the definition set out in ILO Convention No. 29 of 1930 on Forced or Compulsory Labour.<sup>10</sup>

80. In Portugal, Article 160 (trafficking in persons) of the CC was amended in August 2013 to include slavery, forced begging and the exploitation of other criminal activities among the forms of exploitation. However, “practices similar to slavery” and “servitude” were not included. According to the Portuguese authorities, Article 160 of the CC would in practice rarely apply in cases of slavery, practices similar to slavery and servitude due to the existence of a distinct offence of “slavery” in Article 159 of the CC (which does not require the use of any means and carries more severe penalties than human trafficking).<sup>11</sup>

81. In Poland, “servitude” is still not specifically mentioned as a type of exploitation in the definition of trafficking in human beings, despite GRETA’s recommendation to this effect. The Polish authorities have argued that, in the light of case law of the Constitutional Tribunal pertaining to the infringement of human dignity, in particular on the basis of Article 30 of the Polish Constitution<sup>12</sup> as well as the case law of the European Court of Human Rights, “servitude” is a form of abuse of human dignity and is covered by this term, which is included in the definition of human trafficking in Article 115, paragraph 22, of the Criminal Code.<sup>13</sup>

82. GRETA has stressed that the offence of trafficking should expressly refer to forced labour, forced services, slavery and practices similar to slavery and servitude, notions that are well acknowledged in international law, including in the case law of the European Court of Human Rights regarding Article 4 of the ECHR. In *Siliadin v. France*, the Court found that the concept of “servitude” in Article 4 entails “a particularly serious form of denial of freedom”.<sup>14</sup> It includes, “in addition to the obligation to provide certain services to another ... the obligation on the ‘serf’ to live on the other’s property and the impossibility of changing his status”. The Court also recognised “domestic servitude” as a specific offence “which involves a complex set of dynamics, involving both overt and more subtle forms of coercion, to force compliance”.<sup>15</sup> As regards “practices similar to slavery”, four such practices are defined in Article 1 of the United Nations Supplementary Convention on the Abolition of Slavery.<sup>16</sup> In GRETA’s view, explicitly including “servitude” and “practices similar to slavery” among the

---

10. GRETA 2<sup>nd</sup> report on Ireland, paragraphs 14 and 189.

11. GRETA 2<sup>nd</sup> report on Portugal, paragraph 160.

12. Article 30 of the Polish Constitution states that the inherent and inalienable dignity of the person shall constitute a source of freedoms and rights of persons and citizens. It is inviolable and its respect and protection is the obligation of public authorities.

13. GRETA 2<sup>nd</sup> report on Poland, paragraph 164.

14. See *Siliadin v. France*, application no. 73316/01, judgment of 26 July 2005, paragraph 123.

15. See *Siliadin v. France*, application no. 73316/01, judgment of 26 July 2005, paragraph 123; *C.N. and V v. France*, application no. 67724/09, judgment of 11 October 2012; *CN v. UK*, application no. 4239/08, judgment of 13 November 2012.

16. United Nations Supplementary Convention on the Abolition of Slavery the Slave Trade and Institutions and Practices Similar to Slavery; the four mentioned forms of practices similar to slavery mentioned in the Convention are debt bondage, serfdom, the inheritance of widows and other sales of brides, and sale of children.

forms of exploitation which constitute trafficking in human beings can contribute to the practical and effective protection against treatment contrary to the Council of Europe Convention on Action against Trafficking in Human Beings. Failure to do that may lead to difficulties in complying with the State's positive obligations under Article 4 of the European Convention on Human Rights.

83. The **irrelevance of the victim's consent** to the intended exploitation is not always explicitly stated in the national legal provisions criminalising trafficking in human beings. Victims of labour exploitation in particular may willingly accept the exploitation because they have no alternative to make a living or because they do not perceive it as exploitation. GRETA has noted that there are benefits in stating explicitly in legislation that consent is irrelevant to determining whether the crime of human trafficking has occurred. Setting out this pivotal principle in law could facilitate its use by investigators, prosecutors and judges when dealing with cases of human trafficking and help in obtaining a more consistent approach. Indeed, consent is an important factor at different stages of human trafficking cases, for instance: if victims refuse to self-identify as they consider that they consented to exploitation; when taking a decision on whether to investigate and prosecute a case as human trafficking where the victim apparently consented to exploitation; when deciding on the penalty for offenders where there are assertions of consent.<sup>17</sup> GRETA considers that stating explicitly the irrelevance of the consent of a victim of trafficking to the intended exploitation could improve the implementation of the anti-trafficking provisions and provide victims with greater confidence in self-reporting to NGOs and public authorities.

84. In its second round evaluation reports, GRETA has paid particular attention to the manner in which national law and case law defines "**abuse of a position of vulnerability**". In Georgia, for example, GRETA noted that the interpretation of "abuse of a position of vulnerability" (as a situation where, due to physical or mental disability, a person is unable to understand the existing situation and has no other option but to succumb to the violence applied to him/her) was more restrictive than that of the Convention. Paragraph 83 of the Explanatory Report of the Convention indicates that "by abuse of a position of vulnerability is meant abuse of any situation in which the person involved has no real and acceptable alternative to submitting to the abuse. The vulnerability may be of any kind, whether physical, psychological, emotional, family-related, social or economic. The situation might, for example, involve insecurity or illegality of the victim's administrative status, economic dependence or fragile health. In short, the situation can be any state of hardship in which a human being is impelled to accept being exploited". GRETA urged the Georgian authorities to bring the interpretation of the "abuse of a position of vulnerability"<sup>18</sup> into full conformity with the Convention.<sup>19</sup>

---

17. See UNODC Issue Paper, The Role of Consent in the Trafficking in Persons Protocol, United Nations, Vienna, 2014. Available at: [www.unodc.org/documents/human-trafficking/2014/UNODC\\_2014\\_Issue\\_Paper\\_Consent.pdf](http://www.unodc.org/documents/human-trafficking/2014/UNODC_2014_Issue_Paper_Consent.pdf)

18. See also UNODC Guidance Note on "abuse of a position of vulnerability" as a means of trafficking in persons in Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized.

19. GRETA 2<sup>nd</sup> report on Georgia, paragraph 162.

## Trends regarding trafficking for the purpose of labour exploitation

85. GRETA's country-by-country reports show that in many States Parties, trafficking for the purpose of sexual exploitation is the predominant form of trafficking as far as identified victims are concerned. At the same time, trafficking for the purpose of labour exploitation has been on the rise and was the **predominant form of exploitation** in some countries (e.g. Belgium, Cyprus, Georgia, Portugal, Serbia, United Kingdom).<sup>20</sup> While there are considerable variations in the number and proportion of labour trafficking victims amongst the evaluated countries, all countries indicated an upward trend of labour exploitation over the years. For example, in Cyprus the proportion of identified victims of labour exploitation grew from one third of the total of identified victims in 2013, to two thirds in 2015. In the Republic of Moldova, the number of identified victims of trafficking for labour exploitation rose from 29% in 2011, to 44% in 2015.<sup>21</sup>

86. Labour trafficking takes different forms and occurs across various sectors, both in the formal and the informal economy. It concerns both women and men, but the number of identified male victims tends to be higher. For example, out of 296 victims of trafficking identified in Serbia in the period 2013–2016, 130 men were subjected to labour exploitation, as opposed to one woman.<sup>22</sup> Men are exploited primarily in agriculture, construction, the hospitality industry, manufacturing, fisheries and cleaning services. Trafficking for the purpose of exploitation in domestic and care work more frequently concerns women and is more difficult to detect as it takes place in private households where victims can be subjected to a combination of labour and sexual exploitation, sometimes in the context of forced or sham marriages.<sup>23</sup> Cases of exploitation in diplomatic households which could amount to human trafficking have been brought to the attention of the authorities of some countries.<sup>24</sup>

87. Instances of child trafficking for the purpose of forced labour have also been identified, but in general there is not sufficient disaggregated data on the forms of exploitation and the sex of the children. In the majority of cases of trafficking for purposes other than sexual exploitation, identified child victims of trafficking were subjected to forced begging or exploitation of criminal activities. For example, in Serbia, out of the 94 identified child victims in the period 2013–2016, there were six girls trafficked for the purpose of labour exploitation, 12 girls and 10 boys trafficked for the purpose of forced begging, and three boys and one girl trafficked for the purpose of exploitation of criminal activities.<sup>25</sup>

20. GRETA 2<sup>nd</sup> report on Belgium, paragraph 13; GRETA 2<sup>nd</sup> report on Cyprus, paragraph 12; GRETA 2<sup>nd</sup> report on Georgia, paragraph 13; GRETA 2<sup>nd</sup> report on Portugal, paragraph 14; GRETA 2<sup>nd</sup> report on Serbia, paragraph 12; GRETA 2<sup>nd</sup> report on the UK, paragraph 17.

21. GRETA 2<sup>nd</sup> report on Cyprus, paragraph 12; GRETA 2<sup>nd</sup> report on the Republic of Moldova, paragraph 14.

22. GRETA 2<sup>nd</sup> report on Serbia, paragraph 12.

23. Some countries, such as the UK, treat labour exploitation and domestic servitude as separate categories in the statistics on victims of trafficking.

24. GRETA 2<sup>nd</sup> report on Austria, paragraph 13; GRETA 2<sup>nd</sup> report on Belgium, paragraphs 15 and 63.

25. GRETA 2<sup>nd</sup> report on Serbia, paragraph 12.

88. Victims of trafficking for the purpose of labour exploitation are trafficked both transnationally and within their countries of origin or residence. In many countries, unemployment and a growing informal economy, together with a demand for cheap labour and services, are factors linked to labour trafficking. There exists a growing trend of recruitment via the Internet, including on social media, through which a larger number of potential victims can be targeted.

89. Statistics in GRETA's country evaluation reports are based on data provided by the national authorities, which come with a number of limitations. Many countries point to the fact that labour trafficking is harder to detect than trafficking for the purpose of sexual exploitation, which leads to fewer reported cases. The identification of victims of trafficking for the purpose of labour exploitation remains challenging and statistics available on identified victims do not reflect the actual scale of the phenomenon. GRETA has noted a gradual improvement in data collection, but there are still important gaps in many countries which make it difficult to discern clear trends. GRETA has stressed the need for developing and maintaining comprehensive and coherent statistics regarding victims, which should be collected from all main actors and allow disaggregation concerning sex, age, type of exploitation, country of origin and/or destination. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims are asked to provide information for the national database.

90. In the course of the first evaluation round, GRETA noted the lack of **research on trafficking for the purpose of labour exploitation** and the limited knowledge base for addressing this phenomenon. There has been a growing body of research on human trafficking for the purpose of labour exploitation in recent years. By way of example, GRETA's report on Austria refers to research carried out by the Ludwig Boltzmann Institute of Human Rights concerning labour exploitation in Austria's construction sector in the framework of the EU-project "Facilitating Corporate Social Responsibility in the Field of Human Trafficking".<sup>26</sup> Reports have been published on the prevention of forced labour in the Roma community in the Slovak Republic<sup>27</sup> and on labour exploitation in the region of Alentejo in Portugal.<sup>28</sup> The extent of labour exploitation in Armenia was studied in a research project commissioned by the OSCE Office in Yerevan.<sup>29</sup>

---

26. GRETA 2<sup>nd</sup> report on Austria, paragraph 48.

27. GRETA 2<sup>nd</sup> report on the Slovak Republic, paragraph 51.

28. GRETA 2<sup>nd</sup> report on Portugal, paragraph 56.

29. GRETA 2<sup>nd</sup> report on Armenia, paragraph 43. OSCE, Forced Labour and Labour Trafficking in Armenia: Pilot Study (Summary), December 2015. Available at: <http://www.osce.org/yerevan/212571>



In Poland, the “Study on Demand Reduction Measures to Combat Trafficking in Human Beings for the Purpose of Labour Exploitation through Engagement of the Private Sector” was carried out with support of the Norway Grants Financial Mechanisms in 2016.

As part of the European Union and Council of Europe framework “Horizontal Facility for the Western Balkans and Turkey”, research on trafficking for the purpose of labour exploitation was carried out and reports were published in Serbia and “the former Yugoslav Republic of Macedonia” in 2017.

91. The EU-funded project “ADSTRINGO: Addressing Trafficking in Human Beings for Labour Exploitation through Improved Partnerships, Enhanced Diagnostics and Intensified Organisational Approaches”, led by the European Institute for Crime Prevention and Control (HEUNI), involved the publication of a report researching the methods of recruiting victims of forced labour and the role of employment agencies and employers in Lithuania, Estonia, Sweden and Finland.<sup>30</sup> As part of the same project, a study entitled “Trafficking for Forced Labour: Mechanisms of Formation and Effective Prevention” was published in 2014 by the Centre for Human Trafficking Studies of Warsaw University.<sup>31</sup>

92. The issue of labour exploitation of foreign migrant workers has been studied extensively in a number of research projects. For example, the Danish Centre against Human Trafficking (CMM) commissioned three research reports focusing on the

30. Available at: [http://heuni.fi/material/attachments/heuni/reports/6KZycU1Lj/HEUNI\\_report\\_75\\_15102013.pdf](http://heuni.fi/material/attachments/heuni/reports/6KZycU1Lj/HEUNI_report_75_15102013.pdf)

31. GRETA 2<sup>nd</sup> report on Poland, paragraph 51.

vulnerability of migrant workers, by surveying three sectors - *au pairs*, agriculture and the cleaning industry - which employ largely foreign workers and where cases of forced labour were detected.<sup>32</sup> Further, a study on the situation of migrant victims of labour exploitation entitled “Participative Action Research on Severe Forms of Labour Exploitation” was carried out in Ireland with support from the European Union Agency for Fundamental Rights (FRA).<sup>33</sup>

93. In 2014 the Government Communication Office of Slovenia funded a research project entitled “Analysis of Trafficking in Human Beings for the Purpose of Labour Exploitation, Trafficking in Children, Forced Begging and Forced Criminality”.<sup>34</sup> Further, the Slovenian Ministry of Labour, Family, Social Affairs and Equal Opportunities commissioned research on “Child labour in Slovenia” which was published in 2017.<sup>35</sup> In “the former Yugoslav Republic of Macedonia”, a research report was published in 2014 with funding from the European Commission and the Oak Foundation entitled “Protecting Children on the Move”, which focuses on the intersections of child migration, street children and child labour.<sup>36</sup>

94. GRETA welcomes the research carried out by a variety of actors, often with the support of international organisations and donors, and considers that further research should be conducted on trafficking for the purpose of labour exploitation as an important source of information on problematic areas, the impact of prevention efforts and future policy measures.

### Policy and institutional framework for addressing trafficking for the purpose of labour exploitation

95. At the time of the first evaluation round, GRETA noted that many States Parties had failed to address trafficking for the purpose of labour exploitation in their national action plans and institutional structures set up to co-ordinate anti-trafficking action. GRETA therefore made recommendations to the national authorities of several countries aimed at ensuring that national action to combat human trafficking is comprehensive, in particular by paying increased attention to human trafficking for the purpose of labour exploitation and adopting a national action plan addressing all types of exploitation.<sup>37</sup>

96. The second evaluation round shows that developments aimed at countering trafficking for the purpose labour exploitation have occurred since the first evaluation by GRETA in many countries, through the development of new, **comprehensive national strategies or action plans**, the enlargement of existing co-ordination bodies and/or the setting up of additional structures or agreements.

32. GRETA 2<sup>nd</sup> report on Denmark, paragraph 44.

33. GRETA 2<sup>nd</sup> report on Ireland, paragraph 48.

34. GRETA 2<sup>nd</sup> report on Slovenia, paragraph 40.

35. GRETA 2<sup>nd</sup> report on Slovenia, paragraph 41.

36. GRETA 2<sup>nd</sup> report on “the former Yugoslav Republic of Macedonia”, paragraph 49.

37. See, for example, GRETA 1<sup>st</sup> report on Spain, paragraph 79; GRETA 1<sup>st</sup> report on Sweden, paragraph 61; GRETA 1<sup>st</sup> report on Malta, paragraph 65; GRETA 1<sup>st</sup> round report on Azerbaijan, paragraph 54.

97. By way of example, in Malta, the Third National Action Plan against Trafficking in Human Beings (2015-2016) had a strong focus on action against trafficking for the purpose of labour exploitation, manifested by activities to train officials and raise awareness among various stakeholders and potential victims about the risks of labour exploitation.<sup>38</sup>

98. In Belgium, the third National Action Plan (2015-2019) envisages measures to raise awareness of human trafficking in sectors where economic exploitation may take place, in particular the hospitality industry (hotels, restaurants, cafes), construction, agriculture, manufacturing and fisheries. Priority is given to projects developed jointly with trade unions with a view to finding effective ways of transmitting information in order to prevent human trafficking, e.g. the production of a brochure for asylum seekers and an information file for work visa applicants. In addition, preparatory work has been initiated to sensitise the banking sector to transactions that might conceal trafficking.<sup>39</sup>

99. In Austria, in addition to the two working groups which were operating within the Task Force on Combating Human Trafficking at the time of GRETA's first evaluation, dealing respectively with child trafficking and prostitution, a third working group on trafficking for the purpose of labour exploitation was set up in December 2012. It is chaired by the Federal Ministry for Labour, Social Affairs and Consumer Protection and comprises representatives of nine federal ministries (including officials from the Finance Police and the Labour Inspectorate), social partner organisations, the administrations of the *Länder*, as well as the Men's Health Centre MEN VIA. The working group has focused on the construction, agriculture, forestry and domestic work sectors, posted workers, temporary agency work, wage and social dumping, false self-employment, and access to the labour market. Further, it has developed indicators for the identification of victims of trafficking for the purpose of labour exploitation.<sup>40</sup>

100. In Albania, the National Anti-Trafficking Co-ordinator, the Director of the Labour Inspectorate and the Director General of the National Police signed an agreement in October 2014 on co-operation for identifying cases of forced labour and trafficking for the purpose of labour exploitation. The agreement provides for the setting up of mixed inspection groups at the national and local levels.<sup>41</sup>



In Denmark, a governmental interdisciplinary task force was established to strengthen efforts to combat trafficking for forced labour and improve identification and referral of victims. It includes the Danish Centre against Human Trafficking (CMM), the National Police, the Customs and Tax Administration (SKAT), the Working Environment Authority, the Agency for Labour Market and Recruitment, and the Danish Immigration Service (DIS).

101. In Slovenia, the Inter-ministerial Working Group for Combating Trafficking in Human Beings was enlarged at the end of 2015 to include representatives of the

38. GRETA 2<sup>nd</sup> report on Malta, paragraph 25.

39. GRETA 2<sup>nd</sup> report on Belgium, paragraph 57.

40. GRETA 2<sup>nd</sup> report on Austria, paragraphs 24-25.

41. GRETA 2<sup>nd</sup> report on Albania, paragraphs 25 and 98.

Financial Administration, the Slovenian Association of Free Trade Unions and more representatives of the Ministry of Labour, Family and Social Affairs.<sup>42</sup>

102. In Belgium, there are periodic consultation meetings involving prosecutors specialised in human trafficking cases, labour inspectors, social inspectors and specialised police anti-trafficking units.<sup>43</sup>

103. However, in Croatia, GRETA noted with concern that the Ministry of Labour, to which the Labour Inspectorate is subordinated, was not part of the National Committee for Combating Human Trafficking or its Operational Team, in spite of its potential role in detecting victims of human trafficking. There were no objectives in the National Action Plan to specifically address trafficking for labour exploitation, and neither the Labour Inspectorate nor trade unions were mentioned in the action plan as partners in anti-trafficking efforts. Further, while reference is made to training in the tourism industry, where there are existing risks of trafficking, no action was planned in other at-risk sectors, such as agriculture and construction.<sup>44</sup>

104. GRETA has welcomed the efforts to set up **co-ordination bodies and specialised structures for combating human trafficking for the purpose of labour exploitation**, as well as a multi-agency approach promoting engagement with civil society, trade unions and businesses. However, GRETA notes with concern that in some countries, trade unions are not yet recognised as a partner in anti-trafficking work. Trade unions have the capacity to promote the prevention of trafficking for the purpose of labour exploitation and should be encouraged to participate in anti-trafficking co-ordination.

105. The complexity of issues related to trafficking for the purpose of labour exploitation requires a multidisciplinary approach at national and international level. GRETA refers to the manual for experts on multidisciplinary co-operation against trafficking in human beings for labour exploitation, published by the Government of the Netherlands in January 2016 as a result of the joint project “TeamWork!” also involving Luxembourg, Slovakia and Malta, which provides practical advice for the agencies which encounter trafficking at different stages of the process and how they can undertake joint or complementary activities to effectively combat this phenomenon.<sup>45</sup>

## Prevention of trafficking for the purpose of labour exploitation

### Awareness raising and training

106. **Raising awareness** of trafficking for labour exploitation, how to avoid it and where to look for assistance is important as many people still lack information

42. GRETA 2<sup>nd</sup> report on Slovenia, paragraph 50.

43. GRETA 1<sup>st</sup> report on Belgium, paragraph 27.

44. GRETA 2<sup>nd</sup> report on Croatia, paragraphs 24 and 30.

45. Available at: <https://www.government.nl/documents/publications/2016/01/18/manual-for-experts-on-multidisciplinary-cooperation-against-trafficking-in-human-beings-for-labour-exploitation>

about this phenomenon. GRETA's country evaluation reports provide examples of a variety of awareness-raising measures and training initiatives by national authorities, in partnership with civil society and international organisations, with a view to preventing human trafficking for the purpose of labour exploitation. The awareness-raising activities have targeted the general public as well as specific groups, such as young people seeking employment, migrant workers and asylum seekers.



In **Belarus**, a telephone hotline number for safe migration and anti-trafficking was established in 2011. In 2013-2014 the Public Association "Gender Perspectives" implemented a campaign entitled "Ask while you're here" to inform persons planning to travel abroad about safe travel abroad, legal employment and behaviour in crisis situations. Further, the campaign entitled "Going abroad? – Call!" produced billboards and flyers distributed at educational institutions and territorial social service centres.

In **Poland**, an awareness-raising project on safe migration and protection against trafficking for Polish emigrants was implemented in 2014 by the NGO La Strada Foundation together with the organisation Fairwork from the Netherlands, the Association of Polish Women in the Netherlands and the Institute of Technology and Education of Koszalin Technical University.

In **Slovenia**, the NGO Slovenian Philanthropy has organised annual projects funded by the Government Communication Office as part of which migrant workers, other workers and the general public were informed of the risks of trafficking in human beings and how to recognise human trafficking situations. In 2015, eight field visits were carried out to inform workers on the ground, and co-operation was established with trade unions, social work centres, regional units of the Employment Service, regional associations of the Red Cross, as well as with the Austrian, German and Italian Embassies in Slovenia and the Slovenian-German Chamber of Commerce.

107. However, very few countries have reported the carrying out of **impact assessment** following awareness campaigns. In Portugal, a national campaign on labour exploitation, focusing particularly on the agriculture sector, was assessed via an online questionnaire, in which 59% of participants declared having noticed the campaign, particularly on TV, and 95% of those surveyed considered the campaign to be useful.<sup>46</sup> In Romania, two impact assessments found that awareness-raising campaigns on labour trafficking had reached a large number of beneficiaries, including potential victims, but labour exploitation remained a relatively less known form of human trafficking.<sup>47</sup> GRETA has stressed the importance of impact assessment of awareness-raising initiatives to evaluate whether knowledge has increased and behaviour changed, and in order to plan future campaigns and other activities.

108. **Educational institutions** can increase information on awareness of human trafficking amongst children and young people by including human trafficking in

46. GRETA 2<sup>nd</sup> report on Portugal, paragraph 62.

47. GRETA 2<sup>nd</sup> report on Romania, paragraph 49.

their curricula, as well as by developing specific tools for teachers. For example, in Serbia, a training programme “Protection of children against human trafficking in education” was implemented by the Ministry of Education, Science and Technological Development, the Centre for the Protection of Victims of Trafficking and UNITAS Humanitarian Fund, and a manual for the education system was published in 2016.<sup>48</sup> In France, the NGO Comité contre l’esclavage moderne (CEM) participates in raising awareness in schools of the dangers of trafficking for the purpose of labour exploitation through workshops and presentations.<sup>49</sup>

109. **Training** is being provided to a growing range of professionals to raise their awareness of indicators of human trafficking and to provide them with tools to detect vulnerable persons or those who are already subject to labour exploitation. Nevertheless, GRETA’s reports note with concern that labour inspectors still lack skills and instructions on how to proceed once they have detected a potential victim of trafficking, which limits the number of victims detected and referred by labour inspectors.



In France, a working group on the training of professionals in contact with victims of labour exploitation was set up in 2014, bringing together representatives of the Central Office for Combating Illegal Labour (OCLTI), the Central Office for the Fight against Itinerant Delinquency, the Directorate General of Labour, Directorate General of the National Gendarmerie and Directorate General of the National Police.

In Serbia and “the former Yugoslav Republic of Macedonia”, labour inspectors are provided with training as part of a project entitled “Preventing and combating THB for the purpose of labour exploitation – the role of labour inspectors and market inspectors”, implemented by the Council of Europe as part of the EU-Council of Europe Programmatic framework “Horizontal Facility for the Western Balkans and Turkey”.



48. GRETA 2<sup>nd</sup> report on Serbia, paragraph 31.

49. GRETA 2<sup>nd</sup> report on France, paragraph 89.

110. GRETA stresses the benefits of multidisciplinary training, which enables professionals from different agencies to exchange experience, create trust and build networks for addressing trafficking for labour exploitation together. The professionals targeted for such training should include labour inspectors, tax and customs authorities, police officers, prosecutors, judges, border guards, migration officials, consular staff, social workers, local/municipal government officials, NGOs, trade unions, private employment agencies and companies.

### **Targeted prevention for groups at risk**

111. The Convention requires Parties to establish and/or strengthen effective policies and programmes to prevent trafficking in human beings, in particular for persons vulnerable to trafficking. Vulnerability to exploitation and trafficking is determined by a combination of factors, many of which are structural and are linked to economic, labour and immigration policies.

112. **Migrant workers**, especially seasonal and irregular migrant workers, as well as asylum seekers who have no access to the labour market, are particularly vulnerable to human trafficking for the purpose of labour exploitation. In the previously mentioned case *Chowdury and Others v. Greece*, the third-party intervention of the International Trade Union Confederation noted that migrant workers are a disproportionately vulnerable group as they lack power and status in society, and that migrant workers in an irregular situation have weak access to remedies in cases of conflict, and lack protection against deportation.<sup>50</sup>

113. GRETA refers to European Commission against Racism and Intolerance (ECRI) General Policy Recommendation No. 16 on safeguarding irregularly present migrants from discrimination, which states that safeguards should be established to ensure that irregularly present migrants who are victims of crime are aware of their rights, are able to report to law enforcement authorities and access justice and remedies without the risk of the sharing of their personal data or other information with immigration authorities for the purposes of immigration control and enforcement.<sup>51</sup> The European Social Charter (ESC) together with the European Committee on Social Rights' (ECSR) jurisprudence put forth standards for the protection of vulnerable groups, such as migrant workers and their families.

114. GRETA notes that national immigration and labour laws can influence the vulnerability of migrant workers. **Legislative changes** have been made in some countries with the aim of preventing labour exploitation of foreign migrant workers. For example, in Ireland, where employing a third-country national without the State's permission is an offence for both the third-country national and the employer concerned, the Employment Permits (Amendment) Act was enacted on 27 July 2014 with a view to addressing the deficiencies identified by the case of *Hussein v. The Labour Court*.<sup>52</sup> The Act provides that it is a defence for the foreign national charged with

---

50. *Chowdury and Others v. Greece* (application No. 21884/15), judgement of 30 March 2017.

51. ECRI, General Policy Recommendation No. 16 by the on safeguarding irregularly present migrants from discrimination, paragraph 33

52. The case *Hussein v. The Labour Court & Anor* [2015] IESC 58 concerned an irregular migrant who worked for a number of years in an ethnic restaurant and could not benefit from protections under employment law because his employment contract was unlawful, due to his failure to have an employment permit.

working without an employment permit where he/she can show that all reasonable steps to comply with the requirement to have an employment permit were taken by him/her. The Act also stipulates that the Minister may take a civil action on the foreign national's behalf for compensation for work done or services rendered, as well as responsibility for the cost of such action.

115. In Austria, the 2011 Act against Wage and Social Dumping introduced wage control and administrative fines for employers. However, there are reportedly difficulties in enforcing this law against non-compliant employers as most of the posted workers come from foreign countries (e.g. Bulgaria and Romania) and the employers are not based in Austria.<sup>53</sup>

116. In Italy, Law No. 199 of 29 October 2016 "Provisions to counter the phenomena of undeclared employment, exploitative labour in agriculture and the realignment of wages in the agricultural sector" amended Article 603-bis of the CC ("illegal brokering and labour exploitation, so-called "*caporalato*"), making it punishable by between one and six years' imprisonment (or up to eight years' imprisonment if a worker is subjected to violence or threats) and a fine from 500 to 1 000 Euros in relation to each worker concerned. It also introduced administrative responsibility of legal entities and compulsory forfeiture of money, goods and profits. It is possible for workers who are victims of offences under this law to apply for and obtain a payment from the State anti-trafficking fund.

117. Prevention practices include the **provision of information to labour migrants** both pre- and post-departure so that they can make informed decisions about migrating, as well as the establishment of drop-in centres for irregular migrant workers in destination countries. For example, in Georgia, GRETA was informed about two pilot projects on migration aimed at establishing legal and safe channels of labour migration, one with Germany and the other with Poland and Estonia, which decreased the vulnerability of migrant workers to exploitation and trafficking.<sup>54</sup>



In Austria, 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 Austrian National Student Union and civil society organisations. 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 and social security, as well as assistance with administrative procedures. Leaflets with information for undocumented migrants have also been issued in a variety of languages. UNDOK co-operates actively with organisations supporting victims of trafficking. Further, the PRO-GE Trade Union, in co-operation with UNDOK, and the NGOs LEFÖ-IBF and MEN VIA, launched an information campaign for seasonal workers in 2015.

53. GRETA 2<sup>nd</sup> report on Austria, paragraph 64.

54. GRETA 2<sup>nd</sup> report on Georgia, paragraph 74.

118. In Ireland, the NGO Migrant Rights Centre Ireland (MRCI) runs a drop-in centre for migrants in Dublin.<sup>55</sup> To inform migrants arriving in Portugal about human trafficking, the Immigration and Borders Service (SEF) issued a leaflet available in five languages.<sup>56</sup> In Poland, a hotline and website aimed at increasing third-country nationals' awareness of their rights and obligations in Poland were promoted through advertisements in the media, leaflets distributed by border guard officers and universities, aimed at foreign students.<sup>57</sup>

119. In Finland, the Finnish Immigration Service and the Joutseno and Oulu Reception Centres for Asylum Seekers implemented a project in 2012-2014 to develop the system of services for vulnerable asylum seekers (Hapke Project), in which the target group included victims of human trafficking. The project created a leaflet for asylum seekers ("Working in Finland"), which provides information on labour rights and the help available. The original leaflet was modified to cover all immigrants and is available in 16 languages.<sup>58</sup>



In Bulgaria, "labour attaches" have been appointed in countries where many Bulgarian nationals seek employment. The network of labour attaches has been gradually expanded. It provides information and advice to Bulgarian citizens working abroad, linking them to local services. Further, the Employment Agency of the Ministry of Labour and Social Assistance provides information on its website about licensed employment agencies which offer work abroad, to prevent trafficking for labour exploitation.

120. In the UK, the Gangmasters Licensing Authority (GLA) prepared a leaflet on workers' rights in 18 languages which provides information on the national minimum wage, hours of work, annual leave, payslips, deductions from wages, health and safety, as well as terms and conditions of contracts. It also indicates employers' obligations and organisations to contact for support.<sup>59</sup>

121. **Domestic and care workers** are particularly vulnerable to exploitation due to the fact that in many countries the development of the private domestic and care market has been mostly uncontrolled, there are gaps in the labour legislation, and private households are usually not subject to labour inspections without a search warrant.

122. In Cyprus, according to the staff of the Office of the Commissioner for Administration and Human Rights, there are some 30,000 migrant women employed as domestic workers. Until recently, domestic workers were obliged to work a certain time with the same employer, but a ministerial decision simplified the procedures for changing employers and removed the minimum time requirement. The Commissioner has received many complaints about severe exploitation of domestic workers, but complaints lodged by domestic workers tend to be treated as a disagreement between employer and employee. From 2011 to 2014, 11 cases of suspected human

55. GRETA 2<sup>nd</sup> report on Ireland, paragraph 74.

56. GRETA 2<sup>nd</sup> report on Portugal, paragraph 73.

57. GRETA 2<sup>nd</sup> report on Poland, paragraph 71.

58. GRETA 1<sup>st</sup> report on Finland, paragraph 101.

59. GRETA 2<sup>nd</sup> report on the UK, paragraph 94.

trafficking among domestic workers were investigated by the Cypriot police, leading to 17 persons being identified as victims of trafficking.<sup>60</sup>

123. In Austria, workers categorised as “self-employed” are particularly at risk of trafficking and other forms of labour exploitation. There are reportedly some 25 000 self-employed nurses, carers and other workers in Austria, including 1 000 self-employed domestic workers, who have no access to social protection and fall outside the safeguards of labour laws.<sup>61</sup>

124. Home care is one of the fastest-growing sectors in Ireland and a high proportion of home care workers are migrants. There are no legal channels of migration into Ireland to work in the home care sector. In 2015 NGO Migrant Rights Centre Ireland (MRCI) examined the trends in the home care sector and migrant workers’ position, organised a series of participative workshops with migrant home care workers, and published a report which refers to poor working conditions, lack of regulation and concerns regarding the quality of care.<sup>62</sup> Further, the recruitment of *au pairs* into sub-standard domestic work jobs has been identified by the MRCI as a growing problem. Following a series of inspections in 2016 and 2017, 16 *au pair* recruitment agencies were registered. The Workplace Relations Commission (WRC) published a leaflet entitled “Employment Rights of Domestic Workers in Ireland”.<sup>63</sup>

125. In the UK, GRETA was concerned that the new overseas domestic worker system weakened the position of migrant domestic workers and carried the risk of increasing human trafficking for the purpose of domestic servitude. In 2015, 75 allegations of domestic servitude were recorded by the London Metropolitan Police, 10 of which concerned diplomatic households. An independent review of the overseas domestic workers visa system commissioned by the government was published in December 2015. The review’s first key conclusion was that “the existence of a tie to a specific employer and the absence of a universal right to change employer and apply for extensions of the visa are incompatible with the reasonable protection of overseas domestic workers while in the UK”.<sup>64</sup> The second key conclusion was that mandatory group information meetings should be instated for all overseas domestic workers who remain in the UK for more than 42 days to enable victims of abuse to be identified or to self-identify and to empower them to take steps to leave their abusive employers, offering them support to do so. GRETA asked the UK authorities to remove the existing link between visas for overseas domestic workers and their employers, thus allowing them to change employers without their immigration status being affected.<sup>65</sup>

126. In Norway, 13 of the 90 cases of forced labour or services reported in 2015 concerned *au pairs*. The *Au Pair* Centre run by NGO Norwegian People’s Aid was

---

60. GRETA 2<sup>nd</sup> report on Cyprus, paragraph 47.

61. GRETA 2<sup>nd</sup> report on Austria, paragraph 65.

62. Available at: <http://www.mrci.ie/wpcontent/uploads/2015/09/Migrant-Workers-in-the-Home-Care-Sector-Preparing-for-the-Elder-Boom-in-Ireland.pdf>

63. GRETA 2<sup>nd</sup> report on Ireland, paragraphs 68-70.

64. Ewins J, “Independent Review of the Overseas Domestic Workers Visa” (2015), p.5. 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)

65. GRETA 2<sup>nd</sup> report on the UK, paragraphs 100-102 and 107.

opened in 2013 to provide information and advice to *au pairs* and host families. The centre published a handbook with advice for *au pairs* and host families in May 2015.<sup>66</sup> Labour inspectors are not mandated to inspect the working conditions of *au pairs* as they are not considered as employed under Norwegian law. GRETA has asked the Norwegian authorities to review the regulations concerning *au pairs* to ensure that they are not subject to abuse.<sup>67</sup>

127. As home to a large diplomatic community, Austria has taken a lead in developing safeguards against trafficking of **private domestic staff in diplomatic households**.<sup>68</sup> Other countries which have adopted specific regulations and guidance concerning the employment of domestic workers in diplomatic households include Belgium,<sup>69</sup> France,<sup>70</sup> Ireland,<sup>71</sup> Switzerland<sup>72</sup> and the UK.<sup>73</sup> In the second evaluation report on the UK, GRETA asked the authorities to ensure that work contracts of domestic workers employed in diplomatic households are with diplomatic missions rather than individuals.<sup>74</sup>



In Switzerland, employment contracts of domestic workers in diplomatic households must follow a model contract and be signed before the person's arrival in Switzerland. Contracts are checked by consular 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 and obligations, and standards of working conditions. Once the domestic workers are in Switzerland, they can meet officials from the Federal Department of Foreign Affairs during which they are informed that they can contact the authorities in case of difficulties with their employers. During both interviews, officials must make sure in particular that they have fully understood the terms of their work contract. They can turn to the Federal Department of Foreign Affairs or 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.

128. Another sector at risk for human trafficking for the purpose of labour exploitation is the **fishing industry**. In Ireland, following reports of alleged abuses of migrant workers on board Irish fishing vessels, the Atypical Working Scheme (AWS) for Seafishers was launched in February 2016. It provides that employees will be guaranteed, at a minimum, the national minimum wage and statutory terms and conditions in accordance with national law, which will be underpinned by the requirement for employers to provide a legally binding contract of employment. Applications must be made by the employer who has a suitable vacancy and has

66. Available at: <https://www.npaid.org/Our-Work/Refugees-and-Integration/Welcome-to-Au-Pair-Center-On-Equal-Terms/Handbook>

67. GRETA 2<sup>nd</sup> report on Norway, paragraphs 50-51.

68. GRETA 1<sup>st</sup> report on Austria, paragraph 73; GRETA 2<sup>nd</sup> report on Austria, paragraph 85.

69. GRETA 2<sup>nd</sup> report on Belgium, paragraph 63.

70. GRETA 2<sup>nd</sup> report on France, paragraph 84.

71. GRETA 2<sup>nd</sup> report on Ireland, paragraph 75.

72. GRETA 2<sup>nd</sup> report on Switzerland, paragraph 11.

73. GRETA 2<sup>nd</sup> report on the UK, paragraph 101.

74. GRETA 2<sup>nd</sup> report on the UK, paragraph 107.

identified an employee to fill that vacancy. There have been a number of operational interventions in the fisheries industry, one of which led to the identification of a victim of human trafficking. While welcoming the development of this regulatory scheme, GRETA noted that it created a dependency on the employer for the related visa application and asked the Irish authorities to review the application of the AWS with a view to ensuring that it contains sufficient safeguards against trafficking and exploitation of fishermen.<sup>75</sup>

129. GRETA refers to the ILO Work in Fishing Convention No. 188 (2007), which entered into force on 16 November 2017 and sets out standards of decent work on fishing vessels, including regulation of the recruitment process, minimum requirements enforceable through labour inspections and investigation of complaints by fishers. The Convention's standards also aim to play a preventative role regarding forced labour, child labour, human trafficking and other abuses in the fishing industry.<sup>76</sup>

130. **Persons from Roma communities** are often affected by poverty, unemployment and inadequate access to services, rendering them vulnerable to human trafficking. Targeted prevention activities have been carried out in respect of Roma communities in different States Parties to the Convention. For example, in the Slovak Republic, the project "Strengthening of joint measures in the prevention of forced labour of the Roma community and the development of reference mechanism" produced a film, information materials and a booklet for employers in order to increase the awareness about forced labour.<sup>77</sup> In Bulgaria, an initiative conducted by the Dutch Embassy and the Roma NGO Amalipe aimed to inform Roma communities of the possibilities for regular migration and the risks behind irregular migration into the Netherlands.<sup>78</sup>

131. GRETA has stressed the need for measures to strengthen the prevention of trafficking through social, economic and other measures for groups vulnerable to trafficking, including outreach work in Roma communities.

132. GRETA refers to the UN Committee on the Rights of the Child General Comment No. 21 (2017) on children in street situations, which notes that **children in street situations** may be victims of trafficking for sexual or labour exploitation or be particularly vulnerable to such forms of human trafficking.

133. In Bosnia and Herzegovina, the majority of identified victims of trafficking have been children, primarily from the Roma community, who work in street situations. Six day centres operate around the country, offering assistance to children in street situations, including mobile teams for outreach work which are involved in the National Referral Mechanism.<sup>79</sup>

---

75. GRETA 2<sup>nd</sup> report on Ireland, paragraphs 68-70 and 79.

76. Available at [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C188](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C188)

77. GRETA 2<sup>nd</sup> report on the Slovak Republic, paragraph 60.

78. GRETA 2<sup>nd</sup> report on Bulgaria, paragraph 103.

79. GRETA 2<sup>nd</sup> report on Bosnia and Herzegovina, paragraphs 54 and 56.

134. To identify the needs of, and provide assistance to, children in street situations in Georgia, a special working group was set up under the Co-ordination Council, as well as mobile groups under the Ministry of Labour, Health and Social Affairs.<sup>80</sup>

135. GRETA has called on the national authorities of States Parties to ensure a protective environment for children in street situations and unaccompanied or separated children, and to strengthen the capacity and resources of child protection professionals to prevent child trafficking for all forms of exploitation.

## Labour laws and inspections

136. The enforcement of labour law standards as a means of preventing trafficking for the purpose of labour exploitation has received attention from the International Labour Organization (ILO).<sup>81</sup> Labour legislation and workplace inspections, including on health and safety, compliance with labour standards and revenue laws, play an important role in deterring instances of human trafficking for forced labour and identifying possible victims. Effective regulation of labour supply and workers' rights, including the protection of unionisation of workers, are also important for preventing human trafficking. The extension of the scope of labour protection over all sectors of the economy and over undocumented workers is essential for preventing vulnerable workers from exploitation and human trafficking.

137. GRETA's reports pay particular attention to the mandate, resources and training of **labour inspectors**, their collaboration with specialised anti-trafficking agencies (e.g. through joint inspections and joint training and events) and their involvement in National Referral Mechanisms for victims of trafficking. GRETA has noted that in many countries, labour inspectors lack the training and resources to respond efficiently to reports of labour violations. GRETA has urged the authorities to reinforce labour inspections in sectors known to be prone to undeclared work and/or human trafficking, and to ensure that labour inspections are comprehensive and proactive.

138. In France, the mandate of labour inspectors was extended in 2016 to include the reporting of human trafficking offences.<sup>82</sup> The National Action Plan provides for the designation of a contact person for such offences in each regional branch of the Labour Inspectorate.<sup>83</sup>

139. In Ireland, the Workplace Relations Commission focuses on sectors where employees are at an increased risk of exploitation (such as catering, construction, hotels, car washes, domestic work and fisheries). Labour inspectors are trained in the identification of indicators of trafficking and a card has been developed with contact numbers in six different languages which inspectors can give discretely to workers during inspections.<sup>84</sup>

---

80. GRETA 2<sup>nd</sup> report on Georgia, paragraphs 61-62.

81. <http://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/forced-labour/lang--en/index.htm>

82. GRETA 2<sup>nd</sup> report on France, paragraph 25.

83. GRETA 2<sup>nd</sup> report on France, paragraphs 25 and 82.

84. GRETA 2<sup>nd</sup> report on Ireland, paragraph 65.

140. In the UK, civil society expressed concerns about the increasing precariousness and potential vulnerability to trafficking of self-employed workers, in particular in the construction industry. GRETA noted that since 2010, the resources of different inspectorates had been significantly reduced and, as a result, there had been a reduction in the number of proactive labour inspections.<sup>85</sup>

141. In some countries, labour inspectors have broad, including investigative, powers. Thus in the Netherlands, the Inspectorate SZW, which was set up in 2012 following a merger of the former Labour Inspectorate, the Work and Income Inspectorate and the Social Security Intelligence and Investigation Department, is competent for supervising respect for labour regulations as well as detecting and investigating labour exploitation and human trafficking cases under the supervision of the Public Prosecution Service.<sup>86</sup>



In the **United Kingdom**, 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. The GLA carries out compliance inspections and also holds extensive criminal powers to ensure effective investigations. In January 2016 the UK Government decided that the GLA's remit would be broadened to cover additional sectors and the GLA was renamed the Gangmasters Labour Abuse Authority (GLAA).

142. The mandate of labour inspectors as regards private households varies between countries. In Belgium, labour and social inspectors can carry out visits to all workplaces, including where domestic workers are present.<sup>87</sup> Labour inspectors in Norway can make inspections of any work place, except for private households, unless the employer provides accommodation for his/her workers.<sup>88</sup> In Austria and Cyprus, labour inspectors have the right to inspect private households, but rarely do so in practice.

143. The carrying out of **joint inspections** by labour inspectors and other agencies, such as the police, migration or border agencies, tax agencies and social inspection, enables a multidisciplinary approach and the pooling of information, which can improve effectiveness. At the same time, it is important to delineate the roles of different agencies, in particular when irregular migrants are involved as they might be reluctant to provide information for fear of expulsion.

144. In Cyprus, joint inspection units have been established in order to inspect enterprises for employees that are not registered with the Social Insurance Fund, co-ordinated by the Department of Labour Relations.<sup>89</sup> Belgium has a specialised team of inspectors who are trained to detect situations of possible trafficking and labour exploitation, called ECOSOC, with the mandate to investigate human trafficking cases for labour exploitation.

85. GRETA 2<sup>nd</sup> report on the UK, paragraph 96.

86. GRETA 1<sup>st</sup> report on the Netherlands, paragraph 32.

87. GRETA 1<sup>st</sup> report on Belgium, paragraph 32.

88. GRETA 2<sup>nd</sup> report on Norway, paragraph 48.

89. GRETA 2<sup>nd</sup> report on Cyprus, paragraph 46.

145. **Co-operation with trade unions and NGOs** is essential in order to tackle cases of trafficking for labour exploitation successfully, and needs to be organised in a structured way. By way of example, in Austria, seasonal workers who were brought from Romania by bus, worked up to 60 hours per week and received only part of their wages, contacted trade union representatives who informed the police and following an inspection, a criminal investigation was launched, human trafficking being one of the charged offences.<sup>90</sup> In Greece, the Athens Labour Centre Trade Union (EKA) carries out on-site visits together with the Labour Inspectorate with a view to detecting cases of forced labour.<sup>91</sup>

146. Fraudulent practices of (temporary) employment and recruitment agencies, including the payment of recruitment fees which puts the workers in debt, or non-payment of minimum wage and social insurance contributions, are conducive to human trafficking. The **licensing of employment and recruitment agencies** and the monitoring of their activities is another tool for preventing trafficking for the purpose of labour exploitation.

147. In Georgia, the Law on Labour Migration was adopted in 2015, obliging the registration of legal persons and individual entrepreneurs providing or facilitating employment abroad.<sup>92</sup> In the Republic of Moldova, Law No. 180 of 2008 regulates the activities of private employment agencies that facilitate employment abroad, requiring them to obtain a licence subject to certain criteria.<sup>93</sup> In order to prevent irregular employment of foreign nationals and trafficking for the purpose of labour exploitation, the Labour Law of Latvia was amended in 2014 to oblige employers and temporary employment agencies to specify the registration number of the employers or their name and registration number in job announcements, as well as requiring the provision of information about the work contract to employees in a language they understand.<sup>94</sup>

148. GRETA has noted the need for strengthening the monitoring of employers registered in EU countries and recruiting “posted workers”<sup>95</sup> to other EU countries with a view to preventing the economic exploitation of these workers. In Belgium, the authorities referred to an on-going case involving a Belgian and a Slovak firm which recruited Romanian citizens who had signed contracts with the Slovak firm and were working in Belgium. The workers’ salaries were apparently so low that the Belgian authorities had reasonable grounds to believe that this was a case of trafficking for the purpose of economic exploitation and a criminal investigation was opened.<sup>96</sup>

149. GRETA refers to the Council of Europe Commissioner for Human Rights issue paper “Safeguarding human rights in times of economic crisis”, which stresses that as

---

90. GRETA 2<sup>nd</sup> report on Austria, paragraph 98.

91. GRETA 1<sup>st</sup> report on Greece, paragraph 35.

92. GRETA 2<sup>nd</sup> report on Georgia, paragraph 55.

93. GRETA 2<sup>nd</sup> report on the Republic of Moldova, paragraph 57.

94. GRETA 2<sup>nd</sup> report on Latvia, paragraph 61.

95. As envisaged under Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (‘the IMI Regulation’).

96. GRETA 2<sup>nd</sup> report on Belgium, paragraph 62.

economic conditions deteriorate and the demand for cheap labour increases, strong support for labour inspectors and child protection agencies is needed to combat increasing labour exploitation and child trafficking.<sup>97</sup>

150. GRETA has asked the national authorities of States Parties to intensify their efforts to prevent trafficking for the purpose of labour exploitation by expanding the capacity and mandate of labour inspectors so that they can be actively engaged in the prevention of trafficking, including in private households, and by ensuring that training and sufficient resources are made available to labour inspectors to fulfil their mandate. With a view to preventing trafficking, the regulatory systems concerning migrants working as domestic and care workers should be reviewed. Efforts to prevent trafficking for the purpose of labour exploitation should include the licensing and monitoring of job intermediaries and temporary employment agencies.

### Measures to discourage demand, including through public-private partnerships

151. Article 6 of 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. Further, Article 19 of the Convention contains a provision encouraging Parties to make it a criminal offence to knowingly use the services of a victim of trafficking, with a view to suppressing demand that drives trafficking in human beings. This provision targets the client whether of a victim of trafficking for sexual exploitation or of a victim of forced labour or services, slavery or practices similar to slavery, servitude or organ removal.<sup>98</sup>

152. GRETA's Third General Report (2013) contained a section examining the factors that may drive or facilitate the use of services from trafficked persons and considered policies that may be used to discourage demand, with particular attention to the role and involvement of the private sector.<sup>99</sup>

153. GRETA's second round evaluation reports show that many national action plans contain measures aimed at reducing the demand that fosters human trafficking and some of the evaluated countries have implemented specific measures to discourage demand for labour trafficking.



In **Portugal**, the Immigration and Border Service (SEF) organised information meetings and conferences targeting businesses operating in sectors with high risk of trafficking in human beings for the purpose of labour exploitation, seeking to discourage the use of intermediaries that are not certified in Portugal. For example, the conference "New Migration Flows and Trafficking in Human Begins", which was held in Beja, aimed to clarify the legal forms of recruitment of foreign nationals, identify mechanisms to better regulate the phenomenon and warn of the risks of irregular migration and human trafficking.

97. Council of Europe Commissioner for Human Rights, *Safeguarding human rights in times of economic crisis*, p. 44, available at: <http://rm.coe.int/16806daa3f>

98. Explanatory Report on the Convention, paragraph 231.

99. See pp. 45-50. Available at: <http://rm.coe.int/16805aa45d>.

154. Some cases of trafficking for labour exploitation concern businesses whose contractors and subcontractors exploit trafficked workers. GRETA's reports provide examples of measures to enhance the **transparency of corporate supply chains** which have been taken in some countries.

155. In Denmark, the CMM has issued guidelines for companies and employers on managing the risk of hidden forced labour in 2014, which are available as an interactive web-based toolkit, and include checklists for measures which companies can take to reduce the risk of forced labour in their supply chains and which are also used for training purposes.<sup>100</sup> The manual developed by the CMM was translated into Slovenian in 2016.<sup>101</sup>

156. In the UK, the Gangmasters Licensing Authority (GLA) sought private sector engagement 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>102</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. A multi-stakeholder campaign, "Stronger Together", was developed and launched in 2014 by the GLA, the Association of Labour Providers and the NGO Migrant Help in order to raise awareness of trafficking for forced labour in supply chains. The campaign has a website where a toolkit, a video in several languages, posters and leaflets can be downloaded, as well as a guidance to deter, detect and deal with hidden labour exploitation in supply chains. Online training courses are available and regular workshops are also organised across the UK on "Tackling Modern Slavery in UK Businesses & Supply Chains".<sup>103</sup>

157. In 2016, the Welsh Government adopted a Code of Practice: Ethical Employment in Supply Chains.<sup>104</sup>



In the **United Kingdom**, the transparency in supply chains provisions of the Modern Slavery Act 2015 require business of a certain size to prepare a "slavery and human trafficking statement" for each financial year, indicating the steps taken to ensure that slavery and human trafficking are not present in any of the supply chains and any other part of the business. 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".

158. In France, a law on due diligence by parent companies and principal companies operating with subcontractors was adopted on 21 February 2017. It creates

100. GRETA 2<sup>nd</sup> report on Denmark, paragraph 52.

101. GRETA 2<sup>nd</sup> report on Slovenia, paragraph 51.

102. Available at: [www.gla.gov.uk/Publications/Labour-User-Guidance/](http://www.gla.gov.uk/Publications/Labour-User-Guidance/)

103. GRETA 2<sup>nd</sup> report on the UK, paragraph 90.

104. Available at: <http://gov.wales/docs/dpsp/publications/valuewales/170502-ethical-en.pdf>

an obligation for certain companies<sup>105</sup> to introduce a vigilance plan “geared to identifying and obviating risks of violations of human rights and fundamental freedoms, serious physical harm or environmental damage or health risks resulting from its activities and those of companies under its direct or indirect control, as well as the activities of subcontractors or suppliers over which they exert decisive influence”. The company’s civil liability will be incurred in the event of failure to fulfil the newly created obligations.<sup>106</sup>

159. In Ireland, the 2016 Cross Border Conference focused on engagement with the private sector to raise awareness of the indications of serious labour exploitation in supply chains and advice on prevention to businesses.<sup>107</sup>

160. Initiatives to prevent trafficking for labour exploitation involving the business community are increasingly reported by State Parties. Such **public-private partnerships** are fully in line with the Convention.



In Slovenia, in 2016 a project entitled “Resnica” (“Truth”) aimed at raising awareness of the services and products that are the results of trafficking for labour exploitation, which was implemented in co-operation with the web portal 24ur.com, involving the publication of 27 articles, streaming of five programmes on the TV channel Kanal A. and the creation of a special website with stories on products that may be the result of labour exploitation and recommendations for consumers on how to contribute to the reduction of the problem. Additionally, messages were sent to the companies that deal with such products to create awareness about the issue of labour exploitation.

161. In Denmark, the CMM has made efforts to engage with the private and public sectors to combat trafficking and forced labour. Since 2014 the CMM has been part of the Danish Inter-Ministerial Working Group on Corporate Social Responsibility (CSR). The CMM has prepared sector-specific corporate social responsibility guidelines on combatting human trafficking. The guidelines were distributed at a conference focusing on trafficking for the purpose of forced labour held in November 2014. As part of an awareness-raising campaign, a side event on trafficking for the purpose of labour exploitation was held in connection with a larger event on CSR Awards in 2014. The CMM hosted a similar side event on THB at the 2015 CSR Awards event.<sup>108</sup>

162. In Bulgaria, under the project entitled “NGOs&Co: Co-operation between NGOs and the business in combatting trafficking in human beings”, the Animus Association Foundation organised several business meetings, made direct contacts with some 30 business representatives, including Manpower Bulgaria and JobTiger Bulgaria, and participated in two job fairs.<sup>109</sup>

105. “Any company employing, upon the closure of two consecutive financial years, at least 5 000 employees within the company itself and in direct or indirect subsidiaries whose head office is in France, or at least 10 000 employees within the company itself and in direct or indirect subsidiaries whose head office is in France or abroad.”

106. GRETA 2<sup>nd</sup> report on France, paragraph 112.

107. GRETA 2<sup>nd</sup> report on Ireland, paragraph 97.

108. GRETA 2<sup>nd</sup> report on Denmark, paragraph 53.

109. GRETA 2<sup>nd</sup> report on Bulgaria, paragraph 114.

163. In Portugal, as a reaction to cases of football players, some of them children, having been identified as victims of trafficking for the purpose of labour exploitation, in 2015 the Immigration and Border Service (SEF) signed a protocol with the Portuguese Football Federation, the Portuguese Professional Football League and the Union of Professional Football Players. The protocol aims to promote collaboration, transparency and information-sharing between the parties with a view to preventing such cases in the future.<sup>110</sup>

164. In a human rights comment entitled “Improving protection for victims of forced labour and human trafficking”, the Council of Europe Commissioner for Human Rights has emphasised the need to involve all States and non-state actors in the fight against forced labour and human trafficking, including prevention efforts aimed at all stages of the supply chain in high-risk industries, such as the textile, agriculture and tourism sectors.<sup>111</sup>

165. Building on the 2011 UN Guiding Principles on Business and Human Rights, the Committee of Ministers of the Council of Europe adopted Recommendation CM/Rec(2016)3 on human rights and business, a text that provides guidance to member States regarding human rights violations by business enterprises, including child and forced labour.<sup>112</sup> A number of States Parties have adopted national action plans for implementing the UN Guiding Principles on Business and Human Rights, including measures to address human trafficking.

166. GRETA has asked the authorities of States Parties to work closely with trade unions, civil society and the private sector to raise awareness of trafficking for the purpose of labour exploitation, prevent trafficking in supply chains and strengthen corporate social responsibility, drawing on the Guiding Principles on Business and Human Rights<sup>113</sup> and Recommendation CM/Rec(2016)3 on human rights and business.<sup>114</sup>

167. The majority of the 25 Parties to the Convention so far evaluated under the second evaluation round have adopted provisions **criminalising the use of the services of victims of trafficking, with the knowledge that the person is a victim**. However, there have been very few related convictions. Countries which have reported convictions include Belgium,<sup>115</sup> Bulgaria,<sup>116</sup> Romania<sup>117</sup> and “the former Yugoslav Republic of Macedonia”.<sup>118</sup>

---

110. GRETA 2<sup>nd</sup> report on Portugal, paragraph 74.

111. <http://www.coe.int/en/web/commissioner/-/improving-protection-for-victims-of-forced-labour-and-human-trafficking?desktop=false>

112. <http://edoc.coe.int/en/fundamental-freedoms/7302-human-rights-and-business-recommendation-cmrec20163-of-the-committee-of-ministers-to-member-states.html>

113. [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

114. Recommendation CM/Rec(2016)3 of the Committee of Ministers to member States on human rights and business, adopted by the Committee of Ministers on 2 March 2016 at the 1249<sup>th</sup> meeting of the Ministers’ Deputies.

115. GRETA 2<sup>nd</sup> report on Belgium, paragraph 177.

116. GRETA 2<sup>nd</sup> report on Bulgaria, paragraph 185.

117. GRETA 2<sup>nd</sup> report on Romania, paragraph 170.

118. GRETA 2<sup>nd</sup> report on “the former Yugoslav Republic of Macedonia”, paragraph 150.

168. GRETA stresses that the criminalisation of the use of services which are the object of exploitation as defined in Article 4 of the Convention, with the knowledge that the person is a victim of trafficking in human beings, can have a normative effect and increase public awareness of human trafficking issues, in addition to having a punitive function.

## Identification of victims of trafficking for the purpose of labour exploitation

169. Article 10 of the Convention requires Parties to adopt measures to identify victims of trafficking for all forms of exploitation. In order to do so, Parties must provide their competent authorities with persons who are trained to identify and assist victims and develop an identification procedure which is not subject to the criminal investigation.

170. The identification of victims of trafficking for the purpose of labour exploitation is challenging due to the fact that the persons concerned may not see themselves as victims or mistrust the authorities because they are in an irregular situation. Therefore, relationships of trust need to be established between vulnerable migrant communities and the authorities, such as labour inspectors.

171. Not surprisingly, the number of identified victims remains low in the majority of Parties to the Convention and there is a knowledge gap when it comes to identifying this form of trafficking amongst the relevant professionals.

172. With a few exceptions, the countries evaluated by GRETA in the context of the second evaluation round have set up a **National Referral Mechanism** (NRM) for the identification of victims of trafficking and their referral to support and protection. The NRM defines the roles and responsibilities of stakeholders which can perform identification of victims and who usually include, in addition to law enforcement officers, labour inspectors, migration officials, health-care providers, local administration authorities and NGOs. However, the NRMs of many countries do not sufficiently involve agencies specialised in detecting trafficking for labour exploitation.

173. **Indicators for the identification** of victims of trafficking for the purpose of labour exploitation have been developed and updated in all countries, with the support of international organisations and the involvement of civil society actors. In Austria, the Task Force's working group on human trafficking for the purpose of labour exploitation has elaborated a list of indicators for the identification of victims, with the involvement of relevant practitioners, to help the authorities that establish first contact with possible victims.<sup>119</sup> In Cyprus, the Police Unit for Combating Trafficking in Human Beings uses formalised indicators for reaching a reasonable grounds decision.<sup>120</sup> In Albania, the Labour Inspectorate uses indicators for forced labour drawn up in collaboration with IOM.<sup>121</sup> In several countries which participated in the EuroTraGuld project (Bulgaria, France, Greece, the Netherlands, Romania and

119. GRETA 2<sup>nd</sup> report on Austria, paragraph 96.

120. GRETA 2<sup>nd</sup> report on Cyprus, paragraph 64.

121. GRETA 2<sup>nd</sup> report on Albania, paragraph 97.

Spain), tools and indicators for the first-level identification of victims of trafficking for the purpose of labour exploitation have been distributed to stakeholders.<sup>122</sup>



In Malta, the National Referral Mechanism was applied in the so-called “Leisure Clothing factory case”. In this case, one Chinese and nine Vietnamese workers were employed at a leisure clothing factory. They had been promised wages of 600 Euros per month, but were made to sign contracts for a much lower salary while the Maltese Employment and Training Corporation was shown false work contracts. Based on such false premises, the workers were issued visas and work permits and arrived in Malta. The victims were living in very cramped and poor conditions and were locked in at night. Their passports were taken away and they were told they would be sent back to their countries of origin if they complained. The case was detected by an NGO after which the Police Vice Squad provided the persons with interpreters and formally identified them as victims of trafficking. The Police requested assistance from the Agency Appoġġ and the Jesuit Refugee Service. Appoġġ provided them with emergency shelter, clothing and culturally appropriate food, linked up with medical services for the provision of medical assessments and treatment and liaised with the Immigration Police and Visa Department in view of having residence permits issued, as well as with the Employment and Training Corporation regarding the possibility of new employment. The Jesuit Refugee Service provided support and legal advice to the victims during interviews by the Police and the subsequent court hearings.

174. Further, certain measures have been elaborated to facilitate the self-identification of victims, such as free telephone hotlines, posters at airports and distribution of leaflets.

175. In Greece, there have been relatively few cases of identified victims of trafficking for the purpose of labour exploitation, although there are reports suggesting that the prevalence of forced labour in the sectors of agriculture, cleaning services, tourism and food/beverages production is particularly high. The agricultural sector in particular reportedly employs irregular migrants of Pakistani and Bangladeshi origin, as well as Bulgarians, Romanians, Albanians and other workers from Eastern Europe.<sup>123</sup> GRETA also noted that a sector with a particular risk of trafficking is domestic service, but there are difficulties to identify victims as many have an irregular residence status (e.g. from the Philippines and the Dominican Republic) and are working in the grey economy. Such victims are reluctant to complain and prefer to live in an exploitative situation rather than risk losing their wages.<sup>124</sup>

176. In the UK, according to reports by civil society, victims of human trafficking for the purpose of forced labour, including domestic servitude, are frequently turned away from police stations when they report withheld passports or wages because these are seen as civil claims and there is insufficient awareness about the situation of trafficking for forced labour.<sup>125</sup> In Slovenia, in 2015 the police investigated nearly

122. Available at: <http://www.expertisefrance.fr/eng/What-we-do/Stability-Safety-and-Security/Identification-of-Victims-of-Trafficking-in-Human-Beings-EuroTrafGuID-Project>

123. GRETA 1<sup>st</sup> report on Greece, paragraph 140.

124. GRETA 1<sup>st</sup> report on Greece, paragraph 142.

125. GRETA 2<sup>nd</sup> report on the UK, paragraph 158.



5 000 violations of labour rights without establishing that there had been trafficking for labour exploitation, whereas NGOs and trade unions informed GRETA of cases which could amount to human trafficking but were treated as labour rights violations due to the low awareness of the relevant authorities regarding the indicators of human trafficking.<sup>126</sup>

177. GRETA has urged States Parties to pursue a proactive approach to the identification of victims of trafficking for the purpose of labour exploitation by encouraging regular and co-ordinated multi-agency inspections in the sectors most at risk, and by regulating and monitoring private employment agencies and domestic work. Further, GRETA has stressed the need for a multidisciplinary approach to the identification of victims of trafficking, which gives a formal role in the identification process to frontline actors such as NGOs, labour inspectors, social workers, health-care staff and other bodies which may come into contact with victims of trafficking.

### **Assistance to victims of trafficking for the purpose of labour exploitation**

178. The Convention requires States Parties to provide assistance to victims and presumed victims of trafficking regardless of nationality, gender or form of exploitation, and to ensure that assistance is not made conditional on the victim's co-operation in the investigation and criminal proceedings. Assistance should be tailored to the person's needs and should encompass access to various support services, as provided in Article 12, paragraphs 1 and 2, of the Convention. The victim-centred approach of the Convention can be met only through multi-agency co-operation, such as in the framework of a National Referral Mechanism, involving a series of public bodies and NGOs working together to ensure that the needs of victims are met.

179. The provision of assistance to victims of trafficking for the purpose of labour exploitation has specificities linked to the fact that the majority of these victims are men who may fear losing their jobs and any payments due, feel responsible for what

<sup>126</sup>. GRETA 2<sup>nd</sup> report on Slovenia, paragraph 93.

happened to them and not see themselves as victims. Providing support to victims of trafficking for labour exploitation therefore requires an approach which addresses these particular factors. The availability of information on their rights, in languages the victims can understand, as well as qualified interpretation and specialised legal assistance, are crucial for building trust with the victims, helping them understand their situation and increasing the chances of successful investigation and prosecution.

180. GRETA's reports under the first evaluation round found that only nine countries offered appropriate support, including shelters, to male victims of trafficking.



**In Belgium**, there are three specialised reception centres for adult victims of trafficking, irrespective of gender or type of exploitation, which are run respectively by the NGOs Pag-Asa, Payoke and Sürya. For example, in 2015 the shelter run by Sürya accommodated 27 victims of trafficking for the purpose of economic exploitation, seven victims for the purpose of sexual exploitation and one victim of exploitation for forced begging. In addition to accommodation, the specialised centres provide legal aid and psychosocial support as well as medical assistance. Each centre has a multidisciplinary team including educators, criminologists and social workers. They help the trafficked people to take back control of their lives and build a plan for the future (for example, through enrolment in language classes or vocational training, job hunting). The specialised centres can also request the Foreigners' Office to issue residence permits for victims. Further, the specialised centres provide necessary out-of-shelter assistance to victims not residing at their premises.

181. At the time of the first visit to the UK, the GRETA delegation visited a safe house for victims of trafficking run by Migrant Help in Paisley, near Glasgow. The majority of the trafficking victims supported by Migrant Help had been victims of labour exploitation, primarily men. The services offered to victims included health care, specialised counselling, toiletries and clothing if needed, training and English lessons, help with documentation and appointments with consulates/embassies, solicitors and officials. Migrant Help operated an interpreter service (Clear Voice) and received victims around the clock. For those with leave to remain in the UK, Migrant Help provided assistance in finding work and accommodation. Assistance in returning to the country of origin or a safe third country was also offered.<sup>127</sup>



**In cases of labour exploitation**, large groups of victims can be detected at the same time, for example as a result of a raid or an action day. In the **Netherlands**, a strategy for large groups of victims, often of labour exploitation, has been devised by the Ministries of Security and Justice, Health, Welfare and Sports, and Social Affairs and Employment, together with the NGO CoMensha, according to which the latter is to be contacted in advance of any major action where there is an expected need. The Dutch authorities made available funding to the NGO CoMensha to organise temporary shelter for victims of labour exploitation at least for the duration of the investigation period.

---

127. GRETA 1<sup>st</sup> report on the UK, paragraph 269.

182. The second evaluation round has brought to light some improvements in certain countries when it comes to assisting male victims of trafficking. For example, in Austria, a support centre for male victims of human trafficking was set up in early 2014, financially supported by the Federal Ministry of Labour, Social Affairs and Consumer Protection.<sup>128</sup> In Portugal, a shelter for male victims of trafficking was opened after the first evaluation visit. It is run by the NGO Saúde em Português. At the time of GRETA's second visit, six men were hosted; five were presumed victims of forced labour and one had been detected in a slavery-like situation. They had been referred by the Judicial Police, the Immigration and Border Service (SEF) or the multi-disciplinary teams.<sup>129</sup>

183. However, in several countries, there are still no shelters or crisis centres providing assistance to male victims of trafficking. GRETA is concerned by this continuing lacuna, which is all the more worrying given the increasing number of male victims. GRETA has urged the authorities of the States Parties concerned to provide assistance, including safe accommodation, adapted to the specific needs of male victims of trafficking.

### Compensation and legal redress

184. Pursuant to Article 15 of the Convention, victims of human trafficking should be able to obtain compensation and legal redress, either from the State or from the perpetrators.

185. There is in general a scarcity of available information on compensation awarded to victims of trafficking for the purpose of labour exploitation. In many countries, there is no recorded information on any compensation received by victims of trafficking and several countries still lack State compensation schemes accessible to victims of trafficking.

186. Nevertheless, some countries have provided examples of compensation awarded to victims of trafficking for the purpose of labour exploitation. In the Republic of Moldova, the authorities referred to a sentence by the Buiucani Court (Chisinau municipality) of 17 October 2014, by which 14 Moldovan citizens who were recruited to work in the Russian Federation in 2012 were each awarded compensation from the perpetrators of 32 160 MDL (equivalent to about 1 430 euros).<sup>130</sup> In France, one recent example reported to GRETA by civil society involved a trafficking victim who had received compensation of 13 000 euros from the perpetrator for six years of labour exploitation.<sup>131</sup>

 In Belgium, there has been an increase in compensation awards to victims of trafficking during criminal proceedings. By way of example, compensation was awarded in cases of labour exploitation in a bakery (March 2013, Brussels Criminal Court), construction (June 2013, Charleroi Criminal Court) and an equestrian centre (April 2014, Antwerp Court of Appeal). In a trafficking case tried by

128. GRETA 2<sup>nd</sup> report on Austria, paragraph 112.

129. GRETA 2<sup>nd</sup> report on Portugal, paragraph 118.

130. GRETA 2<sup>nd</sup> report on the Republic of Moldova, paragraph 137.

131. GRETA 2<sup>nd</sup> report on France, paragraph 210.

the Brussels Criminal Court in 2015, the defendant charged with trafficking for economic exploitation was ordered to pay to the victims compensation of 215 189.99 euros. However, in this case the compensation could not be paid as no assets were seized during the investigation and the defendant had no property which could be confiscated.

187. GRETA's monitoring under the second evaluation round suggests that in several countries, some progress has been made in the area of compensation to victims of trafficking. Thus in the UK, victims of trafficking for the purpose of domestic servitude and forced labour can bring a case before an employment tribunal, in particular to recover unpaid wages. Irregular migrant workers used to be unable to access compensation for unpaid wages under employment law due to the "doctrine of illegality", because of their immigration status. However, in *Hounga (Appellant) v Allen and another (Respondent)*, the UK Supreme Court, reversing the decision of the Court of Appeal, held that to uphold the defence of illegality in this case ran counter to the greater public policy interest in combating human trafficking and protecting its victims, including against discrimination. The judgment is a significant one in advancing the human rights of trafficked persons.<sup>132</sup>

188. In Austria, an amendment to the Victims of Crime Act in 2013 introduced the possibility of granting compensation to victims of trafficking whose stay in Austria was irregular at the time of the crime. Further, special departments for proprietary measures were 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; these departments are concerned with proprietary orders to ensure that assets are seized and victims of trafficking are eventually able to obtain compensation from perpetrators. Illegally employed foreigners can sue the business operator having employed them for their outstanding claims and perpetrators can be fined or imprisoned for not paying; in this regard the Chamber of Labour provides legal support together with the LEFÖ-IBF through labour law court proceedings.<sup>133</sup>



In Ireland, persons who have been trafficked for the purpose of labour exploitation can seek legal redress and compensation through a number of State bodies which deal specifically with work-related rights and entitlements. While NGOs such as the Migrant Rights Centre Ireland (MRCI) have supported victims in accessing labour courts for monies owed to them under the employment legislation, this is separate to achieving compensation for the crime of human trafficking. According to information provided by the Irish authorities, in November 2014, three Filipina domestic workers were awarded 80 000 euros each by the Employment Appeals Tribunal on the basis of an unfair dismissal claim they brought against the United Arab Emirates Ambassador to Ireland and his wife.

189. Despite the positive examples, effective access to compensation remains out of reach for most trafficked people. This amounts to a major failing of States

132. *Hounga (Appellant) v Allen and another (Respondent)* [2014] UKSC 47 as referred to in GRETA 2<sup>nd</sup> report on the UK, paragraph 239.

133. GRETA 2<sup>nd</sup> report on Austria, paragraphs 144-147.

Parties in their duty to help trafficked people, and makes their rehabilitation all the more difficult. GRETA has called on the authorities of most States Parties to enable victims of trafficking to exercise their right to compensation by including victim compensation in training programmes for law enforcement officials, prosecutors and judges, building the capacity of legal practitioners to support victims to claim compensation, making the State compensation scheme effectively accessible to victims of trafficking, and making full use of the existing legislation on the freezing and forfeiture of assets to secure compensation to victims of trafficking.

190. GRETA refers to the 2014 Protocol to the 1930 ILO Forced Labour Convention, which requires Parties to provide protection and access to appropriate and effective remedies to victims, irrespective of their legal status.

### **Non-punishment of victims of human trafficking**

191. Most of the States Parties evaluated by GRETA in the course of the second evaluation round have adopted specific legal provisions reflecting Article 26 of the Convention and in many countries guidance has been issued to prosecutors and other relevant professionals on the non-punishment provision.<sup>134</sup>

192. Several GRETA reports provide examples of the application of the non-punishment provision to victims of human trafficking for the purpose of labour exploitation. Thus in Croatia, GRETA was informed of a case where victims of trafficking for the purpose of labour exploitation involved in illegal slaughtering were not prosecuted for this offence.<sup>135</sup>

193. However, GRETA reports also provide examples of cases where the non-punishment provision was not applied. For example, in the Slovak Republic, some 200 Ukrainian nationals who worked on construction sites were treated as irregular migrants and deported. A criminal investigation was initiated in 2009 and the specialised criminal court, while establishing that the persons in question were transported to the Slovak Republic illegally, worked for an extremely low pay and had constant supervision of their movement, did not consider that these elements amounted to human trafficking, but delivered a judgment for illegal smuggling of migrants. This judgment was appealed by the prosecution and the case was pending at the Supreme Court.<sup>136</sup>

194. In the UK, the Immigration Act 2016 creates an offence of illegal working, including a fine or a prison sentence for the irregular migrant. The UK authorities have stated that victims of modern slavery or human trafficking have a strong statutory defence in section 45 of the Modern Slavery Act 2015 and are not the targets of the new criminal offence. However, GRETA asked the UK authorities to closely monitor the implications of the new offence of illegal working for the identification of victims

---

134. See, for example, GRETA 2<sup>nd</sup> report on the UK, paragraph 286; GRETA 2<sup>nd</sup> report on Belgium, paragraph 180; GRETA 2<sup>nd</sup> report on Denmark, paragraph 158.

135. GRETA 2<sup>nd</sup> report on Croatia, paragraph 152.

136. GRETA 2<sup>nd</sup> report on the Slovak Republic, paragraph 160.

of trafficking, the application of the non-punishment provision and the prosecution of offenders.<sup>137</sup>

195. GRETA has stressed that the scope of the non-punishment provision should cover all offences which victims of trafficking were compelled to commit, including administrative and immigration-related offences.

### Investigating and prosecuting cases of trafficking for the purpose of labour exploitation

196. In the majority of countries evaluated under the second evaluation round of the Convention, available statistical information on investigations, prosecutions and convictions in human trafficking cases was not disaggregated by form of exploitation. Nevertheless, it is clear that there have been few successful prosecutions and convictions for trafficking for the purpose of labour exploitation.

197. Many States Parties have referred to difficulties regarding the prosecution of cases of trafficking for the purpose of labour exploitation. By way of example, the Cypriot authorities noted that the element of coercion in forced labour was often not clear, victims of forced labour rarely complained, and there was sometimes a thin line between trafficking and violations of the labour legislation.<sup>138</sup> In the Republic of Moldova, the authorities stated that in cases of labour exploitation in the construction sector, the victims were exploited by sub-contractors who did not use contracts and made no banking or accounting transactions with the final beneficiaries of the exploited labour.<sup>139</sup> In Armenia, the investigation of cases of trafficking for the purpose of labour exploitation was hampered by the fact that evidence related to the offences was located mainly abroad and international co-operation was inefficient.<sup>140</sup> In the UK, GRETA was informed that knowledge of human trafficking was uneven amongst judges, leading to judgments where the forced labour irregular migrants were subjected to was weighed against their irregular migration status.<sup>141</sup> In the report on France, GRETA noted that the fact that exploiters often accuse victims of committing offences against them can also explain why the offence of trafficking is not prosecuted, since victims are regarded *prima facie* as offenders.<sup>142</sup>

198. A study on case law relating to trafficking in human beings for labour exploitation published by the European Commission in 2015 found a limited number of prosecuted cases, while in six Member States no case law on labour exploitation was identified.<sup>143</sup> The study identified as one of the key issues the wide-ranging differences in understanding of what constitutes trafficking for forced labour. It noted that the scope of the meaning of forced labour, and in some instances restrictive

137. GRETA 2<sup>nd</sup> report on the UK, paragraph 157.

138. GRETA 2<sup>nd</sup> report on Cyprus, paragraph 148.

139. GRETA 2<sup>nd</sup> report on the Republic of Moldova, paragraph 174.

140. GRETA 2<sup>nd</sup> report on Armenia, paragraph 166.

141. GRETA 2<sup>nd</sup> report on the UK, paragraph 310.

142. GRETA 2<sup>nd</sup> report on France, paragraph 266.

143. Available at: [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study\\_on\\_case\\_law\\_on\\_trafficking\\_for\\_the\\_purpose\\_of\\_labour\\_exploitation\\_2.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_case_law_on_trafficking_for_the_purpose_of_labour_exploitation_2.pdf)

interpretations by courts, lead to acquittals or cases being prosecuted under alternative offence provisions.

199. In the Republic of Moldova, a study on “Monitoring trafficking in human beings – analysis of status and dynamics of crimes for 2013” revealed that trafficking for labour exploitation constituted 22% of all criminal cases initiated under Section 165 of the Criminal Code, or 37% of the total number of victims recorded under this section.<sup>144</sup>



Belgium is one of the few countries where there are disaggregated statistics on investigations, prosecutions and convictions, according to which there were 548 investigations of human trafficking for the purpose of economic exploitation in 2012-2015 (i.e. 40% of all investigations initiated into human trafficking offences). The rate of convictions was 30-40% in cases of trafficking for the purpose of economic exploitation (as opposed to 60-70% in cases of trafficking for the purpose for sexual exploitation). There are labour prosecutors specialised in the investigation and prosecution of cases of human trafficking for economic exploitation, which is instrumental for tackling this form of trafficking. By way of example, GRETA's second report refers to a case of exploitation of a Brazilian man in a horse-riding school, in which a Belgian businessman and his wife were convicted of human trafficking. In another case concerning Chinese workers exploited in the construction sector in Charleroi from 2008 to 2010, a Chinese national and his daughter were convicted of trafficking of human beings and smuggling of migrants by Charleroi Criminal Court on 7 June 2013.

200. In Austria, there was a Supreme Court ruling in a case involving trafficking for labour exploitation of a girl, involving domestic servitude and physical abuse, in the period 1999-2006. The accused were convicted under several provisions of the Criminal Code: tormenting an under-age or defenceless person (Section 92), severe coercion (Sections 105 and 106), trafficking in human beings (Section 104a) and organised serious fraud (Sections 146, 147 and 148). The Supreme Court accepted several of the claims of the accused and referred the case back to the court of first instance. The conviction for human trafficking was not attacked as such, but the application of the aggravating circumstances contained in paragraph 4 of Section 104a (“particularly serious harm”) was repealed because the first instance judgment had not contained sufficient factual basis for it.<sup>145</sup>

201. In Denmark, two cases involving trafficking for the purpose of labour exploitation were prosecuted, but neither of them resulted in convictions. Both cases involved men exploited in the cleaning sector. In the so-called “Garage Case”, the district court acquitted the defendants of human trafficking charges, but the prosecution appealed the case to the High Court, which found that the victims were not in a situation where they had no alternative but to do the work as they were free to leave the premises and were therefore not victims of human trafficking for the purpose of forced labour. The court emphasised the fact that the persons in question were in possession of identity papers, money and a certain network of family and

144. GRETA 2<sup>nd</sup> report on the Republic of Moldova, paragraph 172.

145. GRETA 2<sup>nd</sup> report on Austria, paragraph 184.

friends. On 4 March 2015 the High Court delivered its decision, in which the defendants were acquitted of the trafficking charge, but convicted of usury pursuant to Sections 282 and 279 of the CC. In the second case, known as the “Cellar Case”, the charge of human trafficking was rejected by the district court because the description of the criminal act did not fulfil the requirements in the Administration of Justice Act. The case was appealed to the High Court by the prosecution, but withdrawn after the High Court decision on the “Garage Case”.<sup>146</sup>

202. In the United Kingdom, in the linked cases of *Benkharbouche and Janah*, two Moroccan domestic workers previously employed in the Embassies of Sudan and Libya respectively, brought claims for unfair dismissal. The Supreme Court held that sections 4(2)(b) and 16(1)(a) of the State Immunity Act 1978, which confer immunity in English law, are incompatible with Article 6 of the European Convention on Human Rights and Article 47 of the EU Charter. These cases are particularly significant given the vulnerability of domestic workers in diplomatic households to labour exploitation, including trafficking.<sup>147</sup>

203. GRETA recalls the positive obligation of States to investigate human trafficking, established by the European Court of Human Rights in its judgement in the case of *Rantsev v. Cyprus and Russia* and confirmed in *Chowdury and others v. Greece*. GRETA’s recommendations to States Parties stress the need to strengthen efforts to investigate and prosecute cases of trafficking for the purpose of labour exploitation, including by improving the knowledge of investigators, prosecutors and judges about the seriousness of human trafficking, the severe impact of exploitation on the victims and the need to respect their human rights.

## Corporate liability

“Each Party shall adopt such legislative and other measures as may be necessary to ensure that a legal person can be held liable for a criminal offence established in accordance with this Convention, committed for its benefit by any natural person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, based on:

- a. a power of representation of the legal person;
- b. an authority to take decisions on behalf of the legal person;
- c. an authority to exercise control within the legal person.”

(Article 22, paragraph 1, of the Convention).

146. GRETA 2<sup>nd</sup> report on Denmark, paragraphs 174-175.

147. *Benkharbouche and Janah* [2017] UKSC 62, referred to in GRETA 2<sup>nd</sup> report on the United Kingdom, paragraph 102. In another recent case concerning domestic service in a diplomatic household (*Reyes v Al-Malki and another* [2017] UKSC 61), the Supreme Court found that diplomatic immunity did not arise since the diplomatic agent was no longer in post and had left the UK, and the employment and exploitation of Ms Reyes were not acts performed as part of the agent’s diplomatic functions.

204. All but one of the State Parties evaluated by GRETA have legislation according to which legal persons can be held liable for human trafficking offences.<sup>148</sup> However, only five of the 25 countries evaluated so far under the second evaluation round have reported cases in which corporate liability was invoked in human trafficking cases (Belgium, Cyprus, Malta, Portugal and the UK).

205. In Belgium, MYRIA's report of 2016 refers to a case involving trafficking for labour exploitation concerning a transport company where legal persons were sanctioned.<sup>149</sup> Another example of a conviction of legal entities for acts of trafficking was the decision of the Ghent regional court of 5 November 2012. In that case, a company (a chain of motorway cafes as the order-giver) used the services of a contractor for the cleaning of its toilets. That contractor used solely foreign employees who worked seven days a week from 7 a.m. to 10 p.m. for 45 euros a day. Both the contractor employing the workers and the order-giver, which was fully aware of their working conditions, were sentenced to pay fines of 528 000 euros and 99 000 euros respectively.<sup>150</sup>

206. In Cyprus, there were three cases of private companies investigated for labour exploitation from 2011 to 2013, including a number of Indian nationals and one Sri Lankan who were identified as victims of human trafficking by the Police Office for Combatting trafficking in human beings.<sup>151</sup>

207. In Malta, corporate liability is regulated by Article 121D of the Criminal Code in conjunction with Article 248E(3), which were invoked by the prosecution in the case *Police vs Han Bin* (known as the "Leisure Clothing factory case") which concerned foreign workers employed at a leisure clothing factory, in very poor conditions, whose passports were taken away.<sup>152</sup>

208. In Portugal, in two cases of trafficking for the purpose of labour exploitation tried by the Country Court of Beja, small businesses were convicted and imposed the sanction of closure.<sup>153</sup>

209. In the UK, a prosecution in February 2016 saw the first conviction of a company director under the Modern Slavery Act 2015, involving a conspiracy to traffic for forced labour in which the company director of two bed-making factories knew or ought to have known that the workers he employed were victims of human trafficking.<sup>154</sup>

210. GRETA has urged the national authorities of most States Parties to carry out a review on the application of the corporate liability provision to examine why no legal entities have been punished for trafficking-related acts and to take necessary measures to ensure that criminal liability is effectively applied.

---

148. Armenia still does not provide for the liability of legal persons for their involvement in criminal offences. See GRETA 2<sup>nd</sup> report on Armenia, paragraph 154.

149. GRETA 2<sup>nd</sup> report on Belgium, paragraph 178. More information available at: <http://www.myria.be/files/EN-RATEH-2016-DEF.pdf>

150. GRETA 1<sup>st</sup> report on Belgium, paragraph 208.

151. GRETA 2<sup>nd</sup> report on Cyprus, paragraph 136.

152. GRETA 2<sup>nd</sup> report on Malta, paragraphs 78 and 141-142.

153. GRETA 2<sup>nd</sup> report on Portugal, paragraph 169.

154. GRETA 2<sup>nd</sup> report on the UK, paragraph 283. *R v "R", "P" & "D"* [2015] EWCA Crim 2079.

# Appendix 1

Chart of signatures and ratifications of Treaty 197

Council of Europe Convention on Action against Trafficking in Human Beings

Status as of 31/12/2017

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

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

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

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

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

#### Notes

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

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

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

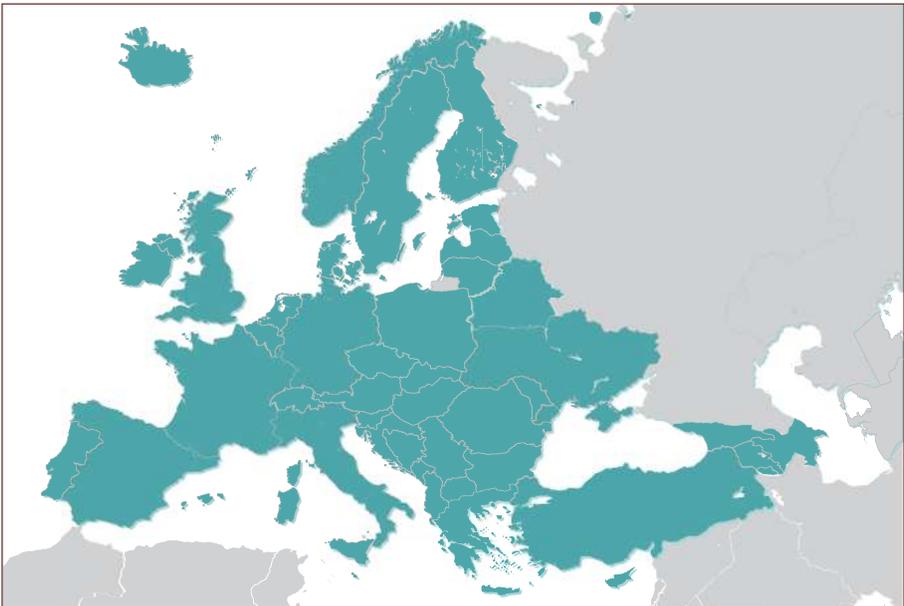
Source: Treaty Office on <http://conventions.coe.int>

# Appendix 2

## GRETA's field of operations

### States bound by the Convention

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





## Appendix 3

List of GRETA members  
(as at 31 December 2017)

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



## Appendix 4

---

### Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings (as at 31 December 2017)

Ms Petya Nestorova, Executive Secretary of the Convention

#### **Monitoring mechanism of the Convention (GRETA and Committee of the Parties)**

Mr David Dolidze, Administrator

Mr Markus Lehner, Administrator

Mr Mats Lindberg, Administrator

Ms Melissa Charbonnel, Administrative Assistant

Ms Giorgia Spada, Administrative Assistant <sup>155</sup>

#### **Organisation of co-operation activities**

Mr Alexander Bartling, Administrator

Ms Fabienne Schaeffer-Lopez, Administrative Assistant

Ms Nadia Marino, Administrative Assistant <sup>156</sup>

Ms Ursula Sticker, Administrative Assistant <sup>157</sup>

Mr Fatih Susuz, official seconded by the Turkish authorities

---

155. Employed as from 3 April 2017.

156. Employed as a temporary replacement for a permanent staff member until 31 March 2017

157. Employed as a temporary replacement for a permanent staff member until 30 June 2017

# Appendix 5

---

## List of GRETA's activities during the period 1 January to 31 December 2017

### GRETA meetings

- ▶ 28th meeting on 27-31 March 2017
- ▶ 29th meeting on 3-7 July 2017
- ▶ 30th meeting on 20-24 November 2017

### Meetings of GRETA's Bureau

- ▶ 1 March 2017 (Strasbourg)
- ▶ 19 May 2017 (Paris)
- ▶ 22 September 2017 (Paris)

### Induction meeting for new GRETA members, 2 March 2017

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

- ▶ 21 September 2017 (Paris)
- ▶ 19 November 2017 (Strasbourg)

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

- ▶ "the former Yugoslav Republic of Macedonia" (2nd evaluation round) 20-23 February 2017
- ▶ Serbia (2nd evaluation round) 6-10 March 2017
- ▶ Slovenia (2nd evaluation round) 10-13 April 2017
- ▶ Sweden (2nd evaluation round) 8-12 May 2017
- ▶ Estonia (1st evaluation round) 15-19 May 2017
- ▶ Spain (2nd evaluation round) 5-9 June 2017
- ▶ Ukraine (2nd evaluation round) 2-6 October 2017
- ▶ Luxembourg (2nd evaluation round) 2-5 October 2017
- ▶ Azerbaijan (2nd evaluation round) 23-26 October 2017
- ▶ Netherlands (2nd evaluation round) 11-15 December 2017
- ▶ Hungary (urgent procedure visit) 18-20 December 2017

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

- ▶ Italy (urgent procedure report) 30 January 2017
- ▶ Malta (2nd evaluation round) 16 March 2017
- ▶ Portugal (2nd evaluation round) 17 March 2017
- ▶ Armenia (2nd evaluation round) 20 March 2017
- ▶ Latvia (2nd evaluation round) 23 March 2017
- ▶ Norway (2nd evaluation round) 21 June 2017
- ▶ Belarus (1st evaluation round) 3 July 2017
- ▶ France (2nd evaluation round) 6 July 2017
- ▶ Bosnia and Herzegovina (2nd evaluation round) 17 July 2017
- ▶ Ireland (2nd evaluation round) 20 September 2017
- ▶ Greece (1st evaluation round) 18 October 2017
- ▶ Belgium (2nd evaluation round) 16 November 2017
- ▶ Poland (2nd evaluation round) 17 November 2017



## Appendix 6

---

List of activities organised to support the implementation of GRETA's recommendations during the period 1 January to 31 December 2017

### Round-table meetings

- ▶ Rome, Italy (6 April 2017)
- ▶ Budapest, Hungary (10 April 2017)
- ▶ Berlin, Germany (9 May 2017)
- ▶ Bern, Switzerland (10 October 2017)

### Other activities

- ▶ Training session on financial investigations in human trafficking cases 25-26 April 2017, Kyiv, Ukraine
- ▶ Event to mark the European Anti-Trafficking Day, in co-operation with the City of Strasbourg, the Prefect of the Grand Est Region and the Academy of Strasbourg, "Child trafficking: new faces of slavery, in France as well» 18 October 2017, Strasbourg
- ▶ Regional Expert Workshop on enhancing international legal co-operation in the fight against trafficking in human beings and the protection of victims' right 8-9 November 2017, Sofia, Bulgaria

# Appendix 7

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

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

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

# Appendix 8

---

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

*Strasbourg, 24-25 January 2017*

Study Visit of Lawyers of Kosovo\* Bar Association to the Council of Europe

*Strasbourg, 27 January 2017*

Meeting of the Council of Europe Intersecretariat Task Force on the Rights of the Child

*Strasbourg, 31 January 2017*

9th OHCHR-Council of Europe Co-ordination Meeting, Thematic focus: Migration / Migrants in Particularly Vulnerable Situations

*Wilton Park (United Kingdom), 20-22 February 2017*

Event on research and policy initiatives to tackle the exploitation, trafficking and modern slavery of refugee and displaced children

*Vienna (Austria), 3-4 April 2017*

17th OSCE Alliance against Trafficking in Persons Conference - Trafficking in Children and the Best Interests of the Child

*Cebu (Philippines), 5 May 2017*

ASEAN - Meeting to Discuss the Establishment of a Network of National ACTIP Representatives

*Brussels (Belgium), 10 May 2017*

Addressing Demand Trafficking in Human Beings: DemandAT Final Conference

*Strasbourg, 11 May 2017*

Meeting of the Lanzarote Committee - Presentation of GRETA's 6th General Report of Activities

*Strasbourg, 31 May 2017*

53rd MONEYVAL Plenary - Presentation by the MONEYVAL Chairman on "Disrupting Financial Flows associated with Slavery, Human Trafficking, Forced Labour and Child Labour"

*London (United Kingdom), 6 June 2017*

Trafficking & Brexit – conference hosted by the UK Anti-Trafficking Monitoring Group

*Strasbourg, 9 June 2017*

Council of Europe High-level Seminar Human Rights and Business - Promoting the effective implementation of global and regional instruments - Steering Committee for Human Rights (CDDH)

*Strasbourg, 27 June 2017*

Study visit of French magistrates to the Council of Europe - Presentation on the Council of Europe Convention and GRETA's work

---

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

*Skopje ("the former Yugoslav Republic of Macedonia"), 28 June 2017*

Seminar on Trafficking in Human Beings for the purpose of labour exploitation  
Horizontal Facility Action on Preventing and Combating Trafficking in Human Beings

*Vienna (Austria), 30 June 2017*

Meeting of National Anti-Trafficking Co-ordinators and Rapporteurs from the OSCE Region

*Moscow (Russian Federation), 20-21 July 2017*

Conference on the Public-Private Partnership in the Fight Against Human Trafficking  
– OSCE/MFA of the Russian Federation

*Vienna (Austria), 4-5 September 2017*

UN Global compact for safe, orderly and regular migration - Fifth Informal Thematic Session: "Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficking victims"

*Rome (Italy), 14-15 September 2017*

International workshop - European Parliamentarians fighting modern day slavery

*Minsk (Belarus), 26 September 2017*

Round Table on the Promotion of GRETA's and CEDAW's recommendations in Belarus

*Vienna (Austria), 29 September 2017*

International Round Table Re-Branding Human Trafficking - The Interface of Migration, Human Trafficking and Slavery

*London (UK), September 2017*

Human Trafficking: Myths and Realities, invited paper delivered at the International Weekend of the Law Society Junior Lawyers Division

*Brussels (Belgium), 1-3 October 2017*

Meeting to discuss the new agenda and plan for NATO on implementing UNSCR 1325 "Women. Peace. Security", which includes preventing and combating human trafficking

*Warsaw (Poland), 11-12 October 2017*

OSCE Human Dimension Seminar on children in situations of risk

*Madrid (Spain), 16 October 2017*

Council of Europe - UNHCR round table on Preventing, Combating and Responding to Sexual and Gender Based Violence and Trafficking in Human Beings in the Context of Migration and Asylum

*Vienna (Austria), 20 October 2017*

Human trafficking in conflict and crisis situations - OSCE & Austrian Task Force against Human Trafficking

*Torino (Italy), 25-26 October 2017*

Conference closing the project "Beside You - Beside the Victims: Knowledge Sharing, Co-operation and Crime Investigation across Europe against Trafficking in Human Beings"

*Skopje ("the former Yugoslav Republic of Macedonia") 25-27 October 2017*

Meetings organised by La Strada International and La Strada Belarus, on the preparation of an analytical report on the main findings and possible impact of GRETA recommendations

*Vienna (Austria), 27 October 2017*

26th meeting of the Co-ordination Group between the Council of Europe and the OSCE

*Brussels (Belgium), October 2017*

European Parliament - A Multi-disciplinary Approach to Human Trafficking, address at book launch for the Routledge Handbook of Human Trafficking

*Brussels (Belgium), 7-8 November 2017*

11th European Forum on the Rights of the Child - deprivation of liberty of children

*Sofia (Bulgaria), 8-9 November 2017*

Regional Expert Workshop on Enhancing International Co-Operation in the Fight against Trafficking in Human Beings and the Protection of Victims' Rights

*Belgrade (Serbia), 9 November 2017*

Round-Table Meeting on Good Practices for Establishing a State Compensation Scheme for Victims of Trafficking in Human Beings - Horizontal Facility Action on Preventing and Combating Trafficking in Human Beings

*Skopje ("the former Yugoslav Republic of Macedonia"), 10 November 2017*

International Seminar on Good Practices for Establishing a State Compensation Scheme for Victims of Trafficking in Human Beings - Horizontal Facility Action on Preventing and Combating Trafficking in Human Beings

*Mexico City (Mexico), 9 November 2017*

International Conference on trafficking and migration - National Commission on Human Rights and National Autonomous University of Mexico

*Mexico City (Mexico), 10 November 2017*

Presentation of Council of Europe anti-trafficking work to the Commission on THB - Senate of the Republic of Mexico

*Prague (Czech Republic), 15-16 November 2017*

12th meeting of the Council of Europe Gender Equality Commission –the thematic discussion on the "Situation of migrant women and families" including the issue of identification of (presumed) victims of trafficking among migrants

*Doha (Qatar), 4-7 December 2017*

INTERPOL - 5th Global Trafficking in Human beings and Smuggling of Migrants Conference, Expert group and ISON meetings

*Warsaw (Poland), 13-14 December 2017*

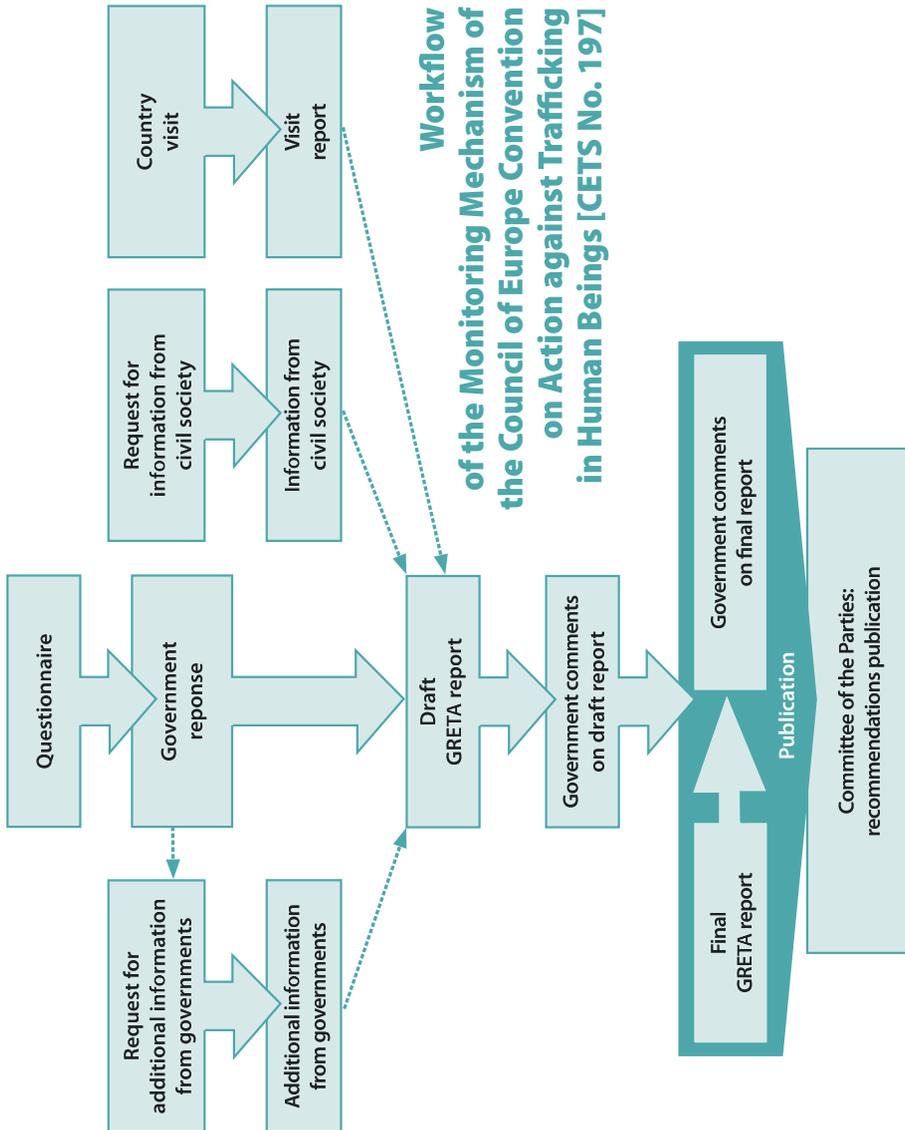
ODIHR Advisory Group Meeting on the review of the National Referral Mechanism Handbook

*Vienna (Austria), 15 December 2017*

Alliance Expert Co-ordination Team (AECT) meeting organised by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings

# Appendix 9

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



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

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE