

STOCK-TAKING of GRETA's third evaluation round

of the implementation of the Convention on
Action against Trafficking in Human Beings

Access to justice
and effective remedies
for victims of trafficking
in human beings



GRETA
Group of Experts on Action against
Trafficking in Human Beings



Stock-taking of GRETA's third evaluation round

Group of Experts on Action against
Trafficking in Human Beings
(GRETA)

Council of Europe

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INTRODUCTION

At its 44th plenary meeting (27 June - 1 July 2022), the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) decided to carry out a stock-taking of the third evaluation round of the Convention on Action against Trafficking in Human Beings, which was launched in November 2018. The purpose of this stock-taking is to prepare a horizontal review of GRETA's country evaluation reports, addressing the main articles of the Convention, and identifying promising practices, common challenges and remaining gaps.

The stock-taking is based on the third evaluation round reports adopted by GRETA by the end of 2023 (35 reports).¹ It features an analysis of the articles of the Convention that are addressed under the third evaluation round, which focuses on access to justice and effective remedies for victims of trafficking in human beings (THB). Accordingly, it does not systematically address all articles of the Convention.

Each article of the Convention under review is premised by an introduction outlining the provision, as interpreted by the Explanatory Report to the Convention and taking into account GRETA's analysis of the substantive content of obligations contained in the Convention. The introduction is followed by promising practices that have been identified by GRETA which are showcased as they can serve as an example for other Parties. Following the promising practices, the stock-taking provides an assessment of the challenges and shortcomings identified by GRETA across State Parties to the Convention. This review does not purport to be exhaustive and not all parties are cited systematically - only a selection of examples that are relevant for the specific issue are referred to. The stock-taking also identifies, where applicable, issues that are unique to specific parties. GRETA's recommendations to address the challenges identified are also cited.

GRETA has adopted the use of three different verbs in its recommendations – “urge”, “consider” and “invite” – which correspond to different levels of urgency of the recommendation for bringing the party's legislation and/or practice into compliance with the Convention. GRETA uses “urge” when it assesses that the national legislation or policies are not in compliance with the Convention, or when it finds that despite the existence of legal provisions and other measures, the implementation of a key obligation under the Convention is lacking. In other situations, GRETA “considers” that it is necessary to make further improvements in order to fully comply with an obligation of the Convention. By “inviting” a country to pursue its efforts in a given area, GRETA acknowledges that the authorities are already on the right track and encourages them to continue existing action or to take additional measures. References to the country reports in the text and the footnotes refer to GRETA's third evaluation round reports. In case of references to reports of the second evaluation round, this is specifically indicated.

The table in the Appendix provides an overview of the implementation of the provisions of the Convention assessed as part of the third evaluation round, with an indication of the “urges” made in GRETA's reports. The purpose of this table is not to compare the individual performance of countries or rank them, but rather to highlight the areas where compliance with the obligation of the Convention requires improvement across countries.

¹ Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, France, Georgia, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, the Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Serbia, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom.



Introduction

1. Article 12, paragraph 1, sub-paragraph d, of the Convention provides that victims are to be given counselling and information, in particular as regards their legal rights and the services available to them, in a language that they understand. Further, pursuant to Article 15, paragraph 1, of the Convention, Parties must ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings, in a language they can understand.

2. The information that victims of trafficking must be provided with deals with essential matters, including availability of protection and assistance arrangements, the various options open to the victim, the risks they run, the requirements for legalising their presence in the Party's territory, the various possible forms of legal redress, how the criminal-law system operates (including the consequences of an investigation or trial, the length of a trial, witnesses' duties, the possibilities of obtaining compensation from persons found guilty of offences or from other persons or entities, and the chances of a judgment being fully and effectively enforced). The information and counselling should enable victims to evaluate their situation and make an informed choice from the various possibilities open to them.²

3. Many victims do not speak, or barely speak, the language of the country they have been brought to for exploitation. Ignorance of the language adds to their isolation and is one of the factors preventing them from claiming their rights. The provision of translation and interpretation, where needed, is an essential measure for guaranteeing access to rights, which is a prerequisite for access to justice. Consequently, the availability, quality and independence of interpreters should be ensured by the authorities.³

Promising practices

4. In **Belgium**, a leaflet for victims of trafficking in human beings is available in 28 languages.⁴ It is written in an accessible language and is intended to help presumed victims of trafficking to recognise themselves as victims and approach a specialised reception centre. The reception centres are responsible for providing presumed victims with detailed information about the process of obtaining victim status.⁵

² Explanatory Report on the Convention, paragraphs 160-162.

³ 8th General Report on GRETA's activities, paragraphs 168-169.

⁴ [Multilingual brochure for victims of human trafficking \(in 28 languages\) | Myria](#)

⁵ Belgium, para 35.

5. In **Portugal**, a document available in Portuguese and English entitled “Status of particularly vulnerable victims” has been issued for victims of domestic violence, victims of THB and victims of terrorism. The information contained in it is very comprehensive and indicates not only what rights are guaranteed, but also how to access them in practice, including the rights to legal assistance, compensation, protection measures, translation and interpretation.⁶

6. In **Serbia**, the Centre for the Protection of Victims of Trafficking has developed information leaflets, available in Serbian, English, Arabic and Farsi, aimed at informing potential victims of trafficking of their rights and the available assistance, as well as an information flyer aimed at migrant children. GRETA was informed that these materials have been distributed in all centres for migrants and asylum seekers. Further, the NGO Astra produced a comprehensive brochure (in Serbian, Albanian and Romani), explaining the rights of trafficking victims and the services available to them. In 2020, the NGO ASTRA developed a leaflet on the rights of victims as well as information leaflets for adults and children on protection from THB during the Covid-19 pandemic.⁷

Challenges

7. GRETA’s monitoring of the Convention has revealed that in general, more information is needed for victims of trafficking, including children, regarding their legal rights and obligations, the benefits and services available and how to access them, and the implications of being recognised as a victim of trafficking. Law enforcement officers do not always explain to presumed victims of THB their rights, in particular to a recovery and reflection period and to seek compensation, limiting themselves to the provision of general information about the rights of victims in criminal proceedings in a formalistic way.

8. One frequent challenge is that the **provision of information on rights is incomplete and/or delayed** until presumed victims of THB are referred to a specialised NGO. In Belgium, for instance, GRETA stressed that information must be provided to presumed victims of THB from their first contact with the competent authorities, regardless of whether they decide to approach a specialised reception centre.⁸ Furthermore, GRETA has stressed that information to victims of trafficking on their rights, including the right to a recovery and reflection period should be provided in a proactive manner, as soon as they come into contact with a competent authority.⁹ GRETA has also noted that access to information on rights must not in any way depend on the victim’s capacity of willingness to act as a witness or otherwise co-operate in investigations and prosecutions.¹⁰ GRETA has stressed that the willingness of victims of THB to co-operate in the investigation of THB offences depends on the manner in which they are treated at the moment they enter into contact with law enforcement authorities, as well as their access to information and protection.¹¹

⁶ Portugal, para 62.

⁷ Serbia, para 38-39.

⁸ Belgium, para 45.

⁹ Malta, para 45; Luxembourg, para 35.

¹⁰ Latvia, para 40.

¹¹ Bulgaria, para 50.

9. A common challenge observed by GRETA is that information is **not provided in a manner that takes into account the situation of victims of trafficking** and is **not always comprehensible** to them. For example, GRETA has noted that the information is provided in a formalistic way¹² or the form explaining the rights of victims of crime is not available in foreign languages.¹³ GRETA has recommended to a number of States Parties to ensure that the provision of information takes into account the victim's age, maturity, intellectual and emotional capacity, literacy and any mental, physical, or other disability which may affect the ability to understand. The information should cover the right to a recovery and reflection period, the services and assistance measures available, state compensation procedure and other relevant civil and administrative remedies and procedures.¹⁴

10. Further, noting that victims who are traumatised may have difficulties in adequately understanding and analysing the information before taking a decision, GRETA has stressed that information on rights should be provided repeatedly by different professionals, including psychologists, social workers and lawyers, while ensuring that the provision of information is structured and consistent throughout the victims' pathway of engaging with different agencies and organisations.¹⁵

11. Moreover, in a number of States Parties GRETA has observed **problems related to the availability of qualified and independent interpreters**. By way of example, in Austria, interpreters have reportedly intervened/intimidated presumed victims or have interpreted what the victims said in a way that made it difficult to detect their trafficking situation.¹⁶ In Ireland, because of the absence of an accreditation system for private translation companies the quality of interpreters varied a lot, and interpreters working with victims of THB were reportedly not culturally and socially sensitised.¹⁷ In Bosnia and Herzegovina, there were no certified interpreters for the Romani language.¹⁸ GRETA has recommended that the authorities ensure access to qualified and independent interpreters for victims of THB, and that the costs of interpretation are covered by the authorities. GRETA has also stressed that interpreters should be sensitised to the issue of THB and adequately prepared to deal with presumed victims of trafficking. Furthermore, considering the risk of retaliation for THB victims, having a list of certified interpreters is essential for ensuring not only the quality of the service but also the safety of victims.¹⁹

¹² See, for instance, Bulgaria, para 45; Spain, para 49.

¹³ See, for instance, France, para 39; Spain, para 48.

¹⁴ See, for example, Iceland, para 43; Italy, para 49.

¹⁵ Bulgaria, para 45; Latvia, para 40.

¹⁶ Austria, para 46.

¹⁷ Ireland, para 44; Portugal, para 48.

¹⁸ Bosnia and Herzegovina, para 40.

¹⁹ Portugal, para 48.

LEGAL ASSISTANCE AND FREE LEGAL AID (ARTICLE 15)



Introduction

12. Article 15(2) of the Convention obliges Parties to provide in their internal law for the right of victims of trafficking to legal assistance and free legal aid. As court and administrative procedure is often very complex, legal assistance is necessary for victims to be able to claim their rights. It is for each Party to decide the requirements for obtaining such free legal aid. Parties must have regard not only to Article 15(2) of the Convention, but also to Article 6 of the European Convention on Human Rights (ECHR). Even though Article 6(3)(c) of the ECHR provides for free assistance from an officially appointed lawyer only in criminal proceedings, European Court of Human Rights case-law²⁰ also recognises, in certain circumstances, the right to free legal assistance in a civil matter on the basis of Article 6(1) of the ECHR. Thus, even in the absence of legislation granting free legal assistance in a civil matter, it is for the courts to assess whether, in the interest of justice, an applicant who is without financial means should be granted legal assistance if unable to afford a lawyer.

Promising practices

13. In **Austria**, victims of THB are entitled to legal assistance (*juristische Prozessbegleitung*) in criminal proceedings, insofar as this is necessary to preserve the rights of the victim. Legal assistance for the proceedings includes legal advice and representation by a lawyer. It is provided free of charge, independent of the victim's financial situation. For the purpose of ensuring the provision of legal assistance for the proceedings, the Federal Minister for Justice enters into agreements with specialised victim support organisations. If a victim of THB is referred to a specialised NGO, the right to legal assistance exists before and during criminal proceedings, irrespective of the victim's immigration status or type of exploitation. The specialised victim support organisations assess the case and commission specially trained lawyers to provide victims with legal assistance.²¹

14. In **Albania**, pursuant to Law No. 1112017 "On Granting State-Guaranteed Legal Aid", which entered into force on 1 June 2018, victims of trafficking are entitled to free legal aid regardless of their income.²² Similarly, in **Moldova**, pursuant to amendments to the Law on State-guaranteed Legal Aid, victims and presumed victims of human trafficking are entitled to free legal aid regardless of the level of their income.²³ Further, in **Lithuania**, pursuant to

²⁰ *Airey v. Ireland* judgment, 9 October 1979.

²¹ Austria, paras 54-55.

²² Albania, para 47.

²³ Moldova, paras 47-48.

Article 12(2) of the Law on State Guaranteed Legal Aid, victims of THB are entitled to legal representation during criminal, civil and administrative proceedings regardless of their means or level of income.²⁴

15. In **the Netherlands**, victims of all crimes, including THB, are entitled to a legal representative. Free legal aid is available irrespective of the victims' nationality, immigration status or level of income. Lawyers are issued a certificate entitling them to represent victims in different proceedings, including applications for residence permit and compensation claims. Additionally, victims of THB can also get free legal assistance from Victim Support the Netherlands or contact a government funded "Legal Advice Counter". Several anti-trafficking NGOs offer advice to victims of THB about the legal process and can refer them to a specialised lawyer.²⁵

16. GRETA welcomed in the report on **Bulgaria** the establishment of a network of trained lawyers specialised to represent victims of THB, whose names and contact details have been included in the National Referral Mechanism (NRM) document; however, there is a problem of linking these trained lawyers to the state-funded system of legal aid.²⁶ Similarly, in **Serbia**, the NGO Astra has established an informal network of around 30 lawyers who have been trained to represent victims of THB; however, under the new free legal aid system, when they represent victims of THB, the cost of representation is not covered by the state budget and depends on NGOs.²⁷

Challenges

17. A challenge repeatedly observed by GRETA concerns the **timeliness of granting access to legal assistance and free legal aid**. It is usually not provided to victims of THB during the initial interview with law enforcement agencies, even though the outcome of this interview may have major legal consequences, and is available only from the moment of formal identification as a victim of THB.²⁸ In the United Kingdom, for example, presumed victims are entitled to legal aid when they enter the NRM process, regardless of their immigration status, if they meet the financial eligibility criteria; however, legal aid is neither available for pre-NRM advice, nor during the identification process, to help possible victims in preparing evidence to demonstrate their status.²⁹ GRETA has stressed the importance of a lawyer being appointed as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before the person makes an official statement and/or decides whether to co-operate with the authorities.³⁰ Early access to legal assistance is also important to enable victims to take civil actions for compensation and redress.³¹

18. Furthermore, in several State Parties, **access to legal assistance and legal aid is not available for some categories of victims of human trafficking**. For example, in Portugal and France, GRETA has expressed concern in relation to difficulties for undocumented migrants to have access to legal aid due to long waiting times for obtaining residence.³² In Italy, GRETA observed that free legal aid was provided to victims irrespective of their residence status in criminal proceedings, but not in civil and administrative proceedings, which can be

²⁴ Lithuania, para 55.

²⁵ Netherlands, para 48-49.

²⁶ Bulgaria, para 66.

²⁷ Serbia, para 53.

²⁸ See, for instance, Armenia, para 47; Montenegro, para 48.

²⁹ UK, para 87.

³⁰ See, for instance, Albania, para 54; Austria, para 61; Bulgaria, para 69; Cyprus, para 46; Denmark, para 50, Italy, para 59; Poland, para 63.

³¹ 8th General report on GRETA's activities, para 167.

³² France, paras 54-55; Portugal, paras 55 and 64.

problematic for third-country victims of trafficking who often wait for several months before being granted a residence permit.³³ GRETA has urged the Romanian authorities to review the relevant legislation so that it specifically mentions victims of THB among the categories of victims entitled to legal assistance and free legal aid as in practice courts do not always grant free legal aid to victims of THB who have been subjected to forms of exploitation other than sexual.³⁴ Further, in some States Parties, GRETA observed gaps in access to legal assistance and legal aid for presumed victims THB placed in detention prior to deportation.³⁵

19. GRETA has also observed that in some State Parties, **legal aid for trafficked persons does not cover all relevant proceedings**. For instance, in Ireland, GRETA urged the authorities to ensure that trafficking victims are appointed a specialised lawyer to represent them in judicial and administrative proceedings, including to claim compensation, as the service provided by the Irish Legal Aid Board to presumed victims of trafficking is limited to legal advice and information and does not extend to legal representation in criminal or civil proceedings.³⁶ In the UK, free legal aid is not available for victims of trafficking seeking state compensation before the Criminal Injuries Compensation Authority (CICA) in England and Wales.³⁷

20. In several State Parties, trafficking victims' **access to legal aid is subject to means testing**. In the report on the United Kingdom, GRETA noted that this may raise issues under Article 15 of the Convention when it systematically prevents victims from accessing legal aid as many victims are not eligible for legal aid due to difficulties in providing evidence for the means test.³⁸ In Belgium, GRETA noted that the threshold for legal aid is below the minimum wage and automatically excludes all victims who work or find employment during the proceedings, which might take several years. This criterion is a big deterrent for victims, who often give up their right of access to justice when confronted with the choice between the possibility to work and become independent and the right to legal aid.³⁹ In Italy, foreign victims of THB are obliged to prove not only the income received in Italy, but also in their countries of origin, which is often extremely difficult and sometimes impossible.⁴⁰ Consequently, GRETA has recommended that the national authorities ensure that access to free legal aid for victims of THB does not depend on proof of lack of financial means to pay for a lawyer.

21. A recurrent challenge noted in GRETA reports relates to the **lengthy and bureaucratic procedures for accessing legal aid**. For instance, GRETA observed in Portugal that the procedure for being declared eligible for legal aid by the Social Security Institute may take several months. Additionally, the procedure prevents foreign victims of THB from submitting an application in case a residence permit and a social security number are lacking.⁴¹ In Belgium, the application for free legal aid has to be resubmitted for each stage of the proceedings.⁴² GRETA also observed that in Croatia and the UK the procedures for access to free legal aid are lengthy, complicated and bureaucratic.⁴³

³³ Italy, para 54.

³⁴ Romania, paras 46 and 56.

³⁵ Austria, paras 58-61; Malta, paras 55-56.

³⁶ Ireland, paras 57 and 49.

³⁷ UK, para 89

³⁸ UK, para 83.

³⁹ Belgium, para 52.

⁴⁰ Italy, para 53.

⁴¹ Portugal, paras 56-58.

⁴² Belgium, para 52.

⁴³ Croatia, para 53, UK, para 84.

22. Another challenge observed by GRETA relates to the **lack of adequate funding** for legal assistance and free legal aid. A common problem is the **low rate of remuneration** paid to lawyers as part of State-funded legal aid programmes, which is disproportionate to the amount of work that is to be performed or certain costs attached to the provision of legal aid, such as travel costs, are not covered.⁴⁴ This could lead to having not very experienced lawyers representing victims of THB and lawyers changing during the proceedings.⁴⁵ In the UK, immigration cases with a trafficking element are considered financially unviable by many legal aid providers due their length and the lack of clarity around whether the work will be funded, leading to many providers being deterred from undertaking these cases.⁴⁶ In the Netherlands, the lump sum paid to legal aid lawyers is not commensurate with the work carried out, nor does it cover the time spent traveling to meet clients, and this has reportedly resulted in fewer lawyers being available to represent victims of THB.⁴⁷ As a result, in some countries, victims are largely dependent on NGOs for the provision of specialised legal aid, whereas NGOs are dependent on projects or donors to fund legal assistance or lawyers who are willing to work pro bono.⁴⁸ GRETA has recommended to ensure that the costs of free legal aid and legal assistance provided to victims of trafficking by NGOs and lawyers hired by them are reimbursed from the State budget.⁴⁹

23. Linked to the issue of funding is the **lack of specialised lawyers to provide legal assistance and represent** victims of THB.⁵⁰ GRETA has recommended to a number of States Parties to take steps to provide training to lawyers and raise awareness among Bar Associations on the need to encourage training and specialisation of lawyers and on the importance of providing victims of THB with a specialised lawyer.⁵¹

24. GRETA has **urged 19 out of the 35 States Parties** which have so far been evaluated under the third round of the Convention to improve access to legal assistance and free legal aid for victims of THB.

⁴⁴ See, for instance, Denmark, para 46, Portugal, para 59.

⁴⁵ Romania, para 49, Italy, para 56.

⁴⁶ UK, para 85.

⁴⁷ Netherlands, para 48.

⁴⁸ Malta, paras 53-54, Moldova, para 51, Bulgaria, para 66, Serbia, para 57.

⁴⁹ See, for instance, Serbia, para 58; Poland, 63.

⁵⁰ Portugal, para 59; Albania, para 52; Moldova, para 51; Malta, para 53.

⁵¹ See, for example, Belgium, para 60; Portugal, para 66; UK, para 93; Sweden, para 49.

PSYCHOLOGICAL ASSISTANCE (ARTICLE 12)



Introduction

25. Article 12 of the Convention sets out the assistance measures which State Parties must provide to trafficked persons with a view to assisting them in their physical, psychological and social recovery. The obligation to provide psychological assistance is set out in Article 12 (1) (a) of the Convention. It must be provided to persons for whom there are “reasonable grounds to believe” that they are victims of trafficking, i.e. before the victim identification process has been concluded, during the recovery and reflection period of at least 30 days provided for in Article 13 of the Convention. Human trafficking and exploitation may have serious psychological and physical consequences for the victims, including mental health problems and loss of self-esteem. Psychological assistance is therefore needed to help victims overcome the trauma they have been through and achieve a sustained recovery and social inclusion. Some victims require long-term therapeutic intervention due to the violence they have suffered. Every victim of trafficking should have a clinical assessment tailored to include an evaluation of their particular readiness for therapy, conducted by an experienced clinician.⁵² In the case of trafficked children, specialist child psychologists should be employed.

Promising practices

26. In **Portugal**, victims of THB have the right to free access to the National Healthcare System and the right to obtain psychological assistance. The support starts during the recovery and reflection period and continues beyond it, for as long as it is needed. Psychological support is provided to victims at the five existing shelters and the two long-term assistance centres. The shelters visited by GRETA, run by NGOs, employed psychologists who continued to provide support after the victims had left the shelters.⁵³

27. In **Spain**, psychological assistance is provided to victims accommodated in shelters run by specialised NGOs, as well as after the victims leave the shelters and are hosted in flats provided by these NGOs. Victims met by GRETA confirmed that they had received or were still receiving psychological assistance and noted the crucial importance of this support for their recovery. GRETA welcomed the legal provisions and practical steps to ensure the provision of psychological support to victims of THB in Spain, but noted that access to this support is often limited to female victims of THB for the purpose of sexual exploitation.⁵⁴

⁵² OSCE, *Trafficking in Human Beings Amounting to Torture and Other Forms of Ill-Treatment* (2013), Vienna, page 115.

⁵³ Portugal, para 68.

⁵⁴ Spain, para 73.

28. In **Albania**, the National Reception Centre for Victims of Trafficking and the three NGO-run shelters provide psychological assistance and psycho-social assistance. Psychologists are part of the multidisciplinary teams in the Reception Centre and the shelters. A psychological needs assessment is performed on the basis of which the multidisciplinary team drafts an assistance plan. The services include psycho-emotional relief, awareness of personal aspects, emotional management, help in changing behaviour, orientation and awareness in making effective decisions. Victims are offered individual and group therapy, which may take the form of cognitive-behavioural therapy or art therapy.⁵⁵

Challenges

29. While access to psychological assistance forms part of the package of assistance measures to which victims of trafficking are entitled by law, in most State Parties there are lacunae when it comes to the practical implementation of these measures.

30. A concern mentioned in several GRETA reports is that psychological assistance can only be provided to victims of THB on a **short-term basis**.⁵⁶ Furthermore, the issue of **long waiting times** for obtaining psychological assistance has been highlighted in several reports.⁵⁷ In the Netherlands, for example, there are long waiting lists for psychologists in the general health-care system and victims of THB are not given a priority.⁵⁸

31. Other gaps relate to the **lack of human and financial resources**. For instance, it is difficult to employ psychologists who are experienced and motivated to work with victims of trafficking due to the low salaries⁵⁹ or there is a shortage of psychological support services.⁶⁰ Not all NGOs specialised in assisting victims of trafficking have the resources to provide psychological support in-house by recruiting psychologists.⁶¹

32. Moreover, access to psychological assistance for foreign victims of THB is hampered by the **absence of interpreters**.⁶²

33. GRETA has recommended that the national authorities guarantee timely access of victims of trafficking to psychological assistance and ensure that it is provided for as long as their individual situation requires, in order to help them overcome their trauma and achieve a sustained recovery and social inclusion.⁶³ Appropriate funding should be allocated to NGOs when the provision of assistance to victims is delegated to them, including for engaging interpreters where necessary.⁶⁴

⁵⁵ Albania, para 56-57.

⁵⁶ See, for instance, Romania, para 59; Moldova, para 58.

⁵⁷ See, for instance, UK, para 99; Norway, para 56.

⁵⁸ Netherlands, para 57.

⁵⁹ See, for instance, Bulgaria, para 74; Moldova, para 58.

⁶⁰ Ireland, para 59.

⁶¹ France, para 67.

⁶² Poland, para 68.

⁶³ See, for instance, Netherlands, para 59; Norway, para 58.

⁶⁴ Poland, para 69.



Introduction

34. Article 12(4) of the Convention requires State Parties to enable victims of trafficking who are lawfully present in the country to have access to the labour market, vocational training and education. An important element of the recovery and successful social inclusion of trafficked persons is their economic empowerment, which can be achieved through job placement, micro-businesses and social enterprises. In this context, GRETA has stressed the need to develop public-private partnerships with a view to creating appropriate work opportunities for victims of trafficking.⁶⁵

Promising practices

35. In **Moldova**, victims of trafficking can benefit from the provisions of Law No. 105/2018 on promotion of employment and unemployment insurance, including access to vocational training, on-the-job training, internship, subsidised employment, consultancy, assistance and support in entrepreneurial activity. Two employment facilitation programmes for unemployed persons have been launched by the Ministry of Health, Labour and Social Protection and the National Agency for Employment, with the assistance of the International Labour Organisation. Companies which employ unemployed people from vulnerable groups (including victims of THB) benefit from monthly subsidies.⁶⁶

36. In **Portugal**, in 2019, the State Secretary for Citizenship and Gender Equality allocated 44,665 euros to support the social inclusion of victims of THB. NGOs running shelters and the multi-disciplinary teams support victims in accessing the labour market, attending school, vocational training and other educational services. The GRETA delegation visited two centres providing long-term assistance and met victims who were employed or were attending professional training.⁶⁷

37. In **Romania**, NGO-run shelters have entered into partnerships with institutions for providing general education and vocational training as well as with hotels and an electronic factory, which provide jobs to victims of trafficking in human beings.⁶⁸

⁶⁵ 8th General report on GRETA's activities, para 183.

⁶⁶ Moldova, para 66.

⁶⁷ Portugal, para 72.

⁶⁸ Romania, para 63.

Challenges

38. In many countries, trafficking victims face **barriers in obtaining effective access** to the labour market, due to factors such as the trauma of having been exploited, insufficient command of the local language, lack of education or professional skills, limited job opportunities, prejudices of potential employers, social stigmatisation, as well as practical barriers such as childcare and transportation.⁶⁹

39. GRETA has observed recurrent **challenges related to the residence status of victims of THB**. For example, in Austria, victims of THB are issued residence permits for up to one year, which can be renewed if the victim finds a job, but securing employment is difficult because the residence permit is not valid long enough to make employers interested in employing a victim of trafficking. Further, victims who do not speak German are under pressure to find a job, without having time to follow language classes which would increase their chances of finding employment.⁷⁰ Similarly, in Belgium, access to the labour market is severely hampered by the difficulty of obtaining a residence permit.⁷¹

40. In Poland, foreign victims who hold a certificate of a presumed victim of THB do not have the right to work on the basis of such a certificate. Thus, during the three-month validity of the certificate, they cannot work unless they find a job and apply for a work permit, which is in practice impossible in such a short period of time. Although the Convention does not oblige States Parties to guarantee the right to work during the recovery and reflection period, GRETA has stressed that allowing victims who wish to work during this period can be beneficial to regain personal, economic and social autonomy, especially if, as in Poland, they do not receive an allowance once identified as presumed victims.⁷²

41. In Italy, victims with very young children cannot access kindergarten free of charge without a residence permit and their participation in vocational training or job search activities is not possible unless the kindergarten is paid for by an NGO.⁷³

42. Further challenges are created by the **complexity of employment procedures of third-country nationals**. Potential employers therefore are rather reluctant to recruit and/or employ victims of trafficking who are third-country nationals.⁷⁴

43. The **lack of a bank account** to which salaries can be paid as well as **lack of insurance** also limit the work possibilities for victims of THB, making them vulnerable to new exploitation.⁷⁵

44. Specialised NGOs assist victims of THB to follow vocational training and language courses and support them in applying for jobs, however, this assistance is sometimes limited due to the **lack of sufficient resources**.⁷⁶

45. GRETA has recommended that the States Parties ensure effective access to the labour market for victims of THB and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst different employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking.⁷⁷

⁶⁹ See, for example, Austria, para 68; Netherlands, para 62.

⁷⁰ Austria, paras 68 and 254.

⁷¹ Belgium, para 69.

⁷² Poland, para 72.

⁷³ Italy, para 71.

⁷⁴ See, for instance, Luxembourg, para 51; Cyprus, para 50; Malta, para 68.

⁷⁵ See, for instance, Norway, para 60; Italy, para 71.

⁷⁶ See, for instance, Poland, para 74.

⁷⁷ See, for instance, Poland, para 75; Sweden, para 58.



Introduction

46. Article 15(3) of the Convention establishes a right of victims to compensation. The compensation is pecuniary and covers both material injury (such as the cost of medical treatment) and non-material damage (the suffering experienced). However, even though it is the trafficker who is liable to compensate the victim, in practice there is rarely full compensation whether because the trafficker has not been found, has disappeared or has declared him/herself bankrupt. Article 15(4) therefore requires that Parties take steps to guarantee compensation of victims. The means of guaranteeing compensation are left to the Parties, which are responsible for establishing the legal basis of compensation, the administrative framework and the operational arrangements for compensation schemes. In this connection, Article 15(4) suggests setting up a compensation fund or introducing measures or programmes for social assistance to, and social integration of, victims that could be funded by assets of criminal origin. Of relevance in this respect is the European Convention on the Compensation of Victims of Violent Crimes, pursuant to which when compensation is not fully available from other sources the State shall contribute to compensate those who have sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence, as well as the dependents of persons who have died as a result of such crime, even if the offender cannot be prosecuted or punished.

47. GRETA has stressed that compensation fulfils multiple purposes: payment of reparation for injury, loss or harm caused by the offender, access to justice, empowerment of victims, as well as punishment and deterrence of traffickers. As such, compensation plays a crucial role in the fight against human trafficking, not only as an instrument of restorative justice, but also by way of prevention and recognition by States of human rights violations.

Promising practices

48. In **the Netherlands**, the Prosecutor's Office supports the victim as much as possible in obtaining compensation from the perpetrator during the criminal proceedings. Compensation is usually dealt with as part of the criminal proceedings because victims of THB are represented by a lawyer who claims compensation on their behalf. Compensation covers material and non-material (moral) damages. Material damages include loss of wages in cases of labour exploitation or loss of earnings resulting from exploitation in prostitution. A State body, the Central Judicial Collection Agency, pays the compensation to the victim if the perpetrator has not done so within eight months of a final conviction and then tries to recover

the money from the perpetrator.⁷⁸ Victims of violent intentional crimes committed on Dutch territory, irrespective of their nationality or legal status in the Netherlands, may also seek compensation from the state through the Violent Offences Compensation Fund. Since July 2019, victims of any type of human trafficking, including for the purpose of labour exploitation, can apply for state compensation. Applicants do not need to be officially recognised as victims of trafficking and can apply regardless of the existence and outcome of criminal or civil proceedings.⁷⁹

49. In **Norway**, under the new Compensation for Victims of Violent Crimes Act, compensation claims must as a rule be dealt with during the criminal proceedings. The Act provides for an automatic compensation of the victim by the Compensation Authority in the amount ordered by the criminal court when the defendant does not do so within two weeks of the verdict. The Compensation Authority will then seek to recover the amount from the perpetrator.⁸⁰

50. In **Sweden**, the prosecutor may file a compensation claim against the perpetrator in criminal proceedings or, if the prosecutor does not file such a claim, the injured party's counsel can lodge a claim on behalf of the victim. To secure the future payment of damages the court may apply interim measures freezing the assets of the alleged perpetrator until the judgment enters into force. Seized assets are not confiscated by the state if there is a reason to assume that an obligation to pay damages for the injured party will be imposed as a result of the court proceedings. Compensation claims against the perpetrator may be disjoined from criminal proceedings or can be lodged with the court as an independent civil claim (including a claim for unpaid wages and social contributions under labour law). During the examination of the claim the victim may receive free legal assistance. The final judgment awarding compensation is sent by the court to the Swedish Enforcement Authority, which is responsible for investigating the financial situation of the perpetrator and obtaining the sum of the compensation award for its subsequent transfer to the victim.⁸¹

51. In **Belgium**, during the investigation, a prosecutor can seize assets to the presumed amount of the damage suffered by the victim and request for these assets to be confiscated and awarded to the victim claiming damages so that the damage is compensated as far as possible. There are numerous examples of confiscations in THB cases.⁸²

⁷⁸ Netherlands, paras 67-69.

⁷⁹ Netherlands, para 73.

⁸⁰ Norway, para 72 and 75.

⁸¹ Sweden, paras 62-65.

⁸² Belgium, para 105.

Challenges

52. The third evaluation round of the Convention has demonstrated that ensuring effective access to compensation for victims of trafficking is a major challenge in States Parties to the Convention. While the legal framework concerning compensation is mostly in place, effective access remains rare in practice. There are some States Parties in which GRETA observed that no victim of THB had been compensated.⁸³ In general, data on victim compensation is often lacking because it is not collected as part of criminal court statistics. GRETA has **urged 31 out of the 35 States Parties** which have so far been evaluated under the third round of the Convention to guarantee effective access to compensation for victims of THB.

53. Effective access to compensation depends on a number of factors, starting with **access to information** on how to seek compensation. Even if the information provided to victims of THB refers to the right to compensation, GRETA has pointed out that effective access to information on how to seek compensation is not guaranteed by the mere existence of information on a website and in brochures. Victims may not be able to complete the forms correctly and may not be able to provide additional documentation without expert advice and assistance.⁸⁴

54. GRETA has also stressed the need to **provide guidance and training** to police officers, prosecutors, judges and lawyers on the topic of victim compensation, encouraging them to use all the possibilities the law offers to uphold compensation claims by victims of human trafficking.⁸⁵

55. **Obtaining compensation from the perpetrators in the context of criminal proceedings is challenging** on many accounts. Although the legislation allows victims of trafficking to be considered as an injured party or civil plaintiff in criminal proceedings, practice shows that victims claim compensation only when they are represented by a specialised lawyer and/or supported by an NGO.⁸⁶ Victims are reluctant to claim compensation due to the length of the legal proceedings and the track-record of failed compensation claims. Adjudicating compensation claims may not be considered by judges as the primary task of the criminal court or it may cause a delay of the proceedings,⁸⁷ and therefore victims are referred to civil proceedings.⁸⁸ GRETA has therefore recommended that States Parties consider adopting a procedure through which victims are entitled to obtain a **decision on compensation by the offender as part of the criminal trial**, within a reasonable time, and to make compensation awarded in criminal proceedings payable by the State in advance, the State taking the responsibility to recover the amount from the offender.⁸⁹

56. **Civil claims for compensation are often lengthy and complex**, and are rarely resorted to by victims of THB as they would have to bear the burden of proof and face the offenders again.⁹⁰ Victims of THB do not take civil cases against perpetrators for a variety of reasons, including the lack of legal aid, the cost involved and the length of time that civil proceedings take.⁹¹ The costs in these cases is a significant barrier, and it can be difficult for victims to recover the full amount of their loss.⁹² Civil proceedings can take years and if the

⁸³ See, for instance, Malta, para 75; Montenegro, para 75; Croatia, para 81; Ireland, para 86.

⁸⁴ Latvia, para 72.

⁸⁵ See, for example, Italy, par 92; Sweden, para 74; Spain, para 100.

⁸⁶ Armenia, para 87; Bulgaria, para 110.

⁸⁷ Montenegro, para 69; Armenia, para 87.

⁸⁸ Slovakia, para 71; Bosnia and Herzegovina, para 71.

⁸⁹ See, for example, Romania, para 88; France, para 97; Bulgaria, para 112; Montenegro, para 77; Armenia, para 83; Austria, para 98.

⁹⁰ Slovakia, para 71.

⁹¹ See, for instance, Ireland, para 76; Armenia, para 90; Albania, para 68.

⁹² UK, para 117.

victim loses the case, he/she might have to pay the cost of the entire procedure.⁹³ In some countries, an acquittal in criminal proceedings does not allow for claiming compensation in civil proceedings.⁹⁴

57. Compensation awarded by courts is rarely paid to victims in practice because the **perpetrators' assets have not been identified and frozen at an early stage**, which is related to shortcomings in financial investigations.⁹⁵ In some countries, seized and confiscated criminal assets are transferred to the state treasury and the law does not provide for the possibility of using them directly to compensate victims of trafficking,⁹⁶ or it is not clear to what extent the legal provision allowing the victim to be awarded with compensation stemming from confiscated assets are applied in practice.⁹⁷ GRETA has recommended ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim or loss sustained by the victim, is part of the criminal investigation with a view to supporting compensation claims in court.⁹⁸ GRETA has also urged States Parties to enhance the application of the legislation on freezing and forfeiture of offenders' assets or to review their legislation to allow the use of confiscated assets to secure compensation.⁹⁹

58. A further challenge concerns the **enforcement of compensation awarded by courts**. GRETA observed that victims may not receive assistance from the state for such enforcement,¹⁰⁰ access to legal support for enforcing awards may be restricted¹⁰¹ or victims have to cover costs related to the enforcement of court decisions related to compensation.¹⁰²

59. Further, the **number of cross-border compensation awards is low**, which could be related to problems of international co-operation. GRETA has recommended making full use of the legislation on the freezing and forfeiture of assets, as well as international co-operation, to secure compensation for victims of human trafficking.¹⁰³

60. Even though victims of THB can in principle apply for state compensation in most States Parties, **state compensation schemes are rarely applied in practice to victims of trafficking**. In some Parties, state compensation is contingent on failure to obtain compensation from the perpetrator and is only possible after a final decision in criminal and civil proceedings.¹⁰⁴ This delays the possibility to claim and obtain state compensation until the end of the proceedings. Furthermore, **access to legal aid to claim state compensation** is not available in many States Parties.¹⁰⁵ GRETA has recommended to ensure that state compensation is not made conditional on the failure to obtain compensation from the perpetrator,¹⁰⁶ and that victims of THB have effective access to free legal assistance by a lawyer in the proceedings for state compensation.¹⁰⁷ Another challenge relates to **the excessive length of the procedure for obtaining state compensation**.¹⁰⁸

⁹³ Bulgaria, para 92.

⁹⁴ Cyprus, para 59 and 65.

⁹⁵ Romania, para 76.

⁹⁶ Malta, para 76; Poland, para 108.

⁹⁷ See, for instance, Portugal, para 81; Bulgaria, para 94; Bosnia and Herzegovina, para 73; Denmark, para 63.

⁹⁸ See, for example, Bulgaria, para 111, Serbia, para 87, Sweden, para 74.

⁹⁹ Malta, para 83; Georgia, para 64.

¹⁰⁰ Bulgaria, para 97; Romania, para 78.

¹⁰¹ Austria, para 95.

¹⁰² Albania, para 70.

¹⁰³ See, for example, Italy, para 92; Spain, para 99.

¹⁰⁴ Romania, para 83-84; Bulgaria, para 103; Slovenia, para 69; Malta, para 82.

¹⁰⁵ UK, para 126; France, para 87.

¹⁰⁶ Malta, para 83.

¹⁰⁷ Sweden, para 74.

¹⁰⁸ Portugal, para 87.

61. Further obstacles observed relate to the **restrictive criteria for state compensation**, preventing victims of trafficking from having access to it.¹⁰⁹ The types of damages covered by state compensation vary depending on the country. Not all States Parties compensate both material and non-material damages. In some cases, state compensation excludes third-country nationals or victims whose stay in the country is irregular.¹¹⁰ Further, there are differences as to what constitutes a “violent act” eligible for state compensation. For example, in the United Kingdom, human trafficking is not recognised *per se* as a crime of violence, and victims must prove that they have a physical injury or a diagnosable psychiatric injury in order to receive an award. Meeting the required standard of proof, especially for psychological injuries, without the assistance of a lawyer is difficult and severely limits victims’ access to compensation.¹¹¹ In Bulgaria, GRETA noted that the requirements to be met for a victim of trafficking to be eligible for state compensation are so high that only one victim had received state compensation.¹¹² GRETA has urged States Parties to review the eligibility criteria for state compensation to make state compensation available to all victims of trafficking, regardless of their nationality and residence status.¹¹³

62. Another challenge is related to the **insufficient funding** available for state compensation¹¹⁴ and the **low amounts of state compensation paid to victims of THB**. For instance, in Italy, victims of trafficking can receive compensation from the Fund for anti-trafficking measures, which is limited to 1,500 euros per victim. Due to the restrictive access conditions, few victims of trafficking have ever made a request to the Fund, and none has received it. GRETA asked the Italian authorities to make the state compensation scheme effectively accessible to victims of trafficking and to review the maximum amount of 1,500 euros of compensation paid by the state in order to ensure that it corresponds to the actual harm suffered by victims.¹¹⁵ In Georgia, victims of THB can receive a one-off payment of 1,000 GEL (€314) by the State Fund for Victims of THB. GRETA has recommended reviewing the procedure for awarding one-off compensation by the State Fund with a view to ensuring that it is not conditional on failure to obtain compensation from the perpetrator through criminal and civil proceedings, ensuring that in practice it does not depend on the victims’ co-operation in the law enforcement authorities, as well as increasing its amount with a view to meeting the reintegration needs of victims.¹¹⁶ In the United Kingdom, when state compensation is paid, this is usually after years of waiting and it is frequently considered by victims to be insultingly low, not taking into account the psychological injuries from trafficking.¹¹⁷

63. Even if victims of human trafficking who **return to their countries of origin** can in theory pursue compensation claims in the country where the exploitation took place, in practice, this rarely happens. For example, in Denmark, GRETA noted that most third-country victims of THB are not able to pursue a state compensation claim because they are obliged to return to their countries of origin.¹¹⁸

64. Moreover, in several State Parties,¹¹⁹ there is still **no legislation on state compensation** of victims of trafficking.

¹⁰⁹ Azerbaijan, para 67.

¹¹⁰ Croatia, para 81; Poland, para 92.

¹¹¹ UK, para 123 and 126-127; Portugal, para 86.

¹¹² Bulgaria, para 110.

¹¹³ See, for instance, Croatia, para 82; Poland, para 96; Spain, para 99.

¹¹⁴ Azerbaijan, para 67.

¹¹⁵ Italy, para 91.

¹¹⁶ Georgia, paras 60 and 64.

¹¹⁷ UK, para 126.

¹¹⁸ Denmark, para 72.

¹¹⁹ Albania, Andorra, Bosnia and Herzegovina, Cyprus, Monaco, Montenegro, Serbia.

Issues unique to specific parties

65. In the third report on **Bulgaria**, GRETA noted that it was not possible for victims of THB to claim compensation for the often considerable amounts of money they were forced to earn from prostitution and hand over to the traffickers. Such claims were treated by Bulgarian courts as inadmissible or ill-founded, with the argument that the victim had no legal ground to claim compensation since prostitution was considered to bring “immoral earnings”, which were criminalised under Article 329, paragraph 1, of the Bulgarian CC.¹²⁰ In a judgment issued on 27 September 2022, the Constitutional Court of Bulgaria found that Article 329, paragraph 1, of the CC as a whole was unconstitutional. In its judgment in the case of *Krachunova v. Bulgaria* (application no. 18269/18), delivered on 28 November 2023, the European Court of Human Rights found that Bulgaria was in breach of Article 4 of the European Convention on Human Rights (ECHR), noting that States had a positive obligation to enable victims of trafficking to claim compensation for lost earnings from traffickers.¹²¹ The Court’s decision refers to the third party intervention made by GRETA in this case, according to which to deny victims of sexual exploitation compensation from their traffickers for loss of earnings – because prostitution is considered illegal, immoral or undesirable – would run contrary to the object and purpose of the international instruments created to provide effective protection to victims of all forms of human trafficking, in particular Article 15 of the Council of Europe Convention against Trafficking in Human Beings.

¹²⁰ Bulgaria, para 90.

¹²¹ [KRACHUNOVA v. BULGARIA \(coe.int\)](#)



Introduction

66. One of the purposes of the Convention is to ensure the effective investigation and prosecution of THB. Article 27(1) establishes that the investigation or prosecution of THB offences must not depend on victims' reports. The aim is to avoid traffickers' subjecting victims to intimidation so as to deter them from complaining to the authorities. Pursuant to Article 27(2), if the competent authority with which the complaint has been lodged decides that it does not itself have jurisdiction in the matter, then it must forward the complaint without delay to the competent authority of the Party in whose territory the offence was committed. Further, under Article 27(3), each Party shall ensure to non-governmental organisations and other associations, which aim at fighting trafficking in human beings or the protection of human rights, the possibility to assist and/or support the victim (subject to his or her consent) during criminal proceedings concerning the offence of trafficking in human beings.

67. Article 23 requires Parties to match their actions to the seriousness of the offences and lay down criminal penalties which are "effective, proportionate and dissuasive". Further, Article 23(3) places a general obligation on Parties to adopt appropriate legal instruments enabling them to confiscate or otherwise deprive offenders (e.g. by so called "civil" confiscation) of the instrumentalities and proceeds of human trafficking offences. As trafficking in human beings is nearly always engaged in for financial profit, measures depriving offenders of assets linked to or resulting from the offence are an effective anti-crime weapon. The confiscation of criminal assets is crucial for reinforcing the effect of the penalty, as well as ensuring the payment of compensation to the victim.

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

Promising practices

69. In order to strengthen the investigation and prosecution of THB in **Montenegro**, in 2018 the Supreme State Prosecutor and the Director of the Police Directorate formed an Operational Team for Combating Trafficking in Human Beings. This resulted in an increase in the number of prosecutions and convictions for THB.¹²²

70. In **Hungary**, three guidelines were issued by the Office of the Prosecutor General (in 2018, 2019 and 2023) in order to facilitate the detection and prosecution of THB cases, as well as promote a consistent application of the law in practice. In 2019, anti-trafficking senior supervisor officers were appointed in all county/capital police headquarters. Further, a network of prosecutors specialised in trafficking in human beings has been set up. The number of prosecutions and convictions for THB and related offences has increased compared to the period covered by GRETA's second report.¹²³

71. In **Portugal**, the General Prosecutor's Office Directive No. 1/2021 provides detailed guidance for investigating THB cases. The number of prosecutions and convictions for THB has increased compared to the period covered by GRETA's second report. Prosecutors and judges are obliged to update their qualifications through continuous training provided by the Centre of Legal Studies, and at least one training course is dedicated to trafficking in human beings every year.¹²⁴

Challenges

72. The **low number of prosecutions and convictions** for human trafficking is a concern raised in many GRETA reports. Lack of resources, specialisation and prioritisation of THB cases result in low prosecution and conviction rates. Over-reliance on victims' testimonies and the quick return of victims to their countries of origin is another factor which impacts the authorities' ability to prosecute and convict traffickers. GRETA has stressed that failure to convict traffickers and the absence of effective sentences engenders a culture of impunity and undermines efforts to support victims to testify.

73. GRETA has observed that too much **emphasis is put on the victim's testimony** during criminal proceedings and has stressed that if proceedings are built solely upon the victim's testimony, this puts an exorbitant amount of pressure upon the victim, who is often vulnerable and possibly traumatised.¹²⁵ For example, GRETA observed in the report on Bulgaria that when trafficking victims do not co-operate in the investigation or refuse to testify against the perpetrators, the cases are dropped.¹²⁶ Many victims recruited through the "loverboy" method do not consider themselves as victims and do not co-operate in the investigation.¹²⁷ GRETA has recommended ensuring that human trafficking offences are proactively and promptly investigated, regardless of whether a complaint about the reported crime has been submitted or not, making use of special investigation techniques in order to gather material, documental, financial and digital evidence and not having to rely exclusively on testimony by victims or witnesses.¹²⁸

¹²² Montenegro, paras 86 and 95.

¹²³ Hungary, paras 88, 97, 119 and 120.

¹²⁴ Portugal, paras 95, 97 and 103.

¹²⁵ Bulgaria, para 134.

¹²⁶ Bulgaria, para 125.

¹²⁷ Romania, para 106.

¹²⁸ See, for instance, Poland, para 123; Romania para 108.

74. While the use of special investigative techniques to gather evidence in THB cases is legally possible and applied in practice across States Parties, there are growing challenges in the investigation of **trafficking cases committed or facilitated online**, due to the anonymity of criminal networks operating online and the use of encryption. THB is increasingly committed with the use of information and communication technologies, which requires the use of advanced tools, such as web crawlers and decoy profiles, but the legal framework for these tools is not clear. In the report on the Netherlands, GRETA has recommended developing the legal framework to enable the use of technological developments to gather material, documental, financial and digital evidence.¹²⁹

75. Most States Parties reported routinely conducting **financial investigations** in cases of THB and using legislation to freeze, seize and confiscate assets derived from THB, however, there is often a lack of data on the number of cases in which assets were confiscated from perpetrators of THB. The lack of timely seizure of defendants' assets makes the payment of damages ordered by courts very rare (see paragraph 57).

76. A recurring challenge is that **THB cases are requalified as other offences** which carry lighter penalties, such as pimping, procurement, facilitation of irregular migration (migrant smuggling) or labour law violations, either due to a lack of evidence or because the alternative offences are easier to prove.¹³⁰ While reclassification may happen in the absence of sufficient evidence, in many cases the opening of an investigation or the filing of charges on the basis of less serious offences, with a lower threshold of proof, is intended to facilitate the investigation and the prosecution.¹³¹ The legal classification of a case of THB as another offence can have negative consequences for the victims as they are not entitled to the same rights, such as to a recovery and reflection period, residence permits and assistance.¹³² A further consequence is that the requalification of THB cases impedes access to compensation from the perpetrator.¹³³

77. The number of **prosecutions and convictions for THB for the purpose of labour exploitation remains low** in many State Parties.¹³⁴ GRETA has observed that the absence of a definition of "labour exploitation" results in restrictive and varying interpretations by courts of the level of coercion or the degree of exploitation necessary for an unlawful act to be considered as THB.¹³⁵ There are particular difficulties of adjudicating cases of THB for labour exploitation when no violence or restriction of freedom of movement was used by the perpetrators. In Sweden, one of the reasons for the low number of prosecutions for THB for the purpose of labour exploitation is the fact that courts appear to require the prosecution to prove coercion in order to establish intent to exploit the victim.¹³⁶ In the Netherlands, the number of investigations, prosecutions and convictions for THB the purpose of labour exploitation has decreased since 2015 as a result of the more restrictive interpretation of the THB provision in the Dutch Criminal Code by the Netherlands Supreme Court, according to which the intention to exploit must be proven for an act to constitute THB.¹³⁷ In Poland, prosecutors and judges apply an unduly narrow definition of forced labour and failure to collect supporting evidence during labour inspections contributes to the lack of successful prosecutions.¹³⁸ GRETA has recalled that the concept of "abuse of a position of vulnerability"

¹²⁹ Netherlands, para 96.

¹³⁰ Belgium, para 110; Bosnia and Herzegovina, para 94; Portugal, para 82; Italy, para 113; Romania, para 106; Sweden, para 89

¹³¹ Italy, para 114.

¹³² Belgium para 110.

¹³³ Bosnia and Herzegovina, para 94; Norway, para 87; Portugal, para 82.

¹³⁴ Austria, para 129; Cyprus, para 87; Ireland, para 107.

¹³⁵ Netherlands, paras 86-87.

¹³⁶ Sweden, para 87.

¹³⁷ Netherlands, para 84.

¹³⁸ Poland, para 114.

is part of the international definition of THB and investigators, prosecutors and judges should be trained to recognise all means apart from the use of force, including the subtle forms of coercion which characterise THB offences.¹³⁹

78. Moreover, GRETA has observed that in some countries, **forced begging and forced marriage are seen as social problems** affecting the Roma community, and the prosecution rarely treats them as human trafficking.¹⁴⁰

79. Amongst the reasons for the unsatisfactory criminal justice response to THB, GRETA has noted the **lack of training and specialisation of prosecutors and judges** in order to recognise THB, which in some countries is a relatively new offence. GRETA noted that prosecutors and judges may apply a narrow definition of human trafficking, linking it to the existence of a transnational element, the involvement of a criminal organisation, and the absence of the victim's consent.¹⁴¹ GRETA also observed that judges may issue light sentences and inappropriately dismiss victims' testimony as unreliable due to a lack of understanding of the impact of psychological trauma on victims' ability to consistently relate the circumstances of their exploitation.¹⁴² In Sweden, whether a prosecutor specialised in THB will be involved in a case depends on the initial qualification of the offence, and cases qualified as "human exploitation", which might have elements of THB, may be assigned to regional prosecutors who have not received training in THB.¹⁴³ GRETA has recommended sensitising prosecutors and judges to the seriousness of THB, the severe impact of exploitation on the victims and the need to respect their human rights, and encouraging the development of specialisation amongst prosecutors and judges to deal with THB cases.

80. There are also challenges in ensuring **effective, proportionate and dissuasive sanctions** for THB offences.¹⁴⁴ In the context of Slovakia, for example, GRETA observed that the large majority of sentences for THB were suspended and mitigating circumstances were taken into account regularly by judges, whereas aggravating circumstances appeared not to be taken sufficiently into account.¹⁴⁵ In the Netherlands, GRETA noted the relatively low number of sentences of over two years' imprisonment and very few effective custodial sentences for THB for labour exploitation.¹⁴⁶ In Bulgaria, because the lower threshold of the penalty for THB is two years, judges can give suspended sentences for THB offences, which happens frequently.¹⁴⁷

¹³⁹ Portugal, para 99.

¹⁴⁰ Montenegro, paras 92 and 188; Bosnia and Herzegovina, paras 94 and 204; Bulgaria, para 254.

¹⁴¹ Italy, para 113.

¹⁴² Croatia, para 96.

¹⁴³ Sweden, para 89.

¹⁴⁴ Romania, para 101; Bosnia and Herzegovina, para 95; Cyprus, para 87.

¹⁴⁵ Slovakia, para 105.

¹⁴⁶ Netherlands, para 83.

¹⁴⁷ Bulgaria, para 121.

81. **Plea-bargaining procedures** are applied in some States Parties in cases of THB, which results in lenient or suspended sentences.¹⁴⁸ GRETA has recommended ensuring that plea bargaining is used only exceptionally in human trafficking cases, subject to appropriate safeguards, where the reduction of a sentence is clearly outweighed by the advantages offered by the plea agreement (these advantages being indicated in the judicial decision approving the agreement) and the agreement is not in any way detrimental to the rights of the victims, including their access to compensation.¹⁴⁹

82. The **excessive length of criminal proceedings** in THB cases is a challenge in most States Parties.¹⁵⁰ The length of criminal proceedings has a negative impact on victims of trafficking who might be exposed to repeated confrontation with perpetrators and re-victimisation, as well as on the outcome of prosecution.¹⁵¹ GRETA has recommended ensuring that the length of court proceedings in cases of THB is reasonable, in line with the case-law of the European Court of Human Rights (Article 6, paragraph 1 of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ).¹⁵²

83. In most State Parties, there is no data available with regard to the number of **convictions of legal entities for THB**. Examples of the application of legislation on corporate liability in THB cases were provided in the reports on Austria, Belgium, Portugal, Latvia, France and Romania.¹⁵³ GRETA noted in the report on the Netherlands that criminal proceedings against legal entities are usually discontinued because the entities have no assets or have already been liquidated.¹⁵⁴

84. GRETA has **urged 28 out of the 35 States Parties** which have so far been evaluated under the third round of the Convention to strengthen the criminal justice response to THB by allocating adequate human and financial resources to the police and the prosecution in order to be able to conduct proactive and effective investigations in trafficking cases, making use of special investigation techniques in order to gather material, documentary, financial and digital evidence, so that there is less reliance on testimony by victims or witnesses, and ensuring that prosecutions lead to effective, proportionate and dissuasive sanctions for those convicted.

¹⁴⁸ See, for instance, Bosnia and Herzegovina, para 87; Bulgaria, para 122; Georgia, para 71, Romania, paras 95 and 98.

¹⁴⁹ See, for instance, Bosnia and Herzegovina, para 100.

¹⁵⁰ Romania, para 102; Moldova, para 105; Cyprus, para 88; Bulgaria, para 129.

¹⁵¹ Malta, para 104.

¹⁵² See, for instance, Bulgaria, para 135; Italy, para 117.

¹⁵³ Austria, para 182; Belgium, para 99; Portugal, para 143, Latvia, paras 83-84; France, para 107; Romania, para 160.

¹⁵⁴ Netherlands, para 87.

NON-PUNISHMENT PROVISION (ARTICLE 26)



Introduction

85. Pursuant to Article 26 of the Convention, Parties must provide for the possibility of not imposing penalties upon victims of THB for their involvement in unlawful activities, to the extent that they have been compelled to do so. The non-punishment principle is an essential cornerstone in the fight against human trafficking, preventing re-victimisation and ensuring that victims can access services. GRETA has stressed that the criminalisation of victims of THB not only contravenes the state's obligation to provide services and assistance to victims, but also discourages victims from coming forward and co-operating with law enforcement agencies, thereby also interfering with the state's obligation to investigate and prosecute those responsible for THB.¹⁵⁵

86. As noted in the Explanatory report to the Convention, to comply with this obligation under Article 26, Parties can incorporate in their internal law a substantive criminal or procedural criminal law provision or adopt any other measure, allowing for the possibility of not punishing victims of trafficking in human beings.¹⁵⁶ Parties have room in the extent to which the national authorities apply such measures, but legislation specific to victims of human trafficking must first be provided for, in order to protect trafficked persons against punishment for trafficking-related crimes. The non-punishment principle creates a legal right for victims of trafficking and, as such, it should be safeguarded in domestic law.

87. GRETA has emphasised the importance of taking a broader view of the non-punishment obligation, which should cover not only the non-application of a penalty, but also protection from prosecution and detention. Moreover, convictions should be reversed and criminal records erased in an expedient manner when clear evidence subsequently emerges that a crime was committed as a direct consequence of being a victim of trafficking.

Promising practices and progress made

88. In the period between the second and the third evaluation by GRETA, several States Parties have implemented legislative changes and/or issued specific guidelines related to the non-punishment provision. For example, in **Andorra**, as recommended in GRETA's second report, specific provisions on the non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they have been compelled to do so, were

¹⁵⁵ 2nd General Report on GRETA's activities, para 58.

¹⁵⁶ Explanatory report, paragraph 274,

added to the Criminal Code in 2022.¹⁵⁷ In **Belgium**, a specific non-punishment provision was introduced into the Criminal Code in 2019.¹⁵⁸ Similarly, in **Bosnia and Herzegovina**, a specific non-punishment provision was introduced in all criminal codes of the country.¹⁵⁹ The Criminal Code of **North Macedonia** was amended and a specific provision on the non-punishment of victims of human trafficking for illegal acts they were compelled to commit while being trafficked was incorporated in Article 418a (trafficking in adults) and Article 418d (trafficking in children).¹⁶⁰ In **Latvia**, the scope of the non-punishment provision was extended to also cover administrative offences, as was recommended by GRETA during the second evaluation round.¹⁶¹

89. In **Montenegro**, guidelines on the non-punishment provision were adopted in 2017,¹⁶² and in **Austria**, guidelines were issued in the form of an internal decree, as well as a circular on the implementation of the non-punishment provision in the context of administrative law.¹⁶³ Guidance on the application of the non-punishment provision has also been developed for prosecutors and law enforcement agencies in a number of other countries (e.g. Belgium, Croatia, Denmark, Netherlands, Norway, Serbia, Spain, United Kingdom).¹⁶⁴

Challenges

90. A persistent challenge in a number of States Parties is the **absence of a specific provision on the non-punishment of victims of THB**. GRETA notes that victims of THB cannot rely on exceptions based on general criminal law provisions (for example, duress or state of necessity) because these concepts are often narrower in scope than the non-punishment principle enshrined in the Convention and/or shift the burden of proof to the victim of trafficking. In the report on Italy, GRETA noted that the possibility to apply the general criminal law provision on state of necessity cannot be considered as an appropriate response because it is narrower in scope than the non-punishment principle enshrined in the Convention and, in practice, prosecutors leave it to courts to decide whether or not the conditions of state of necessity are met, thus exposing victims to prosecution and pre-trial detention, and shifting the burden of proof to the victim.¹⁶⁵ Further, GRETA has noted the absence of a specific provision on the non-punishment of victims of trafficking entails a risk of differential treatment, depending on the prosecutor in charge of the case.¹⁶⁶ Consequently, to ensure compliance with the non-punishment provision, GRETA has recommended to States Parties to adopt a specific legal provision on the non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so, and/or to develop detailed, updated guidance for police officers and prosecutors on the aims and scope of the non-punishment provision.

91. In several States Parties which have specific legal provisions on the non-punishment of victims of THB, GRETA has observed challenges related to the **limited scope of the non-punishment provision**. In Slovakia, for instance, the provision is limited to criminal law and does not cover administrative and immigration-related offences. Furthermore, it does not foresee the possibility of withdrawing prosecution and punishment for serious offences.¹⁶⁷

¹⁵⁷ Andorra, para 91.

¹⁵⁸ Belgium, para 115

¹⁵⁹ Bosnia and Herzegovina, para 103.

¹⁶⁰ North Macedonia, para 107.

¹⁶¹ Latvia, para 97.

¹⁶² Montenegro, para 99.

¹⁶³ Austria, para 134.

¹⁶⁴ 9th General Report on GRETA's activities, page 63.

¹⁶⁵ Italy, para 127.

¹⁶⁶ Croatia, para 103.

¹⁶⁷ Slovakia, paras 117-118 and 121.

92. In the UK, the burden of proof is on the prosecution to prove that a person is not a victim of modern slavery, once the defence is raised by that individual. However, if the prosecution fails to prove that the defendant cannot be considered as a victim, the burden of proof in respect of the other elements of the statutory defence falls on the defendant. The defendant is called upon to prove, on the balance of probabilities, that: he/she was compelled to commit the offence; the compulsion was a direct consequence of him/her being or having been a victim of slavery or relevant exploitation; a reasonable person in the same situation and having his/her relevant characteristics would have no realistic alternative to doing the act which constitutes the offence. GRETA expressed concern that such an allocation of the burden of proof could make it particularly difficult to apply the non-punishment provision in practice, and urged the UK authorities to ensure that the allocation of the burden of proof does not substantially hinder the application of the non-punishment provision.¹⁶⁸

93. **Gaps in identifying victims of trafficking** lead to non-application of the non-punishment principle. In Belgium, for instance, GRETA noted that children forced to commit offences are rarely identified as victims of trafficking.¹⁶⁹ Similarly, in France, child victims of trafficking for the purposes of forced criminality are arrested and brought to court.¹⁷⁰ In Romania, women trafficked for the purpose of forced prostitution are not identified as such and are fined.¹⁷¹ In Denmark, GRETA was informed that, even when information that victims were compelled to commit unlawful acts as a result of being trafficked comes to light during the trial, no efforts are made by the police or prosecution to look for evidence that they were trafficked.¹⁷² In the UK, officers in charge of criminal law and immigration enforcement frequently fail to identify trafficking victims and that in many cases, the status of victim of trafficking is acknowledged only during the sentencing phase.¹⁷³ In this context, GRETA has stressed that prompt identification of presumed victims of THB is a precondition for correctly applying the non-punishment principle,¹⁷⁴ as found by the European Court of Human Rights in the case *V.C.L. and A.N. v. United Kingdom*.¹⁷⁵ GRETA has recommended to States Parties to improve the identification of victims, in particular among irregular migrants, and to ensure that while the identification procedure is ongoing, potential victims of trafficking are not punished for immigration-related offences.¹⁷⁶

94. To ensure effective implementation of the non-punishment provision, GRETA has recommended the **development of guidance and training** for law enforcement officers, prosecutors and judges on the scope and application of the non-punishment provision.¹⁷⁷

95. GRETA has **urged 12 out of the 35 States Parties** which have so far been evaluated under the third round of the Convention to ensure compliance with Article 26 of the Convention by adopting a specific legal provision on the non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so, and/or issuing guidance to law enforcement officers, prosecutors and judges on the application of the non-punishment provision enshrined in the Convention.¹⁷⁸

¹⁶⁸ UK, paras 167 ad 177.

¹⁶⁹ Belgium, para 119.

¹⁷⁰ France, para 132 and 135.

¹⁷¹ Romania, para 113.

¹⁷² Denmark, para 107 and 109.

¹⁷³ UK, paras 170-171 and 177.

¹⁷⁴ Spain, para 125.

¹⁷⁵ [V.C.L. AND A.N. v. THE UNITED KINGDOM \(coe.int\)](#).

¹⁷⁶ 4th General Report on GRETA's activities, page 54.

¹⁷⁷ Latvia, para 100; Romania, para 115; Bulgaria, para 140; Armenia, para 103; Italy, para 128.

¹⁷⁸ See, for instance, France, para 135; Italy, para 128.



Introduction

96. Under Article 28 of the Convention, Parties must take the necessary measures to provide effective and appropriate protection from potential retaliation or intimidation to victims and witnesses of human trafficking, as well as to members of civil society organisations supporting victims during criminal proceedings and, where appropriate, to victims' family members. Intimidation of victims and witnesses is nearly always aimed at suppressing evidence against defendants. Effective protection can be of various types (physical protection, relocation, identity change...) and depends on the assessment of the risks that victims and witnesses run. Regarding the period during which the protection measures are to be provided, the Convention aims in a non-exhaustive manner at the period of investigation and of the proceedings or the period following them. The period in which protection measures have to be provided depends on the threats to the persons concerned.

97. Further, Article 30 of the Convention requires Parties to adapt their judicial procedure so as to protect victims' privacy and ensure their safety, including special protection measures for child victims. While the measures provided for in Article 28 address extra-judicial protection, the measures referred to in Article 30 are concerned with the procedural measures to be introduced which can include non-public hearings, audio-visual technology, recordings of testimony, and anonymous testimony.

Promising practices and progress made

98. In **Cyprus**, protection measures have been put in place for family members of victims as most of the identified victims are foreigners who have families living abroad. In one example, the wife and two children of a Pakistani victim who had filed a complaint against his traffickers in Cyprus were threatened in Pakistan. The safe arrival of the family in Cyprus was ensured through diplomatic channels and the co-operation of all relevant authorities.¹⁷⁹

99. In **Portugal**, victims of THB are considered to be particularly vulnerable victims in criminal proceedings and are entitled to make statements for future reference (i.e. give witness statements at the pre-trial stage which can be used in the trial), to be heard by video conference and to be interviewed by a police officer of the same sex. The General Prosecutor's Office has issued a directive which emphasises the importance of the statement for future reference as a tool for protecting victims and avoiding re-victimisation, and specifies that,

¹⁷⁹ Cyprus, para 104.

when particularly vulnerable victims are involved, the interrogation of the defendant and the victims should be carried out by a prosecutor.¹⁸⁰

100. To avoid secondary victimisation, in **Italy**, victims of trafficking are included in the list of victims who can be interrogated through the "special evidence pre-trial hearing" (*incidente probatorio*). It allows to obtain the victim's testimony during the investigation or the pre-trial phase, in the presence of the defendant's lawyer, and prevents the victim from having to testify again during the trial. The victim's testimony can be obtained through the use of audio-visual means and the victim does not have to be present in court. The "special evidence pre-trial hearing" is reportedly often used in trafficking cases, but lawyers or NGOs representing victims of THB usually have to ask the responsible prosecutors to apply it.¹⁸¹

Challenges

101. In several States Parties, **direct confrontations** between victims and defendants take place during trials in THB cases.¹⁸² In a trial for THB in Ireland, the victims were cross-examined by three different barristers.¹⁸³ In the report on Latvia, GRETA noted that victims are asked insensitive, re-traumatising questions by the lawyers of the defence during trials.¹⁸⁴ GRETA is concerned by the re-traumatising effect of cross-examination of vulnerable victims and has stressed the need to protect them from secondary victimisation and further trauma during court proceedings. GRETA has recommended that the authorities ensure that the direct confrontation of victims and defendants in THB cases is avoided, to the extent possible, making use of audio-visual equipment and other appropriate methods.

102. The issue of **multiple interviews and hearings of victims** has been raised in several States Parties.¹⁸⁵ As pointed out in the report on France, victims are interviewed repeatedly by different authorities at different stages of a case starting with the lodging of the complaint.¹⁸⁶ GRETA has urged the authorities of several States Parties to take additional steps to avoid repeated and lengthy questioning of victims of THB.¹⁸⁷

103. A further issue is **the absence of separate waiting areas** at the courts for victims and perpetrators and no standardised procedures to avoid contacts at court.¹⁸⁸

104. Outside the court room, there are also challenges in preventing the **intimidation of victims by perpetrators**. In the report on Romania, for example, GRETA noted that victims of THB are often intimidated by defendants through various means prior to the court proceedings as the use of other protection measures is limited or completely absent.¹⁸⁹

¹⁸⁰ Portugal, para 114-116.

¹⁸¹ Italy, para 132.

¹⁸² See, for instance, Denmark, para 113; France, para 145; Belgium, para 130; Ireland, para 133.

¹⁸³ Ireland, para 133.

¹⁸⁴ Latvia, para 110.

¹⁸⁵ Moldova, para 123; Croatia, para 113; Slovakia, para 128.

¹⁸⁶ See, for instance, France, para 143.

¹⁸⁷ See, for instance, Croatia, para 114.

¹⁸⁸ Malta, para 114.

¹⁸⁹ Romania, para 124.

105. In the report on Serbia, GRETA noted that **victims' personal information is leaked to the media** and published by them. This not only violates the privacy and possibly the security of victims of THB, but may also dissuade them from participating in the criminal proceedings against traffickers. Problems with failing to protect the identity of victims of THB were also observed in North Macedonia. GRETA urged the national authorities to ensure the protection of the private life and identity of victims of trafficking, in line with Article 11 of the Convention, through the issuance of appropriate instructions to all relevant professionals. Further, GRETA asked the authorities to take measures to encourage the media to protect the identity and private life of victims of THB through self-regulation or regulatory/co-regulatory measures.¹⁹⁰

106. GRETA has **urged 12 out of the 35 States Parties** which have so far been evaluated under the third round of the Convention to take measures to protect victims' privacy and ensure their safety.

¹⁹⁰ Serbia, paras 128 and 130-131; North Macedonia, paras 115-116.

CHILD-SENSITIVE PROCEDURES FOR OBTAINING ACCESS TO JUSTICE AND REMEDIES (ARTICLES 11, 28 AND 30)



Introduction

107. During the third evaluation round, GRETA has paid particular attention to child-sensitive procedures for obtaining access to justice and remedies. Article 28(3) of the Convention states that a child victim shall be afforded special protection measures taking into account the best interests of the child. In relation to court proceedings, Article 30 requires Parties to ensure the victims' safety and protection from intimidation by taking special care of children's needs and ensuring their right to special protection measures. Further, Article 11(2) of the Convention requires States Parties to take measures to ensure that the identity of child victims of trafficking are not made publicly known, through the media or by any other means.

Promising practices

108. In **Norway**, interviews with presumed victims of child trafficking have to be conducted by a police prosecutor who is specially trained in working with children. These interviews take place in children's houses (*Barnehus*) set up across Norway.¹⁹¹

109. In **Luxembourg**, interviews with children are video-recorded as a rule unless, because of an objection from the child or their statutory representative, the prosecutor or investigating judge decides that recording is not necessary. These recordings are used as evidence and are viewed during the trial hearing, making it unnecessary for the child to be present at this hearing.¹⁹²

110. In the **Netherlands**, according to the Prosecutor's Office Directive on Domestic Violence and Child Abuse, which also applies in cases of THB, child victims are interviewed only once in criminal proceedings whenever possible, and an audio-visual recording is made of this interview. The defence and the investigative judge can watch via a link and put additional questions where necessary.¹⁹³

111. GRETA has welcomed the more frequent use of specially equipped facilities for interviewing children involved in criminal proceedings ("blue rooms") in **Bulgaria**.¹⁹⁴

¹⁹¹ Norway, paras 134-137.

¹⁹² Luxembourg, para 130.

¹⁹³ Netherlands, para 128.

¹⁹⁴ Bulgaria, paras 154 and 151.

112. Some Parties have a system in place that allows for the appointment of a specially trained person that guides and assists a child victim of crime throughout the court proceedings. In **Malta**, this has been introduced since 2018.¹⁹⁵ A further example is the ad hoc administrator in **France** that appoints a lawyer for the child, prepares the child for every step in the proceedings and informs the child about the progress.¹⁹⁶

Challenges

113. GRETA has observed that in several States Parties the **special protection measures envisaged for children do not apply to all children (i.e. all persons under 18 years of age)**. In Malta, for instance, the application of special interviewing conditions in the case of children between 16 and 18 years of age is at the discretion of the relevant authority.¹⁹⁷ Similarly, in Moldova, the application of special interviewing conditions is at the discretion of the judge for children between 14 and 18 years of age.¹⁹⁸ In Poland, GRETA urged the authorities to provide for the application of special protection measures to all child victims of trafficking, including children aged 15 or older, in particular the principle of a single hearing, the obligation to record the interview and the prohibition of direct confrontation with the accused.¹⁹⁹ While witnesses in Bulgaria under 14 years of age are questioned in the presence of an education professional or a psychologist and, when necessary, in the presence of a parent or guardian, witnesses between 14 and 18 years of age are questioned in this manner only if the competent authority considers it necessary. In that case GRETA considered that the authorities should ensure that all children are interviewed by adequately trained investigators, prosecutors and judges in the presence of trained child psychologists.²⁰⁰

114. There are also gaps in terms of the **number and use of specialised rooms for interviewing child victims and witnesses**. In respect of several Parties, GRETA noted that there were either an insufficient number of specially adapted interviewing rooms for child victims²⁰¹ or the rooms available were only scarcely used in practice.²⁰² In Romania, for example, the rooms for interviewing children were not used as they had not yet been fully equipped at the time of the evaluation.²⁰³

115. In the case of Cyprus, GRETA has urged the authorities to avoid as far as possible the **cross-examination of child victims of THB**. Even when children have been interviewed first at the Children's House, the defendant's lawyer had the right to cross-examine the child in court during the trial. Furthermore, GRETA was informed that there had been instances where children were cross-examined during several days by defendants' lawyers who were not specialised in interviewing children and who challenged the credibility of the child.²⁰⁴ In respect of Bulgaria, GRETA was concerned that **child witnesses may be questioned repeatedly** in the course of criminal proceedings.²⁰⁵ Similar concerns were raised in the report on North Macedonia, where GRETA was informed of cases in which children had to testify repeatedly in court, sometimes in the presence of the defendant.²⁰⁶ GRETA has urges the authorities of States Parties to ensure that child-sensitive procedures are followed when

¹⁹⁵ Malta, para 138.

¹⁹⁶ France, paras 164-168.

¹⁹⁷ Malta, paras 136 and 140.

¹⁹⁸ Moldova, para 150.

¹⁹⁹ Poland, para 180.

²⁰⁰ Bulgaria, paras 174 and 179.

²⁰¹ Slovakia, paras 162-163; France, para 168.

²⁰² See, for instance, Romania, para 153; Armenia, para 133; France, para 168; North Macedonia, para 135.

²⁰³ Romania, para 153.

²⁰⁴ Cyprus, paras 131-132.

²⁰⁵ Bulgaria, para 174.

²⁰⁶ North Macedonia, para 135.

investigating, prosecuting and adjudicating cases of THB, in line with the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice.²⁰⁷ This should include measures to ensure that all professionals who work with children, including lawyers, prosecutors and judges, receive the necessary interdisciplinary training on the rights and specific needs of children, as well as that child victims of trafficking are interviewed in child-friendly interview rooms and are not cross-examined in the presence of the defendant.²⁰⁸

116. A specific challenge pointed out in relation to Belgium concerns **parents who had trafficked their children and may retain their parental rights** even in the event of a criminal conviction. These children end up not having a legal guardian and are legally represented by the parents who trafficked them. GRETA considered that the authorities should further strengthen the dialogue between the criminal courts and the juvenile courts in order to guarantee that children are adequately protected against trafficker-parents.²⁰⁹

117. **Protecting the child's identity** plays an important role in protecting victims from potential retaliation or intimidation. In some countries, GRETA was informed that the names of victims of THB, including children, were often published by the media.²¹⁰ GRETA has urged the authorities to abandon the practice of making the names and addresses of victims of trafficking publicly available on judicial websites.²¹¹

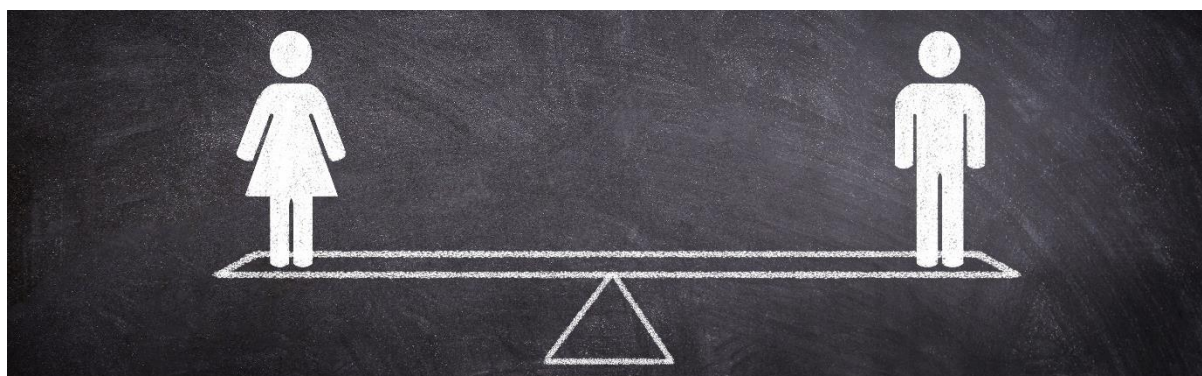
²⁰⁷ [Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice](#) (Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies).

²⁰⁸ North Macedonia, para 136.

²⁰⁹ Belgium, paras 152 and 156.

²¹⁰ Bosnia and Herzegovina, para 111; Croatia, para 140.

²¹¹ Romania, para 123.



Introduction

118. During the third evaluation round, GRETA has paid particular attention to gender-sensitive procedures for obtaining access to justice and remedies. Pursuant to Article 17 of the Convention, each Party shall, in applying measures to protect and promote the rights of victims, aim to promote gender equality and use gender mainstreaming in the development, implementation and assessment of the measures. The aim of Article 17 is to draw attention to the fact that women are the majority of identified victims of trafficking in human beings as well as that discrimination against women and girls in many societies, leading to poverty and marginalisation, may increase risks of being targeted by trafficking networks.

119. GRETA has noted that in the case of trafficking in human beings, gender stereotypes, prejudices, cultural barriers, fear and shame impact women's access to justice, and these barriers may persist during investigations and trials. This is particularly true for some groups of women, such as victims of gender-based violence, migrant, refugee and asylum-seeking women, ethnic minority women and women with disabilities. On the socio-economic level the obstacles include lack of awareness of one's legal rights and legal procedures or of how to access legal aid, which can stem from gender differences in educational levels, and access to information. A further obstacle may be the lack of financial resources, including the means to pay for legal representation, legal fees, judicial taxes, transportation to courts or child care.²¹² Such obstacles, and remedies to them, are listed in a Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, as well as in the publication "Women's Access to Justice: Guide for Legal Professionals".²¹³

Promising practices

120. In **North Macedonia**, according to the Standard Operating Procedures for the Treatment of Victims of THB, victims should be informed of their right to be interviewed by a police officer of the same sex. Further, the sex of the victim should be taken into consideration in the selection of interpreters. In addition, gender-sensitive indicators for detection victims of THB by labour inspectors were developed with the support of the Council of Europe.²¹⁴

²¹² Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, page 13 available at <https://rm.coe.int/training-manual-women-access-to-justice/16808d78c5>

²¹³ Available at: <https://rm.coe.int/factsheet-womens-access-to-justice/16808ff44e>

²¹⁴ North Macedonia, paras 131-132.

121. In **Spain**, the gender dimension is incorporated in Spanish legislation, policies and action against trafficking in human beings. Specialised lawyers on gender equality exist within the different local Bar Associations and provide legal aid to victims of gender-based and sexual violence, including victims of THB for the purpose of sexual exploitation.²¹⁵

Challenges

122. In the report on Albania, GRETA noted the lack of appropriate legislation or measures for the protection of women and girls belonging to disadvantaged and marginalised groups, who are at heightened risk of THB. GRETA considered that the authorities should promote a gender-responsive approach to access to justice for victims of THB, including through gender mainstreaming and training, and adopt a gender-sensitive approach to the identification of victims of THB, including through allowing for the provision of interpreters and interviewers of the same sex as the presumed victim.²¹⁶

123. GRETA noted in the context of Poland that there was no training or guidance on conducting gender-sensitive interviews in a manner that allows trafficked women and girls to disclose sensitive and traumatic experiences.²¹⁷ Consequently, GRETA invited the Polish authorities to provide specific training to law enforcement officers, prosecutors and judges on how to conduct gender-sensitive interviews.

Issues unique to specific parties

124. In Italy, GRETA noted that there had been several cases of **woman separated from their children by judicial decision** on the grounds that they cannot take care of them because of being victims of trafficking. In 2021, the European Court of Human Rights found Italy in violation of Article 8 of the ECHR for such a practice, because the Italian courts had decided to interrupt all contact between the applicant and her children despite less radical solutions being available and despite the recommendations of an expert report, failing to take into account the applicant's particularly vulnerable situation as a victim of trafficking.²¹⁸ Regardless of this judgment, GRETA was informed that the practice of separating women victims and their children continues in some regions of Italy. GRETA is concerned that this practice not only affects victims' right to assistance, but also undermines their right to access justice to protect their family life and may prevent victims from denouncing their trafficking experience for fear of being separated from their children. GRETA urged the Italian authorities to take measures to ensure that women victims of trafficking with children can effectively access justice for the protection of their right to family life, in accordance with the case-law of the European Court of Human Rights.

²¹⁵ Spain, paras 155-156.

²¹⁶ Albania, para 125.

²¹⁷ Poland, para 172.

²¹⁸ *AI v. Italy*, No. 70896/17, ECHR, judgment of 01/04/2021.

SPECIALISED AUTHORITIES AND CO-ORDINATING BODIES (ARTICLE 29)



Introduction

125. Pursuant to Article 29(1) of the Convention, Parties shall adopt the necessary measures to promote specialisation of persons or entities in anti-human-trafficking action and victim protection. Each country must have anti-trafficking specialists in sufficient numbers and endowed with appropriate resources. The staff of specialised authorities and co-ordinating bodies should, as far as possible, be composed of both women and men. To combat trafficking effectively and protect its victims, it is essential that proper training is provided to relevant officials.

Promising practices

126. In **the Netherlands**, there is an Aliens Police, Identification and Trafficking Department (AVIM) within each of the 10 regional police directorates which is tasked with identifying victims of THB and investigating THB offences. All AVIM officers working in the THB teams must undergo a training on THB lasting 20 weeks at the Police Academy and pass an exam. Further, there are approximately 20 specialised prosecutors working on THB cases in the 10 regional branches of the Prosecutor's Office, at the four Courts of Appeal and at the national level. In some district courts (e.g. in The Hague and Amsterdam), as well as in appeal courts, THB cases are allocated to chambers which have judges with experience in THB cases. Prosecutors and judges regularly participate in training on THB organised at the Training and Study Centre for the Judiciary.²¹⁹

127. In **Belgium**, a network of expertise of THB and migrant smuggling has been set up within the Board of General Prosecutors. The monitoring of case-law and other relevant information by specialised prosecutors is ensured by the coordinator of the network. Specialised prosecutors are present in every district and meetings are organised regularly with law enforcement agencies in accordance with criminal policy circular COL 1/2025, which recognised action against THB as a priority.²²⁰

128. In **Hungary**, a network of prosecutors specialised in trafficking in human beings, comprising one prosecutor from each of the country's 21 Chief Prosecution Offices and the five Appellate Chief Prosecution Offices, became operational on 1 January 2023. The THB unit

²¹⁹ Netherlands, para 112-117.

²²⁰ Belgium, para 134.

of the National Bureau of Investigation, which investigates THB cases with an international element, became an independent unit as of 1 January 2021. Moreover, in 2019, anti-trafficking senior supervisor officers were appointed in all county and capital district police headquarters, in order to increase the detection of THB and related crimes and ensure the protection of the rights of victims. There are 40 anti-trafficking senior supervisor officers throughout the country, two in each county.²²¹

129. In 2020, a network of specialised prosecutors and investigators was set up in **Bosnia and Herzegovina**, including 21 prosecutors and 27 investigators.²²²

130. In **Norway**, all 12 police districts in Norway have a specialised THB unit within the organised crime department.²²³

Challenges

131. In several States Parties, GRETA has observed challenges related to **limited resources** and **frequent staff turnover** of specialised units within the police and the Prosecutor's Office. In Romania, the Department for Combating Organised Crime operated with limited staff which led to investigators handling multiple cases simultaneously and struggling to build strong cases for prosecutors. Consequently, GRETA urged the Romanian authorities to ensure that there is a sufficient number of specialised, trained and well-resourced investigators and prosecutors to deal with THB cases throughout the country.²²⁴ In Cyprus, GRETA noted that although the staff of the Police Office for Combating Trafficking in Human Beings had been increased, it was still understaffed in relation to its mandate and responsibilities, which limited the possibility to conduct proactive investigations.²²⁵ In France, GRETA noted the lack of human and financial resources within specialised investigation services for tackling trafficking networks effectively.²²⁶

132. **The impact of the reorganisation of criminal justice authorities** has been discussed in several GRETA reports as this may result in loss of expertise and specialisation.²²⁷ In Albania, for instance, GRETA expressed concern that the prosecution of THB offences which are not committed by a structured criminal group or criminal organisation is entrusted to First Instance Prosecutor's Offices with general jurisdiction which lack training and specialisation to deal with THB cases, rather than to the Special Prosecution Office against Corruption and Organised Crime which was established in the framework of the judicial reform.²²⁸

133. A gap in the implementation of Article 29(1) of the Convention is the **lack of training to deal with THB cases**.²²⁹ GRETA has stressed that training of THB should **be embedded in the regular training curricula of different professional groups**, including law enforcement officials, prosecutors, judges, lawyers, labour inspectors, social workers, child welfare staff, health-care staff, and diplomatic and consular staff.²³⁰

²²¹ Hungary, paras 119-120.

²²² Bosnia and Herzegovina, paras 115 and para 123.

²²³ Norway, para 112.

²²⁴ Romania, paras 128 and 136.

²²⁵ Cyprus, para 108.

²²⁶ France, para 148.

²²⁷ See, for instance, Denmark, para 88; Latvia, para 114; Portugal, paras 122 and 125.

²²⁸ Albania, para 101.

²²⁹ See, for instance, Norway, para 117; Denmark, para 126; Malta, para 125; Montenegro, paras 116 and 120.

²³⁰ See, for instance, Georgia, para 101.



134. Article 32 of the Convention requires Parties to co-operate to the widest extent possible to prevent and combat THB, to protect and to provide assistance to victims, and to investigate and prosecute cases of THB. International co-operation between State Parties to the Convention is also essential for enabling access to effective remedies for victims of trafficking. Parties must co-operate with one another “to the widest extent possible”. This principle requires them to provide extensive co-operation to one another and to minimise impediments to the smooth and rapid flow of information and evidence internationally. As regards international co-operation in criminal matters for the purposes of investigations or proceedings, the provisions of the Convention neither cancel nor replace the provisions of relevant international or regional instruments²³¹ on mutual legal assistance and extradition, reciprocal arrangements between Parties to such instruments and relevant provisions of domestic law concerning international co-operation.

135. Because human trafficking is often a transnational crime, effective international co-operation is essential for fulfilling the obligations with regard to the right to justice and effective remedies. This includes co-operation in tracing and seizing criminal assets, and in returning confiscated proceeds for the purpose of compensation.

136. GRETA seeks information from States Parties about the setting up of **Joint Investigation Teams (JIT)** in human trafficking cases. Romania is the country with the highest number of agreements on JITs for investigating THB, having 35 ongoing JITs in 2019, most of which were concluded with the UK.²³² As of December 2019, England and Wales were participating in 24 live JITs on THB with seven EU member states, and there were several more JIT in which Scotland and Northern Ireland were involved.²³³ France participated in some 15 JITs in human trafficking cases between 2015 and 2019 with Romania (six), Belgium (four), Bulgaria (two), Spain (one), Hungary (one) and Bosnia and Herzegovina (one).²³⁴ In the report on Latvia, reference was made to a JIT set up by the Latvian State Police and Derbyshire Constabulary (United Kingdom) leading to the arrest of six members of an organised criminal group and 14 victims of labour exploitation identified in 2018.²³⁵

²³¹ For example, the European Convention on Extradition, the European Convention on Mutual Assistance in Criminal Matters and its protocols, Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member states, the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

²³² Romania, para 140.

²³³ UK, para 204.

²³⁴ France, para 154.

²³⁵ Latvia, para 123.

137. Furthermore, GRETA seeks information about **mutual legal assistance** requests made in relation to THB cases.²³⁶ In the report on Italy, GRETA noted that 15 rogatory commissions with non-EU countries were implemented between January 2019 and July 2023, involving Turkey, the United Kingdom and Georgia. However, the Italian authorities referred to difficulties when it comes to mutual legal assistance with some non-EU countries, as well as in cases of trafficking facilitated by ICTs.²³⁷ Between February 2008 and September 2020, France issued 44 international requests for judicial assistance in THB cases, 30 of which were executed, and received 60 requests, of which 47 were executed. The number of **European Arrest Warrants** issued by French courts in THB cases rose from 20 in 2015 to 55 in 2018.²³⁸

138. In some States Parties, GRETA was informed about **cross-border co-operation of labour inspections**. In a case of THB for the purpose on labour exploitation involving two construction companies, the Mines and Labour Inspectorate of Luxembourg (ITM) carried out inspections together with French labour inspectors. ITM also regularly carries out joint inspections with the German and Belgian labour inspection authorities, sometimes through the intermediation of the European Labour Authority (ELA).²³⁹ In 2018, the Labour Inspectorate of the Czech Republic made a request to the Belgian authorities concerning the exploitation of Czech workers employed by a company in the automotive sector in Brussels. This made it possible to discover a network of subcontractors, mostly from Eastern Europe and the Balkans, which were providing workers to the Belgian company.²⁴⁰ The Bulgarian Labour Inspectorate has conducted joint activities with the French authorities in the framework of an agreement for co-operation between Bulgaria and France in the fight against undeclared work and compliance with social legislation.²⁴¹

139. GRETA has been informed about **police officers posted to another country** working specifically on trafficking cases. For instance, the Norwegian authorities have posted a police officer to serve as a liaison officer in Manila, with the aim of uncovering and preventing cases of child sexual abuse.²⁴² Officers from Romania and Poland are seconded to work in policing in the London Met Police Unit dealing with human trafficking.²⁴³

140. In several reports, **challenges in cross-border co-operation related to financial investigations and access to compensation** are discussed. GRETA was informed in Austria that the execution of compensation orders does not work transnationally, referring to a case in which the victims returned to Bulgaria.²⁴⁴ The Latvian authorities referred to a JIT with the UK in a case of THB for labour exploitation, which included a financial investigation and the detection of criminal assets, but the victims who returned from the UK to Latvia did not receive compensation from the perpetrators.²⁴⁵

141. GRETA has recommended to States Parties to continue their efforts in the area of international co-operation, including by setting up JITs, co-operating in the conduct of financial investigations²⁴⁶ and the enforcing of compensation orders,²⁴⁷ as well as in the context of returning victims to their countries of origin.²⁴⁸

²³⁶ See, for instance, Austria, para 162; Ireland, para 147; Bosnia and Herzegovina, para 128.

²³⁷ Italy, paras 111 and 150.

²³⁸ France, para 156.

²³⁹ Luxembourg, para 120.

²⁴⁰ Belgium, para 147.

²⁴¹ Bulgaria, para 165.

²⁴² Norway, para 128.

²⁴³ UK, para 205.

²⁴⁴ Austria, para 166.

²⁴⁵ Latvia, para 123.

²⁴⁶ See, for instance, France, para 159; Austria, para 167.

²⁴⁷ Austria, para 167.

²⁴⁸ Denmark, para 137; Austria, para 166.



142. GRETA has decided to pay attention during the third evaluation round to the role of businesses in the fight against THB, even if there are no specific provisions in the Convention on this issue. In accordance with the UN 'Protect, Respect and Remedy' Framework and the United Nations Guiding Principles on Business and Human Rights, the private sector should play a role in enabling access to, as well as providing, remedies to trafficked persons.²⁴⁹ The role of businesses includes steps to ensure that their supply chains are free of trafficked labour, as well as the adoption and implementation of measures to facilitate victims' access to remedies for any harm that occurs. Further, businesses have the potential to help trafficked persons regain economic autonomy.²⁵⁰ States should therefore ensure that business enterprises implicated in human trafficking are held responsible and take steps to reduce barriers that could lead to a denial of access to remedies.

143. GRETA's reports discuss measures taken by States Parties to ensure that businesses act with human rights due diligence and thereby prevent trafficking in human beings. This involves the adoption of National Action Plans on Business and Human Rights, corporate social responsibility policies, public procurement policies, and legislation on reporting duties and mandatory due diligence.

144. Many States Parties have adopted **National Plans on Business and Human Rights** which aim to ensure respect for human rights throughout business supply chains and increase co-operation between public bodies, companies and civil society. By way of example, Poland's National Plan for the Implementation of the United Nations Guiding Principles on Business and Human Rights (2021-2024) contains several measures of relevance for the fight against THB, including tools for entrepreneurs for minimising forced labour in legal entities and changes to the provision of hotel services related to the prevention of sexual exploitation of children in hotels.²⁵¹ Under Sweden's National Action Plan for Business and Human Rights, adopted in 2015, companies are expected to produce guidelines for employees on how to report unacceptable working conditions and to establish a procedure for compensation of employees for the harm suffered.²⁵² In December 2021, Italy adopted its second National Action Plan on Business and Human Rights, which contains dedicated sections on human trafficking and irregular work in agriculture.²⁵³

145. Concerning **business due diligence legislation**, in France, the Law of 27 March 2017 on due diligence by parent companies and head contractors requires companies employing at least 5,000 employees in France or at least 10,000 employees in France and

²⁴⁹ United Nations Guiding Principles on Business and Human Rights, implementing the UN 'Protect, Respect and Remedy' Framework, Doc. A/HRC/17/31 (2011).

²⁵⁰ UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 8-9.

²⁵¹ Poland, para 182.

²⁵² Sweden, para 128.

²⁵³ Italy, para 169.

abroad to prepare, publish, comply with and evaluate a due diligence plan to identify risks and obviate serious violations of human rights and fundamental freedoms, as well as harm to the environment and individuals' health and safety, across the company's sphere of influence, covering subsidiaries as well as subcontractors. If a company fails to comply with this obligation, it will incur liability and be required to compensate for the damage that could have been avoided by fulfilment of this obligation. However, GRETA noted that a report published in January 2020 by the General Council for the Economy, Industry, Energy and Technologies found that the implementation of the law was still unsatisfactory.²⁵⁴

146. Another example is provided from the United Kingdom, where section 54 of the Modern Slavery Act 2015 contains a requirement for businesses with a turnover of £36 million or more per year that provide products or services in the UK to publish an annual statement explaining what steps they have taken to tackle trafficking and slavery in supply chains. In 2019, the UK Government launched resources (Modern Slavery Assessment Tool and a Procurement Policy Note and guidance) to support public sector organisations identify and mitigate modern slavery risk in their supply chains. Further, the UK Government published a modern slavery statement, setting out the steps taken to identify and prevent modern slavery in central Government supply chains. However, GRETA noted that according to civil society, an estimated 40% of eligible companies are not complying with the legislation, and a significant percentage of those who are complying are doing the bare minimum. In January 2021, the Government committed to introducing financial penalties for organisations who fail to meet their legal obligation under section 54 of the Modern Slavery Act.²⁵⁵

147. Further, in June 2021, Norway adopted the Transparency Act, pursuant to which companies are obliged to publish findings of due diligence on their website and to respond to enquiries from consumers, organisations and other interested parties.²⁵⁶

148. In the context of Luxembourg, GRETA noted that an approach based solely on voluntary measures taken by businesses is not enough on its own to prevent and eradicate trafficking within businesses and their supply chains. GRETA stressed the importance of due diligence procedures that are binding, effective and monitored in order to reduce the risk of human rights violations, including THB, by businesses, and invited the authorities to adopt a due diligence procedure for businesses as soon as possible.²⁵⁷

149. GRETA's reports offer examples of **states providing guidance and tools for businesses** on how to lower the risks of being involved, directly or indirectly in trafficking. By way of example, in Denmark, the Centre against Trafficking in Human Beings (CMM) has developed a tool called "Managing the risk of Hidden Forced Labour – A guide for Companies and Employers", which includes checklists of measures companies can take to reduce the risk of forced labour in their supply chains.²⁵⁸ In Poland, a Handbook on "Forced Labour: How to Recognise and Counteract It" was prepared by the Team for Sustainable Development and Corporate Social Responsibility, which was set up by Ministry of Funds and Regional Policy and included representatives of relevant public administrations, employers' organisations, trade unions and NGOs. The handbook is addressed to companies, institutions and organisations employing individuals directly or indirectly (subcontractors). It provides guidance to employers on how to reduce risks and counter consequences of forced labour in

²⁵⁴ France, para 173.

²⁵⁵ UK, paras 227-232.

²⁵⁶ Norway, para 138.

²⁵⁷ Luxembourg, para 135.

²⁵⁸ Denmark, para 147.

their operations, and includes practical tools (indicators, internal policy proposals, preliminary risk assessment questionnaires, checklists and templates of contractual clauses).²⁵⁹

150. Several States Parties have implemented initiatives in the area of **public procurement** including, for instance, the exclusion of a company from public procurement procedures for a certain period of time if the company or members of its management were convicted for THB.²⁶⁰

151. GRETA has recommended to the authorities to States Parties to continue and strengthen their engagement with the private sector, in line with the UN Guiding Principles on Business and Human Rights as well as Council of Europe Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business²⁶¹ and Recommendation CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation,²⁶² with a view to raising awareness of the important role and responsibility of businesses in supporting the rehabilitation and recovery of victims of trafficking, and providing access to effective remedies.

²⁵⁹ Poland, para 184.

²⁶⁰ See, for instance, Malta, para 143; Ireland, para 163; Belgium, para 159; Moldova, para 154.

²⁶¹ [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 1249th meeting of the Ministers' Deputies.

²⁶² [Recommendation CM/Rec\(2022\)3](#) of the Committee of Ministers to member States on preventing and combating trafficking in human beings for the purpose of labour exploitation and [Explanatory Memorandum](#), adopted on 27 September 2022.



152. Human trafficking and corruption are closely related criminal activities, which is why GRETA has decided to pay attention during the third evaluation round to measures taken by States Parties to prevent and detect corruption which may be related to trafficking in human beings. While there is no article in the Convention specifically dealing with corruption, other Council of Europe legal instruments are also relevant to combating human trafficking, in particular those designed to combat corruption, money laundering and cybercrime. The Council of Europe body with the main role to play in the fight against corruption is the Group of States against Corruption (GRECO). In its third round reports, GRETA has referred to GRECO's findings and recommendations which are relevant in addressing structural shortcomings in preventing corruption, including potentially in a THB context.

153. GRETA asks States Parties to provide information on any identified **cases of corruption related to THB**. In most States Parties, GRETA was informed that there had been no relevant cases.²⁶³ At the same time, several Parties referred to relevant cases.²⁶⁴ In Cyprus, for example, a case of trafficking in human beings for the purpose of labour and sexual exploitation involving three police officers was investigated in 2018.²⁶⁵ In Bulgaria, the authorities indicated that in 2016, pre-trial proceedings were instituted against two employees of the Ministry of Interior for extortion of persons dealing with prostitution, pimping and trafficking for the purpose of prostitution.²⁶⁶

154. In Albania, the authorities did not detect cases of public officials being involved in trafficking, however, GRETA was informed about situations where corruption might take place, for instance when a victim's report to the police is not registered due to connections between the police officers and traffickers.²⁶⁷ Further, the report on Romania raises an example of possible impacts of corruption on the investigation and prosecution of cases of THB. A consequence of the tendency of THB offences for the purpose of sexual exploitation to be qualified as pimping in Romania is that the use of services of victims of pimping is not criminalised, and public officials who have used such services are not prosecuted. It has been suggested by civil society representatives that the qualification of the offence as pimping could be a consequence of corruption and/or inappropriate trading in influence in connection with blackmail.²⁶⁸

²⁶³ See, for instance, Austria, para 185; Montenegro, para 145; Portugal para 147; Croatia, para 149.

²⁶⁴ See, for instance, Bosnia and Herzegovina, para 150; Latvia, para 149; Moldova, paras 103 and 157.

²⁶⁵ Cyprus, para 140.

²⁶⁶ Bulgaria, para 188.

²⁶⁷ Albania, para 139.

²⁶⁸ Romania, para 169.

155. GRETA has stressed in its recommendations that **measures against corruption in a THB context need to be embedded in the overall policies against corruption.**²⁶⁹ For example, GRETA has recommended to include measures against corruption in a THB context in Bulgaria's National Strategy for Combating Corruption.²⁷⁰

²⁶⁹ See, for instance, Cyprus, para 140; Italy, para 178; Slovakia, para 179.

²⁷⁰ Bulgaria, paras 187 and 190. See also Albania, para 140; France, para 179; Georgia, para 127.

APPENDIX - ISSUES ASSESSED AS PART OF THE THIRD EVALUATION ROUND OF THE CONVENTION, WITH AN INDICATION OF THE COUNTRIES “URGED” BY GRETA TO TAKE ACTION

ISSUES	ALB	AND	ARM	AUS	AZE	BEL	BIH	BGR	HRV	CYP	DNK	FRA	GEO	HUN	ICE	IRE	ITA	LVA	LTU	LUX	MLT	MDA	MNE	NDL	MKD	NOR	POL	PRT	ROU	SRB	SVK	SVN	ESP	SWE	GBR		
Right to information																					X																
Legal assistance and free legal aid	X		X		X	X	X	X		X		X		X		X				X		X	X			X		X		X						X	
Psychological assistance																																					
Access to work and education			X																																		
Compensation	X		X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X		X
Investigation, prosecution and sanctions	X		X		X	X	X	X	X		X		X	X	X	X	X	X		X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	
Non-punishment provision									X		X	X		X	X		X											X	X		X	X		X	X		
Protection of victims					X				X		X								X		X	X				X			X	X	X	X	X				
Child-sensitive procedures									X	X												X				X			X		X	X					
Gender-sensitive proceedings																	X																				
Specialised authorities and coordination																													X								
International cooperation																																					
Role of businesses																																					
Measures to prevent corruption																																					

The Council of Europe Convention on Action against Trafficking in Human Beings is the first international legal instrument to adopt a human rights-based and victim-centred approach to combating human trafficking.

For the third evaluation round of the Convention, launched in 2019, the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) decided to focus on access to justice and effective remedies for victims of trafficking, which is crucial to the rehabilitation of victims and the restoration of their rights. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic, in particular articles 12, 15, 23, 26, 27, 28, 29, 30 and 32.

The stock-taking of the third evaluation round of the Convention presents a horizontal review of the 35 country evaluation reports adopted by GRETA under this round by the end of 2023. It features an analysis of the articles of the Convention that are addressed under the third evaluation round and identifies promising practices, common challenges and remaining gaps after three rounds of evaluation. GRETA's recommendations to address the challenges identified are also cited.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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