

ASSISTANCE TO VICTIMS OF HUMAN TRAFFICKING



GRETA
Group of Experts
on Action against
Trafficking
in Human Beings

**Thematic Chapter of the 8th General Report
on GRETA's activities**
(covering the period from
1 January to 31 December 2018)



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

ASSISTANCE TO VICTIMS OF HUMAN TRAFFICKING

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

Thematic Chapter of the 8th General Report
on GRETA's activities

French edition:

Assistance aux victimes de la traite

All requests concerning the reproduction
or translation of all or part of this document should be
addressed to the Directorate of Communication
(F-67075 Strasbourg Cedex or publishing@coe.int).

All other correspondence concerning this document
should be addressed to the Secretariat of the Council
of Europe Convention on Action against
Trafficking in Human Beings
trafficking@coe.int

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

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

© Council of Europe, October 2019
Printed at the Council of Europe

Contents

EXECUTIVE SUMMARY	5
INTRODUCTION	9
LEGAL BASIS FOR PROVIDING ASSISTANCE TO VICTIMS OF TRAFFICKING	10
UNCONDITIONAL ASSISTANCE	13
GENDER DIMENSION OF VICTIM ASSISTANCE	15
APPROPRIATE AND SECURE ACCOMMODATION	16
SUBSISTENCE	24
MEDICAL ASSISTANCE	25
COUNSELLING, INFORMATION AND LEGAL ASSISTANCE	28
PSYCHOLOGICAL ASSISTANCE	31
SOCIAL AND ECONOMIC (RE)INTEGRATION	32
ROLE OF CIVIL SOCIETY ORGANISATIONS	38
CONCLUDING REMARKS	43

Assistance to victims of human trafficking

Executive summary

The Council of Europe Convention on Action against Trafficking in Human Beings requires States Parties to adopt measures to assist victims in their physical, psychological and social recovery, taking into account their safety and protection needs. These measures apply to all victims in a non-discriminatory manner - women, men and children, whether subjected to transnational or national trafficking, regardless of the form of exploitation and the country where they were exploited.

Ten years after the entry into force of the Convention, GRETA's monitoring work shows that there are continuing and serious gaps in the availability of assistance measures adapted to the needs of victims. GRETA has decided to dedicate a thematic chapter to the provision of assistance to victims of human trafficking in the 8th General Report, published in May 2019.

GRETA has stressed that the provision of timely assistance to victims of trafficking is essential for encouraging them to remain in the country of destination for long enough to serve as witnesses in trials against traffickers. Victims of trafficking should be given the opportunity to play a role in criminal proceedings against traffickers, if they so wish, and to receive compensation. Further, measures to improve victim support should include consultation of survivors of human trafficking to ensure that their needs are adequately met.

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

In most Parties, admission to the victim assistance system is not dependent on the existence of a criminal investigation. However, GRETA is concerned by indications that the provision of assistance to victims of trafficking hinges on their co-operation

with law enforcement authorities, even though the link does not exist formally. GRETA has made recommendations to the authorities of several countries to guarantee access to assistance irrespective of the victim's readiness or capacity to co-operate with police/prosecution.

Due to the gendered nature of trafficking, in many countries, anti-trafficking policy and practice has focused on women and girls. Most assistance services, including shelters, are designed and tailored to the needs of female victims, in particular those subjected to sexual exploitation. However, not enough resources are available to assist female victims of other forms of exploitation. The situation of women who have children can also be particularly challenging, given the risks of secondary victimisation of children.

The number of male victims of trafficking has been on the rise across State Parties to the Convention due to the proliferation of cases of trafficking for the purpose of labour exploitation. The second evaluation round has brought to light some improvements in certain countries when it comes to assisting male victims of trafficking. However, there is still a marked shortage of assistance projects for male victims of trafficking.

GRETA has noted that the needs of female and male victims often differ and assistance measures offered to them should take into account their specific needs, bearing also in mind the type of exploitation to which they were subjected. Vulnerable women should not be housed with men they do not know or random acquaintances. International best practice suggests that persons who have experienced trafficking for sexual exploitation should be accommodated in specialised shelters, following a gender-sensitive approach.

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

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

The absence of specialised shelters for child victims of trafficking is a common problem in most Parties to the Convention and GRETA has urged the authorities to provide appropriate accommodation for child victims. Because of the absence of specialised facilities or a shortage of places in specialist child-welfare institutions, child victims of trafficking are sometimes placed in detention institutions. GRETA has stressed that any detention of children should be used only as a measure of last resort and for the shortest possible period of time.

Material assistance is intended to give victims the means of subsistence because many victims, once out of the traffickers' hands, are totally without material resources. The risks of exploitation of victims of trafficking struggling to make ends meet are

considerable, especially for those with mental or physical disabilities or experiencing discrimination based on age or gender.

Medical assistance is often necessary for victims of trafficking who have been exploited or have suffered violence. The assistance may also allow evidence to be kept of the violence so that, if they wish, the victims can take legal action. While the identification process is on-going, emergency medical treatment must be guaranteed to all victims of trafficking, regardless of citizenship or legal status. Full medical assistance is only envisaged under the Convention for victims lawfully resident in the Party's territory who do not have adequate resources and need such help. In several countries, GRETA has made recommendations to either make provision for victims' access to emergency medical care or to improve the existing access.

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

GRETA's reports highlight the value of a lawyer being appointed as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before the person makes an official statement and/or decides whether to co-operate with the authorities. Early access to legal assistance is also important to enable victims to undertake civil actions for compensation and redress. In practice, victims are largely dependent on NGOs for the provision of specialised legal aid, whereas NGOs are dependent on donors who are willing to fund legal assistance or lawyers who are willing to work pro bono.

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.

While access to psychological assistance forms part of the package of assistance measures to which victims of trafficking are entitled by law, in many countries there are lacunae when it comes to the practical implementation of this provision, such as delays in access to psychiatric and psychosocial support, or shortage of psychotherapists able to deal with trauma.

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

GRETA has stressed in its country evaluation report the need for measures to facilitate long-term assistance and (re)integration of victims into society, including through vocational training and facilitating access to the labour market. GRETA has noted a lack of systematic monitoring of the long-term impact of available programmes on the (re)integration of victims. At the same time, GRETA has highlighted some promising practices in some countries. Further, GRETA has stressed the need to develop public-private partnerships with a view to creating appropriate work opportunities for victims of trafficking.

Children should not be returned to their countries of origin if there are no guarantees that the family or special institution will provide for the child's safety, protection, long-term care and reintegration. The particular vulnerability of children, who may be trafficked by their own families or persons from the same community, calls for additional safeguards to ensure their recovery and (re)integration.

The Convention explicitly recognises the role of civil society organisations in fulfilling the purposes of the Convention, including when it comes to the provision of assistance to victims of trafficking. Most countries have set up an institutional form of co-operation with specialised NGOs providing support to victims. In some countries, the provision of services to victims of trafficking is delegated to NGOs who are selected through public tenders or are subject to some form of licensing procedures. When assistance is provided by different service providers, including NGOs, the national authorities must ensure that minimum standards are guaranteed to all victims of trafficking across the country, regardless of the service provider and the victim's place of residence, and that adequate funding is provided to maintain them. Further, there should be an effective supervision of the observance of the quality standards.

Finally, GRETA is concerned that in some countries the regulation of the activities and funding of NGOs may unduly impede their ability to engage in assisting victims of trafficking, and consequently inhibit the building of strategic partnerships between the authorities and civil society with the aim of achieving the purpose of the Convention.

Introduction

Victims who break free of their traffickers' control generally find themselves in a position of great insecurity and vulnerability. In addition to having suffered psychological trauma and physical injuries, victims of trafficking may have no means of subsistence, may be in an irregular migration situation, without documents and resources to return to their home countries, and may be afraid of retaliation against themselves or their families. The Convention requires Parties to adopt measures to assist victims in their physical, psychological and social recovery, taking into account their safety and protection needs. These measures apply to all victims in a non-discriminatory manner in accordance with Article 3 of the Convention - women, men and children, whether subjected to transnational or national trafficking, regardless of the form of exploitation and the country where they were exploited.¹

Assistance services must be provided on a consensual and informed basis, taking account of the special needs of persons in a vulnerable position, as well as children. Article 12, paragraphs 1 and 2 of the Convention, set out the assistance measures which State Parties must provide to persons for whom there are "reasonable grounds to believe" that they are victims of trafficking, i.e. before the victim identification process has been concluded. These measures also apply to foreign victims in an irregular situation during the recovery and reflection period of at least 30 days provided for in Article 13 of the Convention, prior to the granting of any residence permit.

The aim of the measures is to "assist victims in their physical, psychological and social recovery". The authorities must therefore make arrangements for those assistance measures while bearing in mind the specific nature of that aim. The Convention provides a minimum list of assistance measures which must be guaranteed by law and include at least standards of living capable of ensuring the victims' subsistence (including appropriate and secure accommodation, psychological and material assistance), access to emergency medical treatment, translation and interpretation services, counselling and information, assistance to represent the victims' rights during criminal proceedings against offenders, and access to education for children. Parties are free to grant additional assistance measures.² The assistance measures in the Convention should be read in conjunction with other relevant human rights instruments and guidelines.³

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

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

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

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

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

Legal basis for providing assistance to victims of trafficking

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

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

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

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

By way of example, in the **Republic of Moldova**, the assistance to victims of trafficking is regulated by the Anti-Trafficking Law, and covers physical, psychological and social recovery measures in the form of a minimum assistance package provided by the Ministry of Labour, Social Protection and Family. It also includes secure accommodation, advice and information, representation in court proceedings and access to education for children. Victim assistance is provided by specialised state-run centres.

By Government Decision No. 898 of 30 December 2015, minimum quality standards were approved for services responsible for the support and protection of victims of trafficking in human beings. The Regulation on operation of the territorial multidisciplinary teams within the National Referral System (Government Decision No. 228 of 28 March 2014) clarified the roles of responsibilities of the entities participating in these teams with regard to victim assistance.

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

In **Spain**, a Framework Protocol for the Protection of Victims of Trafficking was signed in October 2011. It establishes procedures for the detection, identification, referral, support and protection of adult and child victims of trafficking, covering both EU nationals and third-country nationals. The right to assistance is recognised to all victims without exclusion and, in the case of foreign victims, regardless of whether they have a residence permit in Spain. Assistance covers suitable and safe accommodation, material assistance, psychological assistance, medical assistance, interpretation services and legal counsel. Subject to their consent, victims are referred to the regional or local services providing social assistance or organisations with accredited experience in assisting victims of trafficking. However, GRETA was concerned that Spanish and other EU citizens may not benefit from resources provided for third-country victims by the General Secretary for Immigration and Emigration, and there was a lack of resources to assist victims of trafficking for purposes of exploitation other than sexual.

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

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

rights during criminal and other proceedings. On a positive note, the entitlement to psychological support has been included in the list of foreign victims' rights.

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

In **Ireland**, there was no clear statutory basis on which suspected victims of trafficking could invoke protection and assistance. Pursuant to paragraph 4 of the Administrative Immigration Arrangements, "an EEA national who has been identified as a suspected victim of human trafficking will be treated no less favourably than a person from outside this area." However, EEA nationals who are victims of human trafficking experience difficulties in accessing social welfare and other entitlements which are conditional on habitual residency in Ireland, including women's shelters, and therefore their options are limited to asylum seekers' centres or voluntary repatriation. GRETA was concerned that the practice not to assign the formal status of a victim of trafficking to Irish and EEA nationals may result in depriving them from access to specialised assistance and urged the Irish authorities to enact statutory rights to assistance and protection for possible victims of trafficking, as specified in Articles 10 and 12 of the Convention, regardless of the victims' nationality or immigration status.

In **Romania**, Article 38⁴ of the Anti-Trafficking Law 678/2001 determines that the measures of protection and assistance to victims of trafficking who are EU/EEA nationals shall be the same as those available to Romanian victims. These provisions do not apply to third-country nationals. Foreign victims of trafficking are entitled to accommodation during the reflection period without being the subject of an administrative detention order due to their irregular situation. The accommodation, consisting of special facilities in the administrative detention centres where victims of trafficking should be placed separately from detained foreign nationals, must be approved by the General Director of the Romanian Immigration Inspectorate. These centres have a closed regime as they are mainly used to accommodate irregular migrants. They do not have separate facilities for trafficking victims, who consequently are held under conditions no different from detention.⁴

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

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

Unconditional assistance

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

In most Parties, admission to the victim assistance system is not dependent on the existence of a criminal investigation. However, GRETA is concerned by indications that the provision of assistance to victims of trafficking hinges on their co-operation with law enforcement authorities, even though the link does not exist formally. GRETA has made recommendations to the authorities of several countries to guarantee access to assistance irrespective of the victim's readiness or capacity to co-operate with police/prosecution.

In **Bosnia and Herzegovina**, the provision of assistance is conditional on the victim's willingness to report the case and act as a witness.⁵ Further, in practice, access to the State-funded assistance programme is dependent on the qualification of the case as trafficking.⁶ If this is not the case, the victim can only receive assistance if an NGO has funds from other sources.

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

In the report on **Romania**, GRETA noted that the duration of a victim's stay in a public shelter seemed to depend on the duration of the criminal proceedings, rather than on the assessment of the victim's actual needs and degree of reintegration and autonomy. Victims of trafficking can stay at shelters for up to 90 days, which can be

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

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

extended by the county council at the request of the judicial authorities for a maximum of six months or until the completion of the criminal proceedings. In practice victims have to co-operate with the judicial authorities to benefit from the services of the shelters. Based on statistics provided by the National Agency against Trafficking in Persons (ANITP) for the period 2011-2014, over 95 % of the identified victims of trafficking co-operated with the prosecution. GRETA urged the Romanian authorities to ensure that the assistance measures provided for in law are not made, in practice, dependent on the victims' willingness to co-operate with law enforcement agencies.

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

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

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

and as a consequence they lose access to assistance and support. According to the Dutch authorities, the support is not immediately withdrawn in practice and after the criminal proceedings end, third-country nationals can apply for a permanent residence permit on humanitarian grounds. Nevertheless, GRETA urged the Dutch authorities to ensure that assistance provided to foreign victims of trafficking is not linked to investigations or prosecutions being pursued.

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

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

Gender dimension of victim assistance

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

The aim of Article 17 is to draw attention to the fact that women, according to existing data, are the majority of identified victims of trafficking in human beings and to the fact that discrimination against women and girls in many societies, leading to poverty and marginalisation, may increase risks of being targeted by trafficking networks. Trafficking in human beings, when it is carried out for the purposes of sexual exploitation, mainly affects women. Women are also trafficked for other purposes,

such as forced labour, domestic servitude, forced marriage, forced begging or forced criminality. Women and girls are often targeted because they are disproportionately affected by poverty and discrimination, factors that impede their access to employment, educational opportunities and other resources. It is critical, therefore, that the gender dimension of prevention and protection measures, recognize these risks and include survivors of trafficking in the design and implementation of social inclusion and reintegration measures.⁷

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

The number of male victims of trafficking has been on the rise across State Parties to the Convention due to the proliferation of cases of trafficking for the purpose of labour exploitation. However, there is still a marked shortage of assistance projects for male victims of trafficking. As noted in GRETA's 7th General report, the provision of assistance to victims of trafficking for the purpose of labour exploitation has specificities linked to the fact that the majority of these victims are men who may not be recognised as vulnerable to exploitation or as victims of trafficking. Greater awareness raising, and targeted programmes recognising men and boys as potential victims, are critical to ensure identification and referral to assistance. The availability of information on their rights, in languages the victims can understand, as well as qualified interpretation and specialised legal assistance, are crucial for building trust with the victims, helping them understand their situation and increasing the chances of successful investigation and prosecution.⁸

Appropriate and secure accommodation

Pursuant to the Convention, Parties should take account of the victim's safety and protection needs (Article 12, paragraph 2). The Explanatory Report notes that victims' needs can vary widely depending on their personal circumstances, such as age or gender, or circumstances such as the type of exploitation they have undergone, their country of origin, the types and degree of violence suffered, the isolation suffered from their family and culture, their knowledge of the local language, and their material and financial resources. It is therefore essential to provide measures that take victims' safety fully into account. For example, the address of any accommodation needs to be kept secret and the accommodation must be protected from any attempts by traffickers to recapture the victims.⁹

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

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

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

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

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

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

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

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

Generally speaking, GRETA's evaluation reports point to a shortage of safe and appropriate accommodation for victims of trafficking. Gaps in victim support services

typically include lack of specialised shelters, limited number of places in shelter accommodation, uneven availability of accommodation and services in different parts of the country, lack of long-term options for survivors who continue to need assistance, and inadequate funding.

In **Belgium**, three NGOs (Pag-Asa, Payoke and Sūrya, located respectively in Brussels, Antwerp and Liège) have been given the status of official assistance providers to victims of trafficking pursuant to the Royal Decree of 18 April 2013. They run specialised and secure reception centres for all adult victims of trafficking, irrespective of sex, type of exploitation, nationality or immigration status and where they were detected. In certain cases, victims may be housed in transit flats or other accommodation after a stay in a specialised reception centre (which lasts up to six months on average) or directly, depending on their needs. Each centre has a multidisciplinary team including educators, criminologists and social workers. In addition to accommodation, the centres provide legal aid, psychosocial support and medical assistance. However, there are no legal provisions on the financing of the activities of the three specialised centres. GRETA was concerned that the financing of the three specialised centres had deteriorated and urged the Belgian authorities to secure adequate funding to them in order to ensure their unimpeded operation and the provision of all assistance measures envisaged in Article 12 of the Convention.

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

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

In **Romania**, as a rule, the shelters accommodate only victims originating from the same county because the Anti-Trafficking Law provides that shelters shall be

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

In **Ireland**, there are no dedicated shelters for presumed victims of trafficking. Such persons are provided with full board accommodation and ancillary services through the Reception and Integration Agency (RIA), whose primary function is to provide appropriate accommodation and support to asylum seekers while their application for asylum is being processed. RIA operates a number of asylum seekers accommodation centres across Ireland, the running of which has been tendered to companies. The centres are open in the sense that the residents are not detained, and all but one of them are mixed, accommodating families as well as single women and men. GRETA has stressed that these centres do not provide an appropriate environment for victims of trafficking. The mixing of men and women can expose vulnerable women to sexual harassment, grooming and exploitation. There is a lack of privacy, victims sharing bedrooms with up to three other persons. Staff who are employed by private contractors as well as visiting medical staff are not sensitised to the situation and needs of victims of trafficking, and are generally not aware of who the victims of trafficking are, which creates difficulties to apply a personalised approach. Further, there are possibilities for traffickers to contact victims, as the addresses of RIA centres are known, which may cause further distress to victims. Moreover, the dispersal policy of RIA results in victims of trafficking being moved away from NGOs providing them with comprehensive services and support. GRETA has urged the Irish authorities to review as a matter of priority the policy of accommodating presumed victims of trafficking in accommodation centres for asylum seekers, with a view to ensuring that the accommodation is gender-sensitive, appropriate and safe, and that victims are provided with specialised services. As a first step, the authorities should set up as a pilot a specialised shelter, with dedicated, trained personnel. In addition to better support and protection of the victims, this would also be in the interest of the investigation.

In **Azerbaijan**, the State shelter for women, men and children victims of trafficking in Baku, with a capacity of 54 beds, was under-used in relation to its capacity, while the two shelters run by NGOs were operating at maximum capacity and State officials indicated that they often referred victims to the NGO-run shelters. GRETA was informed that the shelters run by NGOs were preferred by victims because they offered a more personalised and less regimented environment than the State shelter. Female victims in particular reportedly feel isolated at the high-security State shelter, which residents generally do not leave unaccompanied. The Ministry of Labour and Social Protection of the Population periodically issues tenders for NGO services, but so far shelters run by NGOs have not received funding from the Ministry as public grants

can only be awarded to accredited NGO shelters, and there is no clear mechanism in place for an NGO shelter to become accredited.¹⁰

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

Male victims

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

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

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

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

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

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

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

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

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

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

Child victims

In the case of child victims of trafficking, the assistance must be adapted to their specific needs and the particular psychological and psychosocial harm that they may suffer, including appropriate accommodation, access to education and vocational training, taking into account the best interests of the child. GRETA recalls the comprehensive nature of the Convention's obligation to provide assistance to child victims of trafficking. Such assistance should be provided within the framework of a National Referral Mechanism (NRM) for trafficked children, which itself should be integrated into the general child protection system, bringing together social, health and education services, in line with Council of Europe and other international standards and policies.¹¹

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

To take care of child victims, shelters specialised in receiving and assisting such victims should be set up with a view to addressing their needs and offering a protected environment. The absence of specialised shelters for child victims of trafficking is a common problem in most Parties to the Convention and GRETA has urged the authorities to provide appropriate accommodation for child victims. At the same time, in its 6th General report, GRETA has highlighted some positive practices from countries which have set up specialised shelters for child victims of trafficking.¹²

Because of the absence of specialised facilities or a shortage of places in specialist child-welfare institutions, child victims of trafficking are sometimes placed in detention institutions. GRETA understands that a balance needs to be struck between preventing child victims of trafficking or children at risk of being trafficked from absconding from shelters and avoiding actual detention of children. However, placement of a child in a detention institution should never be regarded as appropriate accommodation. In this context, GRETA recalls paragraph 155 of the Explanatory Report on the Convention and Article 37(b) of the UN Convention on the Rights of the Child, according to which any detention of children shall be used only as a measure of last resort and for the shortest possible period of time.¹³

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

In **Bulgaria**, at the time of GRETA's second evaluation visit in 2015, there were 16 crisis centres for child victims of violence and other forms of abuse, including trafficking, with a total of 161 places. In addition, child victims of trafficking can be accommodated in other facilities, such as centres for temporary placement of homeless children, run by the police, or shelters for children. There are also reports that child victims of trafficking have been placed in juvenile delinquency institutions (correctional boarding schools, socio-pedagogical boarding schools and homes for the temporary accommodation of children). All these institutions are of the closed type, children not being allowed to leave them.¹⁴ According to a report by the Bulgarian Helsinki Committee, which visited a number of child institutions in Bulgaria, these institutions in general did not manage to provide the needed care and protection for child victims and the requirements for placement were not always respected (e.g. the judge's decision was delayed; children were kept for longer than the maximum provided for in law). The mixing of different categories of children with different

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

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

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

needs has also been highlighted as a problem. GRETA urged the Bulgarian authorities to provide adequate support and services which are adapted to the needs of child victims of trafficking, including appropriate accommodation, access to education and vocational training.

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

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

In **Norway**, pursuant to Section 4-29 of the Child Welfare Act, children of 12 years or above who are suspected of being victims of trafficking can be placed in institutions where their freedom of movement and the right to use telephone and Internet are restricted as a means of ensuring their protection while the police are investigating the case. Permission from the police is required for a child to be temporarily brought out of the institution, for any purpose. The placement is decided by the county social welfare boards, which in this context act as state tribunals and must review the need for the placement every six weeks. No placement may last longer than six months and children have access to a lawyer, who can challenge the placement decision by the county social welfare board in court. A report by Save the Children noted that placement in an institution of presumed child victims of trafficking against their will may be disorienting and traumatising for the children as they are faced with adults representing a system they do not understand, who say that they are going to help them but who place them in an institution which they cannot leave and the location of which they are told they are not, for security reasons, allowed to know.¹⁵ GRETA asked the Norwegian authorities to keep under review the application of Section 4-29 of the Child Welfare Act.

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

Subsistence

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

In this context, GRETA refers to the conclusions of the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings report "Trafficking in Human Beings Amounting to Torture and Other Forms of Ill-Treatment", according to which "regular support payments, beyond mere subsistence (i.e. sufficient for the welfare and well-being of victims) should be provided. Support levels that are below subsistence risk further harm and/or exploitation (for example on-street prostitution or forced labour)".¹⁶

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

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

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



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

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

Medical assistance

Medical assistance is often necessary for victims of trafficking who have been exploited or have suffered violence. The assistance may also allow evidence to be kept of the violence so that, if they wish, the victims can take legal action. While the identification process is on-going, during the recovery and reflection period, emergency medical treatment must be guaranteed to all victims of trafficking, regardless of citizenship or legal status. In this respect, GRETA refers to Article 13 of the revised European Social Charter, which recognises the right of any person who is without adequate resources to social and medical assistance. Full medical assistance is only

envisaged under the Convention for victims lawfully resident in the Party's territory who do not have adequate resources and need such help (Article 12, paragraph 3, of the Convention).

In the majority of countries, access to medical assistance for victims of trafficking did not pose particular problems, but in several countries,¹⁷ GRETA made recommendations to either make provision for victims' access to emergency medical care or to improve the existing access.

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

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

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

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

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

In **France**, access to health care for trafficking victims depends on the person's residence status. Those illegally present on the territory for at least three months receive state medical aid for the duration of one year, subject to their resources. Otherwise, the costs of emergency care will be covered. Victims who hold a residence permit application certificate or asylum request certificate benefit from universal sickness coverage, which covers the costs of all medical care. However, some NGOs indicated that, in practice, victims sometimes run into difficulties in accessing health care. The example was given of a victim who was refused state medical aid by the sickness insurance fund on the grounds that she was unable to supply a copy of a valid passport (which had been confiscated by the traffickers). GRETA urged the French authorities to take all necessary steps to allow effective access to health care.

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

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

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

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



Counselling, information and legal assistance

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

The information that victims of trafficking must be provided with deals with matters such as availability of protection and assistance arrangements, the various options open to the victim, the risks they run, the requirements for legalising their presence in the Party's territory, the various possible forms of legal redress, how the criminal-law system operates (including the consequences of an investigation or trial, the length of a trial, witnesses' duties, the possibilities of obtaining compensation from persons found guilty of offences or from other persons or entities, and the chances of a judgment's being properly enforced). The information and counselling should enable victims to evaluate their situation and make an informed choice from the various possibilities open to them.¹⁸

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

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

GRETA's reports highlight the value of a lawyer being appointed as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before

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



the person makes an official statement and/or decides whether to co-operate with the authorities. Early access to legal assistance is also important to enable victims to undertake civil actions for compensation and redress. A common problem is the low rate of remuneration paid to lawyers as part of State-funded legal aid programmes, which is disproportionate to the amount of work that is to be performed. In practice, victims are largely dependent on NGOs for the provision of specialised legal aid, whereas NGOs are dependent on donors who are willing to fund legal assistance or lawyers who are willing to work *pro bono*.¹⁹

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.

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

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

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

in law that legal assistance to victims of trafficking is free of charge, regardless of their income, and recover the cost of the legal assistance from the traffickers once the court decision has been rendered.

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

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

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

In **Sweden**, the municipal authorities have expressed concern at the lack of interpreters available for unaccompanied and separated migrant and asylum-seeking children and the varying standards of interpretation, adding to difficulties in communicating effectively with the children.²⁰ In 2016 a Human Rights Watch report on unaccompanied children in Sweden noted limited interpretation or cultural mediation services.²¹

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

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



Psychological assistance

Psychological assistance is needed to help victims of trafficking overcome the trauma they have been through and achieve a sustained recovery and social inclusion. Some victims require long-term therapeutic attention due to the violence that they have suffered. Every victim of trafficking should have a clinical assessment tailored to include an evaluation of their particular readiness for therapy conducted by an experienced clinician.²²

While access to psychological assistance forms part of the package of assistance measures to which victims of trafficking are entitled by law, in many countries there are lacunae when it comes to the practical implementation of this provision, such as delays in access to psychiatric and psychosocial support, or shortage of psychotherapists able to deal with trauma.

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

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

In the **United Kingdom**, difficulties have been reported where service providers cannot provide access to psychological support during the recovery and reflection period and possible victims have to go through the National Health Service where waiting lists are sometimes several weeks or even months long.²³

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

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

Social and economic (re)integration

Depending on the trafficking experience, some trafficking victims may return to their countries and families/communities of origin, while others have to integrate new countries or communities. In some cases, return, even when voluntary, will not be possible, owing to on-going safety and security concerns or humanitarian considerations, which is why States should have the capacity to provide both short-term and long-term solutions as alternatives to return.²⁴

Article 12, paragraph 4, of the Convention requires State Parties to enable victims of trafficking who are lawfully present in the country to have access to the labour market, vocational training and education. Further, Article 16, paragraph 5, of the Convention obliges each Party to establish repatriation programmes by the adoption of legislative or other measures, aiming at avoiding re-victimisation. This provision is addressed to each Party, which is responsible for putting in place the measures provided for. At the same time, each Party should make its best efforts to favour the social reintegration of the victims.²⁵

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

An important element of the (re)integration of trafficked persons is their economic empowerment, which can be achieved through job placement, microbusinesses and social enterprises.²⁶ A number of challenges have to be overcome in the process, such as insufficient education or professional skills, limited job opportunities, stigmatisation and discrimination, as well as practical barriers such as childcare and transportation.²⁷ GRETA stresses the need to develop public-private partnerships with a view to creating appropriate work opportunities for victims of trafficking.

Monitoring (re)integration programmes - from the perspective of both professionals and beneficiaries - is important in order to measure the impact of services and the success of the various stages of (re)integration.²⁸

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

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

25. Explanatory Report on the Convention, paragraph 205.

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

27. *Ibid.*, p. 29.

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

reintegration of victims. At the same time, GRETA has highlighted some promising practices in some countries.

In **Albania**, GRETA was informed that victims of trafficking enjoy priority access to jobs and are offered state-remunerated internships. Similarly, the NGO-run shelters seek the co-operation of employment agencies and potential employers to facilitate access to the labour market for victims of trafficking, which nevertheless remains difficult. The database set up in 2014 to collect information on victims of trafficking is updated to enable the different entities making up the Responsible Authority to track victims' progress and contribute to their reintegration. Civil society representatives pointed out that social services' monitoring of the reintegration phase was inadequate, chiefly as a result of understaffing. Moreover, trafficked victims do not have priority access to social housing. Under Law No. 2039 of 17 March 2011, every victim leaving a shelter must in principle receive ALL 3 000 (€21.50) a month until they are able to find work. The authorities acknowledge that this amount is not enough to enable victims to lead independent lives. Only victims who have been accommodated in the shelters receive such benefits, and according to NGOs, victims are reluctant to collect the benefits from the relevant local authority departments because of the stigma attached to victims of trafficking.

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

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

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

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

involved accommodation, psychological and social support, counselling, health care, and support in finding work.

In **Cyprus**, any trafficking victim who holds a temporary residence permit or certificate of identification, including those whose stay in the country was irregular, has the right to access the labour market through the Public Employment Services in the same way as Cypriot citizens. In the period 2011-2014, 75 victims of trafficking were registered with the Employment Services and 34 persons were referred to employers. However, many employers are not aware that victims of trafficking have the right to work or are reluctant to employ them due to the complex rules regarding the employment of migrant workers. Victims of trafficking only get residence permits for six months at a time, called “visitor visas”, which makes employers even more disinclined to employ them, though victims of trafficking who can provide evidence of offered employment are issued employment permits. A victim of trafficking who refuses the employment offered reportedly risks losing the different forms of assistance to which such victims are entitled, though this claim is denied by the authorities. GRETA has highlighted as a positive practice the support given by the private Frederick University, in co-operation with the NGO Stop Trafficking, which gives scholarships to victims of trafficking to enable them to pursue studies.

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

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

orientation and vocational training for a variety of job profiles. According to the authorities, in the period 2004-2015, 255 victims of trafficking found employment.

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

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

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

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

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

In the **UK**, the government-funded support to victims of human trafficking lasts only during the recovery and reflection period of 45 days (although, in practice, the stay in a shelter may be longer because of the time it takes to reach a conclusive grounds decision whether a person has been trafficked or not). After the Competent Authority's conclusive grounds decision, the person has to leave the safe house where they have been accommodated, within 48 hours if the decision is negative, and within two weeks if it is positive. All service providers met by GRETA across the UK underlined that victims exiting NRM accommodation face difficulties in transitioning to independence and benefiting from other types of services to enable them to access housing, health care, employment or training. This makes victims very vulnerable and at risk of being re-trafficked. There is no hard data on what happens to victims after they exit the government-funded scheme, but there is evidential information in a report by the Human Rights Foundation highlighting concerns about victims' safety and barriers to integration.²⁹ In the absence of a government scheme, a number of NGOs offer services to victims after the conclusive grounds decision. For example, the Salvation Army's Victim Care Fund is available for subcontractors to support victims' reintegration. A pilot programme was developed to tackle the difficulty of reintegrating trafficked men back into society by supporting them in finding work, exiting the benefit system and becoming self-supported. This involved coaching sessions, group work, work placement and training opportunities. Further, the NGO HERA (Her Equality Rights and Autonomy) helps female victims of trafficking to set up their own business. For this purpose, HERA has set up an Entrepreneurship Training Programme and a network of businesswomen to act as mentors and share their professional knowledge. In Northern Ireland, the NGO Flourish helps trafficked women and men to find housing, develop professional skills, get financial and advice support, access legal advice and therapies. These are positive initiatives, but they place victims on a different footing depending on where they are assisted as there is no national approach to assistance and support after the conclusive grounds decision. GRETA urged the UK authorities and devolved administrations to make further efforts to ensure that all victims of trafficking are provided with adequate support and assistance, according to their individual needs, beyond the 45-day period

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

covered by the NRM, with a view to facilitating their reintegration and recovery as well as guaranteeing their protection.

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

In the case of children, there are special protection measures required by Article 16, paragraph 7, of the Convention, which states that child victims shall not be returned to a State if there is indication, following a risk and security assessment, that such return would not be in the best interests of the child. Further, Article 16, paragraph 5, of the Convention obliges Parties to establish repatriation programmes for children which take into account their right to education and to establish measures in order to secure adequate care or receipt by the family or appropriate care structure.³⁰ The ultimate aim must be to ensure that the return of a child is the durable solution, and as such addresses all the child's protection needs and takes into account the child's views.³¹ Children should not be returned to their countries of origin if there are no guarantees that the family or special institution will provide for the child's safety, protection, long-term care and reintegration. The particular vulnerability of children, who may be trafficked by their own families or persons from the same community, calls for additional safeguards to ensure their recovery and (re)integration.

In **Bulgaria**, the authorities have adopted a "Co-ordination Mechanism for Referral, Care and Protection of Repatriated Unaccompanied Minors". Social workers play a central role in assisting child victims of trafficking. They meet repatriated children at the border, accompany them to the crisis centre, and make assessments concerning the child, including a social assessment of the family environment. However, there is a lack of effective monitoring of the children's re-integration, which decreases the chances of prevention of re-trafficking. According to research, the most acute weaknesses are observed at the stage of looking for long-term durable solutions and re-integration of child victims of, especially those of Roma origin (which, according to trafficking expert assessments, account for between 50 and 80% of trafficked children).³² Boys trafficked for the purpose of sexual exploitation are reportedly not referred to assistance by the authorities and service providers. The trafficking of children for the purpose of pick-pocketing and/or begging is most often done with the active collusion of the child's parents or relatives, but risk assessments are rarely conducted and no steps are taken

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

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

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

to establish the complicity of the parents or caregivers in the trafficking of the children. The deprivation of parental rights is an extreme measure, rarely applied.

In **Romania**, the authorities have adopted Government Decision No. 1443/2004 on the repatriation of unaccompanied children and/or victims of trafficking, as well as the “Methodology for multi-disciplinary and inter-institutional intervention in cases of children exploited or at risk of exploitation through labour, child victims of trafficking and Romanian migrant children who are victims of other forms of violence in other countries”. Child victims of trafficking are usually placed in emergency reception centres for unaccompanied, abused or neglected children, which are not specialised for victims of trafficking.³³ If the reintegration of a child victim of trafficking in its natural family is not possible or is not in his/her best interests, the child may be placed in the care of a member of the extended family or a professional child carer or placed in a residential institution. The appointment of legal guardians for child victims of trafficking who for one reason or another cannot be returned to their families is performed by a court in the territorial jurisdiction where the child resides or was found. In theory, the Department of Social Assistance and Child Protection (DGASPC) is responsible for monitoring the situation of repatriated children for at least six months after their return to Romania. However, according to a report by the NGO Terre des Hommes on child victims originating from Braila and Constanta, the DGASPC is not in a position to implement specific protection measures and child victims are returned to their parents, even if the latter were involved in the trafficking, which exposes them to the risk of re-trafficking. GRETA urged the Romanian authorities to ensure that proper risk assessment is conducted before returning children to their parents, taking into account the best interests of the child, as well as to review the application of the guardianship system for child victims of trafficking and paying increased attention to children who are trafficked by their parents or other family members.

Role of civil society organisations

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

GRETA refers to the report by the Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings which explored the role of civil society in

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



the fight against trafficking in human beings.³⁴ NGOs often operate on the frontline, have first-hand contacts with marginalised groups vulnerable to trafficking, and can enable victims to access the assistance and support they are entitled to. Further, they can provide a safe and neutral environment in which trafficked persons can recover, as well as access to various effective support services. Moreover, NGOs often facilitate and enable referral of victims to public services.

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

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

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

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

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

In the **United Kingdom**, assistance to adult victims of trafficking is entrusted to different service providers. The Salvation Army was awarded a Victim Care Contract for the provision of services to victims in England and Wales. As prime contractor, the Salvation Army has access to over 200 units of safe accommodation across England and Wales, which allows for victims to be accommodated outside the area of exploitation. Accommodation varies from single flats to shared houses with three to 12 places. Safe houses are available to meet the needs of male and female victims, pregnant women, single parents, families and couples. The annual amount spent on the support contract of the Salvation Army was GBP 4 million in 2013-2015. In Scotland, the Government provided funding for services to victims to two NGOs, TARA and Migrant Help (respectively (GBP 317 900 and GBP 405 000 for the fiscal year 2016-2017). In Northern Ireland, the NGO Migrant Help was contracted by the Department of Justice to provide support to male victims of human trafficking, and Women's Aid to provide support to female victims.

In a number of countries, GRETA has noted the lack of funding for NGOs acting as service providers.³⁵

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

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

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

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

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

In the **United Kingdom**, the Human Trafficking Foundation, in partnership with service providers,³⁶ published the Trafficking Survivor Care Standards in 2015. A wide range of professionals were consulted, including lawyers, medical practitioners and clinical psychologists. The aim is to improve service provision by ensuring that adult survivors of trafficking consistently receive high quality care wherever they are in the UK. The care standards were endorsed by the Independent Anti-Slavery Commissioner and distributed to all police forces in England and Wales. In Northern Ireland, the care standards were taken into account in the 2016 revision of the operational guidance "Working Arrangements for Safeguarding the Welfare of Child Victims and Potential Child Victims of Human Trafficking" and were shared with members of the NGO Engagement Group and the Organised Crime Task Force subgroup on Human Trafficking. In Scotland, the NGO TARA has distributed the care standards to the police, prosecutors, social workers, frontline support agencies, medical doctors and other relevant professionals. The standards were updated and published in October 2018 under the title "The Slavery and Trafficking Survivor Care Standards".³⁷

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

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

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

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

GRETA is concerned that in some countries the regulation of the activities and funding of NGOs may unduly impede their ability to engage in assisting victims of trafficking, and consequently inhibit the building of strategic partnerships between the authorities and civil society with the aim of achieving the purpose of the Convention.

In **Azerbaijan**, in 2015, the Cabinet of Ministers adopted rules which restrict the possibilities for NGOs to receive foreign funding for their activities. In addition, the Law on Grants, the Law on State Registration of Legal Entities and the State Registry, as well as the Code of Administrative Offences, were amended in 2014, effectively preventing NGOs from obtaining grants from foreign donors and putting NGOs at risk of being penalised for violating administrative procedures.³⁸ In the absence of Government funding for NGOs running shelters for victims of trafficking, IOM and USAID have provided financial support in the form of reimbursing various expenses related to the running of the shelters. Despite donor funding, many NGOs lack sufficient funding, forcing them to either terminate operations or their staff to work without remuneration. GRETA refers to Resolution 2226 (2018) of the Parliamentary Assembly of the Council of Europe on “New restrictions on NGO activities in Council of Europe member States”, in which the Assembly calls on Azerbaijan to amend its legislation on NGOs in accordance with the case law of the ECHR and the recommendations of the European Commission for Democracy through Law (Venice Commission). In this resolution, the Assembly also calls on all member States to, *inter alia*, review and repeal or amend legislation that impedes the free and independent work of NGOs and ensure that this legislation is in conformity with international human rights instruments regarding the rights to freedom of association, assembly and expression, and ensure that NGOs can seek, receive and use transparent funding and other resources, whether domestic or foreign, without discrimination or undue impediments.

In **Italy**, the adoption of a Code of Conduct for NGOs undertaking activities in migrants’ rescue operations at sea has raised concerns that search and rescue operations, and assistance activities of NGOs operating in the Mediterranean Sea, may be at risk. GRETA refers to the concerns raised by the UN Special Rapporteur on trafficking in persons, especially women and children, at the restrictions placed on activities of NGOs in the Mediterranean Sea, which, she states, is harmful for the protection of migrants.³⁹ Further, GRETA refers to Resolution 2229 (2018) of the Parliamentary Assembly of the Council of Europe which calls on member States to allow commercial

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

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

and non-governmental ships to enter ports of coastal States, and assist those ships in their rescue operations.⁴⁰

Concluding remarks

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

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

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

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

www.coe.int

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE