

## **G R E T A**

Group of Experts on Action  
against Trafficking in Human Beings

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### **Questionnaire**

### **for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties**

Fourth evaluation round

### **Thematic focus: Addressing vulnerabilities to trafficking in human beings**

Adopted by the Group of Experts on Action against  
Trafficking in Human Beings (GRETA) on 30 June 2023

## Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings ("the Convention"), GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

The first round of monitoring of the Convention provided an overview of its implementation by States Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings (THB), the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking, in particular trafficking for the purpose of labour exploitation, and the vulnerability of children to trafficking. The third evaluation round focused on trafficking victims' access to justice and effective remedies.

GRETA has decided that the fourth evaluation round of the Convention will focus on **vulnerabilities to human trafficking** and measures taken by States Parties to prevent them, detect and support vulnerable victims, and punish the offenders. This includes a focus on the use of information and communication technology (ICT), which brings structural changes to the way offenders operate and exacerbates existing vulnerabilities.<sup>1</sup>

A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic. The concept of "vulnerability" appears in Articles 4 (definitions), 5 (prevention of trafficking in human beings) and 12 (assistance to victims) of the Convention. According to paragraph 83 of the Explanatory report to the Convention, "by abuse of a position of vulnerability is meant abuse of any situation in which the person involved has no real and acceptable alternative to submitting to the abuse. The vulnerability may be of any kind, whether physical, psychological, emotional, family-related, social or economic. The situation might, for example, involve insecurity or illegality of the victim's administrative status, economic dependence or fragile health. In short, the situation can be any state of hardship in which a human being is impelled to accept being exploited. Persons abusing such a situation flagrantly infringe human rights and violate human dignity and integrity, which no one can validly renounce."

GRETA refers to the ICAT Issue Brief No. 12/2022 on Addressing vulnerability to trafficking in persons which refers to vulnerability as "those inherent, environmental or contextual factors that increase the susceptibility of an individual or group to being trafficked". It classifies vulnerability factors in three categories: personal (e.g. age, gender, ethnicity, disability), situational (e.g. destitution, unemployment, legal status) and contextual (e.g. discriminatory laws, policies and social norms, armed conflicts, crises) factors, which interact and may increase the risk of human trafficking for certain individuals, groups and/or communities.<sup>2</sup> Vulnerability to human trafficking is also subject to intersectional factors, such as gender, belonging to a minority group and socio-economic status.

Applying a socio-ecological approach to the analysis of vulnerability to human trafficking demonstrates how different risk factors influence vulnerability, and how protective factors may reduce the risk of victimisation by increasing resilience.<sup>3</sup> The socio-ecological model considers the complex interplay between individual, relationship, community and societal factors. It helps to understand how anti-trafficking strategies should: (a) reduce the vulnerability of individuals, (b) work with the communities (which may also include relationships) concerned to ensure that their practices or current dynamics

<sup>1</sup> [Paolo Campana, Online and Technology-Facilitated Trafficking in Human Beings, Council of Europe, April 2022.](#)

<sup>2</sup> [ICAT Issue Brief No. 12 on Addressing vulnerability to trafficking in persons - Search \(bing.com\)](#)

<sup>3</sup> [https://www.avoiceforcentraloregon.com/uploads/1/3/9/9/139904528/socio\\_ecological\\_model\\_and\\_trafficking.pdf](https://www.avoiceforcentraloregon.com/uploads/1/3/9/9/139904528/socio_ecological_model_and_trafficking.pdf)

do not exacerbate or contribute to vulnerabilities to human trafficking and, (c) change a number of system-driven or structural elements (such as policies) so that they do not facilitate but discourage an environment conducive to human trafficking.

In addition to the thematic focus on vulnerabilities to human trafficking, GRETA has decided that each State Party will receive **country-specific follow-up questions** related to recommendations not implemented or partially implemented after the third evaluation round.

States Parties are requested to transmit to GRETA a reply to this questionnaire **within four months** from the date it was sent. The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's third evaluation report. States Parties should provide links, copies or extracts of relevant legislation, regulations, national action plans and case law mentioned in the reply to the questionnaire, in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

## **Part 1 – Addressing vulnerabilities to trafficking in human beings**

### **I. PREVENTION (Articles 5, 6 and 7)**

1. Do you have specific data/research/analysis of what makes people vulnerable to trafficking in human beings (THB) in your country? Please provide information on the categories/groups of people identified as being at risk of becoming victims of human trafficking, and how they are addressed in the national anti-trafficking strategy and/or action plan. Have you identified geographical regions or economic sectors in your country as particularly vulnerable to THB, and how do you address them in your strategy or policy?
2. What specific measures are taken to reduce children's vulnerability to THB by creating a protective environment for children? Please provide information in the following areas:
  - a. protecting children's rights from attitudes, customs, behaviour and practices that can have an adverse effect (including child, early and forced marriage, and illegal adoption);
  - b. developing children's life skills (including media literacy and online safety skills), knowledge and participation;
  - c. putting in place a system for monitoring and reporting cases of abuse;
  - d. providing training to child care professionals, legal guardians, education professionals;
  - e. access to education and health care for vulnerable children, including from minority groups, unaccompanied migrant children, and children of migrant workers;
  - f. birth registration for all children born in the country.
3. What measures are taken in your country to address vulnerabilities related to the gender dimension of human trafficking?
4. What specific measures are taken to reduce the vulnerability to trafficking of persons from disadvantaged minorities? Please provide information on policies and measures in the following areas:
  - a. research;
  - b. information, awareness-raising and education campaigns;
  - c. socio-economic initiatives targeting underlying and structural causes;
  - d. education, vocational training and job placement programmes.
5. What specific measures are taken to reduce the vulnerability to THB of persons with disabilities? Please provide information in the following areas:
  - a. deinstitutionalisation, including community and family-based services for children and support for independent living;
  - b. monitoring institutions and foster families accommodating persons with disabilities;
  - c. procedure for the selection and appointment of legal guardians and monitoring of their work;
  - d. access to adequate accommodation, education and work;
  - e. access to information and reporting/complaints mechanisms which are accessible to persons with disabilities.

6. How do you ensure in practice that an assessment of the vulnerability and special needs of asylum seekers is carried out at an early stage? What procedures are followed when vulnerability to THB is detected? Please provide information on policies and measures in the following areas:

- a. provision of comprehensive and accessible information, in a range of relevant languages, on the rights of asylum seekers, indicators of THB, rights of victims of THB, and contacts of relevant organisations;
- b. access to legal assistance and representation;
- c. access to decent accommodation, health (including psychological) care, work and education.

7. What specific measures are taken to reduce the vulnerability to THB of migrant workers (including seasonal workers, seconded/posted workers, domestic workers, diplomatic household employees)? Please provide information on policies and measures in the following areas:

- a. provision of comprehensive and accessible information, in a range of relevant languages, on migration and labour laws, worker protection and contacts of relevant organisations;
- b. provision of clear employment contracts;
- c. access to decent work and housing, health care, social services and education;
- d. possibility to change employers;
- e. access to confidential complaints mechanisms;
- f. right to join trade unions and to engage in collective bargaining;
- g. legal avenues for regularising their stay in the country.

8. Do labour inspectorates and other authorities checking workplace conditions possess a comprehensive mandate, and adequate human, financial and technical resources, to conduct regular, proactive workplace inspections in all economic sectors, with a particular emphasis on high-risk sectors prone to exploitation? How do labour inspectors co-operate with other authorities and trade unions? Is there a separation between labour inspection and immigration control functions?

9. How are employment and recruitment agencies regulated and monitored? Are all stages of the recruitment process, including advertisements, selection, transport, and placement, subject to regulation? Are recruitment fees and related costs prohibited from being borne by workers or jobseekers?

10. How do you prevent and sanction abuses of legal constructions such as self-employment, letter-box companies, sub-contracting, and posting of workers, which may be used to commit THB?

11. How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration and legal employment opportunities accompanied by decent work conditions?

12. How do your country's law and policies to discourage demand that leads to THB address particular vulnerabilities and groups at risk of THB?

13. How do your country's legislation and practice ensure that there is an individual assessment of protection needs at the borders prior to any refusals of entry or expulsions?

14. What measures are taken to prevent THB in sports? What sectors and categories/groups of people have been identified as being at risk?
15. Have you identified online practices that may increase the risk of becoming a victim of THB for different forms of exploitation? What mechanisms have been developed to prevent the misuse of information and communication technology for THB purposes? What is the practical effect of their implementation?
16. What measures are taken to raise awareness of the risks of technology-facilitated THB, including among children, parents, teachers, child care professionals and social workers? What technology-based initiatives exist in your country to disseminate information to groups/communities at risk of THB?
17. How do you cooperate with ICT companies and Internet service providers, including content hosts and social media, in preventing THB?
18. How are policies and practices aimed at preventing THB informed by the experiences of victims and at-risk individuals?

## **II. IDENTIFICATION OF VICTIMS AND PROTECTION OF THEIR RIGHTS (Articles 10, 11, 12, 14 and 16)**

19. Among the victims of THB identified, were any subjected to exploitation on the basis of their sexual orientation and/or gender identity (LGBTI+: lesbian, gay, bisexual, transgender or intersex), especially teenagers and young adults? If yes, did any of them report on police misconduct?
20. What specific measures are taken to ensure that trafficked persons who are migrant workers, including in an irregular situation, are identified as victims of THB and have access to the rights provided for in the Convention? Is there cooperation with specialised NGOs, trade unions, and employers to enhance the identification and protection of potential victims within these at-risk groups?
21. What measures are in place to encourage victims of THB to report their situation to the authorities and/or civil society organisations?
22. What specific measures are taken in your country to detect/identify and refer to assistance possible victims of THB at the borders? What measures are taken in your country to identify victims of THB during the examination of asylum applications and prior to the return of persons whose applications are rejected?
23. What measures are taken in your country to identify victims of THB in immigration detention centres and prisons?
24. What services are available in your country to provide specific assistance to particularly vulnerable victims, such as:
  - a. persons with disabilities;
  - b. LGBTI+ persons;
  - c. victims with children;
  - d. victims with severe mental and physical trauma;
  - e. homeless persons;
  - f. other.

25. How do you support the (re)integration of victims of THB? What processes are in place in your country to provide assistance to victims of THB exploited abroad after their return?
26. If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.
27. What measures are in place to ensure that the identity, or details allowing the identification, of a child victim of trafficking are not made publicly known?
28. What measures are in place aimed at encouraging the media to protect the private life and identity of victims?
29. Have there been cases of diplomatic households (of your country's diplomats abroad and of foreign diplomats in your country) employing domestic staff in conditions which could be forced labour or human trafficking? If yes, how was the issue of diplomatic immunity addressed? How were the victims identified, assisted and protected?
30. What specific steps are taken in your country to identify victims of THB amongst persons recruited and exploited by terrorist/armed groups?
31. Are there requirements in your country's legal framework for the detection and removal of THB-related Internet content, and what are the sanctions for non-compliance? Is there a code of conduct for providers? If a person is detected as a presumed victim of THB in the process, how is this person referred to assistance?

### **III. INVESTIGATION, PROSECUTION, SANCTIONS AND MEASURES (Articles 4, 18, 19, 23, 24, 27, 28 and 30)**

32. Is the abuse of a position of vulnerability part of the human trafficking offence in your country's law? How are the concepts of "vulnerability" and "abuse of a position of vulnerability" defined in law? Have they been subject to judicial interpretation? If yes, please provide relevant case-law.
33. Is the special vulnerability of the victim considered as an aggravating factor for the offender's sentence?
34. According to national case-law, what forms of vulnerability are mostly abused by offenders in human trafficking cases? Please provide specific examples that show how the concept of "abuse of a position of vulnerability" is used in practice. What are the challenges in its application? Is it sufficient to prove the existence of a position of vulnerability of the victim, or must it also be proven that the defendant knew or should have known of the victim's vulnerability, and intentionally manipulated the victim on this basis?
35. Is the concept of "abuse of a position of vulnerability" addressed in criminal justice training? Is there any specific guidance on applying this concept? Please provide copies of guidance and/or training materials that shed light on how this concept should be applied in practice.
36. What procedures and measures exist in your country to take into account the specific needs of vulnerable victims at the different stages of criminal proceedings?

37. If you have criminalised the use of services of a victim of THB, how is this provision applied in practice? Please provide any relevant case-law.

38. What technology-based tools and initiatives exist in your country to support investigations and enhance prosecution of THB cases? What training is provided to law enforcement officials, prosecutors and judges on THB facilitated by information and communication technology?

39. In what ways, if any, does your country utilise provisions from the Council of Europe Cybercrime Convention (Budapest Convention) to fight THB? If not, why is that the case?

## **Part II – Country-specific follow-up questions**

40. Please provide information on measures taken in your country in respect to the following recommendations made in GRETA's previous reports:

- guarantee effective access to compensation for victims of THB, including by reviewing the eligibility criteria for state compensation;
- ensure that all victims of trafficking, including men, are provided with accommodation that is safe and suitable for their needs;
- take additional measures to ensure that victims of trafficking can fully benefit from the right to obtain a residence permit, including on grounds of their personal situation;
- review the application of the Dublin Procedure to presumed victims of THB and conduct risk assessments in order to prevent victims being returned to the country where they first applied for asylum, but where they face the risk of being re-trafficked;
- take further actions for reducing the risk of children going missing from state care, by sensitising them to the risks of human trafficking and sexual abuse, and providing them with secure accommodation, appropriate services and a sufficient number of appropriately trained supervisors.

41. Please provide information on developments in your country since GRETA's third evaluation report concerning:

- emerging trends of trafficking in human beings;
- the legislation and regulations relevant to action against THB;
- the institutional and policy framework for action against THB (co-ordinating bodies, specialised entities, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships);
- the current national strategy and/or action plan for combating trafficking in human beings (objectives, main activities, budget, bodies responsible for the implementation, monitoring and evaluation of results);
- recent case-law concerning THB for different forms of exploitation.

## Part III - Statistics on THB

42. Please provide the following statistics, per year starting with 2023, where available disaggregated as indicated below:

- Number of presumed victims and identified victims of THB in the sense of having been recognised by a state institution or mandated NGO as bearers of rights to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).
- Number of victims of THB identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation).
- Number of victims of THB who received assistance (disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).
- Number of child victims of THB who were appointed legal guardians.
- Number of victims of THB granted a recovery and reflection period (disaggregated by sex, age, nationality, form of exploitation).
- Number of victims of THB granted a residence permit, with an indication of the type of the permit (for the purpose of co-operation in the investigation/proceedings, on personal grounds, other) and its duration (disaggregated by sex, age, nationality, form of exploitation).
- Number of persons given refugee status or subsidiary/complementary protection on the grounds of being victims of THB (disaggregated by sex, age, nationality, form of exploitation).
- Number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation (disaggregated by sex, age, nationality, form of exploitation, with an indication of whether the compensation was provided by the perpetrator or the State, and the amount awarded).
- Number of victims of THB who received another form of financial support from the State, with the indication of the amount received.
- Number of victims of THB who received free legal aid.
- Number of victims of THB who were returned or repatriated to/from your country (disaggregated by sex, age, country of destination, form of exploitation).
- Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned).
- Number of prosecutions in THB cases (disaggregated by type of exploitation, with an indication of the number of victims and defendants concerned).
- Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation).

- Number of convictions for THB, with an indication of the form of exploitation, whether the victim was adult or child, the type and duration of the penalties, and whether they were effectively enforced or suspended.
- Number of judgments in THB cases resulting in the confiscation of assets.
- Number of convictions of legal entities for THB.