



Guidance for NGOs to report to GRETA

La Strada International and Anti Slavery International

Introduction

This short guide is developed by NGOs for NGOs to assist reporting about their countries' efforts to implement the Council of Europe Convention on Action Against Trafficking in Human Beings (the Convention).

Section I shortly describes the importance of the Convention for the protection of the rights of trafficked persons. Section II focuses on the role of the NGOs in monitoring the implementation of the Convention and tips on how to get involved. Section III provides a template for an alternative report.

The Council of Europe Convention on Action against Trafficking in Human Beings is an important binding treaty to effectively fight trafficking in human beings. It sets out a series of minimum measures that states which become parties to this treaty are obliged to take with a view to ensuring the protection of the human rights of trafficked persons, the prevention of trafficking and the prosecution of those responsible for it. The assistance and protection measures required include a recovery and reflection period as well as a range of assistance and protection measures for persons reasonably believed to have been trafficked that are not conditional on a person's agreement to cooperate in any law enforcement efforts against the traffickers, and in some circumstances, a renewable residence permits to trafficked persons.

The strengths of the treaty's provisions are reinforced by the fact that parties to the treaty have all agreed to have their implementation of its provisions monitored by GRETA, the Group of experts on action against trafficking in human beings. GRETA can become a very important and influential instrument in the protection of the rights of trafficked persons and in that capacity can promote the human rights based approach to trafficking in human beings. GRETA's work will be enhanced and its recommendations more relevant if it has access to all information on the implementation and the impact of the Convention.

I. WHY IS THE CONVENTION IMPORTANT?

What is the Council of Europe Convention on Action against trafficking in human beings?

Ministers from Council of Europe Member States agreed the Council of Europe *Convention on Action against Trafficking in Human Beings* in Warsaw on 16 May 2005.¹ It entered into force on 1 February 2008. As of January 2012, it had been ratified by 35 Council of Europe Member States and signed by a further 8 Member States.²

The Convention contains a Preamble and ten chapters. Chapter I deals with its purposes and scope, the principle of non-discrimination and definitions; Chapter II deals with prevention, cooperation and other measures; Chapter III deals with measures to protect and promote the rights of victims, guaranteeing gender equality; Chapter IV deals with substantive criminal law; Chapter V deals with investigation, prosecution and procedural

¹ *Council of Europe Treaty Series - No. 197*. The full text in English can be downloaded at www.coe.int/T/E/human_rights/trafficking/PDF_Conv_197_Trafficking_E.pdf. It has also been translated into French and Spanish, and possibly other languages.

² http://www.coe.int/t/dghl/monitoring/trafficking/Flags-sos_en.asp

law; Chapter VI deals with international cooperation and cooperation with civil society; Chapter VII sets out the Convention's monitoring mechanism; lastly Chapters VIII, IX and X deal with the relationship between the Convention and other international instruments, amendments to the Convention and final clauses.³

Key steps

States Parties (States which have ratified the Convention) commit themselves to taking individual and collective action to criminalise trafficking as well as a range of other minimum steps necessary to respect and protect the rights of trafficked persons. These steps include, among others, ensuring that:

- coordination at national level is established or strengthened between agencies and organisations involved in preventing and combating trafficking in human beings (Article 5). This means States Parties are required to coordinate the various "sectors whose action is essential in preventing and combating trafficking, such as the agencies with social, police, migration, customs, judicial or administrative responsibilities, non-governmental organisations, other organisations with relevant responsibilities and other elements of civil society";⁴
- a mechanism is in place for the accurate identification of trafficked persons (Article 10);
- persons reasonably believed to have been trafficked are granted at least 30 days to reflect and recover in the country where they have been identified (Article 13), during which time they are to be offered assistance and protection and may not be expelled, even if they have no legal right to be in the country concerned - regardless of whether they agree to participate in any proceedings the authorities may initiate against those responsible for trafficking or exploiting them;
- if a trafficked person is required to leave a country where they have been identified as 'trafficked', the departure should "preferably be voluntary" and their return to their country of origin is to be "with due regard" for their "rights, safety and dignity" (Article 16), meaning that the authorities have an obligation to assess the risks associated with their return and not to proceed with it if significant risks are identified; and that
- trafficked persons have access to redress, including compensation (Article 15).

Minimum standards for protection and assistance

The Convention sets out minimum standards concerning assistance and protection measures which States Parties must take to protect and respect the rights of trafficked persons. Among them are requirements to unconditionally ensure to persons reasonably believed to have been subjected to trafficking an adequate standard of living:

- appropriate and secure accommodation;
- access to emergency medical treatment;
- translation and interpretation services;
- counselling and information on their legal rights; and
- legal assistance.⁵

The Convention also calls for "effective policies and programmes to prevent trafficking in human beings" (Article 5.2) and requires that, in pursuing such policies and programmes, States Parties shall "promote a Human Rights-based approach" and "use gender mainstreaming" (Article 5.3).

A human rights-based approach to combating trafficking in human beings requires that, "The human rights of trafficked persons shall be at the centre of all efforts to prevent and

³ Paragraph 37, Council of Europe *Convention on Action against Trafficking in Human Beings Explanatory Report*, Council of Europe Committee of Ministers document CM(2005)32 Addendum 2 final, 3 May 2005. Accessed on 4 January 2010 at wcd.coe.int/

⁴ *Ibid.*, Paragraph 102.

⁵ Article 12.1 (a) to (e), Council of Europe *Convention on Action against Trafficking in Human Beings*.

combat trafficking and to protect, assist and provide redress to victims".⁶ This relates to the obligations of States to prevent, investigate and prosecute traffickers and to assist and protect trafficked persons. This principle confirms that, when States consider their priorities with respect to anti-trafficking measures, taking into account issues such as migration and how to make the criminal justice system effective, as well as human rights, priority must be given to the human rights obligations accepted by the State under international human rights law. Giving primacy to human rights also implies that anti-trafficking measures should not "adversely affect the human rights and dignity of persons",⁷ which, in turn, imposes an obligation on States to evaluate the impact of their anti-trafficking measures in order to check their effects (and, if necessary, take corrective action).

In addition to calling for "gender mainstreaming" in the context of prevention, elsewhere the Convention calls for the promotion of "gender equality", as well as gender mainstreaming, in the context of measures to protect and promote the rights of victims (Article 17). The Explanatory Report (paragraph 54) specifies that, "Gender equality means an equal visibility, empowerment and participation of both sexes in all spheres of public and private life...Equality must be promoted by supporting specific policies for women, who are more likely to be exposed to practices which qualify as torture or inhuman or degrading treatment (physical violence, rape, genital and sexual mutilation, trafficking for the purpose of sexual exploitation)".

States Parties are also required to take action to "discourage the demand that fosters all forms of exploitation of persons...that leads to trafficking" (Article 6), i.e., identify and reduce demand for the various forms of exploitation associated with trafficking. They are required to "consider" making it an offence to use the services of a person who is being exploited "with the knowledge that the person is a victim of trafficking in human beings" (Article 19).

Measures to protect and assist trafficked children

The Convention contains various provisions which are specific to children, regarding their protection and assistance and also the prevention of child trafficking. With regard to identification, "When the age of the victim is uncertain and there are reasons to believe that the victim is a child, he or she shall be presumed to be a child and shall be accorded special protection measures pending verification of his/her age" (Article 10.3).

On the issue of protection, "as soon as an unaccompanied child is identified as a victim" (of a crime related to trafficking), States Parties are required to "provide for representation of the child by a legal guardian, organisation or authority which shall act in the best interests of that child" (Article 10.4(a)). This requirement to appoint a temporary legal guardian to act in the child's best interests is in addition to the obligation imposed on the State itself by a separate convention, already ratified by all EU and Council of Europe Member States, the UN *Convention on the Rights of the Child*, which requires them to ensure that, "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration".⁸

⁶ UN High Commissioner for Human Rights, Recommended Principles on Human Rights and Human Trafficking, Principle 1, in *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, Office of the UN High Commissioner for Human Rights, New York and Geneva, 2002.

⁷ *Ibid.*, Principle 3, "Anti-trafficking measures shall not adversely affect the human rights and dignity of persons, in particular the rights of those who have been trafficked, and of migrants, internally displaced persons, refugees and asylum-seekers".

⁸ UN *Convention on the Rights of the Child* (1989), article 3.1.

Children who have been trafficked are to have access to education.⁹

The Convention specifies that, in the context of police investigations and legal proceedings (i.e., trials and pre-trial hearings), children who have been trafficked “shall be afforded special protection measures taking into account the best interests of the child” (Article 28.3), in addition to a range of measures that are suggested to protect trafficked adults involved in legal proceedings. If they are nationals of another State, children may not be returned, “if there is indication, following a risk and security assessment, that such return would not be in the best interests of the child” (Article 16.7). The authorities are consequently under an obligation to carry out a risk and security assessment when considering a child’s possible return, in addition to any prior risk assessments.

In the context of prevention, States Parties are required to “use...a child-sensitive approach” (Article 5.3) and to take measures to “reduce children’s vulnerability to trafficking, notably by creating a protective environment for them” (Article 5.5), to make them less vulnerable to trafficking and enable them to grow up without harm and to lead ordinary lives.¹⁰ The requirement to create a “protective environment” for children is particularly relevant for States from where children are known to have been trafficked, but also imposes an obligation on destination States to put “in place a system for monitoring and reporting abuse cases” and “programmes and services to enable child victims of trafficking to recover and reintegrate”.¹¹

What is GRETA?

The Convention also established a treaty monitoring mechanism (quasi-judicial body), an independent body of experts mandated to assist States in their implementation of this treaty: GRETA, the Group of experts on action against trafficking in human beings. Candidates were nominated by States Parties and 13 members were elected in December 2008, two more members were elected in December 2010. The GRETA evaluates 10 member states per year and has published the first 10 country reports on the States’ progress in implementing the European Convention.¹²

For the first round of evaluations, GRETA has developed a questionnaire for States to report their progress on the implementation of the Convention.

In addition to this written procedure, GRETA has also decided to visit all the countries that are subject to the evaluation. During the visit it will seek to verify the information it has received and to examine and evaluate the practical implementation of the measures taken. GRETA has indicated that during these visits they want to meet with civil society representatives, including from non-governmental and other relevant organisations. GRETA may also decide to organise hearings with various actors carrying out work to prevent trafficking, to assist and protect trafficked persons and to bring to justice those responsible for violations of the human rights of trafficked persons.

The report it prepares, the conclusions it draws and the recommendations it makes to the governments will be based on all the information it has gathered.¹³

⁹ Article 12.1 (f), Council of Europe *Convention on Action against Trafficking in Human Beings*. The Convention does not specify that this measure relates only to children of school age, but the Explanatory Report specifies that it “recognizes the right to access to education of children” (Explanatory Report, paragraph 163).

¹⁰ Paragraph 106, Council of Europe *Convention on Action against Trafficking in Human Beings Explanatory Report*, Council of Europe Committee of Ministers document CM(2005)32 Addendum 2 final, 3 May 2005. Accessed on 4 January 2010 at wcd.coe.int/

¹¹ *Ibid.*

¹² Albania, Austria, Bulgaria, Croatia, Cyprus, Denmark, Georgia, Moldova, Romania, Slovak Republic

¹³ For GRETA’s Rules of procedure for evaluating implementation of the Convention see http://www.coe.int/t/dghl/monitoring/trafficking/Source/THB-GRETA%282009%293_en.pdf.

II. THE IMPORTANCE OF NGO CONTRIBUTION TO GRETA

NGO input into the monitoring of their country is crucial, so as to ensure that GRETA's report is based on more than just the information provided by the authorities. Given their independence, experience and direct work with of trafficked persons, NGOs are in a unique position to provide key information on the authorities' implementation of the Convention, and the impact of anti trafficking measures on the rights of trafficked persons.

NGOs can share with GRETA concerns about shortcomings at the national level (including in particular those that lead to any ongoing violations of the rights of trafficked people) as well as providing recommendations about measures the government could take in your country to improve the respect and protection of the human rights of trafficked persons. The information provided by the NGOs is kept confidential by GRETA.

Furthermore, NGOs might find it useful to refer to the Convention obligations in their every-day work, when advocating for the rights of trafficked persons or acting on behalf of trafficked persons.

How can NGOs engage in reviewing the states implementation of the CoE Convention?

In its questionnaire for the governments GRETA has indicated that civil society might be invited to engage in the governments response to the questionnaire.

Several governments that have been evaluated, have indeed included the input from NGOs. Either because the NGO was part of the national working group or task force, or the governments had requested NGOs to provide answers to the questions dealing with victim protection or governments have asked NGOs to complete the entire questionnaire.

GRETA has expressed their interest in receiving independent information directly from civil society over NGO involvement in the governmental official report to GRETA, based on the questionnaire. NGOs can do that by answering some or all of the questions in the questionnaire and send the response directly to GRETA secretariat.

NGOs can also decide to draft an **alternative report**, by one organisation or together with several other organisations in the field of anti trafficking. If you decide to make an alternative report, you can still use the questionnaire as a guidance to understand the issues that GRETA focuses on, instead of answering all the questions.

When GRETA visits your country some time after receiving the official governments report, you can organise a **roundtable or other platform for civil society**, including the NGOs working in the field of anti-trafficking and other relevant organisations, to meet with members of GRETA. Especially, if your organisation alone or together with other has submitted an alternative report to GRETA, during the round table or other meeting, you can further explain and elaborate on the issues that you have described in your alternative report.

GRETA may also be interested in visiting a shelter for trafficked persons, or in another way meet people affected by trafficking. If you want to facilitate this, you might need to organise such a visit well in advance with the organisations that provide direct assistance to trafficked persons.

How to write an alternative report

An alternative report is produced by NGOs and submitted to GRETA providing information on how a state under review is meeting its obligations and duties outlined in the Convention. The difference between a shadow and an alternative report is that with a shadow report NGOs have had access to the state report prior to making their submissions, allowing NGOs to comment on the information submitted by the state. Alternative reports are submitted without having had access to the state report.

In its working methods GRETA has decided for the first round of evaluations, not to make the governments' reports public, so NGOs can only submit alternative reports. These reports need to be submitted at the same deadline as the governments have: 1 June 2012.

Structure

Alternative reports are best organised article by article, this enables GRETA to easily navigate and raise issues addressed in a alternative report with the state report. Articles 5

and 6 deal with prevention and reduction of demand for trafficked labour and services, articles 10 to 17 deal with protection of rights, article 26 is the non punishment provision and article 35 is about cooperation with civil society.

You can consider a short summary of the main shortcomings of your government and presenting your main recommendations.

In this template, all the articles that relate to the rights of trafficked persons and the work of NGOs are included. In your report, focus on the articles and issues that are most prominent and important for the protection of the rights of trafficked persons, this may differ from country to country.

Prioritise

As GRETA does not expect from civil society to fill in a complete questionnaire or write an alternative report on all the aspects of the convention, NGOs can prioritise the focus issues. Most probably you want to focus on the protective measures in the convention, how these are implemented in your country and how they work out in practise. The first country reports indicate that GRETA shows a great deal of interest in the implementation and practise of protective measures.

If specific measures in your country are working well and can serve as a best practise, it is good to mention. But you want to concentrate on what needs improvement.

Focus on implementation in practice and impact of measures

The importance of civil society involvement in monitoring and evaluations is that NGOs have evidence from their work on grass-roots level and know whether legislation is implemented, or whether the framework exists only in theory. Their experience and case studies they document show the extent to which legislation and counter-trafficking measures are being implemented, whether they benefit trafficked persons and what the impact the policies have on the rights of trafficked persons. For example, do protective measures indeed protect the rights of trafficked persons, or do they limit trafficked persons in their freedom of movement?

In your report concentrate on the **practical implementation** of the articles of the Convention and the **direct impact** these measures have on the rights of trafficked persons. This can be documented through case studies and examples of trends.

Refer to the human rights approach

The Council of Europe considers the convention a human rights based instrument. As stipulated in the Convention, trafficking in human beings “constitutes a violation of human rights and an offence to the dignity and the integrity of the human being”. Therefore in the letter and in the spirit of the Convention, THB is a violation of human rights and not just a criminal offence. In your report refer to human rights approach, when does your government fail to put human rights in the centre of the counter trafficking policies and indicate when certain legislation, policies of practises in the name of counter trafficking violate the human rights of trafficked persons or affected groups.

Work together

If possible and with a view to making your contribution to GRETA as effective as possible, it would be advisable for your organisation to consider working together with others when preparing information to submit to GRETA. Experience from the UK shows that working together with a group of NGOs, tasks and information gathering can be divided and NGOs can focus on the information on issues that they are specialised in. This results in improved detailed information and less workload per organisation. Also, the members of GRETA have indicated (most likely due to their limited resources) that ideally they would welcome receiving one consolidated report from a group of NGOs about your country's implementation of the Convention rather than several separate NGO reports.

Be clear, concrete and short

Make the alternative report as comprehensive and as succinct as possible. Your report should not exceed 10 pages - however, you can always include important information, such as case studies or statistics, in an annex. Give concrete examples to illustrate your arguments (the best is to demonstrate a trend using case studies of repeated problem, or

statistics). One-off situations or extreme examples might not be the best way to illustrate the reality. Remember, the report has to be well evidenced, so that it can be considered a credible source of information for GRETA. It might also be useful to demonstrate, using examples, how the official data and information corresponds or differs from the reality NGOs witness on the ground.

Give recommendations

The GRETA reports provide the governments with recommendations for improvement. Therefore, in your comments, next to providing information on what is lacking in your governments' efforts to implement the Convention, indicate what is needed to overcome these gaps; legislative measures, a change in policies, trainings for professionals, awareness raising, better cooperation, involvement of civil society, funding or other solutions.

All input from civil society must reach GRETA by 1 June 2012 at the very latest, if possible earlier. It should be sent in English or French to the Executive Secretary of GRETA:

Ms Petya Nestorova
Executive Secretary of the Council of Europe Convention
on Action against Trafficking in Human Beings
Directorate General of Human Rights and Legal Affairs
Council of Europe
E-mail : Trafficking@coe.int

III. SUGGESTED NGO REPORTING TEMPLATE

This template provides guidance on how to comprehensively report on the practical implementation of the Convention. It includes some examples of issues to consider and under which articles to raise them. The below examples are non-exhaustive; other issues might be relevant to your country context, or similarly, some points might not be relevant to your national situation.

Article 5- prevention of trafficking in human beings

This article might be specifically of interest for NGOs in countries of origin; for countries of destination, consider prevention of re-trafficking or internal trafficking

- Report what your government does or does not do to reduce peoples (and children's) vulnerability to trafficking, for example looking at (un)employment, (un)equal opportunities, domestic violence, ethnic minorities, discrimination, disadvantaged families, grooming of young girls.
- Report on the impact of legislation, policies or practices that hinder/encourage safe and legal migration and or restrictive conditions of stay and work (such as the impact of tying of visas to a particular employer)
- Report on the involvement of civil society in the prevention of trafficking in human beings
- what is the level of involvement; are NGOs remunerated for their role in official campaign
- Report on the impact of policies or legislation that restrict the freedom of movement and the right to migrate in the name of prevention of trafficking.
- Report on the resources invested by the government into prevention activities and how those were evaluated (and whether the evaluation is publicly available)
- Report on measures in place to prevent re-trafficking, such as risk-assessment prior to return of a trafficked persons

Article 6 - Measures to reduce demand

This article in combination with article 19 (consider the criminalisation of the use of the services of a victim) is often seen as the justification for the criminalisation of clients of sex workers or other measures that stigmatise sex workers or limit their rights.

In the country reports, GRETA is however very clear that only focussing on the sex industry when addressing the issue of demand is not what is expected from States and the reports urge the states to look a demand for labour exploitation.

- Report on the impact of legislation or policies that criminalise the use of services of trafficked persons and the human rights implications for trafficked persons and affected groups. (for example, how many people were prosecuted or fined in comparison with number of prosecuted traffickers)
- Report on the impact of legislation, policies or measures (for example awareness raising campaigns etc) aimed at reducing demand that stigmatise sex workers or that violates their rights.
- Report on good examples in legislation, policies or practises measures on corporate responsibility and/or consumer awareness.

Article 10 - Identification of victims

It is generally acknowledged that (non)identification of victims is the main bottleneck for the protection of the rights of trafficked persons and therefore an major obstacle in the fight against trafficking in human beings. States fail to identify victims for many reasons.

- Report on the gaps and barriers in the legislation, policies and practices to properly identify of victims of trafficking and indicate what is needed to address these.

Consider here

- Description of the identification process and the actors involved (for example is there a National Referral Mechanism, how does it function, does it have a multidisciplinary approach, to what extent are NGOs involved etc)
- The (lack of) knowledge and expertise with the bodies that are authorised to identify (esp in cases of trafficking for labour exploitation)
- The conditionality of cooperation with the authorities in order to be identified
- Detention of trafficked persons for illegal stay or involvement in unlawful practises due to their trafficking situation
- Discrimination, stigmatisation and exclusion of specific groups, ethnic minorities, migrant workers etc

- Report on the involvement of civil society in the process of victim identification

Article 12 - Assistance to Victims

According to the Convention " Each Party shall adopt such legislative or other measures as may be necessary to assist victims in their physical, psychological and social recovery." For victims residing legally in the country access to medical and other assistance should be free if the victim does not have the adequate resources and there should be access to the labour market.

In practise the support and assistance for trafficked persons is very dependent on the proper identification and often on the 'victim status' and the (temporary) residence permit.

- Report if there a gaps or barriers in legislation, policies or practises that prevent trafficked persons from enjoying the right to assistance and support

Consider:

- Access to justice (legal representation; investigation of their trafficker; access to compensation)
- Access to education (for trafficked children and children of trafficked persons) and/or the labour market
- Funding for shelters, support and assistance - does the government provide funding, and if so, what conditions are attached to this funding
- Is provision of assistance conditional on the trafficked persons' cooperation with the authorities
- Does the decision by law enforcement not to pursue a criminal case terminates the "victims status"
- Is a guardian appointed to child victims to ensure their best interests are upheld

- Report any instance whether legislation, policies of practices on protection and assistance to trafficked persons, can violate their rights.

Consider here

- Closed shelters - victims are not allowed to leave the premises unsupervised
- Restrictions of movement/contacts/
- Children not treated as children (for example held in adult prisons or detention)

Article 13 - Reflection and Recovery period

According to the Convention "Each Party shall provide in its internal law a recovery and reflection period of at least 30 days, when there are reasonable grounds to believe that the person concerned is a victim [...] During this period it shall not be possible to enforce any expulsion order against him or her."

- Report on (gaps in the) the implementation of the law or legislation, policies and practises on the reflection and recovery period.

Consider here

- The (lack of) knowledge of professionals that come across presumed trafficked persons about their rights
- Possibilities for undocumented migrants to report a crime to the police without fear of deportation.
- Conditionality of reflection period to behaviour of the trafficked person (people lose right to stay for example if they have contact with their trafficker or visit the trafficking surroundings)
- Obligation to cooperate/report to the police during reflection period

Article 14 - Residence permit

According to the Convention "Each Party shall issue a renewable residence permit to victims, in one or other of the two following situations or in both:

a. the competent authority considers that their stay is necessary owing to their personal situation;

b. the competent authority considers that their stay is necessary for the purpose of their co-operation with the competent authorities in investigation or criminal proceedings.

In comparison with other international treaties this far reaching as the right to a residence permit is not always conditional to the cooperation with the authorities on the criminal case against the trafficker(s) ."

- Report on (gaps in the) the implementation of the legislation, policies or practises

Consider here

- Is 14.1.a also included in national legislation?
- Are trafficked children issued residence permit automatically until their age of majority? If so what happens once they have reached 18 years of age?

Article 15 - Compensation and legal redress

According to the Convention "Each Party shall adopt such legislative or other measures as may be necessary to guarantee compensation for victims [...] for instance through the establishment of a fund for victim compensation [...]"

- Report on the possibilities in legislation, policies and practises on compensation for victims of crime and the obstacles and barriers for trafficked persons to claim this right

Consider here

- Can victims of trafficking access a state compensation fund (is there such a fund?)
- Can undocumented victims access compensation?
- Can trafficked persons that have returned to their country of origin still access compensation?
- Do professionals possess enough knowledge and expertise on compensation?
- Can trafficked children access compensation?
- Have there been any cases of compensation for trafficked victims?
- Are victims informed about their right to claim compensation as a part of the national referral mechanism?

Article 16 - Repatriation and return of victims

According to the Convention "if a trafficked person is required to leave a country where they have been identified as trafficked, the departure should preferably be voluntary and their return to their country of origin is to be with due regard for their rights, safety and dignity." This means that the authorities have an obligation to assess the risks associated with their return and not to proceed with it if significant risks are identified.

- Report on the policies and practises for returning trafficked persons to the country of origin.

Consider here

- If and how risk assessments are being conducted and if and how the outcomes of such an assessment influence the states' actions. Who carries out a risk assessment?
- If referral to service providers or other NGOs is arranged when people are returned
- What policies or measures are established for the reintegration of returned victims.
- Arrangements for follow-up after the victim has returned to his/her country.

- Include any examples of cases of re-trafficking.

Article 26 - Non punishment provision

According to the Convention " Each Party shall, [...] provide for the possibility of not imposing penalties on victims for their involvement in unlawful activities, to the extent that they have been compelled to do so."

- Report on legislation/policy that provide for such a possibility

- Report on cases, circumstances or specific unlawful activities in which trafficked persons have been penalised.

- report on cases where trafficked persons are put into immigration detention without beings identified as a victim

Article 35 - Co-operation with civil society

According to the convention "Each Party shall encourage state authorities and public officials, to co-operate with non-governmental organisations, other relevant organisations and members of civil society, in establishing strategic partnerships with the aim of achieving the purpose of this Convention."

In the country reports that GRETA has published until now, the cooperation with civil society is (almost) always mentioned as a recommendation.

- Report here on the policies and practices of the cooperation between state authorities. Law enforcement and civil society

Consider here

- The role of civil society in procedures - for example, list any strategic (policy-making) working groups that NGOs are represented at to; any operational (practice/assistance) working groups that NGOs participate in
- Equality of the position of NGOs and authorities on national/regional working groups.
- The independence and autonomy of NGOs