

**First Austrian Report
on Combating Human Trafficking**

(covering the period from March 2007 – February 2009)

General Remarks

The First Austrian Report on Combating Human Trafficking was prepared in accordance with item 7.1 of the “National Action Plan Against Human Trafficking“ under the aegis of the Federal Ministry for European and International Affairs (FMEIA) in cooperation with the competent Austrian ministries and other members of the Task Force on Human Trafficking. The period under review extends from the adoption of the National Action Plan on Human Trafficking in March 2007 to the end of February 2009. The report offers a current overview of the activities and measures Austria has launched with respect to human trafficking. Complementing this report, the working groups on “Child Trafficking“ and “Prostitution“ have prepared separate reports.

Global situation

Human trafficking represents a grave violation of human rights and human dignity and is one of the most serious crimes. Human trafficking is increasingly developing into a global problem that can only be tackled at the global level and in an international context. According to a recent study by the International Labour Organisation“ (ILO)¹ 2.4 million people fall victim to human trafficking annually². Human trafficking is increasingly developing into a profit-generating form of organised crime. According to this study, criminal networks generate revenues of 32 billion dollars per year with the “human being as a commodity“. After illegal drug trafficking and arms trading, trafficking in human beings ranks third in terms of generation of illegal revenues.

Women and children are particularly affected by human trafficking. According to estimates by the United Nation’s Children Fund (UNICEF) 1.2 million children are trafficked every year.

In general, the victims of human trafficking come from less affluent third countries. At home they are usually confronted with dysfunctioning families and domestic violence; other factors that contribute to making them vulnerable to human trafficking are a low level of formal education, unemployment and a difficult housing situation.

Situation in Austria

Because of its geographical location at the centre of Europe, Austria is affected by human trafficking both as a transit country and target destination. According to estimates, the most frequent phenomena of human trafficking in Austria include sexual exploitation, slave-like situations of domestic servants and child trafficking.

In line with the provisions set out in the Austrian National Action Plan Against Human Trafficking, Austria takes a comprehensive approach in combating human trafficking

¹ see ILO study on “ILO Action against Trafficking in human beings“, from 2008.

² Terminology: For the purposes of the present text the term “*victim of human trafficking*“ shall mean people, who are victims in a concrete context, without denying them their self-competence and resources. The German term “*Betroffene von Menschenhandel*“ is too vague, since it includes all those involved.

involving coordination at the national level, prevention, victim protection, criminal prosecution and international cooperation. Austria is a state party to all relevant legal instruments on combating human trafficking. It undertakes every effort to implement the relevant international obligations and take concrete measures to give them substance. By signing and ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime in autumn 2005, Austria undertook to take the necessary actions in combating this crime. Austria was the first Member State to ratify the Council of Europe Convention on Action against Trafficking in Human Beings in October 2006.

Coordination

The Task Force on Human Trafficking, which is headed by the Federal Ministry for European and International Affairs (FMEIA), was set up by a Ministerial Council Resolution in November 2004 and charged with coordinating and intensifying the measures taken by Austria in combating this crime. The regular meetings of the Task Force on Human Trafficking are chaired by the FMEIA. These meetings are attended by representatives of all competent ministries, outsourced agencies, the federal provinces and non-governmental organisations. Regular contacts and the intensive cooperation within the Task Force promote mutual trust and lay a sound foundation for concrete and practical progress. Close cooperation with the federal provinces at all levels (prevention, victim protection, criminal prosecution and international cooperation) is playing an important role in this context. As a result of this cooperation, contact persons for matters relating to human trafficking were appointed in every federal province (and in total 13) last year.

Prevention

An important goal in combating human trafficking is raising the Austrian public's awareness to this issue. Consequently a number of events that attracted both public and media attention were organised in 2007 and 2008, including the discussion platform "Joining Forces Against Human Trafficking" (Gemeinsam gegen Menschenhandel) held on 18 October 2007 (EU Anti-Trafficking Day). This event was inaugurated jointly by the competent ministers in office in October 2007, the Federal Minister for European and International Affairs, Dr. Ursula PLASSNIK; the Federal Minister of Justice, Dr. Maria BERGER; the Federal Minister for Women, Media and Civil Service, Doris BURES; and the Federal Minister of the Interior, Günther PLATTER. Supported by Austria, the United Nations Office on Drugs and Crime (UNODC) organised an event entitled "UN.GIFT – Vienna Forum to Fight Human Trafficking" at the Vienna International Center (Austria Center Vienna) from 13 to 15 February 2008. As a host of important international organisations with headquarters in Vienna, Austria tries to make the best possible use of synergies opening up in this context. The Austrian National Preparatory Conference for the Third World Congress against Sexual Exploitation of Children (25 to 28 November 2008 in Rio de Janeiro, Brazil) was held at the Diplomatic Academy of Vienna. The preparatory conference aimed to explore the topic of sexual exploitation of children in Austria and approaches to defining the position to be presented by Austria at the Third World Congress.

Measures were also launched by the Federal Ministry of the Interior to further sensitise law enforcement officers to the issue of human trafficking. Cooperation with Austria-based foreign representations of countries of origin was further intensified. In this context the inclusion of the topic of human trafficking in consular staffs' training curriculum and the dissemination of information folders in the respective national language at the Austrian representations abroad contribute to further raising staff's awareness and sensitising them to the topic of human trafficking before issuing a visa.

Victim protection

Austria attributes major importance to offering professional care and support to victims of human trafficking. In this connection attention should be drawn to the efforts undertaken by LEFÖ-IBF (Intervention Centre for Migrant Women Affected by Human Trafficking). In cooperation with the Federal Ministry of the Interior, preliminary works are currently underway to entrust LEFÖ-IBF with the task to take care of victims of human trafficking on a nationwide basis. LEFÖ-IBF is funded by the Austrian Federal Government (Women's Directorate within the Federal Chancellery and Federal Ministry of the Interior) and resources were increased substantially in 2007 and 2008. Moreover, an additional apartment to accommodate victims of human trafficking temporarily was also installed. According to international organisations and relevant experts, Austria is a model country in terms of victim protection. Victims of human trafficking are, for instance, granted a period of 30 days to recover and reflect, which is not made conditional on the victim's ability or willingness to cooperate with the authorities. Austria has undertaken not to take any measures resulting in a termination of their stay during this 30-day period of reflection. Once it has been determined that the relevant individuals are victims of human trafficking, residence permits for a period of validity of at least six months can be issued for humanitarian reasons for these persons (and under certain circumstances also for their children). An inclusion in the Federal Ministry of the Interior's witness protection system can also be taken into consideration, if there is reason to believe that this victim of human trafficking is exposing him/herself to danger because of the evidence he/she has given. It is also possible to extend the witness protection programme to include close relatives.

Law enforcement and criminal prosecution

An important element in successfully combating human trafficking is an ongoing national and international exchange of information and experience among the institutions concerned with this issue. In the field of law enforcement and criminal prosecution a number of training seminars and further education activities on the topics of effective detection and prosecution of human trafficking have been organised for judges, magistrates, public prosecutors and law enforcement officers. Border police officers receive intensive instruction on the topic of human trafficking, particularly in the context of the enlargement of the Schengen area, in order to be able to identify cases of human trafficking.

International cooperation

A large number of the activities undertaken by Austria aim to contribute to improving the situation in the countries of origin. In this context South East Europe is one of the priority regions of the efforts launched under the Austrian Development Cooperation and Cooperation with Eastern Europe/Austrian Development Agency (OEZA/ADA).

Another major challenge in combating human trafficking is the collection of reliable and comparable data in all EU Member States. Austria supports the relevant activities within the EU aimed at elaborating directives and standards for the collection of data on the topic of human trafficking. In this context Austria chairs a concrete project in which it cooperates with the International Organisation for Migration (IOM) and five other EU Member States, Europol as well as Frontex and the International Centre for Migration Policy Development (ICMPD). The findings of the relevant works will be presented in the spring of 2009. International cooperation is complemented *inter alia* by the activities of Federal Ministry of the Interior's liaison officers who are posted in the majority of countries of origin and transit.

Challenges

The Task Force on Human Trafficking is committed to further promoting and intensifying joint action in combating human trafficking.

In order to consistently proceed along the successful path taken and step up the relevant activities, the Task Force on Human Trafficking suggests appointing a senior official at the Federal Ministry for European and International Affairs to assume the function of an Austrian (nationwide) National Coordinator on Combating Human Trafficking.

The Task Force on Human Trafficking has also defined the following priorities for its activities:

- Improvement of data collection, including the identification of victims of human trafficking.
- Proactive cooperation in developing a practice-oriented monitoring instrument.
- Information/awareness-raising campaigns and events that attract public attention in order to sensitise the Austrian public to the topic of human trafficking.
- Development of international projects on preventive measures in the countries of origin.
- Creation of a pool of experts, who can be dispatched to any place in Austria to contribute their expert knowledge to awareness-raising events.
- Elaboration of training concepts for all relevant stakeholders concerned with human trafficking.
- Discussion and development of measures and activities aimed at improving victim protection and the care and support granted to trafficked persons.
- Intensification of the relevant activities in the field of law enforcement and criminal prosecution, particularly through international cooperation.

- Enhancement of the relevant activities in the field of child trafficking, including the elaboration of a comprehensive care/support and cooperation concept at the federal and province levels.
- Provision of access to health care services
- Additional efforts aimed at further enhancing access to the labour market, housing and education for victims of human trafficking.

The following report gives a detailed overview of the individual activities launched by Austria in the period from March 2007 to February 2009 in combating human trafficking in accordance with the relevant provisions outlined in the National Action Plan Against Human Trafficking.

Reporting in accordance with the “National Action Plan Against Human Trafficking”

COORDINATION

1.1 Regular sessions of the Task Force on Human Trafficking

Chaired by the Federal Ministry for European and International Affairs, the Task Force on Human Trafficking convened regularly in the period from 2007 to February 2009.

1.2. Participation of representatives of the Austrian Federal Provinces in the Task Force on Human Trafficking

The federal provinces appointed one common representative to participate in the Task Force on Human Trafficking. The common representative, who is from the Province of Vienna, is the federal provinces’ coordinator and represents their interests within the Task Force. The Task Force holds one annual meeting per year with the federal provinces (see item 1.4).

Representatives of the federal provinces participate in the workings groups on “Child Trafficking” and “Prostitution”.

1.3. Appointment of contact persons for “matters relating to human trafficking” in the federal provinces

All federal provinces have appointed contact persons for “matters relating to human trafficking”. In total, 13 such contact persons have been appointed, with whom the Federal Ministry for European and International Affairs directly shares all information relating to the Task Force’s relevant activities and/or the topic of human trafficking.

1.4. Annual meetings held by the Task Force on Human Trafficking with the contact persons mentioned under item 1.3.

The annual meeting of the Task Force on Human Trafficking and the federal provinces’ contact persons for “matters relating to human trafficking” was held in Vienna on 22

November 2007. At this annual meeting participants deliberated in detail on the situation with respect to human trafficking in the individual federal provinces and discussed all those items in the National Action Plan that are of relevance to the federal provinces. In 2009 another such meeting will be organised.

1.5. Setting-up working groups on demand

In accordance with item 1.5 of the National Action Plan working groups on “Child Trafficking” and “Prostitution” were set up. Both working groups have prepared individual reports.

1.6. Appointment of a National Coordinator on Combating Human Trafficking

The Task Force on Human Trafficking suggests appointing a senior official at the Federal Ministry for European and International Affairs to assume the function of an Austrian (nationwide) National Coordinator on Combating Human Trafficking. The proposal for such a coordinator’s mandate is annexed to this report.

1.7. Reporting on cooperation at the EU level aimed at implementing the “EU Action Plan on Combating Trafficking in Human Beings” (EU plan on best practices, standards and procedures for combating and preventing trafficking in human beings)

The EU Action plan on best practices, standards and procedures for combating and preventing trafficking in human beings (EU Action Plan), which was adopted in December 2005, pursues a holistic approach. The focus is on effective law enforcement and criminal prosecution as well as on improving the relevant measures and activities to support victims of human trafficking and optimising international cooperation.

A questionnaire was sent out to the EU Member States in order to ascertain the level of implementation of the EU Action Plan in the individual Member States. On the basis of the survey’s findings a progress report on the implementation of the EU Action Plan was submitted to the European Council in December 2006. The conclusions adopted by the European Council in December 2006 led to the setting up of an Expert Group on Trafficking in Human Beings, which supports the European Commission in evaluating the Action Plan’s level of implementation in the individual Member States.

In December 2007 the European Council adopted conclusions that include the European Commission’s recommendations with respect to the EU Anti-Trafficking Day on 18 October. According to these recommendations it is necessary to improve *inter alia* the identification of victims and their referral to the relevant competent authorities.

The implementation of the activities set out in the EU Action Plan on Combating Trafficking in Human Beings was continued throughout 2008. The goal is to prepare an additional action plan with a particular focus on the gender perspective of prevention strategies.

PREVENTION

2.1. Sensitising risk groups when applying for a visa at the Austrian representations in the countries of origin

Victims of human trafficking may have their first contact with authorities at Austrian embassies and consular offices.

- The Federal Ministry for European and International Affairs (FMEIA) sent out a circular letter on human trafficking to all Austrian representations and disseminated the information folder put together by LEFÖ-IBF to all Austrian representations.
- In cooperation with the Federal Ministry of the Interior and LEFÖ-IBF, the FMEIA organised training seminars in order to raise awareness on the problem and to contribute to combating this crime in the country of origin.
- Under its legal and technical oversight and supervision (*Dienst- und Fachaufsicht*), the FMEIA in consultation with the Federal Ministry of the Interior, constantly monitors feedback relating to this topic. Relevant information is disseminated as necessary by circular letter.

2.2. Raising the Austrian public's awareness on human trafficking

- On 26 June 2007, the Federal Ministry of the Interior and IOM jointly organised a meeting of the Vienna Migration Group (VMG) on the topic of "Trafficking in Persons – Current Trends and Challenges". At this meeting the then Federal Minister of the Interior, Günther PLATTER, and the then Deputy Director General of IOM, Ms. Ndioro NDIAYE, presented the activities jointly launched by the Federal Ministry of the Interior and IOM in combating human trafficking.
- On 18 October 2007 an event on "Joining Forces Against Human Trafficking" (*Gemeinsam gegen Menschenhandel*) was held on the premises of the FMEIA and inaugurated jointly by the competent ministers in office in October 2007, the Federal Minister for European and International Affairs, Dr. Ursula PLASSNIK; the Federal Minister of Justice, Dr. Maria BERGER; the Federal Minister for Women Media and Civil Service, Doris BURES; and the Federal Minister of the Interior, Günther PLATTER.
- From 13 to 15 February 2008, the "Vienna Forum to Fight Human Trafficking – UN.GIFT" met at the Vienna International Center (Austria Center Vienna), marking the highlight of the events organised in connection with the fight against trafficking in human beings. The Vienna Forum was attended by 1,200 experts from more than 100 countries. The participation of the internationally renowned pop singer Ricky Martin and cinema star Emma Thompson contributed to enhanced coverage of this event by both the national and international media. The conference had been promoted proactively across Vienna at bus and tramway stops (with backlit advertising, "Citylights"), on rolling boards and info screens, at the underground stations and the "Freecards" system.
- From September to December 2007 the Federal Ministry of Social Affairs and Consumer Protection funded the "W.E.S.T.-Info III" project by the association "Mountain Unlimited". Information activities launched as part of this project in the

region of Lower Austria contributed to raising awareness among representatives of the municipalities and the media, the interested public and staff working in the field of social affairs, women's affairs and migration.

- At the invitation of UNICEF Austria and IOM, the Ludwig Boltzmann Institute of Human Rights contributed to a national round table process on child trafficking.
- The Austrian National Preparatory Conference for the Third World Congress against Sexual
- Exploitation of Children (25 to 28 November 2008 in Rio de Janeiro, Brazil) was held on 2 October 2008 at the Diplomatic Academy of Vienna. The National Preparatory Conference, which was organised by the competent federal ministries in cooperation with ECPAT Austria and the ECPAT Youth Advisory Committee, focussed on discussing the situation regarding sexual exploitation of children in Austria as well as defining approaches for an Austrian position to be presented at the Third World Congress. A report on the conference's findings was prepared. The conference was attended some 80 experts representing, inter alia, ministries, public institutions and authorities, law enforcement bodies, NGOs, as well as 15 young people aged between 17 and 24. The Austrian delegation at the Third World Congress was headed by Director-General Ambassador Dr. Elisabeth Tichy-Fisslberger and included representatives of the Federal Ministry of Justice, the Federal Ministry of the Interior, the Federal Ministry of Economy, Family and Youth, and of one Austrian NGO.
- The Women's Directorate at the Federal Chancellery (*BKA-Frauensektion*) agreed to fund two high-profile LEFÖ-IBF events in 2008:
 1. The festivities to celebrate the tenth anniversary of LEFÖ-IBF were held in April 2008 and opened by Federal Minister Doris BURES.
 2. From 22 to 23 October 2008 the international symposium on "Work – Migration – Rights: Strategies against Trafficking in Women" was held in Vienna. The technical meeting, which was organised by LEFÖ-IBF, was attended by 250 experts and stakeholders, including representatives of NGOs and embassies as well as political decision-makers. At this conference the positive and negative developments seen over the last ten years with respect to the fight against trafficking in women and the violation of human rights were reflected upon and discussed, and relevant recommendations were prepared.

The European Football Championship, EURO 2008

In the course of the preparations for the EURO 2008, the Task Force on Human Trafficking took relevant action to be able to respond appropriately to discussions which might arise in connection with human trafficking for the purpose of sexual exploitation. In the lead-up to this event, members of the Task Force, for instance, informed the members of the Austrian Federal Government, state secretaries and province governors of the problem of human trafficking and the relevant actions taken to combat trafficking in human beings. This measure was considered necessary because the issue of human trafficking for the purpose of sexual exploitation had already been the topic of a large-scale public discussion when Germany hosted the Football World Cup in 2006. In the lead-up to this event, the media had reported that up to 40,000 women would fall victim to human trafficking for the purposes of sexual exploitation. However, both the connection established with the World Cup and the figures had proved to be wrong.

2.3. Review of the legal basis and the potential elaboration of a model for creating safeguards for prostitutes under the labour and the social laws

The Task Force on Human Trafficking holds the view that it is necessary to differentiate clearly between the needs of persons who voluntarily offer sexual services for monetary reward and those who are victims of human trafficking, coercion and violence. Thus it is fundamentally necessary to have a clear concept for dealing with voluntary prostitution, as this is indispensable in drawing the necessary dividing line between voluntary prostitution and human trafficking as well as other forms of sexual exploitation and violence.

To this end, the Task Force on Human Trafficking set up an interdisciplinary group of experts in May 2007. This Working Group on Prostitution, which was chaired by the Women's Directorate at the Federal Chancellery, was composed of experts from the competent ministries and the federal provinces (particularly from the fields of women's and legal affairs, the police service, National Health Service doctors, and youth welfare authorities). It also included non-governmental organisations active in this field (LENA, MAIZ, LEFÖ, LEFÖ-IBF and SOPHIE) and experts from the Austrian Federal Economic Chamber and the Austrian Chamber of Labour.

The first task to be tackled by the Working Group on Prostitution was to define its mandate in more precise terms. Although it was clear in this context that it covered the field of voluntary prostitution, the term "prostitute" is not clearly defined in either legislation or language. Thus the Working Group on Prostitution defined the target group to be discussed in its report as follows: "persons who in return for remuneration and on a commercial basis provide sexual services directly to the customer". This definition does not necessarily include sexual intercourse; what is decisive in this context is direct physical contact with the customer and the intention to arouse sexually. Services without direct (physical) contact with the customer such as pornography, cyber and telephone sex are not covered by this definition.

Also the definition of the goals to be pursued by the measures to be elaborated required some clarification. Alongside the overriding goal of a clearly differentiating between voluntary prostitution and forms of sexual exploitation and violence, the following main sub-goals were defined with a view to the target group:

- Improvement of working conditions, social security and health protection,
- enhanced protection against exploitation,
- promotion of self-determination and
- ensured sustainability of the actions suggested.

Members agreed that the actions suggested should neither serve to facilitate nor to expand market access. The sex market is considered particularly precarious for women. The scope for real improvement is limited even if there is willingness to take action at the political level.

The Working Group on Prostitution completed its work and submitted a report, which presents the current legal situation in much detail, broken down by the relevant fields of law.

The impact on the target group and the respective amendments to the law and the accompanying measures suggested by the Working Group are also discussed. Moreover, an additional concise list outlines the measures in a target-oriented manner.

To the extent that the measures prepared relate to the federal scope of responsibility, they were allocated to the competent ministries. In order to be able to follow up on the opportunities that are outlined in the progress report and form part of the federal provinces' scope of responsibility, exchange of information and coordination mechanisms will have to be established among the federal provinces. To this end the Working Group on Prostitution under the Task Force will be continued in the form of a (sub-division) Province Working Group on Prostitution, which will focus on the areas that fall within the federal provinces' competence.

2.4. Meeting with representatives of foreign representations from the countries of origin in Austria; presentation of the Austrian activities in the field of victim protection

On 31 January 2008 a meeting between the Task Force on Human Trafficking and representatives from Albania, Bosnia and Herzegovina, China, Croatia, Cuba, the Dominican Republic, Russia, Turkey and the EU Member States was held. Participants discussed the topic of human trafficking and exchanged experiences and views.

2.5. Sensitising law enforcement officers, and particularly border management officers, to the issue of human trafficking

The topic of human trafficking is taught in the subject of criminalistics, thus forming part of the syllabus of every Austrian police officer's basic training programme. In order to share the latest information on this topic with all instructors teaching criminalistics at the Austrian police education centres, they participated in a three-day sensitising seminar which was organised by the Federal Security Academy (*Sicherheitsakademie, SIAK*).

In addition, all specialist subject instructors get together regularly, at least every two months, in a specialist group meeting dedicated to an exchange of experience. These meetings are convened to share and exchange all the latest findings on matters relating to criminal police affairs, including the topic of human trafficking. This guarantees that the specialist subject instructors always have the latest information on the operational situation and pass their knowledge on to their students.

The training programme for middle level/first management level staff also includes human trafficking as part of the subject of criminalistics. Since instructors also teach at the basic training seminars, they are familiar with this topic.

In the course of the three-year officer training – Bachelor of Arts (Police Management) – the topic of human trafficking has been chosen as an additional subject for technical

papers. The relevant technical papers are filed at the Federal Security Academy's library and are retrievable electronically anywhere in Austria.

As part of its further training programme, the Federal Security Academy has included a seminar on human trafficking in its yearly seminar catalogue. It is organised as a team teaching seminar held jointly by experts from the police forces and non-governmental organisations (NGOs) including *inter alia* LEFÖ-IBF.

The fight against human trafficking is also included in the law enforcement officers' E-learning programme. The Federal Security Academy's campus (.SIAK-Campus), which can be retrieved by every Austrian law enforcement officer from his/her workstation, includes a training manual and further useful background information.

Several articles on the topic of trafficking in human beings, child trafficking and trafficking in human organs have already been published in the *.SIAK Journal for Police Science and Practice*, which is published quarterly by the Federal Security Academy's Institute for Science and Research. The *.SIAK-Journal* has a print run of 2,500 copies. Under the aegis of the Federal Security Academy, Austrian experts contribute to preparing a curriculum on "Trafficking in Human Beings" for the European Police College (CEPOL).

During the Austrian Presidency of the Council of the European Union, the Federal Ministry of the Interior/Federal Security Academy organised a three-day training workshop together with IOM in March 2006, in which some 70 experts from 20 countries participated. The agenda focussed on risk analyses, investigation methods, determination of age and care/support to victims.

In order to further sensitise law enforcement officers and multipliers to the topic of human trafficking the Federal Security Academy organises additional in-service training seminars.

In cooperation with the Federal Criminal Intelligence Service, ECPAT Austria (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) conducts a multi-stakeholder training seminar for practitioners. The two training seminars held to date (in December 2007/January 2008) focused mainly on law enforcement staff, employees at youth welfare organisations, women's shelters, refugee organisations and similar bodies). Members of the Task Force on Human Trafficking and the Working Group on Child Trafficking promoted participation in this training seminar among their colleagues.

VICTIM PROTECTION

3.1. Ensuring the granting of residence for humanitarian reasons to victims of human trafficking

According to international observers and experts, Austria is a very progressive country with respect to victim protection. Victims of human trafficking are, for instance, granted a period of 30 days to recover and reflect, which is not made conditional on the victim's ability or willingness to cooperate with the authorities. During this period of time Austria has undertaken not to take any measures resulting in a termination of their stay. Once it has been determined that these persons are victims of human trafficking, residence

permits for a period of validity of at least six months can be issued for humanitarian reasons for these persons (and under certain circumstance also for their children), if required because of the victim's personal situation, irrespective of whether he/she is willing to cooperate with the authorities, making the regulations applicable in Austria more favourable than those included in the Community Legislation. The subsequent granting of a further residence permit to a victim of human trafficking is also possible.

As a result of a decision taken by the Austrian Constitutional Court on 27 June 2008, the currently valid legal regulation regarding the granting of residence for humanitarian reasons ceases to be effective as of 31 March 2009. On 9 January 2009 the consultation process for an amendment of the legislation regulating the granting of stay for humanitarian reasons ended as well. Discussion by parliament has not started yet.

On 25 February 2008, a circular letter was sent out to the aliens police authorities in which they were informed *inter alia* of the entry into force of the Council of Europe Convention on Action against Trafficking in Human Beings on 1 February 2008 and the LEFÖ-IBF contact data. Moreover, it was called to officers' attention that the reflection period of at least 30 days is to be granted to trafficked persons and that it is necessary to coordinate procedures under the Aliens Police Act and the Residence and Settlement Act.

3.2. Review of the legal bases and presentation of options for the integration of victims of human trafficking who are entitled to stay in Austria, with a special view to access to the labour and housing markets and measures in the field of education

Based on the statements received from the Federal Ministry for Economics and Labour, the Federal Ministry of the Interior and the Women's Directorate at the Federal Chancellery, the Task Force held meetings on 13 November 2007 and 10 December 2007, which led to the following findings as regards the review of the legal bases and highlighted the following options for the integration of victims of human trafficking with a view to access to the labour and housing markets and measures in the field of education:

In principle, there is only a very small group of victims of human trafficking who have already received a residence title for humanitarian reasons and thus fulfil and/or have already fulfilled the Integration Agreement (in the case of settlement permits for humanitarian reasons) is very small.

In order to be able to enhance this group's access to the labour market it is necessary to clarify the situation at the political level. This would specifically require an amendment to the relevant Regulation on Exceeding the Maximum Number of Work Permits (*Bundeshöchstzahl-überziehungsverordnung*) in which victims of human trafficking, together with victims of violence, are explicitly defined as a specific group. This way they could be admitted to the labour market even after the relevant quota has been exhausted.

During this review process, LEFÖ-IBF accepted the offer by the Labour Market Service (*Arbeitsmarktsservice*, AMS) to re-check cases in which the application for a work permit was rejected. The result of this check was that rejections of work permits are based on the legislation regulating access to the labour market. The prospects of being granted a work permit for unskilled or low-skilled activities are generally poor. The Labour Market Service therefore suggested seeking employers who need seasonal workers and then to

apply for the necessary permits for these persons. This held particularly true in agriculture, the hotel and restaurant industry and for personnel working at market stalls. It was suggested that the branch offices of the Labour Market Service put down the names of applicants who are interested in such limited employment relationships and able to produce the necessary accompanying letter by LEFÖ to be considered when placing substitute workers.

The Labour Market Service also reviewed whether it was possible to adopt a special regulation for victims of human trafficking in order to be able to include those people in their training programme who are not (yet) allowed or able to take up regular employment in Austria. The review concluded that granting training measures for vocational guidance or qualification was possible only if this person was unemployed and had free access to the labour market, but not, however, in the case of foreigners who were required by law to hold a permit.

The Fund for Social Affairs in Vienna (*Fonds Soziales Wien*, FSW) division for sheltered/supervised housing and assistance to persons without housing in Vienna (*Fachbereich Betreutes Wohnen/Wiener Wohnungslosenhilfe*) will cooperate directly with LEFÖ-IBF to identify ways and means to make housing available to trafficked persons in an unbureaucratic and expedient manner. The most appropriate institutions in this connection were the Migrant's Division of Caritas (*Caritas/MigrantInnenarbeit*) and the "Wohndrehscheibe" of the People's Aid Austria (*Volkshilfe Österreich*). The FSW will therefore try to ask both institutions to provide "lenient solutions for victims of human trafficking" in order to solve the problem of deposit payments and/or long waiting periods.

The following rules apply for emergency accommodation made available by the City of Vienna:

- Affected EU citizens may be offered an apartment after having been registered in Vienna as their principal residence for two years (could be an opportunity).
- Affected third country nationals would have to prove that they had resided legally in Austria for a period of at least five years and been registered in Vienna as their principal residence for two years in order to be granted emergency accommodation (not applicable to this group of victims).

During the discussion it was suggested that the topics of training and further education as well as housing for children who are victims of human trafficking be dealt with by the Working Group on Child Trafficking and that representatives of the Federal Ministry for Education, Arts and Culture be also invited to participate in such meetings.

3.3. Review of the need for and, if necessary, preparation of a concept for the establishment of a national contact centre to be involved in connection with the identification of victims of human trafficking

The identification of victims is handled by the Federal Ministry of the Interior/Federal Criminal Intelligence Service (BM.I/BK/Dept. III), as it is the most appropriate authority for the referral of trafficked persons. In this context it is important to give clear instructions to the police officers working in the streets on how to deal with victims of human trafficking.

3.4. Review of the possibility of establishing a nationwide official telephone hotline for trafficked persons

The members of the Task Force on Human Trafficking hold the view that this hotline should not be operated by the police. A call for tenders for the preparation of a European study on an EU hotline for victims of human trafficking was launched in March 2008; results are not expected before the end of 2009. Once the relevant results are available, it is to be checked at the national level whether a hotline should be established in Austria based on the EU proposals.

3.5. Review of the existing witness protection programme with a particular view to the topic of human trafficking and review of the implementation of special measures aimed at victims of child trafficking

The inclusion of trafficked persons in the witness protection programme of the Federal Ministry of the Interior is particularly worth considering if there is cause to believe that a person who by giving or having given relevant information contributes or has contributed to detecting a crime (Section 17 para 1 Austrian Criminal Code, *Strafgesetzbuch*), especially offences in connection with organised crime (Section 278 para a Austrian Criminal Code), will be threatened with dangerous attacks on life, health, freedom or morality or that may destroy their livelihood.

Within the meaning of Section 22 para 1 line 5 of the Austrian Security Police Act (*Sicherheitspolizeigesetz*), the Witness Protection Office is responsible for the protection of people who can inform authorities of a dangerous attack or organised criminal activities and are therefore at particular risk. The decision of whether a person who requires protection is included in the witness protection programme is taken after consultation with the court and the public prosecution authorities.

In this spirit trafficked persons can be included in the witness protection programme provided they meet the criteria for inclusion.

In order to be able to determine whether a trafficked person can be included in the witness protection programme, the relevant departments of the Federal Ministry of the Interior that conduct the investigations submit a written application outlining the facts and circumstances of the case, the status of the investigations and all relevant criteria for threat analysis.

Another prerequisite for inclusion in the witness protection programme is the witness's prior consent.

If required because of the potential threat, persons in the witness's immediate proximity, such as family members (children), may also be included in the witness protection programme.

The measures taken to protect the witness both in Austria and abroad include his/her physical protection, psycho-social care/support and stabilisation, change of the place of residence and an adequate new job. The identity of a person who is included in the

witness protection programme can be changed in accordance with Section 54 a of the Security Police Act.

The person will remain in the witness protection programme until it is determined that the threat has ceased to exist.

Taking into account the specific problem of human trafficking, the current set of laws and legal provisions are deemed to be sufficient in order to guarantee the protection of witnesses who are eligible for inclusion in the witness protection programme. In addition, it is considered necessary that the Task Force on Human Trafficking concerns itself with the protection of victims who do not fulfil the necessary prerequisites for inclusion in the witness protection system or do not want to be included in it.

In the context of victims of child trafficking, reference is made to the report of the Working Group on Child Trafficking.

3.6 Wording and implementation of a decree of the Federal Ministry of the Interior providing that LEFÖ-IBF's shall take care for victims of human trafficking on a nationwide basis and that LEFÖ-IBF's current capacities be expanded

LEFÖ-IBF's budget was increased to EUR 330,000 and to EUR 413,000 in 2007 and 2008, respectively. This enabled the employment of one administrative staff member and the funding of one temporary apartment, which has been made available to victims of human trafficking since 1 March 2007.

The Federal Ministry of the Interior cooperates with LEFÖ-IBF in preparing a uniform nationwide decree providing that LEFÖ-IBF's shall take care for victims of human trafficking on a nationwide basis.

3.7. Review of the need to establish a supra-regional victim protection centre for unaccompanied children and young persons

By sending out a circular letter to the individual province governments, the Working Group on Child Trafficking has ascertained how many cases of child trafficking have been detected and identified in the federal provinces. From the information currently available, it has become clear that it is necessary to raise awareness on the topic of child trafficking among the youth welfare authorities, the police forces and the judiciary in order to facilitate the identification of trafficked children and take appropriate action. The Working Group on Child Trafficking has thus considered ways and means of enabling better identification and protection of victims of child trafficking in Austria at large. To this end, the Working Group has discussed several structures for the establishment of one or more competence centres and potential funding models. The relevant works will be continued.

With the involvement of the federal provinces, the Working Group on Child Trafficking has also reviewed the need for establishing a nation-wide victim protection centre for unaccompanied minors and young persons (see report by the Working Group on Child Trafficking).

3.8. Considerations regarding protection facilities for male victims of human trafficking

Currently no acute need has been established for setting-up a facility for trafficked males. Police experience has shown that cooperation with potential male victims of human trafficking is difficult. Police authorities are working to better identify trafficked males. LEFÖ-IBF will check to see whether it can include individual cases in its programme.

3.9. Access to medical care for victims of human trafficking before being granted a residence title

As yet, there are no relevant findings.

3.10. Elaboration of a coordinated care/support programme for victims of human trafficking, particularly child trafficking

The Working Group on Child Trafficking discussed the current structures and organisation of the care/support programme for victims of human trafficking, and trafficked children in particular, and dealt with ways and means of improving current approaches, activities and measures.

Efforts are made to return victims of human trafficking to their country of origin and reintegrate them as soon as possible, with particular attention being paid to ensuring that children are accommodated in special facilities and placed under the protection of their home country's youth welfare authorities.

The *Drehscheibe* (a centre operated by the City of Vienna, Municipal Department 11/Vienna youth welfare authority for victims of child trafficking and unaccompanied alien minors. The institution is based on the Youth Welfare Act of 1990), requests the authorities of the child's country of origin to submit reports on the state of the child's integration for a period of six months. Naturally, the children are given the opportunity to get in touch with their parents.

The embassies of the countries of origin are involved in the return and reintegration processes and represent an important link to the social facilities and institutions in the child's country of origin.

Since the return programme depends to a large degree on the personal commitment and the networking of the persons involved, its sustainability is not sufficiently assured. The question of how to establish structures by which a return in the best interests of the child can be guaranteed irrespective of the involvement of individual persons is currently being assessed.

With a view to the elaboration of a coordinated care/support programme for trafficked persons the Working Group on Child trafficking invited IOM to present their relevant experience. IOM suggested a cooperation in the field of "voluntary return" and education and further training. As an institution that is active at the international level, IOM offers assistance in the fields of identification of victims and voluntary return in the best interests of the child.

Because IOM has established networks in 40 countries, it can examine every case in each of these countries of origin. In countries where IOM is not represented with a regional office, this kind of assistance can be provided by UNICEF, thus avoiding duplicate structures. As IOM works on a contractual basis in these 40 countries, the programme's sustainability is ensured.

In this context it is considered necessary to increase the level of information on the existence and the services provided by IOM (psycho-social counselling, monitoring) among youth welfare authorities. The checklist for youth welfare authorities will explicitly refer to the services offered by IOM.

The Working Group on Child Trafficking submitted a paper to the Federal Government in which it suggested that a concept be prepared and implemented, providing for systematic and adequate care/support to trafficked children and young persons and that another concept regulating cooperation between all relevant governmental and non-governmental players be developed, including *inter alia* the following provisions:

- All phenomena of child trafficking are to be covered, i.e., not only trafficking for the purposes of sexual exploitation or the exploitation of "begging children", but other forms of exploitation through labour, illegal activities, adoption trafficking, trafficking in organs, the illegal marriage brokering and the like are also to be included.
- The topic of child trafficking is to form part of every officer's basic instruction and further training programme.
- Instruction and further training on the topic of child trafficking is to be provided to representatives of the public prosecution, guardianship and criminal courts.
- Thematic discussions are to be held with law enforcement, judicial and youth welfare authorities on the problems arising in connection with law enforcement/criminal prosecution, investigation and preservation of evidence in the context of human trafficking/ trafficking in women/ trafficking in children (ranging from issues like personal security, witness protection to the adequate questioning of children, possibilities for psychological and legal assistance during proceedings (*Prozeßbegleitung*), cooperation with youth welfare authorities, etc.).
- In each federal province at least two staff members of the youth welfare authorities will receive basic training on the topic of child trafficking.
- A folder offering basic information on child trafficking (checklist) will be available at every youth welfare office.
- A set of rules will be prepared relating to the cooperation between police and youth welfare authorities aimed at guaranteeing the child's best interests and welfare and at the same time disrupting the vicious circles of crime.
- Clear competences and responsibilities will be established in all federal provinces. The goal is to achieve a common approach that is adopted by all federal provinces, since child trafficking is a supra-regional problem that does not stop at borders.

COMPENSATION TO VICTIMS

4.1. Evaluation of the regulations in force on compensation to victims of human trafficking

As a result of the Act Amending the Code on Criminal Procedure (*Strafprozeßreformgesetz*), Federal Law Gazette I No. 19/2004, all amendments and improvements in the field of victims' rights entered into force as of 1 January 2008. According to Section 67 para 1 Code of Criminal Procedure, victims are entitled to claim compensation for damage incurred as a result of a criminal act or to claim compensation for the impairment of their objects of legal protection safeguarded by criminal law. In order to be able to enforce these rights, victims of human trafficking can be granted psycho-social and legal assistance during proceedings; moreover, it is also possible to make available a legal aid lawyer (*Verfahrenshelfer*) if the victim is not able to bear the costs for legal counsel without suffering an impairment to his/her subsistence. In addition victims also have the right to be informed of the outcome of the proceedings, to interpretation and translations services, and be present during the main trial process and to put questions to the accused, witnesses and experts as well as to be heard on their claims (Section 66 para 1 of the Code of Criminal Procedure, *Strafprozessordnung*).

Moreover, it should be pointed out that according to the general rules and provisions set out under Section 1293 ff of the Austrian General Civil Code, victims have a possibility of claiming damages from the perpetrators.

The Federal Act of 1972 on Assistance to Victims of Crime (*Verbrechensopfergesetz*, VOG) provides for assistance to be granted by the state to victims who as a result of an act which was illegal and intentional (carries a penalty of more than six months of imprisonment) or as an uninvolved third party have suffered physical injury or damage to health and consequently suffer an impairment of their earning capacity.

In 2006, assistance under the Federal Act on Assistance to Victims of Crime was granted to a total of 648 individuals who suffered physical injury or damage to health as a result of a criminal act. As of the end of 2007, a total number of 127 victims or surviving dependants received ongoing compensation due to loss of income and subsistence and/or received allowances for nursing care and supplements for the blind. Together with the assistance for therapeutic and orthopaedic care and rehabilitation, total expenses covered amounted to EUR 2.2 million in 2007. The preliminary budget for 2008 provides 2.063 million euros for services made available under the Assistance to Victims of Crime Act. The Task Force on Human Trafficking will consider the issue of how the relevant provisions under the Victims of Crime Act are to be applied in practice to victims of human trafficking.

While Austrian citizens receive compensation irrespective of the place where the criminal act was committed, EEA and EU citizens are in general only entitled to such compensation when the act was committed in Austria (if the incident took place abroad, they have to prove permanent residence in Austria before the act). In addition, all those people who were victims of crime in Austria after 30 June 2005 are entitled to assistance

under the Victims of Crime Act, as long as they were staying in Austria legally at the time of the incident.

PROSECUTION

5.1. In-service training and continuing education of the judiciary in the detection and prosecution of trafficking in human beings, in particular pursuant to Section 104a of the

Austrian Penal Code

The following in-service training and continuing education measures for judges and public prosecutors in the detection and prosecution of trafficking in human beings, in particular pursuant to Section 104a of the Austrian Penal Code, were held in the period under report starting from 2007:

- German Judicial Academy: “International Trafficking in Human Beings“, in Trier from 1 to 5 May 2007
- Vienna Court of Appeal: “Trafficking in Human Beings and Protection of Victims“, in Schwechat (biennially) on 21 November 2007, including lecture by LEFÖ-IBF Intervention Centre for Migrant Women Affected by Human Trafficking
- Federal Ministry of Justice: “Judicial Training on Human Trafficking and Domestic Violence“, in Vienna from 21 to 22 April 2008; in cooperation with the Council of Europe (HELP Programme)
- Graz Court of Appeal: “Trafficking in Human Beings – New Challenges for the Judiciary in Combating a Global Phenomenon“, in Graz, 11 June 2008
- Academy of European Law (ERA) Trier, Germany: “Seminar on Combating Trafficking in Human Beings through International Cooperation in Criminal Matters” in Trier from 6 to 8 October 2008

The fight against human trafficking will also be an item on the agenda of the programme planning meeting scheduled for the end of March 2009.

5.2. Exchange of information and experiences between the Federal Criminal Intelligence Service and the competent sections of all Regional Criminal Intelligence Services, including the social services of the federal provinces

A very important factor in the successful fight against human trafficking is an ongoing exchange of information and experiences at the national and, in particular, also the international level among the relevant special police units.

Accordingly, the Federal Criminal Intelligence Service organises presentations at police stations throughout the year in order to create awareness among the law enforcement officers who are the first to intervene at the scene.

Under the Criminal Police In-Service Training Regulation (*Kriminaldienstfortbildungsrichtlinie*, KDR), the investigating officers of the competent Special Investigation Section “10” (*Ermittlungsfachbereich “10”*) at the individual Regional

Criminal Intelligence Service (*Landeskriminalamt*) are informed twice a year about new manifestations human trafficking, and legal and tactical aspects of current issues to be addressed in pending investigations are discussed.

In addition, the heads of Special Section "10" are invited to participate in a comprehensive exchange of information and experiences at least once a year, for which various representatives of non-governmental organisations, social services, judicial personnel and other specialists – medical experts in the field of trade in human organs – are additionally called in as required.

5.3. Selective border controls and border controls on demand

At the external Schengen border, which exists only with the Principality of Liechtenstein, border control procedures are performed subject to the provisions of the Schengen Borders Code.

However, this external Schengen border is expected to be eliminated as well in the course of the year 2009.

On this basis, thorough controls are performed on all third-country nationals upon their entry and departure, which includes, besides checks of compliance with entry prerequisites, a close examination as to the authenticity of travel documents and whether they have sufficient funds on them to pay their way in the Schengen area. The awareness-raising seminars described under item 2.5 above make an important contribution in connection with these thorough controls to improving the ability to recognise cases of suspected trafficking in human beings.

Border control officers are furthermore obliged to pay particular attention to minors and young persons in the context of such controls, and if there are any discrepancies or conflicting particulars given, they are required to make more detailed inquiries.

However, random controls, or "compensatory" measures (*Ausgleichsmaßnahmen*, AGM) as they are called, are still performed at the internal Schengen borders based on police, traffic police and aliens' police provisions and any relevant decrees based on them, which, among other things, contribute to combating human trafficking.

5.4. Support in the form of psychosocial and legal assistance during criminal proceedings

Funding of psychosocial and legal assistance to victims during proceedings was granted to 2,371 individuals in 2005 (EUR 1,021,656.46) and to 2,223 individuals in 2006 (EUR 2,228,147.53).

In the funding period from 1 October 2006 to 30 September 2007, funding agreements were made with 46 institutions to ensure the provision of psychosocial and legal assistance to victims during the proceedings within the meaning of Section 66 para 2 of the Austrian Code of Criminal Procedure (or Section 49a in the previous version of the Code of Criminal Procedure). In all, 2,606 persons were granted psychosocial and legal

assistance during proceedings for the first time in that period, for which a total of EUR 2,847,176.85 was paid.

For the funding period from 1 October 2007 to 30 September 2008, assistance during criminal proceedings was granted for the first time to a total of 2,829 individuals, for which some EUR 3.9 million was paid. During this period agreements were in effect with 48 victims assistance institutions. For the first time the Federal Ministry of Justice also started to cover certain travel expenses and costs for travel time incurred by experts providing psychosocial and/or legal assistance to victims during the proceedings ("mobile assistance during proceedings"); furthermore, the rates for both psychosocial and legal assistance during proceedings were raised.

According to information from the LEFÖ-IBF Intervention Centre for Migrant Women Affected by Human Trafficking, which is the main body to organise psychosocial and legal assistance to victims during proceedings in the area of human trafficking, EUR 40,440.92 were made available to LEFÖ-IBF for the provision of psychosocial and legal assistance in proceedings in the calendar year 2006. This served to advise 28 women and girls. In 2007, EUR 36,539.77 were made available to provide psychological and legal assistance to 36 women and girls. Of the EUR 43,000 promised for the funding period from 1 October 2007 to 30 September 2008, 11,478.62 had already been spent in the last quarter of 2007. The actual amount paid out during this time period to LEFÖ-IBF amounted to EUR 56,803.17, which for the first time granted assistance to victims during proceedings, initially to 33 persons.

5.5. Protection of victims through sensitive data handling

Pursuant to Section 54 of the Code of Criminal Procedure the defendant and his/her counsel are prohibited from disclosing sensitive data, including the inadmissible publication of photographs or names of victims or their relatives.

Furthermore the court is to refuse to deliver a transcript of the proceedings if negative effects on the interests warranting protection of the proceedings or third parties are to be feared (Code of Criminal Procedure, Section 97 para 5).

As per decree by the Federal Ministry of Justice dated 14 December 2007 on individual issues raised in the framework of the preparations and training on the Act Amending the Code of Criminal Procedure (BMJ-L590.000/0036-II 3/2007), the inspection of files was also addressed. According to this, personal data and other circumstances which allow one to draw conclusions as to the identity and very personal living conditions of the party concerned are excluded from the right to inspect files and must be obliterated when copies are delivered. As regards photographs or reports that are suitable to traumatise persons (in particular relatives of the victim) (for instance, a pictorial documentation of an autopsy), proper information and clarification must be provided in advance. Such file content might possibly be excluded from inspection. If the criminal investigation department has doubts whether and to what extent they may allow someone to inspect a file, they are required to check with the competent Public Prosecutor's Office.

Moreover, the file cover indicates whether psychosocial and legal assistance is being rendered in the specific case. With a view to protecting the victim, personal data is stored separately.

5.6. Pilot project of establishing a special competence of the Public Prosecutor's Office in Vienna

By decree of the Federal Ministry of Justice (BMJ-L70.040/0011-II3/2006) cooperation between the public prosecutor's offices and intervention centres is to be improved. On the initiative of the Vienna Senior Public Prosecutor's Office a special competence for criminal matters pursuant to Section 104a and Sections 201 to 219 of the Code of Criminal Procedure was subsequently introduced on 1 October 2006 at the Vienna Public Prosecutor's Office.

As regards the assignment of business for 2008, five public prosecutors are currently assigned to issues relating to adult offenders in the criminal matters mentioned, and two public prosecutors are charged with handling criminal matters relating to youths and young adult offenders.

In a study on psychosocial and legal assistance in proceedings commissioned by the Federal Ministry of Justice and prepared by the Institute of Conflict Research in May 2007 explicitly emphasises the positive effects of establishing a special competence for sexual offences.

INTERNATIONAL COOPERATION

The focus of Austria's international activities is mainly on South East Europe and the Western Balkans. In South East Europe, Austria cooperates very closely with international organisations and non-governmental organisations. The measures aim *inter alia* at raising awareness on the topic among the local population. Activities have been launched to improve the socio-economic situation of particular high-risk groups. In addition, training of police forces in this region is conducted with Austrian support. Another goal is to support returning victims in order to prevent them from landing back in the clutches of traffickers.

Various institutions, such as the Austrian Development Agency/Austrian Development Cooperation and Cooperation with Eastern Europe (ADA/ADC) and the Ludwig Boltzmann Institute of Human Rights, conduct important projects in the region.

In international cooperation in the fight against trafficking in human beings, the state-of-the-art approach is to focus on all three priorities – prevention, protection of victims and prosecution.

The following projects that are currently supported by **ADA/ADC** in South East Europe and contain all three substantial components for combating trafficking in human beings:

- “Advancing Institutional Response to Challenges of Trafficking in Human Beings in the Republic of Serbia” – OSCE (Organization for Security and Co-operation in Europe)

- Support of the countries of South East Europe in building police capabilities to reduce human trafficking, people smuggling and illegal migration

6.1. Actions taken in the context of prevention, in particular awareness-raising and information events/campaigns and promotion of economic activities of the high-risk groups

The following projects are examples of the focus **ADC/ADA** places on prevention:

Prevention-oriented projects:

- “Strengthening Anti-trafficking Networks in the Western Balkans”
- “Empowerment for Prevention of Trafficking”
- “Transnational Action against Child Trafficking”(TACT) Phase III

Examples of prevention-oriented projects launched by the Ludwig Boltzmann Institute of Human Rights:

- In Romania, the Ludwig Boltzmann Institute of Human Rights conducted a project aimed at raising awareness among judges, public prosecutors and police forces on victim protection standards in the judicial field;
- The Ludwig Boltzmann Institute of Human Rights also worked on creating a toolkit with instruction materials on the topic of prevention of trafficking in human beings (DAPHNE project, jointly with the University of Padua and La Strada, Poland);
- The Ludwig Boltzmann Institute of Human Rights supported the strengthening of institutions combating trafficking in human beings in Turkey (by supporting the development of an action plan against human trafficking, feasibility studies for the establishment of care/support facilities, analyses of reintegration assistance for victims of human trafficking);
- The Ludwig Boltzmann Institute of Human Rights supported the strengthening of capacities of national authorities in Croatia in the fight against human trafficking with a special emphasis on interlinking law enforcement and victim protection measures taken by the police, the judiciary, the ministry for social affairs and social service institutions.

6.2. Actions to protect victims, in particular promotion of victim protection institutions offering psychological, medical and legal counselling, support and vocational training; strengthening of national mechanisms and institutions; and training for law enforcement authorities on victim and witness protection

Supported by **ADC/ADA**, the following projects are currently being implemented in the field of victim protection in South East Europe:

- “Not for sale: Fighting Trafficking of Women and Girls in Albania” – UNICEF
- “Supporting the Government of Albania in the implementation of the National Strategy in Combating Trafficking in Human Beings” – OSCE

- Strengthening of Human Security and the Rule of Law in the South Caucasus: UNODC – witness-protection programme
- “Shelter” Project - Belgrade III
- “Open Shelter” Montenegro: “Combating Trafficking in Persons” – IOM

The *Drehscheibe*, has developed a special repatriation model for children and young persons with the countries of Romania and Bulgaria. Children to be repatriated are accepted by special crisis centres. Staff working at these crisis centres was specifically trained in special crisis work through knowledge transfer. They undertake to provide for the children and young persons in accordance with international standards. Special monitoring of every single case enables verification and provision of further support and assistance to the children concerned.

Moreover, independent non-governmental organisations can be charged with performing random checks.

The agencies for child protection in Bulgaria and Romania, which are affiliated with the social ministries, are responsible for implementing this cooperation agreement. Currently there are 16 crisis centres in Romania and three crisis centres in Bulgaria. Due to the excellent cooperation between the *Drehscheibe* and the competent ministries of Bulgaria and Romania the number of unaccompanied children and young persons who are harboured by *Drehscheibe* has decreased significantly.

The following projects of the **City of Vienna** can be mentioned as examples in this connection:

- In 2006 a “Call for Measures against Trafficking in Women and Girls” was launched by the City of Vienna: development cooperation institutions and non-governmental organisations were invited to submit project proposals for measures against trafficking in women and girls in Eastern Europe, which then served as a basis for a number of actions taken to combat trafficking in women in Albania, Macedonia and Moldova in 2007. These projects aimed to provide information to and raise awareness among girls and women.
- Within the framework of the “FemCities”³ women’s city network the Municipal Department 57 (Department of Women's Affairs of the City of Vienna) organised an international expert conference on 6 December 2007. Gender experts representing numerous city administrations and non-governmental organisations from a total of six countries met to discuss “trafficking in women” as one of two thematic priorities and deal with future activities to be launched by the network. In a subsequent workshop, the extent of the problem and possible courses of action by city administrations and nongovernmental organisations were debated in more detail.

³ “FemCities” is the women’s city network initiated by the City of Vienna in 1997 under the name of “Milena”, which relies on a tradition of cooperation with cities in the four neighbouring countries of Austria, the Czech Republic, Slovakia and Hungary.

6.3. Training and coordination of actions for law enforcement officials

Training for law enforcement officials and coordination of actions for law enforcement officials are conducted in close agreement with the local authorities in the region of South East Europe including Moldova.

6.4. Bilateral cooperation to protect family members of victims of human trafficking in their home countries

The Federal Ministry of the Interior cooperates intensively with the authorities of the victims' home countries. Thanks to this international cooperation, it is possible to protect family members of trafficked persons from retaliatory measures by human traffickers. Likewise, the *Drehscheibe* specifically addresses the needs of parents of trafficked children as part of its activities in Romania and Bulgaria.

6.5. Leadership of the COSPOL Project to combat trafficking in human beings (Comprehensive Operational Strategic Planning for the Police), which deals with combating human trafficking in connection with organised crime groups (OCGs) from Romania

In June 2006, the "Police Chiefs Task Force" agreed to establish a "COSPOL - Trafficking in Human Beings (THB)" group with Austria as "driver" and Romania as "co-driver".

At a meeting held in Vienna on 25 September 2006, the responsible officials from Austria, Romania, EUROPOL and the EPCTF ("European Police Chiefs Task Force") Support Unit agreed that the main focus of this THB group should be on Romania and, in particular, on Romanian criminal groups who traffic in women and children in Europe for the purpose of sexual exploitation. Romania was selected because of the large number of cases involving Romanian traffickers and the large number of reported or identified Romanian victims of human trafficking.

The group aims to identify and prosecute with utmost rigour Romanian criminal organisations that are active in the EU.

The draft action plan was presented and unanimously adopted at the EPCTF meeting held with EUROPOL on 3 October 2006. In addition to the six "forerunner states" which had already announced that they were interested in participating in this group – Finland, Italy, Malta, the Netherlands, the Slovak Republic and Spain – the EPCTF delegates from Germany and Poland also expressed their support of this project.

In 2007 a "COLLECTION PLAN" was prepared. As a first step, all Austrian security police offices, especially local border authorities, were to collect data pertaining to suspicious (primarily Romanian) vehicles, their drivers and passengers and transmit them to the Federal Criminal Intelligence Service on a monthly basis for a period of three months. The member states were also asked to proceed along these lines in order to obtain a picture of the situation or approaches for common operational investigative steps.

The findings or status reports of the individual states were then put to analytical evaluation by EUROPOL.

Subsequently, delays were experienced because of reforms with the Romanian “co-driver” and the removal from office of the Romanian project managers.

After a thorough discussion and evaluation of the information received, an analysis report was prepared, which shows that organised crime groups are behind human trafficking. The review work on this analysis report from both an operational and law-enforcement perspective started in April 2008. In the first phase, the country of origin, some transit countries and several countries of destination will be involved in the common investigations.

The efforts for a successful implementation of the project are thus continuing. The ultimate goal of disrupting and dismantling internationally active criminal groups and bringing them to a court conviction will be pursued as a matter of priority.

6.6. Checking of targeted return and reintegration programmes under the European Return Fund

Provision for projects is made within the multiannual programme for the EU’s Return Fund to be communicated to the EC. At the domestic level, it is planned to start within the Return Fund and with international participation developing a programme for the voluntary return and reintegration of women in their home countries in South East Europe beginning with the programme year 2009. Subsequently, it will be possible to cover this field – as required – on a long-term basis with project calls following annually.

In cooperation with the Federal Ministry of the Interior and the European Refugee Fund (ERF), ADA coordinates return and reintegration assistance to voluntary returnees to Moldova.

STATISTICS

7.1. Report on the actions taken and planned for combating trafficking in human beings

See the present report

7.2. Specific data collection

Statistical figures on trafficking in human beings:

Trafficking in human beings – Section 104a of the Austrian Penal Code

Paid negotiation of sexual contacts with minors – Section 214 of the Austrian Penal Code

Directing persons towards prostitution – Section 215 of the Austrian Penal Code

Promoting prostitution and pornographic presentations of minors – Section 215a of the Austrian Penal Code

Cross-border dealings in prostitution – Section 217 of the Austrian Penal Code

Exploitation of an alien – Section 116 of the Aliens Police Act

S: sentence; D: dismissal of case; A: acquittal; PP: pending proceedings (Note: it has to be noted that proceedings may last for several years. Therefore, the sum total of sentences, dismissals, acquittals and pending proceedings does not always equal the figure for total proceedings given in the header.)

Evaluation of the Court Automation System

An evaluation of the court automation system in terms of proceedings under Sections 104a, 214, 215, 215a and 217 of the Austrian Penal Code in the period from 2005 to 2007 and Section 116 of the Aliens Police Act (2006 + 2007) yields the following figures concerning cases, convictions and file completion figures:

The latest figures for 2008 are not yet available.

	2005	2006	2007
§ 104a Austrian Penal Code			
Total proceedings:	16	33	18
of which:	S: 1	S: 9	S: 2
	D: 12	D: 11	D: 9
	A: 0	A: 5	A: 1
	PP: 3	PP: 8	PP: 6
§ 214 Austrian Penal Code			
Total proceedings:	16	12	33
of which:	S: 4	S: 2	S: 1
	D: 5	D: 8	D: 30
	A: 2	A: 0	A: 2
	PP: 5	PP: 2	PP: 0

§ 215a Austrian Penal Code			
Total proceedings:	18	16	33
of which:	S: 6	S: 4	S: 8
	D: 5	D: 8	D: 9
	A: 2	A: 4	A: 19
	PP: 5	PP: 0	PP: 0
§ 217 Austrian Penal Code			
Total proceedings:	542	395	524
of which:	S: 76	S: 75	S: 85
	D: 299	D: 169	D: 232
	A: 35	A: 29	A: 30
	PP: 132	PP: 122	PP: 177
§ 116 FPG			
Total proceedings:		15	28
of which:		S: 0	S: 1
		D: 15	D: 13
		A: 0	A: 6
		PP: 0	PP: 8

In order to improve the data bases for criminal justice and to implement the justice statistics that were envisaged by the Government Programme 2007-2010 and by the pertinent motion for a resolution of the National Council dated 22 March 2007 (13/E XXIIIrd Legislative Period), a Working Group on Statistics was set up in the Federal Ministry of Justice involving all offices that deal with the preparation of justice statistics (Federal Ministry of Justice, Prison Service Department, Federal Ministry of the Interior, Vienna Federal Police Department-Register of Convictions Division, Statistics Austria, Federal Data Processing Centre; “*Neustart*” (association for the assistance of persons placed on probation, conflict settlement, social work) and involving the academic field (University of Vienna, Institute for the Sociology of Law and Criminology – Penal Law).

The mandate of the working group includes, among other things, the creation of general justice statistics of cases dealt with, which depict all state responses to criminal behaviour from the reporting to the police, the instituting of penal proceedings and the sentencing to the decisions made in the execution of the sentence.

Furthermore, efforts are made to introduce classifications for collecting data on criminal phenomena and victim characteristics independently of the offence. The implementation of this project would make it possible to fully capture and depict in terms of statistics the crime of trafficking in human beings throughout the entire judicial procedure. As the implementation of this project requires substantial changes in the mapping of proceedings in the Court Automation System, it can be realised only over a longer period of time covering three years.

7.3. Statistics project to harmonise data in the field of human trafficking within the EU

A major challenge in fighting human trafficking is the collection of reliable and comparable data in all EU Member States. The “Action Plan on Combating Trafficking in Human Beings” specified that the European Commission (EC) should present common guidelines for the collection of data, including comparable indicators. The Federal Ministry of the Interior will take part in the preliminary work and is currently conducting a project together with Belgium, Italy, Luxemburg, Sweden and Hungary as well as Europol, the International Centre for Migration Policy Development (ICMPD) and the IOM as main partners, in the framework of which guidelines, standards and comparable indicators on the collection of data on human trafficking are being developed. The result is to serve as a basis for the guidelines to be proposed by the EC and was presented at a high-level conference held from 23 to 24 February 2009 in Vienna.

Permanent Members of the Task Force on Human Trafficking as of February 2009

- Federal Ministry for European and International Affairs
- Federal Ministry of Health
- Federal Ministry of Economy, Family and Youth
- Federal Ministry of the Interior
- Federal Ministry of Justice
- Federal Ministry of Labour, Social Affairs and Consumer Protection
- Women's Directorate at the Federal Chancellery
- LEFÖ-IBF Intervention Centre for Migrant Women Affected by Human Trafficking

The following institutions attend meetings of the "Task Force on Trafficking in Human Beings" on a regular basis:

- Federal Ministry of Defence
- Federal Ministry of Finance
- Federal Ministry for Education, the Arts and Culture

- Austrian Development Agency (ADA)
- Ludwig Boltzmann Institute of Human Rights
- ECPAT Austria

- Office of the Vienna Province Government, Municipal Department 35
- Office of the Burgenland Province Government
- Office of the Carinthian Province Government
- Office of the Lower Austrian Province Government
- Office of the Upper Austrian Province Government

- Office of the Salzburg Province Government
- Office of the Styrian Province Government
- Office of the Tyrolean Province Government
- Office of the Vorarlberg Province Government