

**Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings**

**Recommendation CP/Rec(2020)03
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Austria**

*adopted at the 26th meeting of the Committee of the Parties
on 12 June 2020*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as "the Convention"), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Austria on 12 October 2006;

Recalling Committee of the Parties' Recommendation CP(2015)14 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Austria and the report of the Austrian authorities on measures taken to comply with this recommendation, submitted on 30 November 2016;

Having examined the third report concerning the implementation of the Convention by Austria, adopted by GRETA by written procedure in April 2020, as well as the comments of the Austrian Government received on 14 May 2020;

Bearing in mind the focus of the third evaluation round of the Convention on access to justice and effective remedies for victims of trafficking;

Considering the conclusions and proposals contained in chapter V of GRETA's third report on follow-up topics specific to Austria;

Welcoming the measures taken and progress achieved by the Austrian authorities in implementing the Convention, and in particular:

- the adoption of the fifth National Action Plan on Combating Human Trafficking (2018-2020), which reflects a comprehensive approach to combating human trafficking;
- the development of guidelines specifying the role of the federal states in the fight against human trafficking;

- the adoption of a new internal decree of the Federal Ministry of the Interior, which gives police officers instructions on how to proceed in cases of human trafficking;
- the possibility provided under Section 165 of the CCP to conduct hearings of victims and witnesses without the presence of the alleged perpetrator, and the guidance issued to prosecutors to apply this provision when interviewing victims of human trafficking;
- the issuing of an internal decree by the Federal Ministry of Justice on the non-punishment provision, as well as a Federal Chancellery circular on the implementation of the non-punishment provision in the context of administrative law;
- the adoption of practical guidelines on identifying and working with potential victims of child trafficking;
- the active engagement in international co-operation in the fight against trafficking in human beings.

A. Recommends that the Government of Austria take measures to address the following issues for immediate action¹ identified in GRETA's report:

1. make additional efforts to guarantee effective access to compensation for victims of human trafficking, in particular by:
 - ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim, is part of the criminal investigations with a view to supporting compensation claims in court;
 - prosecutors systematically requesting compensation and judges using all the possibilities the law offers them to uphold compensation claims;
 - introducing a procedure through which victims are entitled to obtain a decision on compensation from the offender as part of the criminal trial and requiring courts to state, where applicable, why compensation is not considered (paragraph 97);
2. develop a comprehensive system for the collection and analysis of data on measures to protect and promote the rights of victims, which should ensure the participation of all relevant actors that can contribute to the provision of data, including NGOs and other service providers, law enforcement, immigration officials, labour inspectorates, health-care providers, prosecution services and others involved in the identification and registration of victims of trafficking, and the investigation and prosecution of human trafficking and related offences (paragraph 194);
3. take further steps to prevent and combat trafficking for the purpose of labour exploitation, and in particular:
 - expand the mandate of labour inspectors to enable them to play a frontline role in the prevention of human trafficking for the purpose of labour exploitation and the identification of victims, including in private households with a view to preventing abuse of domestic workers;
 - address the risks of human trafficking in the agricultural sector;
 - ensure that sufficient resources are made available to labour inspectors to fulfil their mandate, including in remote locations at risk of human trafficking (paragraph 218);

¹ The number of the paragraph setting out GRETA's proposals in the report is indicated in brackets.

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4. set up a formalised National Referral Mechanism which involves a range of frontline actors who may come into contact with victims of trafficking, including social workers, labour inspectors, officials dealing with irregular migrants, officials interviewing asylum seekers, medical staff, trade unions and NGOs, defines the procedures and their respective roles, and follows a multi-disciplinary approach (paragraph 229);
 5. enshrine in law the recovery and reflection period and ensure that it is systematically offered to presumed foreign victims of trafficking, including EU and EEA citizens, together with all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period (paragraph 250).
- B. Recommends that the Austrian authorities take measures to implement the other proposals for action listed in Appendix 1 of GRETA's third evaluation report.
- C. Requests the Government of Austria to report to the Committee of the Parties on the measures taken to comply with this recommendation by **12 June 2022**.
- D. Invites the Government of Austria to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.