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## **G R E T A**

Group of Experts on Action  
against Trafficking in Human Beings

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# **Reply from Austria to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings**

Fourth evaluation round

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

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

**Reply submitted on 13 November 2023**

## Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Do you have specific data/research/analysis of what makes people vulnerable to trafficking in human beings (THB) in your country? Please provide information on the categories/groups of people identified as being at risk of becoming victims of human trafficking, and how they are addressed in the national anti-trafficking strategy and/or action plan. Have you identified geographical regions or economic sectors in your country as particularly vulnerable to THB, and how do you address them in your strategy or policy?

#### Austrian Federal Chancellery

Experience indicates that **women and girls, trans persons and migrants** are among the group of people who are at particular risk of becoming victims of human trafficking. The following measures of the 6<sup>th</sup> National Action Plan 2021-2023 on Combating Human Trafficking take into account the particular vulnerabilities of these groups of persons:

- III.7 "Examination of the current situation of trans\* persons as victims of human trafficking in the context of sexual exploitation"
- III.8 "Continuation of the existing victim protection services for women affected by human trafficking (LEFÖ-IBF)"
- III.14 "Ensuring uniform application of the national regulations on residence permits for victims of trafficking to ensure long-term protection".

In order to counteract the vulnerability of women becoming victims of human trafficking, the Directorate General for Women and Equality of the Federal Chancellery, together with the Ministry of the Interior, has been funding the "Intervention Center for Trafficked Women" (IBF) since 2014 in implementation of Measure III.8. The IBF offers specialized support for female victims of trafficking aged 15 by providing comprehensive outreach work, counseling and temporary assisted living. In all its measures, the IBF follows an empowering approach and accompanies women and girls on their way to a self-determined and dignified life. The focus lies on social inclusion in all its dimensions - especially language, work and social integration, which are essential for this process. To prevent re-trafficking, IBF also provides support for successful entry into the labour market.

Furthermore, IBF has a significant focus on migrant women and obtaining residence permits for victims of trafficking as part of its comprehensive support. In 2021, the budget was increased by 50% and the contract was extended, enabling, for example, nationwide outreach work in the digital space, expanded collaboration on police training, or the expansion of support for women with disabilities and trans women and girls.

Moreover, **sex service providers** represent a particularly vulnerable group of people and a vulnerable part (e.g. no regulation in trade law, central regulatory responsibilities of the region) of the tertiary economic sector. The National Action Plan provides the following measures to counteract the risk of exploitation in the sex services sector:

- I.5 "Sessions of the working group on prostitution (sub-group of TF-HT)"
- I.11 "Continuation or establishment of (permanent) working groups/round tables on all forms of human trafficking and on the regulation of prostitution in the regions"
- III.3 "Revision of indicators for the identification of victims of human trafficking for the purpose of sexual exploitation"

- III.5 "Development of first language information material directed to potential victims of human trafficking and distribution to relevant agencies"
- V.17 "Regular review of the implementation of the results of the working group on prostitution"

The working group "Prostitution" is a sub-working group of the Austrian Task Force on Combatting Human Trafficking and develops measures to improve the living and working conditions of sex service providers, to strengthen their rights and thus to counteract the risk of exploitation. In Austria, in particular, the comprehensive regulatory system of prostitution is part of the national strategy to best combat trafficking in human beings and thus also in the National Action Plan. A regulated system enables the authorities, but also counseling centers, to gain insight and thus identify potential victims of trafficking, establish legal protections and influence working conditions. At the same time, this approach counteracts vulnerability to trafficking in the context of social exclusion and marginalization, as underlying problems such as economic inequality or unemployment are curbed.

An important aspect of this approach is to secure government funding for counseling centers for sex service providers so that counseling centers can do outreach work and police can do confidence-building measures, which also helps identify (potential) victims. In addition, exchange at the state level is particularly important to achieve nationwide improvement.

As first language information material, the information brochure "Sex Work-Info" should be mentioned. It has been translated into various languages and provides sex service providers with comprehensive information, especially about their rights. The brochure can be downloaded from the website of the Federal Chancellery.

### **Austrian Federal Chancellery, Directorate General Family and Youth**

Children and adolescents have been identified as a group at risk for becoming victims of human trafficking and are therefore an important target group of the measures in the 6<sup>th</sup> National Action Plan against Human Trafficking 2021 – 2023. To strengthen national coordination and cooperation, the NAP foresees regular meetings of the Working Group against Child Trafficking. The interministerial and inter-disciplinary Working Group against Child Trafficking has been established within the framework of the Task Force against Human Trafficking. Its members are representatives from federal ministries, regions (Länder), civil society organisations, international organisations and victim protection institutions. The Austrian Working Group against Child Trafficking meets several times a year and its field of work is coordinated by the Austrian Federal Chancellery, Directorate General Family and Youth. In the areas of prevention and victim protection, the NAP includes trainings for professionals on the subject of child trafficking as well as further development of information material and guidelines for authorities and institutions dealing with potential victims of child trafficking. Furthermore, the NAP includes a goal to establish uniform standards for the accommodation and care for victims of child trafficking as well as the establishment of a nationwide protection facility for victims of child trafficking as a pilot project.

In 2023, the Austrian Working Group against child trafficking updated and republished the information folder "Child Trafficking in Austria", which contains information on identifying and dealing with (potential) victims of child trafficking. The updated version of the current folder also includes information on potential victims of child trafficking from Ukraine. The Working Group is currently working on a revised version of the "Handlungsorientierungen zur Identifizierung von und zum Umgang mit potentiellen Opfern von Kinderhandel" (Guidance for professionals and institutions on how to identify and deal with potential victims of child trafficking) with a view to further develop this document into a NRM.

### Menschenhandel gem. § 104a StGB

Jahr	Anfall/Verdachtsfälle	Verurteilungen	Quelle
2021	60	5	BM Justiz, Abt. IV 1, 2 und 3
2022	60	4	BM Justiz, Abt. IV 1, 2 und 3
2023	40	1	BM Justiz, Abt. IV 1, 2 und 3

Betr. Kinderhandel (§ 104a Abs. 5) ist lt. BM Justiz eine Differenzierung der Opferdaten minderjährig/volljährig nicht eindeutig möglich. Zwar lässt sich das Alter der Opfer auf kleiner 18 einschränken, allerdings ist eine Zuordnung nicht möglich, wenn ein Fall mehrere Paragraphen und/oder mehrere Opfer umfasst. Zusätzlich lässt auch die Altersangabe „unbekannt“ keine Differenzierung zu.

### Kinderhandel gem. § 104a Abs. 5 StGB

Jahr	Verdachtsfälle		Quelle
2021 Tirol	6		Amt der Tiroler Landesreg., Abt. Staatsbürgerschaft und Datenschutz
2021 Wien	3		Stadt Wien, MA 11
2022 Tirol	15		Amt der Tiroler Landesreg., Abt. Staatsbürgerschaft und Datenschutz
2022 Wien	1		Stadt Wien, MA 11
2023 Tirol	31		Amt der Tiroler Landesreg., Abt. Staatsbürgerschaft und Datenschutz
2023 Wien	4		Stadt Wien, MA 11

### Zwangsheirat gem. § 106a StGB

Jahr	Anfall/Verdachtsfälle	Verurteilungen	Quelle
2021	25	1	BM Justiz, Abt. IV 1, 2 und 3
2022	12	3	BM Justiz, Abt. IV 1, 2 und 3
2023	15	0	BM Justiz, Abt. IV 1, 2 und 3

### Grenzüberschreitender Prostitutionshandel gem. § 217 StGB

Jahr	Anfall/Verdachtsfälle	Verurteilungen	Quelle
2021	36	6	BM Justiz, Abt. IV 1, 2 und 3
2022	39	6	BM Justiz, Abt. IV 1, 2 und 3
2023	24	4	BM Justiz, Abt. IV 1, 2 und 3

### Verbotene Adoptionsvermittlung gem. § 194 StGB

Jahr	Anfall/Verdachtsfälle	Verurteilungen	Quelle
2021	2	0	BM Justiz, Abt. IV 1, 2 und 3
2022	1	0	BM Justiz, Abt. IV 1, 2 und 3
2023	0	0	BM Justiz, Abt. IV 1, 2 und 3

2. What specific measures are taken to reduce children's vulnerability to THB by creating a protective environment for children? Please provide information in the following areas:

- a. protecting children's rights from attitudes, customs, behaviour and practices that can have an adverse effect (including child, early and forced marriage, and illegal adoption);

#### The Child and Youth Welfare Service of the Region of Lower Austria

The Child and Youth Welfare Service in Austria supports numerous social institutions who work with children and their families in order to support the development of children by giving them an understanding of the common educational manners in our culture and protect the rights of children. Furthermore, the Child and Youth Welfare also includes a central authority for international adoptions, which ensures the correct processing of cross-border adoptions according to the Hague Convention on Adoption.

#### Austrian Federal Chancellery

In order to reduce the vulnerability of girls and (young) women to forced marriage, the Federal Minister for Women, Family, Integration and Media at the Federal Chancellery fund specialized counselling facilities on forced marriage:

- Orient Express, Vienna; including:
  - Women's Service Centre

- Shelters for victims of forced marriage
  - Project "Empowerment in cases of forced marriage and FGM"
  - Nationwide coordination centre against abduction and forced marriage
- Counseling center DIVAN, Graz
  - Counseling service in the western part of Austria (responsible body: "Verein Frauen aus allen Ländern" in Innsbruck)

In addition, regular networking of all relevant Austrian actors in these fields takes place in the working group "Abduction and Forced Marriage", organized by the "Nationwide coordination centre against abduction and forced marriage" in order to strengthen cooperation and collaboration. The Directorate General for Women and Equality is also represented in the working group. A guideline for professionals on the topic is currently being developed.

Additionally, the Directorate General for Women and Equality of the Federal Chancellery is a cooperation partner ("Bedarfsträger") of the current KIRAS study "Lagebericht Zwangsverheiratung in Österreich" (FORMA) ("Status report on Forced Marriage in Austria"), which will run until June 30 2024 and will undertake a multidimensional assessment of the current situation on the issue of forced marriage in order to create a basis for action to increase the effectiveness of measures for prevention, victim protection and prosecution.

The funding of numerous integration projects with a focus on women by the Federal Minister for Women, Family, Integration and Media in the Federal Chancellery also makes an additional contribution to combatting forced marriage.

Furthermore, in view of the importance of the issue, the federal government has set out the following measures in its government program: "Package of measures against forced marriage. Examination (also drawing on international examples) of raising the age of marriage to 18 and prohibiting cousins from marrying. Inheritance and family law regulations (e.g. maintenance) in the case of annulment of child marriages and multiple marriages must be evaluated and amended."

- b. developing children's life skills (including media literacy and online safety skills), knowledge and participation;

### **Austrian Federal Chancellery, Directorate General Family and Youth**

The initiative "Safer Internet.at" and the Media-Youth-Info Centre founded by the Austrian Federal Chancellery work on improving media literacy and online safety skills of children (see in more detail below: Question 16).

- c. putting in place a system for monitoring and reporting cases of abuse;

### **Ministry of Interior**

If there is any suspicion in a child abuse the case, the authorities are obligated to inform the public prosecutor's office

### **Austrian Federal Chancellery, Directorate General Family and Youth**

Reporting: EU-wide hotline for missing children (116000). On January 25, 2023, the Austrian Federal Government adopted a comprehensive package of measures that aim to protect children and young people from violence, with a focus on sexual violence. The adopted measures seek to create a protective environment for children that also leads to an improvement in the reporting of abuse cases.



The adopted measures include support for and expansion of child safeguarding guidelines in institutions dealing with children and adolescents (this also includes schools).

Within the framework of the EU-project "Alert Actors Report", which was implemented by ECPAT Austria until 2021, measures were taken to raise awareness and optimise the existing reporting mechanisms (ECPAT reporting site [www.nicht-wegsehen.at](http://www.nicht-wegsehen.at)) for suspected cases of sexual exploitation of children in tourism as well as to develop quality standards for low-threshold reporting mechanisms in cases of sexual exploitation of children in the context of travel and tourism. In addition, information, training and education measures were provided to travellers, tourism experts, and companies in the tourism sector. ECPAT Austria also continues to constantly further develop the cross-border campaign "Don't look away!", which has been running for several years and includes awareness raising at domestic tourism schools and tour operators as well as public relations work. The campaign receives funding from the Austrian Federal Chancellery, Directorate General Family and Youth and the Austrian Federal Ministry for Labour and Economy, Directorate General Tourism.

### **The Child and Youth Welfare Service of the Region of Lower Austria**

In the Region of Lower Austria, the department of youth welfare at the district authorities are responsible for ensuring the welfare of the children living in their districts. In case the child welfare might be endangered, at least two professionally trained and qualified social workers are legally obliged to clarify the circumstances of the case and subsequently provide a well-documented case assessment. If necessary, measures can be implemented immediately including removing children from their homes as last resort. In these cases the legal custody is temporarily transferred to the child and youth welfare services. The measure has to be reported to the district court within eight days, which verifies the correctness of this procedure. These children can be placed in suitable institutions of full education, which offer care and support by pedagogical, psychological, social and further adequate professionals. The duties of the youth welfare services with regard to the welfare of the child correlate with an obligation to report to certain public bodies such as schools, kindergartens, hospitals, therapists, etc. These bodies are obliged to cooperate closely with the youth welfare services.

- d. providing training to child care professionals, legal guardians, education professionals;

### **Austrian Federal Chancellery, Directorate General Family and Youth**

There are several measures in the NAP related to training courses for professionals. Furthermore, information material and brochures such as the folder "Child trafficking in Austria" and the "Handlungsorientierungen zur Identifizierung von und zum Umgang mit potentiellen Opfern von Kinderhandel" (Guidance for professionals and institutions on how to identify and deal with potential victims of child trafficking, hereinafter: "Handlungsorientierungen") aim to educate professionals that potentially come in contact with victims of child trafficking and contribute to raise awareness among the general public. The "Handlungsorientierungen" provide practical guidelines for professionals, especially the police, child and youth welfare services, asylum and immigration authorities, judicial authorities, and professionals working in the health care sector.

Workshops and trainings on the identification, treatment, and care of child victims of trafficking are held on a regular basis for the police, the asylum and immigration authorities, and the competent child care institutions of the State and the regions (Länder). These trainings are held by the Federal Criminal Police Office as well as specialised institutions: ECPAT, LEFÖ-IBF, MEN-VIA and IOM together with experts in the field of children's rights.

- e. access to education and health care for vulnerable children, including from minority groups, unaccompanied migrant children, and children of migrant workers;

Please see responses to question 1., 2a, 2c.

- f. birth registration for all children born in the country.

The birth of a child is notified by medical personnel to the civil status authorities. The youth welfare agency and other agencies are automatically informed about the birth.

3. What measures are taken in your country to address vulnerabilities related to the gender dimension of human trafficking?

### **Austrian Federal Chancellery**

The budget line in Austria, preserved for the advancement of women has more than doubled between 2019 and 2023. A large part of the funds is allocated to the protection and prevention of violence against women and against a culture of tolerance towards violence against women. Numerous preventive and protective measures have been and are being implemented, such as the nationwide expansion of counselling centres on sexual violence, the substantial budget increase for violence protection facilities and the implementation of comprehensive awareness-raising activities on violence against women. In addition, measures are being taken to combat gender discrimination and strengthen the financial autonomy of women and girls to improve the underlying problems of gender inequality and female poverty.

In addition, general counselling centres for women and girls are set up throughout Austria. These facilities also provide comprehensive advice on topics such as education or the labour market. They also offer help in cases of violence and, if necessary, establish contact with a violence-specific counselling centre.

The support services in Austria are available to all women, regardless of e.g. their origin, cultural background or mother tongue. In addition, the highly specialized and comprehensive support provided by the "Intervention centre for trafficked women" (IBF) - which is already discussed under question 1 - should be highlighted once again. The IBF has four shelters with 28 places and offers the following services for female victims of trafficking anonymous and free of charge:

- 24h availability for trafficked women
- Safe accommodation with socio-cultural mediation in protection shelters
- Apartments for independent living with initial psychosocial assistance
- Psychosocial, psychological, social, health and life counselling as well as psychotherapy
- Ensuring access to medical assistance
- Counselling and intervention concerning residency and employment rights
- Supporting police interrogations
- Psychosocial and legal support in court proceedings
- Assistance for detainees pending deportation in cases of suspected trafficking in women
- Online outreach for early identification and vulnerable groups
- Mediation (upon request) to German courses, further education and integration offers
- Buddy-programme
- Support in seeking employment and accommodation or preparation for safe returns including risk assessments, in collaboration with organizations in the countries of origin

4. What specific measures are taken to reduce the vulnerability to trafficking of persons from disadvantaged minorities? Please provide information on policies and measures in the following areas:

- a. research;

## **MFA**

There is no specific ongoing scientific research in this area, as it was not considered instrumental for the government activities under 4b. Perhaps this area might be a future field for academic research at universities.

- b. information, awareness-raising and education campaigns;

## **Ministry of Labour and Economy**

In order to prevent the exploitation of labour, the Ministry of Labour and Economy provides information on its homepage about the rights and obligations of employees - see Labour Law ([bmaw.gv.at](http://bmaw.gv.at)). In particular, the Anti-Wage and Social Dumping Act (Lohn- und Sozialdumping-Bekämpfungsgesetz – LSD-BG) provides for equal wage conditions for all employees working in Austria (thus also for employees posted or assigned to Austria o). Compliance with these provisions is subject to official wage inspections. Violations of the provisions of the LSD-BG are subject to administrative penalties (LSD-BG).

In addition, the posting platform [www.postingofworkers.at](http://www.postingofworkers.at) (Entsendeplattform) provides information on the obligations that an employer based abroad must observe in the event of posting and transferring employees to work in Austria. This information is available in several relevant languages (German, English, Hungarian, Polish, Slovenian, Slovak and Czech).

- c. socio-economic initiatives targeting underlying and structural causes;
- d. education, vocational training and job placement programmes.

## **Ministry of Labour and Economy**

There are special programs within the Austrian and EU strategies on inclusive measures available under [www.Integrationsprojekte-oesterreich.at/projekte](http://www.Integrationsprojekte-oesterreich.at/projekte).

5. What specific measures are taken to reduce the vulnerability to THB of persons with disabilities? Please provide information in the following areas:

- a. deinstitutionalisation, including community and family-based services for children and support for independent living;
- b. monitoring institutions and foster families accommodating persons with disabilities;
- c. procedure for the selection and appointment of legal guardians and monitoring of their work;
- d. access to adequate accommodation, education and work;
- e. access to information and reporting/complaints mechanisms which are accessible to persons with disabilities.

## **The Federal Ministry of Social Affairs, Health, Care and Consumer Protection**

The Federal Ministry of Social Affairs, Health, Care and Consumer Protection, the Federal Ministry of the Interior and the Federal Ministry of Justice fund "MEN VIA", the Austrian victim protection facility for men who are affected by human trafficking. MEN VIA supports victims of human trafficking with multiple vulnerabilities and protects them from re-victimisation. In its outreach work, MEN VIA also focuses on the prevention of human trafficking in vulnerable groups such as disadvantaged minorities.

Furthermore, the Federal Ministry of Social Affairs, Health, Care and Consumer Protection financially supports two initiatives run by Austrian Trade Unions, aimed at empowering vulnerable target groups in order to combat and prevent exploitation and human trafficking: UNDOK, a counselling centre for

undocumented workers, and ASOBEM, a project which offers legal counselling for migrant workers in several languages.

In the context of the implementation of the Austrian National Action Plan on Combating Human Trafficking 2021-2023, the Federal Ministry of Social Affairs, Health, Care and Consumer Protection is currently working on the "improvement of the access to specialised residential facilities and care services for victims of human trafficking with disabilities", together with the regions and the victim protection organizations (measure III.11).

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

- a. provision of comprehensive and accessible information, in a range of relevant languages, on the rights of asylum seekers, indicators of THB, rights of victims of THB, and contacts of relevant organisations;

### **Ministry of Interior**

When asylum is sought (from a person apprehended or detained at a police station), police officers conduct an initial interview immediately, in which legal instructions for the asylum seeker is provided. Should this interview lead to the reasonable assumption or suspicion that the asylum seeker could be a possible victim of THB, the competent regional CID ("Landeskriminalamt", Ermittlungsbereich 10, Schlepperei und Menschenhandel) will be informed on the basis of the legal provisions and an order of the Austrian Ministry of the Interior (National Referral Mechanism – ministerial order on the nationwide responsibility for victims of human trafficking, their identification and processing). The regional CID will subsequently inform the appropriate victim assistance service (for women LEFÖ-IBF; for men MEN VIA) or, in case of minors, the competent child and youth welfare service about the situation without any delay. In case of adults (from the age of 18), a victim assistance service is also informed if the victim does not accept assistance from an NGO for the time being. The suspected victim is provided with information material in the respective native language about his or her rights, including contact details or alternatively, if no information material is available in the required language, verbally instructed in this language. Due to regular exchange between the Federal Office for Immigration and Asylum (BFA), LEFÖ-IBF and IOM, free multilingual brochures are available at the BFA's offices. Potential victims of THB receive these brochures through BFA's case owners as well. In reaction to the war in Ukraine, the BFA was in contact with LEFÖ-IBF regarding flyers and posters created by them. In particular, displaced Ukrainian women are at risk of THB. For this reason, flyers created by LEFÖ-IBF were distributed nationwide in all organizational units of the BFA in English and Ukrainian/Russian. Furthermore, LEFÖ-IBF posters were publicly displayed.

[This Link](#) to LEFÖ website was integrated in the BFA website at FAQs Ukraine:

- b. access to legal assistance and representation;

### **Ministry of Interior**

Through notification of victim assistance services or the child and youth welfare service, the police ensures their access to legal assistance and representation in all cases.

- c. access to decent accommodation, health (including psychological) care, work and education.

### **Ministry of Labour and Economy**

Asylum seekers are informed about their rights and the contact details of the Public Employment Service (Arbeitsmarktservice - AMS) as the institution to contact on employment opportunities and the Chamber of Labour (Arbeiterkammer) as institution to enforce their labour rights.

### **Ministry of Interior**

The police through notification of a victim assistance institutions or the child and youth welfare service ensures access to appropriate accommodation, medical and/or psychological care, employment and education in all cases. A specific victim assistance program is available to highly vulnerable victims at the Austrian Criminal Intelligence Service ("victims at high risk – VHR"), in particular those associated with organized crime and serious crime, including terrorism. This program includes operational, psychosocial and inclusion-orientated measures as well as a case-specific risk assessment.

7. What specific measures are taken to reduce the vulnerability to THB of migrant workers (including seasonal workers, seconded/posted workers, domestic workers, diplomatic household employees)? Please provide information on policies and measures in the following areas:
- a. provision of comprehensive and accessible information, in a range of relevant languages, on migration and labour laws, worker protection and contacts of relevant organisations;

### **Ministry of Interior**

Information on THB, including links to organisations (victim assistance and relief organizations, counselling centres, etc.), is provided on various websites such as [www.bmi.gv.at](http://www.bmi.gv.at), [www.bundeskriminalamt.at](http://www.bundeskriminalamt.at), [www.gegen-menschenhandel.at](http://www.gegen-menschenhandel.at) and are constantly being updated. Reference is also made to [www.undok.at](http://www.undok.at) as a contact point for trade union support for undocumented workers.

Every year, the Austrian Ministry of Foreign Affairs and the Ministry of the Interior organize a public briefing session for private domestic workers in Austria. All embassies, consulates and international organizations accredited in Austria are informed about this occasion and invited to enable their private domestic workers to attend. The victim assistance organisation LEFÖ-IBF is also actively involved in this event.

### **Ministry of Labour and Economy**

The official Austrian migration website "[www.migration.gv.at](http://www.migration.gv.at)" contains all relevant information on migration law as well as information about living and working conditions of foreign nationals in Austria, including their rights and ways to claim and government offices or non-government organisations to contact in German and English. UNDOK (NGO financially supported by the Ministry of Social Affairs) offers counselling on migration and labour law as well as worker protection in several languages, usually of the main countries of origin of the foreign workers. Multilingual information of UNDOK are available on UNDOK website and via links from official website [migration.gv.at](http://migration.gv.at).

With regard to domestic workers, employers of domestic workers must set out the essential rights and obligations arising from the employment relationship in written. This must comply with the legal model, when the employment relationship is established and hand over to the domestic workers a copy of the applicable Legislative Act, as well as any applicable collective agreements or minimum wage tariffs (Act Governing Domestic Help and Domestic Employees (Hausgehilfen- und Hausangestelltengesetz – HGHaG)).

- b. provision of clear employment contracts;

### **Ministry of Labour and Economy**

In accordance with Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship, paragraph 2 of the Employment Contract Law Harmonization Act (Arbeitsvertragsrechts-Anpassungsgesetz – AVRAG) and § 1164a of the General Civil Code (Allgemeines Bürgerliches Gesetzbuch – ABGB) provide for detailed regulations on the mandatory minimum contents of the employment contract. If the employer has not issued a corresponding employment contract (freelance contract), the employee (freelance worker) is entitled to receive a service note (Dienstzettel) informing about these contents.

For the official wage inspection within the framework of the LSD-BG, employers based abroad must also keep the employment contract or service note as defined in Directive 91/533/EEC available for posted employees. In the case of an assignment, they must make these available to the domestic employer. Violation of these obligations is subject to administrative penalties.

During the admission procedure of third country workers, the labour market authority also examines if the employment contracts meet the standards of AVRAG.

- c. access to decent work and housing, health care, social services and education;

### **Ministry of Labour and Economy**

With regard to access to decent work, reference is made to the comments on point 4b. Regulations on adequate accommodation can be found in the Worker Protection Act (ArbeitnehmerInnenschutzgesetz – ASchG), the Workplace Ordinance (Arbeitsstättenverordnung) and the Construction Workers' Protection Ordinance (Bauarbeiterschutverordnung). With regard to access to education, it should be noted that under certain conditions employees can agree on educational leave with their employer in accordance with § 11 AVRAG.

With regard to domestic workers, servants accepted into the house community must be provided with their own living space, which must comply with health, building and fire regulations and be such that the morals of the servant are not endangered. The living space must be heatable during the time when the outside temperatures require, be lockable from the inside and outside and contain the necessary furnishings, in particular a lockable box.

- d. possibility to change employers;

### **Ministry of Labour and Economy**

In Austria, there is an unrestricted right of termination of contracts. Employees are free to terminate their employment relationship without giving reasons and in compliance with the statutory or (collective) contractual notice periods and deadlines. Any competition clauses agreed in the employment contract must be taken into account.

According to the Act Governing Employment of Foreign Nationals (Ausländerbeschäftigungsgesetz – AuslBG) a change of employers is possible. A new application for a labour market authorization may be required for a change of employer. In the context of the application, procedure wage and working conditions including social insurance coverage as well as liability of the employers are examined by the Public Employment Service (Arbeitsmarktservice – AMS). Such procedure considerably reduces the risk of labour exploitation. Furthermore, seasonal workers admitted within the quota regime of seasonal permits in tourism sector, agriculture and forestry can change employer without being restricted by that quota again. Most migrant workers in Austria already hold a permanent residence status and therefore enjoy unlimited labour market access.

The HGAG allows domestic workers to change employers at any time; only the observance of a notice period is required.

- e. access to confidential complaints mechanisms;

### **Ministry of Labour and Economy**

If there is a suspicion of underpayment, the employee may confidentially contact the Anti-Fraud Office (Financial Police) or the competent health insurance institution.

The Whistleblower Protection Act (HinweisgeberInnenschutzgesetz – HSchG), which implements Directive 2019/1937/EU on the protection of persons reporting infringements of Union law (Whistleblowing Directive), provides, among other things, for the establishment of reporting offices for whistleblowing both within and outside a legal entity as well as special measures of legal protection for whistleblowers.

Domestic workers automatically earn a membership at the Chamber of Labour and may turn to the Chamber of Labour; they are also subject to the Equal Treatment Act and can, for example, turn to the Ombud for Equal Treatment (Gleichbehandlungsanwaltschaft).

- f. right to join trade unions and to engage in collective bargaining;

### **Ministry of Labour and Economy**

Right to join trade unions and to engage in collective bargaining: The Austrian legal system does not provide for different access regimes for migrant workers concerning the right to join trade unions. The Austrian Trade Union Confederation is an association according to the Association Act; membership results from the statutes of the association. Collective bargaining falls within the autonomy of the social partners. They also determine who takes part in the negotiations. The government has no power to intervene.

- g. legal avenues for regularising their stay in the country.

The Austrian migration system offers various opportunities for lawful migration, e.g. for highly qualified workers, key workers, skilled workers in shortage professions (in 2023 the list of shortage professions contains 98 professions at the federal level and additionally 56 professions in several regions), but also for seasonal workers at all skill levels in tourism sector, agriculture and forestry (with a vast offer of vacancies).

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

### **Ministry of Labour and Economy**

The mandate of labour inspectors is limited to health and occupational safety inspections and they do not investigate cases of labour exploitation or immigration control (not included in the mandate of the labour inspection):

The Labour Inspectorate is a federal authority divided into regional offices as well as a separate Labour Inspectorate for construction work (only for Vienna and parts of Lower Austria). With approximately 300 labour inspectors, the Labour Inspectorate is the largest authority for the monitoring of employment conditions in Austria. It monitors the protection of the lives and health of employees, adherence to the provisions on working hours and rest periods, the employment of children and young people, and the protection of pregnant women and nursing mothers.

It does not inspect employment contracts, collective agreements, illegal employment and wage and social dumping (mandate of the financial police). Immigration matters fall within the

competence of the Federal Ministry of the Interior (BMI). The BMI is the supreme authority in settlement and residence matters.

Information on human trafficking/labour exploitation is constantly integrated in the training for labour inspectors that concerns new as well as longtime employees. The trainings include a list of indicators for the identification of victims of labour exploitation, counselling facilities for victims of trafficking and the possibility to inform about the suspicion of human trafficking via a special hotline of the Federal Criminal Police Office („Menschenhandelshotline“).

The focus of the controls of labour inspectors is due to its legal mandate on monitoring compliance with occupational health and safety regulations and provides advice concerning health and safety at work to local stakeholders, esp. employer and employees. Through targeted training on human trafficking/labour exploitation, the labour inspectors are furthermore sensitized to identify suspicious circumstances as part of a factory inspection and to report severe suspicious cases to the Federal Criminal Police Office's human trafficking hotline as quickly as possible or, as far as criminal law is concerned to the public prosecutor.

According to Section 20, Paragraph 4 of the Labor Inspection Act (Arbeitsinspektionsgesetz – ArbIG), the labour inspectorate is entitled to inform the competent authorities (e.g. police, financial police or social security institution) of suspected human trafficking/labour exploitation, social fraud or wage and social dumping. Due to Section 4 Paragraph 2 of the Social Fraud Combating Act (Sozialbetrugsbekämpfungsgesetz – SBBG) (not an occupational safety provision), the labour inspectorate, as an information point, is obliged to report suspected social fraud to the responsible cooperation offices as early as possible.

In Austria, there is close cooperation of labour inspectorates with the Anti-Fraud office (Unit Financial Police) and social insurance institutions as well as immigration and crime investigation units of the federal police for conducting proactive workplace inspections in all economic sectors, with a particular emphasis on high-risk sectors. There are regular information exchanges, joint operations and task forces. Altogether, those authorities have a comprehensive mandate and adequate human, financial and technical resources in controlling illegal employment and exploitation. While labour inspectorates control the health (safety) related working conditions, the Anti-Fraud office (Unit Financial Police) controls the wage and all other working conditions as well as the existence of a legal employment (valid labour market authorizations) and social insurance coverage (in cooperation with social insurance institutions).

A cooperation of labour inspectorates with the police and the financial police takes place via the joint action days (JAD/EUROPOL) once a year. A coordinated JAD-operation focusing also on labour exploitation of persons was carried out in June 2023. One labour inspectorate took part in this joint inspection of construction sites in the region of Vorarlberg. Further police actions together with the financial police and labour inspectors to detect cases of labour exploitation are reportedly planned within the next JAD in 2024.

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

### **Ministry of Labour and Economy**

According to the definition of the Austrian Labour Market Promotion Act (Arbeitsmarktförderungsgesetz – AMFG), job placement is any activity aimed at bringing together job seekers and employers in order to establish employment relationships. This also includes the placement of jobseekers and au pairs from abroad to Austria and vice versa, as well as the publication and dissemination of job offers and job applications.

In addition to the Public Employment Service (AMS), statutory interest groups and professional associations with collective bargaining rights, non-profit organizations, holders of a business license



for placement services in accordance with the Austrian Trade Regulation Act (Gewerbeordnung – GewO), and - limited to the placement of managers - business consultants and business organizers are authorised to provide such services.

The placement of workers has to be carried out in accordance with the principles laid down in the Labour Market Promotion Act. Holders of a trade license must provide employment services for jobseekers free of charge, with the exception of the placement of artists and athletes. Furthermore, it is obligatory to keep records of job seekers, of orders to fill vacancies and their working conditions, as well as of companies. Placement staff must have professional and personal qualifications.

For the purpose of monitoring compliance with the regulations of the Labour Market Promotion Act, trade authorities and the Federal Minister of Labour and Economy are authorized to request information and to check documents. Breaches of this Law constitute an administrative offence, which is fined. To protect temporary workers, the Austrian Temporary Employment Act (Arbeitskräfteüberlassungsgesetz –AÜG) contains comprehensive regulations on employment contracts, on social insurance issues and on employee protection as well as regulations to avoid adverse developments in labour market policy. In addition, the collective agreement of the temporary employment industry contains regulations on remuneration, working hours and termination.

As the supply of temporary workers is a regulated trade subject to the regulations of the Austrian Trade, Commerce and Industry Regulation Act (GewO), a certificate of competence and a corresponding trade license issued by the trade authority responsible for the company's location are required. The control and supervisory function is performed by the Federal Minister of Labour and Economy, the Central Coordination Office for the Control of Illegal Employment, the trade authorities and the Anti-Fraud Office. Regulations for employee protections are monitored by labour inspectorates and other authorities responsible for the protection of employees. Social insurance regulations are monitored by social insurance institutions. Non-compliance with the regulations of the Temporary Employment Act is considered as an administrative offence, which is fined.

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

### **Ministry of Labour and Economy**

The following essential criteria are applied in Austria to determine whether an employee status exists: The employment relationship is a continuing obligation. In addition to the characteristic of "economic dependence", the essential characteristic of an employment contract is the "personal dependence" of the employee. This results from the fact that the work performance is for the benefit of another person and the employee is subject to a certain organizational structure.

The factual characteristic "personal dependence" is made of of many legal and factual characteristics:

- Placement in the company's organizational structure (in particular, commitments regarding working hours, place of work, working process),
- Being bound by instructions with regard to the aforementioned placement,
- Subjection to control in relation to the aforementioned placement,
- Disciplinary responsibility,
- Obligation to provide services in person

In assessing whether employee status exists in an individual case, it is a matter of the predominance of the essential characteristics that indicate work performed in personal dependence. Not all defining characteristics of personal dependence must be present together. The decisive factor is whether in general the characteristics of personal dependency outweigh the others in their significance. In doing so, the facts and circumstances must be appropriately assessed. With regard to posted/temporary employees, it should be noted: The obligations provided for in the LSD-BG apply to employers based abroad who send employees to work in Austria.

It depends on whether the persons are to be qualified as employees under the Austrian law according to the true economic circumstance (regardless of whether they are qualified as self-employed abroad). If, from the perspective of Austrian law, the persons also do not qualify as employees, the rules of the LSD-BG do not apply.

The differentiation between self-employment and dependent work of Non-EU/EEA workers is regulated via Article 2 para 2 and 4 of the AuslBG. The assessment of whether the case is seen as dependent work or self-employment is based on the actual economic content rather than on the outer appearance of facts. An abuse of such legal constructions entails severe sanctions against the employer for illegal employment - administrative fines ranging from 1,000 € to 10,000 € per illegally employed worker and, when illegal employment occurs repeatedly, from 2,000 to 20,000 € per illegally employed worker as well as, in exploitative circumstances (which constitute a criminal offence), even prison sentences. Furthermore, it is provided that such employers can lose their trade license and be excluded from public tenders and subsidies. Those sanctions also apply in cases of abusing subcontracting and posting of workers. There is a special focus on and expertise of the Austrian authorities in dealing with cases of bogus self-employment, letterbox companies, subcontracting and posting of workers to prevent abuses.

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

### **Ministry of Labour and Economy**

The Austrian migration system offers various opportunities for lawful migration, e.g. for highly qualified workers, key workers, skilled workers in shortage professions (in 2023 the list of shortage professions contains 98 professions at the federal level and additionally 56 professions in several regions), but also for seasonal workers at all skill levels in tourism sector, agriculture and forestry (with a vast offer of vacancies). In the labour market admission procedures, the AMS examines whether the relevant employment relationships fulfil the high Austrian labour standards. Controls at the workplace by the Austrian authorities verify whether the employer implements those standards and adequate sanctions are imposed on the employer for violations of those standards.

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

### **Ministry of Labour and Economy**

The demand is discouraged by the Austrian authorities conducting proactive workplace inspections in all economic sectors, with a particular emphasis on high-risk sectors.

### **Austrian Federal Chancellery**

In order to achieve demand reduction for exploitative services and thus curb exploitation, the framework conditions for the service in demand (sex service, care, cleaning work, construction work, etc.) must be better controlled, for example through regulated working conditions and their controls, so that there are no exploitative situations.

With regard to the sexual services sector, Austria has a very high density of legal regulations, which takes into account the special risks of the practice of sexual services. In particular, requirements for the operation of brothels and strict regulatory controls as well as reporting and health examination obligations for sex service providers, combined with a broad range of counselling services, are the subject of the regulatory complex and strictly monitored.

Austria has a differentiated legal framework to combat all forms of human trafficking. In addition, there are offences to criminalize (sexual) violence, which also protect sex service providers (§§ 83ff Criminal Code; §§ 201ff Criminal Code). Additionally, anyone who seriously believes that a situation of exploitation of a person (this includes sex service providers) is possible and accepts it, is liable to prosecution (§104a Criminal Code).

In order to continuously improve the situation of the vulnerable group of sex service providers, the working group "Prostitution" (see question 1.) was established in 2009 as an expert body and sub-working group of the Task Force on Human Trafficking under the leadership of the Department of Women's Affairs in the Federal Chancellery. It develops measures to improve the living and working conditions of sex service providers, to strengthen their rights and thus to counteract the risk of exploitation. As the situation is constantly evolving and there is always potential for improvement, the working group monitors the situation, assesses problems and makes recommendations to the relevant political actors. The working group consists of 30 experts from the police departments on human trafficking and prostitution, specialized counselling centres for sex service providers, and relevant public services (e.g., health services, women's departments, legal departments for prostitution law, and authorities responsible for issuing brothel permits) cooperate in the working group to ensure a multidisciplinary cross-disciplinary approach as well as cooperation at the regional level.

In Austria, in particular, the comprehensive regulatory system for the practice of sexual services is part of the national strategy to best combat trafficking in human beings and reduce the demand for exploitative sex services (see already question 1.). The unanimous expert opinion in Austria is that punishing clients or prohibiting the offering of sex services does not lead to a reduction in demand, but rather creates an illegal market that increases the risk for human trafficking and hinders protection and support for victims.

In addition, police and counselling centres lose access, making it more difficult to identify potential victims and offer support, protection and counselling. This allows traffickers to operate more freely, as they are out of sight of the authorities, which increases the risk of exploitation and violence. The influence of state authorities on working conditions and locations where sex services take place is also lost. As a result, sex service providers are forced to offer their services hidden from the public, which thus also increases their vulnerability and the risk of exploitation. Therefore, Austria has chosen this specific and proven strategy to combat trafficking for sexual exploitation and reduce demand.

### **Austrian Federal Chancellery, Directorate General Family and Youth**

On January 25, 2023, the Austrian Federal Government adopted a comprehensive package of measures that aim to protect children and young people from violence, with a focus on preventing sexual violence and abuse (see also above 2c). It includes the following measures:

- **changes in criminal law** with regard to the possession and production of child pornographic material
- expansion of individual sexual **therapy services for sexual offenders**
- expansion of **psychosocial aftercare** for children and adolescents who have been **victims** of sexual abuse
- **expanding cyber investigations** by specialists in the state criminal investigation departments
- a **nationwide campaign** to raise awareness and educate people about the **right of children to be free from violence** and strengthen children's rights

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

### **Ministry of Interior**

The examination of each asylum case happens within the framework of a comprehensive, individual and objective investigation procedure before the Federal Office for Immigration and Asylum (BFA), by an appellate procedure.

In addition to the requirements for asylum, the system also automatically checks whether the person in question is to be granted subsidiary protection or a residence title for other important reasons as set out in Article 57 of the Asylum Act. Current information on the situation in countries of origin is closely monitored by the MFA and the BFA and compiled in a system of state documentation, which is also taken into account.

In case of an appeal against a decision of the BFA, the obligation to leave the country is reviewed by the Federal Administrative Court in addition to the need for protection. The BFA is obliged to abide by the court's decisions and must implement them once the decision is legally binding.

The procedure for police officers recognizing a possible victim of THB (reporting requirement) is governed by the binding ministerial order on the nationwide responsibility for victims of THB and on their detection and treatment. Police officers are required to notify respective regional CID EB 10 Smuggling and Human Trafficking, even if they are not convinced that a person has been trafficked. Thus, at lowest level, criminal prosecution is guaranteed in case of possible trafficking activities.

In Austria, the principle of ex-officio prosecution applies and guarantees a general prosecution of criminal offences such as THB and trans-frontier trafficking in prostitution. The law enforcement authorities (judiciary, police) are required by law to prosecute such offences ex-officio. Any citizen, even anonymously, might report an offence subject to the principle of ex-officio prosecution to the police; this report cannot be withdrawn.

14. What measures are taken to prevent THB in sports? What sectors and categories/groups of people have been identified as being at risk?

### **MFA**

To the knowledge of the Task Force, there have been no particular risks detected for professional athletes in Austria. If required, a representative of the Ministry responsible for sports (which is not a Member of the Task Force) can be invited to the working session of the country visit.

15. Have you identified online practices that may increase the risk of becoming a victim of THB for different forms of exploitation? What mechanisms have been developed to prevent the misuse of information and communication technology for THB purposes? What is the practical effect of their implementation?

### **Ministry of Interior**

In former times, recruitment used to take place mostly by direct contact through family and acquaintances as well as print media. This approach has changed and shifted to the internet and social media. Modi operandi have generally remained the same, but the intensity of recruitment activities by the offenders or offender groups have strongly increased online.

Internet and social media have the advantage of reaching a wide client base, making it possible for traffickers to identify and recruit their victims remotely and avoid direct physical contact with them, and of enabling a digital exchange of criminal proceeds.

The perpetrators usually target victims of their own countries of origin or victims speaking the same language. This recruitment pattern has not changed with the shift to the internet. Once the victims arrive in a country of destination, they are either forced into labour or sexual exploitation (prostitution).

International findings, in particular by Europol or Interpol, are used as a basis for early detection of new criminal modi operandi (as an early warning system). This mechanism is intended to ensure that new criminal trends in Austria are identified swiftly to make them available to subordinate services on digital platforms (e.g.: Share Point server – operational platform for criminal intelligence, electronic CID guidelines - KLF). Due to this swift information transport, targeted operational measures identifying victims of THB can be planned and implemented nationally and regionally at an early stage.

Examples:

Labour exploitation via scam centres:

Qualified workers are recruited for allegedly lucrative jobs of persuading people to buy supposedly successful investment products. However, workers end up in exploitative employment. In Europe, and specifically in Austria, this modus operandi has not yet been recorded.

Labour exploitation through online fraud:

Recruited victims ('Easy work in a call centre'; 'Easy work, high salaries') are forced to participate in scam calls aimed at extracting larger amounts of money from customers. Victims are made compliant through torture, starvation, violence and even killings. Victims of these modi operandi have been identified in South East Asia, the Middle East, East Africa, and Latin America. In Europe, specifically in Austria, this modus operandi has not yet been recorded.

16. What measures are taken to raise awareness of the risks of technology-facilitated THB, including among children, parents, teachers, child care professionals and social workers? What technology-based initiatives exist in your country to disseminate information to groups/communities at risk of THB?

### **Austrian Federal Chancellery, Directorate General Family and Youth**

The Austrian Federal Chancellery promotes measures and initiatives to improve media literacy and to ensure that young people can learn to deal with the media in a conscious and critical manner. The Media-Youth-Info Centre (MJI) is a service unit of the Austrian Federal Chancellery. It is the ambition of the MJI to foster media literacy in all of its aspects. The MJI cooperates closely with other organisations in the field of media literacy, foremost with Saferinternet.at.

The Austrian Federal Chancellery provides funding for the initiative Saferinternet.at. This website supports children, young people, parents, and teachers in the safe, competent, and responsible use of digital media. Saferinternet.at together with the "Stoptline" (report office against sexual abuse depictions of minors and national socialist re-activation) and Rat auf Draht (helpline for children, young people and their caregivers) form the "Safer Internet Centre Austria". It is the Austrian partner in the Safer Internet Network of the EU. Saferinternet.at has conducted 2.100 workshops between January and mid-September 2023 reaching 44.000 participants. Currently, 84 different brochures and publications on various aspects of safe use of the Internet and the promotion of media literacy are offered and distributed. One of the central pillars for disseminating relevant information, tips and assistance is the website <https://www.saferinternet.at/>.

## **The Child and Youth Welfare Service of the Region Lower Austria**

The Child and Youth Welfare Service provides advanced training courses addressing THB amongst others for the staff members of the youth welfare services and for the staff of social services. Apart from these trainings The Child and Youth Welfare Service distributes handouts to its employees in order to point out the risks of THB and sensitize the staff members to this problem. Moreover, employees of the Child and Youth Welfare Service participate in meetings of the Human Trafficking Task Force. Therefore, recent information and findings about THB is made available to the staff members of the organization.

17. How do you cooperate with ICT companies and Internet service providers, including content hosts and social media, in preventing THB?

### **Ministry of Interior**

In Austria, there is a dual system regulating advertising. On the one hand, there are legal provisions (Unfair Competition Act ("UWG"), Penal Code ("StGB"), Prohibition Act e.g. in respect of the promotion of Nazi ideology, Pornography Act, Data Protection Act, Tax Acts, etc.) and, on the other hand, there are self-restraining guidelines under the Ethics Code of the Advertising Industry (amended on 12.01.2021) pursuant to the Communication Austria Act ("KOG").

Please refer to this link:

[https://werberat.at/layout/ETHIK\\_KODEX\\_1\\_2021.pdf](https://werberat.at/layout/ETHIK_KODEX_1_2021.pdf)

The Austrian Advertising Council (self-regulation body of the Austrian advertising industry):

The Ethics Code is the core element of the Austrian system for protecting consumers from advertising abuse and establishes general and specific rules of conduct for the advertising industry.

Advertising for sexual services, as far as it is legally allowed, must not violate the dignity of people, especially of sex service providers, clients and passers-by. Human bodies and sexuality must not be portrayed inappropriately in visual or textual form. Limits in this respect depend on the place, time and environment of advertising. From the point of view of content, it is a matter of appropriate representation and respect for the dignity of the person shown.

In the operational area, it is important to maintain close co-operation with various operators of internet platforms advertising sex workers - both in criminal investigations to identify victims of THB, perpetrators, cross-border prostitution trafficking activities and for training purposes (use of web crawlers).

Please refer to answer of question 6a as well.

18. How are policies and practices aimed at preventing THB informed by the experiences of victims and at-risk individuals?

### **LEFÖ**

LEFÖ-IBF regularly consults victims and at-risk individuals in the development of prevention material. For example, during the development of our multilingual information flyer "[Rights, Support, Security!](#)" on key indicators of human trafficking and labour exploitation we organised focus groups with victims who receive our support services to ensure that the illustrations and accompanying text engaged the target group, in particular that the text was simple and accessible to break language barriers and that the illustrations were relatable and understandable also without the accompanying text to reach illiterate persons.

Another example is the flyer "[I think, I am being exploited](#)" which answers the frequently asked questions posed by victims and at-risk individuals who receive support services with regard to leaving a situation of exploitation and seeking support services available to trafficked persons to address general doubts, fears, uncertainties and misconceptions.

Through direct counselling of victims, Lefö counsellors have gathered a wealth of knowledge on the specific needs and vulnerabilities of victims and at-risk individuals. Since 2021, they have a dedicated online outreach counsellor who gathers information on the specific needs and vulnerabilities of victims and at-risk individuals who work in the private sphere of work, for example, as au pairs, domestic workers and 24h caregivers through interactions on social media platforms and online counselling. Persons exploited in the private sphere of work represent a particularly vulnerable group of victims of THB because they are difficult to reach and their exploitation often takes place in "hidden" places.

The experiences of victims and at-risk individuals also informed our prevention campaign "[Be safe on the way!](#)" and "[Welcome to Austria! Stay Safe!](#)" for at-risk individuals of the war in the Ukraine. The former materials were adapted for the UNHCR "Stay Safe" campaign.

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

19. Among the victims of THB identified, were any subjected to exploitation on the basis of their sexual orientation and/or gender identity (LGBTI+: lesbian, gay, bisexual, transgender or intersex), especially teenagers and young adults? If yes, did any of them report on police misconduct?

### **Austrian Federal Chancellery**

In 2022, the Intervention centre for trafficked women served 343 trafficked women. Of these, around 59% were victims of sexual exploitation, around 14% were exploited in the type "household" as well as around 13% were exploited in other forms of labour exploitation, around 5% were exploited in "marriage" as type of trafficking and around 9% were exploited in other forms of exploitation. It is not known whether exploitation occurred on the basis of sexual orientation and/or gender identity. In 2022, a total of six victims aged up to 16 years and 17 victims aged 17 to 18 years were served by the Intervention centre for trafficked women. The type of exploitation was not recorded in a differentiated manner.

20. What specific measures are taken to ensure that trafficked persons who are migrant workers, including in an irregular situation, are identified as victims of THB and have access to the rights provided for in the Convention? Is there cooperation with specialised NGOs, trade unions, and employers to enhance the identification and protection of potential victims within these at-risk groups?

### **Ministry of Interior**

The first step within victim protection is to refer them appropriately to specialized NGOs offering shelter, psychosocial and legal assistance in criminal proceedings. Counsellors accompany victims during police interviews and court hearings. The close co-operation between LEFÖ-IBF and the police enables an efficient safety assessment and exchange of information about potential threats. Nevertheless, victims are still threatened by family members and/or through social media. A gap in victims' protection is the protection of their family.

When THB victims are identified, the police instructs them about their rights and refers them to supporting NGOs (LEFÖ-IBF for female victims and MEN VIA for male victims). LEFÖ-IBF is a recognized victim assistance institution as defined by Section 25(3) of the Public Security Act ("SPG"). It operates nationwide on behalf of the Federal Ministry of the Interior and the Federal Ministry of Education and Women's Affairs. Section 56(1) and (3) of the "SPG" allow law enforcement authorities to disseminate personal details to victim assistance institutions, as long as these details serve the purpose of protecting a person at risk. THB victims who are referred to LEFÖ-IBF are provided with legal information, including on judicial and administrative proceedings.

The BFA cooperates closely with LEFÖ-IBF, IOM and UNHCR. In addition, there is a focal point in the BFA Directorate, Staff Office, if questions (e.g. by an NGO) about a specific individual case arise.

### **Ministry of Labour and Economy**

There is a special focus on and expertise of the Austrian authorities in dealing with cases of bogus self-employment, letterbox companies, subcontracting and posting of workers to prevent abuses. A list of indicators for identifying THB victims has been prepared by the Task Force on combating THB and distributed to the relevant authorities, social partners and NGOs (LEFÖ/IBF and Men VIA). A cooperation with specialized NGOs, e.g. LEFÖ/IBF and MEN VIA contributes to those goals. In this context a special program provided by Vienna's Public Employment Office, in close co-operation with LEFÖ-IBF offers labour market integration assistance for victims of THB, including individual coaching, special placement activities, support for acquiring qualifications and language courses.

21. What measures are in place to encourage victims of THB to report their situation to the authorities and/or civil society organisations?

### **Ministry of Interior**

Please refer to answer of Question 20.

### **LEFÖ**

LEFÖ-IBF conducts workshops and trainings for authorities and civil society organisations that are likely to come into direct contact with potential victims to provide them with information on their rights and available support services in Austria for THB victims so that they can make an informed decision on reporting their situation. LEFÖ-IBF also conducts workshops with particularly vulnerable groups of persons in cooperation with civil society organisations, for example among 24h caregivers and within cultural communities

22. What specific measures are taken in your country to detect/identify and refer to assistance possible victims of THB at the borders? What measures are taken in your country to identify victims of THB during the examination of asylum applications and prior to the return of persons whose applications are rejected?

### **Ministry of Interior**

Border police officers are sensitized to victims of THB in a variety of nationwide training courses at different levels, e.g. basic training courses for police officers and guards, courses for border police assistance ("GPA"), for compensatory measures in the Schengen Agreement and compulsory cross-border service training for police officers.



In the context of these trainings, educational videos produced by the Criminal Intelligence Service have among others been included to present the criminal law provisions of THB Section 104a PC and trans frontier trafficking in prostitution Section 217 PC, as well as public documentaries to illustrate the sensitive topic of THB.

Within the project "Promoting the identification of trafficked persons in the asylum procedure" (Asyl Train II - "KOMPASS - competence and knowledge transfer for the Austrian asylum and migration administration with a focus on vulnerable persons"), the Criminal Intelligence Service in Vienna is an active member at training courses organized by IOM for employees of the BFA and the National Assistance and Support Service ("BBU").

In order to improve the high quality of the procedures and to raise awareness of officials, the topic "Identification of victims of human trafficking" has been dovetailed in vocational police trainings since 2015. It ensures that vulnerable groups are identified so that appropriate further steps are taken. The content of the trainings is continuously evaluated and adapted as required.

The Ministry of Interior also ensures that specific attention is paid to possible vulnerable cases during return counselling. In case there are indications that the person undergoing return counselling by the Federal Agency for Reception and Support Services could be a victim of trafficking, a close cooperation with and referral to the association LEFÖ/LEFÖ-IBF is foreseen. In case of the return of vulnerable persons such as possible or identified victims of TBH, special attention is given and thus the vulnerability aspects are addressed during return counselling, in the return process itself including the return travel (in cooperation with the International Organization for Migration).

In 2021 and 2022, the Ministry of Interior funded a project by LEFÖ-IBF "SAFE RETURN: Safe Return through Risk Analysis for Victims of Trafficking in Human Beings", was followed by the project SAFE RETURN II. The aim of the project is to support third-country nationals who are victims of THB to return voluntarily and safely through risk analysis and continuous victim protection, also prior to return, and thus to prevent further THB and other human rights violations. The risk analysis is to be understood as a complementary offer to return counselling and return organization by the Federal Agency for Reception and Support Services.

23. What measures are taken in your country to identify victims of THB in immigration detection centres and prisons?

### **Ministry of Interior**

Please refer to answer of Question 6 and 13.

The "in-service training" for staff at police detention centres ("Personenanhaltzentren"), included courses held by Criminal Intelligence Service in Vienna in cooperation with the victim assistance institutions LEFÖ-IBF and MEN VIA focusing on victim identification. The Federal Ministry of the Interior organizes these courses.

24. What services are available in your country to provide specific assistance to particularly vulnerable victims, such as:

- a. persons with disabilities;

#### **Human Rights Office of Vienna**

The Social Fund (Fonds Soziales Wien, FSW) is primarily responsible for funding disability assistance in the area of the City of Vienna. The requirements for granting

funding in the field of disability assistance are defined in the Equality Act (CGW) and the funding guidelines of the Vienna Social Fund (FSW). Trafficked persons with a disability can receive funding for services in the field of disability assistance (such as assisted living, day structure and other psychosocial support) if they meet the general eligibility requirements. The FSW also funds (within the framework of object or project funding) facilities that provide a variety of counselling services for different groups of persons with disabilities. For example, there are specific offers for persons with mental illness. Within the framework of Vienna's disability, assistance services are not exclusively focused on particularly vulnerable victims of human trafficking. However, the Counselling Centre for Persons with Disabilities of the FSW is in contact with NGOs for victims of human trafficking (LEFÖ - IBF and Men Via). Staff members are also sensitised to the issue of human trafficking. If, for example, there are indications during a counselling interview that a person is affected by human trafficking, the person is handed flyers or information folders and referred to appropriate support services offered by other agencies (e.g. *LEFÖ-IBF* or *Men Via*).

Furthermore the City of Vienna Women's Department funds the following non-profit associations/organisations in the City, which offer support to the target group: Ninlil – Empowerment und counselling for women with disabilities; area of work: Kraftwerk against sexualised violence against women with learning disabilities.

In addition, the Vienna Health Association (*Wiener Gesundheitsverbund, WIGEV*) has an offer of sign language interpreters within the framework of a video interpreting service as well as the use of plain language, which are available for patients. The system of non-verbal communication is currently being tested and will soon be introduced nationwide.

**b. LGBTI+ persons;**

The Intervention centre for trafficked women also directs its entire range of services to trans women and girls (from the age of 15) as victims of trafficking in women. Also female victims with children can use the entire range of services offered by the Intervention Centre for Victims of Trafficking in Women.

In addition, the support offered by the general counselling centres for women and girls in Austria is available to all women, regardless of their sexual orientation, marital status or mental and physical condition. These also put women in contact with a specific counselling centre if necessary.

In addition, the Women's Section funds eight specialized counselling services for LGBTIQ persons, which ensures comprehensive, free and anonymous counselling. (FC)

### **Human Rights Office of Vienna**

On 3 October 2022, the Human Rights Office of the City of Vienna and the Vienna Anti-Discrimination Office for LGBTIQ Affairs held a joint meeting with relevant partners on the topic of "Investigating the current situation of transgender persons as trafficked persons in the context of sexual exploitation". The results of the meeting were forwarded to the Task Force on Human Trafficking. In addition, the Vienna Anti-Discrimination Office for LGBTIQ Affairs has provided the following measures:

- Research into the living and safety needs of LGBTIQ persons in Vienna; study "Queer in Vienna", 2015 and 2025 (planned)
- Series of events "Homophobic and transphobic violence in public space", 5 events 2017
- Distribution of the "Information folder for female and male prostitutes" in 6 languages to queer counselling centres in Vienna

- Sensitisation of queer counselling centres in Vienna to the issues of sex work/trafficking in human beings
- Initiation and co-chairing of an LGBTIQ expert circle within the framework of a forum of the Vienna police on human rights
- Founding of a security round table with the Vienna police and queer associations in Vienna, 2020
- Participation in an EU project on improved data collection and training on "prejudice/hate crime" (Hate-Crime), 2020
- Participation in the workshop of the Federal Ministry of the Interior "Hate Crime in Austria - systematic identification and recording of prejudice motives in criminal complaints by the security police".

Furthermore, the City of Vienna Women's Department funds the following non-profit associations/organisations in the City, which offer support to the target group:

- LEFÖ – Counselling, education and assistance for migrant women, project: TransR for Trans sex workers in the area of work of TAMPEP Counselling and Health Prevention for Migrant Women in Sex Work. Also the Vienna Health Association (Wiener Gesundheitsverbund, WIGEV) offers target group-oriented training and education on gender and diversity issues.

### **MFA**

The issue of transgender persons has been included in the 6<sup>th</sup> National Action Plan on THB. The LGTBIQ group is under consideration for the 7<sup>th</sup> National Action Plan.

#### **c. victims with children;**

### **Human Rights Office of Vienna**

The City of Vienna Women's Department funds the following non-profit associations/organisations in the City, which offer support to the target group:

- Vienna Women's Shelters; women's refuges for victims of domestic violence and their children

Furthermore, the victim protection groups of the Vienna Health Association (Wiener Gesundheitsverbund, WIGEV) at the clinics are multi-professionally staffed and care for victims with children or child victims and/or psychologically and physically traumatised persons as well as homeless persons.

#### **d. victims with severe mental and physical trauma;**

The services offered by the intervention centre for trafficked women include psychosocial, psychological, social, health and life counselling as well as psychotherapy and ensuring access to medical assistance. Psychosocial support in legal proceedings is also offered (FC).

### **Human Rights Office of Vienna**

see c: victim protection groups of the Vienna Health Association (Wiener Gesundheitsverbund, WIGEV)

#### **e. homeless persons;**

### **Human Rights Office of Vienna**

The Vienna Social Fund (Fonds Soziales Wien, FSW) is primarily responsible for funding Services for the homeless persons. The FSW's homeless assistance does not fund specific facilities for this target group. However, victims of human trafficking are included as an eligible group in the requirements of the funding guideline. Thus, all funded facilities and eligible services in Viennese homeless assistance are also open to this target group. Furthermore, the City of Vienna Women's Department funds the following non-profit associations/organisations in the City, which offer support to the target group:

- Several non-profit associations, which counsel (young) women in challenging life situations, also offer supervised living, as for example Kolping Austria (area of work: supervised flat-sharing community Refugia I, II & III) or Orient Express – Counselling, education and cultural initiatives for women.
- In general, some non-profit associations offer counselling on housing, since this topic is highly relevant in challenging life situations of the target group of (young) women.

f. other.

In Austria, there are eight counselling centres for sex service providers, which provide information about rights and obligations as well as support options. Strengthening the rights of sex service providers enables the improvement of living and working conditions and reduces the risk of exploitation and violence. In addition, the counselling centres also conduct outreach work, which makes it possible to reach potential victims of THB. If victims of THB are identified, the specialized counselling services for victims of THB are involved (such as IBF). (FC)

## LEFÖ

LEFÖ-IBF offers unconditional support tailored to the specific and individual needs of all trafficked women and girls above the age of 15 years, including the vulnerable groups listed above. Additional assistance is provided by the following organisations: Fonds Soziales Wien (persons with disabilities), Queerbase (LGBTI+ persons), Mutter-Kind-Heim (victims with children – only for single mothers), Psychoziale Dienste in Wien and health care institutions (victims with severe mental and physical trauma), P7 - Wiener Service für Wohnungslose - Caritas der Erzdiözese Wien (homeless persons). LEFÖ-IBF also has safe shelters for homeless trafficked persons.

## Human Rights Office of Vienna

The City of Vienna Women's Department funds the following non-profit associations/organisations in the City, which offer support to the target group:

- Black Women's Community (Schwarze Frauen Community SFC); Counselling and activities for black women
- Diakonie – refugee services non-profit Ltd (Flüchtlingsdienst gemeinnützige GmbH); Counselling and support for women entitled to protection (as refugees)
- Volkshilfe Wien – non-profit Ltd (gemeinnützige Betriebs-GmbH); area of work: SOPHIE-Counselling and local assistance for sex workers
- LEFÖ – Counselling, education and assistance for migrant women; Counselling Centre for Latin American Women and TAMPEP Counselling and Health Prevention for Migrant Women in Sex Work
- Many non-profit associations, which are funded by the City of Vienna Women's Department, attend to women in crisis, counsel victims of violence and implement violence prevention projects. These are amongst others:

- a. Women counselling Women (Frauen beraten Frauen)
- b. Girls' Counselling` Women against sexual exploitation of girls and young women („Mädchenberatung“ Frauen gegen sexuelle Ausbeutung von Mädchen und jungen Frauen)
- c. Caritas of the Archdiocese Vienna – Help in Need; area of work: peppa Girls' Centre (Caritas der Erzdiözese Wien – Hilfe in Not, Bereich: peppa Mädchenzentrum)
- d. Women's Counselling Emergency Hotline in case of sexual violence (Frauenberatung Notruf bei sexueller Gewalt)
- e. Institute for women's and men's health, area of work: FEM South: Health counselling for migrant women (Institut für Frauen- und Männergesundheit, Bereich: FEM Süd: Gesundheitsberatung für Frauen mit Migrationserfahrung)
- f. Orient Express – Counselling, education and cultural initiatives for women (Orient Express - Beratungs-, Bildungs-und Kulturinitiative für Frauen)

25. How do you support the (re)integration of victims of THB? What processes are in place in your country to provide assistance to victims of THB exploited abroad after their return?

## LEFÖ

LEFÖ-IBF offers mediation (upon request) to German courses and further education and integration services in cooperation with Public Employment Service Austria (Arbeitsmarktservice).

Since 2021 and with regard to the social (re)integration of victims, LEFÖ-IBF offers a Buddy Programme that aims to empower trafficked women and increase self-confidence and self-reliance by working with “buddies” who volunteer their time to talk, converse and communicate in German around the process of inclusion into the Austrian society. Mentors/buddies regularly spend time with the trafficked women, including visiting cultural centres, playing sports or practicing German. The women benefit from an informal and supportive environment in which they can share their everyday problems, ask questions and contribute ideas on various topics. In addition, these women can receive support in establishing and expanding their social network.

Since 2021 and within the concept of independent and sustainable living, LEFÖ-IBF offers women small apartments at fair rent prices to ensure that trafficked women do not remain longer than necessary in close care relationships. In shelters, which might otherwise prolong the path to an independent life and may lead to trafficked persons ending up again in relationships of violence and dependency.

LEFÖ-IBF's project “SAFE RETURN - Safe return through risk assessment for victims of trafficking” aims to ensure that third-country nationals who are victims of trafficking are accompanied in their voluntary return by a risk assessment according to the highest quality standards in addition to return counselling to prevent the recurrence of human trafficking and other human rights violations after their return. Networking and cooperation in the interest of the returnees was established with all stakeholders in the field of voluntary return in Austria and, if available, in the countries of destination, in order to ensure continuous and sustainable victim protection that addresses the specific needs of victims of human trafficking. The safe arrival and reintegration of voluntary returnees is ensured by establishing contacts with responsible victim protection institutions and reintegration providers in the third countries and in the course of reliable monitoring by Lefö's psychosocial counsellors. In accordance with the project's monitoring mandate, the responsible psychosocial counsellors continue to have contact with some returnees via email and/or (video) telephone.

In addition, LEFÖ-IBF cooperates with other civil society organisations, including within the European NGO Platform La Strada International and the Global Alliance Against Traffic in Women, of which LEFÖ-IBF is a member.

26. If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.

### **MFA**

As it is not perfectly clear to the Austrian authorities where this question aims to, it should be best addressed during the deliberations within GRETA's country visit.

27. What measures are in place to ensure that the identity, or details allowing the identification, of a child victim of trafficking are not made publicly known?

### **Ministry of Interior**

The general principle is that Austrian authorities do not disseminate personal data of victims of any crime – THB or other – to the public through mass media or other forms of publication. Victims' rights and the General Data Protection Regulation apply.

### **Ministry of Justice**

In criminal proceedings, there are several measures to ensure that the identity or details allowing the identification of a child victim of trafficking are not made publicly known:

- Protection of the identity of the witness (§ 10 para. 3, § 161 para. 1, § 162 of the Austrian Criminal Code of Proceedings = CCP)
- Protection of the victim's privacy (§ 228 para. 4 CCP - TV and radio recording as well as taking pictures or film of the trial are inadmissible; § 7a para. 1 subpara. 1 of the Law on the Media);
- Appointment of a curator (special representative) for a minor victim if a legal representative of the minor victim is suspected of having committed the criminal offence or if there is otherwise the risk of a conflict of interests between the minor victim and his legal representative, or if no legal representative can assist the minor victim in criminal proceedings (§ 66a para. 3 Criminal Procedure Code = CCP);
- There is the possibility for a witness to be interrogated at home or at an alternative place (e.g. in cases of ill health, frailty, reasonable circumstances § 160 para. 1 CCP and § 247a CCP).
- Victims of sexual offences, victims for whose protection a prohibition of entry and approach could be issued for protection against violence according to § 38a para. 1 SPG (National Security Police Act), as well as victims under the age of 18 years are considered to be so-called particularly vulnerable in any event (§ 66a CCP). All other victims can be granted the status of particular vulnerability on the basis of an evaluation of the individual case where the following factors are taken into account: the victim's age, mental and health status, as well as the type and specific circumstances of the criminal offence. Particularly vulnerable victims have special rights during the criminal proceedings in addition to the general victims' rights (§ 66 para. 1 CCP), namely
  - to be interviewed during the investigation proceedings by a person of the same sex if the victim so wishes and if possible;
  - to require that interpretation services are provided by a person of the same sex during questioning of the victim in the preliminary proceedings and in the main hearing, if possible;
  - to refuse to answer specific questions as far as they go into detail of the criminal act and the victim considers the answer unbearable, or which concern circumstances of the victim's intimately personal area of life;

- upon request, to be interviewed during the investigation and the trial phase in a protecting manner (§ 165, § 250 para. 3 CCP), namely a minor victim who could have been injured in his or her sexual sphere by the offence the accused person is charged with, in any event in the manner described in § 165 para. 3, if necessary by an expert.
  - upon request to exclude the public from the main trial (§ 229 CCP);
  - to be immediately informed ex officio of the release or escape of the accused person from custody and provisional custody (§ 172 para 4, § 177 para 5, § 181a CCP);
  - to be interviewed in the presence of a person of his/her trust (§ 160 para. 2 CCP);
  - to be notified of their special rights prior to their initial interrogation (§ 70 para. 1 CCP).
- If a victim with special protection needs (§ 66a) like a child victim or another witness who meets the criteria listed in § 66a is questioned, or for other purposes to establish the truth, the opportunity to participate in the questioning must be restricted. Upon request by the prosecution authority or ex officio, in a manner that participants in the proceedings and their representatives can follow the questioning using technical audio and video transmission equipment and to exercise their right to pose questions without being present at the questioning (adversary questioning). In particular, if special protection needs exist, an expert witness may be commissioned to carry out the questioning. In any event, insofar as possible care has to be taken that the witness does not encounter the accused and other participants in the proceedings (§ 165 and § 250 CCP).
  - If an adversary questioning has taken place, the witness is released from the obligation to further testify and the protocol of the adversary questioning can be read in the main trial phase (§ 252 para. 1 subpara. 2a CCP).
  - Since 1997, child-friendly interrogation rooms have been set up in all the courts in which criminal proceedings are carried out.

28. What measures are in place aimed at encouraging the media to protect the private life and identity of victims?

### **Ministry of Interior**

All media enjoy the freedom of the press as established in the Austrian constitution. Constitutional freedom of the press implies that authorities are not allowed to influence media content in any way. On the other hand they are fully responsible for the content they publish. They are bound by the legal provisions requiring data protection and victim protection and must comply with them. Because of this legal situation, Austrian authorities must not pass on any protected data to the media or release them in any other way and thus protect victims of crime and their personal details.

### **LEFÖ**

LEFÖ-IBF does not actively share the contacts of victims, including for the purpose of interviews and studies. LEFÖ-IBF sees it as an important task to protect privacy and data confidentiality on victims. While recognising the importance of including the experience of victims, any media engagement must ensure ethical, trauma-informed, victim-centred and gender-sensitive approaches.

29. Have there been cases of diplomatic households (of your country's diplomats abroad and of foreign diplomats in your country) employing domestic staff in conditions which could be forced labour or human trafficking? If yes, how was the issue of diplomatic immunity addressed? How were the victims identified, assisted and protected?

## **MFA**

As for Austrian diplomats abroad, no cases of THB concerning private domestic staff have been recorded. In Austria itself, the decrease of the number of private domestic staff (being replaced by employees hired in the Austrian labour market) in diplomatic households has continued. During the period of COVID-restrictions no cases have been reported. However, isolated cases have been recorded after the pandemic-related restrictions were lifted.

In total, there was one case of private domestic staff concerning the Embassy of Kenya and two concerning the Embassy of Saudi-Arabia since 2020. In 2023 there were two more cases concerning service staff of a Vienna-based Embassy. All cases have been dealt with the Protocol Department of the MFA together with Lefö and MEN-Via in their respective area of responsibility.

## **Ministry of Labour and Economy**

In the past, the Ministry of Labour and Economy became aware of several suspected cases of labour exploitation in foreign diplomatic households in Austria, but no more detailed information is available.

30. What specific steps are taken in your country to identify victims of THB amongst persons recruited and exploited by terrorist/armed groups?

## **MFA**

As with any other criminal offences, police investigations into terrorism and organized crime include a careful look, if there are victims of these activities, including victims of THB. As for terrorism, there have only been investigation focussing on support of terrorist activities abroad, but not on operations of a terrorist group in Austrian territory. Therefore, also no victims of trafficking have been found during these operations.

31. Are there requirements in your country's legal framework for the detection and removal of THB-related Internet content, and what are the sanctions for non-compliance? Is there a code of conduct for providers? If a person is detected as a presumed victim of THB in the process, how is this person referred to assistance?

## **Ministry of Interior**

Please refer to answer of Question 17.

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

32. Is the abuse of a position of vulnerability part of the human trafficking offence in your country's law? How are the concepts of "vulnerability" and "abuse of a position of vulnerability" defined in law? Have they been subject to judicial interpretation? If yes, please provide relevant case-law.

## **Ministry of Justice**

The abuse of a position of vulnerability is insofar part of the human trafficking offence, as section 104a para. 5 Criminal Code (CC) enhances the penalty when the victim is a person under the age of 18 (and thus more vulnerable). In such cases, the perpetrator is liable to imprisonment for one to 10 years. The concept of vulnerability is not specifically defined in the law. In general, certain groups of people are considered to be specifically vulnerable, such as for example pregnant women and mothers



of small children, minorities, migrants and refugees, homosexual people, children and elderly people, people with disabilities as well as homeless people. The abuse of vulnerability entails the intentional exploitation of these specific characteristics or circumstances.

Please see answer to question 27 regarding the description on particularly vulnerable victims according to § 66a CCP. Proceedings for human trafficking are not subject to any reporting obligation. Specific knowledge of current case law therefore only exists in individual cases.

### **Case Law:**

The victims were Nigerian girls and young women who were trafficked to Italy under the pretence of being able to do voluntary work in Europe. There they were forced to engage in prostitution in order to pay off the alleged immense costs of trafficking. The girls were subjected to a “voodoo” ritual designed to intimidate them and keep them in this dependent relationship. During the asylum procedure, the girls mostly provided false information, especially their year of birth, in order to be able to work in prostitution in Austria or to avoid the authorities' control as minors. The first accused lured the women to his apartment and referred them to brothels and private individuals or had sexual intercourse with them himself, taking advantage of their predicament.

Conviction in accordance with the indictment, among other things, for human trafficking in accordance with Section 104a Para 1 and 5 CC and sentenced to a prison sentence of 3 ½ years.

There was a partial acquittal of the charge under Section 104a Para 5 CC because the victim was already of age at the time of the crime.

33. Is the special vulnerability of the victim considered as an aggravating factor for the offender's sentence?

### **Ministry of Justice**

According to section 33 para. 2 CC, it is an aggravating factor where the perpetrator intentionally commits an offence under division 3 – thus also trafficking in persons – or 10 of the CC or any other offence by using violence or making a dangerous threat

- As an adult against a minor or in sight or hearing of the minor against a person closely associated with the minor;
- Against a relative, including a former husband or wife, registered partner or de facto partner, or as a person in a domestic relationship with the victim;
- By abusing a situation of authority;
- Against a person with special protection needs by abusing their position of vulnerability;
- By using extraordinary levels of violence or if the use of such violence preceded the offence;
- By using or threatening to use a weapon.

34. According to national case-law, what forms of vulnerability are mostly abused by offenders in human trafficking cases? Please provide specific examples that show how the concept of “abuse of a position of vulnerability” is used in practice. What are the challenges in its application? Is it sufficient to prove the existence of a position of vulnerability of the victim, or must it also be proven that the defendant knew or should have known of the victim's vulnerability, and intentionally manipulated the victim on this basis?

### **Ministry of Justice**

Please see the answers to questions 32.

The object of the crime in Section 104a Paragraph 5 CC is a minor, who has not yet reached the age of 18 at the time of the crime. In order for the perpetrator to be punishable under paragraph 5, the intent must also extend to the victim being a minor. If the perpetrator mistakenly believes that the

victim is of legal age and uses unfair means, he has to be punished for attempted human trafficking pursuant Section 104a para 1 CC.

35. Is the concept of “abuse of a position of vulnerability” addressed in criminal justice training? Is there any specific guidance on applying this concept? Please provide copies of guidance and/or training materials that shed light on how this concept should be applied in practice.

### **Ministry of Justice**

To sensitise future judges and public prosecutors in the field of victim protection and different aspects of violence in the best possible way, training measures are provided to ensure that trainees come into contact with aspects of violence - in particular:

- Compulsory internship of at least two weeks at a victim protection or welfare institution within the framework of which the prospective judges and public prosecutors are sensitised in dealing with victims in court and trained in victim protection-oriented offender work.
- Further sensitisation takes place within the framework of the assignment of candidate judges to the custody and legal protection judge (e.g. adversarial hearings of traumatised victims).
- As part of the four-year training, each candidate judge also undergoes special further training on the topics of fundamental and human rights, which are also the subject of the judgeship examination.
- In addition, trainee judges have the opportunity to go on a study trip to the European Court of Human Rights (ECHR).

The ongoing national and international training program also regularly addresses the various forms and structures of violence. There is no “specific guidance” in the sense of decrees or similar applying the concept of “abuse of a position of vulnerability”.

Since 2013, the Austrian authorities organise an annual exchange of experience and opinions with the participation of representatives of law enforcement agencies and victims' protection organisations on trafficking in human beings, in particular by discussing experiences and problem areas on the basis of already completed practical cases. In order to expand the professional exchange, also representatives of the Bar Association and the judiciary are invited to the exchange of experience and opinions.

36. What procedures and measures exist in your country to take into account the specific needs of vulnerable victims at the different stages of criminal proceedings?

### **Ministry of Justice**

Please see the answers to questions 27 and 32.

Furthermore, at their request,

- victims of violent acts, dangerous threats or sexual offences or victims whose personal dependence could have been exploited by such a criminal offence as well as the spouse, life companion, relatives in a direct line, brother or sister or other dependants of a person whose death could have been caused by a criminal offence, or other relatives who were witnesses of the criminal offence,
- victims of terrorist offences (Section 278c of the Criminal Code),
- victims of persistent stalking (Section 107a of the Criminal Code), persistent harassment involving telecommunication or computer systems (Section 107c of the Criminal Code) and hate speech (Section 283 of the Criminal Code),
- victims of criminal defamation (Section 111 of the Criminal Code), accusation of prior offences that have been served or waived (Section 113 of the Criminal Code), insult (Section 115 of the Criminal Code) and false accusation (Section 297 of the Criminal Code), if it can be

assumed on the basis of certain indications that such an act was committed by means of a telecommunications or computer system and

- minors who have witnessed violence in the social environment (violence in the family, violence against children)

are entitled to psycho-social or legal assistance in criminal proceedings that is free of charge, insofar as this is necessary to preserve the rights of the victim, taking into account their personal concerns (§ 66b para. 1 CCP). Some victims are afforded this support in any case (victims whose sexual integrity might have been violated and who are under the age of 14). Psycho-social support for the proceedings includes the preparation of the person concerned for the proceedings and for the emotional stress associated with the proceedings as well as accompanying the person to questioning during investigation proceedings and the main proceedings; legal support for the proceedings includes legal advice and representation by an attorney (§ 66b para. 2 CCP). The Federal Ministry of Justice is authorized to delegate contractually provision of assistance to victims during criminal proceedings to suitable experienced institutions and has to finance the provision of psychosocial and legal assistance by these institutions.

Moreover, information regarding the release of the accused person from custody and provisional custody during the investigation with details of the reasons and the conditions imposed as well as in the event of escape by the accused person must be provided ex officio to victims according to § 65 subpara. 1 letter a CCP and particularly vulnerable victims. All other victims receive this information upon request (§ 172 para. 4, § 177 para. 5, § 181a CCP). Information on the escape and recapture as well as the first unmonitored release from the institution or on a pending or an actual release of the prisoner including any instructions given to him in order to protect the victim is also available upon request (§ 106 para. 4, § 149 para. 5 of the Prison Act).

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

### **Ministry of Interior**

Using services of a victim of THB is a punishable offence under section 205a of the Criminal Code: violation of sexual self-determination. It is an offence prosecuted ex-officio, meaning the police and the judiciary must prosecute the case when the latter become aware of it.

### **Ministry of Justice**

To ensure compliance with the non-punishment principle, the Federal Ministry of Justice published the "Decree of February 17, 2017 on the waiver of punishment of victims of human trafficking who have committed crimes pursuant to an exculpatory emergency - section 10 Criminal Code (CC)".

#### **Case Law:**

An entrepreneur with Kosovar and Serbian citizenship was sentenced to three years in prison, including two years of a conditional sentence, due to, among other things, Section 104a Para 1 and Para 5 ACC. The convicted man recruited, accommodated and promoted seven construction workers using unfair means and with the intent to exploit their labour. The three Kosovar victims were the defendant's 17, 18 and 21-year-old cousins.

He brought them to Austria with the help of smugglers. First, he directed them to Germany, where they were supposed to apply for asylum. He then ordered two cousins back to Austria and provided them with fake Romanian identity cards. They had to work up to 220 hours a month as iron layers, in the first 8-9 months they only received enough money to buy the most necessary food, on the grounds that the expenses for the smuggling and the false documents had to be offset first and were subsequently not paid to the extent promised. They were also forced to work through dangerous threats, such as breaking their arms and legs or knocking out their teeth.

The defendant hired four other victims, Romanian nationals (Roma), under false promises and took advantage of their economic predicament to exploit them in the same way as his cousins. One of the Kosovar victims was entered and reported twice by the financial police using false identity documents. However, the victim did not reveal the true background of the false identity, namely that he had been a victim of human trafficking. Initially, a charge of forgery of documents was brought against him, but this was withdrawn due to the above-mentioned decree of February 17, 2017 on the non-punishment principle and the proceedings were discontinued.

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

### **Ministry of Interior**

Information and communications technologies such as webcrawlers are used for internet and social media researches aimed at identifying victims and perpetrators. Furthermore, Austria regularly participates in joint EMPACT "HACKATHON" days of action against criminal networks that use websites, social media platforms and the Darknet to recruit victims for sexual exploitation (THB).

### **Training courses:**

Courses dealing with THB activities are mandatory for police staff as part of their basic training and of special training for their staff. They are organized by the Federal Police Academy "SIAK".

Each year, SIAK professional police training comprises two three-day seminars on the topics of THB and trans frontier trafficking in prostitution, and victims' rights. SIAK also financed an international lecture for participants from seven countries on combatting THB and smuggling of human beings, which was held by officers of the Criminal Intelligence Service in Vienna as part of a MEPA course (Central European Police Academy). Officers working in the field of THB receive special training (legal provisions, indicators, victims' rights, case studies) at the national Criminal Intelligence Service, which includes IT investigations. Two cycles of THB training courses were held at the SIAK in 2022 as part of the internal training "Specialized CID Training".

Throughout Austria, THB training courses were held in 2021/2022 as part of basic police training ("GAL") for middle-level officers (E2a) at the SIAK regional training centers in Lower Austria, Styria, Upper Austria, Salzburg, Carinthia and Tyrol as well as at the Criminal Intelligence Service in Vienna. The courses are attendance-based and web-based. In cooperation with the Ludwig Boltzmann Institute for Fundamental and Human Rights, Criminal Intelligence Service offers courses on the THB phenomenon as part of the training of child protection commissioners within the National Assistance and Support Service ("BBU").

Officers of the Immigration and Border Police Department ("FGA") and graduates of the training course for border police assistants receive annual in-service training at the Criminal Intelligence Service. THB workshops are offered as part of the professional development for judges and public prosecutors within the Austrian Ministry of Justice.

In addition to national training, judges and public prosecutors as well as judge and public prosecutor candidates are regularly offered the opportunity to participate in THB seminars organized by European institutions such as ERA (Academy of European Law), DRA (German Judicial Academy) and EJTN (European Judicial Training Network). The Ministry of Justice actively promotes these programs.

Recently, these trainings have also included the use of educational videos produced by the Federal Criminal Police Office in Vienna to illustrate the criminal law provisions of THB section 104a PC and trans frontier trafficking in prostitution section 217 PC, as well as public documentary films to better illustrate various aspects of THB.

## Ministry of Justice

The provisions of the CCP concerning investigation proceedings apply equally to all criminal offences, hence also to THB cases. The **investigation measures** include e.g. securing (§ 110 CCP), seizure (§ 115 CCP), disclosure of information contained in the registry of bank accounts and disclosure of information about bank accounts and bank transactions (§ 116 CCP), identity verification (§ 118 CCP), search of places and items and search of persons (§ 119 CCP), physical examination (§ 123 CCP), molecular-genetic testing (§ 124 CCP), surveillance (§ 130 CCP), undercover investigations (§ 131 CCP), fictitious transactions (§ 132 CCP), seizure of letters, disclosure of data concerning transmission of messages, localizing a technical device, event-specific data storage, and surveillance of communication (§ 135 CCP), video and audio surveillance of persons (§ 136 CCP) and data matching (§ 141 CCP). The full text of the relevant legal provisions is accessible on the internet: [www.ris.bka.gv.at](http://www.ris.bka.gv.at)

Moreover, the following can be said about the duration of criminal proceedings in Austria (THB cases as well as any other offences): Since the duration of the criminal proceedings also entails an increased burden on all parties to the proceedings (especially with regard to the outcome of the proceedings), the question of the necessary **acceleration of criminal proceedings** (in particular in matters of detention) is a main principle of criminal proceedings (§ 9 CCP) - in addition to the principle of truth-seeking (§ 3 CCP). Of course, the duration of the proceedings always depends on the circumstances of the individual case, but in this context, it should be noted that there is a constitutional obligation on the state, derived from Art. 6 para. 1 ECHR, to organize its jurisdiction in a manner which allows termination of proceedings within a reasonable time. Furthermore, according to § 232 para. 2 CCP the presiding judge has the duty to promote the investigation of the truth and has to ensure that debates that would prolong the main trail without any use for the inquiry into the matter are avoided. Due to the Regulation on the Act of Public Prosecution Service [Verordnung zur Durchführung des Staatsanwaltschaftsgesetzes (DV-StAG), BGBl. II Nr. 325/2016], whenever appropriate, the heads of the public prosecutor's offices are required to **combine prosecutorial matters of a certain type in a single unit**. Certain prosecutorial matters, in particular juvenile, military, drug, environmental and economic criminal cases, extradition, media and criminal cases under the Prohibition Act, incitement (§ 283 of the Criminal Code) or terrorist groups (§ 278b of the Criminal Code), terrorist offences (§ 278c of the Criminal Code), financing of terrorism (§ 278d of the Criminal Code), according to §§ 278e and 278f of the Criminal Code or § 282a of the Criminal Code ("extremist criminal cases") or according to the twenty-fifth section of the Special Part of the Criminal Code ("genocide, crimes against humanity, war crimes"), furthermore, the participation in proceedings on conditional release and in civil cases should be assigned to one public prosecutor (§ 3 of the Act of Public Prosecution Service - StAG), or, in the case of a large volume of business, to several public prosecutors.

In Austria, THB is a topic in criminal law seminars organized and financed by the judiciary for candidate judges as well as for judges and public prosecutors. Investigators are involved in these seminars, either as trainers or as participants. Prosecutors and judges are sensitised in dealing with victims in various seminars. In addition, judges and prosecutors have the opportunity to participate in training events organised by international organisations and European training platforms such as the European Judicial Training Network (EJTN) or the Academy of European Law (ERA). For instance, one judge participated in the ERA training "**Financial Investigation of Trafficking in Human Beings**" in March 2023. The Federal Ministry of Justice supported the ERA project "*Countering Trafficking in Human Beings: Measures to Tackle Impunity, Enhance Financial Investigations, Decrease Sexual Exploitation and Improve Victims' Protection*" and included inter alia the one-and-a-half-day seminar in Vienna in December 2022 "**Countering impunity by enhancing investigations into and the prosecution of THB**". Judges and prosecutors from other EU countries and Austria attended the seminar.

In the field of THB, criminals also try to cover their tracks in the digital space. The annual seminar "**Cybercrime**" as well as the new "**Basic Training Cybercrime**" including in-depth modules such as "Social Media", "Investigations in the Darknet" and "Crypto Currencies" provide the necessary knowledge and technical understanding for prosecutors to prosecute crimes on the internet. The challenges of cross-border investigations and international cooperation are taken into account. The online training "**Register of Beneficial Owners**" ("Register der Wirtschaftlichen Eigentümer") also helps judges and public prosecutors to detect money laundering in the field of THB, among others, more quickly.

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

### **Ministry of Justice**

Austria signed the Budapest Convention on 23 November 2001, ratified it on 13 June 2012 and it entered into force on 1 October 2012. The measures relating to substantive criminal law as described in the Budapest Convention have been transposed into Austrian national law. Thus, depending on the circumstances of the individual case, these provisions are also applicable trafficking in persons. In the course of the examination of the national need for implementation measures due to the entry into force of the Cybercrime Convention in Austria, it became apparent that no need for adaptation in national legislation was necessary as the existing procedural provisions already covered the requirements arising from the Convention. Therefore, reference may be made to the investigation measures described under the answer to question 38.

### **Ministry of Interior**

In Austria, provisions of the Budapest Convention are consistently applied. As soon as information hosted abroad required for criminal proceedings needs to be preserved, provisions of the Convention are a helpful means of law enforcement.

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

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

- set up a comprehensive data collection system on trafficking in human beings;

### **MFA**

Since 2021, Austria participates as other EU Countries in a joint system of collecting data on THB and feeding them into a common database. This database takes advantage of the aggregate data collected in the different steps of the development of THB cases, from victims support organisations, police and the judicial system. The statistics are compiled by the Austrian National Statistics Agency and regularly forwarded to the European Commission.

Quality maintenance and the further development remains on the agenda of the Task Force on Combatting Human Trafficking. The issue will be taken into account within the deliberations of the working group on future perspectives (V.11 of the 6. NAP)

Austria is currently undertaking a review of the existing guidelines (Handlungsorientierungen) on cases of child trafficking prompted by the GRETA

recommendations of the 3rd evaluation round under the lead of the federal chancellery/Youth and the Working group on child trafficking. There is the intention to merge the result with an update of the MoI's order in cases of trafficking of adults into an NRM. This question will also be canvassed by the working group on future perspectives.

- set up a formalised National Referral Mechanism for the identification and referral to assistance of victims of THB, which involves a range of frontline actors who may come into contact with victims of trafficking;

The Directorate General for Women and Equality of the Federal Chancellery finances (together with the Ministry of the Interior) the "Intervention Centre for Trafficked Women" (IBF), thus contributing to a formalised national referral mechanism.

- enshrine in law the recovery and reflection period and ensure that it is systematically offered to presumed foreign victims of human trafficking.

### **Ministry of Interior**

The reflection period is specified in internal regulations of the Ministry of the Interior. The ministerial order on the nationwide responsibility for victims of THB and on their detection and treatment is a, for all police officers in Austria, binding referral mechanism. The order was adapted in October 2022 to include a 30-day recovery, reflection and was fine-tuned with the Federal Ministry of Justice. The recovery and reflection period is already applied to potential victims of THB (also in cases of doubt). This national referral mechanism is an essential component of police training courses on THB.

#### Excerpt of binding national referral mechanism for police officers (ministerial order):

Information rights of the persons concerned and consequences under residence law: To enable the persons concerned (suspected THB victims) to decide on their future and choose between a stay in Austria or a return to their home country, the authorities are required to consider the possibility of a recovery and reflection period of up to 30 days in line with international guidelines and in agreement with the victim assistance institutions LEFÖ-IBF and MEN VIA. These international guidelines shall be applied in practice in such a way that the activities of the competent authorities remain unaffected, in particular in respect of CID investigations (Art. 6 of Directive 2004/81/EC Recitals 11 and 14).

Pending administrative proceedings, for instance under the immigration legislation, shall be postponed during this period, and, if necessary, resumed afterwards. Likewise, the deportation of suspects should be postponed at least until the end of this period.

Furthermore, this period implies a ban of the deportation of potential victims as defined by Section 57 (1) (2) and (3) of the Asylum Act for at least 30 days, even if a measure terminating residence is in force, and thus the statement to be forwarded to the Federal Office for Migration and Refugees must also be delayed.

Possible THB victims shall be informed by the authorities that

- third-country nationals may submit an application to be granted a "special protection residence title", giving reasons, to the Federal Office for Migration and Refugees, unless this possibility is considered ex-officio (Section 57 (1) Asylum Act)
- EEA citizens should apply for a certificate of registration with their municipal authority or district administration.

Furthermore, based on the GRETA recommendations, the action orientation for identifying and dealing with potential victims of child trafficking will be adapted to involve other relevant actors in the working group on child trafficking.

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

- emerging trends of trafficking in human beings;

### **Ministry of Interior**

- The impact of the COVID pandemic is declining, but many establishments of the sex service industry (studios, clubs, bars) remain closed.
  - Services of sex workers shift to the illegal sector (hotels, flats and escort services).
  - Legal provisions regulating legal prostitution are being circumvented.
  - Advertisements for sex services in flats and hotels on websites are on the rise.
  - Criminals have been moving their recruiting and contacting activities to the internet and social media.
  - ICT is becoming more important for THB investigations and research to identify victims.
  - The identification of victims and assistance or support for THB victims by the police are becoming more difficult.
  - Seasonal agricultural and construction workers suffer from precarious working conditions.
  - Travel movements of self-reliant beggars may be restricted due to Europe-wide migration flows and the resulting intensified border checks; this may lead to an increase in exploitative begging among this vulnerable group (e.g.: bypassing border checks by using third parties, financial burden, dependency, indebtedness, etc.).
  - Combating child trafficking and the exploitation of minors for pickpocketing and shoplifting, begging, drug-related crime must be given the highest attention, especially with regard to the position of offender and victim ("non-punishment").
- the legislation and regulations relevant to action against THB;

### **Ministry of Justice**

There have been no legislative changes to the offence concerning trafficking in persons (section 104a CC) since the last round of evaluations. Other changes in criminal law legislation and regulations since 2019 did not specifically relate to section 104a CC, but – depending on the circumstances of the individual case – can have an impact on combatting trafficking human beings.

Such changes include, inter alia, the extension of aggravating circumstances in section 33 para. 2 CC as well as the amendment of section 39a CC in 2019/2020. This regulation alters penalties for particular acts of violence, which can also include trafficking in persons. Section 39a CC applies to cases in which the perpetrator has intentionally committed an offence by using violence or making dangerous threats

- as an adult against a person under the age of 14 ;
- against a person with special protection needs by abusing their position of vulnerability;
- by using extraordinary levels of violence or committed the offence subsequently to the use of such violence;
- by using or threatening to use a weapon; or
- in planned association with at least one other person.



If such circumstances apply to an offence of trafficking in persons, the mandatory minimum penalty of imprisonment is raised to one year.

In 2019/2020, the “persistent use of force” according to section 107b CC was amended by partly enhancing the penalty. This regulation is directed at any person who persistently and over a longer period of time uses force against another. It can – depending on the individual circumstances – also be relevant to cases of trafficking.

The Protection against Violence Act 20191, which entered into force on 1 January 2020, introduced far-reaching changes for the protection against violence that also affect victims of THB:

- During questioning in preliminary proceedings and in the main hearing, victims can now demand that interpretation are provided by a person of the same sex if possible.
- Particularly vulnerable victims were explicitly included in the provision of § 250 para. 3 CCP which allows questioning in a manner set out in § 165 para. 3 CCP in the main hearing (adversarial questioning of a witness in order to avoid secondary victimisation and the direct contact of the witness and the defendant).
- In addition, it was clarified that witnesses who meet the criteria mentioned in § 66a CCP may be heard adversely (§ 165 para. 3 CCP) on their request or on the request of the public prosecutor’s office.
- § 70 CCP about the victims’ right to information was structured in a more understandable way. The phrase “against a particular accused” in the first sentence of § 70 CCP was removed in order to make it explicitly clear that this right is entitled to victims regardless of whether a preliminary investigation is conducted against known or unknown accused persons. Moreover, a postponement of the information to the victim should now only be permissible if there are special reasons to fear that the purpose of the investigations would otherwise be jeopardised.
- It was also clarified that victims have the right to receive a written confirmation of their report and the transcript of their interrogation free of charge.

On 1 January 2021, the “**Hate on the Net**” legislative package 2 entered into force.

One of the many measures passed with this law, which could also be relevant in the area of victims of THB, was the expansion of psychosocial and legal support in proceedings, which is now to be provided also for minors who have witnessed violence in the social environment (violence in the family, violence against children).

Recent case-law concerning THB for different forms of exploitation:

There is no knowledge of current case law regarding the implementation of measures formulated in the third GRETA evaluation report.

- the institutional and policy framework for action against THB (co-ordinating bodies, specialised entities, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships);

## **MFA**

The institutional framework for the fight against THB in Austria has remained substantially unchanged. Still the Task Force against THB is coordinating activities and the main body for the implementation of the action plan. In September 2023, Ambassador Georg Stillfried has been nominated National Anti-Trafficking Coordinator and has succeeded Amb. Petra Schneebauer. The three permanent subgroups on prostitution, labour exploitation and trafficking in children equally continue their tasks. Non-permanent working groups have been added on the non-punishment principle, on future perspectives and on the establishment of the 7<sup>th</sup> NAP. There is no National Rapporteur in Austria, the Task Force fulfils the task of Monitoring and Evaluation (Part V of the NAP) as an equivalent mechanism. Recent examples of other countries, which have created a position of a National Rapporteur, are however observed with attention.

- the current national strategy and/or action plan for combating trafficking in human beings (objectives, main activities, budget, bodies responsible for the implementation, monitoring and evaluation of results);

## MFA

The 6th NAP for the years 2021-2023 is about to expire at the end of this year. Therefore, work has started to continue the backbone of Anti-THB measures with the elaboration of a 7th NAP for the years to come in the End of August 2023. By the time of the GRETA visit to Austria 4 or 5 working meetings of this group would have taken place under the auspices of the MFA. It is estimated that the 7th NAP will be concluded on officials' level by the end of this year, and that the political endorsement and adoption by a council of ministers' decision will happen in the first months of 2024. So far, no strategy against THB has been elaborated in Austria. The current draft for the 7th NAP foresees the examination of creating a future strategy against THB.

- recent case law concerning THB for different forms of exploitation.

## Part III - Statistics on THB

42. Please provide the following statistics, per year starting with 2019, where available disaggregated as indicated below:

- Number of presumed victims and identified victims of THB in the sense of having been recognised by a state institution or mandated NGO as bearers of rights to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

### LEFÖ:

	2019	2020	2021	2022
Total number of (newly) identified victims of THB	138	137	125	170
Total number of victims as bearers of rights	336	314	334	384

By age:

	2019	2020	2021	2022
younger than 16 years	4	5	5	5
17-18	14	9	3	8
19-25	108	85	79	64
26-35	93	99	115	108
36-45	60	45	52	65
46-55	23	28	25	33
56-65	3	2	1	3
older than 65 years	1	0	2	0
unknown	30	41	52	98

By nationality:

	2019	2020	2021	2022
Afghanistan	1	0	2	1

Egypt	0	0	0	1
Algeria	1	1	2	0
Ethiopia	5	3	5	4
Austria	5	6	5	9
Bangladesh	0	2	2	1
Bolivia	0	0	1	0
Bosnia and Herzegovina	2	1	1	2
Brazil	0	1	2	3
Bulgaria	19	14	13	11
China	27	20	14	24
Germany	0	2	0	2
Dominican Republic	1	0	0	3
Ecuador	1	0	0	0
Ivory Coast	5	4	4	3
Ghana	1	2	2	1
Guinea	2	3	2	4
Indonesia	7	4	3	4
Iraq	1	0	0	2
Iran	2	1	1	4
Japan	0	0	0	1
Cambodia	2	0	0	0
Cameroon	2	1	1	0
Kenya	0	1	3	8
Kyrgyzstan	1	1	1	1
Columbia	5	2	3	8
Kosovo	2	0	0	0
Cuba	2	1	1	2
Croatia	2	0	0	1
Lebanon	1	1	0	0
Madagascar	0	0	0	1
Morocco	4	10	6	10
Macedonia	1	1	1	0
Mexico	0	1	0	2
Moldovia	4	1	17	7
Montenegro	1	0	0	0
Mongolia	0	0	1	2
Namibia	0	0	0	1
Nepal	2	1	2	2
Nicaragua	0	0	0	1
Nigeria	105	96	93	84
Pakistan	0	0	0	1
Palestine	0	0	0	1
Peru	3	4	1	0
Philippines	24	20	16	23
Poland	2	1	1	0
Portugal	0	0	0	1

Rumania	18	35	48	44
Russia	3	3	2	3
Senegal	0	1	0	2
Serbia	10	13	17	22
Slovakia	5	4	8	11
Slovenia	0	0	0	1
Somalia	3	3	2	2
Spain	1	1	0	0
Sri Lanka	2	1	0	0
Syria	0	1	0	0
Tanzania	0	1	1	2
Thailand	0	0	0	1
Czech Republic	2	2	2	0
Tunisia	0	0	0	1
Turkey	2	0	2	1
USA	1	0	0	1
Uganda	1	1	0	0
Ukraine	5	4	3	12
Hungary	22	15	20	14
Venezuela	15	14	13	13
Vietnam	0	0	0	1
unknown	3	9	10	17

By form of exploitation:

	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
marriage	14	10	7	20
sexual exploitation	230	209	218	210
household	42	42	33	53
other form of labour exploitation	31	42	53	68
other form of exploitation	19	11	23	33

By body which identified them:

	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Police	109	117	139	111
Friends and acquaintances	36	29	24	37
Family	5	4	4	1
Women themselves	38	45	37	53
Governmental organisation	46	33	41	57
Non-governmental organisation	102	83	66	69
Online outreach work	0	0	23	56

- Number of victims of THB identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation).

- Number of victims of THB who received assistance (disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).
- Number of child victims of THB who were appointed legal guardians.
- Number of victims of THB granted a recovery and reflection period (disaggregated by sex, age, nationality, form of exploitation).
- Number of victims of THB granted a residence permit, with an indication of the type of the permit (for the purpose of co-operation in the investigation/proceedings, on personal grounds, other) and its duration (disaggregated by sex, age, nationality, form of exploitation).

**LEFÖ:**

	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Temporary residence permit "special protection" as victim under para. 57 Asylum law (AsylG)	13	5	11	4
Extension of temporary residence permit "special protection" as victim under para. 59 Asylum law (AsylG)	15	13	11	11

- Number of persons given refugee status or subsidiary/complementary protection on the grounds of being victims of THB (disaggregated by sex, age, nationality, form of exploitation).

**LEFÖ:**

	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
refugee status	19	5	6	22
subsidiary/complementary protection	N/A	3	11	14

- Number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation (disaggregated by sex, age, nationality, form of exploitation, with an indication of whether the compensation was provided by the perpetrator or the State, and the amount awarded).

**LEFÖ:**

Compensation under criminal proceeding:	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Claimed	N/A	40	44	34
Granted	N/A	3	9	9
Effectively received	N/A	0	1	1

## Compensation under civil proceeding:

	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Claimed	N/A	18	20	20
Granted	N/A	0	0	0
Effectively received	N/A	0	0	0

- Number of victims of THB who received another form of financial support from the State, with the indication of the amount received.
- Number of victims of THB who received free legal aid.
- Number of victims of THB who were returned or repatriated to/from your country (disaggregated by sex, age, country of destination, form of exploitation).
- Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned).

### Ministry of Interior

Please see attached statistic.

Statistical figures are explained:

From 2019 to 2021, the form of criminal exploitation (sexual exploitation, begging, work and commission of criminal offences, organ removal) has not been statistically recorded in the official Austrian crime statistics:

Crime	2019	2020	2021
THB section 104a PC	43	41	28
Transfrontier trafficking in prostitution section 217 PC	22	14	20
<b>Total</b>	<b>65</b>	<b>55</b>	<b>48</b>

In 2022, the Austrian crime statistics were expanded including now also the form of criminal exploitation:

Year 2022, 104a und 217 PC	Crime	Victim
Labour exploitation	10	55
Child trafficking – persons under 18 years	1	2
Sexual exploitation	7	7
Other crime	38	66
<b>Total</b>	<b>56</b>	<b>130</b>

- Number of prosecutions in THB cases (disaggregated by type of exploitation, with an indication of the number of victims and defendants concerned).

### Ministry of Interior

Please see attached statistic.

From 2019 to 2022, the offences listed in the tables under Section 104a and Section 217 of the Penal Code were prosecuted by the police and reported to the Austrian public prosecution services:

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<b>Crime</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
THB section 104a PC	43	41	28	41
Transfrontier trafficking in prostitution section 217 PC	22	14	20	15
<b>Total</b>	<b>65</b>	<b>55</b>	<b>48</b>	<b>56</b>

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

## POLIZEILICHE KRIMINALSTATISTIK ÖSTERREICHS

Anzahl Opfer, §§ 104a und 217 StGB			
Jahr 2019	männlich	weiblich	Gesamt
<b>10 bis unter 14 J.</b>	<b>2</b>	<b>5</b>	<b>7</b>
Bulgarien	1	0	1
Kroatien	1	0	1
Slowakei	0	4	4
Tschechien	0	1	1
<b>14 bis unter 18 J.</b>	<b>2</b>	<b>19</b>	<b>21</b>
Kroatien	1	0	1
Nigeria	1	5	6
Rumänien	0	3	3
Serbien	0	2	2
Slowakei	0	5	5
Tschechien	0	2	2
Venezuela	0	2	2
<b>18 bis unter 21 J.</b>	<b>2</b>	<b>26</b>	<b>28</b>
Bulgarien	0	5	5
Deutschland	0	1	1
Nigeria	1	1	2
Rumänien	0	3	3
Spanien	0	1	1
Ungarn	1	6	7
Venezuela	0	9	9
<b>21 bis unter 25 J.</b>	<b>4</b>	<b>23</b>	<b>27</b>
Bulgarien	1	0	1
Côte d'Ivoire	0	1	1
Kolumbien	0	2	2
Kuba	2	0	2
Moldau	0	1	1
Nigeria	0	3	3
Rumänien	0	1	1
Spanien	0	1	1
Ungarn	1	1	2
Ungeklärte Staatsangehörigkeit	0	1	1
Venezuela	0	12	12
<b>25 bis unter 40 J.</b>	<b>5</b>	<b>19</b>	<b>24</b>
Äthiopien	0	1	1
China	0	1	1
Côte d'Ivoire	0	1	1
Georgien	0	1	1
Kolumbien	0	1	1
Kuba	2	0	2
Österreich	0	1	1
Rumänien	1	6	7
Tschechien	0	1	1
Uganda	1	0	1
Ungarn	1	4	5
Venezuela	0	2	2



<b>40 bis unter 65 J.</b>	<b>4</b>	<b>7</b>	<b>11</b>
Bulgarien	2	3	5
Philippinen	0	1	1
Polen	0	1	1
Rumänien	1	2	3
Serbien	1	0	1
<b>65 und älter</b>	<b>1</b>	<b>0</b>	<b>1</b>
Serbien	1	0	1
<b>Gesamt</b>	<b>20</b>	<b>99</b>	<b>119</b>

## POLIZEILICHE KRIMINALSTATISTIK ÖSTERREICHS

Anzahl Opfer, §§ 104a und 217 StGB			
Jahr 2020	männlich	weiblich	Gesamt
<b>10 bis unter 14 J.</b>	<b>0</b>	<b>1</b>	<b>1</b>
Türkei	0	1	1
<b>14 bis unter 18 J.</b>	<b>6</b>	<b>6</b>	<b>12</b>
Bulgarien	2	0	2
Moldau	0	1	1
Nigeria	0	1	1
Rumänien	1	3	4
Serbien	0	1	1
Ungarn	3	0	3
<b>18 bis unter 21 J.</b>	<b>1</b>	<b>17</b>	<b>18</b>
Bulgarien	0	4	4
Madagaskar	0	1	1
Moldau	0	2	2
Nigeria	1	4	5
Rumänien	0	4	4
Ungeklärte Staatsangehörigkeit	0	2	2
<b>21 bis unter 25 J.</b>	<b>6</b>	<b>10</b>	<b>16</b>
Bosnien-Herzegowina	4	0	4
Marokko	0	2	2
Nigeria	0	3	3
Nordmazedonien	1	0	1
Rumänien	0	3	3
Slowakei	1	0	1
Ungarn	0	2	2
<b>25 bis unter 40 J.</b>	<b>11</b>	<b>20</b>	<b>31</b>
Bosnien-Herzegowina	5	0	5
Bulgarien	0	3	3
China	0	1	1
Kongo - Demokratische Republik	0	1	1
Marokko	0	3	3
Nigeria	0	1	1
Philippinen	0	2	2
Polen	0	1	1
Rumänien	1	3	4
Serbien	1	1	2
Slowakei	2	0	2

Ukraine	0	2	2
Ungarn	2	2	4
<b>40 bis unter 65 J.</b>	<b>4</b>	<b>5</b>	<b>9</b>
Bulgarien	2	1	3
China	0	1	1
Serbien	1	1	2
Togo	0	1	1
Ungarn	1	1	2
<b>65 und älter</b>	<b>2</b>	<b>0</b>	<b>2</b>
Bulgarien	2	0	2
<b>Gesamt</b>	<b>30</b>	<b>59</b>	<b>89</b>

## POLIZEILICHE KRIMINALSTATISTIK ÖSTERREICHS

Anzahl Opfer, §§ 104a und 217 StGB			
Jahr 2021	männlich	weiblich	Gesamt
<b>unter 6 J.</b>	<b>0</b>	<b>1</b>	<b>1</b>
Somalia	0	1	1
<b>14 bis unter 18 J.</b>	<b>1</b>	<b>4</b>	<b>5</b>
Kosovo	1	0	1
Moldau	0	3	3
Rumänien	0	1	1
<b>18 bis unter 21 J.</b>	<b>1</b>	<b>15</b>	<b>16</b>
Afghanistan	0	1	1
Moldau	0	3	3
Österreich	0	1	1
Rumänien	0	6	6
Serbien	1	0	1
Slowakei	0	1	1
Ungarn	0	3	3
<b>21 bis unter 25 J.</b>	<b>5</b>	<b>24</b>	<b>29</b>
Kosovo	1	0	1
Moldau	0	6	6
Nigeria	0	3	3
Österreich	0	2	2
Rumänien	4	6	10
Slowakei	0	1	1
Tschechien	0	2	2
Ungarn	0	4	4
<b>25 bis unter 40 J.</b>	<b>5</b>	<b>39</b>	<b>44</b>
Bosnien-Herzegowina	0	1	1
Bulgarien	1	0	1
China	0	1	1
Moldau	0	14	14
Österreich	0	2	2
Rumänien	3	12	15
Serbien	0	2	2
Ukraine	0	1	1
Ungarn	1	6	7

<b>40 bis unter 65 J.</b>	<b>13</b>	<b>11</b>	<b>24</b>
Bulgarien	1	0	1
Kuba	0	1	1
Österreich	4	0	4
Rumänien	5	5	10
Serbien	0	2	2
Slowakei	1	2	3
Ukraine	0	1	1
Ungarn	2	0	2
<b>Gesamt</b>	<b>25</b>	<b>94</b>	<b>119</b>

## POLIZEILICHE KRIMINALSTATISTIK ÖSTERREICHS

Anzahl Opfer, §§ 104a und 217 StGB			
Jahr 2022	männlich	weiblich	Gesamt
<b>6 bis unter 10 J.</b>	<b>0</b>	<b>1</b>	<b>1</b>
Österreich	0	1	1
<b>10 bis unter 14 J.</b>	<b>0</b>	<b>1</b>	<b>1</b>
Serbien	0	1	1
<b>14 bis unter 18 J.</b>	<b>0</b>	<b>7</b>	<b>7</b>
Bulgarien	0	1	1
Nigeria	0	1	1
Österreich	0	1	1
Rumänien	0	1	1
Serbien	0	1	1
Slowakei	0	1	1
Syrien	0	1	1
<b>18 bis unter 21 J.</b>	<b>4</b>	<b>10</b>	<b>14</b>
Bulgarien	0	2	2
Deutschland	0	1	1
Indien	1	0	1
Irak	3	0	3
Nigeria	0	3	3
Rumänien	0	3	3
Ungarn	0	1	1
<b>21 bis unter 25 J.</b>	<b>17</b>	<b>15</b>	<b>32</b>
Bulgarien	0	1	1
Guinea	0	1	1
Indien	4	0	4
Irak	11	0	11
Nigeria	0	2	2
Rumänien	1	7	8
Ungarn	0	3	3
Ungeklärte Staatsangehörigkeit	1	1	2
<b>25 bis unter 40 J.</b>	<b>37</b>	<b>21</b>	<b>58</b>
Bulgarien	0	6	6
China	0	1	1
Gambia	0	1	1
Indien	2	0	2
Irak	27	0	27

Nigeria	0	2	2
Rumänien	1	9	10
Syrien	1	0	1
Tschechien	0	1	1
Türkei	4	0	4
Ungarn	2	1	3
<b>40 bis unter 65 J.</b>	<b>13</b>	<b>4</b>	<b>17</b>
Brasilien	0	1	1
Bulgarien	0	1	1
China	1	0	1
Irak	2	0	2
Rumänien	2	1	3
Russische Föderation	0	1	1
Somalia	1	0	1
Türkei	4	0	4
Ungarn	3	0	3
<b>Gesamt</b>	<b>71</b>	<b>59</b>	<b>130</b>

**ANNEXE 2 - Information on the categories/groups of people identified as being at risk of becoming victims of human trafficking, and how they are addressed in the national anti-trafficking strategy and/or action plan**

- 1. Do you have specific data/research/analysis of what makes people vulnerable to trafficking in human beings (THB) in your country? Please provide information on the categories/groups of people identified as being at risk of becoming victims of human trafficking, and how they are addressed in the national anti-trafficking strategy and/or action plan. Have you identified geographical regions or economic sectors in your country as particularly vulnerable to THB, and how do you address them in your strategy or policy?**

**Menschenhandel gem. § 104a StGB**

Jahr	Anfall/Verdachtsfälle	Verurteilungen	Quelle
2021	60	5	BM Justiz, Abt. IV 1, 2 und 3
2022	60	4	BM Justiz, Abt. IV 1, 2 und 3
2023	40	1	BM Justiz, Abt. IV 1, 2 und 3

Betr. Kinderhandel (§ 104a Abs. 5) ist lt. BM Justiz eine Differenzierung der Opferdaten minderjährig/volljährig nicht eindeutig möglich. Zwar lässt sich das Alter der Opfer auf kleiner 18 einschränken, allerdings ist eine Zuordnung nicht möglich, wenn ein Fall mehrere Paragraphen und/oder mehrere Opfer umfasst. Zusätzlich lässt auch die Altersangabe „unbekannt“ keine Differenzierung zu.

**Kinderhandel gem. § 104a Abs. 5 StGB**

Jahr	Verdachtsfälle		Quelle
2021 Tirol	6		Amt der Tiroler Landesreg., Abt. Staatsbürgerschaft und Datenschutz
2021 Wien	3		Stadt Wien, MA 11
2022 Tirol	15		Amt der Tiroler Landesreg., Abt. Staatsbürgerschaft und Datenschutz
2022 Wien	1		Stadt Wien, MA 11
2023 Tirol	31		Amt der Tiroler Landesreg., Abt. Staatsbürgerschaft und Datenschutz
2023 Wien	4		Stadt Wien, MA 11

**Zwangsheirat gem. § 106a StGB**

Jahr	Anfall/Verdachtsfälle	Verurteilungen	Quelle
2021	25	1	BM Justiz, Abt. IV 1, 2 und 3
2022	12	3	BM Justiz, Abt. IV 1, 2 und 3
2023	15	0	BM Justiz, Abt. IV 1, 2 und 3

#### **Grenzüberschreitender Prostitutionshandel gem. § 217 StGB**

Jahr	Anfall/Verdachtsfälle	Verurteilungen	Quelle
2021	36	6	BM Justiz, Abt. IV 1, 2 und 3
2022	39	6	BM Justiz, Abt. IV 1, 2 und 3
2023	24	4	BM Justiz, Abt. IV 1, 2 und 3

#### **Verbotene Adoptionsvermittlung gem. § 194 StGB**

Jahr	Anfall/Verdachtsfälle	Verurteilungen	Quelle
2021	2	0	BM Justiz, Abt. IV 1, 2 und 3
2022	1	0	BM Justiz, Abt. IV 1, 2 und 3
2023	0	0	BM Justiz, Abt. IV 1, 2 und 3

### ANNEXE 3 – Statistics per age, nationality and forms of exploitation

	2019	2020	2021	2022
<b>Male Victims N</b>	65	62	61	66
Age	15-17 years: 2 18-29 years: 20 30-44 years: 24 45-59 years: 11 60+ years: 8	15-17 years: 2 18-29 years: 23 30-44 years: 24 45-59 years: 8 60+ years: 5	15-17 years: 1 18-29 years: 20 30-44 years: 20 45-59 years: 16 60+ years: 3 Unknown: 3	18-29 years: 22 30-44 years: 33 45-59 years: 10 60+ years: 1
Nationality	Romania: 15 Bulgaria: 12 Serbia: 4 other Europe: 12 Asian C.: 10 African C.: 8 American C.: 4	Romania: 26 Bulgaria: 9 Serbia: 4 other Europe: 9 Asian C.: 9 African C.: 9 American C.: 1	Romania: 16 Bulgaria: 16 Serbia: 6 other Europe: 10 African C.: 9 Asian C.: 4	Iraq: 14 Bulgaria: 12 Romania: 7 Serbia: 4 other Europe: 9 Asian C.: 3 African C.: 5 American C.: 2
Form of exploitation (cases of multiple exploitation, n > N)	Construction: 15 Catering/cleaning: 9 Agriculture: 8 Transport: 6 Care/household: 5 Criminal acts: 11 Begging: 10 Sexwork: 6 Other: 3	Construction: 22 Agriculture: 10 Catering/cleaning: 4 Care/household: 5 Transport: 1 Criminal acts: 12 Begging: 7 Sexwork: 3	Construction: 26 Catering/cleaning: 6 Agriculture: 4 Transport: 3 Care/household: 3 Criminal acts: 14 Begging: 5 Sexwork: 3 Other: 2	Construction: 20 Facility management: 13 Catering/cleaning: 11 Transport: 4 Agriculture: 3 Care/household: 1 Criminal acts: 9 Begging: 5 Sexwork: 5 Other: 2
<b>Total</b>				