

# Towards a EUSDR City Network against Trafficking in Human Beings

Background report on framework conditions and institutional landscape

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## **EUSDR City Network against Trafficking in Human Beings**

### **Background report on framework conditions and institutional landscape**

#### **1 Starting point & objectives of this report**

##### **Human trafficking strongly increasing**

Trafficking in human beings (THB) is a serious crime and an abuse of an individual's fundamental rights and dignity. It involves the exploitation of vulnerable persons traded by criminals as commodities for the sole purpose of economic gain. THB often has a transnational character; it comprises victims of all genders and age and, due to its nature, is often hard to discover and investigate.

The UN in its "Protocol to Prevent, Suppress and Punish Trafficking in Persons" defines Trafficking in Persons as the *"recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."*<sup>1</sup>

The actual number of victims and illegal profit of traffickers can only be estimated. However, all evidence indicates that trafficking in human being is one of the most profitable forms of illegal business, while at the same time delinquents run only comparably modest risks: According to the International Labour Organization (ILO), forced labor (only one component of human trafficking) generates estimated 150 billion US dollars in profits per annum (2014)<sup>2</sup>. Compared to these amounts the number of criminal convictions is only marginal (cf. Chapter 2.2 below).

And the prevalence of human trafficking is still going to increase, as HTB is thought to be one of the fastest-growing activities of trans-national criminal organizations.

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<sup>1</sup> UN General Assembly resolution 55/25 (2003): Protocol to Prevent, Suppress and Punish Trafficking in Persons, Article 3, paragraph (a)

<sup>2</sup> ILO (2014): Special Action Programme to Combat Forced Labour. "Profits and poverty: The economics of forced labour"

Regarding the state of affairs in Europe, Europol states in its latest “Situation Report”<sup>3</sup> on HTB in the EU that the large majority of both identified victims and suspects of HTB are EU nationals. However, the current migration crisis in the Middle East and North Africa is expected to have a major impact on HTB and might change this pattern considerably.

### Human trafficking in the Danube Region

As for the countries of the Danube Region the situation is even more complex: On the one hand the region comprised both EU member and non-member states (respectively accession countries) with different legal framework conditions. Secondly, huge economic disparities, prolonged economic and political instability and regionally concentrated poverty (or threat of poverty) raise the risk of becoming a hot-spot of human trafficking. International routes of migration and people smuggling that cross the Danube Region add to this risk potential.

Several countries from the Danube area, above all Romania, Bulgaria, and Hungary are regularly listed among the top EU countries of citizenship for registered victims of THB.<sup>4</sup> Even highly developed countries of the Danube Region are witnessing a sharp increase in human trafficking, with Austria being considered a transit country, especially for victims originating from Central and Eastern Europe.<sup>5</sup>

A good insight into the overall THB situation in single countries is provided by the Trafficking Reports of the “Office to monitor and combat trafficking in persons” at the U.S. Department of State.<sup>6</sup> The reports use the standards defined in the U.S. “Trafficking Victims Protection Act” to classify all states in three tiers based on their governments’ efforts to acknowledge and combat human trafficking. According to this classification from the Danube Region’s countries

- Austria, Germany, the Czech Republic, Slovakia and Slovenia fall into Tier 1 of countries that fully meet the TVPA’s minimum standards;
- Hungary, Croatia, Bosnia and Herzegovina, Montenegro, Romania and Moldova are rated as Tier 2, indicating that they do not fully meet the minimum standards, but governments are making significant efforts to do so;
- Serbia, Bulgaria and the Ukraine are listed on the “Tier 2 Watch List” (Countries whose governments are making significant efforts to bring themselves into compliance with the standards, but where the absolute number of victims of severe forms of trafficking is very

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<sup>3</sup> Europol (2016): Situation Report „Trafficking in human beings in the EU“, pp. 3-4

<sup>4</sup> Report on the progress made in the fight against trafficking in human beings (COM(2016) 267 final)

<sup>5</sup> Europol (2016): Situation Report „Trafficking in human beings in the EU“

<sup>6</sup> U.S. State Department, Office to monitor and combat trafficking in persons (2016): Trafficking in Persons Report

significant or is significantly increasing; or there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year.

Quotes from the reports on the countries of the Danube Region can be found in the appendix of this report.

### **Towards a local network against human trafficking**

Human trafficking in human beings is a complex phenomenon that is highly dependent on regional and local economic, social as well as cultural factors. Trafficking in human beings is rooted in vulnerability to poverty, lack of democratic cultures, gender inequality and violence against women, conflict and post-conflict situations, lack of social integration, lack of opportunities and employment, lack of access to education, child labour and discrimination.

Therefore, local actors – be they public authorities or NGOs – often are closest to both victims and suspects of HTB. The local level thus, potentially, offers a variety of launching pads for effectively counteracting human trafficking. At the same time, it is particularly the local actors in the Danube area that often lack capacities, resources or know-how in order to initiate activities.

Against this background the EU Strategy for the Danube Region with its specific priority area on “institutional capacities” is inquiring **options for a thematic networking initiative which shall address in particular cities, towns and local institutions** in order to enhance capacity-building and know-how transfer on this genuinely transnational issue.

**This report** shall provide background information about the existing framework of principles and strategies at European level (chapter 2). It points out an example of a local actors approach from the Baltic Sea Region that might serve as a model for the Danube Region (chapter 3). And it gives an overview of relevant institutions and networks that play an active role in the fight against human trafficking and can be considered potential partners in a Danube Region initiative (chapter 4)

## **2 Strategy framework against human trafficking at European level**

### **2.1 EU Strategy towards the Eradication of Trafficking in Human Beings**

With its “Strategy towards the Eradication of Trafficking in Human Beings 2012–2016”, adopted in 2012, the European Union for the first time set a coherent frame for the numerous existing and planned initiatives against human trafficking.

Trafficking in Human Beings has already been explicitly prohibited in the Charter of Fundamental Rights of the European Union as proclaimed by the European Parliament, the Council of Ministers and the European Commission in 2000.<sup>7</sup>

Building on this Charter, in 2011 a dedicated EU Directive on “preventing and combating trafficking in human beings and protecting its victims” adopted a comprehensive, integrated and gender-specific approach focusing on law enforcement, but also aiming to prevent crime and ensure that victims of trafficking are given an opportunity to recover and to reintegrate into society.<sup>8</sup> Further EU instruments in various specific policy areas contributed to addressing THB, for instance focusing on the rights of victims, actions on violence against women, securing the rights of the child, sanctions against employers who knowingly employ illegally staying third country workers, strengthening EU external relations and cooperation with third countries in a broader approach to migration and mobility etc.

The “EU Strategy towards the Eradication of Trafficking in Human Beings” aims to integrate those sector-specific approaches and initiatives, to set priorities, to fill legislation and policy gaps and to focus on concrete measures that may support the Member States in their efforts to implement existing directives.

The Strategy identifies five priorities the EU should focus on in order to address the issue of trafficking in human beings. For each priority it proposes a number of actions to be implemented in the period 2012-2016 in concert with Member States, EU institutions and agencies, international organisations, third countries, civil society and the private sector.

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<sup>7</sup> Charter of Fundamental Rights of the European Union (2000/C 364/01), § 5

<sup>8</sup> Directive 2011/36/EU

An overview:<sup>9</sup>

#### **Priority A: Identifying, protecting and assisting victims of trafficking**

- Establishment of national and transnational referral mechanisms
- Identification of victims
- Protection of child victims of trafficking
- Provision of information on the rights of victims

#### **Priority B: Stepping up the prevention of trafficking in human beings**

- Understanding and reducing demand
- Promote the establishment of a private sector platform
- EU-wide awareness-raising activities and prevention programmes

#### **Priority C: Increased prosecution of traffickers**

- Establishment of national multidisciplinary law enforcement units
- Ensuring proactive financial investigation
- Increasing cross-border police and judicial cooperation
- Increasing cooperation beyond borders

#### **Priority D: Enhanced coordination & cooperation among key actors and policy coherence**

- Strengthening the EU network of national rapporteurs or equivalent mechanisms
- Coordinating EU external policy activities
- Promoting the establishment of a Civil Society Platform
- Reviewing projects funded by the EU
- Strengthen the fundamental rights in anti-trafficking policy and related actions
- Coordinating training needs in a multidisciplinary context

#### **Priority E: Increased knowledge of and effective response to emerging concerns related to all forms of trafficking in human beings**

- Developing an EU-wide system for data collection
- Developing knowledge relating to the gender dimension of trafficking and vulnerable groups
- Understanding online recruitment
- Targeting trafficking for labour exploitation

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<sup>9</sup> EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016 (COM(2012)286 final)

The Strategy not only proposes the set-up of a Platform – at EU level – of civil society organisations and service providers working on victim protection and assistance in Member States and selected third countries (Priority D, Action 3), finally launched in spring 2013. It also strongly recommends that Member States consult regional/local civil society actors when implementing measures and reporting on achievements.

## 2.2 National Action Plans and first Progress Report

Following the adoption of the EU Strategy on THB, Member States set up National Action Plans for a coordinated implementation of measures and monitoring of achievements.

At the end of the implementation stage defined by the Strategy, the European Commission published a Progress Report in spring 2016, summarizing recent trends in trafficking in human beings, first results of specific anti-trafficking actions, and statistics provided by the Member States.<sup>10</sup>

### Selected statistical data:

- In total there were 15,846 “registered victims” (both identified and presumed) of trafficking in the EU in the period 2013-2014.
- Trafficking for the purpose of sexual exploitation is still the most widespread form (67% of registered victims), followed by labour exploitation (21%). The other 12 % were registered as victims of trafficking for other forms of exploitation (including trafficking for the purpose of forced begging, criminal activity, forced marriage, sham marriage, or organ removal, trafficking of infants and young children for adoption, trafficking of pregnant women to sell their new-born babies, trafficking for the production of cannabis and trafficking for drug smuggling or the selling of drugs).
- In total 76% of the registered victims were women.
- The majority of victims of sexual exploitation, of which 95% are female, are found in the sex industry. Traffickers are increasingly shifting from visible to less visible forms of trafficking for sexual exploitation and are abusing the “self-employed” status.
- 74% of registered labour exploitation victims were male.
- At least 15% of the registered victims were children.
- 65 % of registered victims were EU citizens.<sup>11</sup>

<sup>10</sup> Report on the progress made in the fight against trafficking in human beings (COM(2016) 267 final)

<sup>11</sup> However, despite this high share of EU citizens among the victims, the other characteristics of HTB in Europe is the large variety of 130 countries of origin, according to UNODC (2014): Global Report on Trafficking

- Among the top five EU countries of citizenship for registered victims were three countries from the Danube area: Romania, Bulgaria, and Hungary (as already in the previous observation period 2010-2012).
- In total, only 4,079 prosecutions and 3,129 convictions for trafficking in human beings were reported.

Compared on an annual basis, the total number of registered victims in the data for 2013-2014 is lower than that recorded in the Eurostat working paper for 2010-2012. However, the report clearly states that despite of efforts made in this direction, data are still not fully comparable due to possible differences in recording methods and legal definitions.

Even on the contrary, the **report concludes** that

- despite the efforts made so far, trafficking for sexual exploitation has not been tackled effectively and has not decreased;
- as a result of the economic crisis, demand for cheap labour has increased, with people trafficked into and within the EU to carry out unpaid or very low-paid work, living and working in conditions that do not respect their human dignity;
- reports from the Member States suggest that the exploitation of people with physical, mental and developmental disabilities is on the rise;
- an increase has also been reported in trafficking of people with a Roma ethnic background for the purpose of forced begging;
- child trafficking is reported by Member States as one of the trends that is increasing most sharply in the EU;
- forced marriages and sham marriages are increasingly reported in the context of trafficking in human beings by Member States. According to Europol, the current migration and refugee crisis may even result in more forced marriages due to the increased attempts by migrants and asylum-seekers to gain legitimate residency.

#### Refugee crisis as aggravating factor in the Danube area

Quoting the recent Commission Communication on the “State of Play of Implementation of the Priority Actions under the European Agenda on Migration”, the report also states that there is strong evidence that the migration crisis has been exploited by criminal networks involved in trafficking in human beings to target the most vulnerable, in particular women and children. Traffickers increasingly abuse asylum systems, which are not always linked to national referral mechanisms.

Coordination should be ensured on the ground – with the Western Balkans being a particular focus area – in the framework of the “hotspots approach” between all different actors involved in the screening, fingerprinting, identification and registration of third country nationals and in other first line reception facilities in order to swiftly identify and refer victims of trafficking and provide appropriate levels of care and protection.

### Achievements and recommendations

Regarding achievements made on the Member States level, the report states a.o.:

- The **level of prosecutions and convictions** remains worryingly low, especially when compared to the number of victims identified. Member States are not using enough effective investigative tools and still financial investigations are mostly conducted on a case-by-case basis; Member States should in particular strengthen efforts to reduce the burden placed on victims and their testimonies during proceedings for evidence gathering.
- Providing unconditional **access to assistance, support and protection to victims** remains a challenge for most Member States as trafficking remains an “invisible crime” and the number of identified victims remains low. Gender and age-specific assistance and support are still inadequate. There is still a clear need for strong safeguards ensuring that it is not the victims who are penalised, but those who exploit and use them.
- **Transnational cooperation**, including transnational referral mechanisms, is essential for victims who are trafficked outside their country of origin. Referral Mechanism should be regularly and meaningfully monitored and evaluated, **in cooperation with civil society** and academia.
- **Prevention** needs to be placed in the wider context of the crime, which is profit- and -demand-driven, ensuring that those who profit from the crime and exploit the victims are brought to justice. Training for frontline staff is often still of ad-hoc nature, with a lack of specialised training and gender-specific or child-centred approaches. It is also important to stress the need for tailor-made training activities, in particular addressing the specificities of different forms of trafficking.
- One of the most important challenges in addressing HTB is the **limited resources** available for anti-trafficking measures, victim assistance and prevention measures. The global economic crisis has also had a negative impact on the allocation of such funds. In the majority of Member States, practical assistance for victims is not provided by the state or local authorities, but by **non-governmental organisations**. It is therefore important that funding is secured for these organisations, allowing them to provide efficient and sustainable short- and long-term assistance to victims of trafficking.

### 2.3 Council of Europe Convention on Action against THB and dedicated expert group GRETA

When adopting the EU Strategy towards the Eradication of Trafficking in Human Beings, the Council of the EU also made reference to the preceding “Convention on Action against Trafficking in Human Beings” of the Council of Europe. The Convention had already been adopted by the Committee of Ministers of the Council of Europe in early 2005, following a series of other initiatives by the Council of Europe in the field of combating trafficking in human beings. The Convention entered into force on 1 February 2008, following its 10<sup>th</sup> ratification. By now, 45 states have signed the Convention – among them all 14 countries of the Danube Region, with the Czech Republic being the last signatory in May 2016 (ratification still pending).

The Council of Europe has set up a Group of Experts on Action against Trafficking in Human Beings (GRETA) which is publishing periodic reports on its activities and achievements, the most recent published in 2016 covering the period 2014/2015:

In view of the refugee crisis, the report addresses as a special topic the identification of **victims of trafficking in human beings among asylum seekers, refugees and migrants**. Key findings: While the majority of the asylum seekers and migrants arriving in Europe are men travelling without their families, who may become victims of trafficking for different exploitative purposes, the share of women is increasing and this heightens in particular the risk of trafficking for sexual exploitation.<sup>12</sup>

The report also stresses the **significant role of NGOs** in both identifying and supporting victims of trafficking. Local NGOs are, however, facing several major challenges that should be tackled by national or local authorities:

- They are all too often lacking material resources to care for victims, especially when support is needed until the end of the criminal proceedings.
- They are not always sufficiently involved in framing, implementing and assessing national policies and are sometimes not represented in national co-ordination mechanisms.
- National criminal law procedures do not systematically allow NGOs to accompany victims in hearings by law enforcement agencies or judicial authorities, which can be detrimental to their testimony.

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<sup>12</sup> Council of Europe (2016): 5th General Report on GRETA's Activities, covering the period 1 October 2014 to 31 December 2015

### 3 Local actors approach on transnational level – the case of the Baltic Sea Region

Both the EU's and the Council of Europe's strategies in their fight against human trafficking in Europe "by nature" address their member states, i.e. the national level, as the main counterpart to sign and ratify declarations or set up national implementation strategies and action plans. Yet, at the same time they acknowledge the significant role of local stakeholders and the need for increased interaction with civil society actors in order to make a real step forward.

The Baltic Sea Region provides an excellent example of an initiative deeply rooted in a *transnational* setting, but actively addressing the local level as key actors in the fight against THB: In 2014/2015 the Ministry of Interior of the Republic of Latvia and the Council of the Baltic Sea States Secretariat Task Force against Trafficking in Human Beings (CBSS TF-THB) together with several further institutions<sup>13</sup> jointly implemented the transnational project "**STROM – Strengthening the Role of Municipalities in the Work against Trafficking in Human Beings in the Baltic Sea Region**".

The starting point of the project was the perception that national activities against THB focused on criminal justice and security activities, including the introduction of new legislation, increased policing efforts, and providing training for law enforcement, while neglecting local approaches to reduce the opportunities for traffickers to exploit people, identifying the groups at risk, mapping the extent of problem at the local level and assisting victims of human trafficking. In view of the high potential of a local approach against human trafficking, the project partners therefore developed **guidelines for municipalities**<sup>14</sup> in order to

- raise the awareness of THB among local actors
- provide local actors with know-how (a.o. by highlighting good practices that have been developed in the Baltic Sea Region and where municipalities and/or local authorities play a prominent role)
- identify common challenges and specific action points for municipalities to overcome the problems
- provide practical tools for the work of local actors.

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<sup>13</sup> NGO "Living for Tomorrow" in Estonia, Association of Local Authorities in Lithuania, Ministry of Justice and Public Security in Norway, Ministry of Interior in Poland, County Administrative Board of Stockholm

<sup>14</sup> Council of the Baltic Sea States (2015): Guidelines for Municipalities. Stepping up local action against human trafficking

### Guidelines for Municipalities. Stepping up local action against human trafficking

In the guidelines **local actors** are defined not only as policy and decision-makers in the general city governance structures and administration, but also comprise the management of sectoral branches (such as social and health services), officials of municipal police and inspection authorities (labour, tax, rescue services etc.), representatives of NGOs, especially migrant rights groups, social service providers, anti-trafficking NGOs, and local migrant community organisations.

According to their **key principles** the guidelines are based on the international Conventions and Strategies by UN, EU and Council of Europe (as mentioned above), recapitulating as cornerstones a human rights-based approach, unconditional and rights-based victim assistance, evidence-based prevention and multi-disciplinary cooperation.

On an operative level it identifies four main fields of action where local actors may play a major role:

#### Local safety audit on human trafficking

Role and point of action for local actors:

- to conduct a mapping of the trafficking situation to get good knowledge of the problem at local level;
- to build a clear analysis of the issues and to formulate a plan to intervene;
- to involve all those stakeholders into the mapping process who encounter (or can possibly encounter) victims of THB;
- to detect populations at risk of being trafficked and actively involve key actors who might be able to identify trafficked persons (or persons at risk)

As tools the guideline provides a number of tables suggesting questions to be considered when evaluating the status and indicative lists of stakeholders/actors that might be won as partners.

### Identification of victims of trafficking

Role and point of action for local actors:

- to recognize the signs of human trafficking – proximity of local actors to trafficked persons and to the places where the exploitation takes place gives them a greater opportunity to identify victims;
- to identify potential victims, thus disrupting the trafficking process before it even starts;
- to identify traffickers and other perpetrators;
- to make sure indicators of trafficking are available for frontline staff to use and to provide training on how to use them;
- to assign clear responsibilities for different actors involved in the identification and referral process;
- to cooperate with NGOs in order to build trust among most vulnerable groups, in particular irregular migrants afraid of deportation.

As practical tools the guideline provides questions to recognize signs of trafficking and different forms of exploitation, and indicative lists of local actors who might contribute to the identification process.

### Assisting victims of trafficking

Role and point of action for local actors:

- to act as first responders and provide safe and appropriate shelter;
- to address not only immediate, but also longer-term needs of the victims which include the provision of relevant services and helping victims to regain their independent lives (thus restoring their sense of control and avoiding “secondary victimization”);
- to provide unconditional and rights-based assistance (not depending on victim’s cooperation with the law enforcement) not only to formally identified victims of human trafficking, but also to potential victims in vulnerable and unprotected situations;
- to map services available for (potential) victims within the municipality and actors providing or actors who could provide these services;
- to set up a “chain of assistance” involving governmental, local and non-governmental actors working in the field of counter-trafficking to ensure that victims may be referred to the to the most appropriate authority.

The guideline lists a number of key principles for assistance to THB victims, and provides a checklist on types of assistance, concrete measures and responsible actors.



### Prevention of trafficking

- to take a proactive approach to prevent trafficking by tackling those factors that enable any form of exploitation, a.o. discrimination, social exclusion, weak rule of law, corruption, weak social protection, poor enactment of labour laws, lack of employment and education opportunities, as well as lack of legal and safe migration channels;
- to raise awareness of the problem of human trafficking by providing adequate training to local actors and by implementing awareness raising campaigns towards the general public or among vulnerable groups.
- to expand the target groups for prevention work beyond the conventional ones, e.g. to taxi drivers, health inspectors etc.;
- to offer and implement outreach activities to support and engage with populations at risk;
- to incorporate anti-trafficking activities in the wider crime prevention strategies and structures within the city/municipality.

The guideline outlines a number of good-practice prevention initiatives from cities of the Baltic Sea Region.

### Applicability for the Danube Region

The “Guidelines for Municipalities” as developed by partners from the Baltic Sea Region may serve as a model for the Danube Region as well, in particular as they stress and build on a series of regional characteristics that apply for the Danube area in the same (or an even more pronounced) way. Three of them shall be pointed out here:

- **Diversity of legal regimes:** The guidelines give a good insight into the diverse and therefore difficult institutional setting in the Baltic Sea Region. Due to the specific composition of the Danube Region (where even basic EU standards do not apply to all countries) this aspect applies to the Danube in a particular way. The issue of legal

responsibilities and competences is of high relevance for many aspects of anti-trafficking strategies, e.g. when it comes to the question which institutions are in a position to formally identify victims of exploitation and trafficking.

- **Role of local actors:** Like in the Baltic Sea Region, also in most countries of the Danube Region local actors are lacking a prominent status in the national strategies against human trafficking. This even amplifies the critical situation that local actors, in particular those of the civil society, lack both capacities and financial resources in order to effectively deal with human trafficking – although they would be in a good starting position as they are closest to the victims of THB. The guidelines mention a number of approaches to deal in particular with scarce resources on local level.
- **Irregular migration:** The guidelines point out the increased risk of exploitation for irregular migrants due to their vulnerability and clandestine status, which makes it difficult for them to get in contact with official (national) authorities. In view of the recent refugee crisis this aspect is even more relevant for the Danube Region, which was the scene of the most frequented refugee routes. With the closure of the borders, and thus the legal migration channels, irregular migration and the risk of exploitation has even increased.

## **4 Organisations related to the fight against human trafficking**

### **4.1 International Organisations**

#### **UN – United Nations**

As this is a matter of great concern to the UN, six UN agencies – the UN Office on Drug and Crime (**UNODC**), the UN High Commissioner for Human Rights (**OHCHR**), the UN High Commissioner for Refugees (**UNHCR**), the UN Children’s Fund (**UNICEF**), the International Labor Organization (**ILO**) and the UN Development Fund for Women (**UNIFEM** – part of UN Women) – are coordinating their efforts in their fight against human trafficking (and have e.g. jointly submitted their views and suggestions on the proposal for the EU Directive on human trafficking – cf [http://www.unodc.org/documents/human-trafficking/2011/UN\\_Commentary\\_EU\\_Trafficking\\_Directive\\_2011.pdf](http://www.unodc.org/documents/human-trafficking/2011/UN_Commentary_EU_Trafficking_Directive_2011.pdf)).

#### **UNODC – United Nations Office on Drugs and Crime**

UNODC, as guardian of the United Nations Convention against Transnational Organized Crime (UNTOC) and the Protocols thereto, assists States in their efforts to implement the Protocol to Prevent, Suppress and Punish Trafficking in Persons (Trafficking in Persons Protocol).

<https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html?ref=menuside>

#### **OHCHR – United Nations Office of the High Commissioner Human Rights**

The Office of the UN High Commissioner for Human Rights has lead responsibility in the UN system for the promotion and protection of human rights.

<http://www.ohchr.org/EN/Pages/Home.aspx>

#### **UNHCR – United Nations High Commissioner for Refugees**

The UNHCR is focusing on refugees, who frequently have to rely on smugglers or traffickers, that take advantage of their vulnerabilities.

<http://www.unhcr.org>

### **UNICEF – United Nations Children’s Fund**

UNICEF addresses the issue of child trafficking within its overall mandate to protect children from all forms of violence, abuse and exploitation.

[https://www.unicef-irc.org/publications/pdf/ct\\_in\\_europe\\_full.pdf](https://www.unicef-irc.org/publications/pdf/ct_in_europe_full.pdf)

### **ICAT – The Inter-Agency Coordination Group against Trafficking in Persons**

A policy forum mandated by the UN General Assembly to improve coordination among UN agencies and other relevant international organizations to facilitate a holistic and comprehensive approach to preventing and combating trafficking in persons, including protection and support for victims of trafficking.

<http://icat.network/>

### **ICMPD – International Centre for Migration Policy Development**

ICMPD is an international organisation with 15 Member States, 146 staff members, a mission in Brussels and regional offices and representatives throughout Europe, Northern Africa, the Middle East and Latin America. It receives funding from the Member States, the European Commission, the UN and other multilateral institutions, as well as bilateral donors. ICMPD holds UN observer status.

<https://www.icmpd.org/home/>

### **ILO – International Labour Organization**

Forced labour takes different forms, including debt bondage, trafficking and other forms of modern slavery. The victims are the most vulnerable – women and girls forced into prostitution, migrants trapped in debt bondage, and sweatshop or farm workers kept there by clearly illegal tactics and paid little or nothing.

<http://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>

### **Interpol – International Criminal Police Organization**

Interpol works closely with other international organizations and non-governmental bodies like UNODC, ILO, ICMPD, Eurojust, Europol, Frontex, Southeast European Law Enforcement Center and many more to fight against human trafficking and people smuggling.

<https://www.interpol.int/Crime-areas/Trafficking-in-human-beings/Trafficking-in-human-beings>

### **IOM – International Organization for Migration**

IOM is committed to the principle that humane and orderly migration benefits migrants and society. As "The Migration Agency" IOM has become the point of reference in the heated global debate on the social, economic and political implications of migration in the 21<sup>st</sup> century.

<http://www.iom.int/>

### **OSCE – Organization for Security and Cooperation in Europe**

In 2003, the organization set up the office and post of a Special Representative and Co-ordinator for Combating Trafficking in Human Beings to help participating States develop and implement effective policies.

Special Representative and Co-ordinator on Trafficking in Human Beings: Ambassador Madina Jarbussynova of Kazakhstan

<http://www.osce.org/secretariat/trafficking>

## **4.2 European institutions and organisations**

### **Council of Europe**

The Council of Europe Convention on Action against Trafficking in Human Beings was adopted by the Committee of Ministers of the Council of Europe on 3 May 2005. The main added value of the Convention is its human rights perspective and focus on victim protection.

<http://www.coe.int/en/web/anti-human-trafficking/home>

### **GRETA – Group of Experts on Action against Trafficking in Human Beings**

Set up by the CoE as a mechanism to monitor compliance with the obligations contained in the Convention on Action against Trafficking in Human Beings. GRETA draws up country evaluation reports containing an analysis of the implementation of the CoE Convention by each Party and proposals for further action.

[http://www.coe.int/t/democracy/migration/bodies/greta\\_en.asp](http://www.coe.int/t/democracy/migration/bodies/greta_en.asp)

### **European Union**

The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016 sets the policy framework and is reflected in the large number of initiatives, measures and funding programmes established in the area.

[http://ec.europa.eu/anti-trafficking/citizens-corner-eu-actions-explained/eu-actions-explained\\_en](http://ec.europa.eu/anti-trafficking/citizens-corner-eu-actions-explained/eu-actions-explained_en)

### **European Union Anti-Trafficking Coordinator**

The EU Anti-Trafficking Coordinator, Dr. Myria Vassiliadou, is responsible for improving coordination and coherence among EU institutions, EU agencies, Member States and international actors and developing existing and new EU policies to address trafficking in human beings.

[http://ec.europa.eu/anti-trafficking/eu-anti-trafficking-coordinator\\_en](http://ec.europa.eu/anti-trafficking/eu-anti-trafficking-coordinator_en)

### **Eurostat**

Eurostat is the statistical office of the European Union situated in Luxembourg. Its mission is to provide high quality statistics for Europe. Eurostat is part of the portfolio of the Commissioner for Employment, Social Affairs, Skills and Labour mobility.

[http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration\\_and\\_migrant\\_population\\_statistics](http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics)

### **Frontex – European Border and Coast Guard Agency**

The mission of Frontex is to promote, coordinate and develop European border management in line with the EU fundamental rights charter and the concept of Integrated Border Management.

<http://frontex.europa.eu/news/frontex-and-eurojust-sign-memorandum-of-understanding-K9ngEQ>

### **Europol – European Police Office**

Europol aims to disrupt organised crime groups that are involved in human trafficking both within the EU and into the EU from external source countries for the purpose of labour and sexual exploitation by, among others, groups using legal business structures (LBSs) to facilitate or disguise their criminal activities.

<https://www.europol.europa.eu/crime-areas-and-trends/crime-areas/trafficking-in-human-beings>

Situation Report: Trafficking in human beings in the EU, 2016

[https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational\\_report\\_trafficking\\_in\\_human\\_beings\\_europol.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/situational_report_trafficking_in_human_beings_europol.pdf)

### **IOM Europe – International Organization for Migration, Dependence Europe**

IOM and the EU work closely in strategic cooperation to promote a holistic, coherent and humane approach to migration governance, development, humanitarian responses and human rights issues.

<http://eea.iom.int/index.php/what-we-do/counter-trafficking-of-human-beings-thb>

### **SELEC – Southeast European Law Enforcement Center**

The objective of SELEC is to provide support for Member States and enhance coordination in preventing and combating crime. Member states are: Republic of Albania, Bosnia and Herzegovina, Republic of Bulgaria, Republic of Croatia, the Former Yugoslav Republic of Macedonia, Hellenic Republic, Hungary, Republic of Moldova, Montenegro, Romania, Republic of Serbia and Republic of Turkey.

<http://www.selec.org/>

## **4.3 Austrian national institutions and dedicated offices based in Austria**

### **BMEIA – Federal Ministry for Europe, Integration and Foreign Affairs**

#### **Task Force on Combating Human Trafficking**

The TF-HT is composed of representatives of all the competent ministries, including outsourced agencies, the federal provinces and non-governmental organisations. It was set up in November 2004.

<https://www.bmeia.gv.at/en/european-foreign-policy/human-rights/priorities-of-austrian-human-rights-policy/combating-trafficking-in-human-beings/>

### **BMI – Ministry of the Interior**

#### **Federal Criminal Police, Unit 3.4.1 Trafficking and Prostitution**

Coordination of national and international measures and investigations into offenses against human trafficking, especially trafficking in women.

<http://www.bmi.gv.at/cms/BK/meldestellen/menschenhandel/start.aspx>

<http://www.iomvienna.at/de/iom-weltweit>

### **Department Hub „Drehscheibe“**

#### **Socio-paedagogical organisation of the Youth and Family Welfare Office**

The department hub provides housing groups for unaccompanied minors & foreigners in Vienna.

<https://www.wien.gv.at/menschen/magelf/kinder/drehscheibe.html>

### **LEFÖ-IBF – Intervention Centre for trafficked women**

The overarching goal at LEFÖ-IBF is to offer supportive services that strengthen and expand the scope of action of women and girls affected by trafficking. LEFÖ-IBF is acting on behalf of the Federal Chancellery: women and the Federal Ministry of the Interior.

<http://www.lefoe.at/index.php/IBF.html>

### **MEN VIA – Support for men who are victims of trafficking**

Since December 2013, the Men's Health Center works on behalf of the Ministry of Social Affairs in offering support for male victims of trafficking.

[www.men-center.at/via](http://www.men-center.at/via)

### **IOM Vienna – the UN Migration Agency in Austria**

Since 1952, when Austria joined IOM as one of its first Member States, the IOM office in Vienna has worked to assist migrants and promote adequate responses to migration issues. IOM Vienna currently consists of two offices:

- IOM Country Office for Austria
- Regional Office for South-Eastern Europe, Eastern Europe and Central Asia, and Mission to the UN and other International Organizations in Vienna, International Organization for Migration

### **UNDOK Contact point for unionized support of undocumented workers**

The UNDOK-point is an initiative of several trade unions in order to support undocumented workers. They get informed about their rights and get advice and assistance in enforcing labor and social security claims.

[www.undok.at](http://www.undok.at)

### **The WHITE RING**

The WHITE RING is a non-profit organization to support crime victims and prevent crime. It helps victims with professional advice and care, psychosocial and legal court assistance and material or tangible support to deal with the victim situation.

<http://www.weisser-ring.at/>

### **VIDC – Vienna Institute for International Dialogue and Cooperation**

In the area of human trafficking, the VIDC is especially interested in the causes, the development of appropriate prevention and awareness-raising activities and in the research of new trends and developments, such as “cyber trafficking”.

<http://www.vidc.org/index.php?id=1650>

### **Ludwig Boltzmann Institut for Human Rights**

The team identifies questions concerning “protection from violence and exploitation”, “access to justice” and “monitoring” as essential part of the Human Trafficking research programme. With regard to methodology, a participatory research methodology with persons affected by human rights violations is applied.

<http://bim.lbg.ac.at/en/womens-rights-childrens-rights-trafficking-human-beings>

## **4.4 International NGOs**

### **United for Intercultural Action**

European Network against nationalism, racism, fascism and in support of migrants and refugees. It is financially supported by various sponsors, such as EU, CoE, national Ministries of several EU-countries, and private and prominent individuals.

<http://www.unitedagainstracism.org/blog/2016/05/19/report-shows-level-of-human-trafficking-in-the-eu/>

### **MPG – Migration Policy Group**

The Migration Policy Group is an independent non-profit European organisation dedicated to strategic thinking and acting on equality and mobility. The Migration Policy Group is managing the content of the work on non-discrimination law covering the grounds of race and ethnic origin, religion or belief, disability, age and sexual orientation.

<http://www.migpolgroup.com/>

### **Human Rights Watch**

Human Rights Watch is a non-profit, non-governmental human rights organization made up of roughly 400 staff members around the globe. Human Rights Watch investigates rights violations arising when countries try to contain or divert the migrants, refugees, and asylum seekers at or within their borders.

<https://www.hrw.org/topic/migrants>

### **Transparency International**

is a non-profit, non-governmental global organisation dedicated to fighting corruption as one factor leading to human trafficking.

<https://www.transparency.org/search>

### **ECPAT – End Child Prostitution in Asian Tourism**

ECPAT is an expanding network of local civil society organisations and coalitions to end the sexual exploitation of children around the world. Governments and civil society organisations worldwide recognise ECPAT as the only international NGO network solely dedicated to the fight against sexual exploitation of children.

<http://www.ecpat.org/>

### **USAID – U.S. Agency for International Development**

USAID's Bureau for Europe and Eurasia (E&E) partners to promote resilient and democratic societies, strengthen economic growth and energy security. USAID has Missions, offices, or programs in Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo, Macedonia, Moldova, Russia, Serbia, and Ukraine.

<https://www.usaid.gov/trafficking>

## **Appendix A: Quotes from the “Trafficking in Persons Report” of the U.S. State Department’s Office to Monitor and Combat Trafficking in Persons (2016)**

### **AUSTRIA (Tier 1)<sup>15</sup>**

Austria is a destination and transit country for men, women, and children subjected to sex trafficking and forced labor. The majority of identified victims are girls and women subjected to sex trafficking. Victims primarily originate from Eastern Europe (Bosnia and Herzegovina, Serbia, Romania, and Bulgaria) and, to a lesser extent, China, Nigeria, the Middle East, North Africa, Southeast Asia, and South America. Traffickers sometimes lure women by offering fictitious positions, including over social media, as au pairs, cleaners, waitresses, or dancers. Forced labor occurs in the agricultural, construction, catering, restaurant, and cleaning sectors, and among domestic laborers in diplomatic households. Physically and mentally disabled persons from Eastern Europe and Romani children are victims of forced begging. In 2015, authorities identified trafficking victims among a growing population of unaccompanied minor asylum seekers, including children from Syria, Afghanistan, and North Africa forced into begging.

The Government of Austria fully meets the minimum standards for the elimination of trafficking. While the number of prosecutions and convictions declined, the government substantially increased funding for victim services and continued to identify and refer victims in partnership with NGOs. The government improved its efforts to identify trafficking victims among refugees, irregular migrants, and asylum-seekers, and provided training on victim identification to NGOs providing care to those vulnerable populations. The government continued its efforts to prevent domestic servitude in diplomatic households and its support of campaigns to sensitize buyers of commercial sex acts about sex trafficking and to prevent child sex tourism.

### **RECOMMENDATIONS FOR AUSTRIA**

Sentence convicted traffickers proportionate to the gravity of the crime; expand and enhance efforts to identify victims among irregular migrants, asylum seekers, and individuals in prostitution; continue to sensitize judges on the challenges trafficking victims face in testifying against their exploiters; revise procedures to allow victims who agree to cooperate in prosecutions, particularly EU nationals who do not meet the current criteria for residency, to receive residence permits; and continue efforts to identify trafficking victims among children exploited in prostitution and forced begging and men working in sectors vulnerable to labor exploitation.

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<sup>15</sup> All quotes from: U.S. Department of State, Trafficking in Persons Report, June 2016:  
<https://www.state.gov/documents/organization/258876.pdf>

## **BOSNIA AND HERZEGOVINA (Tier 2)**

Bosnia and Herzegovina is a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor. Bosnian women and girls are subjected to sex trafficking within the country in private residences, motels, and gas stations. Economically-vulnerable Romani children are subjected to forced begging and involuntary domestic servitude in forced marriages. Foreign women and girls from European countries are vulnerable to sex trafficking within the country. Bosnian victims are subjected to sex trafficking and forced labor in construction and other sectors in countries across Europe including Croatia, France, Serbia, Slovenia, and Austria. Corruption creates an environment enabling some trafficking crimes.

The Government of Bosnia and Herzegovina does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Federation, Republika Srpska, and Brcko District authorities increased law enforcement efforts overall. The national, state-level criminal code was amended to further establish legal jurisdiction and increase the prescribed penalties for transnational human trafficking. While the Federation began the process of amending its criminal code to prohibit all forms of trafficking, its parliament had not yet formally passed the legislation at the end of the reporting period, hampering overall prosecution of trafficking crimes at all levels of the government during the year. The government trained prosecutors and judges on trafficking case-management techniques; however, experts stated judges deciding trafficking cases remained inadequately prepared, and interview techniques and protections available to shield child trafficking victims from further trauma were not adequately utilized. The government continued to allocate small grants to NGOs for assistance to trafficking victims, but male victims could not access specialized services.

### **RECOMMENDATIONS FOR BOSNIA AND HERZEGOVINA**

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and deliver sentences that are sufficiently stringent; harmonize Federation government legislation to explicitly criminalize all forms of trafficking consistent with state law and the 2000 UN TIP Protocol; train judicial authorities on a victim-centered approach to prosecution; train front-line officers on proactive victim identification, particularly those subjected to forced labor and forced begging; standardize victim assistance throughout the country and develop specialized assistance for male victims; adequately protect victims from threats and re-victimization during the investigation and prosecution of trafficking cases, particularly child victims; integrate Romani groups into decision-making processes regarding victim protection; allow trafficking victims to leave shelters at will without a chaperone; and adequately assist all victims regardless of whether their cases are prosecuted.

## **BULGARIA (Tier 2 Watch List)**

Bulgaria is a source and, to a lesser extent, transit and destination country for men, women, and children subjected to sex trafficking and forced labor. Bulgaria remains one of the primary source countries of human trafficking in the EU. Bulgarian women and children are subjected to sex trafficking within the country, as well as in Europe, Russia, the Middle East, and the United States. Several NGOs assert internal trafficking is increasing. Bulgarian men, women, and children are subjected to forced labor in other European states and Israel, predominantly in agriculture, construction, and the service sector. Bulgarian children and adults with disabilities are forced into street begging and petty theft within Bulgaria and in Austria, Greece, Italy, Sweden, and the UK. Romanian girls are subjected to sex trafficking in Bulgaria. Government corruption creates an environment enabling some trafficking crimes, and officials have been investigated for suspected involvement in trafficking.

The Government of Bulgaria does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Bulgaria is placed on Tier 2 Watch List for the second consecutive year. During the reporting period, the government designated a chairperson and appointed an executive secretary for the national anti-trafficking commission that drives the government's anti-trafficking efforts, leading to increased inter-ministerial coordination and policy development. The commission also awarded contracts to re-open two publicly funded shelters and an apartment for female trafficking victims. The country's overall capacity to shelter and provide services was minimal relative to the number of victims identified, and specialized services for child and adult male victims of trafficking were nonexistent, although the government took steps to assess the needs of male victims with a view to offer consultation and other suitable services. Law enforcement investigated fewer trafficking cases, continuing a multi-year decline. Efforts to prosecute traffickers, which declined markedly in 2014, modestly improved in 2015 as prosecutors tried more traffickers. However, courts convicted fewer traffickers and issued suspended sentences for most of those convicted. Law enforcement continued to take action against public officials and police officers complicit in trafficking offenses.

## **RECOMMENDATIONS FOR BULGARIA**

Enhance efforts to investigate, prosecute, and convict traffickers, particularly for labor trafficking, and hold convicted traffickers accountable with prison terms; increase the capacity of assistance available to women subjected to trafficking; proactively investigate, prosecute, and convict government officials complicit in trafficking, and hold convicted officials

accountable with prison terms; provide all male victims with services, including reintegration assistance and legal services; provide specialized assistance to child victims; provide sensitivity training to prosecutors and judges working with sex trafficking victims; implement a comprehensive database of trafficking crimes and victims identified, referred, and assisted; provide knowledgeable legal counsel and courtroom protections for victims assisting prosecutions; and increase the number of traffickers subjected to fines and the number of victims receiving compensation.

## **CROATIA (Tier 2)**

Croatia is a destination, source, and transit country for women and children subjected to sex trafficking and men, women, and children subjected to forced labor. Croatian women and girls, some of whom respond to false job offers online, are exploited in sex trafficking within the country and elsewhere in Europe. Traffickers target Croatian girls in state institutions and subject them to sex trafficking. Economically marginalized Romani children from Croatia are at particular risk of forced begging in Croatia and throughout Europe. In previous years, Croatian, Bosnian, and Romanian women and men have been subjected to forced labor in the Croatian agricultural sector. Women and girls from the Balkans and Central Europe are subjected to sex trafficking in Croatia. Unaccompanied foreign children, who arrived in Croatia as part of the large migration flow through the Balkan Peninsula, may be vulnerable to trafficking.

The Government of Croatia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government increased its funding for two NGO-run shelters and identified a similar number of trafficking victims compared with 2014; however, in contrast to previous reporting periods, no victims of forced labor were identified. While the government maintained its overall law enforcement efforts, these remained inadequate, with light sentencing and a large proportion of acquittals upon appeal. The government organized multiple campaigns to raise awareness of trafficking among vulnerable populations, including youth.

### **RECOMMENDATIONS FOR CROATIA**

Increase investigations and prosecutions of suspected traffickers, and punish offenders with dissuasive sentences; further strengthen efforts to proactively identify victims, particularly girls induced into prostitution and those subjected to forced labor; continue to train prosecutors on best practices for prosecuting trafficking cases, including methods for collecting evidence against suspected traffickers, to increase convictions; sensitize judges about secondary trauma in sex trafficking testimony; continue to inform all identified victims of their right to pursue restitution from their traffickers and encourage them to do so; devote more resources to the national anti-trafficking secretariat to enable it to effectively combat trafficking, including through larger grants to NGOs; and continue to raise awareness of situations potentially resulting in trafficking among vulnerable populations, particularly youth.

## **CZECH REPUBLIC (Tier 1)**

The Czech Republic is a source, transit, and destination country for women and children subjected to sex trafficking and a source, transit, and destination country for men and women subjected to forced labor. Women, girls, and boys from Czech Republic, Slovakia, Ukraine, Romania, Bulgaria, Nigeria, the Philippines, and Vietnam are subjected to sex trafficking in Czech Republic and also transit through Czech Republic to other European countries where they are subjected to sex trafficking. Men and women from Czech Republic, Ukraine, Romania, Bulgaria, Moldova, Mongolia, the Philippines, Russia, and Vietnam are subjected to forced labor in Czech Republic, typically through debt bondage, in the construction, agricultural, forestry, manufacturing, and service sectors, including in domestic work, and may also transit through Czech Republic to other countries in Europe where they are exploited. The majority of identified victims in the country are Czech. Romani women from Czech Republic are subjected to forced prostitution and forced labor internally and in destination countries, including the UK.

The Government of the Czech Republic fully meets the minimum standards for the elimination of trafficking. The government slightly increased funding for NGOs providing victim services, but identified fewer potential victims and enrolled significantly fewer victims into its program to protect individuals assisting law enforcement. Law enforcement efforts increased as authorities achieved significantly more convictions in 2015 than in 2014, although the government initiated fewer prosecutions; not all sentences were commensurate with the severity of the crime. Victims continued to have minimal opportunities to access court-ordered or state-funded compensation.

### **RECOMMENDATIONS FOR CZECH REPUBLIC**

Vigorously investigate and prosecute suspected offenders of both sex and labor trafficking using the anti-trafficking statute; increase training for prosecutors and judges on applying the anti-trafficking statute; sensitize judges to the severity of this crime to ensure convictions result in proportionate and dissuasive sentences; improve victims' ability to access the government-funded witness-support program and court-ordered restitution; train first responders, including labor inspectors, police, and state contracting officers, on labor trafficking victim identification criteria and evolving trends in labor trafficking; enhance collaboration between the labor inspectorate and police on investigating potential labor trafficking cases; conduct large-scale public awareness-raising campaigns, particularly on labor trafficking; and disaggregate data on the type of trafficking involved in law enforcement and victim protection efforts.

## **GERMANY (Tier 1)**

Germany is a source, transit, and destination country for women, children, and men subjected to sex and labor trafficking. Most sex trafficking victims in Germany are European, primarily Bulgarians, Romanians, and Germans. Citizens of Nigeria, other parts of Africa, Asia, and the Western Hemisphere are also subjected to sex trafficking in Germany. Most sex trafficking victims are exploited in bars, brothels, and apartments. Labor trafficking victims are predominantly European, including Bulgarians, Poles, and Romanians, as well as Afghans, Pakistanis, and Vietnamese. Victims of forced labor are exploited on construction sites and in agriculture, hotels, meat processing plants, seasonal industries, restaurants, and diplomatic households. Roma and foreign unaccompanied minors are particularly vulnerable to trafficking, including forced begging and coerced criminal behavior. In 2015, approximately 1.1 million refugees and asylum-seekers arrived in Germany, including approximately 67,000 unaccompanied minors; these individuals remain vulnerable to sex and labor trafficking. Several foreign governments reported German citizens engaged in sex tourism abroad.

The Government of Germany fully meets the minimum standards for the elimination of trafficking. The influx of migrants to the country during the reporting period placed a significant strain on government resources, including among agencies responsible for combating trafficking. Despite this challenge, the government maintained strong efforts to prosecute and convict sex traffickers, continued to identify and provide protections to sex trafficking victims, and funded various public awareness campaigns; however, weak sentences for trafficking convictions continued to undercut efforts to hold traffickers accountable, and government efforts to identify and assist labor trafficking victims and prosecute and convict labor traffickers remained inadequate given the scope of the problem.

### **RECOMMENDATIONS FOR GERMANY**

Increase efforts to address labor trafficking, including by revising section 233 of the criminal code, proactively identifying labor trafficking victims, and vigorously investigating, prosecuting, and convicting trafficking offenders; ensure that all trafficking offenders are punished with sentences commensurate with the severity of the crime; standardize victim assistance measures and cooperation with civil society across the 16 federal states; increase the number of victims provided services through counseling centers; expand longer-term residence permit eligibility for victims not reliant on their willingness to testify at trial; establish policies to encourage victims to self-identify, including by addressing the requirement that officials report migrants' undocumented status; and conduct awareness campaigns targeting beneficiaries of forced labor and clients of the commercial sex industry.

## **HUNGARY (Tier 2)**

Hungary is a source, transit, and, to a lesser extent, destination country for men, women, and children subjected to forced labor and sex trafficking. Vulnerable groups include Hungarians in extreme poverty, Roma, unaccompanied asylum-seekers, and homeless men. Hungarian women and children are subjected to sex trafficking within the country and abroad, mostly within Europe—with particularly high numbers in the Netherlands, Belgium, Germany, Austria, Switzerland, and the United Kingdom. Hungarians, particularly Romani women and girls from eastern Hungary and from state care institutions, are exploited in sex trafficking in large numbers in Belgium by Hungarians also of Romani origin. A large number of Hungarian child sex trafficking victims exploited within the country and abroad come from state-provided childcare institutions and correctional facilities, and traffickers recruit them upon leaving these institutes. Hungarian women lured into sham marriages to third-country nationals within Europe are reportedly subjected to forced prostitution. Hungarian men and women are subjected to forced labor domestically and abroad, including in the United Kingdom, the Netherlands, other European countries, and North America. There are strong indicators labor trafficking of Hungarian men in Western Europe has intensified in agriculture, construction, and factories. Trafficking victims from Eastern European countries transit Hungary en route to Western Europe. Hungary is a transit country for asylum-seekers and illegal migrants, some of whom may be or may become trafficking victims. Within the country, Romani children are exploited in forced begging, child sex trafficking involving both girls and boys, and forced petty crime.

During the reporting period, international organizations and government officials reported the dramatic rise in migrants and refugees arriving predominantly from Syria, Afghanistan, and Kosovo. These individuals were highly vulnerable to trafficking. International organizations reported a high prevalence of trafficking indicators amongst migrants in Hungary; however, the formal mechanisms set to screen migrants for trafficking indicators failed to identify any such cases.

The Government of Hungary does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Authorities increased law enforcement efforts against human trafficking, although data on these efforts was unreliable and efforts to address sex and labor trafficking of children have remained weak for several years in a row. Despite increased efforts, including funding for NGOs providing services for victims, increased funding for shelters, and new victim protection legislation, government protection efforts were insufficient. Specialized services for child victims did not exist and law enforcement arrested children exploited in prostitution, including sentencing nine children to imprisonment despite their being subjected to trafficking. Shortcomings in security and

services at state care institutions for children remained widespread, resulting in high vulnerability of children under state protection during and after their time in these facilities.

#### RECOMMENDATIONS FOR HUNGARY

Screen all individuals in prostitution for trafficking indicators and ensure neither adults nor children are punished for crimes committed as a result of trafficking, including prostitution; take steps to prevent trafficking among vulnerable children residing in state-run child care institutions and individuals who leave these institutions; increase identification of and assistance for child victims exploited within Hungary; increase law enforcement efforts to investigate, prosecute, and convict the perpetrators of all forms of trafficking; increase victim-centered training of law enforcement, prosecutors, and social workers; bolster protection for victims who face serious harm and retribution from their traffickers, including by developing longer-term care options to improve reintegration; increase funding for and provision of specialized victim services and provide consistent funding to NGOs to offer victim care; enhance the collection and reporting of reliable law enforcement and victim protection data; and bring the anti-trafficking law in line with international law by more precisely defining exploitation and requiring fraud, force, or coercion as elements of the core offense of adult trafficking.

## **MOLDOVA (Tier 2)**

Moldova is primarily a source country for men, women, and children subjected to sex trafficking and forced labor. Moldovan victims are subjected to sex and labor trafficking within Moldova and in Russia, Ukraine, and other countries in Europe, the Middle East, Africa, and East Asia. Women and children are subjected to sex trafficking in Moldova in brothels, saunas, and massage parlors. Increasingly, girls aged 13 to 15 are victims of sex trafficking. Child sex tourists, including from the EU, Australia, Israel, Thailand, and the United States, subject Moldovan children to commercial sexual exploitation. The breakaway region of Transnistria remains a source for victims of both sex and labor trafficking. Official complicity in trafficking is a significant problem in Moldova.

The Government of Moldova does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Corruption, particularly in law enforcement and the judiciary, impeded prosecutions and influenced the outcomes of cases, including cases against complicit officials. The judiciary often imposed sentences on convicted traffickers that did not correspond with the severity of the crime, including fines alone, and at times reversed convictions on appeal. Legal and organizational obstacles, including changes in the national anti-trafficking investigative body, hampered law enforcement efforts. Authorities identified and assisted more victims, but victims continued to suffer from intimidation. Prosecutors charged some victims with crimes committed as a direct result of their trafficking.

### **RECOMMENDATIONS FOR MOLDOVA**

Vigorously investigate, prosecute, and convict traffickers and impose sufficiently stringent sentences; increase efforts to convict government officials complicit in human trafficking; implement measures to address corruption in the judicial sector; exempt trafficking victims from the requirement of in-person confrontations with their accused traffickers before an investigation can begin; shield trafficking investigators and prosecutors from external influence and internal corruption; pass legal amendments to exempt victims from prosecution for crimes committed as a direct result of being subjected to human trafficking; improve protection of victims and witnesses during court proceedings, including prosecutions for witness tampering and intimidation; amend the criminal procedure code to permit wiretapping of suspected traffickers without prior notification and investigation of suspected traffickers' finances to avoid an overreliance on victim testimony as evidence; train police, judges, and prosecutors on a victim-centered approach to investigations prosecutions; facilitate compensation for damages suffered by victims; improve cooperation with non-governmental care providers, including coordination on policy development and assisting victims cooperating with investigations; and fund and maintain data for the hotline on child abuse and exploitation .

## **MONTENEGRO (Tier 2)**

Montenegro is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Victims of sex trafficking identified in Montenegro are primarily women and girls from Montenegro, neighboring Balkan countries, and, to a lesser extent, other countries in Eastern Europe. Sex trafficking victims are exploited in hospitality facilities, bars, restaurants, night clubs, and cafes. Children, particularly Roma, are subjected to forced begging. Romani girls from Montenegro reportedly have been sold into marriages in Romani communities in Montenegro and, to a lesser extent, in Kosovo, and forced into domestic servitude. International organized criminal groups occasionally subject Montenegrin women and girls to sex trafficking in other Balkan countries.

The Government of Montenegro does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government maintained strong prevention efforts, enacting a 2015 action plan for the implementation of its 2012-2018 anti-trafficking strategy. Law enforcement efforts were limited; the government initiated four new investigations, and continued to prosecute and convict traffickers for the lesser crime of brokering in prostitution. The government provided victim services and identified an increased number of victims. The 2014 Foreigners Act went into effect in April 2015, allowing foreign trafficking victims to obtain three- to 12-month residence permits, and requiring police to work with NGOs and social workers to determine if a minor is a trafficking victim and eligible to receive healthcare, education, and social services.

### **RECOMMENDATIONS FOR MONTENEGRO**

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, under article 444 of the criminal code; increase proactive screening of potential victims, especially for children in forced begging and women in forced prostitution; develop a multi-disciplinary approach to proactive victim identification and include NGOs in the national referral mechanism; continue to train law enforcement, border police, judiciary, and public officials working with vulnerable populations on victim identification and referral procedures and prosecution of traffickers; make efforts to ensure raids to free trafficking victims minimize harm to victims and include arrangements to segregate traffickers from victims, conduct victim-centered interviews, cross-reference victims' accounts, and quickly transition identified victims to post-rescue care and shelter; and encourage trafficking victims' participation in prosecutions in a manner that protects victims.

## ROMANIA (Tier 2)

Romania is a source, transit, and destination country for men, women, and children subjected to forced labor and women and children subjected to sex trafficking. Romanians represent a significant source of sex and labor trafficking victims throughout Europe. Romanian men, women, and children are subjected to labor trafficking in agriculture, construction, domestic service, hotels, and manufacturing, as well as forced begging and theft in Romania and other European countries. Romanian women and children are victims of sex trafficking in Romania and other European countries. Romani children are particularly vulnerable to forced begging and forced criminality. Romania is a destination country for a limited number of foreign trafficking victims, including sex trafficking victims from Moldova and Poland and labor trafficking victims from Bangladesh, China, the Philippines, and Serbia. Romanians living in privately run institutions for the mentally disabled were vulnerable to forced labor. Government officials have been convicted of human trafficking crimes, and there have been reports of local officials obstructing trafficking investigations.

The Government of Romania does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The organized crime directorate led the government's strong law enforcement efforts, but police and judges lacked training on working with trafficking cases and victims, which had detrimental effects on compensation for victims and sentencing for perpetrators. The government's protection efforts remained inadequate, particularly in victim assistance. The government and NGOs identified a large number of victims, but assisted only 37 percent, leaving most victims without services and vulnerable to re-trafficking. The government did not provide funding to NGOs offering victim assistance, although the national anti-trafficking commission began to develop mechanisms to provide grants to NGOs. Victims had difficulty obtaining medical services, psychological counseling, and identity protection during criminal trials. Official complicity was not adequately addressed.

### RECOMMENDATIONS FOR ROMANIA

Allocate public funding for NGOs to provide services to victims; significantly increase training of police, judges, state attorneys, and other relevant officials; increase efforts to identify potential victims proactively among vulnerable populations, such as undocumented migrants, foreign workers, Roma, and children involved in begging; improve victim access to medical assistance and increase quality of psychological counseling; investigate, prosecute, and convict traffickers, including complicit officials, and seek and obtain sentences that are sufficiently stringent and commensurate with the severity of the crime; do not prosecute victims for crimes committed as a direct result of their being subjected to human trafficking; exempt all trafficking victims who testify in trials from the online disclosure of their names to incentivize greater victim participation in prosecutions and protect participating witnesses from retaliation and stigma; and consistently inform victims of their right to apply for compensation.

## **SERBIA (Tier 2 Watch List)**

Serbia is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor, including domestic servitude and forced begging. Serbian women are subjected to sex trafficking by Serbian criminal groups in neighboring countries and throughout Europe, particularly Austria and Germany. Serbian nationals, primarily men, are subjected to forced labor in labor-intensive sectors, such as the construction industry, in European countries (including Azerbaijan, Slovenia, and Russia) and United Arab Emirates. Serbian children, particularly ethnic Roma, are subjected within the country to sex trafficking, forced labor, forced begging, and petty crime. Migrants and refugees from Afghanistan, Iraq, and Syria and from neighboring countries are vulnerable to being subjected to trafficking within Serbia. Alleged traffickers reportedly influenced some trafficking cases through bribery of the victim or judge.

The Government of Serbia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Serbia is placed on Tier 2 Watch List. While the government created a new office within the national police to coordinate and organize its anti-trafficking efforts, it did not provide the staff or resources for this new entity and current coordination structures were under-resourced, operating part-time, and/or not functional. Victim identification significantly decreased; observers stated this was due in part to anti-trafficking efforts becoming a lower priority overall as the government managed the increase in irregular migration through the country in 2015, a continued lack of collaboration between the government and NGOs on identification, and a reduction in referrals from the border police that were simultaneously charged with addressing smuggling and the influx of migrants and refugees. Care for victims of trafficking also suffered from a lack of government coordination with NGO service providers, and government social welfare centers were deficient in specialized programs, sensitivity, and trained staff necessary for working with trafficking victims. Investigations, prosecutions, and convictions decreased, and the government did not afford victims sufficient protection in criminal proceedings, which exposed them to intimidation and secondary traumatization.

### **RECOMMENDATIONS FOR SERBIA**

Create and disseminate to first responders standard operating procedures for proactive victim identification and referral to protection services; increase efforts to identify victims, including among migrants, refugees, asylum-seekers, and unaccompanied children engaged in street begging; increase investigations and prosecutions of trafficking crimes and obtain convictions

of traffickers with dissuasive sentences; train investigators, prosecutors, and judges on victim-centered approaches to trafficking cases; provide victims testifying in court with a full range of protections to diminish intimidation and re-traumatization; enshrine in law non-penalization of victims for acts committed as a direct result of their being subjected to human trafficking; improve cooperation with NGOs to ensure victims have access to and receive all necessary reintegration services; improve training for government personnel on victim assistance and referral; allocate adequate staff and resources for new Office for Coordination against Trafficking in Persons and existing coordination structures to ensure effectiveness; adopt the national anti-trafficking strategy and action plan and involve NGOs in implementation; and elevate the national coordinator for combating trafficking in persons to a full-time position with independent authority.

## **SLOVAKIA (Tier 1)**

The Slovak Republic, or Slovakia, is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Slovak men and women are subjected to forced labor in agriculture and construction in Western Europe, primarily in the United Kingdom (UK). Most victims are Slovak women, who are subjected to sex trafficking in Germany, Austria, the UK, Ireland, Switzerland, Poland, and other European countries. Ukrainian, Moldovan, Bulgarian, Romanian, Thai, and Vietnamese men and women are subjected to forced labor in Slovakia. Eastern European women are also reportedly transported to and through Slovakia and forced into prostitution within the country and throughout Europe. Roma from marginalized communities are disproportionately vulnerable to trafficking. Slovak children of Romani descent are subjected to sex trafficking within marginalized communities in the Slovak Republic and forced criminal behavior in the UK. Slovak men, women, and children of Romani descent are subjected to forced begging throughout Western Europe. Children without family or relevant support structures who leave institutional care facilities are subjected to sex and labor trafficking.

The Government of the Slovak Republic fully meets the minimum standards for the elimination of trafficking. The government increased investigations, prosecutions, and convictions of traffickers; however, courts issued low and suspended sentences for most convicted traffickers, which were incommensurate with the seriousness of the crime and failed to deter trafficking offenses or protect victims. The government increased funding for victim services, but identified fewer victims than in the previous reporting period. The government continued to struggle to identify foreign trafficking victims, with NGOs reporting that the government did not identify potential victims among migrants because they did not adequately screen them and encouraged them to take advantage of assisted voluntary return. Legal support to victims was inadequate, and victims who cooperated with prosecution were at risk of re-traumatization. The government supported some innovative prevention activities, but NGOs continued to report challenges with effective participation in the expert working group.

### **RECOMMENDATIONS FOR SLOVAKIA**

Vigorously investigate, prosecute, and convict traffickers, and sentence those convicted to jail terms; strengthen training and capacity building for investigators, prosecutors, and judges on a victim-centered approach to law enforcement efforts; establish sentencing guidelines that sensitize judges to the severity of trafficking crimes and instruct them on the need for sentences to have a deterrent effect for future crimes; establish formal written procedures for victim referral; improve legal assistance to victims; train government officials, particularly border police, on proactive victim identification among vulnerable groups; facilitate better

consultation with NGOs in the expert working group; amend the law to formally prohibit the prosecution of trafficking victims for offenses committed as a result of being subjected to trafficking; improve data gathering on Slovak victims of trafficking abroad; and support an effective and independent national anti-trafficking rapporteur to produce assessments of government anti-trafficking efforts.

## **SLOVENIA (Tier 1)**

Slovenia is a destination, transit, and, to a lesser extent, a source country for women and children subjected to sex trafficking and for men, women, and children subjected to forced labor and forced begging. Men from Bosnia and Herzegovina, Romania, Serbia, Slovakia, Slovenia, and Ukraine are forced to beg and labor in the construction sector. Sometimes these persons transit through Slovenia to Italy, Austria, and Germany, where they are subsequently subjected to forced labor. Women and children from Slovenia, as well as other European countries and the Dominican Republic, are subjected to sex trafficking within the country. Migrant workers and ethnic Roma are particularly vulnerable to trafficking in Slovenia.

The Government of Slovenia fully meets the minimum standards for the elimination of trafficking. During the reporting period, authorities vigorously prosecuted and obtained convictions of five traffickers, an increase from none the previous year. The government provided training for law enforcement officials, who identified more victims in 2015. The government sustained funding for NGOs that provided assistance to victims and ran awareness campaigns. The inter-ministerial working group and national coordinator continued to lead the implementation of a new national action plan, which included training of law enforcement, consular officers, and other personnel during the year. Authorities, however, did not address bureaucratic obstacles that inhibited victims from obtaining restitution from their traffickers.

### **RECOMMENDATIONS FOR SLOVENIA**

Vigorously investigate and prosecute sex and labor trafficking offenses, and convict traffickers under the trafficking in persons law with sentences that reflect the severity of their crime; increase efforts to identify victims of both sex and labor trafficking among vulnerable populations, including individuals in prostitution, dancers in nightclubs, foreign migrant workers, unaccompanied children, and children in begging; provide adequate funding to the national coordinator's office; increase efforts to facilitate victims' access to compensation, such as through court-ordered restitution from convicted traffickers; continue to strengthen specialized training for investigators, prosecutors, and judges in applying the human trafficking statute; provide proper and safe facilities to assist child victims of trafficking; continue prevention outreach to vulnerable populations, such as Roma; and continue to raise awareness of forced labor and sex trafficking among the general public.

## **UKRAINE (Tier 2 Watch List)**

Ukraine is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Ukrainian victims are subjected to sex trafficking and forced labor in Ukraine, as well as in Russia, Poland, Turkey, the United States, and other parts of Europe, Central Asia, and the Middle East. Ukrainian women and children are subjected to sex trafficking within the country. Some Ukrainian children and vulnerable adults are subjected to forced begging. A small number of foreign nationals, including those from Moldova, Russia, Vietnam, Uzbekistan, Pakistan, Cameroon, and Azerbaijan, are subjected to forced labor in Ukraine in a variety of sectors including construction, agriculture, manufacturing, domestic work, the lumber industry, nursing, and street begging. The approximately 82,000-200,000 children institutionalized in state-run orphanages are especially vulnerable to trafficking. Officials of several state-run institutions and orphanages are allegedly complicit or willfully negligent in the sex and labor trafficking of girls and boys under their care.

Fueled by Russia's aggression, the conflict in eastern Ukraine has displaced nearly two million people, and this population is especially vulnerable to exploitation. In areas controlled by the Russia-led separatists, the situation has become particularly challenging. Employment options are limited and separatist "authorities" have restricted international humanitarian aid that would help meet civilian needs. There have been reports of kidnapping of women and girls from conflict-affected areas for the purposes of sex and labor trafficking. In 2015, there were several reports of Ukrainian internally displaced persons subjected to trafficking, as well as Ukrainians subjected to forced labor on territory not under control of the central government. During the reporting period, a variety of sources, including the OSCE Special Monitoring Mission in Ukraine, reported children as young as 15 years old continued to take part in active combat as part of combined Russian-separatist forces. There were reports that children ages 15 to 17 were actively being recruited to participate in militarized youth groups that teach children to carry and use weapons. Children who excel in this training were encouraged to form their own reconnaissance and sabotage groups and begin to fight. A Ukrainian government official reported that one children's battalion associated with this training program, the St. George the Victor Battalion, may include children as young as 12 years old. The recruitment of children by militant groups took place on territory not under the control of the central government and in areas where the government was unable to enforce national prohibitions against the use of children in armed conflict. Russian-led separatists also continued to employ children as informants and human shields during the reporting period.

The Government of Ukraine does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the

previous reporting period; therefore, Ukraine is placed on Tier 2 Watch List for the fourth consecutive year. Per the Trafficking Victims Protection Act, Ukraine was granted a waiver from an otherwise required downgrade to Tier 3 because its government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards. During the reporting period, the government developed and approved a new national action plan and approved more applications for official victim status. However, several factors hindered the government's anti-trafficking efforts and capacity: corruption and weak rule of law; the drain on resources caused by Russian aggression; poor coordination at the national level; and a lack of understanding in government agencies about the issue. The number of trafficking convictions declined sharply, continuing a multi-year decline, and nearly 70 percent of convicted traffickers were not penalized with imprisonment. The government relied on foreign donors and NGOs to fund and provide most victim services.

#### RECOMMENDATIONS FOR UKRAINE

Vigorously investigate and prosecute trafficking offenses, including public officials complicit in trafficking crimes, and ensure convictions result in proportionate and dissuasive sentences; provide adequate resources for and fully implement the 2016-2020 national action plan; certify more victims to ensure they are afforded their rights under the trafficking law; modify the procedure for granting victim status to lessen the burden on victims to self-identify and divulge traumatizing information; increase training for officials on victim identification, particularly in proactive screening of vulnerable populations, such as women in prostitution, children in sex trafficking, foreign migrant workers, and internally displaced persons; increase training for law enforcement, prosecutors, and judges in the investigation and prosecution of trafficking cases, including how to work with victims and gather evidence outside of victims' testimony; increase law enforcement monitoring of recruitment firms engaged in fraudulent practices that can lead to exploitation; and harmonize the trafficking law and the Law on the Legal Status of Foreigners to ensure foreign victims are entitled to remain in the country and access to victim services.